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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2003 VAC Supplement includes final regulations published through *Virginia Register* Volume 19, Issue 11, dated February 10, 2003). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 55-20-320 emer	Amended	19:25 VA.R. 3829	10/1/03-9/30/04
Title 2. Agriculture			
2 VAC 20-30	Erratum	20:1 VA.R 39	--
Title 3. Alcoholic Beverages			
3 VAC 5-40-20 emer	Amended	19:24 VA.R. 3586	7/10/03-7/9/04
3 VAC 5-40-50 emer	Amended	19:24 VA.R. 3587	7/10/03-7/9/04
3 VAC 5-70-220 emer	Added	19:24 VA.R. 3587	7/10/03-7/9/04
Title 4. Conservation and Natural Resources			
4 VAC 5-10-10	Amended	19:24 VA.R. 3507	9/10/03
4 VAC 5-10-20	Amended	19:24 VA.R. 3507	9/10/03
4 VAC 5-10-30	Amended	19:24 VA.R. 3508	9/10/03
4 VAC 5-10-40	Repealed	19:24 VA.R. 3510	9/10/03
4 VAC 5-36-50	Amended	19:16 VA.R. 2370	5/21/03
4 VAC 5-36-60	Amended	19:16 VA.R. 2373	5/21/03
4 VAC 5-36-70	Amended	19:16 VA.R. 2375	5/21/03
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 5-36-110 through 4 VAC 5-36-140	Amended	19:16 VA.R. 2376-2379	5/21/03
4 VAC 5-36-170 through 4 VAC 5-36-210	Amended	19:16 VA.R. 2379-2392	5/21/03
4 VAC 15-30-40	Amended	19:25 VA.R. 3780	7/30/03
4 VAC 15-30-50	Amended	19:19 VA.R. 2818	7/1/03
4 VAC 15-40-230	Amended	19:19 VA.R. 2818	7/1/03
4 VAC 15-40-282	Added	19:19 VA.R. 2818	7/1/03
4 VAC 15-40-283	Added	19:19 VA.R. 2818	7/1/03
4 VAC 15-40-284	Added	19:19 VA.R. 2819	7/1/03
4 VAC 15-50-10	Amended	19:19 VA.R. 2819	7/1/03
4 VAC 15-50-20	Amended	19:19 VA.R. 2819	7/1/03
4 VAC 15-50-25	Amended	19:19 VA.R. 2819	7/1/03
4 VAC 15-50-30	Repealed	19:19 VA.R. 2819	7/1/03
4 VAC 15-50-70	Amended	19:19 VA.R. 2819	7/1/03
4 VAC 15-50-71	Added	19:19 VA.R. 2820	7/1/03
4 VAC 15-50-80	Amended	19:19 VA.R. 2820	7/1/03
4 VAC 15-50-81	Added	19:19 VA.R. 2820	7/1/03
4 VAC 15-50-90	Amended	19:19 VA.R. 2820	7/1/03
4 VAC 15-50-91	Added	19:19 VA.R. 2820	7/1/03
4 VAC 15-50-110	Amended	19:19 VA.R. 2820	7/1/03
4 VAC 15-50-120	Amended	19:19 VA.R. 2820	7/1/03
4 VAC 15-60-20	Amended	19:19 VA.R. 2820	7/1/03
4 VAC 15-90-10	Amended	19:19 VA.R. 2821	7/1/03
4 VAC 15-90-20	Amended	19:19 VA.R. 2821	7/1/03
4 VAC 15-90-21	Amended	19:19 VA.R. 2821	7/1/03
4 VAC 15-90-70	Amended	19:19 VA.R. 2821	7/1/03
4 VAC 15-90-80	Amended	19:19 VA.R. 2822	7/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 15-90-90	Amended	19:19 VA.R. 2822	7/1/03
4 VAC 15-90-100	Amended	19:19 VA.R. 2822	7/1/03
4 VAC 15-90-110	Amended	19:19 VA.R. 2822	7/1/03
4 VAC 15-90-120	Amended	19:19 VA.R. 2822	7/1/03
4 VAC 15-90-121	Added	19:19 VA.R. 2822	7/1/03
4 VAC 15-90-141	Amended	19:19 VA.R. 2822	7/1/03
4 VAC 15-90-160	Amended	19:19 VA.R. 2822	7/1/03
4 VAC 15-90-170	Amended	19:19 VA.R. 2822	7/1/03
4 VAC 15-90-190	Amended	19:19 VA.R. 2822	7/1/03
4 VAC 15-90-195	Amended	19:19 VA.R. 2823	7/1/03
4 VAC 15-90-200	Amended	19:19 VA.R. 2823	7/1/03
4 VAC 15-90-210	Amended	19:19 VA.R. 2823	7/1/03
4 VAC 15-90-220	Amended	19:19 VA.R. 2823	7/1/03
4 VAC 15-90-230	Amended	19:19 VA.R. 2823	7/1/03
4 VAC 15-90-231	Added	19:19 VA.R. 2823	7/1/03
4 VAC 15-90-240	Amended	19:19 VA.R. 2823	7/1/03
4 VAC 15-90-241	Added	19:19 VA.R. 2823	7/1/03
4 VAC 15-140-20	Amended	19:19 VA.R. 2823	7/1/03
4 VAC 15-140-40	Repealed	19:19 VA.R. 2823	7/1/03
4 VAC 15-160-10	Amended	19:19 VA.R. 2824	7/1/03
4 VAC 15-160-20	Repealed	19:19 VA.R. 2824	7/1/03
4 VAC 15-160-31	Amended	19:19 VA.R. 2824	7/1/03
4 VAC 15-200-10	Amended	19:19 VA.R. 2824	7/1/03
4 VAC 15-210-30	Amended	19:19 VA.R. 2824	7/1/03
4 VAC 15-210-40	Repealed	19:19 VA.R. 2824	7/1/03
4 VAC 15-210-51	Amended	19:19 VA.R. 2824	7/1/03
4 VAC 15-230-20	Amended	19:19 VA.R. 2824	7/1/03
4 VAC 15-230-30	Repealed	19:19 VA.R. 2824	7/1/03
4 VAC 15-230-60	Amended	19:19 VA.R. 2824	7/1/03
4 VAC 15-230-70	Repealed	19:19 VA.R. 2824	7/1/03
4 VAC 15-240	Erratum	19:23 VA.R. 3412	--
4 VAC 15-240-31	Amended	19:19 VA.R. 2825	7/1/03
4 VAC 15-240-40	Amended	19:19 VA.R. 2825	7/1/03
4 VAC 15-240-50	Amended	19:19 VA.R. 2825	7/1/03
4 VAC 15-240-80	Amended	19:19 VA.R. 2825	7/1/03
4 VAC 15-240-81	Added	19:19 VA.R. 2825	7/1/03
4 VAC 15-240-90	Amended	19:19 VA.R. 2825	7/1/03
4 VAC 15-240-91	Added	19:19 VA.R. 2825	7/1/03
4 VAC 15-260-120	Amended	19:19 VA.R. 2826	7/1/03
4 VAC 15-290-115	Amended	19:19 VA.R. 2826	7/1/03
4 VAC 15-430-40	Erratum	19:14 VA.R. 2176	--
4 VAC 15-430-210	Erratum	19:14 VA.R. 2177	--
4 VAC 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 20-252-150 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 20-380-10	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 20-490-40	Amended	19:23 VA.R. 3320	7/1/03
4 VAC 20-490-60	Amended	19:23 VA.R. 3320	7/1/03
4 VAC 20-563-10 through 4 VAC 20-563-50 emer	Added	19:16 VA.R. 2417	3/26/03-4/24/03
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 20-720-20 emer	Amended	19:12 VA.R. 1906	2/1/03-3/3/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-720-40 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
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	19:12 VA.R. 1908	2/1/03-3/3/03
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 20-752-20 emer	Amended	19:23 VA.R. 3385	6/26/03-7/24/03
4 VAC 20-752-20	Amended	19:25 VA.R. 3780	7/23/03
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 20-910-45	Amended	19:23 VA.R. 3320	7/1/03
4 VAC 20-950-30	Amended	19:14 VA.R. 2090	3/1/03
4 VAC 20-950-45	Amended	19:14 VA.R. 2090	3/1/03
4 VAC 20-950-47	Amended	19:23 VA.R. 3321	7/1/03
4 VAC 20-1050-10	Added	19:16 VA.R. 2392	3/26/03
4 VAC 20-1050-20	Added	19:16 VA.R. 2392	3/26/03
4 VAC 20-1050-30	Added	19:16 VA.R. 2392	3/26/03
4 VAC 20-1060-10 emer	Amended	19:23 VA.R. 3385	6/25/03-7/24/03
4 VAC 20-1060-10	Added	19:16 VA.R. 2393	3/26/03
4 VAC 20-1060-20 emer	Amended	19:23 VA.R. 3385	6/25/03-7/24/03
4 VAC 20-1060-20	Added	19:16 VA.R. 2393	3/26/03
4 VAC 20-1060-30	Added	19:16 VA.R. 2393	3/26/03
4 VAC 20-1070-10 through 4 VAC 20-1070-50	Added	19:25 VA.R. 3781	8/1/03
4 VAC 25-30	Repealed	19:24 VA.R. 3510	9/11/03
4 VAC 25-31 (Forms)	Amended	20:2 VA.R. 135	--
4 VAC 25-31-10 through 4 VAC 25-31-570	Added	19:24 VA.R. 3510-3518	9/11/03
4 VAC 25-40 (Forms)	Amended	19:17 VA.R. 2589	--
4 VAC 25-130 (Forms)	Amended	20:1 VA.R. 33	--
4 VAC 25-150-120	Amended	19:18 VA.R. 2663	7/1/03
4 VAC 25-160-30	Amended	19:18 VA.R. 2664	7/1/03
4 VAC 50-10-10	Amended	19:24 VA.R. 3518	9/10/03
4 VAC 50-10-20	Amended	19:24 VA.R. 3519	9/10/03
4 VAC 50-10-30	Amended	19:24 VA.R. 3519	9/10/03
4 VAC 50-10-40	Repealed	19:24 VA.R. 3521	9/10/03
4 VAC 50-10-40	Repealed	19:24 VA.R. 3521	9/10/03
Title 6. Criminal Justice and Corrections			
6 VAC 20-171-10	Amended	20:3 VA.R. 214	11/19/03
6 VAC 20-171-20	Amended	20:3 VA.R. 217	11/19/03
6 VAC 20-171-30	Amended	20:3 VA.R. 217	11/19/03
6 VAC 20-171-40	Repealed	20:3 VA.R. 217	11/19/03
6 VAC 20-171-50 through 6 VAC 20-171-130	Amended	20:3 VA.R. 217-221	11/19/03
6 VAC 20-171-140	Repealed	20:3 VA.R. 221	11/19/03
6 VAC 20-171-150	Repealed	20:3 VA.R. 222	11/19/03
6 VAC 20-171-170 through 6 VAC 20-171-200	Amended	20:3 VA.R. 222-223	11/19/03
6 VAC 20-171-220	Amended	20:3 VA.R. 224	11/19/03
6 VAC 20-171-230	Amended	20:3 VA.R. 225	11/19/03
6 VAC 20-171-240	Amended	20:3 VA.R. 226	11/19/03
6 VAC 20-171-250 through 6 VAC 20-171-280	Amended	20:3 VA.R. 227-229	11/19/03
6 VAC 20-171-300	Amended	20:3 VA.R. 230	11/19/03
6 VAC 20-171-310	Amended	20:3 VA.R. 231	11/19/03
6 VAC 20-171-320	Amended	20:3 VA.R. 232	11/19/03
6 VAC 20-171-325	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-330	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-340	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-350 through 6 VAC 20-171-400	Amended	20:3 VA.R. 234-241	11/19/03
6 VAC 20-171-420	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-430	Amended	20:3 VA.R. 241	11/19/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 20-171-440	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-460	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-480	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-500	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-510	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-540	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-560	Amended	20:3 VA.R. 241	11/19/03
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 35-20-10	Amended	19:23 VA.R. 3322	9/1/03
6 VAC 35-20-20	Repealed	19:23 VA.R. 3324	9/1/03
6 VAC 35-20-30	Amended	19:23 VA.R. 3324	9/1/03
6 VAC 35-20-35	Added	19:23 VA.R. 3324	9/1/03
6 VAC 35-20-37	Added	19:23 VA.R. 3324	9/1/03
6 VAC 35-20-40	Repealed	19:23 VA.R. 3324	9/1/03
6 VAC 35-20-50	Amended	19:23 VA.R. 3324	9/1/03
6 VAC 35-20-60	Amended	19:23 VA.R. 3325	9/1/03
6 VAC 35-20-63	Added	19:23 VA.R. 3325	9/1/03
6 VAC 35-20-65	Added	19:23 VA.R. 3325	9/1/03
6 VAC 35-20-67	Added	19:23 VA.R. 3325	9/1/03
6 VAC 35-20-69	Added	19:23 VA.R. 3325	9/1/03
6 VAC 35-20-70	Repealed	19:23 VA.R. 3326	9/1/03
6 VAC 35-20-75	Added	19:23 VA.R. 3326	9/1/03
6 VAC 35-20-80	Amended	19:23 VA.R. 3326	9/1/03
6 VAC 35-20-90	Amended	19:23 VA.R. 3326	9/1/03
6 VAC 35-20-92	Added	19:23 VA.R. 3328	9/1/03
6 VAC 35-20-93	Added	19:23 VA.R. 3328	9/1/03
6 VAC 35-20-94	Added	19:23 VA.R. 3328	9/1/03
6 VAC 35-20-100	Amended	19:23 VA.R. 3328	9/1/03
6 VAC 35-20-110	Amended	19:23 VA.R. 3330	9/1/03
6 VAC 35-20-120	Amended	19:23 VA.R. 3330	9/1/03
6 VAC 35-20-130	Repealed	19:23 VA.R. 3330	9/1/03
6 VAC 35-20-140	Repealed	19:23 VA.R. 3330	9/1/03
6 VAC 35-20-150	Added	19:23 VA.R. 3330	9/1/03
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
8 VAC 40-30-10 through 8 VAC 40-30-470 emer	Repealed	19:24 VA.R. 3589	7/16/03-7/15/04
8 VAC 40-31-10 through 8 VAC 40-31-280 emer	Added	19:24 VA.R. 3589-3600	7/16/03-7/15/04
Title 9. Environment			
9 VAC 5-20-204	Amended	19:17 VA.R. 2486	6/4/03
9 VAC 5-20-310	Amended	19:17 VA.R. 2486	6/4/03
9 VAC 5-40	Erratum	19:25 VA.R. 3844	--
9 VAC 5-40-6000 through 9 VAC 5-40-6150	Amended	19:17 VA.R. 2487-2494	7/1/03
9 VAC 5-40-6250 through 9 VAC 5-40-6510	Added	19:24 VA.R. 3521-3535	9/10/03
9 VAC 5-40-6550 through 9 VAC 5-40-6810	Added	19:24 VA.R. 3536-3556	9/10/03
9 VAC 5-40-6180	Amended	19:17 VA.R. 2494	7/1/03
9 VAC 5-40-6190	Amended	19:17 VA.R. 2499	7/1/03
9 VAC 5-40-6220	Amended	19:17 VA.R. 2500	7/1/03
9 VAC 5-40-7950	Amended	19:17 VA.R. 2501	7/1/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-7960	Amended	19:17 VA.R. 2502	7/1/03
9 VAC 5-40-8090	Amended	19:17 VA.R. 2505	7/1/03
9 VAC 5-40-8100	Amended	19:17 VA.R. 2505	7/1/03
9 VAC 5-40-8110 through 9 VAC 5-40-8160	Amended	19:17 VA.R. 2507-2519	7/1/03
9 VAC 5-40-8180	Amended	19:17 VA.R. 2519	7/1/03
9 VAC 20-60-17	Amended	19:18 VA.R. 2665	7/1/03
9 VAC 20-60-18	Amended	19:12 VA.R. 1891	3/26/03
9 VAC 20-60-18	Amended	20:2 VA.R. 128	11/5/03
9 VAC 20-60-40	Amended	19:18 VA.R. 2665	7/1/03
9 VAC 20-60-70	Amended	19:18 VA.R. 2665	7/1/03
9 VAC 20-60-124	Amended	19:18 VA.R. 2665	7/1/03
9 VAC 20-60-261	Amended	19:18 VA.R. 2665	7/1/03
9 VAC 20-60-262	Amended	19:18 VA.R. 2665	7/1/03
9 VAC 20-60-264	Amended	19:18 VA.R. 2665	7/1/03
9 VAC 20-60-265	Amended	19:18 VA.R. 2668	7/1/03
9 VAC 20-60-270	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-305	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-315	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-328	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-420	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-440	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-450	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-490	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-1260	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-1280	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-1285	Amended	19:18 VA.R. 2670	7/1/03
9 VAC 20-60-1370	Amended	19:18 VA.R. 2672	7/1/03
9 VAC 20-60-1380	Amended	19:18 VA.R. 2672	7/1/03
9 VAC 20-60-1390	Amended	19:18 VA.R. 2672	7/1/03
9 VAC 20-60-1420	Amended	19:18 VA.R. 2672	7/1/03
9 VAC 20-80	Erratum	19:26 VA.R. 3926	--
9 VAC 20-80-10	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-60	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-80	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-90	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-100	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-105	Added	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-110	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-113	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-115	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-120	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-140	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-150	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-160	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-170	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-180	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-190	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-205	Added	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-210	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-240	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-250	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-260	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-270	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-280	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-300	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-310	Amended	19:25 VA.R. 3782	9/24/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-80-330	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-340	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-360	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-370	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-460	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-485	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-500	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-510	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-520	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-530	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-550	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-570	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-580	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-600	Repealed	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-620	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-640	Added	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-650	Added	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-670	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-730	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-740	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-760	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-770	Repealed	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-780	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-790	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-90-10	Amended	19:18 VA.R. 2672	7/1/03
9 VAC 20-90-20	Repealed	19:18 VA.R. 2672	7/1/03
9 VAC 20-90-30 through 9 VAC 20-90-100	Amended	19:18 VA.R. 2672-2675	7/1/03
9 VAC 20-90-110	Added	19:18 VA.R. 2675	7/1/03
9 VAC 20-90-120	Added	19:18 VA.R. 2675	7/1/03
9 VAC 20-110-10 through 9 VAC 20-110-40	Amended	19:19 VA.R. 2826-2827	7/2/03
9 VAC 20-110-90	Amended	19:19 VA.R. 2827	7/2/03
9 VAC 20-110-100	Amended	19:19 VA.R. 2828	7/2/03
9 VAC 20-110-110	Amended	19:19 VA.R. 2828	7/2/03
9 VAC 20-110-115	Repealed	19:19 VA.R. 2828	7/2/03
9 VAC 20-110-121	Amended	19:19 VA.R. 2828	7/2/03
9 VAC 20-110-122	Amended	19:19 VA.R. 2828	7/2/03
9 VAC 20-130 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 20-170-10 through 9 VAC 20-170-60	Added	19:19 VA.R. 2829-2833	7/2/03
9 VAC 20-170-70	Added	19:18 VA.R. 2678	1
9 VAC 20-170-70	Erratum	19:23 VA.R. 3412	--
9 VAC 20-170-70	Added	20:3 VA.R. 242	11/19/03
9 VAC 20-170-80 through 9 VAC 20-170-190	Added	19:19 VA.R. 2833-2839	7/2/03
9 VAC 20-170-195	Added	19:18 VA.R. 2679	1
9 VAC 20-170-195	Added	20:3 VA.R. 243	11/19/03
9 VAC 20-170-270 through 9 VAC 20-170-420	Added	19:19 VA.R. 2842-2862	7/2/03
9 VAC 25-20-10	Amended	19:18 VA.R. 2680	7/1/03
9 VAC 25-20-110	Amended	19:18 VA.R. 2681	7/1/03
9 VAC 25-20-120	Amended	19:18 VA.R. 2681	7/1/03
9 VAC 25-20-130	Amended	19:18 VA.R. 2681	7/1/03
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 (Forms)	Amended	19:18 VA.R. 2739	--
9 VAC 25-140-155	Amended	19:23 VA.R. 3348	8/27/03
9 VAC 25-193-10	Amended	19:23 VA.R. 3332	10/1/03

¹ Section suspended in 19:18 VA.R. 2680.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-193-30 through 9 VAC 25-193-70	Amended	19:23 VA.R. 3332-3348	10/1/03
9 VAC 25-193-80	Repealed	19:23 VA.R. 3348	10/1/03
9 VAC 25-210 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-210 (Forms)	Added	19:16 VA.R. 2418	--
9 VAC 25-260	Erratum	19:26 VA.R. 3926	--
9 VAC 25-260-5 through 9 VAC 25-260-30	Amended	19:25 VA.R. 3785	²
9 VAC 25-260-50	Amended	19:25 VA.R. 3785	²
9 VAC 25-260-140	Amended	18:24 VA.R. 3289	8/27/03 ³
9 VAC 25-260-140	Amended	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-150	Repealed	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-155	Amended	18:24 VA.R. 3289	8/27/03 ³
9 VAC 25-260-170	Amended	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-190 through 9 VAC 25-260-240	Repealed	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-300	Amended	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	8/27/03 ³
9 VAC 25-260-310	Amended	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-320	Amended	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-340	Repealed	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-380 through 9 VAC 25-260-450	Amended	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	8/27/03 ³
9 VAC 25-260-415	Added	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-260-470 through 9 VAC 25-260-540	Amended	19:25 VA.R. 3785	8/27/03 ³
9 VAC 25-280-10 through 9 VAC 25-280-90	Added	19:25 VA.R. 3785	8/27/03 ³
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 25-660 (Forms)	Added	19:16 VA.R. 2418	--
9 VAC 25-670 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-680 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-680 (Forms)	Added	19:16 VA.R. 2418	--
9 VAC 25-690 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-690 (Forms)	Added	19:16 VA.R. 2418	--
9 VAC 25-720	Erratum	19:20 VA.R. 2999	--
9 VAC 25-720-10 through 9 VAC 25-720-140	Added	19:14 VA.R. 2091-2138	4/24/03
9 VAC 25-720-50	Erratum	19:18 VA.R. 2746-2747	--
9 VAC 25-720-80	Erratum	19:18 VA.R. 2747	--
9 VAC 25-720-120	Erratum	19:18 VA.R. 2747	--

² 30 days after notice of approval published in the Virginia Register of Regulations.

³ Notice of effective date published in 19:23 VA. R. 3348.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-720-130	Erratum	19:18 VA.R. 2747	--
9 VAC 25-730	Repealed	19:14 VA.R. 2090	4/23/03
Title 10. Finance and Financial Institutions			
10 VAC 5-200-90	Added	20:2 VA.R. 128	9/11/03
Title 11. Gaming			
11 VAC 5-10-10 through 11 VAC 5-10-70	Amended	19:15 VA.R. 2264	5/7/03
11 VAC 5-10-80	Added	19:15 VA.R. 2264	5/7/03
11 VAC 5-20-10	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-60	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-70	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-80	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-90	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-100	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-110	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-120 through 11 VAC 5-20-180	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-420	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-30	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-31-10 through 11 VAC 5-31-200	Added	19:15 VA.R. 2266	5/7/03
11 VAC 5-40	Repealed	19:15 VA.R. 2266	5/7/03
11 VAC 5-41-10 through 11 VAC 5-41-340	Added	19:15 VA.R. 2266-2269	5/7/03
11 VAC 10-20-410 through 11 VAC 10-20-417 emer	Added	19:26 VA.R. 3913-3919	8/13/03-8/12/04
Title 12. Health			
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 5-31-730	Added	19:3 VA.R. 516	⁴
12 VAC 5-31-940	Added	19:3 VA.R. 503	⁴
12 VAC 5-31-1030	Added	19:3 VA.R. 504	5/6/03 ⁵
12 VAC 5-31-1140	Added	19:3 VA.R. 505	5/6/03 ⁵
12 VAC 5-90-80 emer	Amended	19:22 VA.R. 3220	6/24/03-6/23/04
12 VAC 5-90-80 emer	Amended	19:13 VA.R. 1971	2/11/03-2/10/04
12 VAC 5-90-80 emer	Amended	19:18 VA.R. 2737	4/24/03-4/23/04
12 VAC 5-120-50	Amended	19:22 VA.R. 3215	8/13/03
12 VAC 5-200-10	Amended	19:22 VA.R. 3215	8/13/03
12 VAC 5-218-10 through 12 VAC 5-218-60	Added	19:26 VA.R. 3911	10/8/03
12 VAC 5-220-200	Amended	20:2 VA.R. 129	11/5/03
12 VAC 5-407-10 through 12 VAC 5-407-120	Added	19:26 VA.R. 3911	10/8/03
12 VAC 5-550-5	Added	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-10	Repealed	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-30	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-40	Repealed	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-70	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-90 through 12 VAC 5-550-120	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-125	Added	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-130	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-140	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-150	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-190	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-200	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-210	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-230 through 12 VAC 5-550-260	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-280 through 12 VAC 5-550-330	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-350 through 12 VAC 5-550-410	Amended	19:26 VA.R. 3912	10/8/03

⁴ Section withdrawn in 19:16 VA.R. 2393.

⁵ Section readopted in 19:16 VA.R. 2393.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-550-430 through 12 VAC 5-550-470	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-510	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-520	Amended	19:26 VA.R. 3912	10/8/03
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
12 VAC 5-585-660 through 12 VAC 5-585-750	Added	19:14 VA.R. 2141-2145	4/23/03
12 VAC 5-590-10	Amended	19:17 VA.R. 2520	6/4/03
12 VAC 5-590-140	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590-150	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590-370	Amended	19:17 VA.R. 2526	6/4/03
12 VAC 5-590-370	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590-380	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590-400	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590-410	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590-420	Amended	19:17 VA.R. 2549	6/4/03
12 VAC 5-590-420	Amended	19:20 VA.R. 2982	7/16/03
12 VAC 5-590-440	Amended	19:17 VA.R. 2565	6/4/03
12 VAC 5-590-440	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590-530	Amended	19:17 VA.R. 2568	6/4/03
12 VAC 5-590-530	Amended	19:20 VA.R. 2982	7/16/03
12 VAC 5-590-530	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590-540	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590-550	Amended	19:20 VA.R. 2982	7/16/03
12 VAC 5-590-990, Appendix F and Appendix G	Amended	19:20 VA.R. 2983-2984	7/16/03
12 VAC 5-590 Appendix M	Amended	19:17 VA.R. 2575	6/4/03
12 VAC 5-590 Appendix B	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590 Appendix O	Amended	19:24 VA.R. 3557	9/10/03
12 VAC 5-590 Appendix P	Added	19:24 VA.R. 3557	9/10/03
12 VAC 5-590 Appendix F	Repealed	19:24 VA.R. 3557	9/10/03
12 VAC 5-590 Appendix H	Repealed	19:24 VA.R. 3557	9/10/03
12 VAC 30-20-80	Amended	19:18 VA.R. 2682	7/1/03
12 VAC 30-20-150	Amended	19:18 VA.R. 2682	7/1/03
12 VAC 30-20-160	Amended	19:18 VA.R. 2683	7/1/03
12 VAC 30-40-220 emer	Amended	19:22 VA.R. 3222	7/1/03-6/30/04
12 VAC 30-40-235 emer	Added	19:21 VA.R. 3076	8/1/03-7/31/04
12 VAC 30-40-345 emer	Amended	19:22 VA.R. 3224	7/1/03-6/30/04
12 VAC 30-50-10 emer	Amended	19:21 VA.R. 3078	7/1/03-6/30/04
12 VAC 30-50-10	Amended	20:1 VA.R. 25	10/22/03
12 VAC 30-50-20 emer	Amended	19:21 VA.R. 3078	7/1/03-6/30/04
12 VAC 30-50-20	Amended	20:1 VA.R. 26	10/22/03
12 VAC 30-50-50 emer	Amended	19:21 VA.R. 3079	7/1/03-6/30/04
12 VAC 30-50-50	Amended	20:1 VA.R. 26	10/22/03
12 VAC 30-50-60 emer	Amended	19:21 VA.R. 3079	7/1/03-6/30/04
12 VAC 30-50-60	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-120 emer	Amended	19:21 VA.R. 3080	7/1/03-6/30/04
12 VAC 30-50-120	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-140	Amended	19:18 VA.R. 2684	7/1/03
12 VAC 30-50-140 emer	Amended	19:21 VA.R. 3080	7/1/03-6/30/04
12 VAC 30-50-140	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-140	Amended	20:1 VA.R. 29	10/22/03
12 VAC 30-50-150	Amended	19:18 VA.R. 2685	7/1/03
12 VAC 30-50-150	Amended	20:1 VA.R. 30	10/22/03
12 VAC 30-50-160	Amended	19:18 VA.R. 2686	7/1/03
12 VAC 30-50-229.1 emer	Amended	19:23 VA.R. 3387	7/1/03-6/30/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-50-460	Repealed	19:18 VA.R. 2686	7/1/03
12 VAC 30-50-530 emer	Amended	19:21 VA.R. 3081	7/1/03-6/30/04
12 VAC 30-50-530	Amended	20:1 VA.R. 28	10/22/03
12 VAC 30-60-40 emer	Amended	19:23 VA.R. 3391	7/1/03-6/30/04
12 VAC 30-60-70	Amended	19:18 VA.R. 2687	7/1/03
12 VAC 30-60-320 emer	Amended	19:23 VA.R. 3392	7/1/03-6/30/04
12 VAC 30-70-201	Amended	19:21 VA.R. 3058	8/1/03
12 VAC 30-70-221	Amended	19:18 VA.R. 2699	7/1/03
12 VAC 30-70-271 emer	Amended	19:22 VA.R. 3225	7/1/03-6/30/04
12 VAC 30-70-281	Amended	19:18 VA.R. 2699	7/1/03
12 VAC 30-70-291 emer	Amended	19:26 VA.R. 3920	8/13/03-8/12/04
12 VAC 30-70-301 emer	Amended	19:26 VA.R. 3921	8/13/03-8/12/04
12 VAC 30-70-331 emer	Amended	19:26 VA.R. 3922	8/13/03-8/12/04
12 VAC 30-70-351	Amended	19:18 VA.R. 2699	7/1/03
12 VAC 30-70-351 emer	Amended	19:21 VA.R. 3082	7/1/03-6/30/04
12 VAC 30-70-391 emer	Amended	19:22 VA.R. 3226	7/1/03-6/30/04
12 VAC 30-80-20	Amended	19:18 VA.R. 2699	7/1/03
12 VAC 30-80-40	Amended	19:18 VA.R. 2701	7/1/03
12 VAC 30-80-40	Amended	20:2 VA.R. 132	11/6/03
12 VAC 30-80-75 emer	Added	19:23 VA.R. 3391	7/1/03-6/30/04
12 VAC 30-90-264 emer	Amended	19:23 VA.R. 3393	7/1/03-6/30/04
12 VAC 30-80-200 emer	Added	19:21 VA.R. 3085	7/1/03-6/30/04
12 VAC 30-90-41	Amended	19:18 VA.R. 2702	7/1/03
12 VAC 30-90-41.2 emer	Added	19:22 VA.R. 3226	7/1/03-6/30/04
12 VAC 30-90-257	Added	19:18 VA.R. 2702	7/1/03
12 VAC 30-110-1210	Repealed	19:18 VA.R. 2689	7/1/03
12 VAC 30-110-1350 through 12 VAC 30-110-1410	Added	19:18 VA.R. 2703	6/19/03
12 VAC 30-120-50	Amended	19:18 VA.R. 2690	7/1/03
12 VAC 30-120-140 emer	Amended	19:15 VA.R. 2270	3/17/03-3/16/04
12 VAC 30-120-150 emer	Amended	19:15 VA.R. 2273	3/17/03-3/16/04
12 VAC 30-120-160 emer	Amended	19:15 VA.R. 2274	3/17/03-3/16/04
12 VAC 30-120-165 emer	Added	19:15 VA.R. 2276	3/17/03-3/16/04
12 VAC 30-120-170 emer	Amended	19:15 VA.R. 2281	3/17/03-3/16/04
12 VAC 30-120-180 emer	Amended	19:15 VA.R. 2282	3/17/03-3/16/04
12 VAC 30-120-190 emer	Amended	19:15 VA.R. 2284	3/17/03-3/16/04
12 VAC 30-120-260	Amended	19:23 VA.R. 3349	8/27/03
12 VAC 30-120-280	Amended	19:23 VA.R. 3350	8/27/03
12 VAC 30-120-300	Amended	19:23 VA.R. 3351	8/27/03
12 VAC 30-120-360 through 12 VAC 30-120-420	Amended	19:23 VA.R. 3352-3358	8/27/03
12 VAC 30-120-490	Amended	19:18 VA.R. 2692	7/1/03
12 VAC 30-120-500	Amended	19:18 VA.R. 2693	7/1/03
12 VAC 30-120-520 through 12 VAC 30-120-550	Amended	19:18 VA.R. 2694-2699	7/1/03
12 VAC 30-120-700	Amended	19:25 VA.R. 3786	10/1/03
12 VAC 30-120-710	Amended	19:25 VA.R. 3789	10/1/03
12 VAC 30-120-720	Amended	19:25 VA.R. 3789	10/1/03
12 VAC 30-130-50	Amended	19:18 VA.R. 2699	7/1/03
12 VAC 30-130-620 emer	Amended	19:21 VA.R. 3077	8/1/03-7/31/04
12 VAC 30-135-10 through 12 VAC 30-135-90	Added	19:25 VA.R. 3789-3791	10/1/03
12 VAC 30-140-10 through 12 VAC 30-140-570	Repealed	19:24 VA.R. 3557	9/11/03
12 VAC 30-141-10 through 12 VAC 30-141-660	Added	19:21 VA.R. 3058-3071	8/1/03
12 VAC 35-11-10 through 12 VAC 35-11-90	Amended	19:19 VA.R. 2864-2865	7/2/03
12 VAC 35-11-15	Added	19:19 VA.R. 2864	7/2/03
12 VAC 35-11-100	Repealed	19:19 VA.R. 2864	7/2/03
12 VAC 35-11-110	Added	19:19 VA.R. 2865	7/2/03
12 VAC 35-40-10 through 12 VAC 35-40-340	Repealed	19:19 VA.R. 2865	8/1/03
12 VAC 35-45-10 through 12 VAC 35-45-200	Added	19:19 VA.R. 2865-2866	8/1/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 35-105	Erratum	19:25 VA. R. 3844	--
12 VAC 35-105-20	Amended	19:24 VA.R. 3558	9/18/03
12 VAC 35-105-30	Amended	19:24 VA.R. 3564	9/18/03
12 VAC 35-105-280	Amended	19:24 VA.R. 3564	9/18/03
12 VAC 35-105-590	Amended	19:24 VA.R. 3564	9/18/03
12 VAC 35-105-660	Amended	19:24 VA.R. 3565	9/18/03
12 VAC 35-105-800	Amended	19:24 VA.R. 3565	9/18/03
Title 13. Housing			
13 VAC 5-21-10	Amended	19:25 VA.R. 3791	10/1/03
13 VAC 5-21-20	Amended	19:25 VA.R. 3792	10/1/03
13 VAC 5-21-31	Amended	19:25 VA.R. 3792	10/1/03
13 VAC 5-21-41	Amended	19:25 VA.R. 3793	10/1/03
13 VAC 5-21-51	Amended	19:25 VA.R. 3795	10/1/03
13 VAC 5-21-61	Amended	19:25 VA.R. 3795	10/1/03
13 VAC 5-21-70	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-10	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-40	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-50	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-60	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-90	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-110	Amended	19:25 VA.R. 3797	10/1/03
13 VAC 5-31-180	Amended	19:25 VA.R. 3797	10/1/03
13 VAC 5-31-190	Added	19:25 VA.R. 3797	10/1/03
13 VAC 5-51	Erratum	20:1 VA.R 39	--
13 VAC 5-51-11	Amended	19:25 VA.R. 3798	10/1/03
13 VAC 5-51-21	Amended	19:25 VA.R. 3798	10/1/03
13 VAC 5-51-31	Amended	19:25 VA.R. 3799	10/1/03
13 VAC 5-51-41	Amended	19:25 VA.R. 3799	10/1/03
13 VAC 5-51-51	Amended	19:25 VA.R. 3800	10/1/03
13 VAC 5-51-61	Amended	19:25 VA.R. 3801	10/1/03
13 VAC 5-51-71	Repealed	19:25 VA.R. 3801	10/1/03
13 VAC 5-51-81	Amended	19:25 VA.R. 3802	10/1/03
13 VAC 5-51-85	Added	19:25 VA.R. 3810	10/1/03
13 VAC 5-51-91	Amended	19:25 VA.R. 3812	10/1/03
13 VAC 5-51-101	Amended	19:25 VA.R. 3813	10/1/03
13 VAC 5-51-111	Amended	19:25 VA.R. 3814	10/1/03
13 VAC 5-51-121	Amended	19:25 VA.R. 3814	10/1/03
13 VAC 5-51-129	Added	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-130	Amended	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-131	Amended	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-132	Added	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-133	Amended	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-135	Amended	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-136	Amended	19:25 VA.R. 3817	10/1/03
13 VAC 5-51-140	Amended	19:25 VA.R. 3817	10/1/03
13 VAC 5-51-150	Amended	19:25 VA.R. 3818	10/1/03
13 VAC 5-51-155	Added	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-160	Repealed	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-170	Repealed	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-180	Repealed	19:25 VA.R. 3823	10/1/03
13 VAC 5-51-181	Repealed	19:25 VA.R. 3823	10/1/03
13 VAC 5-51-182	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-51-190	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-51-200	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-61-11 through 13 VAC 5-61-460	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-62	Erratum	20:2 VA.R. 140	--

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-62-10 through 13 VAC 5-62-480	Added	19:25 VA.R. 3824	10/1/03
13 VAC 5-62-260 L	Suspended	20:2 VA.R. 133	*
13 VAC 5-62-260 M	Suspended	20:2 VA.R. 133	*
13 VAC 5-62-260 N	Suspended	20:2 VA.R. 133	*
13 VAC 5-80-10	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-20	Repealed	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-30	Repealed	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-40 through 13 VAC 5-80-140	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-150	Repealed	19:25 VA.R. 3796	10/1/03
13 VAC 5-91-10	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-40	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-50	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-60	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-100	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-110	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-120	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-140	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-160	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-180	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-200	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-210	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-230	Repealed	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-245	Added	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-250	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-260	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-270	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 10-10-10	Amended	19:25 VA.R. 3826	8/1/03
13 VAC 10-10-20	Amended	19:25 VA.R. 3826	8/1/03
13 VAC 10-40-10	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-30 through 13 VAC 10-40-70	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-90	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-100	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-110	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-40-120	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-120	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-130	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-130	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-140	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-160	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-160	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-170	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-190 through 13 VAC 10-40-230	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-190	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-210	Amended	20:3 VA.R. 244	9/25/03
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
13 VAC 10-40-230	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-180-10	Amended	19:16 VA.R. 2394	4/2/03
13 VAC 10-180-50	Amended	19:16 VA.R. 2394	4/2/03
13 VAC 10-180-60	Amended	19:16 VA.R. 2394	4/2/03
13 VAC 10-180-60	Amended	19:16 VA.R. 2404	1/1/04
Title 14. Insurance			
14 VAC 5-71 (Forms)	Amended	19:23 VA.R. 3409	--

* Effective date suspended for further public comment.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-71-70	Erratum	19:22 VA.R. 3230	--
14 VAC 5-71-80	Erratum	19:22 VA.R. 3231	--
14 VAC 5-71-90	Erratum	19:22 VA.R. 3231	--
14 VAC 5-71-91	Erratum	19:22 VA.R. 3232	--
14 VAC 5-71-92	Erratum	19:22 VA.R. 3233	--
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 5-260 (Forms)	Amended	19:14 VA.R. 2169	--
14 VAC 5-270-40	Amended	19:21 VA.R. 3071	7/1/03
14 VAC 5-270-80	Amended	19:21 VA.R. 3071	7/1/03
Title 15. Judicial			
15 VAC 5-80-50	Amended	19:17 VA.R. 2579	4/11/03
Title 16. Labor and Employment			
16 VAC 15-10-10	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 15-10-20	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 15-10-40	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 15-10-50	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 15-10-80	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 15-10-90	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 15-10-100	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 15-40-50	Amended	19:21 VA.R. 3072	8/1/03
16 VAC 25-50-20	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 25-50-150	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 25-50-340	Amended	19:19 VA.R. 2867	7/2/03
16 VAC 25-50-440	Amended	19:19 VA.R. 2868	7/2/03
16 VAC 25-50-445	Added	19:19 VA.R. 2868	7/2/03
16 VAC 25-85-1904.10	Amended	19:23 VA.R. 3359	1/1/04
16 VAC 25-85-1904.12	Amended	19:23 VA.R. 3359	1/1/04
16 VAC 25-85-1904.29	Amended	19:23 VA.R. 3359	1/1/04
16 VAC 25-90-1910.178	Amended	19:23 VA.R. 3359	9/1/03
16 VAC 30-50-30	Amended	19:18 VA.R. 2703	7/1/03
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-20	Amended	19:12 VA.R. 1895	3/26/03
18 VAC 15-30	Erratum	19:26 VA.R. 3926	--
18 VAC 15-30-10 through 18 VAC 15-30-50	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-41	Added	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-60 through 18 VAC 15-30-90	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-100 through 18 VAC 15-30-180	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-190 through 18 VAC 15-30-240	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-205	Added	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-245	Added	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-250 through 18 VAC 15-30-300	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-310	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-320	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-330 through 18 VAC 15-30-520	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-530	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-540	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-541	Added	19:24 VA.R. 3565	10/1/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 15-30-542	Added	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-550	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-560 through 18 VAC 15-30-600	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-610	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-620	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-630	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-640	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-650	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-651	Added	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-660 through 18 VAC 15-30-750	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-770 through 18 VAC 15-30-820	Amended	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-830	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-30-840	Repealed	19:24 VA.R. 3565	10/1/03
18 VAC 15-40-10 through 18 VAC 15-40-190	Added	19:18 VA.R. 2706-2712	7/1/03
18 VAC 25-10-10 through 18 VAC 25-10-50	Amended	19:19 VA.R. 2868	7/3/03
18 VAC 25-10-90	Amended	19:19 VA.R. 2868	7/3/03
18 VAC 41-20-10 through 18 VAC 41-20-280	Added	19:18 VA.R. 2712-2714	7/1/03
18 VAC 41-40-10 through 18 VAC 41-40-260 emer	Added	19:23 VA.R. 3396-3403	7/1/03-6/30/04
18 VAC 60-20-10	Amended	19:20 VA.R. 2984	7/16/03
18 VAC 60-20-90	Amended	19:18 VA.R. 2714	6/18/03
18 VAC 60-20-106	Added	19:18 VA.R. 2714	6/18/03
18 VAC 60-20-200	Amended	19:20 VA.R. 2985	7/16/03
18 VAC 60-20-210	Amended	19:20 VA.R. 2985	7/16/03
18 VAC 60-20-220	Amended	19:20 VA.R. 2985	7/16/03
18 VAC 65-20-70	Amended	19:19 VA.R. 2869	7/2/03
18 VAC 65-20-130	Amended	19:19 VA.R. 2869	7/2/03
18 VAC 65-20-140	Amended	19:19 VA.R. 2869	7/2/03
18 VAC 65-20-150	Repealed	19:19 VA.R. 2869	7/2/03
18 VAC 65-20-151	Added	19:19 VA.R. 2869	7/2/03
18 VAC 65-20-152	Added	19:19 VA.R. 2869	7/2/03
18 VAC 65-20-153	Added	19:19 VA.R. 2869	7/2/03
18 VAC 65-20-154	Added	19:19 VA.R. 2869	7/2/03
18 VAC 65-20-500	Amended	19:19 VA.R. 2869	7/2/03
18 VAC 76-20-10 through 18 VAC 76-20-60	Added	19:24 VA.R. 3565	9/10/03
18 VAC 76-30-10 through 18 VAC 76-30-120	Added	19:19 VA.R. 2869-2870	7/2/03
18 VAC 76-40-10 emer	Added	19:25 VA.R. 3831	8/6/03-8/5/04
18 VAC 76-40-20 emer	Added	19:25 VA.R. 3831	8/6/03-8/5/04
18 VAC 76-40-30 emer	Added	19:25 VA.R. 3832	8/6/03-8/5/04
18 VAC 76-40-30 emer (Forms)	Added	19:25 VA.R. 3833	--
18 VAC 80-20-10	Amended	19:24 VA.R. 3567	10/1/03
18 VAC 80-20-30	Amended	19:24 VA.R. 3568	10/1/03
18 VAC 80-20-40	Amended	19:24 VA.R. 3569	10/1/03
18 VAC 80-20-50	Amended	19:24 VA.R. 3569	10/1/03
18 VAC 80-20-60	Repealed	19:24 VA.R. 3569	10/1/03
18 VAC 80-20-70	Amended	19:24 VA.R. 3569	10/1/03
18 VAC 80-20-70	Amended	19:25 VA.R. 3827	10/1/03
18 VAC 80-20-80	Amended	19:24 VA.R. 3569	10/1/03
18 VAC 80-20-120 through 18 VAC 80-20-160	Amended	19:24 VA.R. 3569-3570	10/1/03
18 VAC 80-20-170	Repealed	19:24 VA.R. 3570	10/1/03
18 VAC 80-20-180	Amended	19:24 VA.R. 3570	10/1/03
18 VAC 80-20-200 through 18 VAC 80-20-270	Amended	19:24 VA.R. 3570	10/1/03
18 VAC 85-20-22 emer	Amended	19:23 VA.R. 3404	7/15/03-7/14/04
18 VAC 85-20-122	Amended	19:21 VA.R. 3073	7/30/03
18 VAC 85-20-210	Amended	19:21 VA.R. 3074	7/30/03
18 VAC 85-20-225	Added	19:18 VA.R. 2715	6/18/03
18 VAC 85-20-280	Amended	19:19 VA.R. 2870	7/2/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-20-280	Amended	19:21 VA.R. 3074	7/30/03
18 VAC 85-20-285	Added	19:19 VA.R. 2871	7/2/03
18 VAC 85-20-290	Amended	19:19 VA.R. 2871	7/2/03
18 VAC 85-20-300	Amended	19:19 VA.R. 2871	7/2/03
18 VAC 85-20-310 through 18 VAC 85-20-390	Added	19:18 VA.R. 2719-2720	6/18/03
18 VAC 85-40-10	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-40-35	Added	19:19 VA.R. 2873	7/2/03
18 VAC 85-40-40	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-40-45	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-40-50	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-40-55	Added	19:18 VA.R. 2717	6/18/03
18 VAC 85-40-60	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-40-61	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-40-65	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-40-66	Added	19:19 VA.R. 2873	7/2/03
18 VAC 85-40-80	Repealed	19:19 VA.R. 2873	7/2/03
18 VAC 85-50-10	Amended	19:18 VA.R. 2722	6/18/03
18 VAC 85-50-40	Amended	19:18 VA.R. 2722	6/18/03
18 VAC 85-50-59	Added	19:18 VA.R. 2722	6/18/03
18 VAC 85-50-101	Amended	19:18 VA.R. 2722	6/18/03
18 VAC 85-50-110	Amended	19:18 VA.R. 2722	6/18/03
18 VAC 85-50-115	Amended	19:18 VA.R. 2722	6/18/03
18 VAC 85-80-65	Added	19:18 VA.R. 2717	6/18/03
18 VAC 85-101-10	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-25	Added	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-30 through 18 VAC 85-101-60	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-61	Added	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-80	Repealed	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-90	Repealed	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-100	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-130	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-140	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-150	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-151	Amended	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-160	Repealed	19:19 VA.R. 2873	7/2/03
18 VAC 85-101-145	Added	19:18 VA.R. 2717	6/18/03
18 VAC 85-110-145	Added	19:18 VA.R. 2718	6/18/03
18 VAC 85-120-85	Added	19:18 VA.R. 2718	6/18/03
18 VAC 90-20-30 emer	Amended	19:23 VA.R. 3406	7/15/03-7/14/04
18 VAC 90-20-271	Added	19:18 VA.R. 2722	6/18/03
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 90-30-10	Amended	19:19 VA.R. 2874	7/2/03
18 VAC 90-30-70	Amended	19:19 VA.R. 2874	7/2/03
18 VAC 90-30-90	Amended	19:19 VA.R. 2874	7/2/03
18 VAC 95-20-10	Amended	19:19 VA.R. 2874	7/2/03
18 VAC 95-20-175	Amended	19:19 VA.R. 2875	7/2/03
18 VAC 95-20-200	Amended	19:19 VA.R. 2875	7/2/03
18 VAC 95-20-220	Amended	19:19 VA.R. 2876	7/2/03
18 VAC 95-20-230	Amended	19:19 VA.R. 2876	7/2/03
18 VAC 95-20-290	Repealed	19:19 VA.R. 2876	7/2/03
18 VAC 95-20-300	Amended	19:19 VA.R. 2876	7/2/03
18 VAC 95-20-310	Amended	19:19 VA.R. 2876	7/2/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-330	Amended	19:19 VA.R. 2877	7/2/03
18 VAC 95-20-340	Amended	19:19 VA.R. 2877	7/2/03
18 VAC 95-20-380	Amended	19:19 VA.R. 2877	7/2/03
18 VAC 95-20-390	Amended	19:19 VA.R. 2877	7/2/03
18 VAC 100-20-53 emer	Added	19:24 VA.R. 3601	7/17/03-7/16/04
18 VAC 105-20-75	Added	19:19 VA.R. 2877	7/2/03
18 VAC 110-20-75	Added	19:19 VA.R. 2878	7/2/03
18 VAC 110-20-170	Amended	19:19 VA.R. 2878	7/2/03
18 VAC 110-20-240	Amended	19:20 VA.R. 2986	7/16/03
18 VAC 110-20-255	Added	19:20 VA.R. 2986	7/16/03
18 VAC 110-20-275	Added	19:20 VA.R. 2986	7/16/03
18 VAC 110-20-320	Amended	19:20 VA.R. 2986	7/16/03
18 VAC 110-20-330	Amended	19:19 VA.R. 2878	7/2/03
18 VAC 110-20-400	Amended	19:20 VA.R. 2986	7/16/03
18 VAC 110-20-411	Amended	19:19 VA.R. 2878	7/2/03
18 VAC 110-20-430	Repealed	19:20 VA.R. 2986	7/16/03
18 VAC 110-20-530	Amended	19:20 VA.R. 2986	7/16/03
18 VAC 110-20-730	Added	19:20 VA.R. 2986	7/16/03
18 VAC 115-30-10	Amended	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-30	Amended	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-40	Amended	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-45	Amended	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-50	Amended	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-60	Amended	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-61	Added	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-62	Added	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-70	Repealed	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-90	Amended	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-110	Amended	19:18 VA.R. 2724	6/18/03
18 VAC 115-30-140	Amended	19:18 VA.R. 2724	6/18/03
18 VAC 120-40-10	Amended	19:23 VA.R. 3361	8/27/03
18 VAC 120-40-20	Amended	19:23 VA.R. 3361	8/27/03
18 VAC 120-40-30	Repealed	19:23 VA.R. 3362	8/27/03
18 VAC 120-40-40 through 18 VAC 120-40-140	Amended	19:23 VA.R. 3362-3363	8/27/03
18 VAC 120-40-170 through 18 VAC 120-40-260	Amended	19:23 VA.R. 3363-3365	8/27/03
18 VAC 120-40-290	Amended	19:23 VA.R. 3365	8/27/03
18 VAC 120-40-350	Amended	19:23 VA.R. 3365	8/27/03
18 VAC 120-40-380	Amended	19:23 VA.R. 3365	8/27/03
18 VAC 120-40-400	Amended	19:23 VA.R. 3366	8/27/03
18 VAC 120-40-430	Amended	19:23 VA.R. 3366	8/27/03
18 VAC 130-20-10	Amended	19:18 VA.R. 2724	7/1/03
18 VAC 130-20-30	Amended	19:18 VA.R. 2728	7/1/03
18 VAC 130-20-40	Amended	19:18 VA.R. 2729	7/1/03
18 VAC 130-20-50	Amended	19:18 VA.R. 2729	7/1/03
18 VAC 130-20-60	Amended	19:18 VA.R. 2730	7/1/03
18 VAC 130-20-70	Amended	19:18 VA.R. 2730	7/1/03
18 VAC 130-20-110	Amended	19:18 VA.R. 2730	7/1/03
18 VAC 130-20-170	Amended	19:18 VA.R. 2731	7/1/03
18 VAC 130-20-180	Amended	19:18 VA.R. 2731	7/1/03
18 VAC 130-20-200	Amended	19:18 VA.R. 2733	7/1/03
18 VAC 130-20-210	Amended	19:18 VA.R. 2733	7/1/03
18 VAC 130-20-220	Amended	19:18 VA.R. 2733	7/1/03
18 VAC 130-20-230	Amended	19:18 VA.R. 2734	7/1/03
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	--

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 135-40-10	Repealed	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-20	Amended	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-30	Repealed	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-40	Repealed	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-50	Amended	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-60	Amended	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-70	Repealed	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-80	Amended	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-90	Repealed	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-110	Amended	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-120	Repealed	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-130	Repealed	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-140	Amended	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-150	Amended	19:19 VA.R. 2880	7/2/03
18 VAC 135-40-160	Amended	19:19 VA.R. 2881	7/2/03
18 VAC 135-40-170 through 18 VAC 135-40-410	Repealed	19:19 VA.R. 2881	7/2/03
18 VAC 135-40-420	Amended	19:19 VA.R. 2881	7/2/03
18 VAC 135-40-430	Amended	19:19 VA.R. 2881	7/2/03
18 VAC 135-40-440 through 18 VAC 135-40-530	Repealed	19:19 VA.R. 2882	7/2/03
18 VAC 135-50-10	Amended	19:24 VA.R. 3571	9/10/03
18 VAC 135-50-30	Amended	19:24 VA.R. 3571	9/10/03
18 VAC 135-50-40	Repealed	19:24 VA.R. 3571	9/10/03
18 VAC 135-50-50	Amended	19:24 VA.R. 3571	9/10/03
18 VAC 135-50-70 through 18 VAC 135-50-110	Amended	19:24 VA.R. 3571-3572	9/10/03
18 VAC 135-50-140	Amended	19:24 VA.R. 3573	9/10/03
18 VAC 135-50-150	Repealed	19:24 VA.R. 3574	9/10/03
18 VAC 135-50-190	Amended	19:24 VA.R. 3574	9/10/03
18 VAC 135-50-200	Amended	19:24 VA.R. 3574	9/10/03
18 VAC 135-50-210	Amended	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-212	Added	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-215	Added	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-217	Added	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-220	Amended	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-230	Repealed	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-240	Repealed	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-250	Repealed	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-270	Amended	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-290	Amended	19:24 VA.R. 3577	9/10/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 135-50-300	Amended	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-330	Amended	19:24 VA.R. 3577	9/10/03
18 VAC 135-50-350	Amended	19:24 VA.R. 3578	9/10/03
18 VAC 135-50-390	Amended	19:24 VA.R. 3578	9/10/03
18 VAC 135-50-400	Amended	19:24 VA.R. 3578	9/10/03
18 VAC 135-50-420	Amended	19:24 VA.R. 3578	9/10/03
18 VAC 135-50-440 through 18 VAC 135-50-470	Amended	19:24 VA.R. 3578	9/10/03
18 VAC 135-50-510	Amended	19:24 VA.R. 3578	9/10/03
18 VAC 135-50-530	Amended	19:24 VA.R. 3578	9/10/03
18 VAC 135-50-560 through 18 VAC 135-50-590	Repealed	19:24 VA.R. 3579	9/10/03
18 VAC 135-60-10 through 18 VAC 135-60-60	Added	19:24 VA.R. 3579	9/10/03
18 VAC 140-20-30	Amended	19:14 VA.R. 2145	4/23/03
18 VAC 150-20-135	Added	19:22 VA.R. 3217	8/13/03
Title 19. Public Safety			
19 VAC 30-80-20	Amended	20:2 VA.R. 134	11/5/03
19 VAC 30-80-40	Added	20:2 VA.R. 134	11/5/03
19 VAC 30-170-5	Repealed	19:23 VA.R. 3367	7/3/03
19 VAC 30-170-10	Repealed	19:23 VA.R. 3368	7/3/03
19 VAC 30-170-15	Added	19:23 VA.R. 3368	7/3/03
19 VAC 30-170-20	Repealed	19:23 VA.R. 3368	7/3/03
19 VAC 30-170-30	Amended	19:23 VA.R. 3369	7/3/03
19 VAC 30-170-40	Repealed	19:23 VA.R. 3370	7/3/03
19 VAC 30-170-50	Amended	19:23 VA.R. 3370	7/3/03
19 VAC 30-170-60	Repealed	19:23 VA.R. 3370	7/3/03
Title 20. Public Utilities and Telecommunications			
20 VAC 5-200	Erratum	19:20 VA.R. 2999	--
20 VAC 5-312-20	Amended	19:17 VA.R. 2579	4/10/03
20 VAC 5-312-120	Amended	19:24 VA.R. 3579	1/1/04
20 VAC 5-400-180	Repealed	19:17 VA.R. 2583	4/10/03
20 VAC 5-417	Erratum	19:20 VA.R. 2999	--
20 VAC 5-417-10 through 20 VAC 5-417-80	Added	19:17 VA.R. 2583-2587	4/10/03
20 VAC 5-429-10 through 20 VAC 5-429-60	Added	19:17 VA.R. 2587-2588	4/10/03
Title 21. Securities and Retail Franchising			
21 VAC 5-10-10	Amended	19:23 VA.R. 3373	7/1/03
21 VAC 5-20-70	Amended	19:23 VA.R. 3373	7/1/03
21 VAC 5-20-85	Amended	19:23 VA.R. 3373	7/1/03
21 VAC 5-20-155	Amended	19:23 VA.R. 3373	7/1/03
21 VAC 5-20-220	Amended	19:23 VA.R. 3373	7/1/03
21 VAC 5-20-225	Added	19:23 VA.R. 3373	7/1/03
21 VAC 5-20-240	Amended	19:23 VA.R. 3373	7/1/03
21 VAC 5-20-250	Repealed	19:23 VA.R. 3375	7/1/03
21 VAC 5-20-260	Amended	19:23 VA.R. 3375	7/1/03
21 VAC 5-20-270	Repealed	19:23 VA.R. 3375	7/1/03
21 VAC 5-20-280	Amended	19:23 VA.R. 3375	7/1/03
21 VAC 5-30-10	Amended	19:23 VA.R. 3379	7/1/03
21 VAC 5-30-40	Amended	19:23 VA.R. 3380	7/1/03
21 VAC 5-30-70	Repealed	19:23 VA.R. 3380	7/1/03
21 VAC 5-30-80	Amended	19:23 VA.R. 3380	7/1/03
21 VAC 5-30-90	Repealed	19:23 VA.R. 3380	7/1/03
21 VAC 5-40-30	Amended	19:23 VA.R. 3380	7/1/03
21 VAC 5-40-100	Amended	19:23 VA.R. 3381	7/1/03
21 VAC 5-40-120	Repealed	19:23 VA.R. 3381	7/1/03
21 VAC 5-40-140	Amended	19:23 VA.R. 3381	7/1/03
21 VAC 5-40-150	Amended	19:23 VA.R. 3381	7/1/03
21 VAC 5-40-160	Added	19:23 VA.R. 3381	7/1/03
21 VAC 5-45-10	Added	19:23 VA.R. 3381	7/1/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
21 VAC 5-45-20	Added	19:23 VA.R. 3381	7/1/03
21 VAC 5-80-40	Amended	19:23 VA.R. 3381	7/1/03
21 VAC 5-80-190	Amended	19:23 VA.R. 3382	7/1/03
21 VAC 5-80-200	Amended	19:23 VA.R. 3382	7/1/03
21 VAC 5-80-210	Amended	19:23 VA.R. 3384	7/1/03
21 VAC 5-100-10	Amended	19:23 VA.R. 3384	7/1/03
21 VAC 5-120-50	Erratum	19:22 VA.R. 3233	--
21 VAC 5-120-50	Amended	20:1 VA.R. 32	9/2/03
Title 22. Social Services			
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 30-20-90	Amended	19:18 VA.R. 2736	6/18/03
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
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 40-11-10	Amended	19:24 VA.R. 3581	9/10/03
22 VAC 40-11-30	Amended	19:24 VA.R. 3581	9/10/03
22 VAC 40-11-40	Amended	19:24 VA.R. 3581	9/10/03
22 VAC 40-11-50	Amended	19:24 VA.R. 3581	9/10/03
22 VAC 40-90-10	Amended	19:22 VA.R. 3218	9/19/03
22 VAC 40-220-10	Repealed	19:19 VA.R. 2882	7/2/03
22 VAC 40-220-20	Repealed	19:19 VA.R. 2882	7/2/03
22 VAC 40-293-10 emer	Added	19:19 VA.R. 2883	7/1/03-6/30/04
22 VAC 40-293-20 emer	Added	19:19 VA.R. 2883	7/1/03-6/30/04
22 VAC 40-375-10 through 22 VAC 40-375-60	Added	19:24 VA.R. 3582-3584	9/10/03
22 VAC 40-685-10	Added	19:24 VA.R. 3584	9/1/03
22 VAC 40-685-20	Added	19:24 VA.R. 3584	9/1/03
22 VAC 40-685-30	Added	19:24 VA.R. 3584	9/1/03
22 VAC 40-910-10 through 22 VAC 40-910-110	Added	19:24 VA.R. 3584-3585	9/1/03
Title 24. Transportation and Motor Vehicles			
24 VAC 30-280-20	Amended	19:16 VA.R. 2414	3/24/03
24 VAC 30-280-40	Amended	19:16 VA.R. 2415	3/24/03
24 VAC 30-280-50	Amended	19:16 VA.R. 2415	3/24/03
24 VAC 30-280-60	Amended	19:16 VA.R. 2416	3/24/03
24 VAC 30-480	Repealed	19:22 VA.R. 3219	8/13/03

PETITIONS FOR RULEMAKING

BOARD OF NURSING HOME ADMINISTRATORS

Agency Decision

Title of Regulation: **18 VAC 95-20. Regulations Governing the Practice of Nursing Home Administrators.**

Statutory Authority: §§ 54.1-2400 and 54.1-3102.1 of the Code of Virginia.

Name of Petitioner: Georgia Wenzel.

Nature of Petitioner's Request: Amend 18 VAC 95-20-310 on requirements for hours in an administrator-in-training program to accept certain education and experience in lieu of hours of training as a nursing home administrator.

Agency's Decision: Request Denied.

Statement of Reasons for Decision: The board determined that an associate's degree (60 academic hours) is the basic criteria for the administrator-in-training program, so no additional hours of credit should be given to persons with that degree and some work experience in a nursing home.

Agency contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, or e-mail sandra.reen@dhp.state.va.us.

VA.R. Doc. No. R03-167; Filed October 15, 2003, 9:21 a.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled **9 VAC 20-80, Solid Waste Management Regulations**. The purpose of the proposed action is to (i) modify the regulation to accommodate a permit-by-rule for waste piles and (ii) review the applicable sections of the regulation to assure provisions to protect human health and the environment and eliminate any unnecessary provisions that do not accomplish this goal.

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

Statutory Authority: §§ 10.1-1402 and 10.1-1408.1 of the Code of Virginia; 42 USC § 6941 et seq. and 40 CFR Part 258.

Public comments may be submitted until November 21, 2003.

Contact: Michael Dieter, Department of Environment Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327 or e-mail mjdieter@deq.state.va.us.

VA.R. Doc. No. R04-17; Filed September 30, 2003, 4:32 p.m.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled **13 VAC 5-111, Enterprise Zone Program Regulation**. The purpose of the proposed action is to address legislative changes made to the Enterprise Zone Program enacted by the 2003 General Assembly and to clarify aspects of the regulations for more effective implementation and ease of use.

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

Statutory Authority: § 59.1-278 of the Code of Virginia.

Public comments may be submitted until November 6, 2003.

Contact: Stephen W. Calhoun, Senior Policy Analyst/Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail scalhoun@dhcd.state.va.us.

VA.R. Doc. No. R04-7; Filed September 11, 2003, 3:16 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22 VAC 40-170, Voluntary Registration of Family Day Homes--Requirements for Contracting Organizations**. The purpose of the proposed action is to incorporate statutory changes that have occurred since the regulation became effective in April 1993. Other revisions will be made for clarity to assist affected organizations in understanding the regulatory requirements. Requirements that, through implementation, have been determined to be burdensome will be deleted. Statutory references throughout the regulation will be updated to reflect the recodification of Title 63.2.

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

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

Public comments may be submitted until November 5, 2003.

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

VA.R. Doc. No. R04-11; Filed September 17, 2003, 9:57 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled **22 VAC 40-180, Voluntary Registration of Family Day Homes--Requirements for Providers**, and adopting regulations entitled **22 VAC 40-181, Voluntary Registration of Family Day Homes--Requirements for Providers**. The purpose of the proposed action is to repeal 22 VAC 40-180 and adopt a new regulation (22 VAC 40-181). The number of changes that have occurred since this regulation became effective in April 1993 including, but not limited to, additions to the definition of

Notices of Intended Regulatory Action

a family day home, changes in background clearance requirements, and the addition of requirements for proof of a child's age and identity, all of which are statutory changes, makes replacement of the regulation necessary. Many of the requirements of 22 VAC 40-180 will be incorporated into 22 VAC 40-181. The new regulation will be clear and easy to follow, will incorporate all applicable requirements from the Code of Virginia, and will provide reasonable health and safety guidelines for the protection of children cared for in these small homes.

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

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

Public comments may be submitted until November 5, 2003.

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

VA.R. Doc. No. R04-12 and R04-13; Filed September 17, 2003, 10 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22 VAC 40-325, Fraud Reduction/Elimination Effort**. The purpose of the proposed action is to amend the criteria for local departments of social services to receive full reimbursement for program costs, expand the responsibilities of local departments of social services fraud units and enhance the definitions section of the regulation.

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

Statutory Authority: § 63.2-526 of the Code of Virginia.

Public comments may be submitted until November 5, 2003.

Contact: S. Michelle Lauter, Manager, Fraud Unit, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 786-9170, FAX (804) 692-2431 or e-mail sml900@dss.state.va.us.

VA.R. Doc. No. R04-14; Filed September 17, 2003, 9:59 a.m.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

Title of Regulation: 22 VAC 15-30. Minimum Standards for Licensed Child Day Centers (amending 22 VAC 15-30-10, 22 VAC 15-30-30, 22 VAC 15-30-50, 22 VAC 15-30-70, 22 VAC 15-30-80, 22 VAC 15-30-90, 22 VAC 15-30-110, 22 VAC 15-30-150, 22 VAC 15-30-160, 22 VAC 15-30-180, 22 VAC 15-30-200, 22 VAC 15-30-230, 22 VAC 15-30-250, 22 VAC 15-30-260, 22 VAC 15-30-290, 22 VAC 15-30-310 through 22 VAC 15-30-390, 22 VAC 15-30-410, 22 VAC 15-30-430, 22 VAC 15-30-440, 22 VAC 15-30-451, 22 VAC 15-30-461, 22 VAC 15-30-471, 22 VAC 15-30-490, 22 VAC 15-30-500, 22 VAC 15-30-510, 22 VAC 15-30-520, and 22 VAC 15-30-540 through 22 VAC 15-30-670; adding 22 VAC 15-30-585).

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

Public Hearing Dates:

November 13, 2003, 2 p.m. and 6 p.m. (Richmond);
November 17, 2003, 6 p.m. (Abingdon)
November 18, 2003, 6 p.m. (Roanoke)
November 20, 2003, 6 p.m. (Alexandria)
November 25, 2003, 6 p.m. (Norfolk)

Public comments may be submitted until January 2, 2004.
(See Calendar of Events section
for additional information)

Agency Contact: Wenda Singer, Program Development Consultant, Department of Social Services, Division of Licensing Programs, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-2201, FAX (804) 692-2370, or e-mail wxs2@dss.state.va.us.

Basis: Sections 63.2-1734 and 63.2-1735 of the Code of Virginia mandate the Child Day-Care Council to promulgate child day center regulations, which are designed to ensure that the activities, services and facilities are conducive to the welfare of children. The code also mandates that "such regulations shall be developed in consultation with representatives of the affected entities and shall include, but need not be limited to, matters relating to the sex, age and number of children...to be maintained, cared for...as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities, services and facilities to be employed...such regulations shall not require the adoption of a specific teaching approach or doctrine or require the membership, affiliation or accreditation services of any single private accreditation or certification agency." This regulation is mandated.

Purpose: On October 24, 2000, the Child Day-Care Council sent a survey to approximately 2,600 child day center

operators and licensing staff concerned with these programs on the regulation entitled Minimum Standards for Licensed Child Day Centers. Three hundred and seventy-one surveys were returned representing 440 licensed centers and licensing staff. This survey was conducted to prepare for the required periodic review due in 2001.

Indications that the regulation should be revised are based on comments from this survey, comments received during the 20-day public comment period concerning the periodic review on this regulation (May 21 through June 10, 2001), and comments received during the 30-day public comment period concerning the Notice of Intended Regulatory Action on this regulation (December 16, 2002 through January 15, 2003). Revisions are also called for based on comments the council received on the regulation since its last effective date, feedback from issues encountered during technical assistance on these standards, new developments/research and feedback from regional licensing staff. The National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care Programs, which were recently updated, were considered when drafting the proposed center regulation. These standards were developed by the American Academy of Pediatrics, the American Public Health Association and the National Resource Center for Health and Safety in Child Care.

Members of the Child Day-Care Council, representing diverse interests, raised additional issues indicating a need to revise the regulation. Representation on the council includes: nonprofit child day center operators; private for-profit child day center operators; one representative from each of the departments of social services, health, education, fire programs, housing and community development, and environmental quality; a pediatric health professional; a child development specialist; a parent consumer; a legal professional; a representative of the Virginia Council for Private Education; and one representative each of a child day center offering a seasonal program emphasizing outdoor activities, a private child day center offering a half-day nursery school program, and a local governing body all of which operate programs required to be licensed.

The proposed regulation revision is intended to provide more protection for children in care, be less intrusive and burdensome for providers and clarify the language. Overall, this revision should improve the health, safety and welfare of children in licensed centers.

Areas that improve the protection of children that are addressed in the proposed regulation include:

- staff qualifications and training;
- activity space per child;
- addressing equipment which could present safety concerns;

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- resilient surfacing under equipment;
- staff-to-children ratios;
- group size limitations;
- supervision of children;
- infant developmental and safety issues;
- parent involvement;
- preventing the spread of disease;
- medication administration;
- safe use of sunscreen, daper ointment or cream, and insect repellent;
- emergency preparedness and handling of injuries;
- safety issues concerning food; and
- transportation safety.

Areas and standards that could be less intrusive and burdensome for providers that are addressed in the proposed regulation include:

- accepting coursework from colleges that are not accredited;
- adding and revising qualification options to be more appropriate;
- not requiring a staff member meeting program leader qualifications at all times in each grouping of children if certain conditions are met;
- accepting records of independent contractors in lieu of center records if certain conditions are met;
- allowing flexibility concerning the requirement to lock certain substances;
- updating equipment standards to be appropriate for new types of products;
- updating the temperature criteria for excluding children;
- clarifying that the staff-to-children ratios can be doubled during the designated sleep period of evening or overnight care programs if certain conditions are met;
- allowing steps to conform to the Uniform Statewide Building Code at the time of first occupancy;
- allowing flexibility concerning annual training requirements for certain drivers of vehicles;
- decreasing the frequency of sanitizing mats;
- requiring parental notification that the medication must be picked up when the medication authorization expires instead of returning the medication to the parent when no longer being administered;

- allowing centers to follow the posted swimming rules of public pools instead of having its own emergency procedures and written safety rules; and
- no longer specifying how to handle a sleeping infant, toddler or preschool age child not in his designated sleeping location when the child is uncomfortable or unsafe.

Substance: The proposed regulation includes changes in the following areas:

Staff Qualifications and Training

1. Require certain applicants for licensure to complete department sponsored training established for potential licensees;
2. Allow independent contractors to maintain records on its employees in certain situations;
3. Require staff who drive a vehicle transporting children to disclose any traffic violations;
4. No longer require college coursework to be from a college or university that is accredited;
5. Require directors without management experience to have a college course in a business related field or 10 clock hours of management training and gradually increase the training to 40 hours three years after the effective date of the regulation;
6. Revise one program director qualification option to require 12 semester hours or 18 quarter hours in child related subjects instead of 48 semester hours or 72 quarter hours in child related subjects;
7. Revise one qualification option for program directors to describe the credential requirements instead of requiring the Department of Social Services to approve the credential;
8. Revise one program director qualification option to specify the meaning of a staff training program and the minimum number of training hours and to require the training program to address health and safety issues;
9. Delete three years after the effective date of the regulation the program director qualification option that does not require any college coursework or appropriate certification and add an exception to allow certain directors not qualified under the revised regulation to continue to be directors as long as the director obtains a certain amount of college education or is working toward an appropriate credential as stated in the regulation;
10. Specify the amount of time a qualified program director or qualified back-up program director must be on-site for centers offering multiple shifts;
11. Clarify that program leaders must have fulfilled a “high school program completion or the equivalent”;
12. Add a new qualification option for program leaders that refers to an endorsement or bachelor’s degree in a child related field;
13. Revise one program leader qualification option to refer to a credential by an organization listed in § 63.2-1738 of the

Code of Virginia instead of requiring the Department of Social Services to approve the credential;

14. Gradually increase the 12 hours of training in one program leader qualification option to 24 hours of training;

15. Require training in recognizing child abuse and neglect and the law requirements for reporting suspected child abuse;

16. Increase annual training from eight hours to 10 hours and gradually increase the training to 16 hours three years after the effective date of the regulation;

17. Newly require at least one person on duty at all times to receive medication administration training;

18. Require the person(s) trained in the daily health observation of children to update the training every 12 months instead of every three years and newly allow an L.P.N. to provide the training in the daily health observation of children; and

19. Update a qualification from "water safety instructor or senior lifesaver" to "certified lifeguard."

Building, Areas and Equipment

1. Require a signed, written statement before each license is issued that the center is following the asbestos management plan;

2. Defer to the Uniform Statewide Building Code (USBC) for guardrails or barriers and handrails on steps and the distance between any posts on guardrails;

3. Update the requirements concerning the use of equipment often used by camps;

4. Increase the depth of loose-fill resilient surfacing under playground equipment so it is nine inches instead of six inches, except for shredded rubber or tires, which remain at six inches;

5. Gradually increase the amount of activity space to 35 square feet per child;

6. Require sinks in restroom areas to have warm water except for camps;

7. Allow use of a hard swing for a child with a special need as long as there is appropriate supervision for the safety of the other children;

8. Require a shaded area on playgrounds;

9. Revise the amount of open space at the ends of s-hooks;

10. Waive height restrictions of climbing equipment when the equipment is enclosed;

11. Prohibit the installation of any slide or climbing equipment to be used by preschoolers or toddlers when the climbing portion of the equipment is more than six feet in height;

12. Revise the type of resilient surfacing under certain indoor climbing equipment and slides;

13. Prohibit use of trampolines;

14. Prohibit recalled play yards and cribs and prohibit other recalled products when informed of its recall;

15. Prohibit crib bumper pads and prohibit for certain infants toys or objects hung over an infant in a crib and crib gyms that are strung across the crib;

16. Require linens for mats when used during certain designated rest times; and

17. No longer require a top cover for infants in cribs.

Staffing and Supervision of Children

1. Allow flexibility during certain parts of the day to have a program leader in each group of children;

2. Specify that staff may need to provide intermittent sight supervision of children in the restroom to assure the safety of children and to provide assistance as needed;

3. Newly require supervision of children when leaving the center's care;

4. Clarify that certain staff-to-children ratios may be doubled during the designated sleep period of evening or overnight care centers when certain conditions are met;

5. Revise the following staff-to-children ratios:

a. two-year-old children from 1:10 to 1:8;

b. four-year-old children from 1:12 to 1:10;

c. school-age children from 1:20 to 1:18; and

d. balanced mixed-age groupings of children ages three through six years of age from 1:15 to 1:14;

6. Prohibit temporarily reassigning a child from his regular group and staff members for reasons of administrative convenience or otherwise casually or repeatedly disrupting a child's schedule and attachment to his staff members and group;

7. Limit the maximum number of children in ongoing groups according to the following ages:

a. 12 for children from birth to the age of 16 months;

b. 15 for children 16 months old to two years;

c. 16 for two-year-old children;

d. 20 for three-year-old children to the age of eligibility to attend public school, five years by September 30; and

e. 27 for balanced mixed-age groupings of children ages three through six years of age;

8. Limit the number of school-age children assigned to a staff member or team of staff members in which each staff member is assigned no more than 18 children or each team of staff members are assigned no more than 36 children;

9. Require another staff member or adult in addition to the driver when 16 or more children are being transported in the vehicle; and

10. Newly require staff to verify that all children have been removed from the vehicle at the end of a trip.

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Activities for Children

1. Waive compliance with daily activity standards in therapeutic child day programs when they are inconsistent with the child's individual plan;
2. Require any physician's contraindication to an infant sleeping on his back to be put in writing;
3. Require checking sleeping infants more frequently;
4. No longer specify how to handle a sleeping infant, toddler or preschool age child not in his designated sleeping location when the child is uncomfortable or unsafe;
5. Require outdoor time for infants, weather and air quality allowing;
6. Require infants who cannot turn themselves over to have a certain amount of awake time on their stomachs and for this time to be documented;
7. Require staff to show pictures, name objects and smile with infants;
8. Allow the scheduled outdoor activity time not to occur depending on the air quality level;
9. Require story telling time with toddlers and preschoolers;
10. Delete requirement to give parents information on street safety;
11. Require giving parents:
 - a. the center's procedures to verify that only authorized persons are allowed to pick up the child;
 - b. the center's policy regarding the application of sunscreen, diaper ointment or cream, and insect repellent; and
 - c. information concerning the custodial parent's right to be admitted to the center as required by law;
12. Require that the semiannual update to parents on the child's development, behavior, adjustment and needs be put in writing;
13. Require semiannually that staff request parent confirmation that certain information in the child's record is up-to-date and provide an opportunity for parents to provide feedback on their children and the center's program; and
14. Allow children to have second helpings of food.

Sanitation and Prevention of Disease Transmission

1. Require parents to complete a statement that they will inform the center when their child or any member of the immediate household has developed a reportable communicable disease;
2. Revise the staff tuberculosis screening requirements to be consistent with the Department of Health's risk assessment screening process and other recommendations;
3. Require individuals from independent contractors to obtain subsequent tuberculosis screenings so the requirement is consistent with the tuberculosis requirement for center staff;

4. Revise the frequency of sanitizing rest mats so it occurs once a week instead of between each use;
5. Specify three options for washing linens;
6. Require changing water of portable wading pools after each group use instead of each day's use;
7. Require rinsing portable wading pools after each use;
8. Require portable wading pools to be emptied, sanitized and stored in a position to keep them clean and dry after each day's use;
9. Change the criteria for when children need to be excluded from care due to illness;
10. Specify the time frame for the center to inform parents when their child has been exposed to a communicable disease;
11. Require cleaning and sanitizing a surface that has been contaminated with bodily fluids;
12. Revise the conditions that require hand washing and no longer consider staff use of a germicidal cleansing agent as a method to wash hands;
13. Assure that a designated, nonabsorbent surface be used for diapering and changing and that the surface be cleaned and sanitized after each use;
14. Require the storage system for diaper disposal to be foot-operated or used in a way that the staff member's hand or the soiled diaper does not touch an exterior surface of the storage system during disposal; and
15. Require tables and high chair trays to be sanitized immediately before use for feeding and washed after used for feeding.

Medication Administration and Application of Over-the-Counter Skin Products

1. Require the staff member administering medication to have medication training within the last 12 months;
2. Require procedures for administering medications to be consistent with the manufacturer's instructions;
3. No longer require medications to be kept in a locked place when requested in writing from a physician;
4. Revise procedures for handling medications when the medication authorization expires; and
5. Newly address the safe use of sunscreen, diaper ointment or cream, and insect repellent.

Emergencies, Accidents and Safety/Health Precautions

1. Require centers to follow their own policies and procedures that are required by the standards;
2. Require that the written procedures for injury prevention be updated at least annually;
3. Allow supplies to clean and sanitize the diapering area or toilet chairs to be inaccessible to children during the diapering or toilet training time instead of being locked;

4. Allow centers to follow the posted rules of public pools instead of having emergency procedures and written safety rules for swimming;
5. No longer allow a R.N. or L.P.N. as an alternative to having a person trained in first aid, cardiopulmonary resuscitation and rescue breathing;
6. Require both syrup of ipecac and activated charcoal preparation instead of one or the other;
7. Require a preparedness plan instead of an emergency evacuation plan that addresses shelter-in-place procedures and is developed in consultation with local or state authorities;
8. Require the preparedness plan to address certain components such as communication tools, essential documents (parent contact information) and special health care supplies;
9. Require the preparedness plan to be posted and for the center to have two shelter-in-place drills a year;
10. Require the center to prepare a sheet containing certain local emergency information and for it to be kept in vehicles when transporting children;
11. Require camps to notify the responsible fire department and emergency medical service of hours of operation and to have an emergency plan;
12. Revise procedures for handling injuries;
13. Prohibit serving foods that are considered to be potential choking hazards to children three years of age or younger;
14. Add new requirements to help assure that food served to children is safe;
15. Prohibit the use of bottles while the child is in his designated sleeping location;
16. Prohibit the heating of milk, formula or breast milk in microwaves; and
17. Prohibit formula or breast milk from remaining unrefrigerated for more than one hour.

Issues: The proposed regulation increases in certain areas the protection offered to children in care while in other areas the regulation allows more flexibility for providers, which could decrease the protection offered to children. Standards that protect children in care can help parents locate safe and appropriate child care so they can work to support themselves. At the same time, any additional costs for centers to comply with new or revised standards could be passed on to parents in terms of higher fees. Businesses operate child day centers and will be directly impacted. Businesses in general benefit from the regulation since they depend on employees who use licensed child day centers.

In general, the regulation provides the Department of Social Services criteria to evaluate the safety of care children receive in licensed child day centers; this allows the Department of Social Services to comply with statutory intent. There are no major disadvantages to the changes in the regulation for the Department of Social Services since the changes should not increase the amount of time to perform an inspection.

There could be both a positive and negative cost impact for licensed centers to follow the revised regulation (please see additional information under the fiscal impact section), depending on the center's circumstances. Education and care programs operated by public schools must follow the revised regulation since the Board of Education has incorporated by reference this regulation for these programs.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section § 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Child Day-Care Council proposes significant revisions to licensed child day center standards. The main goal of many of these changes is to establish standards, which are well founded based on the available research, to improve health and safety of children. A secondary goal is to provide flexibility to center employees primarily in meeting staff qualifications. Due to the nature of the operations at these centers, many requirements are very prescriptive, simple, and appear to be straightforward to implement. Since simple procedural requirements could prevent catastrophic events later, it may be expected that these low cost procedures will, as a group, produce net economic gains by improving child safety. This report focuses more on the changes with the greatest likely financial impact. These changes include increasing the staff-to-child ratios, establishing maximum group sizes, a number of measures to improve child supervision, providing flexibility to meet staff qualifications, expanding the scope and hours of training, increasing the activity space and resilient surfacing under playground equipment, and updating several other facility standards.

Estimated economic impact. The proposed regulations introduce numerous new requirements in a number of areas to improve children's health, safety, and welfare while the children are under the care of a licensed child day center. These areas include staffing and supervision of children, staff qualifications and training, physical plant standards, activities for children, disease prevention, medications, and emergency procedures. In general, while the proposed standards will likely improve health, safety, and welfare of children and provide flexibility in meeting staff qualifications, they are also expected to increase compliance costs by an unknown amount.

The proposed changes are reflective of a survey conducted on child day center operators, comments received from public, members of the Child Day-Care Council representing public and private interests, feedback from enforcement staff, new

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developments and academic research, and standards recommended by nationally recognized organizations such as the American Academy of Pediatrics, the American Public Health Association, and the National Resource Center for Health and Safety in Child Care.

Staffing and supervision: The Child Day-Care Council (the Council) proposes to increase the staff-to-child ratios. This revision will increase the number of staff required to care for the same number of children by 7% to 20% depending on the age group.¹ Additionally, the Council proposes to establish, for the first time, maximum group size standards for different age categories.² The proposed staff-to-child ratios allow less staff than recommended by national standards.³ The proposed group size limitations allow for larger groups than recommended by national guidelines. However, it is known that most states do not meet the nationally recommended standard, which is consistent with what is being proposed.

The research in this area indicates that staff-to-child ratio and group size are the most important elements in determining the quality of a child care program as well as health and safety of children. Smaller group size is found to reduce risk of infection with diseases such as ear infections, hemophilus influenza, hepatitis A, upper respiratory tract infection, otitis media, and conjunctivitis. Also, because caregivers monitor diseases, a staff-to-child ratio that requires more staff reduces disease transmission. Similarly, smaller groups and staff-to-child ratios that require more staff are found to improve safety through enabling caregivers to spend more time with each child and prevent accidents, through reducing chance of abuse by having more staff around, and through reducing the stress level of staff. Finally, mental health and school preparedness improve because children in smaller groups and staff-to-child ratios that require more staff receive more attention and get more involvement in educational activities.

Other related proposed standards on this subject include requiring the presence of an additional staff member when 16 or more children are being transported, limiting the number of school age children assigned to a staff member or a team of staff members, requiring supervision of children when leaving the center's care, requiring supervision in the restroom if needed, prohibiting the temporary reassignment of children from his regular group and staff members for administrative

convenience, increasing the frequency of checking sleeping children, requiring that infants have outdoor time, etc. These changes are also expected to further contribute to improvements in health and safety of children.

The majority of these requirements will likely increase staffing demands and the labors costs of child day centers, or reduce the enrollment of children and reduce revenues. In addition, particularly the group size requirement may prompt rearrangement of classrooms in the physical plants such as physically reducing the size of a large classroom by using dividers, furniture and supplies, or building additional rooms. The extent of the potential increase in costs, or reduction in revenues will depend on the proximity of the current compliance with respect to the proposed standards. For example, if compliance with the newly proposed group size were already high, the additional costs of compliance, or revenue losses would be small. However, this information is not available at this time. Thus, while it is certain that compliance costs, or revenue losses will increase, the magnitude of these effects is not known.

Staff qualifications and training: The council proposes to revise many of the required employee qualifications and training. In general, the proposed regulations revise the options to meet the required experience or education and will increase the hours of training required.

Available research indicates a positive correlation between staff qualifications/training and health/safety of children. The main reasons behind this positive association are: (i) educated caregivers promote mental health, safety, cognitive improvement, intellect, and independence; (ii) they behave more sensitively, less harshly, and in a less authoritarian manner; interact more positively, display more involvement and encouragement, and less punitiveness; (iii) training reduces disease transmission and accidental injuries, improves staff's ability to facilitate a positive learning and socialization environment, and improves early detection of abuse, neglect, developmental disabilities, and common diseases; and (iv) educated directors better monitor staff, which in turn promotes children's welfare as discussed.

The changes related to qualifications include accepting experience from non-regulated programs toward director or program leader qualifications, revising one program director option to allow less coursework in a child related field, adding flexibility to the credential option for program director and removing the process of agency oversight, removing agency oversight to the credential option for program leaders, and removing the accreditation requirement for college or university degrees. At the aggregate, these changes will likely expand the available pool of potential employees, which in turn could reduce the length of vacancy of turnover and lower the wages of new employees. If realized, these effects would provide some cost savings to child day centers. Although it is possible that these relaxations could result in some reduction in quality of employees if accreditation implies higher education standards, whether this result will actually occur is not known.

On the other hand, the proposed changes related to training will likely introduce some additional compliance costs. These changes include requiring new licensees to attend

¹ Staff/children ratios will increase as follows: two year old children from 1:10 to 1:8, four year old children from 1:12 to 1:10, school-age children from 1:20 to 1:18, balanced mixed groups of children between the ages three and six from 1:15 to 1:14.

² The proposed group sizes are as follows: 12 for children 0 to 16 months of age, 15 for 16 month old to two year old, 16 for two year old, 20 for three year old to age of eligibility to attend public school (five years by September 30), 27 for balanced mixed groups of children between the ages three and six.

³ Unless otherwise indicated, any reference to national standards or research literature in this analysis is obtained from the literature overview by Dr. Richard Fiene, "13 Indicators of Quality Child Care: Research Update," Submitted to Office of the Assistant Secretary for Planning and Evaluation and Health Resources and Services Administration/Maternal and Child Health Bureau, U.S. Department of Health and Human Resources.

department-sponsored training, requiring new directors without management experience to have managerial training or education, requiring training in recognizing child abuse and neglect, requiring training in medication administration, increasing annual training initially by two hours and eventually by eight hours, and increasing the frequency of obtaining training in the daily health observation of children. Probably the most significant cost of these requirements would be the staff time spent in training, followed by the costs associated with the trainer, physical location, and materials.

Since the changes under this category will provide some cost savings in human resources area while increasing training related costs, the net economic effect on child day providers is not known.

Building, Areas, Equipment: Two of the most significant changes under this category are gradually increasing the activity space from 25 square feet to 35 square feet per child which is the standard in 42 states and increasing the resilient surfacing under playground equipment from six inches to nine inches.

Resilient surfacing is known to reduce risk of injury in playgrounds where a majority of injuries occur. A significant number of injuries affect head and limbs and they primarily occur due to falls from climbing equipment. Increased activity space could also reduce risk of injury among other potential benefits such as well being, constructive behavior, social integration, and reduced stress.

These changes will likely have significant cost implications for facilities that do not meet the proposed standards. Increasing activity space will reduce the capacity of the facility. This will either lead centers to reduce their enrollment, or increase space by new construction or by rent, which means either a reduction in revenues or an increase in compliance costs. In any event, profits will be lower. Additionally, facilities without the proposed resilient surfacing on the playground will have to either (i) incur additional material and installation costs, which will vary depending on the playground equipment or (ii) remove or not use the playground equipment and offer other outdoor activities. Because the Consumer Product Safety Commission guidelines are generally used as the litigation standard, meeting the proposed resilient surfacing standard could help reduce the center's liability if an accident occurs.

Other ancillary changes are requiring conformity to the Uniform Statewide Building Code for guardrails and handrails on steps, requiring sinks near toilets to have warm water, requiring a shaded area in the playground, and prohibiting the use of recalled play yards, cribs, and other products. Similar to the other changes, while further improvements in health and safety of children will likely result, facilities coming online that do not meet the updated standards will incur costs to comply with these requirements. Furthermore, prohibition on the use of recalled products may reduce the liability of a center should an accident result from these products.

Finally, the council proposes numerous other measures related to supervision of children during activities, disease prevention, medication administration, and emergency procedures. Although these changes are not discussed in detail they also have the potential for a marginal improvement

in health and safety as well as small increases in compliance costs.

The increased child day-care costs could also provide incentives to people to use other forms of day-care such as the services of a grandmother. These other alternative forms are not subject to licensing requirements, which could have implications on the quality of care provided.

Businesses and entities affected. The proposed regulations apply to approximately 2,600 licensed child day centers with the capacity to serve about 223,000 children.

Localities particularly affected. The proposed regulations are not expected to affect a given locality more than others.

Projected impact on employment. Expected increase in staffing, building, and equipment costs will affect demand for labor in opposite directions. These will increase demand for labor as centers hire additional employees, and start spending money to purchase construction material and equipment. These new expenditures by centers or reduced revenues (due to increased activity space, for instance) might make some center's operations unprofitable and cause them to reduce capacity or completely cease operations and reduce the demand for labor. However, at the aggregate the positive effect of additional expenditures would probably outweigh the potential decrease in demand for labor. The additional changes to staff qualifications are expected to increase the applicant pool that is eligible for employment. Thus, unless many centers cease operations or reduce capacity and if there is demand for newly available applicants, a positive effect on employment should prevail.

Effects on the use and value of private property. The proposed changes could also affect the value of child care businesses through the effects on future profit streams. Except the flexibility offered in meeting staff qualifications, most other changes will either increase compliance costs or reduce revenues. Therefore, unless the centers realize savings due to expanded applicant pool to the extent that the savings outweigh the other compliance costs, the value of privately owned child day centers would decrease. Finally, increased litigation and costs for liability insurance might be lower if the child day center industry were operating under stronger health and safety standards which could balance out the potential decrease in value to some extent.

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

Summary:

The proposed amendments result from a comprehensive review of the regulations and make numerous changes that include (i) increasing the staff-to-child ratios; (ii) establishing maximum group sizes; (iii) changing procedural measures to improve child supervision; (iv) providing flexibility to meet staff qualifications; (v) expanding the scope and hours of training; (vi) increasing the activity space and resilient surfacing under playground equipment; and (vii) updating several other facility standards.

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CHAPTER 30.
~~MINIMUM~~ STANDARDS FOR LICENSED CHILD DAY
CENTERS.

PART I.
INTRODUCTION.

22 VAC 15-30-10. Definitions.

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

"Adult" means any individual 18 years of age or older.

"Age and stage appropriate" means the curriculum, environment, equipment, and adult-child interactions are suitable for the ages of the children within a group and the individual needs of any child.

"Age groups":

1. "Infant" means children from birth to 16 months.
2. "Toddler" means children from 16 months up to two years.
3. "Preschool" means children from two years up to the age of eligibility to attend public school, five years by September 30.
4. "School age" means children eligible to attend public school, age five or older by September 30 of that same year. Four- or five-year-old children included in a group of school-age children may be considered school age during the summer months if the children will be entering kindergarten that year.

"Attendance" means the actual presence of an enrolled child.

"Balanced mixed-age grouping" means a program planned for three- through five-year-old children in which the enrollment in the group is comprised of 1/3 of each of three ages and is designed for children and staff to remain together with turnover planned only for the replacement of graduating older children with incoming younger children.

"Body fluids" means urine, feces, saliva, blood, nasal discharge, eye discharge, and injury or tissue discharge.

"Camp" means a child day camp *that is a child day center for school age children that operates during the summer vacation months only. Four-year-old children who will be five by September 30 of the same year may be included in a camp for school age children.*

"Center" means a child day center.

"Child" means any individual under 18 years of age.

~~"Child day camp" means a child day center for school age children that operates during the summer vacation months only. Four-year-old children who will be five by September 30 of that same year may be included in a camp for school age children.~~

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not

the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

Exemptions (§ 63.2-1715 of the Code of Virginia):

1. A child day center that has obtained an exemption pursuant to § 63.2-1716 of the Code of Virginia;
2. A program where, by written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure;
3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period;
4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed 1-1/2 hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation;
5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week;
6. Instructional programs offered by public and private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act, *as amended* (20 USC §1470 et seq.), and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language;
7. Education and care programs provided by public schools ~~which~~ *that* are not exempt pursuant to subdivision 6 of this definition shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the commissioner;
8. Early intervention programs for children eligible under Part ~~H~~ C of the Individuals with Disabilities Education Act, *as amended* (20 USC § ~~4470~~ 1400 et seq.), wherein no child attends for more than a total of six hours per week;
9. Practice or competition in organized competitive sports leagues;

10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services;

11. Child-minding services which are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, except for part-time employees working less than two hours per day; (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes; and (iii) is receiving or providing services or participating in activities offered by the establishment;

12. A certified preschool or nursery school program operated by a private school ~~which~~ *that* is accredited by a statewide accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs; the Association of Christian Schools International; *the American Association of Christian Schools*; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; ~~Standards for the American Montessori Society Accreditation~~; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; or the National Accreditation Commission ~~and which~~ *that* complies with the provisions of § 63.2-1717 of the Code of Virginia; or

13. By policy, a child day center that is required to be programmatically licensed by another state agency for that service.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

Note: This does not include programs such as drop-in playgrounds or clubs for children when there is no service arrangement with the child's parent.

~~"Children with disabilities special needs" means those children evaluated as having autism, deaf-blindness, a developmental delay, a hearing impairment which may include deafness, mental retardation, multiple disabilities, an orthopedic impairment, a serious emotional disturbance, a severe or profound disability, a specific learning disorder, a speech or language impairment, a traumatic brain injury, or a visual impairment which may include blindness with developmental disabilities, mental retardation, emotional disturbance, sensory or motor impairment, or significant chronic illness who require special health surveillance or specialized programs, interventions, technologies, or facilities.~~

"Cleaned" means treated in such a way to reduce the amount of filth through the use of water with soap or detergent or the use of an abrasive cleaner on inanimate surfaces..

"Commissioner" means the Commissioner of ~~Social Services, also known as the Director of~~ the Virginia Department of Social Services.

"Communicable disease" means a disease caused by a microorganism (bacterium, virus, fungus, or parasite) that can be transmitted from person to person via an infected body fluid or respiratory spray, with or without an intermediary agent (such as a louse, mosquito) or environmental object (such as a table surface). Some communicable diseases are reportable to the local health authority.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner.

"Evening care" means care provided ~~in a center~~ after 7 p.m. but not through the night.

"Good character and reputation" means knowledgeable and objective people agree that the individual (i) maintains business, professional, family, and community relationships which are characterized by honesty, fairness, and truthfulness and (ii) demonstrates a concern for the well-being of others to the extent that the individual is considered suitable to be entrusted with the care, guidance, and protection of children. Relatives by blood or marriage and people who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

"Group of children" means the children assigned to a staff member or team of staff members occupying an individual classroom or well-defined space within a larger room.

"High school program completion or the equivalent" means an individual has earned a high school diploma or General Education Development (G.E.D.) certificate, or has completed a program of home instruction equivalent to high school completion.

"Independent contractor" means an ~~individual who~~ *entity* that enters into an agreement to provide specialized services or staff for a specified period of time.

"Individual service, education or treatment plan" means a plan identifying the child's strengths, needs, general functioning and plan for providing services to the child. The service plan includes specific goals and objectives for services, accommodations and intervention strategies. The service, education or treatment plan clearly shows documentation and reassessment/evaluation strategies.

"Intervention strategies" means a plan for staff action that outlines methods, techniques, cues, programs, or tasks that enable the child to successfully complete a specific goal.

"Licensee" means any individual, partnership, association, public agency, or corporation to whom the license is issued.

"Minor injury" means a wound or other specific damage to the body such as, but not limited to, ~~a small scratch, cut or scrape, minor bruise or discoloration of the skin~~ abrasions, splinters, bites that do not break skins, and bruises.

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"Overnight care" means care provided after 7 p.m. and through the night.

"Parent" means the biological or adoptive parent or parents or legal guardian or guardians of a child enrolled in or in the process of being admitted to a center.

"Physician" means an individual licensed to practice medicine in any of the 50 states or the District of Columbia.

"Physician's designee" means a physician, licensed nurse practitioner, licensed physician assistant, licensed nurse (R.N. or L.P.N.), or health assistant acting under the supervision of a physician.

"Primitive camp" means a camp where places of abode, water supply system, or permanent toilet and cooking facilities are not usually provided.

~~"Programmatic experience in the group care of children" means time spent working directly with children in a group, in a child day center or family day home regulated by the state Department of Social Services, the state Department of Mental Health, Mental Retardation and Substance Abuse Services, or the state Department of Education; provided that "regulated" shall specifically include, without limitation, day care centers qualifying for exemption from licensure under ss 63.2-1716 and 63.2-1717 of the Code of Virginia that is located away from the child's home. Work time shall be computed on the basis of full-time work experience during the period prescribed or equivalent work time over a longer period. Experience settings may include but not be limited to a child day program, family day home, child day center, boys and girls club, field placement, elementary school or a faith-based organization.~~

"Resilient surfacing" means :

~~(i) 1. For outdoor use underneath and surrounding equipment, mats manufactured for such use that meet the guidelines of the Consumer Product Safety Commission and the standards of the American Society for Testing Materials or at least six inches of materials, such as, but not limited to, loose sand, wood chips, wood mulch, or pea gravel:~~

~~a. At least nine inches of loose-fill, impact absorbing surfacing material such as wood chips, double shredded bark mulch, engineered wood fibers, fine or course sand, and rounded, fine or medium gravel;~~

~~b. At least six inches of shredded rubber or tires; or~~

~~c. Unitary, impact absorbing surfacing material such as rubber mats and poured in place compositions that meet minimum safety standards when tested in accordance with the procedures described in the American Society for Testing and Materials standard F 1292-99 and has a critical height value (less than 200 G's and less than 1,000 HIC or Head Injury Criteria) equal to or greater than the highest designated play surface on the equipment, and~~

~~(ii) 2. For indoor use underneath and surrounding equipment, padding of two or more inches impact absorbing surfacing material specifically designed and tested as~~

~~playground surfacing such as rubber mats, rubber tiles and poured-in-place rubber compositions that meet minimum safety standards when tested in accordance with the procedures described in the American Society for Testing and Materials standard F 1292-99 and has a critical height value (less than 200 G's and less than 1,000 HIC or Head Injury Criteria) equal to or greater than the highest designated play surface on the equipment.~~

~~Natural Hard surfaces such as asphalt, concrete, dirt, grass and compacted materials or flooring covered by carpet or gym mats do not qualify as resilient surfacing.~~

~~"Sanitized" means washed to reduce the amount of filth and harmful micro-organisms through the use of (i) hot water with soap, detergent or abrasive cleaners or (ii) a chemical sanitizing solution treated in such a way to remove bacteria and viruses from inanimate surfaces through using a disinfectant solution (i.e., bleach solution or commercial chemical disinfectant) or physical agent (e.g., heat). The surface of item is sprayed or dipped into the disinfectant solution and allowed to air dry between uses.~~

~~"Serious injury" means a wound or other specific damage to the body such as, but not limited to, unconsciousness; broken bones; dislocation; deep cut requiring stitches; concussion; foreign object lodged in eye, nose, ear, or other body orifice.~~

~~"Short-term program" means a child day center that operates less than 12 weeks a year.~~

~~"Significant injury" means a wound or other specific damage to the body such as, but not limited to, head injuries, dislocations, sprains.~~

~~"Special needs child day program" means a program exclusively serving children with disabilities special needs.~~

~~"Specialty camps" means those centers which have an educational or recreational focus on one subject such as dance, drama, music, or sports.~~

~~"Sponsor" means an individual, partnership, association, public agency, corporation or other legal entity in whom the ultimate authority and legal responsibility is vested for the administration and operation of a center subject to licensure.~~

~~"Staff" means administrative, activity, and service personnel including the licensee when the licensee is an individual who works in the center, and any persons counted in the staff-to-children ratios or any persons working with a child without sight and sound supervision of a staff member.~~

~~"Staff positions" are defined as follows:~~

~~1. "Aide" means the individual designated to be responsible for helping the program leader/~~child care supervisor~~ in supervising children and in implementing the activities and services for children. Aides may also be referred to as assistant teachers or child care assistants.~~

~~2. "Program leader" or "~~child care supervisor~~" means the individual designated to be responsible for the direct supervision of children and for implementation of the activities and services for a group of children. Program leaders may also be referred to as child care supervisors or teachers.~~

3. "Program director" means the primary, on-site director or coordinator designated to be responsible for developing and implementing the activities and services offered to children, including the supervision, orientation, training, and scheduling of staff who work directly with children, whether or not ~~the program director~~ personally ~~performs~~ performing these functions.

~~EXCEPTION: The administrator may perform staff orientation or training or program development functions if the administrator meets the qualifications of 22 VAC 15-30-230 and a written delegation of responsibility specifies the duties of the program director.~~

4. "Administrator" means a manager or coordinator designated to be in charge of the total operation and management of one or more centers. The administrator may be responsible for supervising the program director or, if appropriately qualified, may concurrently serve as the program director. *The administrator may perform staff orientation or training or program development functions if the administrator meets the qualifications of 22 VAC 15-30-230 and a written delegation of responsibility specifies the duties of the program director.*

"Therapeutic child day program" means a specialized program, including but not limited to therapeutic recreation programs, exclusively serving children with ~~disabilities~~ special needs when an individual service, education or treatment plan is developed and implemented with the goal of improving the functional abilities of the children in care.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other bloodborne pathogens.

"Volunteer" means a person who works at the center and:

1. Is not paid;
2. Is not counted in the staff-to-children ratios; and
3. Is in sight and sound supervision of a staff member when working with a child.

"Any unpaid person not meeting this definition shall be considered staff" *and shall meet staff requirements.*

22 VAC 15-30-30. Purpose and applicability.

A. The purpose of these ~~minimum~~ standards is to protect children under the age of 13 who are separated from their parents during a part of the day by:

1. Ensuring that the activities, services, and facilities of centers are conducive to the well-being of children; and
2. Reducing risks in the environment.

B. The ~~minimum~~ standards in this chapter apply to child day centers as defined in 22 VAC 15-30-10 serving children under the age of 13.

PART II.
ADMINISTRATION.

22 VAC 15-30-50. Operational responsibilities.

A. Applications for licensure shall conform with Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2 of the Code of Virginia.

~~B. Pursuant to §§ 63.2-1702, 63.2-1719, 63.2-1721 and 63.2-1722 of the Code of Virginia, the sponsor, who may be represented by the individual proprietor, partners, officers, and managers delegated authority to act for the sponsor, shall be of good character and reputation and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults. 63.2-1719 and 63.2-1721, the applicant and any agent at the time of application who is or will be involved in the day-to-day operations of the center or who is or will be alone with, in control of, or supervising one or more of the children, shall be of good character and reputation and shall not be guilty of an offense. Offenses are barrier crimes, conviction of any other felony not included in the definition of barrier crime unless five years have elapsed since conviction, and a founded complaint of child abuse or neglect.~~

C. *The applicant for licensure shall satisfactorily complete department-sponsored training established for potential licensees up to a possible 10 hours of training before receiving an initial license unless:*

1. *The department does not offer the training;*
2. *The applicant for licensure has previously owned or managed a licensed center in strong compliance with the center standards as determined by the department; or*
3. *The commissioner or his agents decide to issue a license conditional upon the applicant's completion of the required training.*

~~C. D.~~ The sponsor shall afford the commissioner or his agents the right at all reasonable times to inspect facilities and to interview his agents, employees, and any child or other person within his custody or control, provided that no private interviews may be conducted with any child without prior notice to the parent of such child.

~~D. E.~~ The license shall be posted in a place conspicuous to the public (§ 63.2-1701 of the Code of Virginia).

~~E. F.~~ The operational responsibilities of the licensee shall include, but not be limited to, ensuring that the center's activities, services, and facilities are maintained in compliance with these ~~minimum~~ standards, *the center's own policies and procedures that are required by these standards*, and the terms of the current license issued by the department.

~~F. G.~~ Every center shall ensure that any advertising is not misleading or deceptive as required by § 63.2-1713 of the Code of Virginia.

H. The center shall meet the proof of child identity and age requirements as stated in § 63.2-1809 of the Code of Virginia.

~~G. I.~~ The sponsor shall maintain public liability insurance for bodily injury for each center site with a minimum limit of at

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least \$500,000 each occurrence and with a minimum limit of \$500,000 aggregate. A public sponsor may have equivalent self-insurance which is in compliance with the Code of Virginia. Evidence of insurance coverage shall be made available to the department's representative upon request.

~~H.~~ J. The center shall develop written procedures for injury prevention. These procedures shall be *updated at least annually* based on documentation of injuries and a review of the activities and services.

~~I.~~ K. The center shall develop written playground safety procedures which shall include:

1. Provision for active supervision by staff *to include positioning of staff in strategic locations, scanning play activities, and circulating among children;* and
2. Method of maintaining resilient surface.

~~J.~~ L. Hospital operated centers may temporarily exceed their licensed capacity during a natural disaster or other catastrophe or emergency situation. Such centers shall develop a written plan for emergency operations, for submission to and approval by the Department of Social Services.

~~K.~~ M. When children 13 years or older are enrolled in the program and receive supervision in the licensed program, they shall be counted in the number of children receiving care and the center shall comply with the standards for these children.

22 VAC 15-30-70. General recordkeeping; reports.

A. Staff and children's records shall be treated confidentially. EXCEPTION: Children's records shall be made available to the ~~custodial parent~~ *parents* on request, *unless otherwise ordered by the court.*

B. Records and reports on children and staff required by this chapter shall be maintained and made accessible for two years after termination of services or separation from employment unless specified otherwise. Records may be kept at a central location except as stated otherwise in these standards.

22 VAC 15-30-80. Children's records.

Each center shall maintain and keep at the center a separate record for each child enrolled which shall contain the following information:

1. Name, nickname (if any), sex, and birth date of the child;
2. Name, home address, and home phone number of each parent who has custody;
3. When applicable, work phone number and place of employment of each parent who has custody;
4. Name and phone number of child's physician;
5. Name, address, and phone number of two designated people to call in an emergency if a parent cannot be reached;
6. Names of persons authorized to pick up the child. Appropriate legal paperwork shall be on file when the

custodial parent requests the center not to release the child to the other parent;

7. Allergies and intolerance to food, medication, or any other substances, and actions to take in an emergency situation;

8. Chronic physical problems and pertinent developmental information and any special accommodations needed;

9. Health information as required by 22 VAC 15-30-150 through 22 VAC 15-30-170;

Exception: When a center is located on the same premises where a child attends school and the child's record has a statement verifying the school's possession of the health record, the center is not required to maintain duplicates of the school's health record for that child provided the school's records are accessible during the center's hours of operation.

10. Written agreements between the parent and the center as required by 22 VAC 15-30-110 ~~A and B;~~

~~11.~~ *Documentation of semiannual child updates, staff request for parent feedback, and confirmation of up-to-date information in the child's record as required by 22 VAC 15-30-490 E 3;*

~~12.~~ 12. Any blanket permission slips and opt out requests;

~~13.~~ *Previous child day care and schools attended by the child;*

~~14.~~ 14. Name of any additional programs or schools that the child is concurrently attending and the grade or class level; ~~and~~

~~15.~~ *Documentation of viewing proof of the child's identity and age; and*

~~16.~~ 16. First and last dates of attendance.

22 VAC 15-30-90. Staff records.

The following staff records shall be kept for each staff person:

1. Name, address, verification of age requirement, job title, and date of employment or volunteering; and name, address and telephone number of a person to be notified in an emergency which shall be kept at the center.

2. For staff hired after March 1, 1996, documentation that two or more references as to character and reputation as well as competency were checked before employment or volunteering. If a reference check is taken over the phone, documentation shall include dates of contact, names of persons contacted, the firms contacted, results, and signature of person making call.

~~3. A criminal record check~~ *Background checks* as required by the Regulation for Criminal Record entitled *Background Checks for Child Welfare Agencies - Licensed Child Day Centers (22 VAC 15-55-10 et seq, 22 VAC 15-51).*

4. Written information to demonstrate that the individual possesses the education, orientation training, staff development, certification, and experience required by the job position.

5. First aid, *cardiopulmonary resuscitation* and other ~~certification~~ *certifications* as required by the responsibilities held by the staff member.

6. Health information as required by 22 VAC 15-30-180 and 22 VAC 15-30-190.

7. Information, to be kept at the center, about any health problems which may interfere with fulfilling the job responsibilities.

8. Date of separation from employment.

Exception: Centers may allow independent contractors to keep records on its employees or students when the center has a signed written statement that the contractor agrees to maintain the required files and will make them available to a department representative upon request.

22 VAC 15-30-110. Parental agreements.

A. A written agreement between the parent and the center shall be in each child's record by the first day of the child's attendance. The agreement shall be signed by the parent and include:

1. An authorization for emergency medical care should an emergency occur when the parent cannot be located immediately unless the parent states *in writing* an objection to the provision of such care on religious or other grounds; ~~and~~

2. A statement that the center will notify the parent when the child becomes ill and that the parent will arrange to have the child picked up as soon as possible if so requested by the center; *and*

3. *A statement that the parent will inform the center within 24 hours or the next business day after his child or any member of the immediate household has developed any reportable communicable disease, as defined by the State Board of Health, except for life threatening diseases which must be reported within 24 hours.*

~~B. If a parent wishes a school age child to leave the center unaccompanied, written permission from the parent authorizing the child to leave the center shall be secured and the center shall maintain a record of the child leaving unaccompanied.~~

22 VAC 15-30-150. Immunizations for children.

A. The center shall obtain documentation that each child has received the immunizations required by the State Board of Health before the child can attend the center.

Exemptions (subsection C of § 22.1-271.2 of the Code of Virginia and 12 VAC 5110-110 of the Regulations for the Immunizations of School Children): Documentation of immunizations is not required for any child whose (i) parent submits an affidavit to the center, on the form entitled "Certification of Religious Exemption," stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices, or (ii) physician or a local health department states on a MCH 213B or MCH 213C, or other Department of Health-approved form that one or more

of the required immunizations may be detrimental to the child's health.

~~B. Updated information on The center shall obtain documentation of additional immunizations shall be obtained once every six months for children under the age of two years.~~

~~C. Updated information on The center shall obtain documentation of additional immunizations shall be obtained once between each child's fourth and sixth birthdays.~~

22 VAC 15-30-160. Physical examinations for children.

Each child shall have a physical examination by or under the direction of a physician before the child's attendance or within one month after attendance. ~~The schedules for examinations prior to attendance for children are listed~~ *If the child has had a physical examination prior to attendance, it shall be within the time period prescribed below:*

1. Within two months prior to attendance for children six months of age and younger;

2. Within three months prior to attendance for children aged seven months through 18 months;

3. Within six months prior to attendance for children aged 19 months through 24 months; and

4. Within 12 months prior to attendance for children two years of age through five years of age.

EXCEPTIONS:

1. Children transferring from a facility licensed by the Virginia Department of Social Services, certified by a local department of public welfare or social services, registered as a small family day home by the Virginia Department of Social Services or by a contract agency of the Virginia Department of Social Services, or approved by a licensed family day system:

a. If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examination is required.

b. If the initial report or a copy of the initial report is not available, a report of physical examination and immunization is required in accordance with 22 VAC 15-30-150 and this section.

2. Pursuant to subsection D of § 22.1-270 of the Code of Virginia, physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.

22 VAC 15-30-180. Tuberculosis screening for staff and independent contractors.

A. Each staff member and *individual from an independent contractor shall obtain a screening for tuberculosis and submit documentation of a negative Purified Protein Derivative (PPD) tuberculosis screening conducted within the last two years.*

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Documentation of the screening shall be submitted no later than 21 days after employment or volunteering and shall have been completed within 12 months prior to or 21 days after employment or volunteering.

~~Exceptions: For staff who have a contraindication to a Purified Protein Derivative screening, as in the case of those who have received a TB vaccination, documentation of the contraindication and a determination of noncommunicable tuberculosis status from a physician, his designee, or an official of a local health department shall be obtained and submitted every two years to the center. Staff who test positive to the Purified Protein Derivative screening shall meet the requirements of subsection D of this section.~~

B. Acceptable forms of documentation of or tuberculosis screenings shall include screening are:

1. ~~Negative results of the Purified Protein Derivative screening~~ A clearance statement signed by a physician, the physician's designee or an official of the local health department. This statement shall include language that the individual does not have any current symptoms of active tuberculosis, does not have either a risk factor for acquiring tuberculosis infection or a risk factor for progression to active tuberculosis disease as defined by the local health department, or has been treated for these conditions in the past, and is currently free of tuberculosis in a communicable form. Individuals who have either a risk factor for progression to active tuberculosis disease as defined by the Virginia Department of Health shall submit documentation as stated in subdivision 2 or 3 of this subsection;

2. ~~The signature of the physician, the physician's designee, or an official of the local health department; and~~ The results of a negative tuberculin skin test (TST). The documentation shall include the date the test was given and results of the test and be signed by a physician, physician's designee or an official of the local health department.

3. ~~The date the screening was evaluated~~ The results of a chest xray negative for active tuberculosis disease. The documentation shall include the date of the test and location where the examination was performed.

C. ~~Each staff member shall obtain and submit a negative Purified Protein Derivative screening in accordance with subsections A and B of this section~~ At least every two years from the date of the first initial screening or testing, or more frequently as if recommended by a licensed physician or the local health department, staff members and individuals from independent contractors shall obtain and submit the results of a follow-up tuberculosis screening as stated in subsection B of this section.

D. Any staff member or individual from an independent contractor who comes in contact with a known case of tuberculosis, who develops progressive respiratory symptoms or who tests positive to the tuberculosis screening shall, regardless of the date of the last screening, obtain and submit within one month of such incident, a determination of noncontagious by a physician or a local health department official. Until such determination is made, that staff member shall not have direct contact with children or food served to the children develops symptoms compatible with active

tuberculosis disease, regardless of the date of the last tuberculosis screening or assessment, shall obtain and submit within 14 days a determination of noncontagiousness by a physician or local health department. Until such determination is made, that staff member may not be permitted to work at the center. Any staff member or individual from an independent contractor who comes in contact with a known active case of tuberculosis or who tests positive on a tuberculin skin test, regardless of the date of the last tuberculosis screening or assessment, shall submit within 30 days a statement indicating that all needed follow-up for the incident has been completed and that the individual is free of tuberculosis in a communicable form. This statement shall be signed by a physician, physician's designee or an official of the local health department.

22 VAC 15-30-200. General qualifications.

A. ~~No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults be guilty of an offense, as defined in § 63.2-1719 of the Code of Virginia.~~

B. Staff shall be:

1. Of good character and reputation;
2. Capable of carrying out assigned responsibilities;
3. Capable of accepting training and supervision; and
4. Capable of communicating effectively both orally and in writing as applicable to the job responsibility.

C. Staff who work directly with children shall be capable of communicating with emergency personnel and understanding following instructions on a prescription bottle.

D. ~~Staff who drive a vehicle transporting children shall disclose any traffic violation that occurred prior to or during employment or assignment as a driver.~~

~~D. E.~~ For therapeutic child day programs and special needs child day programs, staff who work with children shall have knowledge of the groups being served and skills specific to the disabilities special needs of the children in care including, but not limited to, functional abilities, accommodations, assessment techniques, behavior management, and medical and health concerns.

22 VAC 15-30-230. Program director qualifications.

A. Program directors shall be at least 21 years of age and shall ~~have~~ meet one of the following:

1. A graduate degree in a child related field such as, but not limited to, elementary education, nursing, or recreation from ~~an accredited~~ a college or university and six months of programmatic experience in the group care of children;
2. An endorsement or bachelor's degree in a child related field such as, but not limited to, elementary education, nursing, or recreation from ~~an accredited~~ a college or university and one year of programmatic experience in the group care of children;
3. Forty-eight semester hours or 72 quarter hours of college credit in a child related field from ~~an accredited~~ a college or

university of which 12 semester hours or 18 quarter hours are in child-related subjects and one year of programmatic experience in the group care of children;

4. Two years of programmatic experience in the group care of children with one year in a staff supervisory capacity and at least one of the following educational education backgrounds:

a. A one-year early childhood certificate from an accredited a college or university that consists of at least 30 semester hours;

b. A child development credential by an organization approved by the department that requires;

(1) High school program completion or the equivalent;

(2) 480 hours of a supervised practicum working with children in a group; and

(3) At least 120 clock hours of child-related training taught by an individual with a combination of at least six years of either education leading to a degree or credential in a child-related field or programmatic experience as long as the person has at least 12 semester hours in a child-related field, a child development associate credential or equivalent, and two years of programmatic experience with one year in a staff supervisory capacity; or

c. A certification of qualification from an internationally or nationally recognized Montessori organization; or

5. Three years of programmatic experience in the group care of children with including one year in a staff supervisory capacity and fulfilled a high school diploma program completion or G.E.D. or verification of completion of a home school program approved by the state the equivalent. Such programmatic experience shall be obtained in a regulated child day center that offers a staff training program that includes : written goals and objectives; assessment of the employees participation in the training; and the subject areas of first aid, human growth and development birth to age 12 years, health and safety issues and behavioral management of children. Such training shall be completed by the employee and documented by the center. Such employees shall complete 120 hours of training during this three-year period and provide documentation of completing the training. Three years after [the effective date of this regulation], program directors shall meet a qualification as stated in subdivision 1 through 4 of this subsection.

Exception: Program directors hired before [the effective date of this regulation] who do not meet the qualifications may continue to be program directors as long as the program director: (i) obtains each year six semester hours or nine quarter hours of college credit related to children until meeting a qualification option or (ii) is enrolled in and regularly works toward a child development credential as specified in 4 b of this subsection, which credential must be awarded within two years of [the effective date of the regulation].

B. Program directors without management experience shall have one college course in a business-related field or 10 clock

hours of management training. Such management training shall increase according to the following:

One year after [the effective date of the regulation]	20 hours
Two years after [the effective date of the regulation]	30 hours
Three years after [the effective date of the regulation]	40 hours

B. C. For program directors of therapeutic child day programs and special needs child day programs, education and programmatic experience shall be in the group care of children with disabilities special needs.

C. D. Notwithstanding subsection A of this section, a person between 19 and 21 years of age may serve as a program director at a short-term program serving only school age children if the program director has daily supervisory contact by a person at least 21 years of age who meets one of the program director qualification options.

22 VAC 15-30-250. Program directors and back-up for program directors.

The center shall have a qualified program director or a qualified back-up program director who meets one of the director qualifications who shall regularly be on site at least 50% of the center's hours of operation, provided that if the program employs. For centers offering multiple shifts a qualified program director or qualified back-up director shall regularly be on site at least 50% of the day shift and at least two hours during the evening shift and two hours during the night shift. For centers employing one or more program leaders or child care supervisors who are qualified under subsection C of 22 VAC 15-30-260 but not under subsection A of that section, the qualified program director or qualified back-up program director shall be on site at least 75% of the center's hours of operation.

22 VAC 15-30-260. Program leader and child care supervisor qualifications.

A. Program leaders and child care supervisors shall be at least 18 years of age, fulfilled a high school program completion or the equivalent, and shall meet one of the program director qualifications in 22 VAC 15-30-230 or have following:

1. One of the program director qualifications in 22 VAC 15-30-230;

2. Have an endorsement or bachelor's degree in a child-related field such as, but not limited to, elementary education, nursing, or recreation, from a college or university;

4. 3. Have three months of programmatic experience in the group care of children and at least one of the following educational education backgrounds:

a. A one year early childhood certificate from an accredited a college or university that consists of at least 30 semester hours;

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b. A child development credential by an organization approved by the department listed in § 63.2-1738 of the Code of Virginia;

c. A teaching diploma from an internationally or nationally recognized Montessori organization; or

~~2. 4. A high school diploma or G.E.D. or verification of completion of a home school program approved by the state, and Have six months of supervised programmatic experience in the group care of children. Within six months before being promoted or beginning work or one month after being promoted or beginning work, a minimum of 12 hours of training shall be received related to the care of children, including but not limited to:~~

a. Child development,

b. Playground safety, and

c. Health and safety issues, including and

d. Preventing and reporting child abuse and neglect ~~shall be received.~~

Such training may take place on site while not supervising children. Such training hours shall increase according to the following:

Program leaders hired or promoted [one year after the effective date of the regulations]	16 hours
Program leaders hired or promoted [two years after the effective date of the regulations]	20 hours
Program leaders hired or promoted [three years after the effective date of the regulations]	24 hours

B. For program leaders and child care supervisors of therapeutic child day programs and special needs child day programs, at least three months of programmatic experience shall be in the group care of children with disabilities special needs.

C. Notwithstanding the experience requirements in subsection A of this section, program leaders at short-term programs may have only one season of programmatic or general experience in the group care of children, provided that this experience shall include at least 250 hours, of which up to 24 hours can be formal training, working directly with children in a group.

22 VAC 15-30-290. Independent contractors; volunteers.

A. Individuals from independent contractors shall not be counted in the staff-to-children ratios unless they meet the qualifications for the applicable position.

B. Individuals from independent contractors who do not meet staff qualifications shall, when in the presence of children, be within sight and sound supervision of a staff member.

C. Volunteers who work with children shall be at least 13 years of age.

22 VAC 15-30-310. Staff orientation training and development.

A. Staff shall receive the following training by the end of their first day of assuming job responsibilities:

1. Job responsibilities and to whom they report;

2. The policies and procedures listed in subsection B of this section and 22 VAC 15-30-490 A that relate to the staff member's responsibilities;

3. The center's playground safety procedures unless the staff member will have no responsibility for playground activities or equipment;

4. Recognizing child abuse and neglect and the law requirements for reporting suspected child abuse as required by § 63.2-1509 of the Code of Virginia;

4. 5. Confidential treatment of personal information about children in care and their families; and

~~5. 6. The minimum standards in this chapter which that~~ relate to the staff member's responsibilities.

B. By the end of the first day of supervising children, staff shall be provided in writing with the information listed in 22 VAC 15-30-490 A and the following:

1. Procedures for supervising a child who may arrive after scheduled classes or activities including field trips have begun;

2. Procedures to confirm absence of a child when the child is scheduled to arrive from another program or from an agency responsible for transporting the child to the center;

3. Procedures for identifying where attending children are at all times, including procedures to ensure that all children are accounted for before leaving a field trip site and upon return to the center;

4. Procedures for action in case of lost or missing children, ill or injured children, medical emergencies and general emergencies;

5. Policy for any administration of medication; and

6. Procedures for response to natural and man-made disasters.

C. ~~In addition to first aid and orientation training required elsewhere in this chapter,~~ Program directors and staff who work directly with children shall annually attend eight 10 hours of staff development activities that shall be related to child safety and development and the function of the center. Such training hours shall increase according to the following:

One year [after the effective date of the regulation]	12 hours
Two years [after the effective date of the regulation]	14 hours
Three years [after the effective date of the regulation]	16 hours

Staff development activities to meet this subsection may not include training in first aid, cardiopulmonary resuscitation, rescue breathing and first responder as required by 22 VAC 15-30-590 and training in medication administration and daily health observation of children as required by subsection D of this section. Exception: Staff who drive a vehicle transporting children and do not work with a group of children at the center do not need to meet the annual training requirement.

D. There always shall be at least one staff member on duty who has obtained within the last 12 months instruction in medication administration and performing the daily health observation of children. This instruction shall be obtained from a physician, ~~registered nurse R.N., L.P.N.,~~ or health department medical personnel ~~at three-year intervals~~ and, for medication administration training it may be obtained from a pharmacist. Staff with ~~this~~ daily health observation training shall observe daily each child for signs and symptoms of illness. Medication administration training shall include but not be limited to the procedural aspects of medication administration, the safe handling and storage of medications, and documentation.

E. Before assuming job responsibilities, staff who work with children in therapeutic child day programs and special needs child day programs shall receive training in:

1. Universal precautions procedures;
2. Activity adaptations;
3. Medication administration;
4. Disabilities precautions and health issues; and
5. Appropriate intervention strategies.

F. For therapeutic child day programs and special needs child day programs, staff who work directly with children shall annually attend 24 hours of staff development activities. At least eight hours of this training shall be on topics related to the care of children with ~~disabilities~~ special needs.

PART IV.
PHYSICAL PLANT.

22 VAC 15-30-320. Approval from other agencies; requirements prior to initial licensure.

A. Before issuance of the first license and before use of newly constructed, renovated, remodeled, or altered buildings or sections of buildings, written documentation of the following shall be provided by the ~~applicant or licensee~~ center to the licensing representative:

1. Approval ~~from~~ by the appropriate authority having jurisdiction that ~~the buildings meet~~ each building meets building and fire codes or that a plan of correction has been approved; and

Exception: Any building which is currently approved for school occupancy and which houses a public or private school during the school year shall be considered to have met the requirements of subdivision 1 of this subsection when housing a center only serving children two and a half years of age or older.

2. Approval from the local health department, or approval of a plan of correction, for meeting requirements for:

- a. Water supply;
- b. Sewage disposal system; and
- c. Food service, if applicable.

B. For buildings built before 1978, the following shall be submitted before the initial license is issued:

1. A written statement from a person licensed in Virginia as an asbestos inspector and management planner ~~shall be submitted before the first license is issued. The statement shall comply with as required by~~ § 63.2-1811 of the Code of Virginia and the requirements of the Asbestos Hazard Emergency Response Act (15 USC § 2641 et seq.); and

2. A written statement that the response actions to abate any risk to human health have been or will be initiated in accordance with a specific schedule and plan as recommended by the asbestos management planner in accordance with § 63.2-1811 of the Code of Virginia.

C. ~~The administrator shall post~~ A notice regarding the presence and location of asbestos containing materials and advising that the asbestos inspection report and management plan are available for review *shall be posted*.

Exception: The provisions of subsections B and C of this section do not apply to centers located in buildings required to be inspected according to Article 5 (§ 2.2-1162 et seq.) of Chapter 11 of Title 2.2 of the Code of Virginia.

D. Before the first license is issued, camps shall notify the ~~closest responsible~~ fire department and the ~~closest rescue squad or similar emergency service organization~~ responsible emergency medical service of the camp location and hours of operation.

22 VAC 15-30-330. Approval from other agencies; requirements subsequent to initial licensure.

A. ~~The center shall provide to the licensing representative an annual fire inspection report shall be provided to the licensing representative~~ from the appropriate fire official having jurisdiction.

Exception: If a center is located in a building currently housing a public or private school, the school's annual fire inspection report shall be accepted ~~instead of the requirements of this subsection~~.

B. After the first license, annual approval from the health department shall be provided, or approvals of a plan of correction, for meeting requirements for:

1. Water supply;
2. Sewage disposal system; and
3. Food service, if applicable.

C. For those buildings where asbestos containing materials are detected and not removed, ~~the administrator shall:~~

1. ~~Submit to the department~~ A signed, written statement that the center is following the recommendations of the

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management plan shall be submitted to the department before subsequent licenses are issued; and

2. ~~Post-a~~ The notice regarding the presence and location of asbestos containing materials and advising that the asbestos inspection report and management plan are available for review shall continue to be posted.

Exception: The provisions of this subsection do not apply to child day centers located in buildings required to be inspected according to Article 5 (§ 2.2-1162 et seq.) of Chapter 11 of Title 2.2 of the Code of Virginia.

22 VAC 15-30-340. Building maintenance.

A. Areas and equipment of the center, inside and outside, shall be maintained in a clean, safe and operable condition. *Unsafe conditions shall include, but not be limited to, splintered, cracked or otherwise deteriorating wood; chipped or peeling paint; visible cracks, bending or warping, rusting or breakage of any equipment; head entrapment hazards; and protruding nails, bolts or other components that could entangle clothing or snag skin.*

B. Heat shall be supplied from an ~~officially approved~~ heating system approved in accordance with the Uniform Statewide Building Code (USBC, 13 VAC 5-62) except for camps. The heating system shall:

1. Be installed to prevent accessibility of children to the system; and
2. Have appropriate barriers to prevent children from being burned, shocked, or injured from heating equipment. In addition, proper supervision shall be available to prevent injury.

Exception: In case of emergency, portable heaters may be used in accordance with the manufacturer's instructions.

C. In inside areas occupied by children, the temperature shall be maintained no lower than 68°F.

D. Fans or other cooling systems shall be used when the temperature of inside areas occupied by children exceeds 80°F.

E. Drinking fountains or individual disposable cups with safe drinking water shall be accessible at all times.

F. Equipment shall include, but not be limited to, the following:

1. Outside lighting provided at entrances and exits used by children before sunrise or after sundown; and
2. An in-service, nonpay telephone.

22 VAC 15-30-350. Hazardous substances and other harmful agents.

A. No center shall be located where conditions exist that would be hazardous to the health and safety of children.

B. Hazardous substances such as cleaning materials, insecticides, and pesticides shall be kept in a locked place using a safe locking method that prevents access by children. If a key is used, the key shall not be accessible to the children.

Exception: *Cleaning supplies to clean and sanitize the diapering area or toilet chairs do not need to be kept locked during diapering or toilet training time as long as they are inaccessible to children.*

C. Pesticides or insecticides shall not be stored in areas used by children or in areas used for food preparation or storage.

D. Cleaning and sanitizing materials shall not be located above food, food equipment, utensils or single-service articles and shall be stored in areas physically separate from food.

E. Cleaning materials (e.g., detergents, sanitizers and polishes) and insecticides/pesticides shall be stored in areas physically separate from each other.

F. Hazardous substances shall be stored in the original container unless this container is of such a large size that its use would be impractical.

G. If hazardous substances are not kept in original containers, the substitute containers shall clearly indicate their contents and shall not resemble food or beverage containers.

H. Cosmetics, medications, or other harmful agents shall not be stored in areas, purses or pockets that are accessible to children.

I. Hazardous art and craft materials shall not be used with children.

J. Smoking shall be prohibited in the interior of a center that is not used for residential purposes. In residential areas of the center and outside the center, smoking shall be prohibited in the presence of children.

22 VAC 15-30-360. General physical plant requirements for centers serving children of preschool age or younger.

In areas used by children of preschool age or younger, the following shall apply:

1. ~~Steps with three or more risers and a total height of more than 20 inches shall have a guardrail or barrier and a handrail having a minimum and maximum height of 30 inches and 38 inches respectively. The distance between any posts shall be no greater than 3 inches. Guardrails and handrails shall be provided in accordance with the USBC (13 VAC 5-62) in effect at time of first occupancy or construction.~~
2. Fans, when used, shall be out of reach of children and cords shall be secured so as not to create a tripping hazard.
3. Electrical outlets shall have protective covers that are of a size that cannot be swallowed by children.

22 VAC 15-30-370. General physical plant requirements for centers serving school age children.

A. Any building which is currently approved for school occupancy and which houses a school during the school year shall be considered to have met the building requirements in this regulation when housing a center only serving school age children.

B. Portable camping equipment for heating or cooking that is not required to be approved by the building official shall bear

the label of a *nationally* recognized inspection agency *and be used in accordance with the manufacturer's specifications*, except for charcoal and wood burning cooking equipment.

C. No cooking or heating shall occur in tents *except as provided by the USBC (13 VAC 5-62)*.

22 VAC 15-30-380. Areas.

A. There shall be 25 square feet of indoor space available per child. *Two years after [the effective date of the regulation], there shall be 30 square feet of indoor space per child. Five years after [the effective date of the regulation], there shall be 35 square feet of indoor space per child.*

1. Areas not routinely used for children's activities shall not be calculated as available space. Space not calculated shall include, but not be limited to, offices, hallways, restrooms, kitchens, storage rooms or closets.

2. Space in areas used by infants shall be calculated separately from space for older children. There shall be a minimum of 25 square feet of space per infant excluding space occupied by cribs and changing tables or a minimum of 35 square feet of available space per infant including space occupied by cribs and changing tables.

3. Camps for school age children are not required to meet this space requirement. However, when weather prevents outdoor activities, ~~25 square feet of the required~~ indoor space per child shall be provided either at the program site or at a predesignated, approved location off site.

B. When children are on the outdoor play area, at least 75 square feet of space per child shall be provided at any one time.

C. Centers licensed for the care of infants and toddlers shall provide a separate playground area for these children ~~which~~ *that* has at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This space may be counted as part of the 75 square feet required in subsection B of this section.

D. A separate space shall be designated for children who are ill or injured.

22 VAC 15-30-390. Restroom areas and furnishings.

A. Centers shall be provided with at least two toilets and two sinks.

B. Each restroom area provided for children shall:

1. Be within a contained area, readily available and within the building used by the children (Exception: Restrooms used by school age children at camps are not required to be located within the building);

2. Have toilets that are flushable;

3. Have sinks *located* near the toilets and that are supplied with running *warm* water ~~which~~ *that* does not exceed 120°F (*exception: camps are exempt from the requirement that running water be warm*); and

4. Be equipped with soap, toilet paper, and disposable towels or an air dryer within reach of children.

C. For restrooms available to males, urinals shall not be substituted for more than one-half the required number of toilets.

D. An adult size toilet with privacy shall be provided for staff use. Staff toilets may be counted in the number of required toilets for children only if children are allowed unrestricted access to them.

Exception: Primitive camps are not required to have a toilet with privacy for staff.

E. Centers shall be provided with at least one toilet and one sink per 20 preschool children and at least one standard size toilet and one sink per 30 school age children. When sharing restroom areas with other programs, the children in those programs shall be included in the toilet and sink ratio calculations. The toilet and sink ratio appropriate to the younger age group shall apply.

F. When child size toilets, urinals, and low sinks are not available in restrooms used by children of preschool age and younger, one or more platforms or sets of steps shall be provided.

G. School age children of the opposite sex shall not use the same restroom at the same time.

H. A restroom used for school age children that contains more than one toilet shall have at least one toilet enclosed.

I. Restrooms used by school age children at primitive camps are not required to have:

1. Sinks, if adequate water, supplies, and equipment for hand washing are available; and

2. Flushable toilets, if the number of sanitary privies or portable toilets constructed and operated in accordance with the applicable law and regulations of the Virginia Department of Health meets the toilet ratio stated in subsection E of this section. No privy or outdoor toilet shall be located within 75 feet of other buildings or camp activities.

22 VAC 15-30-410. Play areas.

A. Playgrounds shall be located and designed to protect children from hazards.

B. Where playground equipment is provided, resilient surfacing shall be under equipment with moving parts or climbing apparatus to create a fall zone free of hazardous obstacles. Fall zones are defined as the area underneath and surrounding equipment that requires a resilient surface. A fall zone shall encompass sufficient area to include the child's trajectory in the event of a fall while the equipment is in use.

C. Ground supports shall be covered with materials that protect children from injury.

D. Swing seats shall be constructed with flexible material. *Exceptions: Nonflexible* molded swing seats may be used only in a separate infant or toddler play area. *Swings made specifically for a child with a special need shall be permitted in any area as long as a staff member stays within arm's length of any hard molded swing when in use and is positioned to*

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see and protect other children who might walk into the path of the swing.

E. Sandboxes with bottoms which prevent drainage shall be covered when not in use.

F. A shady area shall be provided on playgrounds.

PART V. STAFFING AND SUPERVISION.

22 VAC 15-30-430. Supervision of children.

A. When staff are supervising children, they shall always ensure their care, protection, and guidance.

B. During the center's hours of operation, one adult on the premises shall be in charge of the administration of the center. This person shall be either the administrator or an adult appointed by the licensee or designated by the administrator.

C. During the stated hours of operation, there always shall be on the premises and on field trips when one or more children are present one staff member who meets the qualifications of a program leader, ~~child care supervisor~~, or program director and an immediately available staff member, volunteer or other employee who is at least 16 years of age, with direct means for communication between the two of them. The volunteer or other employee shall have received instruction in how to contact appropriate authorities if there is an emergency.

D. In each grouping of children at least one staff member who meets the qualifications of a program leader, ~~child care supervisor~~, or program director shall be regularly present. Such ~~staff member~~ program leader shall supervise no more than two aides.

Exception: A program leader is not required in each grouping of children during the first and last hour of operation when a center operates more than six hours per day and during the designated rest period if the following are met: (i) there is a staff member in the group who is over 18 years of age and has at least three months of programmatic experience at the center; (ii) there is an additional staff person on site who meets program leader qualifications, is not counted in the staff-to-children ratios and is immediately available to help if needed; and (iii) there is a direct means for communicating between these two staff members.

E. Children under 10 years of age always shall be within actual sight and sound supervision of staff, except that staff need only be able to hear a child who is using the restroom provided that:

1. There is a system to assure that individuals who are not staff members or persons allowed to pick up a child in care do not enter the restroom area while in use by children; and
2. Staff check on a child who has not returned from the restroom after five minutes. *Depending on the location and layout of the restroom, staff may need to provide intermittent sight supervision of the children in the restroom area during this five-minute period to assure the safety of children and to provide assistance to children as needed.*

F. Children 10 years of age and older shall be within actual sight and sound supervision of staff except when the following requirements are met:

1. Staff can hear or see the children (video equipment, intercom systems, or other technological device shall not substitute for staff being able to directly see or hear children);
2. Staff are nearby so they can provide immediate intervention if needed;
3. There is a system to ensure that staff know where the children are and what they are doing;
4. There is a system to ensure that individuals who are not staff members or persons allowed to pick up children in care do not enter the areas where children are not under sight supervision; and
5. Staff provide sight and sound supervision of the children at variable and unpredictable intervals not to exceed 15 minutes.

G. When the outdoor activity area is not adjacent to the center, there shall be at least two staff members on the outdoor activity area whenever one or more children are present.

H. Staff shall greet each child upon arrival at the center and oversee each child's departure from the center.

I. Staff may not allow a child to leave the center unsupervised.

22 VAC 15-30-440. Staff-to-children ratio requirements and group size requirements.

A. Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children.

B. A child volunteer 13 years of age or older not enrolled in the program shall not be counted as a child in the staff-to-children ratio requirements.

C. When children are regularly in ongoing mixed age groups, the staff-to-children ratio *and the group size requirement* applicable to the youngest child in the group shall apply to the entire group.

D. During the designated rest period *and the designated sleep period of evening and overnight care programs*, the ratio of staff to children may be double the number of children to each staff required by subdivisions E 2 through 4 and 6 of this section if:

1. A staff person is within sight and sound of the resting/sleeping children;
2. Staff counted in the overall rest period ratio are within the building and available to ensure safe evacuation in an emergency; and
3. An additional person is present at the center to help, if necessary.

E. The following ratios of staff to children are required wherever children are in care:

1. For children from birth to the age of 16 months: one staff member for every four children;
2. For children 16 months old to two years: one staff member for every five children;
3. For ~~two-year-old~~ children ~~from two years to four years~~: one staff member for every ~~10~~ ~~eight~~ children;
4. For children from ~~four~~ ~~three~~ years to the age of eligibility to attend public school, five years by September 30: one staff member for every ~~12~~ ~~10~~ children;
5. For school-age children, one staff member for every ~~20~~ ~~18~~ children; and
6. Notwithstanding subdivisions ~~3 through 4~~ and 5 of this subsection and subsection C of this section, the ratio for balanced mixed-age groupings of children ages three through six years of age shall be one staff member for every ~~15~~ ~~14~~ children, provided:

- a. If the program leader ~~or child care supervisor~~ has an extended absence, there shall be sufficient substitute staff to meet a ratio of one staff member for every 12 children.
- b. The center shall have readily accessible and in close classroom proximity auxiliary persons sufficient to maintain a 1:10 adult-to-child ratio for all three-year-olds who are included in balanced mixed-age groups to be available in the event of emergencies.
- c. The program leader ~~or child care supervisor~~ has received training in classroom management of balanced mixed-age groupings of at least eight hours.

F. With a parent's written permission and a written assessment by the program director and ~~child care supervisor~~ ~~or~~ program leader, a center may choose to assign a child to a different age group if such age group is more appropriate for the child's developmental level and the staff-to-children ratio shall be for the established age group. If such developmental placement is made for a child with a ~~disability~~ ~~special need~~, a written assessment by a recognized agency or professional shall be required at least annually. *These assignments are intended to be a permanent new group and staff members for the child. A center may not temporarily reassign a child from his regular group and staff members for reasons of administrative convenience or otherwise casually or repeatedly disrupt a child's schedule and attachment to his staff members and group.*

G. For therapeutic child day programs, in each grouping of children of preschool age or younger, the following ratios of staff to children are required according to the ~~disabilities~~ ~~special needs~~ of the children in care:

1. For children with severe and profound disabilities, multiple ~~disabilities~~ ~~special needs~~, *serious medical need*, or serious emotional disturbance: one staff member to three children.
2. For children diagnosed as trainable mentally retarded (TMR), or with physical and sensory disabilities, or with autism: one staff member to four children.

3. For children diagnosed as educable mentally retarded (EMR) or developmentally delayed or diagnosed with attention deficit/hyperactivity disorder (AD/HD): one staff member to five children.

4. For children diagnosed with specific learning disabilities: one staff member to six children.

5. When children with varied ~~disabilities~~ ~~special needs~~ are regularly in ongoing groups, the staff-to-children ratio applicable to the child with the most significant ~~disability~~ ~~special need~~ in the group shall apply to the entire group.

Note: Whenever 22 VAC 15-30-440 E requires more staff than 22 VAC 15-30-440 G because of the children's ages, 22 VAC 15-30-440 E shall take precedence over 22 VAC 15-30-440 G.

H. For therapeutic child day programs, in each grouping of school age children, the following ratios of staff to children are required according to the ~~disabilities~~ ~~special needs~~ of the children in care:

1. For children with severe and profound disabilities, autism, multiple ~~disabilities~~ ~~special needs~~, *serious medical need*, or serious emotional disturbance: one staff member to four children.

2. For children diagnosed as trainable mentally retarded (TMR), or with physical and sensory disabilities; attention deficit/hyperactivity disorder (AD/HD), or other health impairments: one staff member to five children.

3. For children diagnosed as educable mentally retarded (EMR), or developmentally delayed: one staff member to six children.

4. For children diagnosed with specific learning disabilities, or speech or language impairments: one staff member to eight children.

5. When children with varied ~~disabilities~~ ~~special needs~~ are regularly in ongoing groups, the staff-to-children ratio applicable to the child with the most significant ~~disability~~ ~~special need~~ in the group shall apply to the entire group.

I. Two years after [the effective date of the regulation], the maximum number of children present for ongoing groups of children shall be:

1. 12 for children from birth to the age of 16 months;

2. 15 for children 16 months old to two years;

3. 16 for two-year-old children;

4. 20 for three-year-old children to the age of eligibility to attend public school, five years by September 30; and

5. 27 for balanced mixed-age groupings.

J. Each school-age child shall be assigned to a staff member or team of staff members in which each staff member is assigned no more than 18 children or each team of staff members are assigned no more than 36 children. Each staff shall assume the role, responsibility and identity of primary guide and caregiver for his assigned children. Centers shall establish a means to promote timely and appropriate

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communication between primary caregivers and staff members who provide guidance and support to the children during activities supervised by the latter staff members.

Notes: Subsections I and J of this section do not prohibit larger numbers of children being together when groups of children join for collective activities. Centers using an open classroom approach may submit for approval a plan to segment the space into suitable areas for defined groups of children or request a variance to this standard.

PART VI. PROGRAMS.

22 VAC 15-30-451. Daily activities.

A. The variety of daily activities for all age groups shall be age and stage appropriate and provide opportunities for teacher-directed, self-directed, and self-chosen tasks and activities; a balance of active and quiet activities; individual and group activities; and curiosity and exploration.

Exception: Specialty camps do not need to provide opportunities for self-chosen tasks and curiosity and exploration.

B. For a child who cannot move without help, staff shall offer to change the places and position of the child at least every 30 minutes or more frequently depending on the child's individual needs.

C. Children shall be allowed to sleep or rest as individually needed.

D. For a child in a therapeutic child day program, daily activities shall be in accordance to the program's individual plan for such child.

22 VAC 15-30-461. Daily activities for infants.

There shall be a flexible daily schedule for infants based on their individual needs. During the day, infants shall be provided with:

1. Sleep as needed.

a. When an infant is placed in his crib, he shall be placed on his back (supine). When an infant is able to easily turn over from the back (supine) to the belly (prone) position and he is placed in his crib, he shall still be put on his back (supine) but allowed to adopt whatever position he prefers. This applies unless otherwise directed by the infant's physician *in writing*. However, if the side position is used, caregivers shall bring the dependent arm forward to lessen the likelihood of the infant rolling into a belly (prone) position.

b. Resting or sleeping infants shall be individually checked every ~~30~~ 15-20 minutes.

c. An infant who falls asleep in a play space ~~not his crib, cot, mat, or bed shall be moved to his own crib, cot, mat or bed if he is uncomfortable or unsafe~~ specified in subdivision 5 a of this section may remain if comfortable and safe.

2. Food as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.

3. Outdoor time if weather and air quality allow.

~~3~~. 4. Comfort as needed.

4- 5. Play spaces.

a. Play spaces may include, but are not limited to, cribs, infant seats, play yards, exercise chairs or saucers (but not walkers), infant swings, high chairs, and floor space.

b. The variety of play spaces shall cumulatively offer:

(1) Room for extensive movement (rolling, crawling, or walking) and exploration;

(2) A diversity of sensory and perceptual experiences; and

(3) Equipment and toys that support large and small motor development.

c. Staff shall provide frequent opportunities for infants to creep, crawl, toddle and walk.

d. Infants shall be protected from older children.

e. Staff shall provide awake infants not playing on the floor or ground a change in play space at least every 30 minutes or more often as determined by the individual infant's needs.

f. Staff shall change the position of an awake infant playing on the floor or ground and the selection of toys available to the infant every 30 minutes or more often as determined by the individual infant's needs.

g. Infants, who cannot turn themselves over and are awake, shall be placed on their stomachs a total of 30 minutes each day to facilitate upper body strength and to address misshapen head concerns.

~~5~~- 6. Stimulation and language development activities, including but not limited to staff reading, talking to, *showing pictures and naming objects*, cuddling, making eye contact, *smiling* and playing with infants.

22 VAC 15-30-471. Daily activities for toddlers and preschoolers.

A. There shall be a posted daily schedule that allows for flexibility as children's needs require. The daily schedule need not apply on days occupied a majority of the time by a field trip or other special event. The daily schedule shall include opportunities for:

1. Outdoor activity, weather *and air quality* allowing, for at least:

a. Fifteen minutes per day or session if the center operates up to three hours per day or session;

b. Thirty minutes per day or session if the center operates between three and five hours per day or session; or

c. One hour per day or session if the center operates more than five hours per day or session.

2. Sleep or rest.

a. Centers operating five or more hours per day shall have a designated rest period for at least one hour but no

more than two hours. Cribs, cots, beds, or mats shall be used. After the first 30 minutes, children not sleeping may engage in quiet activities.

b. A child who falls asleep in a place other than his designated sleeping location ~~shall be moved to such location if uncomfortable or unsafe~~ may remain if comfortable and safe.

c. Sleeping toddlers shall be individually checked every 30 minutes.

3. Meals and snacks as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.

4. Small and large motor activities, language and communication experiences, sensory experiences, art or music activities, and play acting or social living.

B. Staff shall encourage language development by ~~personal~~ *having* conversations ~~giving~~ with children ~~that give them~~ time to initiate and respond, ~~by~~ labeling and describing objects and events, ~~having storytelling time~~ and ~~by~~ expanding ~~their~~ *language* ~~the children's~~ vocabulary.

22 VAC 15-30-490. Parental involvement.

A. Before the child's first day of attending, parents shall be provided in writing the following:

1. The center's philosophy and any religious affiliation;
2. Operating information, including the hours and days of operation and holidays or other times closed, and the phone number where a message can be given to staff;
3. ~~Transportation safety policies and those for the arrival and departure of children. Such policies shall include procedures for picking up children after closing, for when a child is not picked up, for release of children only to those who have been authorized in writing, and street safety~~ The center's transportation policy;
4. *The center's policies for the arrival and departure of children including procedures for verifying that only authorized persons are allowed to pick up the child, picking up children after closing, for when a child is not picked up for emergency situations including but not limited to inclement weather or natural disasters, and for release of children only to those who have been authorized in writing;*
- 4- 5. The center's policy regarding any medication or medical procedures that will be given;
6. *The center's policy regarding application of:*
 - a. Sunscreen;
 - b. Diaper ointment or cream; and
 - c. Insect repellent.
- ~~5- 7.~~ Description of established lines of authority for staff;
- 6- 8. Policy for ~~paid staff to report~~ *reporting* suspected child abuse as required by § 63.2-1509 of the Code of Virginia;
9. *The custodial parent's right to be admitted to the center as required by § 63.2-1813 of the Code of Virginia;*

~~7- 10.~~ Policy for communicating an emergency situation with parents;

~~8- 11.~~ The appropriate general daily schedule for the age of the enrolling child;

~~9- 12.~~ Food policies;

~~10- 13.~~ Discipline policies including acceptable and unacceptable discipline measures; and

~~11- 14.~~ Termination policies.

B. Staff shall promptly inform parents when persistent behavioral problems are identified; such notification shall include any disciplinary steps taken in response.

C. A custodial parent shall be admitted to any child day program. Such right of admission shall apply only while the child is in the child day program (§ 63.2-1813 of the Code of Virginia).

D. The center shall provide opportunities for parental involvement in center activities.

E. Communication.

1. For each infant, the center shall post a daily record which can be easily accessed by both the parent and the staff working with the child. The record shall contain the following information:

- a. The amount of time the infant slept;
- b. The amount of food consumed and the time;
- c. A description and time of bowel movements; ~~and~~
- d. Developmental milestones.; ~~and~~
- e. *For infants, who are awake and cannot turn over by themselves, the amount of time spent on their stomachs.*

2. If asked by parents, staff shall provide feedback about daily activities, physical well-being, and developmental milestones.

3. Parents shall be provided at least semiannually, ~~either orally or~~ in writing, information on their child's development, behavior, adjustment, and needs ~~and staff shall request parent confirmation that the required information in the child's record is up to date and provide an opportunity for parents to provide feedback on their children and the center's program. Such sharing of information shall be documented. Short-term programs (as defined in 22 VAC 15-30-10) are exempt from this requirement.~~

4. Parents shall be informed of reasons for termination of services.

22 VAC 15-30-500. Equipment and materials.

A. Furnishings, equipment, and materials shall be of an appropriate size for the child using it.

B. Materials and equipment available shall be age and stage appropriate for the children and shall include an adequate supply as appropriate for each age group of arts and crafts materials, texture materials, construction materials, music and

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sound materials, books, social living equipment, and manipulative equipment.

C. Play equipment used by children shall meet the following requirements:

1. Openings above the ground or floor which allow a 3-1/2 inch by 6-1/4 inch rectangle to fit through shall also allow a nine-inch circle to fit through;
2. ~~Have closed~~ S-hooks where provided *may not be open more than the thickness of a penny*; and
3. Have no protrusions, sharp points, shearing points, or pinch points.

D. The *unenclosed* climbing portion of slides and climbing equipment used by toddlers and preschool children shall not be more than seven feet high where outdoors and shall not be more than five feet high where indoors. *Centers may not install after [the effective date of the regulation] any slide or climbing equipment to be used by preschoolers or toddlers when the climbing portion of the equipment is more than six feet in height.* The climbing portions of indoor slides and climbing equipment over 18 inches shall not be over bare flooring. The climbing portions of indoor slides and climbing equipment 36 inches or more shall be located over a resilient surface.

E. Trampolines may not be used.

~~E.~~ F. If combs, toothbrushes, or other personal articles are used, they shall be individually assigned.

~~F.~~ G. Disposable products shall be used once and discarded.

~~G.~~ H. Provision shall be made for an individual place for each child's personal belongings.

~~H.~~ I. Infant walkers shall not be used.

~~I.~~ J. Play yards where used shall:

1. Meet the Juvenile Products Manufacturers Association (JPMA) and the American Society for Testing and Materials (ASTM) requirements *at the time they were manufactured*;
2. *Not be used after recalled*;
- ~~2.~~ 3. Not use any pillows or filled comforters;
- ~~3.~~ 4. Not be used for *the designated* sleeping areas;
4. 5. Not be occupied by more than one child; and
- ~~5.~~ 6. Be ~~cleaned~~ *sanitized* each day of use ~~with an antibacterial agent~~ or more often as needed.

K. *Upon being informed that a product has been recalled by the Consumer Product Safety Commission, center staff shall remove the item from the center.*

J. L. Where portable water coolers are used, they shall be of cleanable construction, maintained in a ~~sanitary~~ *cleaned* condition, kept securely closed and so designed that water may be withdrawn from the container only by water tap or faucet.

~~K.~~ M. Drinking water which is transported to camp sites shall be in closed containers.

~~L.~~ N. Therapeutic child day programs and special needs child day programs serving children who use wheelchairs shall provide cushioned vinyl-covered floormats for use when activities require children to be out of their wheelchairs.

22 VAC 15-30-510. Cribs, cots, rest mats, and beds.

A. Cribs, cots, rest mats or beds shall be provided for children during the designated rest period and not *be occupied by more than one child at a time shall occupy a crib, cot, rest mat, or bed.*

B. Cribs, cots, rest mats, and beds shall be identified for use by a specific child.

C. Double decker cribs, cots, or beds, or other sleeping equipment when stacked shall not be permitted.

D. Occupied cribs, cots, rest mats, and beds shall be at least 2 feet from any heat producing appliance.

E. There shall be at least 12 inches of space between occupied cots, beds, and rest mats.

Exception: Twelve inches of space are not required where cots, beds, or rest mats are located adjacent to a wall or a ~~screen~~ *divider* as long as one side is open at all times to allow for passage.

F. If rest mats are used, they shall have cushioning and be sanitized ~~between each use~~ *on all sides weekly.*

G. Cribs shall be used for children under 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot or mat.

H. Cribs shall meet the following requirements:

1. They shall meet the Consumer Product Safety Commission Standards at the time they were ~~made~~ *manufactured*;
2. *They shall not have been recalled*;
- ~~2.~~ 3. There shall be no more than six centimeters or 2-3/8 inches of space between slats;
- ~~3.~~ 4. There shall be no more than one inch between the mattress and the crib; and
4. 5. End panel cut-outs in cribs shall be of a size not to cause head entrapment.

I. Cribs shall be placed where objects outside the crib such as cords from blinds or curtains are not within reach of infants or toddlers.

J. There shall be at least:

1. Twelve inches of space between the sides and ends of occupied cribs except where they touch the wall; and
2. Thirty inches of space between service sides of occupied cribs and other furniture where that space is the walkway for staff to gain access to any occupied crib.

K. Crib sides shall be up and the fastenings secured when a child is in the crib, except when staff is giving the child immediate attention.

L. Pillows and filled comforters shall not be used by children under two years of age.

M. Use of crib bumper pads shall be prohibited. Toys or objects hung over an infant in a crib and crib gyms that are strung across the crib may not be used for infants over five months of age or infants who are able to push up on their hands and knees.

22 VAC 15-30-520. Linens.

A. Cribs, cots, mats and beds used by children other than infants during the designated rest period or during evening and overnight care shall have linens consisting of a top cover and a bottom cover or a one-piece covering which is open on three edges. *Cribs when being used by infants shall have a bottom cover.*

B. Linens shall be assigned for individual use.

C. Linens shall be clean and sanitary and shall be washed at least weekly. ~~Crib sheets shall be cleaned and sanitized clean and washed daily.~~ *When centers wash the linens, the water shall be above 140° F or the dryer shall heat the linens above 140° F as verified by the manufacturer or a sanitizer shall be used according to the manufacturer's instructions.*

D. Pillows when used shall be assigned for individual use and covered with pillow cases.

E. Mattresses when used shall be covered with a waterproof material which can be cleaned and sanitized.

22 VAC 15-30-540. Swimming and wading activities; staff and supervision.

A. The staff-to-children ratios required by 22 VAC 15-30-440 E, G and H shall be maintained while children are participating in swimming or wading activities. Notwithstanding the staff-to-children ratios already indicated, at no time shall there be fewer than two staff members supervising the activity. The designated ~~water safety instructor or senior lifesaver~~ *certified lifeguard* shall not be counted in the staff-to-children ratios.

B. If a pool, lake, or other swimming area has a water depth of more than two feet, a ~~water safety instructor or senior lifesaver~~ *certified lifeguard* holding a current certificate shall be on duty supervising the children participating in swimming or wading activities at all times when one or more children are in the water. The certification shall be obtained from an organization such as, but not limited to, the American Red Cross, the YMCA, or the Boy Scouts.

22 VAC 15-30-550. Pools and equipment.

A. When permanent swimming or wading pools are located on the premises of the center, the following shall apply:

1. The manufacturer's specifications for operating the pool shall be followed as well as any local ordinances and any Department of Health requirements for swimming pools;
2. Pools constructed, renovated, or remodeled after April 1, 1986, shall have a statement in writing of their inspection and approval from the local building official when such approval is required;

3. Outdoor swimming pools shall be enclosed by safety fences and gates which are in compliance with the applicable edition of the Virginia ~~Uniform Statewide Building Code USBC (13 VAC 5-61-10 et seq. 13 VAC 5-62)~~ and shall be kept locked when the pool is not in use;

4. Entrances to indoor swimming pools shall be locked when the pool is not in use; and

5. A whistle or other audible signaling device, a buoy or a lemon line, a reach pole, and a backboard shall be available at the swimming or wading site.

B. If children are allowed to swim in a lake or other place other than a pool, safe swimming areas shall be clearly marked and there shall be appropriate water safety equipment.

C. Piers, floats, and platforms shall be in good repair and where used for diving, the minimum water depth shall be stated on the deck or planking.

D. If portable wading pools *without integral filter systems* are used, they shall be emptied ~~of dirty water after the use of each group of children, rinsed, and filled with clean water for each day's use and,~~ or more frequently as necessary. *Children who are not toilet trained may not use these pools.*

E. After each day's use, portable wading pools shall be emptied, sanitized, and stored in a position to keep them clean and dry.

22 VAC 15-30-560. Swimming and wading; general.

A. The center shall have emergency procedures and written safety rules for swimming or wading *or follow the posted rules of public pools* that are:

1. Posted in the swimming area when the pool is located on the premises of the center; and
2. Explained to children participating in swimming or wading activities.

B. The center shall maintain *(i)* written permission from the parent of each child who participates in swimming or wading, ~~which shall include~~ *and (ii) a statement from the parent* advising of a child's swimming skills before the child is allowed in water above the child's shoulder height.

C. Staff shall have a system for accounting for all children in the water.

D. Outdoor swimming activities shall occur only during daylight hours unless underwater and deck lighting is provided.

~~E. Children who are not toilet trained shall not use portable wading pools.~~

PART VII.

SPECIAL CARE PROVISIONS AND EMERGENCIES.

22 VAC 15-30-570. Preventing the spread of disease.

~~A. If a child arrives at the center with the signs or symptoms listed in subsection B of this section, the child shall not be allowed to attend for that day.~~

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~~B. A. Unless otherwise instructed by the child's health care provider, that child shall be excluded. A child shall not be allowed to attend the center for the day if he has:~~

- ~~1. If he has A temperature over 100°F 101°F;~~
- ~~2. If he has Recurrent vomiting or diarrhea; or~~
- ~~3. As recommended in the Virginia Department of Health's current A communicable disease chart.~~

~~C. B. If a child needs to be excluded according to subsection B A of this section, the following shall apply:~~

1. Arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed; and
2. The child shall remain in the designated quiet area until leaving the center.

~~D. C. When a child children at the center has have been exposed to a communicable disease listed in the Department of Health's current communicable disease chart, the parent parents shall be informed notified within 24 hours or the next business day of the center being informed unless forbidden by law except for life threatening diseases, which must be reported within 24 hours. The center shall consult the local department of health if there is a question about the communicability of a disease.~~

~~D. When any surface has been contaminated with body fluids, it shall be cleaned and sanitized.~~

22 VAC 15-30-575. Hand washing and toileting procedures.

A. Hand washing.

1. Children's hands shall be washed with soap and running water or disposable wipes before and after eating meals or snacks. ~~Children's hands shall be washed with soap and running water after toileting, and after any contact with body fluids blood, feces or urine.~~
2. Staff shall wash their hands with soap ~~or germicidal cleansing agent and water~~ and running water before and after helping a child use the toilet or a diaper change, after the staff member uses the toilet, after any contact with body fluids, and before feeding or helping children with feeding.

Exception: If running water is not available on field trips or playgrounds, a germicidal cleansing agent administered per manufacturer's instruction may be used.

B. Diapering; soiled clothing.

1. The diapering area shall ~~allow for sight and sound supervision of other children in the classroom or be accessible and within the building used by children if the required staff-to-children ratios are maintained while children are being diapered. There shall be sight and sound supervision for all children when a child is being diapered.~~
2. The diapering area shall be provided with the following:
 - a. A sink with running warm water not to exceed 120°F;

b. Soap ~~or germicidal cleaning agent~~, disposable towels and single use gloves such as surgical or examination gloves;

c. A nonabsorbent surface for diapering ~~which, for or changing shall be used. For children younger than three years, this surface shall be a changing table or countertop designated for changing;~~

d. The appropriate disposal container as required by subdivision 5 of this subsection; and

e. A leakproof covered receptacle for soiled linens.

3. When a child's clothing or diaper becomes wet or soiled, ~~it shall be changed immediately. The child's soiled area shall be thoroughly cleaned with a disposable wipe or sanitized washcloth for each child the child shall be cleaned and changed immediately.~~

4. Disposable diapers shall be used unless the child's skin reacts adversely to disposable diapers.

5. Disposable diapers shall be disposed in a leakproof or plastic-lined storage system that is ~~not hand~~ either foot-operated or used in such a way that the staff member's hand or the soiled diaper does not touch an exterior surface of the storage system during disposal. When cloth diapers are used, a separate leakproof storage system ~~that is not hand operated~~ as specified in this subdivision shall be used.

6. The diapering surface shall ~~only~~ be used ~~only~~ for diapering or cleaning children, and it shall be ~~washed~~ cleaned with soap and ~~warm~~ at least room temperature water ~~or a germicidal cleansing agent~~ and sanitized after each use. Tables used for children's activities or meals shall not be used for changing diapers.

7. Staff shall ensure the immediate safety of a child during diapering.

C. Toilet training. For every 10 children in the process of being toilet trained, there shall be at least one toilet chair or one child-sized toilet, or at least one adult sized toilet with a platform or steps and adapter seat. The location of these items shall allow for sight and sound supervision of children in the classroom if necessary for the required staff-to-children ratios to be maintained. Toilet chairs shall be emptied promptly and ~~cleaned and~~ sanitized after each use.

22 VAC 15-30-580. Medication.

A. Prescription and nonprescription medication shall be given to a child according to the center's written medication policies and only with written authorization from the parent ~~and administered by the staff member trained in accordance with 22 VAC 15-30-310 D.~~

B. The center's procedures for administering medication shall include:

1. Include any general restrictions of the center.
2. Be consistent with the manufacturer's instructions for age, duration and dosage.

~~2.~~ 3. Include duration of the parent's authorization for medication, provided that it shall expire or be renewed after

10 work days. Long-term prescription drug use *and over-the-counter medication* may be allowed with written authorization from the child's physician and parent.

~~3.~~ 4. Methods to prevent use of outdated medication.

C. The medication authorization shall be available to staff during the entire time it is effective.

D. Medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time or times to be given.

E. Medication shall be in the original container with the prescription label or direction label attached.

F. When needed, medication shall be refrigerated. When medication is stored in a refrigerator used for food, the medications shall be stored together in a container or in a clearly defined area away from food.

G. Medication, *except for those prescriptions designated otherwise by written physician's order*, including refrigerated medication and staff's personal medication, shall be kept in a locked place using a safe locking method that prevents access by children. If a key is used, the key shall not be accessible to the children.

H. Centers shall keep a record of medication given children which shall include the following:

1. Child to whom medication was administered;
2. Amount and type of medication administered to the child;
3. The day and time the medication was administered to the child;
4. Staff member administering the medication;
5. Any adverse reactions; and
6. Any medication error.

I. Staff shall inform parents immediately of any adverse reactions to medication administered and any medication error.

~~J. Medication shall be returned to the parent as soon as the medication is no longer being administered. When an authorization for medication expires, the parent shall be notified that the medication needs to be picked up.~~

22 VAC 15-30-585. Over-the-counter skin products.

A. If sunscreen is used, the following requirements shall be met:

1. Written parent authorization noting any known adverse reactions shall be obtained;
2. Sunscreen shall be in the original container and labeled with the child's name;
3. Sunscreen does not need to be kept locked but shall be inaccessible to children under five years of age or those children in a therapeutic child day program or special needs child day program; and
4. Any center-kept sunscreen shall be hypo-allergenic and have a minimum SPF of 15.

B. If diaper ointment or cream is used, the following requirements shall be met:

1. Written parent authorization noting any known adverse reactions shall be obtained;
2. These products shall be in the original container and labeled with the child's name;
3. These products do not need to be kept locked but shall be inaccessible to children; and
4. A record shall be kept that includes the child's name, date of use, frequency of application and any adverse reactions.

C. If insect repellent is used, the following requirements shall be met:

1. Written parent authorization noting any known adverse reactions shall be obtained;
2. Insect repellent shall be in the original container and labeled with the child's name;
3. Insect repellent does not need to be kept locked but shall be inaccessible to children;
4. A record shall be kept that includes the child's name, date of use, frequency of application and any adverse reactions; and
5. Manufacturer's instructions for age, duration and dosage shall be followed.

22 VAC 15-30-590. First aid training, cardiopulmonary resuscitation (CPR) and rescue breathing.

A. There shall be at least one staff member trained in first aid, cardiopulmonary resuscitation, and rescue breathing as appropriate to the age of the children in care who is on the premises during the center's hours of operation and also one person on field trips and wherever children are in care. This person shall be available to children and ~~meet one of the following qualifications:~~ ~~1. Has a~~ have current certification by the American Red Cross, American Heart Association, National Safety Council, or other designated program approved by the Department of Social Services; ~~or.~~

~~2. Is a R.N. or L.P.N. with a current license from the Board of Nursing.~~

B. Primitive camps shall have a staff member on the premises during the hours of operation who has ~~successfully completed~~ at least *current certification* in first responder training ~~within the past three years.~~

22 VAC 15-30-600. First aid and emergency supplies.

A. A first aid kit shall be:

1. On each floor of each building used by children;
2. Accessible to outdoor play areas;
3. On field trips; and
4. Wherever children are in care.

B. Each first aid kit shall be easily accessible to staff but not to children.

Proposed Regulations

B. C. The required first aid kits shall include at a minimum:

1. Scissors;
2. Tweezers;
3. Gauze pads;
4. Adhesive tape;
5. Band-aids, assorted types;
6. An antiseptic cleansing solution;
7. Thermometer;
8. Triangular bandages;
9. Single use gloves such as surgical or examination gloves; and
10. The first aid instructional manual.

~~C. Each first aid kit shall be stored so that it is not accessible to children but is easily accessible to staff.~~

D. The following emergency supplies shall be required at the center and be available on field trips:

1. Syrup of ipecac ~~or~~ and activated charcoal preparation (to be used only on the ~~advice~~ *direction* of a physician or the Poison Control Center); and
2. An ice pack or cooling agent.

E. The following *nonmedical* emergency supplies shall be required:

1. A *One* working, battery-operated flashlight on each floor of each building that is used by children; and
2. One working, battery-operated radio in each building used by children and any camp location without a building.

22 VAC 15-30-610. Procedures for emergencies.

A. The center shall have an emergency ~~evacuation~~ *preparedness* plan that addresses staff responsibility and facility readiness with respect to: *emergency evacuation and shelter-in-place. The plan shall be developed in consultation with local or state authorities that addresses the most likely to occur emergency scenario or scenarios (natural disaster, chemical spills, intruder, terrorism, etc.) specific to the locality.*

B. The emergency preparedness plan shall contain procedural components for:

1. Sounding of ~~fire~~ alarms ~~and~~ (*intruder, shelter-in-place such as for tornado, or chemical hazard*);
2. Emergency communication to include:
 - a. Establishment of center emergency officer and back-up officer to include 24-hour contact telephone number for each;
 - b. Notification of local authorities (*fire and rescue, law enforcement, emergency medical services, poison control, health department, etc.*), parents, and local media; and
 - c. Availability and primary use of communication tools;

~~2.~~ 3. Evacuation ~~procedures including~~ *to include:*

- a. Assembly points, head counts, primary and secondary means of egress, and ~~checking to ensure~~ complete evacuation of the buildings;
- b. *Securing of essential documents (sign-in record, parent contact information, etc.) and special healthcare supplies to be carried off-site on immediate notice; and*
- c. *Method of communication after the evacuation;*

4. *Shelter-in-place to include:*

- a. *Scenario applicability, inside assembly points, head counts, primary and secondary means of access;*
- b. *Securing essential documents (sign-in records, parent contact information, etc.) and special health supplies to be carried into the designated assembly points; and*
- c. *Method of communication after the shelter-in-place;*

~~3.~~ 5. *Fire Facility* containment procedures, (e.g., closing of fire doors or other barriers) ~~and shelter-in-place scenario (e.g., intruders, tornado, or chemical spills); and~~

6. *Staff training requirement, drill frequency, and plan review and update; and*

~~4.~~ 7. Other special procedures developed with local authorities.

~~B.~~ C. Emergency evacuation and shelter-in-place procedures /maps shall be posted in a location conspicuous to staff and children on each floor of each building.

~~C.~~ D. The center shall implement ~~these emergency evacuation procedures through~~ a monthly practice drills ~~evacuation drill~~ and a *minimum of two shelter-in-place practice drills per year for the most likely to occur scenario.*

E. *The center shall maintain a record of the dates of the monthly practice drills for one year. For centers offering multiple shifts, the ~~evacuation procedures- simulated drills~~ shall be divided evenly among the various shifts.*

~~D.~~ F. ~~A generic emergency number such as 911 shall be posted in a conspicuous place near each telephone. If a generic number is not available, the following numbers shall be posted near each phone: A 911 or local dial number for police, fire and emergency medical services and the number of the regional poison control center shall be posted in a visible place at each telephone.~~

1. ~~A physician or hospital;~~
2. ~~An ambulance or rescue squad service;~~
3. ~~The local fire department; and~~
4. ~~The local police department.~~

~~E.~~ ~~The number of a regional poison control center shall be posted in a conspicuous place near each phone.~~

~~F.~~ ~~If an ambulance service is not readily available within 10 to 15 minutes, other transportation, such as a private automobile, shall be available in case of emergency.~~

G. Each camp location shall have an emergency preparedness plan and warning system.

H. The center shall prepare a sheet containing local emergency contact information, potential shelters, hospitals, evacuation routes, etc., of sites frequently visited or of routes frequently driven by center staff for center business (such as field trips, pick-up/drop off of children to or from schools, etc.).

I. Parents shall be informed of the center's emergency preparedness plan.

J. Based on local authorities and documented normal ambulance operation, if an ambulance service is not readily accessible within 10 to 15 minutes, other transportation shall be available for use in case of emergency.

~~G.~~ K. The center or other appropriate official shall notify the parent immediately if a child is lost, ~~has a serious injury, needs emergency medical care, or dies.~~ requires emergency medical treatment or sustains a serious injury. The center shall notify the parent by the end of the day of any known significant minor injuries. The center shall maintain a written record of children's serious and significant minor injuries in which entries are made the day of occurrence. The record shall include the following:

1. Date and time of injury;
2. Name of injured child;
3. Type and circumstance of the injury;
4. Staff present and treatment;
5. Date and time when parents were notified; and
6. Any future action to prevent recurrence of the injury;
7. Staff and parent signatures or two staff signatures; and
8. Documentation on how parent was notified.

~~H. The camp shall have a warning system. Staff and campers shall be trained in this warning system.~~

PART VIII.
SPECIAL SERVICES.

22 VAC 15-30-620. Nutrition and food services.

A. Centers shall schedule appropriate times for snacks or meals, or both, based on the hours of operation and time of the day; e.g., a center open only for after school care shall schedule an afternoon snack; a center open from 7 a.m. to 1 p.m. shall schedule a morning snack and midday meal.

B. The center shall ensure that children arriving from a half-day, morning program who have not yet eaten lunch receive a lunch.

C. The center shall schedule snacks or meals so there is a period of at least 1-1/2 hours but no more than three hours between each meal or snack unless there is a scheduled rest or sleep period for children between the meals and snacks.

D. Drinking water or other beverage not containing caffeine shall be offered at regular intervals to nonverbal children.

E. In environments of 80°F or above, attention shall be given to the fluid needs of children at regular intervals. Children in such environments shall be encouraged to drink fluids as outlined in subsection D of this section.

F. When centers choose to provide meals or snacks, the following shall apply:

1. Centers shall follow the most recent, age appropriate nutritional requirements of a recognized authority such as the Child and Adult Care Food Program of the United States Department of Agriculture (USDA).

2. Children shall be allowed second helpings of food listed in the USDA's child and adult care meal patterns.

~~2.~~ 3. Centers offering both meals and snacks shall serve a variety of nutritious foods and shall serve at least three sources of vitamin A and at least three sources of vitamin C on various days each week.

4. Children three years of age or younger may not be offered foods that are considered to be potential choking hazards.

~~3.~~ 5. A menu listing foods to be served for meals and snacks during the current one-week period shall:

- a. Be dated;
- b. Be posted in a location conspicuous to parents or given to parents;
- c. List any substituted food; and
- d. Be kept on file for one week at the center.

~~4.~~ 6. Powdered milk shall not be used except for cooking.

G. When food is brought from home, the following shall apply:

1. The food container shall be sealed and clearly dated and labeled in a way that identifies the owner;

2. The center shall have extra food or shall have provisions to obtain food to serve to children so they can have an appropriate snack or meal if they forget to bring food from home, bring an inadequate meal or snack, or bring perishable food; and

3. Unused portions of opened food shall be discarded by the end of the day or returned to the parent.

H. If a catering service is used, it shall be approved by the local health department.

I. Food shall be prepared, stored, and transported in a clean and sanitary manner.

J. Contaminated or spoiled food shall not be served to children.

K. Tables and high chair trays shall be:

1. Sanitized immediately before use for feeding; and
2. Washed after used for feeding.

~~K.~~ L. Children shall be encouraged to feed themselves. Staff shall sit with children during meal times. No child shall be allowed to drink or eat while walking around.

Proposed Regulations

22 VAC 15-30-630. Special feeding needs.

A. High chairs, infant carrier seats, or feeding tables shall be used for children under 12 months who are not held while being fed. Children using infant seats or high chairs shall be supervised during snacks and meals. When a child is placed in an infant seat or high chair, the protective belt shall be fastened securely.

B. Bottle fed infants who cannot hold their own bottles shall be held when fed. Bottles shall not be propped *or used while the child is in his designated sleeping location.*

C. The record of each child on formula shall contain:

1. The brand of formula; and
2. The child's feeding schedule.

D. Infants shall be fed on demand or in accordance with parental instructions.

E. Prepared infant formula shall be refrigerated, *dated* and labeled with the child's name. Heated formula and baby food shall be stirred or shaken and tested for temperature before serving to children. *Milk, formula or breast milk may not be heated or warmed directly in a microwave. Note: Water for warming milk, formula, or breast milk may be heated in a microwave.*

F. Formula, bottled breast milk, and prepared baby food not consumed *during that feeding* by an infant may be used by that same infant later in the same day, if dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day. *Formula or breast milk shall not remain unrefrigerated for more than one hour.*

G. A one-day's emergency supply of disposable bottles, nipples, and commercial formulas appropriate for the children in care shall be maintained at the center.

H. Breastfeeding shall be permitted.

I. Staff shall feed semisolid food with a spoon unless written instructions from a physician *or physician's designee* state differently.

J. For therapeutic child day programs and special needs child day programs, the consistency of food shall be appropriate to a child's special feeding needs. Necessary and adaptive feeding equipment and feeding techniques shall be used for children with special feeding needs.

22 VAC 15-30-640. Transportation and field trips.

A. If the center provides transportation, the center shall be responsible from the time the child boards the vehicle until returned to the parents or person designated by the parent.

B. Any vehicle used by the center for the transportation of children shall meet the following requirements:

1. The vehicle shall be manufactured for the purpose of transporting people seated in an enclosed area;
2. The vehicle's seats shall be attached to the floor;
3. The vehicle shall be insured with at least the minimum limits established by Virginia state statutes;

4. The vehicle shall meet the safety standards set by the Department of Motor Vehicles and shall be kept in satisfactory condition to assure the safety of children; and

5. If volunteers supply personal vehicles, the center is responsible for ensuring that the requirements of this subsection are met.

C. The center shall ensure that during transportation of children:

1. Virginia state statutes about safety belts and child restraints are followed;

2. The children remain seated and each child's arms, legs, and head remain inside the vehicle;

3. Doors are closed properly and locked unless locks were not installed by the manufacturer of the vehicle;

4. At least one staff member or the driver always ~~remain~~ *remains* in the vehicle when children are present;

5. The following information is in transportation vehicles:

- a. Emergency numbers as specified in 22 VAC 15-30-610 ~~D F~~ and ~~E H~~;
- b. The center's name, address, and phone number; and
- c. A list of the names of the children being transported.

D. When entering and leaving vehicles, children shall enter and leave the vehicle from the curb side of the vehicle or in a protected parking area or driveway.

E. Children shall cross streets at corners or crosswalks or other designated safe crossing point if no corner or crosswalk is available.

F. The staff-to-children ratios of 22 VAC 15-30-440 E, G and H shall be followed on all field trips. The staff-to-children ratios need not be followed during transportation of children to and from the center *as long as there is one staff member or adult in addition to the driver when 16 or more children are being transported in the vehicle.*

G. The center shall make provisions for providing children on field trips with adequate food and water.

H. If perishable food is taken on field trips, the food shall be stored in insulated containers with ice packs to keep the food cold.

I. Before leaving on a field trip, a schedule of the trip's events and locations shall be posted and visible at the center site.

J. There shall be a communication plan between center staff and staff who are transporting children or on a field trip.

K. Staff shall verify that all children have been removed from the vehicle at the conclusion of any trip.

~~K. L.~~ L. Parental permission for transportation and field trips shall be secured before the scheduled activity. If a blanket permission is used instead of a separate written permission, the following shall apply:

1. Parents shall be notified of the field trip; and

2. Parents shall be given the opportunity to withdraw their children from the field trip.

22 VAC 15-30-650. Transportation for nonambulatory children.

A. For therapeutic child day programs and special needs child day programs providing transportation, nonambulatory children shall be transported in a vehicle which is equipped with a ramp or hydraulic lift to allow entry and exit.

B. Wheelchairs shall be equipped with ~~seat belts~~ *restraining devices* and shall be securely fastened to the floor when used to seat children in a vehicle.

C. Arrangements of wheelchairs in a vehicle shall not impede access to exits.

D. For therapeutic child day programs and special needs child day programs, when the center is responsible for providing transportation, the center shall develop a plan based on the needs of the children in care to assure their safe supervision during on-loading, off-loading and transporting and when 16 or more children are being transported, there shall be at least one center aide or adult besides the driver, for each group of 16.

E. For therapeutic child day programs and special needs child day programs, if a child has a known seizure disorder or neurological, genetic or physiological disability causing increased medical risk and that child is being transported, one center aide or adult who is not the driver and who is trained in CPR shall be present in the vehicle.

22 VAC 15-30-660. Animals and pets.

A. Animals that are kept on the premises of the center shall be vaccinated, if applicable, against diseases which present a hazard to the health *or safety* of children.

B. Animals which are, or are suspected of being, ill or infested with external lice, fleas and ticks or internal worms shall be removed from contact with children.

C. If a child is bitten by an animal, an attempt shall be made to confine the animal for observation or laboratory analysis for evidence of rabies. The site of the bite shall be washed with soap and water immediately, and the child's physician or local health department shall be contacted as soon as possible for medical advice. The center shall report the animal bite incident to the local health department.

D. Manure shall be removed from barns, stables and corrals at least once a day and stored and disposed of in a manner to prevent the breeding of flies.

22 VAC 15-30-670. Evening and overnight care.

A. For evening care, beds with mattresses or cots with at least one inch of dense padding shall be used by children who sleep longer than two hours and are not required to sleep in cribs.

Exception: Camps providing evening ~~or overnight~~ care to ~~school-age children~~ on an occasional basis are not required to meet the requirements of this subsection if sleeping bags or cots are used.

B. For overnight care, beds with mattresses or cots with at least two inches of dense padding shall be used by children who are not required to sleep in cribs.

Exception: Camps providing ~~evening or~~ overnight care to ~~school-age children~~ on an occasional basis are not required to meet the requirements of this subsection if sleeping bags or cots are used.

C. For overnight care which occurs for a child on a weekly or more frequent basis, beds with mattresses shall be used.

D. In addition to 22 VAC 15-30-520 about linens, bedding appropriate to the temperature and other conditions of the rest area shall be provided.

E. For evening and overnight care, separate sleeping areas shall be provided for children of the opposite sex eight years of age or older.

F. If sleeping bags are used, 22 VAC 15-30-510 A through E about rest furnishings shall also apply to the use of sleeping bags.

G. Camps may use bunk beds if children are at least eight years of age.

H. In centers providing overnight care, an operational tub or shower with heated and cold water shall be provided.

Exception: Primitive camps are not required to have a tub or shower.

I. When bath towels are used, they shall be assigned for individual use.

J. Activities for children in evening or overnight care shall include, as time allows, age-appropriate activities as described in 22 VAC 15-30-451 through 22 VAC 15-30-481.

K. Quiet activities ~~and experiences~~ shall be available immediately before bedtime.

L. For children receiving evening or overnight care, the provider shall offer an evening snack.

NOTICE: The forms used in administering 22 VAC 15-30, Minimum Standard for Licensed Child Day Centers, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the office of the Department of Social Services, 730 East Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

FORMS

Initial Application for a License to Operate a Child Day Center, ~~032-05-542/11~~ 032-05-512/12 (rev. 10/02).

Renewal Application for a License to Operate a Child Day Center, ~~032-05-225/10~~ 032-05-225/11 (rev. 10/02).

DOCUMENTS INCORPORATED BY REFERENCE

~~Communicable Disease Reference Chart for School Personnel, Virginia Department of Health, rev. 2/92.~~

Proposed Regulations

~~Standard Consumer Safety Specification for Play Yards, American Society for Testing and Materials, ASTM designation: F 406-89, January 1990.~~

~~F406-02 ASTM Standard Consumer Safety Specification for Non-Full-Size Baby Crib s/Play Yards.~~

~~F1292-99 ASTM Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment.~~

VA.R. Doc. No. R03-77; Filed October 15, 2003, 11:16 a.m.

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Title of Regulation: 22 VAC 15-50. Regulation for Criminal Record Checks for Child Welfare Agencies (repealing 22 VAC 15-50-10 through 22 VAC 15-50-70).

Title of Regulation: 22 VAC 15-51. Minimum Standards for Background Checks for Licensed Child Day Centers (adding 22 VAC 15-51-10 through 22 VAC 15-51-80).

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

Public Hearing Dates:

- November 13, 2003, 2 p.m. and 6 p.m. (Richmond)
 - November 17, 2003, 6 p.m. (Abingdon)
 - November 18, 2003, 6 p.m. (Roanoke)
 - November 20, 2003, 6 p.m. (Alexandria)
 - November 25, 2003, 6 p.m. (Norfolk)
- Public comments may be submitted until January 2, 2004.
(See Calendar of Events section for additional information)

Agency Contact: Wenda Singer, Program Consultant, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-2201, FAX (804) 692-2370, or e-mail wxs2@dss.state.va.us.

Basis: Sections 63.2-1734 and 63.2-1735 of the Code of Virginia give the Child Day-Care Council the statutory authority to adopt regulations for the operation of licensed child day centers in Virginia. Sections 63.2-1719, 63.2-1720, 63.2-1721 and 63.2-1722 establish background checks and set prohibitions if a person is found to have certain criminal convictions or has ever been the subject of a founded complaint of child abuse or neglect. The regulation is necessary to implement the required statutory provisions.

Purpose: The major purpose of the replacement regulation is to incorporate relevant changes in the Code of Virginia since 1995. The other major purpose is to strengthen the regulation by addressing issues that have been raised during the past several years and by reorganizing and adding sections to make it more functional. The changes protect the health, safety and welfare of children by strengthening background check requirements for individuals who are associated with a child care setting.

Substance: The primary statutory changes reflected in the proposed regulation are:

1. Expanding the list of crimes that are barriers to operating, working or volunteering at a child welfare agency;

2. Including prior adult convictions and certain juvenile convictions and adjudications of delinquency as offenses;
 3. Clarifying that manslaughter is a barrier crime;
 4. Mandating the search of the child abuse central registry;
 5. Adding a founded complaint of child abuse or neglect as a prohibition to licensure, employment, volunteering, or being an applicant or agent;
 6. Requiring that a person denied licensure, employment, or staff volunteer status due to a background checks result be given a copy of the relevant finding;
 7. Referencing a waiver of disqualification due to certain criminal convictions as identified in § 63.2-1723 of the Code of Virginia;
 8. Introducing the phrase “background checks” to mean a sworn statement or affirmation, a criminal history record check, and a search of the central registry;
 9. Limiting volunteers required to obtain background checks to those who will be alone with any child in the performance of their duties;
 10. Limiting employees required to obtain background checks to those involved in the day-to-day operation of the licensed child day center or who are alone with, in control of, or supervising one or more children;
 11. Deleting the requirement that board members, upon application for licensure, must obtain background checks unless the board member functions in another capacity that requires the checks;
 12. Clarifying that only the applicants of licensed child day centers and those persons who are agents at the time of application must have the background checks completed prior to being involved in the day-to-day operations of the center or being alone with, in control of, or supervising one or more of the children;
 13. Changing the time period for obtaining criminal history record check records and central registry findings from 21 days to within 30 days; and
 14. Clarifying that there is no penalty if the licensed child day center has applied for a background check timely and it has not been obtained due to administrative delay.
- Other changes include additions that further explain the background check process. Among these are:
1. Having a separate regulation for licensed child day centers;
 2. Reorganizing the document so the sworn statement or affirmation, criminal history record report, and central registry finding do not duplicate the same statements and make the document longer;
 3. Changing the word “shall” to “must,” and, where applicable, using “must not,” or “may”; and
 4. Adding sections describing who is not covered by the regulation; explaining requirements for satisfactory background checks; explaining the consequences of

unsatisfactory background checks findings; and describing the waiver of criminal conviction.

There are also content changes that reflect current practice or are responsive to questions from the public and facilities. These include, but are not limited to:

1. Allowing satisfactory background checks for contract employees to be accepted if dated less than six months prior to when the contract agencies begin to provide services at facilities;
2. Accepting a copy of the central registry finding;
3. Providing that a background check remains valid at a licensed child care center as long as no more than 12 months have passed from when the person began a leave of absence, was terminated from employment from the center, or was transferred to a center owned and operated by the same employer or entity;
4. If the report or finding is less than 91 days old, allowing a person who leaves a licensed child day center to take the criminal history record report or central registry finding, provided that the center keeps a copy of any report that was taken and writes on the copy of the report that it is a copy;
5. Requiring background checks every three years from the dates of the previous checks;
6. Clarifying that the department has the right to revoke or deny a license based on background checks results or failure to obtain background checks;
7. Explaining that an employee or volunteer may continue to work or provide services if the criminal history record request or request for search of the central registry was submitted within seven calendar days of the person beginning employment or volunteer service, but the report or finding is not returned within 30 calendar days;
8. Providing that the department may require a new background check relevant to a suspicion of a barrier crime conviction, a felony conviction, or a founded complaint of child abuse and neglect;
9. Allowing satisfactory background checks for contract employees and substitute staff from temporary agencies to be viewed, accepted, and copies maintained;
10. Permitting the department to release information about disqualifying backgrounds to licensed child care centers that are covered by this regulation; and
11. Informing the person that a search of the central registry and a criminal history record are being requested.

Issues: The public is expected to benefit from this regulation. The requirements that reflect the Code of Virginia, and the other requirements, offer protection for children who receive care in licensed child day centers during a portion of the day. The centers covered by this regulation will have increased flexibility to shift staff and use contract staff without obtaining repeat background checks, but all persons will be required to resubmit checks every three years to assure availability of updated background information.

The council sees no disadvantage to the public or the Commonwealth.

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. Pursuant to changes in the Code of Virginia, the proposed regulations (i) exempt certain persons working, volunteering at licensed child day centers, or operating one, from background check requirements, (ii) require child protection services central registry check as a part of the background check process, (iii) expand the list of barrier crimes, and (iv) change the time frame to receive background checks from 21 days to 30 days. In addition to these, the proposed non-statutory changes include (v) requiring repeat background checks every three years, (vi) allowing licensed child day centers to accept background checks dated less than six months from when contract employees begin providing services at facilities, and (vii) allowing persons to take background check findings with them and use them for another application within 90 days.

Estimated economic impact. The proposed regulations will replace current background check regulations (22 VAC 15-50) for licensed child day centers. The number of licensed child day centers in the Commonwealth is about 2,530. The personnel working at these facilities come in supervised or unsupervised contact with up to 219,000 children depending on their job functions.

Required background checks are: a sworn statement or affirmation, a criminal history check conducted by the State Police, and a search of the child protective services central registry for child abuse and neglect. The main purpose of the background check requirement is to reduce potential risk of harm to children by the personnel working or volunteering at these facilities or being in a supervisory relationship alone with children. The rationale is that persons with certain criminal convictions and founded findings of child abuse and neglect are more likely to harm children than other persons without such backgrounds, and background checks would probably increase protection of these children. Although the objective of background checks is clear, there is no available study assessing potential risks. Thus, the significance and types of risks that may be present, as well as the success of background checks in reducing potential risks, are not well known. However, despite the little knowledge available in this area, it is standard practice to require some form of background checks for the employees and volunteers at these types of facilities nationwide.

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Some of the changes between the proposed and current regulations are mandated by the changes in the Code of Virginia. The General Assembly made several changes to background check requirements since 1995. The proposed regulations incorporate these statutory changes. Since these statutory changes have been in effect for several years, no immediate economic impact is expected. Pursuant to § 63.2-1720 of the Code of Virginia, one of the changes provides background check exemptions for certain employee and volunteer positions at child welfare agencies. This affects approximately 7,590 employees and 5,060 volunteers who are not alone with, in control of, or supervising children. Additionally, background checks are no longer required for approximately 15,180 board members of child day centers. Each background check includes a child protective services check and a criminal history check which cost \$5 and \$15, respectively. The fiscal effect of these exemptions is about a \$556,600 reduction in background check costs per year. Fees for background checks may be paid by the facility or by the individual. Thus, both facilities and individuals benefit from this change in terms of averted background check costs. The reduction in the background check requests also reduces revenues collected by the State Police to conduct the criminal history checks and by the Department of Social Services (DSS) to conduct child protective services central registry checks. In addition to the fiscal effect, the facilities and individuals probably experience additional cost savings in administrative time and possibly other expenses associated with managing and obtaining background checks. It is also possible that some of the employees and volunteers may have a disqualifying record, but may be able to obtain a position with child day centers, as they are not required to obtain background checks. This proposed change benefits these individuals because they could not otherwise work for these facilities.

On the other hand, the background check exemptions may introduce some additional costs in terms of greater potential risk of harm to children at the child day centers. Although the risks to children may be higher, it is worthwhile to note that these individuals are not in direct contact with the children and therefore the change in the potential risks may be insignificant. There is no available data however to assess the change in the level of protection afforded to these children.

The statutory changes have also mandated the search of the central registry since 1998 to determine if the person has ever been the subject of a founded complaint of child abuse and neglect in Virginia. It is estimated that this change probably affects 17,457 persons annually in licensed child day centers. Since each child registry check costs \$5, the fiscal effects of this change include about a \$87,285 increase per year in costs and an equivalent increase in DSS central registry check revenues. There are probably additional administrative costs of conducting these central registry checks. Some of the providers, personnel, or volunteers may be disqualified and may incur significant economic losses. On the other hand, with the child protective services central registry check, the child day centers are able to find out about the child abuse and neglect history of applicants and may be able to reduce risk of harm to children by screening these activities.

Pursuant to § 63.2-1719 of the Code of Virginia, another significant change is expanding the list of crimes that are barriers to operating, working, or volunteering at a child day center. The list of barrier crimes is expanded to include manslaughter, malicious wounding by mob, assault and bodily wounding, car jacking, extortion by threat, felony stalking, arson, burglary, any felony violation related to possession or use of a machine gun, use of a sawed-off shotgun in a crime of violence, possession of child pornography, electronic facilitation of pornography, employing or permitting a minor to assist in obscenity and related offenses, delivery of drugs to prisoners, escape from jail, felonies by prisoners, and an equivalent offense in another state. People with a criminal background including these offenses are disqualified from employment with or volunteering for child day centers. In addition, if the providers, current employees, or volunteers discovered to have history of these offenses during the proposed three year repeat checks (discussed later in this report), their license, employment, or voluntary activity will be terminated as current employees are not grandfathered from the expanded list of crimes. Thus, the proposed expansion of barrier crimes not only affects future candidates but also current providers, employees, and volunteers. The likely economic effects of this change are a potentially higher turnover rate among providers, employees, and volunteers and possibly an increase in labor costs of operating a child day center and a potential decrease in risk of harm to children. Given the lack of data, none of these effects could be quantified.

Also, pursuant to § 63.2-1720 of the Code of Virginia, the timeframe to receive background checks is increased from 21 days to 30 days. Prior to this change, if a child day center did not receive background checks within 21 days, they were found noncompliant during visits by licensing inspectors and had to develop an action plan to address the noncompliance. Increasing the timeframe to 30 days reduces the incidence of being found noncompliant and probably provides some administrative cost savings to the centers as well as to DSS. However, this change allows new employees or volunteers to be in contact with children for an additional nine days without having to have the background checks and has the potential to increase the risk of harm.

In addition to these, a nonstatutory change will establish repeat background check requirements every three years for providers, employees, volunteers, and any others required to obtain checks. Currently, background checks are conducted once at the beginning employment/volunteer service and repeated if a person's status changes. It is estimated that repeat background checks will be conducted on approximately 17,457 providers, employees, and volunteers working at child day centers annually. Annual fiscal costs of these criminal background checks and child registry checks on child day center providers, employees, and job applicants are expected to be about \$349,140. DSS and the State Police will see an increase in their background checks revenues. In addition to the fiscal effect, providers and employees will probably experience an increase in administrative time and possibly other expenses associated with managing and obtaining background checks. It is also possible that some of the employees and volunteers will be found to have a disqualifying offense or finding since after their initial date of

employment. These individuals will lose their provider, employee, or volunteer status. Thus, perhaps a reduction in potential risk of harm to children at the child welfare agencies may be expected. However, there is no available information on the number of employees who may be discovered to have a disqualifying record during the repeat checks and there is no available data to assess the potential increase in the level of protection afforded to children.

The proposed changes will also allow child day centers to accept satisfactory background checks dated less than six months before independent contract employees or contract employees hired by contract agencies begin providing services at facilities. This change will allow the use of background checks for contract workers up to six months rather than requiring a new check every time they contract with a new facility. DSS estimates that approximately 400 contract employees may be affected by this change providing about \$8,000 cost savings to the facilities, contractors, or contract employees. Similar to the other changes, there is likely to be a reduction in administrative costs to these facilities, contractors, or contract employees and a corresponding reduction in background check revenues of DSS and the State Police. There may also be a change in the potential risk of harm to children as the facilities will not be informed about the most recent disqualifying activities of these 400 employees at the time of employment.

Finally, the proposed regulations will allow persons to take background check findings with them and use them for another application within 90 days. This requirement is estimated to affect approximately 100 people from child day centers and estimated to provide approximately \$2,000 in fiscal cost savings. An equal amount of reduction in revenues of the State Police and DSS would follow. In addition to the fiscal impact, savings in administrative costs are expected. On the other hand, those people who committed a disqualifying offense during the 90-day period will be able to obtain employment and may increase potential risk of harm to children.

Businesses and entities affected. The proposed regulations apply to approximately 2,530 licensed child day centers. These facilities may be serving up to 219,000 children in Virginia.

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

Projected impact on employment. In general, exempting persons from background check requirements will probably increase the pool of eligible employees while other changes such as expanding the list of barrier crimes or establishing repeat background checks will reduce the same pool or increase turnover. However, the net effect on employment is not known due to lack of data.

Effects on the use and value of private property. The proposed regulations may have some effect on the profitability of privately owned child day centers through changes in background check costs and administrative costs. Some requirements are expected to provide cost savings while others are expected to increase costs to specific facilities or group of facilities. The changes in profitability of the for-profit

child day centers will most likely be reflected in their value. However, since it is not known which effect will dominate, an overall conclusion cannot be drawn.

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

Summary:

Pursuant to changes in the Code of Virginia, the proposed regulations (i) expand the list of crimes that are barriers to operating, working or volunteering at licensed child day centers, (ii) mandate a search of the child abuse central registry, (iii) change the timeframe to receive background checks from 21 days to 30 days, and (iv) clarify persons who must undergo background checks.

Other proposed changes include (i) requiring repeat background checks every three years, (ii) allowing licensed child day centers to accept background checks dated less than six months from when contract employees begin providing services at facilities, and (iii) allowing persons to take background check findings with them and use them for another application within 90 days.

CHAPTER 51.

BACKGROUND CHECKS FOR LICENSED CHILD DAY CENTERS.

22 VAC 15-51-10. Defining words and phrases.

The following words and terms have these meanings when used in reference to this regulation:

"Agent" means a person who acts on behalf of, or is an employee or staff volunteer with, a child welfare agency.

"Applicant" means the person or persons applying for licensure as a child day center. In the case of a sole proprietorship, the applicant is the individual owner. In the case of partnership, corporation, limited liability company, public agency or similar entity, the applicant must designate at least one individual who must comply with the applicant's obligation on its behalf and must include all individuals who will be on site exercising direction over the operation.

"Background checks" means a sworn statement or affirmation, a criminal history record report, and a child protective services central registry check.

"Barrier crime" means a conviction identified at § 63.2-1719 of the Code of Virginia. The convictions, and Code of Virginia references, are murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.), malicious wounding by mob as set out in § 18.2-41, abduction as set out in subsection A of § 18.2-47, abduction for immoral purposes as set out in § 18.2-48, assaults and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.), robbery as set out in § 18.2-58, carjacking as set out in § 18.2-58.1, threats of death or bodily injury as set out in § 18.2-60, felony stalking as set out in § 18.2-60.3, sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, drive by shooting as set out in § 18.2-286.1, use of a machine gun in a crime of violence as set out

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in § 18.2-289, aggressive use of a machine gun as set out in § 18.2-290, use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300, pandering as set out in § 18.2-355, crimes against nature involving children as set out in § 18.2-361, incest as set out in § 18.2-366, taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1, abuse and neglect of children as set out in § 18.2-371.1, failure to secure medical attention for an injured child as set out in § 18.2-314, obscenity offenses as set out in § 18.2-374.1, possession of child pornography as set out in § 18.2-374.1:1, electronic facilitation of pornography as set out in § 18.2-374.3, abuse and neglect of incapacitated adults as set out in § 18.2-369, employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379, delivery of drugs to prisoners as set out in § 18.2-474.1, escape from jail as set out in § 18.2-477, felonies by prisoners as set out in § 53.1-203, burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2, any felony violation relating to possession or distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, drive by shooting as set out in § 18.2-286.1, or an equivalent offense in another state.

"Center" means licensed child day center.

"Central Criminal Records Exchange" means the information system containing conviction data of crimes committed in Virginia. The system is maintained by the Department of State Police.

"Central registry" means the record of founded complaints of child abuse and neglect maintained by the Department of Social Services.

"Central registry finding" means the record of founded complaints of child abuse and neglect for an individual.

"Commissioner" means the Commissioner of the Virginia Department of Social Services or his designee.

"Contract agency" means an entity with which the center or a parent has an agreement to provide services to a child or children while attending the center.

"Contract employee" means a person with whom the center or a parent has an agreement to provide services to a child or children while attending the center.

"Criminal history record check" means the process the Department of State Police uses to generate a criminal record report on a person.

"Criminal history record report" means either the criminal record clearance or the criminal history record issued by the Central Criminal Records Exchange, Department of State Police. The report identifies convictions within the Commonwealth.

"Department" means the Department of Social Services.

"Department representative" means an employee of the department who carries out regulatory duties.

"Disqualifying background" means (i) having been the subject of a founded complaint of child abuse or neglect even if his record has been purged from the Child Abuse and Neglect

Central Registry system, (ii) a barrier crime conviction, or (iii) any other felony not included in the definition of "barrier crime," unless five years have elapsed since the conviction. For the purpose of this regulation, no person is considered to be the subject of a founded complaint of child abuse or neglect until a decision upholding the finding has been rendered by the hearing officer after the administrative hearing, provided the person complies with the requirements for requesting an administrative hearing. No person is considered to be the subject of a founded complaint of child abuse or neglect if the child abuse or neglect finding is overturned by an administrative hearing or a subsequent court decision.

"Employee" means a person hired by a center or with whom the center has an employment agreement.

"Involved in the day-to-day operations" means (i) in a supervisory or management position, making daily decisions regarding the operation of the center or (ii) counted by the center for purposes of staff-to-children ratios.

"Licensed" means having met the requirements of and obtained licensure through the Department of Social Services as required in General Procedures and Information for Licensure (22 VAC 15-80).

"Licensee" means any individual, partnership, association, public agency, or corporation to whom the license is issued.

"Local agency" means local department of social services.

"May" means has permission.

"Must" means the action is a requirement.

"Must not" means the action is prohibited.

"Other felony" means conviction for any felony in the last five years that is not a barrier crime felony.

"Parent-staff volunteer" means someone supervising, without pay, a group of children that includes the parent-staff volunteer's own child in a program that operates no more than four hours per day, provided that the parent-staff volunteer works under the direct supervision of a person who has received a clearance pursuant to § 63.2-1720 or § 63.2-1724 of the Code of Virginia.

"Search of central registry" means the process the Virginia Department of Social Services' Child Protective Services Unit uses to generate a central registry report on a person.

"Staff volunteer" means a person who provides services without pay and who is alone with a child or children in performance of his duties.

"Sworn statement or affirmation" means a statement completed by a person attesting to whether he has ever been (i) convicted of or the subject of pending charges of any crime within or outside the Commonwealth or equivalent offense outside the Commonwealth or (ii) the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth.

22 VAC 15-51-20. Describing background checks.

The background checks covered by this regulation are:

1. Sworn statements or affirmations;
2. Criminal history record checks; and
3. Central registry searches.

22 VAC 15-51-30. Identifying who is not covered by this regulation.

All child welfare agencies that are not centers are not covered by this regulation. Requirements for these facilities are at 22 VAC 40-191.

22 VAC 15-51-40. Identifying who is covered by this regulation.

- A. This regulation applies to centers.
- B. Background checks are required at the time of initial application.
1. These background checks are required at the time of application for licensure:

Who	What	When
Any: Applicant; and Any agent at the time of application who is or will be involved in the day-to-day operations of the center or who is or will be alone with, in control of, or supervising one or more of the children	Sworn statement or affirmation, search of central registry, and criminal history record check	Upon application for licensure as a center

Exception: Persons who have had background checks by the center are not required to obtain new checks when the initial application is due to:

1. A change in site location; or
2. The entity opening a new site location.

C. Background checks are required after the initial licensure.

Who	What	When
New person designated as applicant, licensee, or agent who is or will be involved in the day-to-day operations of the center or who is or will be alone with, in control of, or supervising one or more of the children	Sworn statement or affirmation Search of central registry and criminal history record check	Whenever an applicant, licensee, or agent changes Before the end of 30 days after the change
Any employee of a	Sworn	Prior to first day

center who is involved in the day-to-day operations or who is alone with, in control of, or supervising one or more children	statement or affirmation Search of central registry and criminal history record check	of employment at the center Before 30 days of employment at the center ends
Staff volunteer at a center who will be alone with any child in the performance of duties, excluding a parent- volunteer for children attending a center	Sworn statement or affirmation Search of central registry and criminal history record check	Prior to first day of service at the center Before 30 days of service at the center elapses
Any applicant, licensee, agent, employee, and staff volunteer who is required to have background checks	Sworn statement or affirmation, search of central registry and criminal history record check	Before three years since the date of the last sworn statement or affirmation, most recent central registry finding, and most recent criminal history record check report
Any individual who will have access to child and family records except those individuals operating under authority of a court order	Sworn statement or affirmation, search of central registry and criminal history record check	Prior to having access to child and family records and before three years since the date of the last sworn statement or affirmation, most recent central registry finding, and most recent criminal history record check report

D. Background checks are required for independent contract employees and employees hired by a contract agency.

If a center uses independent contract employees or contract employees hired by a contract agency who will be involved in the day-to-day operations of the center or who will be alone with, in control of, or supervising one or more children, the center must:

1. Obtain background checks according to the above requirements for employees or view the original required

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background checks maintained by the contract employee or contract agency;

2. Accept all satisfactory background checks dated less than six months before independent contract employees or contract employees hired by contract agencies begin providing services at the center; and

3. Make copies, and keep them at the center. Staff must write on the copies of the criminal record reports that they are photocopies of originals that center staff verified.

E. A center must not accept a required criminal history record report or a central registry finding from an applicant, licensee, or other person required to obtain background checks that is dated more than 90 days prior to the date of application, employment, or staff volunteering.

Exception: See provisions for contracting agencies at 22 VAC 15-51-40 D 3.

F. The department must not accept a required criminal history record report or a central registry finding from an applicant or licensee that is dated more than 90 days prior to the date of licensure, or from the date when the person who is designated as the applicant or licensee changes.

22 VAC 15-51-50. Explaining requirements for satisfactory background checks.

A. The department must require documentation of satisfactory background checks for applicants, agents, employees, and staff volunteers. Background checks information must be made available to department representatives upon request. A satisfactory sworn statement or affirmation is a fully completed original that states that:

1. The person does not have a criminal conviction that is a barrier crime or is any felony conviction within the last five years;

2. The person is not the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; and

3. There is no other knowledge that the individual has an unsatisfactory background.

Criminal convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth. Convictions also include convictions in other states that are equivalent to the barrier crimes set out in this regulation.

A satisfactory central registry finding is one in which:

1. A copy of the department's child protective services check form is returned to the center indicating that, as of the date on the reply, the individual whose name was searched is not identified in the Central Registry of Founded Child Abuse/Neglect Investigations as an involved caregiver with a founded disposition of child abuse/neglect, and

2. There is no other knowledge that the individual has a founded disposition in Virginia or elsewhere.

A satisfactory criminal history record check report is one in which:

1. An original hard copy or Internet inquiry reply from the Department of State Police is returned to the center with either no convictions indicated or convictions indicated, but no barrier crimes or other felony convictions in the last five years; and

2. There is no other knowledge that the individual has a barrier crime, or other felony conviction in the past five years, in Virginia or elsewhere.

B. Background checks results are not open-ended.

1. If a person leaves a center and the criminal history record report or central registry check finding is less than 91 days old, the person must be permitted to take the report or reports with him. The center must keep a copy of any report a person takes and write on it that it is a copy, and that the original of any criminal history record report was verified.

2. A background check remains valid at a center if no more than 12 consecutive months have passed from when a person:

a. Began a leave of absence from that center;

b. Was terminated from employment at that center; or

c. Was transferred to a center owned and operated by the same employer or entity.

3. If there is reason to suspect that a person who has submitted acceptable background checks, as required by this regulation, has a disqualifying background, the center or the department may require new background checks relevant to this suspicion.

4. When the center or the department chooses to require a new background check, the center or the department:

a. May allow the person to continue the same relationship with the center until the center or the department receives the new Virginia background check information or equivalent documentation from another state, or

b. Must require that the person not be alone with children, even if the documentation is not Virginia background check information or equivalent information from another state.

C. Waivers of some criminal convictions are possible. Refer to 22 VAC 40-191-90 through 22 VAC 40-191-130 of Background Checks for Child Welfare Agencies for an explanation of the waiver.

22 VAC 15-51-60. Explaining consequences of unsatisfactory background checks results.

A. Applicants are denied licensure when there are unsatisfactory background checks results for:

1. Applicants as a center; or

2. Agents at the time of application who are or will be involved in the day-to-day operations of the center or who

are or will be alone with, in control of, or supervising one or more of the children.

B. An employee or staff volunteer of a center must not be employed or provide staff volunteer service until the center has the person's completed sworn statement or affirmation. Any person making a materially false statement regarding any offense shall be guilty of a Class 1 misdemeanor pursuant to §§ 63.2-1720 and 63.2-1721 of the Code of Virginia.

C. An employee or staff volunteer of a center must be denied continued employment or staff volunteer service if:

1. The center does not have an original criminal history record report within 30 days of employment or staff volunteer service; or
2. The center does not have a central registry finding within 30 days of employment or staff volunteer service.

D. No violation shall occur and an employee may continue to work or provide staff volunteer service in a center if the center has documentation that the criminal history record request, or the request for search of the central registry was submitted within seven calendar days of the person being employed or being a staff volunteer, but the report is not returned within 30 calendar days. If a requested report was sent within seven calendar days but was not returned within 30 calendar days, the requestor must contact within four working days:

1. The Central Criminal Records Exchange of the Department of State Police; or
2. The Child Protective Services Unit of the department.

If the request was not received, the requestor must submit another request within five working days after the contact.

E. If the department or a local agency becomes aware that a person covered by this regulation has a disqualifying background, the department or local agency may release this information to centers. Those centers must not further disseminate this information.

F. Centers must inform compensated employees and staff volunteers that the centers are requesting child protective services registry checks and criminal history record reports for them.

G. A center may choose to request a national criminal background check instead of the criminal history record check for employees and staff volunteers. The center must adhere to Department of State Police requirements for obtaining fingerprints in accordance with § 19.2-392.02 of the Code of Virginia. The department will accept a national criminal background check result of "qualified" from the Department of State Police. If the screening result is "disqualified," the center must obtain a satisfactory criminal history record check from the Central Criminal Record Exchange for the person if:

1. The center wishes to employ the person or approve the person as a staff volunteer; or
2. The center wishes the department to issue a license.

The center may also require a background check from another state per the provisions in 22 VAC 15-51-50 B 3.

A center that does not comply with this regulation may have its license revoked or denied. If a center has knowledge that a person required to have a background check has an offense, this person does not have a waiver, and if the center refuses to separate the person from employment or service, its license must be revoked or denied.

22 VAC 15-51-70. Keeping background checks records.

A. A center must keep background checks reports and findings at the location where the person is an applicant, agent, employee, contract employee, staff volunteer, or is any other adult who is involved in the day-to-day operations of the center or who is alone with, in control of, or supervising one or more children.

1. If a center is among two or more owned by the same entity, the background checks reports and findings may be kept at corporate headquarters or at the center, and must be made available to the department representative upon request.

2. If a center is not the primary work place for a person, the center may keep copies on site, if there:

- a. Is documentation of the place where original background check records are kept; and
- b. Are copies of the sworn disclosure statement or affirmation, criminal history record report with a statement that the facility designee has viewed and verified the original, and the child protective services central registry check.

B. Centers must keep all background check information for one year after a person required to provide background checks terminates his duties with a center.

C. Background checks information must be stored in locked files. Applicants, agents, and their designees are the only center staff who may have access to these documents.

D. If a person is denied licensure because of background checks information, the center must provide a copy of the documentation to the person. If a person is denied employment or staff volunteer service because of background checks information, the center must provide a copy of the documentation to the person. A center must also release a copy of the information when the subject of the information requests it. Further dissemination of the background check information is prohibited other than to the commissioner's representative or a federal or state authority or court in order to comply with an express requirement in the law for that dissemination. Note – See the provisions at 22 VAC 15-51-60 E.

22 VAC 15-51-80. Describing the waiver of criminal conviction.

The waiver of criminal conviction is the department's canceling the consequences of an unsatisfactory criminal history record check only for specific convictions. Waiver provisions are found in 22 VAC 40-191-90 through 22 VAC 40-191-170.

VA.R. Doc. No. R03-85; Filed October 15, 2003, 11:17 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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

Title of Regulation: 4 VAC 20-620. Pertaining to Summer Flounder (amending 4 VAC 20-620-30 and 4 VAC 20-620-40).

Statutory Authority: §§ 28.2-201 and 28.2-204 of the Code of Virginia.

Effective Date: October 15, 2003.

Summary:

The amendments change the timeframe for the commercial harvest of Summer Flounder from the first Monday in November through December 31 to the last Monday in October through December 31 of each calendar year for landings harvested outside of Virginia. The end of the time period for harvesting Summer Flounder is amended to the day preceding the last Monday in October. The quota of catch is amended to 10,000 pounds and the beginning of the consecutive 10-day periods for landing Summer Flounder is changed from the first Monday in November to the last Monday in October.

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

4 VAC 20-620-30. Commercial harvest quotas.

A. During each calendar year, commercial landings of Summer Flounder shall be limited to the total pounds calculated pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder Fishery Management Plan, as approved by the National Marine Fisheries Service on August 6, 1992 (50 CFR Part 625); and shall be distributed as described in subsections B through H of this section.

B. The commercial harvest of Summer Flounder from Virginia tidal waters for each calendar year shall be limited to 300,000 pounds. Out of this amount, 142,114 pounds shall be set aside for a Chesapeake Bay-wide harvest quota.

C. From the first Monday in January through March 31 of each calendar year, landings of Summer Flounder harvested

outside of Virginia shall be limited to an amount of pounds equal to 64.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section.

D. During the period of April 1 through June 30 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 6.4% of the total specified in subsection A of this section after deducting the amount specified in subsection B, except as modified by 4 VAC 20-620-40.

E. From the ~~first last~~ Monday in ~~November~~ October through December 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 29.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section and as may be further modified by subsection F.

F. During the periods set forth in subsections C and D of this section, should landings exceed or fall short of the quota specified for that period any such excess shall be deducted from, and any such shortage shall be added to, the quota for the period set forth in subsection E of this section. During the period specified in subsection B of this section, should landings be projected to fall short of the quota specified for that period, any such shortage shall be added to the quota for the period set forth in subsection E of this section. A projection of harvest under this subsection will be made on or about November 1.

G. For each of the time periods and quotas set forth in subsections C, D, and E of this section, the Marine Resources Commission will give timely notice to the industry of the calculated poundages and any adjustments thereto. It shall be unlawful for any person to harvest or to land Summer Flounder for commercial purposes after the commercial harvest or landing quota as described in this section has been attained and announced as such. If a person lands Summer Flounder after the harvest or landing quota has been attained and announced as such, the entire amount of Summer Flounder in that person's possession shall be confiscated.

H. It shall be unlawful for any buyer of seafood to receive any Summer Flounder after any commercial harvest or landing quota as described in this section has been attained and announced as such.

4 VAC 20-620-40. Commercial vessel possession limitations.

A. From the first Monday in January through the first Sunday in February, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

B. From the first Monday in February through March 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of 7,500 pounds.
2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day period, with the first 10-day period beginning on the first Monday in February.
3. Land in Virginia more than a total of 7,500 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the first Monday in February.

C. When it is projected and announced that 85% of the quota for the period from the first Monday in January through March 31 has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

D. During the period of April 1 through June 30 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

E. ~~During the period of~~ From July 1 through ~~the day preceding the last Monday in~~ October 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

F. From the ~~first last Monday in November~~ ~~October~~ through December 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of ~~7,500~~ 10,000 pounds.
2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day period, with the first 10-day period beginning on the ~~first last Monday in November~~ ~~October~~.
3. Land in Virginia more than a total of ~~7,500~~ 10,000 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the ~~first last Monday in November~~ ~~October~~.

G. For each of the time periods set forth in subsections A, B, C, D, E and F of this section, the Marine Resources

Commission will give timely notice of any changes in possession limits.

H. Each possession limit described in subsections A, B, C, D, E and F of this section shall be determined by the net weight of Summer Flounder as customarily packed, boxed and weighed by the seafood buyer or processor. The net weight of any Summer Flounder found in excess of this possession limit described in subsections A, B, C, D, E and F of this section shall be prima facie evidence of violation of this chapter. Persons in possession of Summer Flounder, aboard any vessel, in excess of the possession limit shall be in violation of this chapter. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit shall be in violation of this chapter.

I. If a person violates the possession limits described in this section, the entire amount of Summer Flounder in that person's possession shall be confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine patrol officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

J. It shall be unlawful for a licensed seafood buyer or federally permitted seafood buyer to fail to contact the Marine Resources Commission Operation Station prior to a vessel offloading Summer Flounder harvested outside of Virginia. The buyer shall provide to the Marine Resources Commission the name of the vessel and its captain and the anticipated or approximate offloading time. Once offloading of any vessel is complete and the weight of the landed Summer Flounder has been determined, the buyer shall contact the Marine Resources Commission Operations Station and report the vessel name and corresponding weight of Summer Flounder landed. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 10 p.m. to 7 a.m.

K. Any boat or vessel possessing more than the lawful limit of Summer Flounder that has entered Virginia waters for safe harbor shall not offload any Summer Flounder.

L. After any commercial harvest or landing quota as described in 4 VAC 20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

VA.R. Doc. No. R04-25; Filed October 15, 2003, 11:26 a.m.

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

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

Effective Date: October 8, 2003.

Summary:

This action amends the regulations by (i) establishing open and closed seasons for the areas open to oyster harvest for the 2003-2004 public harvest season; (ii) allowing harvesters to leave the dock one hour before sunrise when working in areas that allow for dredging; (iii) specifying reporting requirements for harvesters; and (iv) allowing for a bycatch of clams when working in the areas where dredging is allowed.

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

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

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

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area and James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 2002 2003, through April 30, 2003 2004. *By hand tong only.*

~~2. James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 2002, through April 30, 2003.~~

~~3.~~ 2. Seaside of Eastern Shore: for clean cull oysters only, November 1, 2002 2003, through January 31, 2003 2004. *By hand only.*

~~4. That area of Piankatank River, west of the Route 3 bridge: October 1, 2002, through December 31, 2002.~~

~~5. The area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point and the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point: October 15, 2002, through January 15, 2003.~~

~~6.~~ 3. The Rappahannock River Hand Scrape Area: ~~October 15, 2002, through January 15, 2003;~~ 7. the Rappahannock River Drumming Ground Hand Scrape Area: ~~October 15, 2002, through January 15, 2003;~~ 8. the Rappahannock River Temples Bay Hand Scrape Area: ~~November 27, 2002, through January 15, 2003.~~ October 15, 2003, through January 15, 2004.

4. That area of the Rappahannock River, west of the line drawn from Tarpley Point to green buoy #13 to Jones Point and the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point; 9. that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (PRV6A to PRV6B; and PRV5A to PRV5C, respectively): ~~October 15, 2002, through January 15, 2003.~~ 10. ; that area of the Coan River to the Virginia-

Maryland state line (PRV1A to PRV1B), except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur): ~~October 15, 2002, through January 15, 2003.~~ 11. ; that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; ; that area of the Piankatank River, west of the Route 3 bridge; and Little Wicomico River: October 15, 2002 2003, through January 15, 2003 2004. *For hand tong only.*

~~12.~~ 5. The following areas of the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, excluding the Tangier Sound Hand Tong Areas: December 1, 2002 2003, through January 31, 2003 February 29, 2004. *For dredge only.*

~~13. Tangier Sound Hand Tong Areas: December 1, 2002, through January 31, 2003.~~

~~14. Little Wicomico River: October 15, 2002, through January 15, 2003.~~

~~15.~~ 6. Deep Rock Dredge Area: ~~February 1, 2003~~ March 1, 2004, through March 31, 2003 2004.

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

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

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

2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and James River Jail Island and Point of Shoals Clean Cull Areas: May 1, 2003 2004, through September 30, 2003 2004.

3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, October 1 through October 31, 2002 2003, and February 1, 2003 2004, through September 30, 2003 2004; and for seed oysters, all year. Oyster harvest from leased oyster ground

and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.

4. That area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point; ~~the Rappahannock River Hand Scrape; the Rappahannock River Drumming Ground Handscrape Area; the Rappahannock River Temples Bay Hand Scrape Area;~~ that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; that area of the Piankatank River west of the Route 3 bridge; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; ~~and Little Wicomico River.~~ October 1, ~~2002 2003~~, through October 14, ~~2002 2003~~, and January 16, ~~2003 2004~~, through September 30, ~~2003 2004~~.

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

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

~~7. The Rappahannock River Temples Bay Hand Scrape Area: January 16, 2003, through September 30, 2003.~~

8. 5. The following areas of the PTSMA: in Tangier, from Tangier Light north to the Maryland-Virginia line, and in the area of the PTSMA in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, ~~including the Tangier Sound Hand Tong Area:~~ October 1, ~~2002 2003~~, through November 30, ~~2002 2003~~, and ~~February March 1, 2003 2004~~, through September 30, ~~2003 2004~~.

~~9. Little Wicomico River: October 1, 2002, through October 14, 2002, and January 16, 2003, through September 30, 2003.~~

~~10. 6. Deep Rock Dredge Area: October 1, 2002 2003, through January 31, 2003 February 29, 2004, and April 1, 2003 2004, through September 30, 2003 2004.~~

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

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

B. It shall be unlawful for any person to harvest or attempt to harvest oysters prior to sunrise or after 2 p.m. from the areas

described in subdivisions 1, 2 and 4 ~~through 45~~ 3 through 6 of 4 VAC 20-720-40.

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

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

4 VAC 20-720-70. Gear restrictions.

A. It shall be unlawful for any person to harvest oysters with shaft tongs longer than 18 feet in total overall length from the following public oyster grounds or unassigned grounds: ~~the James River, including the Deep Water Shoal State Replenishment Seed Area; that area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River north of the line drawn from Balls Point to Corrotoman Point; that area of the Piankatank River west of the Route 3 bridge; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; the Little Wicomico River; and that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; the Tangier Sound Hand Tong Area; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113.~~ It shall be unlawful for any person to have a hand scrape on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand tong.

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

C. It shall be unlawful for any person to harvest shellfish from the Rappahannock River Hand Scrape Area; Drumming Ground Hand Scrape Area; ~~and Temples Bay Hand Scrape Area; and the Little Wicomico, Nomini, Coan, Yeocomico, and Lower Machodoc Rivers~~ without first obtaining a valid hand scrape license at a cost of \$50.

D. It shall be unlawful for any person to harvest shellfish with a hand scrape from any public oyster grounds without first

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obtaining a valid hand scrape license and in accordance with times and areas established by the commission.

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

F. Harvesting with a standard oyster dredge shall be allowed in that area in the Deep Rock Dredge Area and in the PTSMA in Tangier Sound from Tangier Light north to the Maryland-Virginia line, and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, except for the designated hand tong areas. Only a standard oyster dredge (maximum weight 150 pounds with attachment, maximum width of 50 inches, maximum tooth length of four inches, minimum teeth spacing of three inches) may be used.

4 VAC 20-720-80. Quotas and harvest limits.

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

B. The lawful daily limit of clean cull oysters harvested from the areas as described in subdivisions 4 through 11 and 13 and 14 3 and 4 of 4 VAC 20-720-40 shall be determined by the number of registered commercial fishermen licensees on board the vessel multiplied by eight bushels. It shall be unlawful to possess on board any vessel or to land more than the daily limit of clean cull oysters.

C. In the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia line, and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, where harvesting is allowed by dredge, there shall be a harvest limit of 15 bushels per day, per vessel. It shall be unlawful to possess on board any vessel more than 15 bushels per day. No ~~hard clam~~ or blue crab bycatch is allowed. ~~Failure to report oysters harvested on a daily basis or pay oyster taxes shall result in the forfeiture of all harvested oysters and revocation of the dredge gear license for the remainder of the season. It shall be unlawful to possess on board any vessel more than 250 hard clams.~~

D. In the Deep Rock Dredge Area there shall be a harvest limit of 15 bushels per day per vessel. It shall be unlawful to possess on board any vessel or to land more than 15 bushels per day per vessel. No ~~hard clam~~ or blue crab bycatch is allowed. ~~It shall be unlawful to possess on board any vessel more than 250 hard clams.~~

E. Harvesters who export the oysters to an out-of-state market or do not sell the oysters to a licensed and Department of Health certified Virginia buyer but sell the oysters directly to the public for human consumption shall report oysters harvested on a daily basis and pay oyster taxes weekly.

VA.R. Doc. No. R04-19; Filed October 8, 2003, 11:21 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICES SERVICES BOARD

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with (i) § 2.2-4006 A 2 of the Code of Virginia, which excludes regulations that establish or prescribe agency organization internal practice or procedures, including delegations of authority and (ii) § 2.2-4006 A 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Department of Criminal Justices Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 6 VAC 20-190. Regulations for Breath Alcohol Testing (amending 6 VAC 20-190-10, 6 VAC 20-190-40, 6 VAC 20-190-60, 6 VAC 20-190-90, 6 VAC 20-190-100, 6 VAC 20-190-120, 6 VAC 20-190-150, 6 VAC 20-190-160 and 6 VAC 20-190-170).

Statutory Authority: § 9.1-102 of the Code of Virginia.

Effective Date: December 3, 2003.

Summary:

The amendments make technical corrections to the regulations and clarify breath test administrative procedures, the approval of breath test devices, licensing procedures, required forms and records, and specifications of preliminary breath test devices.

Agency Contact: Judy Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410 or e-mail jkirkendall@dcjs.state.va.us.

6 VAC 20-190-10. Definitions.

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

"Agency" means any town, city, county, or state law-enforcement agency under whose auspices breath tests are performed.

"Blood alcohol concentration" or ~~Blood alcohol level~~ means percent by weight of alcohol in a person's blood based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

"Breath test device" means, as used in Part II (6 VAC 20-190-30 et seq.) of this chapter, an instrument designed to perform a quantitative chemical test for alcohol on a sample of breath of a person subject to the provisions of §§ 18.2-268.1 through 18.2-268.3, 18.2-268.9, 29.1-738.2, 46.2-341.26:1 through 46.2-341.26:3 or 46.2-341.26:9 of the Code of Virginia or a parallel local ordinance.

"Chemical test" or *"chemical analysis"* means a quantitative test for alcohol using photometric, infrared, oxidation-reduction, or fuel cell methodologies or any a combination thereof performed on a sample or samples of breath of a person subject to the provisions of §§ 18.2-267, 18.2-268.1 through 18.2-268.3, 18.2-268.9, 29.1-738.1, 29.1-738.2, 46.2-341.25, 46.2-341.26:1 through 46.2-341.26:3 or 46.2-341.26:9 of the Code of Virginia or a parallel local ordinance.

"Division" means the Division of Forensic Science.

"Licensee" means a person holding a valid license from the division to perform a breath test of the type set forth within these regulations under the provisions of § 18.2-268.9 of the Code of Virginia or a parallel local ordinance.

"Preliminary breath test device" means, as used in Part III (6 VAC 20-190-170 et seq.) of this chapter, an instrument designed to perform a quantitative chemical test for alcohol on a sample of breath of a person suspected of an offense subjecting such person to the provisions of § 18.2-267, 29.1-738.1 or 46.2-341.25 of the Code of Virginia.

"Supplies and accessories" means any item, device, chemical, reagent, tube, mouthpiece, replacement part, or glassware, whether or not reusable, which is used in conjunction with a breath test device or a preliminary breath test device to determine the blood alcohol level concentration of any person subject to the provisions of §§ 18.2-267, 18.2-268.1 through 18.2-268.3, 18.2-268.9, 29.1-738.1, 29.1-738.2, 46.2-341.25, 46.2-341.26:1 through 46.2-341.26:3 or 46.2-341.26:9 of the Code of Virginia or a parallel local ordinance.

6 VAC 20-190-40. Storage.

The breath test device must be stored in a clean, dry location that is only accessible to an authorized licensee for the purpose of actually administering a breath test, preventative maintenance check, or other official uses. licensees and to other authorized individuals.

6 VAC 20-190-60. Modifications.

No modifications shall be made ~~on~~ to any breath test device by an agency without the written consent of the division.

6 VAC 20-190-90. Publishing list of devices.

The division shall periodically publish in the Virginia Register of Regulations a list of ~~any devices~~ device(s) approved for use as breath test ~~devices~~ device(s). Such list shall be published forthwith after any addition or deletion of any device(s) to or from the division's approved list. The division may, in addition, provide copies of its approved list to any agency subject to this chapter.

6 VAC 20-190-100. Publishing list of supplies.

The division shall periodically publish in the Virginia Register of Regulations a list of ~~approved~~ any supplies and accessories approved for use with breath test devices *that may be purchased by an agency*. Such list shall be published forthwith after any addition or deletion of any supplies or accessories to or from the division's approved list. The division may, in addition, provide copies of its approved list to any agency subject to this chapter.

6 VAC 20-190-120. Licensing procedures.

A. The division shall issue, renew, terminate and revoke licenses for individuals to perform breath alcohol tests on the basis of standards set forth in this chapter.

B. Application for an initial license to perform breath tests shall be made in writing to the division. The applicant shall have the endorsement of the appropriate supervisory law-enforcement officer or designated representative unless an exception is granted by the division.

C. The initial licenses shall be granted to individuals who demonstrate the ability to perform breath tests accurately and reliably in accordance with the methods approved by the division ~~and who satisfactorily explain the theoretical basis for such chemical analysis~~.

D. Only individuals successfully completing a basic course of instruction shall be deemed to have demonstrated competence to qualify for the issuance of ~~a~~ an initial license. *Further instruction may be required by the division to qualify a licensee to perform tests using additional breath test devices.*

E. Licenses shall be limited in scope to those breath test devices on which the individual applying for an initial or renewal license has demonstrated competence. ~~This limitation may be upon the device(s) on which the applicant received instruction in the course referred to in subsection D of this section or in such further instruction as may be necessary to qualify the individual for additional breath test device(s).~~

F. Licenses shall state the date upon which they are to expire, which date shall, in no event, be later than 24 months after the date of issuance. Licenses shall be subject to renewal at expiration or at such time prior to expiration as is convenient for the division on demonstration by the licensee of continuing competency to perform accurate and reliable breath tests. The division may at any time examine licensees to determine such continuing competency. ~~Licenses shall expire at the end of the expiration date, unless renewed on or before that date.~~ Licenses may be terminated or revoked by the division at any time upon its finding that the licensee no longer meets the qualifications necessary for the issuance of a license.

G. Any individual whose license has expired may renew his license within one year after its expiration date by successfully completing a recertification class and by demonstrating his competence in the performance of breath tests. Any individual (i) who fails the recertification class or (ii) whose license has expired and who does not renew his license within one year after its expiration date may renew his license by again attending and successfully completing the basic course of instruction referred to in subsection D of this section and

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demonstrating competence in the performance of breath tests as otherwise required.

H. The failure of a licensee to comply with this chapter may be grounds for revocation of such individual's license.

6 VAC 20-190-150. Log.

A. ~~For each agency to which a breath test device is assigned shall keep to an agency,~~ a permanent log of all completed, evidential tests and simulator solution changes administered by the licensees of that agency or other agencies *shall be kept*. This log shall be provided by the division and must be kept in the same location with the breath test device. The log shall be subject to periodic inspection by the division at any time. At least once each month, a copy of the log entries for the preceding month shall be submitted to the division to be kept on file for at least three years.

B. For each ~~agency to which a breath test device is assigned to an agency,~~ the division shall download by modem, at least once each month, data also recorded on the breath testing log. The division shall keep this data on file for at least three years.

6 VAC 20-190-160. Checklist.

A. ~~At least once For each month, each agency to which a breath test device is assigned shall complete to an agency,~~ a preventive maintenance checklist provided by the division *shall be completed at least once each month*. A signed copy of this preventative maintenance checklist shall be submitted to the division to be kept on file for at least three years.

B. For each ~~agency to which a breath test device is assigned to an agency,~~ the division shall download by modem, at least once each month, data also recorded on the preventive maintenance checklist. The division shall keep this data on file for

6 VAC 20-190-170. Preliminary breath test device.

All preliminary breath tests shall be performed on a preliminary breath test device approved by the division. Such devices shall offer convenience and efficiency in operation as determined by the division and shall also satisfy the requirements of either subdivision 1 or 2 of this section.

1. For instruments having a numeric readout, the device shall have a systematic error not exceeding $\pm 10\%$.
2. For instruments having a pass/fail, colored light readout, the device ~~satisfies~~ *shall satisfy* the following specifications:
 - a. When a sample of breath is properly taken from a person with an actual blood alcohol ~~level~~ *concentration* of 0.05% or less by weight *by volume* or 0.05 grams of alcohol per 210 liters of breath, the device shall not indicate a positive result.
 - b. When a sample of breath is properly taken from a person with an actual blood alcohol ~~level~~ *concentration* of ~~0.09%~~ *0.08%* or more by weight *by volume* or ~~0.09~~ *0.08* grams of alcohol per 210 liters of breath, the device shall not indicate a negative result.

VA.R. Doc. No. R04-21; Filed October 9, 2003, 1:31 p.m.

* * * * *

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Criminal Justice Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 6 VAC 20-200. Regulations for the Approval of Independent Laboratories (REPEALED).

Statutory Authority: § 9.1-102 of the Code of Virginia.

Effective Date: December 3, 2003.

Summary:

This regulation was originally adopted to meet Code of Virginia requirements to have approved laboratories conduct analyses of blood for alcohol or drugs in Driving Under the Influence cases.

Amendments to the Code of Virginia set forth by Chapter 933 of the 2003 Acts of Assembly, effective July 1, 2003, removed the requirement for the approval of independent laboratories. Since statutory authority no longer exists, it is necessary to repeal the relevant regulations regarding such approval.

Agency Contact: Katya Newton, Counsel, Division of Forensic Science, Department of Criminal Justice Services, 700 North 5th Street, Richmond, VA 23219, telephone (804) 786-6848, FAX (804) 786-6857.

VA.R. Doc. No. R04-20; Filed October 9, 2003, 1:34 p.m.

* * * * *

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with (i) § 2.2-4006 A 2 of the Code of Virginia, which excludes regulations that establish or prescribe agency organization internal practice or procedures, including delegations of authority and (ii) § 2.2-4006 A 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Department of Criminal Justice Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: ~~1-VAC 30-90.~~ 6 VAC 20-220. Regulations for the Approval of Field Tests for Detection of Drugs (adding 6 VAC 20-220-10 through 6 VAC 20-220-80).

Statutory Authority: § 9.1-102 of the Code of Virginia.

Effective Date: December 3, 2003.

Summary:

The 1996 Acts of the Assembly amended § 9-196.1 of the Code of Virginia (recodified in 2001 to § 9.1-117) by moving the Division of Forensic Science from the Department of

General Services to the Department of Criminal Justice Services. Therefore, the Virginia Administrative Code numbers are being changed to reflect this transfer. The amendments also update internal practice and procedures used by the division in approving the field test kits for the detection of drugs.

Agency Contact: Judy Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410 or e-mail jkirkendall@dcjs.state.va.us.

CHAPTER ~~90~~ 220.
REGULATIONS FOR THE APPROVAL OF FIELD TESTS
FOR DETECTION OF DRUGS.

PART I.
DEFINITIONS.

~~1 VAC 30-90-10.~~ **6 VAC 20-220-10. Definitions.**

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

"Agency" means any federal, state or local government law-enforcement organization in the Commonwealth.

"Approval authority" means the Director of the Division of Forensic Science or designee.

"Division" means the Division of Forensic Science, Department of ~~General~~ Criminal Justice Services.

"Drug" means any controlled substance, imitation controlled substance, or marijuana, as defined in § 18.2-247 of the Code of Virginia.

"Field test" means any presumptive chemical test unit used outside of a chemical laboratory environment to detect the presence of a drug.

"Field test kit" means a combination of individual field tests units.

"List of approved field tests" means a list of field tests or field test kits approved by the division for use by law-enforcement agencies in the Commonwealth and periodically published by the division in the Virginia Register of Regulations in accordance with § 19.2-188.1 of the Code of Virginia.

"Manufacturer" means any entity which makes or assembles field test units or field test kits to be used by any law-enforcement officer or agency in the Commonwealth for the purpose of detecting a drug.

"Manufacturers' instructions and claims" means those testing procedures, requirements, instructions, precautions and proposed conclusions which are published by the manufacturer and supplied with the field tests or field test kits.

"Street drug preparations" means any drug or combination of drugs and any other substance which has been encountered or is likely to be encountered by a law-enforcement officer as a purported drug in the Commonwealth.

PART II.
PROCESS FOR APPROVAL OF FIELD TESTS.

~~1 VAC 30-90-20. Regulations.~~ **6 VAC 20-220-20. Authority for approval.**

A. Section 19.2-188.1 of the Code of Virginia provides that the Division of Forensic Science shall approve field tests for use by law-enforcement officers to enable them to testify to the results obtained in any preliminary hearing regarding whether any substance, the identity of which is at issue in such hearing, is a controlled substance, imitation controlled substance, or marijuana, as defined in § 18.2-247 of the Code of Virginia.

6 VAC 20-220-30. Request for approval.

~~B.~~ A. Any manufacturer who wishes to have field tests or field test kits approved shall submit a written request for approval to the division director at the following address:

Director
Division of Forensic Science
~~1 North 14th Street~~ 700 North Fifth Street
Richmond, VA 23219.

B. Materials sufficient for at least 10 field tests shall be supplied for each drug for which the manufacturer requests approval. The materials shall include all instructions, precautions, color charts, flow charts and the like which are provided with the field test or field test kit and which describe the use and interpretation of the tests.

C. The manufacturer shall also include exact specifications as to the chemical composition of all chemicals or reagents used in the field tests. These shall include the volume or weight of the chemicals and the nature of their packaging. *Material Safety Data Sheets for each chemical or reagent shall be sufficient for this purpose.*

D. This approval will require at least 120 days from the receipt of the written request and all needed materials from the manufacturer.

~~C.~~ E. The division will use commonly encountered "street drug preparations" to examine those field tests for approval. In order to be approved, the field test must correctly react in a clearly observable fashion to the naked eye, and perform in accordance with manufacturers' instructions and claims.

6 VAC 20-220-40. Notice of approval.

~~D. Upon completion of such testing and in concurrence with the approval authority, a list of approved field tests will be published by the division in the General Notices section of the Virginia Register of Regulations. The division will notify each manufacturer in writing of the approval or disapproval of each test for which approval was requested. Should any test not be approved, the manufacturer may resubmit their request for approval of that field test according to the previously outlined procedures at any time. The division may, in addition, provide copies of its approval list to any agency subject to this chapter. The division may share any information or data developed from this testing with these agencies.~~

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6 VAC 20-220-50. Maintenance of approved status.

E. The division may require that this approval be done as often as annually for routine purposes. If any modifications are made to an approved field test by the manufacturer, the division shall be notified in writing of the changes. If unreported modifications are discovered by the division, the division may require that all testing and approval be repeated for the particular manufacturers' approved field tests at any time. The division shall notify the manufacturer in writing of this requirement. Any modified field test must be approved before it can be used in accordance with § 19.2-188.1 of the Code of Virginia. These changes shall include, but are not limited to any chemical, procedural or instructional modifications made to the field test.

6 VAC 20-220-60. Publication.

Upon completion of such testing and in concurrence with the approval authority, the division will periodically publish a list of approved field tests in the General Notices section of the Virginia Register of Regulations. The division will also periodically publish the list on its website. The division may, in addition, provide copies of its approved list to any agency subject to this chapter. The division may share any information or data developed from this testing with these agencies.

6 VAC 20-220-70. Liability.

F. A. The division assumes no liability as to the safety of these field tests or field test kits, any chemicals contained therein or the procedures and instructions by which they are used.

B. The division further assumes no responsibility for any incorrect results or interpretations obtained from these inherently tentative presumptive chemical tests.

PART III. FEES.

~~1 VAC 30-90-30.~~ 6 VAC 20-220-80. Fees.

Manufacturers will be charged a fee of \$50 for each drug or type of drug for which individual approval is requested. The division will evaluate the manufacturers' request and notify them in writing of the amount due before testing begins. Manufacturers who wish to withdraw a request for approval shall immediately notify the division in writing. The division's assessment of the amount of payment required will be based upon a detailed evaluation of the manufacturer's request and that amount will be final. Approval will not be granted before full payment is made to the Treasurer of Virginia.

VA.R. Doc. No. R04-22; Filed October 9, 2003, 1:33 p.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

REGISTRAR'S NOTICE: The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision B 21 of § 2.2-4002 of the Code of Virginia when promulgating regulations relating to the Virginia Breeders Fund created pursuant to § 59.1-372 of the Code of Virginia.

Title of Regulation: 11 VAC 10-130. Virginia Breeders Fund (amending 11 VAC 10-130-77).

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

Effective Date: October 14, 2003.

Summary:

The amendment provides that only the first foal from embryo/ovum transplants, each year, be allowed to compete in live harness racing within the Commonwealth. This amended regulation brings the Commonwealth into conformance with other major racing jurisdictions and the United States Trotting Association's regulations regarding embryo/ovum transplant foals.

Agency Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, P.O. Box 208, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418 or e-mail Anderson@vrc.state.va.us.

11 VAC 10-130-77. Foal registration.

A. Requirements. For an owner or lessee of a dam to be certified to receive breeder awards from the Virginia Breeders Fund, the owner or lessee must register its foal with the commission or its designee by satisfying the following requirements:

1. The owner, lessee or his authorized agent must submit an application, on a form approved by the commission, including the name of the stallion; the name of the dam; the sire of the dam; sex; color; year of foaling; and name, address and telephone number of the owner, lessee or his authorized agent;
2. The application must be signed and dated by the owner, lessee or his authorized agent;
3. If the dam is held under a lease, a statement to that effect and a copy of the lease, which must include a statement that the lessee is authorized to register the foal, must accompany the application; and
4. All Virginia-bred Standardbred horses must be registered with the commission or its designee prior to being entered in races.

B. Registration fees. A foal may be registered with the commission or its designee.

C. Embryo/ovum transplants. Effective with foals of 2003 and thereafter, foals other than the first foal each year produced by any method including but not limited to embryo/ovum transplant shall be ineligible for racing or breeding in the

Commonwealth of Virginia. This regulation shall not apply in the case of same birth twins. In addition, any future offspring of foals not eligible for racing or breeding under this regulation shall also not be eligible for racing or breeding in the Commonwealth of Virginia.

VA.R. Doc. No. R04-23; Filed October 14, 2003, 9:24 a.m.

Title of Regulation: 11 VAC 10-150. Harness Racing (amending 11 VAC 10-150-130).

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

Effective Date: November 17, 2003.

Summary:

The penalty for kicking a Standardbred in harness racing is amended. A \$200 fine, a suspension or both disciplinary actions shall be imposed for a first violation. For subsequent violations, a suspension shall be imposed.

Agency Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, P.O. Box 208, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418 or e-mail Anderson@vrc.state.va.us.

11 VAC 10-150-130. Racing.

A. Although a leading horse is entitled to any part of the racing surface, except after selecting his position in the home stretch, the driver of the leading horse and any other driver committing any of the following acts shall be subject to disciplinary action:

1. Changing either to the right or left during any part of the race when another horse is so near him that it causes the other horse to shorten its stride or make a break;
2. Jostling, striking, hooking wheels or interfering with another horse or driver;
3. Crossing sharply in front of a horse or crossing over in front of a field of horses in a reckless manner, endangering other drivers;
4. Swerving in and out or pulling up quickly;
5. Crowding a horse or driver;
6. Carrying a horse out;
7. Causing confusion or interference among trailing horses;
8. Letting a horse pass inside needlessly or otherwise helping another horse to improve his position in the race;
9. Committing any act which shall impede the progress of another horse or causing him to break;
10. Changing course after selecting a position in the home stretch;
11. Swerving in and out, or bearing in and out, in a manner so as to interfere with another horse, cause another driver to change course or take back;
12. Driving in a careless or reckless manner;
13. Loud shouting or other improper conduct; and

14. Kicking a horse, which shall be defined as a blow or thrust with the foot against any part of the horse's body or to impel by striking with the foot. Removal of a foot from the stirrups in and of itself shall not constitute the offense of kicking. *The stewards shall assess a minimum fine of \$200, a suspension or both disciplinary actions for the first violation, and any subsequent violation shall result in a suspension.*

B. If at a racetrack that does not have a continuous solid inside hub rail a horse or part of the horse's sulky leaves the course by going inside the hub rail or other demarcation that constitutes the inside limits of the course, the offending horse shall be placed one or more positions where, in the opinion of the stewards, the action gave the horse an unfair advantage over other horses in the race or the action helped the horse improve its position in the race. In addition, when an act of interference causes a horse or part of the horse's sulky to cross the inside limits of the course, and the horse is placed by the judges, the offending horse shall be placed behind the horse with which it interfered.

VA.R. Doc. No. R04-24; Filed October 14, 2003, 9:25 a.m.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-40. Eligibility Conditions and Requirements (amending 12 VAC 30-40-100, 12 VAC 30-40-140, 12 VAC 30-40-240, 12 VAC 30-40-280, and 12 VAC 30-40-290).

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

Effective Date: December 3, 2003.

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

Summary:

This action simplifies Medicaid eligibility requirements for counting income for aged, blind, and disabled individuals and by conforming methods for counting certain resources of Qualified Medicare Beneficiaries (QMBs), Specified Low-Income Medicare Beneficiaries (SLMBs) and Qualified Individuals (QIs) with the methods for counting the resources of other Medicaid aged, blind, and disabled recipients. This regulatory change eliminates the difficulty in and subjective nature of determining the fair market value of in-kind support and maintenance for all Aged, Blind, and Disabled covered groups with the exception of the special income level group for institutionalized individuals.

In addition, this action removes the disparity in the methods for counting specific types of real and personal property depending on the covered group for which the aged, blind,

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or disabled individual qualifies. In addition, the amendments clarify exemptions for the former home of an institutionalized recipient, household goods and personal effects, and cemetery plots as well as clarifying that financial eligibility can be met anytime during a month if resources are within the applicable limits on any day in such month.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the Office of the Registrar of Regulations.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:9 VA.R. 2799-2807 June 2, 2003, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R02-262; Filed October 9, 2003, 11:21 a.m.

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

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

Title of Regulation: **19 VAC 30-20. Motor Carrier Safety Regulations (amending 19 VAC 30-20-80).**

Statutory Authority: § 52-8.4 of the Code of Virginia.

Effective Date: January 2, 2004.

Summary:

The amendment adopts and incorporates by reference changes made by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, to CFR Parts 390 through 397 promulgated and in effect as of January 2, 2004. 49 CFR Parts 390 and 395 revise the hours-of-service regulations to require motor carriers of property to provide drivers with better opportunities to obtain sleep, and thereby reduce the incidence of crashes attributed in whole or part to drivers operating commercial motor vehicles while drowsy, tired or fatigued.

Agency Contact: Herbert B. Bridges, Lieutenant, Department of State Police, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 378-3489, FAX (804) 378-3487 or email mcsu@vsp.state.va.us.

19 VAC 30-20-80. Compliance.

Every person and commercial motor vehicle subject to the Motor Carrier Safety Regulations operating in interstate or

intrastate commerce within or through the Commonwealth of Virginia shall comply with the Federal Motor Carrier Safety Regulations promulgated by the United States Department of Transportation, Federal Motor Carrier Safety Administration, with amendments promulgated and in effect as of January 2, 2003 2004, pursuant to the United States Motor Carrier Safety Act found in 49 CFR Parts 390 through 397, which are incorporated in these regulations by reference, with certain exceptions, as set forth below.

VA.R. Doc. No. R04-18; Filed October 3, 2003, 12:48 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Title of Regulation: **24 VAC 30-71. Minimum Standards of Entrances to State Highways (amending 24 VAC 30-71-10, [24 VAC 30-71-20, 24 VAC 30-71-30, 24 VAC 30-71-50,] 24 VAC 30-71-70, 24 VAC 30-71-80, 24 VAC 30-71-90, 24 VAC 30-71-100, 24 VAC 30-71-110, 24 VAC 30-71-120, 24 VAC 30-71-130, 24 VAC 30-71-150, 24 VAC 30-71-160, and 24 VAC 30-71-170).**

Statutory Authority: §§ 33.1-12, 33.1-197, and 33.1-198 of the Code of Virginia.

Effective Date: December 3, 2003.

Agency Contact: Steve D. Edwards, Transportation Engineer Senior, Mobility Management Division, Department of Transportation, 1100 Bank Street, Richmond, VA 23219, telephone (804) 786-0121, FAX (804) 225-2448 or email Steve.Edwards@VirginiaDOT.org.

Summary:

The amendments update the technical documents containing standards of entrances to state highways incorporated by reference with the most recent versions. The only substantive change among these is allowing the use of superpave mix in the referenced materials. The amendments improve the clarity of the regulation by adding and revising definitions, adding explanations, descriptions, and new terms to the current language in a number of places; and clarify that the Virginia Department of Transportation has discretion to modify the details of private subdivision entrance designs.

The most substantive change to the proposed regulation is the revision to the sight tables in 24 VAC 30-71-130 to reflect the revised sight tables in the 2001 edition of A Policy on Geometric Design for Streets and Highways. Other changes involve revisions to the list of defined terms and technical documents referenced in the regulation to provide greater clarity or to provide additional instructions to those processing permits.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's

response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

24 VAC 30-71-10. Definitions.

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

"*Accessible route*" means a continuous unobstructed, stable, firm and slip-resistant path connecting all accessible elements of a facility (may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts) that can be approached, entered and used by persons with mobility impairments. An accessible route shall, to the maximum extent feasible, coincide with the route for the general public and shall be a minimum of three feet (0.9 meter) wide.

"*Board*" means the Commonwealth Transportation Board, Commonwealth of Virginia.

"*Central office*" means the office in downtown Richmond that contains the administrative functions, including preconstruction activities, and executes command responsibility and control over all Virginia Department of Transportation activities.

"*Clear zone*" means the ~~[unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles. The width of the clear zone is influenced by the type of facility, traffic volume, speed, horizontal alignment and embankment and is detailed in the department's Road Design Manual, English (revised October 1996) or metric (revised September 1996) measurement versions (effective July 1998) total roadside border area, starting at the edge of the traveled way, that is wide enough to allow an errant driver to stop or regain control of a vehicle. This area might consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a traversable slope with a clear run-out area at its toe, or a combination of these. (See Manual on Uniform Traffic Control Devices, Millennium (2000) edition, effective January 17, 2001)].~~

"*Commercial entrance*" means an entrance serving all entities other than an individual private residence. (See private entrance.)

"*Commissioner*" means the Commonwealth Transportation Commissioner, who is also Vice-Chairman of the Commonwealth Transportation Board.

"*Commonwealth*" means the Commonwealth of Virginia.

"*Crossover*" or "*median opening*" means ~~[a state-maintained an]~~ area located between opposing traffic, usually paved, to provide for crossing, left turn or U-turn maneuvers, on four- or more lane divided highways.

"*Department*" means the Virginia Department of Transportation (VDOT).

"*Design speed*" means the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern, as defined in the American Association of State Highway Transportation Officials' [1994 AASHTO's

2001] edition of A Policy on Geometric Design of Highways and Streets.

"*District office*" means the office in each of the nine construction districts located throughout the state that implements the construction and maintenance operations of the Virginia Department of Transportation.

"*Engineer*" means the engineer representing the Virginia Department of Transportation.

["*Functional intersection areas*" means the physical area of an at-grade intersection plus the boundary of the longitudinal limits of the auxiliary lanes (left and right turn lanes) of all the approaches of the intersection. The functional lengths include maneuver distance plus any required storage lengths of all turning bays.]

"*Operating speed*" means the highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis, as defined in the American Association of State Highway Transportation Officials' [1994 (AASHTO's) 2001] edition of A Policy on Geometric Design of Highways and Streets.

"*Private entrance*" means an entrance serving an individual that serves up to two private residence residences and is used for the exclusive benefit of the occupant.

"*Private subdivision road or street*" means a road or street that serves more than one two individual property properties, is privately owned and maintained, and requires a commercial entrance permit.

"*Right-of-way*" means that property within the entire area of every way or place of whatever nature within the system of state highways under the ownership, control or jurisdiction of the board, which that is open or which that is to be open within the future for the use of the public for purposes of travel in the Commonwealth. The area set out above includes not only the traveled portion but the entire area inside and outside the traveled portion, from boundary line to boundary line, and also parking and recreation areas which that are under the ownership, control or jurisdiction of the board.

"*Sight distance*" means, for crossovers and commercial entrances, [(*intersection sight distance*),] the [*unobstructed*] distance measured ~~[between the height of the driver's eye (3.5 foot) (1.07 meter) and the height of a 4.25-foot (1.30 meter) object without horizontal or vertical obstruction to the line of sight from the driver to an object. For sight distance calculations, height of the driver's eye is considered to be 3.5 feet (1.08 meter) and the height of object is also considered to be 3.5 feet (1.08 meter) above the roadway].~~

"*System of state highways*" means all highways and roads under the ownership, control, or jurisdiction of the board including, but not limited to, the primary, secondary, and interstate systems.

[24 VAC 30-71-20. Procedure for obtaining permits.

All applications for permits shall be obtained from and submitted through the office of the resident engineer for the

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county in which the work is to be performed. The applicant shall submit plans and application form for all proposed installations in sufficient time to permit the department to review them and make any necessary studies and changes. The plans shall include detailed and complete information concerning the location of the work, the type pavement, the roadway geometrics and other facts about the highway.

The resident engineers are authorized to issue private entrance permits. District administrators or their designees are authorized to issue commercial entrance permits (except outdoor theaters), permits for individual logging roads, permits for median crossovers, and permits for private entrances.

Any waiver of the required sight distance may only be granted by the chief engineer *for program development* or the ~~assistant commissioner for operations~~ *state location and design engineer* after a traffic engineering investigation has been conducted. However, a significant (i) increase of traffic in and out of the entrance, (ii) change in character of the traffic or peak hour volume, or (iii) operational safety problem may require upgrading or reconstruction, or both, of the entrance or closing the entrance. This language is not intended to be exclusive.

Permits cover not only the actual performance of work as approved, but also cover the subsequent maintenance, adjustment or removal of work. All permits shall be issued to the owners of the facilities or, in cases where continuing bonds are required, permits may be issued jointly to the owner and his contractor (as agent). The central office shall maintain permanent records of all permits issued.]

[24 VAC 30-71-30. Appeal procedure.

Permit applications shall be processed in a timely fashion. Applicants shall be notified in writing of the action taken on applications. If the permit is granted, issuance of the permit shall satisfy that requirement. If the permit is denied, notification of denial shall be made by certified mail, return receipt requested.

If the resident engineer either denies a permit sought or imposes conditions upon the issuance of a permit with which the applicant disagrees, an appeal may be made to the district administrator.

The district administrator ~~or~~ chief engineer ~~or assistant commissioner for operations~~ *for program development*, as the case may be, is authorized to consider and render a ruling on unresolved differences of opinion between the applicant and the resident engineer concerning the interpretation and application of these requirements.

To utilize the appeal process, the applicant shall provide the district administrator with a written request for review, setting forth a brief description of the unresolved issues within 30 days of receipt of the denial. The district administrator shall advise the applicant in writing within 60 days of the receipt of the appeal of his decision.]

[24 VAC 30-71-50. Entrance design.

All entrance design and construction shall comply with the department's design and construction criteria set forth in the documents incorporated by reference in 24 VAC 30-71-170.

In the event that *construction* plans have been adopted which ~~shall~~ *that will* ultimately change a highway, the permittee may be required to construct entrances which ~~that~~ shall be compatible with the ~~ultimate plans~~ *roadway's ultimate design*. The ~~determinations~~ *determination* to ~~whether the entrances shall include curb and gutter~~ *require curb and gutter or other features at the proposed driveway* shall be the responsibility of the engineer.

~~In counties or cities which have ordinances or entrance standards which equal or exceed those of the Virginia Department of Transportation, then those of the county or city shall apply. Ordinances or entrance standards established by counties or cities that exceed those of the Virginia Department of Transportation supersede those of the department.~~

The permittee shall be required to supply sufficient information for the department to determine entrance design features to adequately serve the roadway facility as well as the proposed development. Detailed engineering plans and traffic analysis plans from a ~~certified professional firm~~ *licensed design professional* may be required by the department.

To ensure the ~~maximum~~ efficiency of all commercial entrance designs certain general requirements shall be satisfied by each permittee. Consequently, potential applicants interested in using any individual designs shown in this chapter should first familiarize themselves with the prerequisites specified in 24 VAC 30-71-60 through 24 VAC 30-71-150.]

24 VAC 30-71-70. Location.

To prevent undue interference with free traffic movements, [~~entrance locations~~ *entrances*] shall be avoided within ~~intersectional~~ *functional intersection* areas, traffic circles or *roundabouts*, railroad grade crossings, interchanges or similar areas of traffic congestion. It is essential that designs allow unimpeded traffic movements entering or exiting. Parking and storage spaces shall be located a [~~reasonable~~ *sufficient*] distance from the entrance [~~location~~] to prevent interference with vehicles attempting to enter or exit the facility [*or cause disruption to the fronting road*]. [*Managing appropriate access is critical to the function of an entrance.*]

To reduce the number of points of access to state highways, joint use entrances are recommended if agreement can be reached by the owners. For a joint use entrance to be approved by the department, a copy of the property owner's recorded agreement shall be submitted to the department. [*The department encourages cross-access easements from adjoining properties.*]

24 VAC 30-71-80. Construction.

The type and depth of pavement shall be clearly indicated on the permit application. The pavement of entrances, turn lanes, and tapers shall be of stable material which ~~that~~ is at least comparable to the pavement of the adjacent roadway.

On-site parking shall be designed so as not to interfere with sight distance and to prevent vehicular overhang on state right-of-way. Interior curbing should be set a minimum of two feet (0.61 meter) outside or beyond the right-of-way line and should extend the entire length of the parking area. When parking areas abut curbing sections with sidewalk, parked vehicles shall be kept a sufficient distance from the curbing by

the use of parking bumpers, or other means, to prevent vehicle overhang over the sidewalk. The engineer shall determine the need for additional curbing along the right-of-way to the adjacent property line.

Mountable curb (standard CG-3 or CG-7 in the English (~~revised April 1995 effective February 2001~~) or metric (~~revised September effective January 1997~~) measurement versions of the Road and Bridge Standards, Volumes I and II) is required when constructed within the clear zone of a road [~~posted for a speed limit with a design speed~~] greater than 40 miles per hour (60 kilometers per hour) in rural areas and 45 miles per hour (70 kilometers per hour) in urban and suburban areas. [~~However, mountable curb is not recommended adjacent to sidewalks, due to potential encroachment of a vehicle onto the sidewalk.~~]

All curbing and entrance gutters used to construct commercial entrances shall be installed in accordance with the Virginia Department of Transportation's Road and Bridge Standards, English (~~revised April 1995 effective February 2001~~) or metric (~~revised September effective January 1997~~) measurement versions, and all material shall meet the department's certification.

The property owner or developer of commercial or industrial entrances or subdivision road entrances shall be responsible for the entire construction of the entrance in accordance with the provisions of the required permit.

24 VAC 30-71-90. Drainage.

Entrances shall be constructed so as not to impair drainage within the state's right-of-way, and so that surface water shall drain from the [~~state state's~~] roadway.

Where deemed necessary by the engineer, copies of a complete drainage layout, based on a drainage study by a [~~qualified engineer licensed design professional~~], shall be furnished by the permittee, along with his plans. This layout shall include the ultimate development and clearly show how the permittee proposes to handle the drainage and run-off from his development.

Pipe ends *of culverts* shall be reviewed independently by the engineer and grading or treatment at pipe ends shall be done in such a manner as to minimize any hazard the pipe ~~and ends or structures~~ may present to an [~~out-of-control errant~~] vehicle.

24 VAC 30-71-100. Crossovers or median openings.

Crossovers *or median openings* between the main through lanes shall not be permitted at entrances being constructed under provisions of a permit unless determined necessary by the department, and then only in accordance with the current policy on crossovers *or median openings* as outlined in this chapter and the department's Road Design Manual, English (~~revised October 1996~~) or metric (~~revised September 1996~~) measurement versions (*effective July 1998*). All crossover *or median opening* locations shall be approved by the district traffic engineer.

Crossovers *or median openings* that do not meet the standards as outlined in the department's Road Design Manual, English (~~revised October 1996~~) or metric (~~revised~~

~~September 1996~~) measurement versions (*effective July 1998*), shall be reviewed by the state [~~traffic mobility management~~] engineer and the state location and design engineer.

If the department determines that a crossover *or median opening* is permissible, the permittee shall be responsible for the entire cost and construction, including turn lanes, *traffic signal system, or both*, as deemed necessary by the engineer.

24 VAC 30-71-110. Auxiliary lanes, [acceleration lanes,] right turn lanes and left turn lanes.

The need for auxiliary lanes, [*acceleration lanes,*] right turn lanes and left turn lanes shall be jointly determined by the district traffic engineer and resident engineer in accordance with the [~~department's latest design and construction criteria guidance in Appendix C~~] included in the English (~~revised October 1996~~) or metric (~~revised September 1996~~) measurement versions (*effective July 1998*) of the Road Design Manual. [~~The design and construction of these lanes shall conform to the criteria shown in the Road Design Manual (effective July 1998).~~]

24 VAC 30-71-120. Curb ramps for persons with mobility impairments.

Ramps in curb sections [~~to aid the physically handicapped~~] shall be provided as required in § ~~45.1-384~~ 15.2-2021 of the Code of Virginia. A ~~The~~ standard drawing of the ~~for depressed~~ curb ramp (CG-12 [*A, B and C*]) ~~is~~ as shown in the Road and Bridge Standards, English (~~revised April 1995 effective February 2001~~) or metric (~~September effective January 1997~~) measurement versions, [~~or applicable insertable sheet~~] shall be utilized in the design.

24 VAC 30-71-130. Sight distances.

The following shall be utilized to evaluate [*intersection*] sight distance. [~~The sight distance requirements pertaining to commercial driveways are not classified as vertical and horizontal, but are intersection sight distance requirements being composed of both vertical and horizontal components.~~] Vertical sight distance shall be determined from [~~a target an object~~] mounted [~~4.25~~ 3.5] feet ([~~1.30~~ 1.08] meters) above the grade of the vehicle path simulating a vehicle ~~entering or exiting the entrance traveling the through lanes of the roadway~~. The sight distance shall be measured from an eye height of 3.5 feet ([~~1.07~~ 1.08] meters) to the [~~target object~~]. Horizontal sight distance shall be determined from an eye height of 3.5 feet ([~~1.07~~ 1.08] meters) with the object being [~~4.25~~ 3.5] feet ([~~1.30~~ 1.08] meters). For more information on sight distance, see the 1994 edition of A Policy on Geometric Design of Highways and Streets published by the American Association of State Highway Transportation Officials. [~~For more information on sight distance, see AASHTO's 2001 edition of A Policy on Geometric Design of Highways and Streets.~~]

On a typical two lane road with a horizontal curve, numerous objects restrict sight distance. These include, but are not limited to, cut slopes, buildings, vegetation, [*signs,*] and vehicles. Landscaping in these areas shall conform to the [~~Chief Engineer's memorandum entitled "Guidance for Planting in the Clear Zone and Landscaping for VDOT Projects" dated October 31, 2000, pending completion of an~~

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~~updated VDOT Environmental Division's Planting Guidelines Manual, effective 1990 AASHTO's 2001 edition of A Policy on Geometric Design of Highways and Streets~~. It is possible to have sight distance in the winter and not in the spring or summer due to the growth of vegetation. These obstructions should be considered when reviewing a commercial entrance permit. A divided highway may have similar problems. It is ~~[important critical]~~ to obtain ~~[at least]~~ the ~~[desirable minimum]~~ commercial entrance sight distance from the entrance as well as the left turn position into the entrance. Any waiver of the required sight distance may only be granted by

the chief engineer ~~[for program development]~~ or the ~~[assistant commissioner for operations state location and design engineer]~~ after a traffic engineering investigation has been conducted. ~~[Refer to the Guidance Document Instructional and Informational Memorandum (IIM) LD-227.1, dated January 15, 2003, for requirements concerning Federal Highway Administration (FHWA) approval of sight distance waiver.]~~

Table 1 shows specific information about sight distances and speeds along major roads:

Table 1

Sight Distances Along Major Roads at Intersections with Minor Roads and Roads, Crossovers or Median Openings, and Commercial Entrances
(English Measurements)

Height of Eye (3.5 ft.)	Height of Object ([4.25 3.5] ft.)						
	25 mph	30 mph	35 mph	40 mph	45 mph	50 mph	55 mph
Speed Limit [Design Speed]* Miles per hour (mph)							
[Two and Three Lane Road or Four Lane Divided Highways not at Crossovers 2 or 3 Lane Major Road+]	[250 280] ft.	[300 335] ft.	[350 390] ft.	[400 445] ft.	[450 500] ft.	[500 555] ft.	[550 610] ft.
[Four 4] Lane ** [Undivided and Four Lane Divided Highways at Crossovers Major Road Undivided (4 Lane Divided Highways at Crossovers - Minimum Sight Distance)]	[300 295] ft.	[350 355] ft.	[425 415] ft.	475 ft.	[525 530] ft.	[600 590] ft.	650 ft.

Sight Distances Along Major Roads at Intersections with Minor Roads, Crossovers or Median Openings, and Commercial Entrances
(Metric Measurements)

Height of Eye ([1.07 1.08] m.)	Height of Object ([1.30 1.08] m.)					
	40	50	60	70	80	90
Design Speed (km/h)*						
[Two 2 or 3] Lane Major Road [+]	[75 85] m.	[95 105] m.	[115 130] m.	[135 150] m.	[150 170] m.	[170 190] m.
[Four 4] Lane Major Road [Undivided (4 Lane Divided Highways at Crossovers - Minimum Sight Distance)]	[85 90] m.	[110 115] m.	[130 135] m.	[150 160] m.	[175 180] m.	[195 205] m.
[Four 4] Lane Major Road** (Divided - 5.4 m. Median)	[95 100] m.	[115 125] m.	[140 150] m.	[165 175] m.	[185 195] m.	[210 220] m.

* [Legal speed limit may be used at the engineers' discretion.] Where the operating speed on the respective segment of highway is determined to be lower than the legal speed limit, and, in the judgment of the engineers, the operating speed shall not create hazards for either a driver at a connection or on the major roadway and the legal speed limit cannot and, in all probability, shall not be obtained in the foreseeable future as a result of improvement or reconstruction, the sight distance requirements for the operating speed may then be applied. [Where the operating speed on the respective segment of highway is determined to be higher than the legal speed limit, the engineer may require, in the interest of public safety, that the sight distance requirement for the operating speed be applied.] The operating speed shall be determined by a traffic engineering study at the location in question. In all cases when the operating speed is used in lieu of the speed limit, full documentation of its determination shall be attached to the permit assembly. [For roadways with design speeds lower or higher than those shown, refer to the Road Design Manual (effective July 1998).]

** For median widths greater than 60 feet (18 meters), each roadway can be considered as a separate two, three, or four lane roadway. (See the [1994 2001] edition of [AASHTO's] A Policy on Geometric Design of Highways and Streets.)

[+ For three-lane major roads, where crossing two opposing travel lanes, use the four-lane sight distance. When crossing one opposing travel lane, use two-lane sight distance.]

24 VAC 30-71-150. Developer participation in traffic signal cost.

The following guidelines have been developed in an effort to obtain an equitable method of determining developer responsibility for participation in funding traffic signal work necessitated by land development:

1. Where the proposed development will generate sufficient traffic to warrant signalization, the total cost for design, materials, timing plans, and installation shall be borne by the developer.
2. Where development-generated traffic and existing highway traffic must be combined to meet the requirements for either the major or minor movements for any hour or hours, the developer shall bear 50% of the total cost for design materials, timing plans, and installation.
3. Where an existing traffic signal must be modified to accommodate traffic movements to or from the development, the developer shall bear the total cost for any design, materials, timing plans, installation, and relocation required to accommodate the development traffic.

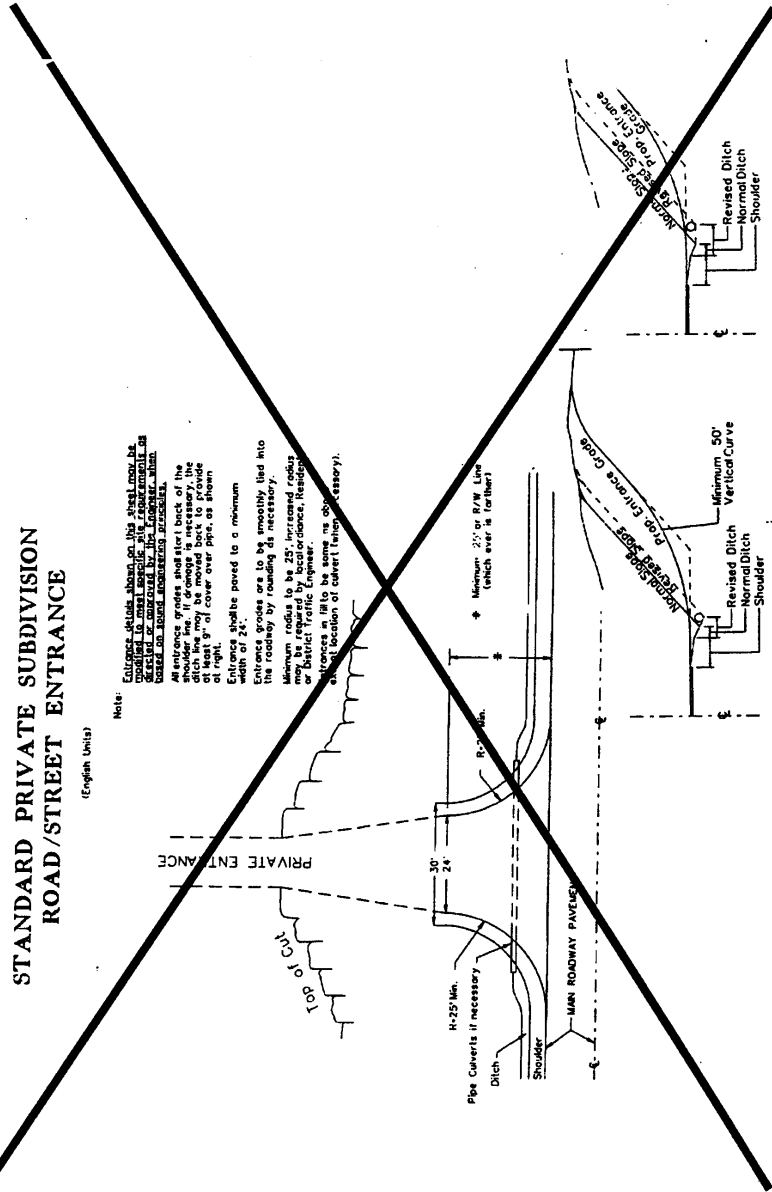
For large developments, such as regional shopping centers and corporate complexes, the department reserves the right to require that the developer design or have designed the traffic signal, including timing plans, and to install or have installed a complete working ~~installation~~ traffic signal system. Designs and installations shall be in accordance with the current departmental specifications and standards and shall be approved by the engineer.

24 VAC 30-71-160. Commercial/private entrance design illustrations.

The details set forth in the illustrations contained in this section may be reduced or modified if approved by the district administrator or engineer. [All entrance widths in the following illustrations shall be determined at the throat of the entrance, not the right of way line.]

EDITOR'S NOTE: No changes have been made since the publication of the proposed regulation to the first 14 commercial/private entrance illustrations contained in this section; therefore, the unchanged illustrations are not set out. The last two illustrations, Standard Private Subdivision-Road/Street Entrance (English Units) and Standard Private Subdivision-Road/Street Entrance (Metric Units), are amended and are printed below.

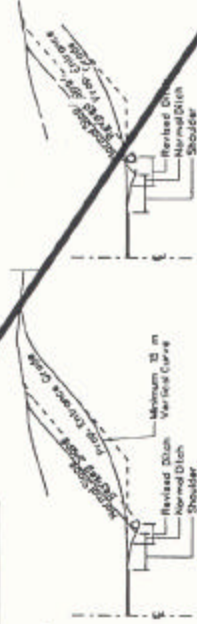
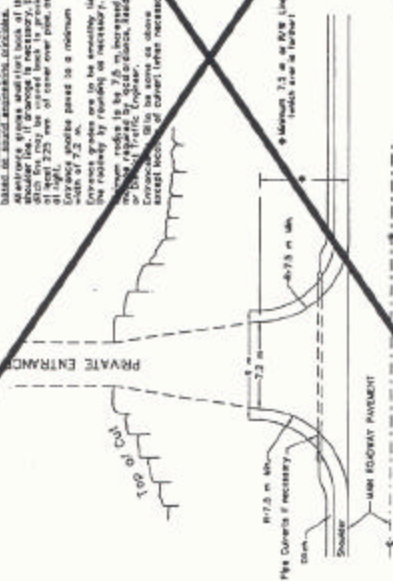
Minimum Standards of Entrances to State Highways



Minimum Standards of Entrances to State Highways

STANDARD PRIVATE SUBDIVISION ROAD/STREET ENTRANCE

new
Covered drains along the road are to
be installed in accordance with the
requirements of the Virginia
Department of Transportation.
Additional notes and notes at the
entrance line, if drainage is necessary, the
drain shall be installed at a depth
of not less than 225 mm or more
than 300 mm.
Entrance shall be a minimum
width of 7.2 m.
The road grade shall be necessary for
the entrance. The road shall be
constructed to the 7.2 m increased radius
and shall be constructed to the
entrance line. The road shall be
constructed to the entrance line
except where a different location is necessary.



ALTERNATE METHODS FOR PLACING PIPES UNDER ENTRANCES

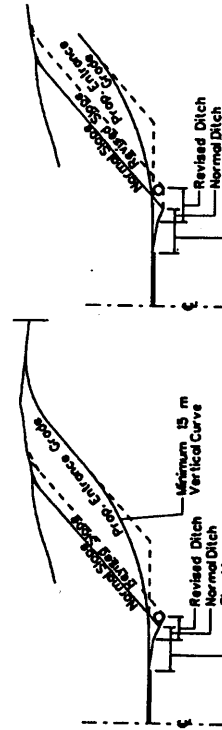
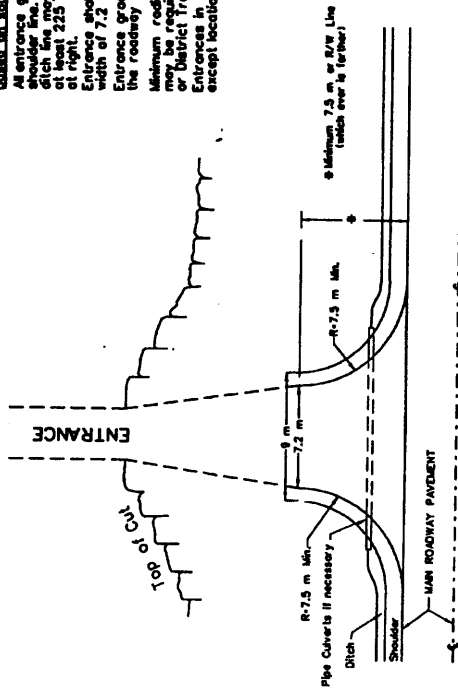
Minimum Standards of Entrances to State Highways

This illustration replaces the preceding deleted one

STANDARD PRIVATE SUBDIVISION
ROAD/STREET ENTRANCE

metric units

Note:
Entrance details shown on this sheet may be modified to meet specific site requirements as specified or approved by the Engineer, when based on sound engineering principles.
If entrance grade starts back of the driveway, the drainage is necessary, the ditch line may be placed at least 2.25 m from the curb at right.
Entrances shall be paved to a minimum width of 7.2 m.
Entrance grades are to be smoothly tied into the roadway by rounding as necessary.
Minimum radius to be 7.5 m, increased radius may be required by local ordinance, Resident or District Traffic Engineer.
Entrances in (B) to be same as above except location of culvert (when necessary).



ALTERNATE METHODS FOR PLACING PIPES UNDER ENTRANCES

Final Regulations

24 VAC 30-71-170. Listing of Documents incorporated by reference.

Information pertaining to the availability and cost of any of these publications should be directed to the department's division indicated, by writing to the Virginia Department of Transportation, 1401 East Broad Street, Richmond, Virginia 23219.

1. ~~Guidelines for Planting along Virginia's Roadways (1990), Environmental Division (VDOT)~~
2. ~~24 VAC 30-90-10 et seq., Subdivision Street Requirements (1996), Secondary Roads Division (VDOT)~~
3. ~~24 VAC 30-150-10 et seq., Land Use Permit Manual (1983), Maintenance Division (VDOT)~~
4. ~~A Policy on Geometric Design of Highways and Streets (1994), Location and Design Division (VDOT)~~
5. ~~Road and Bridge Standards, (revised April 1995) (English measurements), Road and Bridge Standards, (revised September 1997) (metric measurements) Location and Design Division (VDOT)~~
6. ~~Pavement Design Guide for Subdivision and Secondary Roads in Virginia (revised January 1996), Materials Division (VDOT)~~
7. ~~Road Design Manual, revised October 1996 (English measurements) Road Design Manual, revised September 1996 (metric measurements), Location and Design Division (VDOT)~~
8. ~~Road and Bridge Specifications (1994), (English measurements) Road and Bridge Specifications (effective 1997) (metric measurements), Construction Division (VDOT)~~

A. The document entitled, "A Policy on Geometric Design of Highways and Streets," [1994/2001], American Association of State Highway & Transportation Officials, is incorporated by reference and made a part of this chapter.

This document may be obtained from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001; E-mail address: info@aaashto.org.

[B. The Millennium (2000) edition of the Manual on Uniform Traffic Control Devices (MUTCD) (effective January 17, 2001) and revisions, including rulings thereto, is incorporated by reference and made a part of this chapter. It is available in electronic form on the Federal Highway Administration website and can be found at <http://mutcd.fhwa.dot.gov>. It can also be ordered from: Superintendent of Documents, U.S. Government Printing Office, P. O. Box 371954, Pittsburgh, PA 15250-7954 (Stock # 050-001-00332-5 (MUTCD, errata and Revision 1).]

[~~B. C.] The following VDOT documents are incorporated by reference and made a part of this chapter:~~

- ~~[1. Chief engineer's memorandum entitled, "Guidance for Planting in the Clear Zone and Landscaping for VDOT Projects" dated October 31, 2000, Environmental Division;]~~

[~~2. 1.] Road and Bridge Standards (English measurements), effective February 2001, Location and Design Division;~~

[~~3. 2.] Road and Bridge Standards (metric measurements), effective January 1997, Location and Design Division;~~

[~~4. 3.] Pavement Design Guide for Subdivision and Secondary Roads in Virginia, effective September 2000, Materials Division;~~

[~~5. 4.] Road Design Manual (English and metric measurements), effective July 1998, Location and Design Division;~~

[~~6. 5.] Road and Bridge Specifications (English measurements), effective 2002, [Construction Scheduling and Contract Development] Division;~~

[~~7. 6.]] Road and Bridge Specifications (metric measurements), effective 1997, [Construction Scheduling and Contract Development] Division.~~

The documents identified in this subsection may be obtained by writing to the attention of the division noted by each document at the Virginia Department of Transportation, 1401 E. Broad Street, Richmond, Virginia 23219, or via the Internet at <http://virginiadot.org/business/default.asp>.

C. VDOT regulations referenced throughout this chapter may be obtained from the Virginia Department of Transportation, 1401 E. Broad Street, Richmond, Virginia 23219, or by accessing the Virginia Administrative Code website at <http://leg1.state.va.us/000/reg/TOC24030.HTM>.

<p>NOTICE: The forms used in administering 24 VAC 30-71, Minimum Standards of Entrances to State Highways, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p>
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FORMS

~~Entrance Permit Application, MP-253, 1989 (rev. [3/02 10/03]).~~

~~Land Use Permit Surety Bond, MP-20 (rev. 4/99).~~

PERMIT APPLICATION
Rev. 10/2003



Land Use Permit Application No. _____
Commonwealth of Virginia
Department of Transportation

RETURN TO VDOT RESIDENCY OR PERMIT OFFICE ADDRESS

APPLICATION is hereby made for permit as shown on the accompanying plan or sketch and as described below. Said activity(s) will be done under and in accordance with the rules and regulations of the Commonwealth Transportation Board of Virginia, in so far as said rules are applicable thereto and any agreement between the parties herein before referred to. Where applicable agreements may be attached and made a part of the permit assembly including any cost responsibilities covering work under permit. Applicant agrees to maintain work in a manner as approved upon its completion. Applicant also hereby agrees and is bound and held responsible to the owner for any and all damages to any other installations already in place as a result of work covered by resulting permit. Applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board members of the Board, the Commonwealth and all Commonwealth employees, agents, and offices, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law. In consideration of the issuance of a permit the applicant agrees to waive for itself, successors in interest or assigns any entitlements it may otherwise have or have hereafter under the Uniform Relocation and Assistant Act of 1972 as amended in event the Department or its successor, chooses to exercise its acknowledged right to demand or cause the removal of any or all fixtures, personality of whatever kind or description that may hereafter be located, should this application be approved.

TYPE OR PRINT CLEARLY

Social Security or Tax ID number _____ Owner Name _____ Address _____ City _____ State _____ Zip Code _____	Contact Name _____ E-mail Address _____ Phone Number (____) _____-_____ Emergency Number (____) _____-_____ Fax Number (____) _____-_____ _____ _____ _____
Social Security or Tax ID number _____ Agent Name _____ Address _____ City _____ State _____ Zip Code _____	Contact Name _____ E-mail Address _____ Phone Number (____) _____-_____ Emergency Number (____) _____-_____ Fax Number (____) _____-_____ _____ _____ _____
Permit Term Requested _____ Fees Enclosed \$ _____ Check Number _____ Coupon Number(s) _____ Money Order _____ Other _____ The estimated cost of work to be performed on VDOT Right of Way \$ _____	
Surety Information: Surety Company Name _____ Amount of Surety \$ _____ Obligation Amount \$ _____ Check # _____ Bond # _____ ILC # _____ <input type="checkbox"/> Corporate Surety <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Waived The Surety Posted by Owner <input type="checkbox"/> or Agent <input type="checkbox"/>	
<p>Applicant has provided proof of the following requirements in accordance as defined in Code of Virginia section 56-265.15.</p> (1) The utility company has registered as an operator with the appropriate notification center. (2) Attached is a notarized affidavit, that the utility owner has notified the commercial and residential developer, owner of commercial or multifamily real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested, that application for the permit has been made.	

Request Permission: To perform the following activity(s) _____

 _____ as per attached plans.

Location: Tax Map Number _____ Applicant Job No. _____
 Geographically in County / Town / City of _____ On Highway Route and /or Name _____
 Between Route _____ St. Name _____ Latitude _____ Longitude _____
 And Route _____ St. Name _____ Latitude _____ Longitude _____

IF APPLICABLE, I AGREE TO PAY THE FULL SALARY AND EXPENSES OF A STATE ASSIGNED INSPECTOR IN CONJUNCTION WITH THIS PROJECT, COVERED BY ACCOUNT RECEIVABLE NUMBER.

Signature of applicant _____ Title _____ Date _____
 Signature of agent _____ Title _____ Date _____

All applicable items on this form must be completed before your request can be considered. Recheck information furnished to avoid delay. Prepayment Required - make Remittance payable to Virginia Department of Transportation.

VDOT USE ONLY

Receipt is hereby acknowledged of CHECK _____ COUPON _____ M.O. _____ In The Amount of \$ _____
Permit Fee \$ _____ Cash Surety \$ _____ VDOT Reference Number _____
Signed _____ VDOT.
Copy To Permit Office Copy To District Office Copy To Applicant

GENERAL NOTICES/ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Public Hearing Relating to the Pine Shoot Beetle (*Tomicus piniperda* (Linnaeus)) Quarantine

Pursuant to § 3.1-188.23 of the Code of Virginia, the Commissioner of Agriculture and Consumer Services has adopted a temporary quarantine relating to the Pine Shoot Beetle (*Tomicus piniperda* (Linnaeus)), governing Clarke County.

Section 3.1-188.23 provides that if it appears that a quarantine for more than 90 days will be necessary, the Board of Agriculture and Consumer Services shall hold a public hearing on the matter.

This is notice that the Board of Agriculture and Consumer Services intends to hold such a public hearing at 10 a.m., December 4, 2003. The public hearing will be held in the 2nd Floor Board Room, Washington Building, 1100 Bank Street, Richmond, Virginia 23219.

A copy of the temporary quarantine is printed below:

For further information, please contact Frank Fulgham, Program Manager, Office of Plant and Pest Services, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 703, Richmond, VA 23219, telephone (804) 786-3515, (800) 828-1120 TTY, FAX (804) 371-7793, or email ffulgham@vdacs.state.va.us.

Virginia Pine Shoot Beetle Temporary Quarantine for Enforcement of the Virginia Pest Law

Statutory authority: § 3.1-188.23 of the Code of Virginia (1950), as amended.

§ 1. Definitions.

The following words and terms shall have the following meaning unless the context clearly indicates otherwise:

Certificate means a document in which an inspector affirms that a specified regulated article is free of pine shoot beetle and may be moved to any destination outside the area under quarantine.

Compliance Agreement means a written agreement between a person engaged in growing, handling, receiving or moving regulated articles and the Virginia Department of Agriculture and Consumer Services, the U.S. Department of Agriculture, or both, wherein the former agrees to comply with the requirements of the compliance agreement.

Infestation means the presence of the pine shoot beetle or the existence of circumstances that make it reasonable to believe that the pine shoot beetle is present.

Inspector means any employee of the Virginia Department of Agriculture and Consumer Services, or other person authorized by the Commissioner to enforce the provisions of the quarantine or regulation.

Limited Permit (permit) means a document in which an inspector affirms that the regulated article identified on the

document is eligible for movement in accordance with this regulation only to a specified destination and only in accordance with specified conditions.

Moved (Move, Movement) means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

Person means any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Pine nursery stock means all *Pinus* spp. woody plants, shrubs, and rooted trees, including dug (balled and burlaped) Christmas trees, and ornamental pine, such as bonsai.

Pine shoot beetle means the insect known as pine shoot beetle, *Tomicus piniperda* (Linnaeus), in any stage of development.

Virginia Pest Law means the statute set forth in Article 6 (§3.1-188.20 et seq.) of Title 3.1 of the Code of Virginia.

§ 2. Regulated articles.

The following articles are regulated under the provisions of this quarantine, and shall not be moved out of any regulated area within Virginia, except in compliance with the conditions prescribed in this quarantine:

(1) Pine products (*Pinus* spp.), as follows: Bark nuggets (including bark chips); Christmas trees; logs with bark attached; lumber with bark attached; nursery stock; raw pine materials for wreaths and garlands; and stumps.

(2) Any article, product, or means of conveyance which, in the determination of the Commissioner of the Department of Agriculture and Consumer Services (Commissioner), presents the risk of spread of the pine shoot beetle.

§ 3. Regulated areas.

The following areas in Virginia:

The entire county of:

Clarke

§ 4. Conditions governing the intrastate movement of regulated articles.

A. Movement within Regulated Areas – Movement of a regulated article solely within the regulated area is allowed without restriction.

B. Any regulated article may be moved intrastate from a regulated area only if moved under the following conditions:

(1) With a certificate or limited permit issued and attached in accordance with Sec. 5 and Sec. 8 of this quarantine.

(2) Without a certificate or limited permit, if:

(a)

(i) The regulated article originates outside any regulated area and is moved through the regulated area without stopping (except for dropoff loads, refueling, or traffic conditions, such as traffic lights or stop signs) during

October, November, or December, or when ambient air temperature is below 10 deg. C (50 deg. F); or

(ii) The regulated article originates outside any regulated area and, during the period of January through September, is moved through the regulated area at a temperature higher than 10 deg. C (50 deg. F), if the article is shipped in an enclosed vehicle or completely covered (such as with plastic, canvas, or other closely woven cloth) so as to prevent access by the pine shoot beetle; and

(b) The point of origin of the regulated article is indicted on the waybill.

(3) With a limited permit issued by the Commonwealth if the regulated article is moved:

(a) By a State or Federal agency for experimental or scientific purposes;

(b) Under conditions, specified on the permit, which the Commissioner has found to be adequate to prevent the spread of the pine shoot beetle; and

(c) With a tag or label, bearing the number of the permit issued for the regulated article, attached to the outside of the container of the regulated article or attached to the regulated article itself, if the regulated article is not in a container.

§ 5. Issuance and cancellation of certificates and limited permits.

A. An inspector may issue a certificate for the intrastate movement of a regulated article if the inspector determines that:

(1)

(a) The regulated article has been treated under the direction of an inspector in accordance with Sec. 10 of this quarantine; or

(b) Based on inspection of the premises of origin, if the regulated article is a greenhouse-grown pine (such as bonsai), that the greenhouse is free from the pine shoot beetle and is screened to prevent entry of the pine shoot beetle; or

(c) Based on inspection of the regulated article, if the regulated article is a pine seedling or a pine transplant and is no greater than 36 inches high with a bole diameter at soil level of 1 inch or less, that it is free from the pine shoot beetle; or

(d) Based on inspection by an inspector (branch tip-by-branch tip) of pine nursery stock, that it is free from the pine shoot beetle; or

(e) If the regulated article is a pine log with bark attached or pine lumber with bark attached or a pine stump, that its source tree has been felled during the period of July through October; and

(2)

a) The regulated article will be moved through the regulated area during October, November, or December, or when the ambient air temperature is below 10 deg. C (50 deg. F); or

b) The regulated article will be moved through the regulated area during the period of January through September, if the ambient air temperature is 10 deg. C (50 deg. F) or higher, in an enclosed vehicle or completely enclosed by a covering adequate to prevent access by the pine shoot beetle; or

c) The pine log with bark attached, pine lumber with bark attached, or pine stump, from a tree felled during the period of July through October, will be shipped intrastate from the regulated area during the period of July through October; and

(3) The regulated article is to be moved in compliance with any additional conditions deemed necessary under the Virginia Pest Law to prevent the spread of the pine shoot beetle; and

(4) The regulated article is eligible for unrestricted movement under all other State or Federal domestic plant quarantines and regulations applicable to the regulated articles.

B. An inspector may issue a limited permit for the intrastate movement of a regulated article if the inspector determines that:

(1)

(a) The regulated article is to be moved intrastate to a specified destination for specified handling, processing, or utilization (the destination and other conditions to be listed in the limited permit), and this intrastate movement will not result in the spread of the pine shoot beetle. If the regulated article is part of a shipment of pine Christmas trees, the inspector will make a pest-risk determination on the basis of an inspection conducted in accordance with Sec. 5 C. of this quarantine; or

(b) The regulated article is to be moved intrastate from a regulated area to a regulated area and will transit any non-regulated area in an enclosed vehicle or completely enclosed by a covering adequate to prevent access by the pine shoot beetle; and

(2) The regulated article is to be moved in compliance with any additional conditions deemed necessary under the Virginia Pest Law to prevent the spread of the pine shoot beetle; and

(3) The regulated article is eligible for interstate movement under all other State or Federal domestic plant quarantines and regulations applicable to the regulated article.

C. The number of pine Christmas trees randomly selected for inspection is determined by the size and type of shipment, in accordance with the following tables. If a shipment mixes painted and natural trees, the inspection procedure for painted trees will apply. If a pine shoot beetle is detected in any one of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain

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unsold as of December 25 must be destroyed by burning or chipping, or must be fumigated, prior to January 1."

Table 1.-- Painted (Color-Enhanced) Pine Christmas Trees

No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample
1-72	All	301-400	111	701-800	120	2,001-3,000	127
73-100	73	401-500	115	801-900	121	3,001-5,000	128
101-200	96	501-600	117	901-1,000	122	5,001-10,000	129
201-300	106	601-700	119	1,001-2,000	126	10,001 or more	130

Table 2.-- Natural (Unpainted) Pine Christmas Trees

No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample
1-57	All	201-300	75	501-600	80	1,001-3,000	84
58-100	58	301-400	77	601-700	81	3,001-10,000	85
101-200	69	401-500	79	701-1,000	82	10,000 or more	86

D. Certificates and limited permits for use for intrastate movement of regulated articles may be issued by an inspector or person operating under a compliance agreement. A person operating under a compliance agreement may issue a certificate for the intrastate movement of a regulated article if an inspector has determined that the regulated article is otherwise eligible for a certificate in accordance with paragraph A. of this section. A person operating under a compliance agreement may issue a limited permit for intrastate movement of a regulated article when an inspector has determined that the regulated article is eligible for a limited permit in accordance with paragraph B. of this section.

E. Any certificate or limited permit that has been issued or authorized may be withdrawn by the inspector orally, or in writing, if he or she determines that the holder of the certificate or limited permit has not complied with all conditions for the use of the certificate or limited permit or with any applicable compliance agreement. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow.

§ 6. Compliance agreements and cancellation.

A. Any person engaged in growing, handling, or moving regulated articles may enter into a compliance agreement when an inspector determines that the person understands this quarantine. The agreement shall stipulate that safeguards will be maintained against the establishment and spread of infestation, and will comply with the conditions governing the maintenance of identity, handling, and subsequent movement of such articles, and the

cleaning and treatment of means of conveyance and containers.

B. Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with this quarantine. If the cancellation is oral, the cancellation and the reasons for the cancellation shall be confirmed in writing as promptly as circumstances allow.

§ 7. Assembly and inspection of regulated articles.

A. Any person (other than a person authorized to issue certificates or limited permits under Sec. 5. D.), who desires to move a regulated article intrastate accompanied by a certificate or limited permit shall apply for inspection as far in advance as possible.

B. The regulated article must be assembled at the place and in the manner the inspector designates as necessary to facilitate inspection and comply with this quarantine. The regulated article shall be safeguarded from infestation.

§ 8. Attachment and disposition of certificates and limited permits.

A. A certificate or limited permit required for the intrastate movement of a regulated article must be attached, at all times during the intrastate movement, to the outside of the container containing the regulated article, or to the regulated article itself, if not in a container. The requirements of this section may also be met by attaching the certificate or limited permit to the consignee's copy of

the waybill, provided the regulated article is sufficiently described on the certificate or limited permit and on the waybill to identify the regulated article.

B. The certificate or limited permit for the intrastate movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article.

§ 9. Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and pine shoot beetles as provided in the Virginia Pest Law under which this quarantine is issued.

§ 10. Treatments.

A. Fumigation is authorized for use on pine logs with bark attached, pine lumber with bark attached, pine bark nuggets (including bark chips), and pine stumps, as follows: Logs, lumber, and stumps may be treated with methyl

bromide at normal atmospheric pressure with 48 g/m³ (3 lb/1000 ft³) for

16 hours at 21 deg. C (70 deg. F) or above, or 80 g/m³ (5 lb/1000 ft³) for 16 hours at 4.5 - 20.5 deg. C (40 - 69 deg. F).

B. Cold treatment is authorized for cut pine Christmas trees, pine nursery stock, and raw pine materials for pine wreaths and garlands as follows: The regulated articles must be loaded into a refrigeration unit and held at -20.6 deg. C (5 deg. F) for one hour; the period before the refrigeration unit reaches the specified temperature is not part of the treatment period.

C. Any one of these fumigation treatments is authorized for use on cut pine Christmas trees and raw pine materials for pine wreaths and garlands. Cut pine Christmas trees and raw pine materials for pine wreaths and garlands may be treated with methyl bromide at normal atmospheric pressure as follows:

Temperature	Dosage: lbs/1000 ft ³	Exposure: hours	Concentration readings: ounces per 1000 ft ³			
			2.0 hrs.	3.0 hrs.	3.5 hrs.	4.0 hrs.
40-49 deg. F	4.0	4.0	57	---	---	48
50-59 deg. F	4.0	3.5	57	---	48	---
50-59 deg. F	3.5	4.0	50	---	---	42
60 deg. F +	4.0	3.0	57	48	---	---
60 deg. F +	3.0	4.0	43	---	---	36

§ 11. Non-liability of the department.

The Virginia Department of Agriculture and Consumer Services shall not be liable for:

A. Any costs incident to inspections required under the provisions of the quarantine and regulations, other than for the services of the inspector.

B. Damage to cut pine Christmas trees due to possible phytotoxic effects of authorized treatments. Trees should be cut at least 14 days before treatment to reduce the possibility of phytotoxic effects.

This Temporary Quarantine becomes effective on October 1, 2003, and shall continue for a period not to exceed 90 days.

Issued on 09/25/03 in Richmond, Virginia

/s/ J. Carlton Courter, III
Commissioner

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Division of Forensic Science

Approved Field Tests for Detection of Drugs

Statutory Authority: § 19.2-188.1 of the Code of Virginia.

In accordance with 6 VAC 20-220-60 of the Regulations for the Approval of Field Tests for Detection of Drugs and under

the authority of the Code of Virginia, the following field tests for detection of drugs are approved field tests:

Becton Dickinson Public Safety
147 Clinton Road
West Caldwell, N. J. 07006

Drug or Drug Type	Manufacturer's Field Test
Marijuana	Test E (Duquenois-Levine Test)
Hashish	Test E (Duquenois-Levine Test)
Hashish Oil	Test E (Duquenois-Levine Test)
Cocaine Hydrochloride	Test G (Modified Scott Reagent)
Cocaine Base	Test G (Modified Scott Reagent)
Heroin	Test K (Opiates Reagent)
Codeine	Test K (Opiates Reagent)
Morphine	Test K (Opiates Reagent)

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Heroin	Test L (Brown Heroin Reagent)		Reagent
Barbiturates	Test C (Dille-Koppanyi, Modified)	Barbiturates	7605-Dille Koppanyi Reagent
Amphetamine	Test A (Marquis Reagent)	Amphetamine	7606-Mandelin Reagent
Methamphetamine	Test A (Marquis Reagent)	Methadone	7606-Mandelin Reagent
Lysergic Acid Diethylamide	Test D (LSD Reagent System)	Lysergic Acid Diethylamide (LSD)	7607-Modified Ehrlich's Reagent
O D V Incorporated (NarcoPouch)		Marijuana	7608-Duquenois Reagent
Post Office Box 305		Hashish Oil	7608-Duquenois Reagent
South Paris, Maine 04281		Hashish	7608-Duquenois Reagent
		Tetrahydrocannabinol (THC)	7608-Duquenois Reagent
Drug or Drug Type	Manufacturer's Field Test	Marijuana	7609-K N Reagent
Narcotic Alkaloids	901-Mayer's Reagent	Hashish Oil	7609-K N Reagent
Heroin	901-Mayer's Reagent	Hashish	7609-K N Reagent
Morphine	901-Mayer's Reagent	Tetrahydrocannabinol (THC)	7609-K N Reagent
Cocaine Hydrochloride	901-Mayer's Reagent	Cocaine Base	7613-Test #13 (Cocaine Free-Base Reagent)
Opiates	902-Marquis Reagent	Phencyclidine (PCP)	7614-Test #14 (Methaqualone Reagent)
Heroin	902-Marquis Reagent	Methaqualone	7614-Test #14 (Methaqualone Reagent)
Morphine	902-Marquis Reagent	MDMA	7623-Secondary Amine Reagent
Methamphetamine	902-Marquis Reagent	Methamphetamine	7623-Secondary Amine Reagent
Amphetamine	902-Marquis Reagent	Diazepam	7625-Test #25 (Diazepam Reagent)
MDMA	902-Marquis Reagent	Pentazocine	7626-Test #26 (Talwin Reagent)
Heroin	903-Nitric Acid	Ephedrine	7627-Test #27 (Ephedrine Reagent)
Morphine	903-Nitric Acid	Sirchie Fingerprint Laboratories	
Cocaine Hydrochloride	904-Scott (Modified) Reagent	5825 Triangle Drive	
Cocaine Base	904-Scott (Modified) Reagent	Umstead Industrial Park	
Barbiturates	905-Dille-Koppanyi Reagent	Post Office Box 30576	
Amphetamine	906-Mandelin Reagent	Raleigh, N. C. 27622-0576	
Methamphetamine	906-Mandelin Reagent		
Methadone	906-Mandelin Reagent	Drug or Drug Type	Manufacturer's Field Test
Lysergic Acid Diethylamide (LSD)	907-Ehrlich's (Modified) Reagent	Narcotic Alkaloids	#1-Mayer's Reagent
Marijuana	908-Duquenois Levine Reagent	Heroin	#1-Mayer's Reagent
Hashish	908-Duquenois Levine Reagent	Morphine	#1-Mayer's Reagent
Hashish Oil	908-Duquenois Levine Reagent	Cocaine Hydrochloride	#1-Mayer's Reagent
Tetrahydrocannabinol (THC)	908-Duquenois Levine Reagent	Morphine	#1-Mayer's Reagent
Marijuana	909-K N Reagent	Amphetamine	#1-Mayer's Reagent
Hashish	909-K N Reagent	Opium Alkaloids	#2-Marquis Reagent
Hashish Oil	909-K N Reagent	Heroin	#2-Marquis Reagent
Tetrahydrocannabinol (THC)	909-K N Reagent	Amphetamine	#2-Marquis Reagent
Phencyclidine (PCP)	914-PCP Methaqualone Reagent	Meperidine (Demerol) (Pethidine)	#2-Marquis Reagent
Methaqualone	914-PCP Methaqualone Reagent	Heroin	#3-Nitric Acid Reagent
MDMA	923-Secondary Amine Reagent	Morphine	#3-Nitric Acid Reagent
Methamphetamine	923-Secondary Amine Reagent	Cocaine Hydrochloride	#4-Cobalt Thiocyanate Reagent
Heroin	924-Mecke's Modified	Procaine	#4-Cobalt Thiocyanate Reagent
Diazepam	925-Valium/ Diazepam Reagent	Tetracaine	#4-Cobalt Thiocyanate Reagent
Pentazocine	926-Talwin/ Pentazocine Reagent	Methadone	#4-Cobalt Thiocyanate Reagent
Ephedrine	927-Ephedrine Reagent	Barbiturates	#5-Dille-Koppanyi Reagent
Narcotic Alkaloids	7601-Mayer's Reagent	Amphetamine	#6-Mandelin Reagent
Heroin	7601-Mayer's Reagent	Lysergic Acid Diethylamide (LSD)	#7-Ehrlich's Reagent
Morphine	7601-Mayer's Reagent	Marijuana	#8-Duquenois Reagent
Cocaine Hydrochloride	7601-Mayer's Reagent	Hashish	#8-Duquenois Reagent
Opiates	7602-Marquis Reagent	Tetrahydrocannabinol (THC)	#8-Duquenois Reagent
Heroin	7602-Marquis Reagent	Marijuana	#9-NDB (Fast Blue B Salt) Reagent
Morphine	7602-Marquis Reagent	Hashish	#9-NDB (Fast Blue B Salt) Reagent
Methamphetamine	7602-Marquis Reagent	Tetrahydrocannabinol (THC)	#9-NDB (Fast Blue B Salt) Reagent
MDMA	7602-Marquis Reagent		
Heroin	7603-Nitric Acid		
Morphine	7603-Nitric Acid		
Cocaine Hydrochloride	7604-Cobalt Thiocyanate Reagent		
Dibucaine	7604-Cobalt Thiocyanate Reagent		
Tetracaine	7604-Cobalt Thiocyanate Reagent		
Procaine	7604-Cobalt Thiocyanate		

Cocaine Base (Crack)	#13-Cobalt Thiocyanate/Crack Test
Methamphetamine	#1-Mayer's Reagent
Methamphetamine	#1-Marquis Reagent
Hashish Oil	#8-Duquenois Reagent
Hashish Oil	#9-NDB (Fast Blue B Salt) Reagent

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) - Moore's Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of an Implementation Plan for Moore's Creek in Albemarle County. A Total Maximum Daily Load (TMDL) for the Moore's Creek bacteria impairments was approved by EPA on May 24, 2002, and is available on DEQ's website at <http://www.deq.state.va.us/tmdl/rpts.html>.

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an Implementation Plan (IP) for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and the associated costs, benefits, and environmental impacts.

The first public meeting on the development of the IP for the Moore's Creek fecal coliform bacteria TMDL will be held on Monday, November 17, 2003, at 7 p.m. in the Thomas Jefferson Planning District Office at 300 East Main Street, Charlottesville, Virginia 22902.

The public comment period following this meeting will end on December 17, 2003. A fact sheet on the development of an IP for the Moore's Creek bacteria TMDL is available upon request. Questions or information requests should be addressed to Robert Brent, at (540) 574-7848. Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, or e-mail rbrent@deq.state.va.us.

Total Maximum Daily Load (TMDL) - Roses Creek

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require the Department of Environmental Quality (DEQ) to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report. Therefore, the DEQ is hosting a public meeting to discuss the development of Total Maximum Daily Loads (TMDLs) in Roses Creek in Brunswick County for bacterial and benthic impairment. DEQ also seeks written and oral comments from interested persons on the development of the bacterial and benthic TMDLs for Roses Creek. The Roses Creek bacteria TMDL addresses a 9.85 mile segment from Alberta to the mouth at Great Creek. The benthic TMDL addresses a 3.02 mile segment from Alberta downstream to Route 646. These TMDLs will determine the amount of bacteria, nutrients and solids that Roses Creek may contain and still maintain water quality standards. The

meeting will be on Thursday, November 20, 2003, at 7 p.m., in the Municipal Office Council Chambers at 400 North Main Street in Lawrenceville, VA (parking in back) and will last approximately 90 minutes. The purpose of the meeting is to give a brief introduction on TMDLs, answer questions from the public, verify DEQ data and obtain information from the public to fill in the gaps in the DEQ data on Roses Creek. Please feel free to invite others to this meeting.

A one month public comment period for this phase of the TMDL development will end on December 20, 2003. Information pertaining to TMDL development is available upon request or can be found on the DEQ's web site at <http://www.deq.state.va.us/TMDL>. Written comments should include the name, address, and telephone number of the person submitting the comments. Questions or information requests should be addressed to Mark S. Alling, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5021, FAX (804) 527-5106, or e-mail msalling@deq.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intent to Modify the Percentage and Reduce Payments to General Acute Care Hospitals

Notice is hereby given that the Department of Medical Assistance Services (DMAS) intends to modify its reimbursement plan for general acute care hospitals pursuant to the department's authority under Title XIX of the Social Security Act. This notice is intended to satisfy the requirements of 42 CFR § 447.205 and of § 1902(a)(13) of the Social Security Act, 42 USC § 1396a(a)(13). The changes contained in this public notice are occurring in response to a mandate from the 2002 General Assembly Chapter 899, Item 325 KK. That mandate required DMAS to reduce inpatient hospital reimbursements up to a specified maximum.

DMAS complied with this mandate by applying a percentage of 3.235857 to hospital reimbursements for State Fiscal Year 2003. Regulations implementing the 2002 General Assembly mandate also provided DMAS with the authority to change the percentage for 2004 based on differences in estimated reimbursement between 2003 and 2004. DMAS has considered estimated 2004 reimbursement and determined, should the same 3.235857 percentage be applied to the whole of State Fiscal Year 2004, that more dollars than permitted by the statute will accrue to the Commonwealth. Therefore, this change entails the modification of that percentage to 2.88572 for the last two quarters (January through June 2004) of SFY 2004 in order that the statutorily specified maximum not be exceeded.

The agency's methodology, as set out in 12 VAC 30-70-201, with the exception of the modified percentage stated above, is not changing. The agency does not expect there to be either an increase or decrease in expenditures.

General Notices/Errata

A copy of this notice is available for public review from Steven E. Ford, Health Care Policy and Reimbursement Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 Broad Street, Suite 1300, Richmond, VA 23219, and via electronic mail at sford@dmas.state.va.us. Comments or inquiries may be submitted, in writing, within 30 days of this notice publication to Mr. Ford and such comments are available for review at the same address.

STATE CORPORATION COMMISSION

Bureau of Insurance

October 6, 2003

Administrative Letter 2003-8

TO: All Companies Writing Any Form of Property and Casualty Insurance as Defined in §§ 38.2-110 through 38.2-134 of the Code of Virginia

RE: Business Transacted with Producer-Controlled Property and Casualty Insurer Act (§ 38.2-1341 et seq. of the Code of Virginia)

This Administrative Letter replaces Administrative Letter 1993-16, dated August 4, 1993, effective December 31, 2003.

Article 7 (§ 38.2-1341 et seq.) of Chapter 13 of Title 38.2 of the Code of Virginia, the Business Transacted with Producer-Controlled Property and Casualty Insurer Act (the Act), imposes on all property and casualty carriers subject to licensure in Virginia certain contractual, audit, reporting and disclosure requirements relating to business placed with such insurers by a controlling producer. The purpose of this administrative letter is to assist the Bureau of Insurance (the Bureau) in ensuring compliance with the law by apprising insurers of the Act's applicability.

DEFINITIONS

"Control," including the terms "controlling," "controlled by" and "under common control with," means direct or indirect possession of the power to direct or cause the direction of the management and policies of a person, through (i) the ownership of voting securities, (ii) by contract other than a commercial contract for goods or nonmanagement services, or (iii) otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing collectively ten percent or more of the voting securities of any other person.

"Controlled insurer" means a licensed insurer which is controlled, directly or indirectly, by a producer.

"Controlling producer" means a producer who, directly or indirectly, controls an insurer.

"Foreign insurer" means any foreign or alien insurer licensed to transact the business of insurance in this Commonwealth pursuant to § 38.2-1024 of the Code of Virginia.

"Licensed insurer," "insurer" or "property and casualty insurer" means any person, firm, association or corporation duly licensed under Title 38.2 of the Code of Virginia to write policies or agreements providing any form of insurance as defined in §§ 38.2-110 through 38.2-134 of the Code of Virginia. The following, *inter alia*, are not licensed insurers for the purposes of the Act:

1. All risk retention groups as defined in the Superfund Amendments Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) and the Risk Retention Act, 15 U.S.C. § 3901 et seq. (1982 & Supp. 1986) and § 38.2-5101 of the Code of Virginia;

2. All residual market pools and joint underwriting authorities or associations; and

3. Any insurer licensed as a captive insurer under Chapter 11 (§ 38.2-1100 et seq.) of the Code of Virginia and any foreign insurer which is either (i) an association captive or (ii) a pure captive. An "association captive" is an insurer whose exclusive purpose is transacting the business of insurance and reinsurance only on risks, hazards and liabilities of the members of an insurance association comprised of any group of individuals, corporations, partnerships, associations, or governmental units or agencies whose members collectively own, control, or hold with power to vote, all of the outstanding voting securities of the association insurer. A "pure captive" is an insurer whose exclusive purpose is transacting the business of insurance and reinsurance only on risks, hazards, and liabilities of its parent, subsidiary companies of its parent, and associated and affiliated companies.

"Producer" means:

1. Any insurance agent subject to licensure pursuant to the provisions of Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2 of the Code of Virginia, or any managing general agent or reinsurance intermediary subject to licensure pursuant to the provisions of Article 9 (§ 38.2-1358 et seq.) and Article 8 (§ 38.2-1347 et seq.), respectively, of Chapter 13 of Title 38.2 of the Code of Virginia; or

2. Any person subject to substantially similar licensure provisions of another state when, for any compensation, commission or other thing of value, such agent, intermediary or person acts on behalf of an insured other than the agent, intermediary or person, or aids in any manner, in selling, soliciting or negotiating the making of any contract of insurance in which the insured, owner and beneficiary are other than the agent, intermediary or person.

APPLICABILITY

Property and casualty insurers domiciled in Virginia must comply with all provisions of the Act. Foreign and alien insurers not domiciled in an accredited state (as defined below) are subject to all the provisions of the Act unless they can demonstrate substantial compliance in a manner satisfactory to the Bureau. To demonstrate substantial compliance, foreign and alien insurers must be able to show compliance with the provisions of a substantially similar law enacted by an "accredited state" in which the insurer is licensed. An "accredited state" means a state in which the insurance department or regulatory agency responsible for

administering the insurance laws of that state has qualified as meeting the minimum financial regulatory standards promulgated and established from time to time by the National Association of Insurance Commissioners' Financial Regulation Standards and Accreditation Program.

Subsection 38.2-1342 B of the Act expressly requires foreign and alien insurers not domiciled in an accredited state to confirm substantial compliance at least once every five years as a condition to licensing. The Bureau intends to verify compliance of domestic insurers annually, and more often where appropriate, and to verify compliance of foreign and alien insurers not domiciled in an accredited state annually.

MINIMUM STANDARDS FOR CONTRACTS, AUDIT COMMITTEE AND REPORTING

The minimum standards set forth in § 38.2-1342 of the Code of Virginia for producer-controlled insurers and controlling producers shall apply only if, in any calendar year, the aggregate amount of gross premium on business placed with a controlled insurer by a controlling producer is equal to or greater than five percent of the admitted assets of the controlled insurer. These standards prescribe the existence of a written contract between the producer and the insurer, certain provisions in the contract, audit committee requirements for the insurer, and data and reporting requirements.

The requirements of § 38.2-1342 of the Code of Virginia, however, shall not apply if:

1. The controlling producer (i) places insurance only with the controlled insurer, or only with the controlled insurer and a member or members of the controlled insurer's holding company system, or the controlled insurer's parent, affiliate or subsidiary and receives no compensation based upon the amount of premiums written in connection with such insurance and (ii) accepts insurance placements only from nonaffiliated subproducers and not directly from insureds; and
2. The controlled insurer, except for insurance business written through a residual market facility such as the Virginia Automobile Insurance Plan, as set forth in § 38.2-2015 of the

Code of Virginia, or the Virginia Property Insurance Association, as set forth in Chapter 27 (§ 38.2-2700 et seq.) of Title 38.2 of the Code of Virginia, accepts insurance business only from a controlling producer, a producer controlled by the controlled insurer, or a producer that is a subsidiary of the controlled insurer.

DISCLOSURE

Section 38.2-1344 of the Code of Virginia requires that a controlling producer, prior to the effective date of the policy, shall deliver written notice to the prospective insured disclosing the relationship between the producer and the controlled insurer. However, if the business is placed through a subproducer who is not a controlling producer, the controlling producer shall retain in his records a signed commitment from the subproducer that the subproducer is aware of the relationship between the insurer and the producer and that the subproducer has or will notify the insured.

SECTION 38.2-1342 REPORT

Domestic insurers, and foreign and alien insurers not domiciled in an accredited state, shall confirm substantial compliance with the Act by submitting annually a completed Section 38.2-1342 Report (the Report). The Report is to be filed with the insurer's annual statement, which is due March 1.

Insurers domiciled in Virginia should direct questions regarding this administrative letter to Edward J. Buyalos, Jr., Supervisor, Domestic Financial Analysis Section, SCC, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9637.

Insurers not domiciled in Virginia should direct questions to Gregory D. Walker, Supervisor, Non-Domestic Financial Analysis Section, SCC, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9636.

/s/ Alfred W. Gross
Commissioner of Insurance

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION BUREAU OF INSURANCE

SECTION 38.2-1342 REPORT
For the year ended December 31, 2003

Business Transacted with Producer-Controlled Property and Casualty Insurer Act
(§§ 38.2-1341 through 38.2-1346 of the Code of Virginia) (the Act)

INSTRUCTIONS: Each domestic "insurer" licensed to write any form of property or casualty insurance in the Commonwealth of Virginia is required to file this form. Each foreign and alien "insurer" that is not domiciled and licensed in an accredited state, and is licensed to write any form of property or casualty insurance in the Commonwealth of Virginia, is required to file this form. An "accredited state" means a state in which the insurance department or regulatory agency responsible for administering the insurance laws of that state has qualified as meeting the minimum financial regulatory standards promulgated and established from time to time by the National Association of Insurance Commissioners' Financial Regulation Standards and Accreditation Program. All such insurers, as defined by the Act,¹ shall complete Section I and the Certification. Any insurer which is "controlled" by a "producer" shall complete Section II. All other insurers shall complete Section III indicating that the requirements of the Act have been reviewed and there is no controlling producer information to be reported. This form is to be filed along with the insurer's annual statement with the Financial Regulation Division of the Virginia State Corporation Commission, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218.

SECTION I
To be Completed by Each Licensed Property and/or Casualty Insurer

Insurer's Group No./NAIC Co. Code: _____ / _____ State of Domicile: _____

Reporting Insurer's Name: _____

Address: _____

City, State, ZIP: _____

This form was completed by: _____

Telephone: _____

¹ The Act defines key terms, including "insurer," "producer" and "control." Generally, "insurer" means any insurer licensed in Virginia to write any form of property or casualty insurance. As defined by the Act, the term "insurer" does not include risk retention groups (as defined by § 38.2-5101 of the Code of Virginia), residual market and joint underwriting authorities and associations, and certain captive insurers. As used in the Act, a "producer" is any person subject to licensure in Virginia as an insurance agent, managing general agent or reinsurance intermediary; and, as such, the term includes also surplus lines brokers. Persons subject to substantially similar licensure provisions of another state also qualify as "producers" subject to the Act when acting on behalf of an insurer. "Control" has the meaning found in § 38.2-1322 of the Code of Virginia, a section in Virginia's Insurance Holding Company Act.

SECTION II

To Be Completed by Any Insurer That Is A Producer Controlled Insurer

NOTE: Insurers completing Section II shall prepare and attach as Exhibit A a listing identifying each Controlling Producer. For each producer the listing shall show: (i) name, (ii) complete mailing address, (iii) the aggregate amount of gross written premium on business placed by the producer with the Insurer during the most recent calendar year, and (iv) the percentage such amount represents of the Insurer's total admitted assets as reported in the annual statement filed as of December 31.

_____ is a "Controlled Insurer" (Insurer), as (Name of Insurer) defined by the provisions of the Act, and responds as follows:

To each question, respond Yes, No or N/A (not applicable), whichever is most appropriate.

Table with 4 rows of questions and 3 columns: YES, NO, N/A. Each cell contains a blank line for the response.

SECTION III

To Be Completed by Insurers that are NOT Producer Controlled

_____ is not issuing any property or casualty (Name of Insurer) insurance coverages that are or may be reportable in accordance with the provisions of the Act.

CERTIFICATION

I hereby certify under penalty of perjury that the foregoing statements and information appearing in Sections I and _____ (*enter II or III, whichever is appropriate*) are true and correct to the best of my knowledge and belief.

Dated and signed this _____ day of _____, 20____.

(Insurer's Authorized Signature)

(Title)

State of _____

County of _____

Personally appeared before me the above named _____ personally known to me, who, being duly sworn, deposes and says that he/she executed the above instrument and that the statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

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

Notary Public

My Commission Expires: _____

[SEAL]

STATE LOTTERY DEPARTMENT

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on October 8, 2003. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

DIRECTOR'S ORDER NUMBER THIRTY-TWO (03)

Virginia's Instant Game Lottery 568; "Big Money Spectacular" (effective 06/30/03).

DIRECTOR'S ORDER NUMBER FORTY-SEVEN (03)

Virginia's Instant Game Lottery 583; "Holiday Tripler," (effective 08/26/03)

DIRECTOR'S ORDER NUMBER FIFTY-ONE (03)

Virginia's Instant Game Lottery 261; "Holiday Critters," (effective 09/26/03).

DIRECTOR'S ORDER NUMBER FIFTY-TWO (03)

Virginia's Instant Game Lottery 571; "Player's Choice," (effective 09/26/03).

DIRECTOR'S ORDER NUMBER FIFTY-THREE (03)

Virginia's Instant Game Lottery 580; "Royal Flush," (effective 09/26/03).

DIRECTOR'S ORDER NUMBER FIFTY-FOUR (03)

Virginia's Instant Game Lottery 581; "The Price is Right," (effective 09/26/03).

DIRECTOR'S ORDER NUMBER FIFTY-FIVE (03)

Virginia's Instant Game Lottery 582; "\$100,000 Riches," (effective 09/26/03).

DIRECTOR'S ORDER NUMBER FIFTY-SIX (03)

Virginia's Instant Game Lottery 594; "Silver Slots," (effective 09/26/03).

DIRECTOR'S ORDER NUMBER FIFTY-SEVEN (03)

Virginia's Instant Game Lottery 584; "Jingle Bucks," (effective 09/26/03).

STATE WATER CONTROL BOARD

Proposed Consent Special Order Atlantic Wood Industries, Inc. Rhonda Chase

The State Water Control Board proposes to enter into a consent special order with Atlantic Wood Industries, Inc., in settlement of a civil enforcement action under the State Water Control Law, regarding a facility located in Southampton County, Virginia.

The State Water Control Board proposes to enter into a consent special order with Rhonda Chase, in settlement of a

civil enforcement action under the State Water Control Law, regarding a property located in York County, Virginia.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special orders from November 3, 2003, through December 3, 2003. Comments should be addressed to David S. Gussman, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462 and should refer to an order specified above. Comments may also be submitted by email to dsgussman@deq.state.va.us. In order for email comments to be considered they must include the sender's name, address and phone number. The orders are available at www.deq.state.va.us/enforcement/notice.html and at the above office during regular business hours. Copies may be requested from David S. Gussman at the address above or at (757) 518-2179.

Proposed Consent Special Order Eagle Harbor Shopping Center, L.L.C.

The State Water Control Board proposes to take an enforcement action against Eagle Harbor Shopping Center, L.L.C., located in Isle of Wight County, Virginia. The enforcement action is a consent special order that will require Eagle Harbor Shopping Center, L.L.C., to come into compliance with appropriate Virginia laws and regulations. The consent special order may contain provisions for the payment of a civil charge.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special order from November 3, 2003, through December 3, 2003. Comments should be addressed to David S. Gilbert, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462 and should refer to an order specified above. Comments may also be submitted by email to dsgilbert@deq.state.va.us. In order for email comments to be considered, they must include the sender's name, address and telephone number. The proposed consent special order may be examined at the above address and copies of the order may be obtained in person, by mail or by email. The proposed consent special order may also be viewed at www.deq.state.va.us.

Proposed Special Order Amendment Oak Grove Mennonite Church Mountain View Nursing Home Sewage Treatment Plant

The State Water Control Board (board) proposes to issue a Consent Special Order (order) amendment to Oak Grove Mennonite Church (permittee) regarding the Mountain View Nursing Home Sewage Treatment Plant (STP) located in Madison County, Virginia.

The STP is subject to VPDES Permit No. VA0063347. The amended order requires that the permittee replace the existing STP to consistently comply with its permit effluent limits or

General Notices/Errata

take the existing system off-line and provides interim permit effluent limits.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through December 3, 2003. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193. Please address comments sent via e-mail to saoakes@deq.state.va.us. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3863, in order to examine or to obtain a copy of the order.

**Proposed Special Order
Stafford Regional Airport Authority
Stafford Regional Airport Construction Project**

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to the Stafford Regional Airport Authority (permittee) regarding the Stafford Regional Airport Construction Project located in Stafford County, Virginia.

Stafford Regional Airport Authority is subject to VPDES General Permit No. VAR101688. The order requires that the permittee address outstanding noncompliance issues from the construction project including stabilizing the slopes, repairing and stabilizing all storm water conveyance and erosion prevention structures, submitting a Joint Permit Application, and mitigating the wetland impacts in accordance with the terms of the permit. The permittee has agreed to payment of a civil charge.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through December 3, 2003. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193. Address comments sent via e-mail to saoakes@deq.state.va.us. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Write or visit the Woodbridge address, or call (703) 583-3863, in order to examine or to obtain a copy of the order.

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

† **November 13, 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. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that 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 Virginia 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

November 5, 2003 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Consumer Affairs Advisory Committee to communicate the views and interests of Virginians on issues related to the Department of Agriculture and Consumer Services' consumer education and fraud prevention programs and their availability to citizens. Members will review the consumer education outreach efforts for the past six months and assist with planning for events in the remainder of 2003. The committee will also make nominations from the floor to elect a chairperson for 2004. 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 Evelyn A. Jez at least five days before the meeting date so that suitable arrangements can be made.

Contact: Evelyn A. Jez, Consumer Affairs Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Room, Suite 1101, Richmond, VA, telephone (804) 786-1308, FAX (804) 786-5112, toll-free (800) 552-9963, (800) 828-1120/TTY☎, e-mail ejez@vdacs.state.va.us.

Virginia Pork Industry Board

† **November 7, 2003 - 3 p.m.** -- Open Meeting
Radisson Fort Magruder Inn, 6945 Pocahontas Trail, Williamsburg, Virginia♿

The board will review its financial statement. Minutes of the last meeting will be reviewed and approved, as appropriate. In addition, the board will approve promotion, research, and education projects/grants. They will select National Pork Board committee candidates and conduct general business of 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 John H. Parker at least three days before the meeting date so that suitable arrangements can be made.

Contact: John H. Parker, Executive Director, Virginia Pork Industry Board, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-7092, FAX (804) 371-7786, e-mail jparker@vdacs.state.va.us.

Virginia Winegrowers Advisory Board

† **November 12, 2003 - 10 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia♿

Calendar of Events

The advisory board agenda items will include committee reports, a report from a representative of the Alcoholic Beverage Control Board, hearing and approval of minutes of the last board meeting, and presentation of the board's financial statement. 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 Mary Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.

Contact: Mary Davis-Barton, Board Secretary, Virginia Winegrowers Advisory Board, 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.

ALCOHOLIC BEVERAGE CONTROL BOARD

November 10, 2003 - 9 a.m. -- Open Meeting

November 24, 2003 - 9 a.m. -- Open Meeting

December 8, 2003 - 9 a.m. -- Open Meeting

December 22, 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, 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

December 3, 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, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 554-3402, (804) 662-9333/TTY ☎, e-mail jlhoneycutt@vdh.state.va.us.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

November 4, 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)

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 interpreter 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: 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.

November 10, 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)

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 interpreter 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: 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.

November 12, 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)

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 interpreter 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: 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.

November 13, 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)

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 interpreter 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: 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.

ART AND ARCHITECTURAL REVIEW BOARD

November 7, 2003 - 10 a.m. -- Open Meeting
December 5, 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, Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎, e-mail rlfia@aol.com.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

November 4, 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 Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

November 26, 2003 - 9 a.m. -- Open Meeting
December 31, 2003 - 9 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level Room 3, Richmond, Virginia ☎

A monthly council meeting. For traveling directions, please call (804) 692-1100.

Contact: Alan G. Saunders, Director, Office of Comprehensive Services, 1604 Santa Rosa Rd., Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail ags992@central.dss.state.va.us.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

November 6, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A quarterly business meeting to include regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

BOARD FOR BARBERS AND COSMETOLOGY

† **December 15, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ☎

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. 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: William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail barberscosmo@dpor.state.va.us.

BOARD FOR BRANCH PILOTS

November 3, 2003 - 8:30 a.m. -- Open Meeting
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia ☎

A meeting to conduct examinations. 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 Branch Pilots, 3600 W. Broad St., Richmond, VA 23230,

Calendar of Events

telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.state.va.us.

November 3, 2003 - 10 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Board Room, Norfolk, 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 meeting. 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: Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.state.va.us.

CEMETERY BOARD

November 5, 2003 - 9 a.m. -- CANCELED
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business has been canceled.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

CHILD DAY-CARE COUNCIL

† **November 13, 2003 - 2 p.m.** -- Public Hearing
† **November 13, 2003 - 6 p.m.** -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

† **November 17, 2003 - 6 p.m.** -- Public Hearing
Abingdon Licensing Office, 190 Patton Street, Abingdon, Virginia.

† **November 18, 2003 - 6 p.m.** -- Public Hearing
Roanoke City Council Chambers, Municipal Building, 215 Church Avenue, S.W., 4th Floor, Roanoke, Virginia ☎

† **November 20, 2003 - 6 p.m.** -- Public Hearing
Northern Virginia Community College, Alexandria Campus, Bisdorf Building, 3001 North Beauregard Street, Room 158, Alexandria, Virginia ☎

† **November 25, 2003 - 6 p.m.** -- Public Hearing
Virginia Wesleyan College, 1584 Wesleyan Drive, Blocker Hall, Science Auditorium, Norfolk, Virginia ☎

† **January 2, 2004** - 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 Child Day-Care Council intends to repeal regulations entitled **22 VAC 15-50, Regulation for**

Criminal Record Checks for Child Welfare Agencies, and adopt regulations entitled 22 VAC 15-51, Background Checks for Licensed Child Day Centers. The purpose of the proposed action is to repeal the current regulation for criminal background checks in order to promulgate a new regulation that establishes background checks for licensed child care centers in compliance with the Code of Virginia. A background check is a sworn statement or affirmation, a criminal history record check, and a child protective services central registry check.

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

Public comments may be submitted until January 2, 2004.

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

* * * * *

† **November 13, 2003 - 2 p.m.** -- Public Hearing
† **November 13, 2003 - 6 p.m.** -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

† **November 17, 2003 - 6 p.m.** -- Public Hearing
Abingdon Licensing Office, 190 Patton Street, Abingdon, Virginia.

† **November 18, 2003 - 6 p.m.** -- Public Hearing
Roanoke City Council Chambers, Municipal Building, 215 Church Avenue, S.W., 4th Floor, Roanoke, Virginia ☎

† **November 20, 2003 - 6 p.m.** -- Public Hearing
Northern Virginia Community College, Alexandria Campus, Bisdorf Building, 3001 North Beauregard Street, Room 158, Alexandria, Virginia ☎

† **November 25, 2003 - 6 p.m.** -- Public Hearing
Virginia Wesleyan College, 1584 Wesleyan Drive, Blocker Hall, Science Auditorium, Norfolk, Virginia ☎

† **January 2, 2004** - 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 Child Day-Care Council intends to amend regulations entitled **22 VAC 15-30, Standards for Licensed Child Day Centers.** The purpose of the proposed action is to provide more protection for children in care, be less intrusive and burdensome for providers, and clarify the language. Changes were made throughout the regulation as appropriate. Topics covered by the regulation include administration, staff qualifications and training, physical plant, staffing and supervision, programs, special care provisions and emergencies, and special services.

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

Public comments may be submitted until January 2, 2004, to Gail Johnson, Chair, Child Day-Care Council, 730 East Broad Street, 7th Floor, Richmond, VA 23219.

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

STATE CHILD FATALITY REVIEW TEAM

November 14, 2003 - 10 a.m. -- Open Meeting
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia

The business portion of the State Child Fatality Review Team meeting, from 10 a.m. 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 East 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

† November 18, 2003 - 9 a.m. -- Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike, Richmond, Virginia (Interpreter for the deaf provided upon request)

An annual meeting. No official actions will be taken by the board.

Contact: D. Susan Hayden, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY

† November 19, 2003 - 1:30 p.m. -- Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike, Richmond, Virginia (Interpreter for the deaf provided upon request)

† January 21, 2004 - 1:30 p.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)

Committees will meet as follows: Academic and Student Affairs, Audit, Budget and Finance will meet at 1:30 p.m.; Facilities and Personnel Committees will meet at 3 p.m.

Contact: D. Susan Hayden, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY

† November 20, 2003 - 8:30 a.m. -- Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike, Richmond, Virginia (Interpreter for the deaf provided upon request)

† January 22, 2004 - 8:30 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)

A regular meeting. Public comment may be received at the beginning of the meeting upon notification at least five working days prior to the meeting.

Contact: D. Susan Hayden, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY

COMPENSATION BOARD

† November 19, 2003 - 11 a.m. -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia

A monthly board meeting.

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

DEPARTMENT OF CONSERVATION AND RECREATION

November 6, 2003 - 1 p.m. -- Open Meeting
Office of Senator Frederick Quayle, 3808 Poplar Hill Road, Suite E, Chesapeake, Virginia

A meeting of the Executive Ad Hoc Committee to continue discussion of the Chippokes merger plan.

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

Virginia Cave Board

† November 22, 2003 - 11 a.m. -- Open Meeting
Grand Caverns Park, Grottoes, Virginia.

A regular board meeting.

Contact: Larry Smith, Natural Area 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.

Goose Creek Scenic River Advisory Board


November 18, 2003 - 1 p.m. -- Open Meeting
Loudoun Parks and Recreation Office, Mickie Gordon Room, Leesburg, VA.

A regular business meeting of the Goose Creek Scenic River Advisory Board.

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

Calendar of Events


State Scenic River Advisory Board

November 13, 2003 - 10 a.m. -- Open Meeting
Pocahontas State Park, Ecology Camp Dining Hall,
Chesterfield, Virginia 


The first organizational meeting of the new State Scenic River Advisory Board.


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

BOARD FOR CONTRACTORS


November 4, 2003 - 9 a.m. -- Open Meeting
† **November 6, 2003 - 9 a.m.** -- Open Meeting
† **November 21, 2003 - 10 a.m.** -- Open Meeting
December 2, 2003 - 9 a.m. -- Open Meeting
December 9, 2003 - 9 a.m. -- Open Meeting
† **January 6, 2004 - 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: Sharon Martin, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail martin@dpor.state.va.us.

November 19, 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.

BOARD OF CORRECTIONS

November 18, 2003 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia 


A meeting of the Liaison Committee to discuss correctional matters that may be presented to the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3509, e-mail woodhousebl@vadoc.state.va.us.

November 18, 2003 - 1 p.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia 


A meeting of the Correctional Services/Policy and Regulations Committee to discuss correctional matters to be presented to the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3509, e-mail woodhousebl@vadoc.state.va.us.

November 19, 2003 - 9:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Room 3065,
Richmond, Virginia 

A meeting of the Administration Committee to discuss correctional matters to be presented to the board.


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3509, e-mail woodhousebl@vadoc.state.va.us.

November 19, 2003 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia 


A meeting to review and discuss all matters considered by board committees and that require presentation to and action by the board.


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3509, e-mail woodhousebl@vadoc.state.va.us.

BOARD OF COUNSELING

November 14, 2003 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia 

Informal conferences will be held pursuant to § 2.2-4019 of the Code of Virginia. The committee will meet in open and closed sessions.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6603 W. Broad St., 6th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail coun@dhp.state.va.us.

† **November 20, 2003 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia 

The Credentials Committee will meet to review and discuss applicant credentials.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

November 21, 2003 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia ☎

A business meeting to include reports from standing committees and any other disciplinary or regulatory matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

CRIMINAL JUSTICE SERVICES BOARD

December 11, 2003 - 9 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia ☎

The Committee on Training will hold a public hearing on Regulations for the Implementation of the Law Permitting DNA Analysis Upon Arrest for All Violent Felonies and Certain Burglaries.

Contact: Judith Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

November 6, 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 quarterly meeting.

Contact: Leslie Hutcheson Prince, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA 23235, telephone (804) 662-9703, FAX (804) 662-9718, toll-free (800) 552-7917, (804) 662-9703/TTY ☎, e-mail princelh@ddhh.state.va.us.

BOARD OF DENTISTRY

November 13, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia ☎

Formal hearings will be conducted.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra_reen@dhp.state.va.us.

November 14, 2003 - 9 a.m. -- Canceled
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia ☎

A meeting to discuss board business has been canceled.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra_reen@dhp.state.va.us.

November 21, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia ☎

A special conference committee will conduct informal hearings. There will be no public comment period.

Contact: JeAnne Marshall, Administrative Assistant, Board of Dentistry, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail JeAnne.Marshall@dhp.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

November 20, 2003 - 11 a.m. -- Open Meeting
December 18, 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 design-build or construction management type contracts. Contact the Division of Engineering and Buildings to confirm the meeting. Board rules and regulations can be obtained online at www.dgs.state.va.us under the DGS Forms, Form # DGS-30-904.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎, e-mail fadcock@dgs.state.va.us.

DEPARTMENT OF EDUCATION

† **November 5, 2003 - 10 a.m.** -- Open Meeting
† **November 18, 2003 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond ☎

A work session of the Committee on Low-Performing School Systems. 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

Calendar of Events

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.

November 17, 2003 - 9 a.m. -- Open Meeting

† **January 26, 2004 - 9 a.m.** -- Open Meeting
Sheraton Richmond West, 6624 West Broad Street, Richmond, Virginia (Interpreter for the deaf provided upon request)

A meeting of the Advisory Board for Teacher Education and Licensure. 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.

BOARD OF EDUCATION

November 19, 2003 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Main Lobby, Rooms D and E, Richmond, Virginia.

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

November 4, 2003 - 7 p.m. -- Open Meeting

Hampton-Sydney College, Crawley Forum, Hampden Sydney, Virginia

The second public meeting on the development of the Upper Appomattox River TMDLs to address multiple

impairments in segments located in Amelia, Appomattox, Buckingham, Cumberland and Prince Edward Counties. The public notice is published in the General Notices section of the October 20 issue of the Virginia Register. The public comment period closes on December 4, 2003.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 583-5125, e-mail kjwills@deq.state.va.us.

November 6, 2003 - 7 p.m. -- Open Meeting

Chesterfield Police Department, 10031 Iron Bridge Road, Public Meeting Room, Chesterfield, Virginia

The second public meeting on the development of TMDLs for bacteria, benthics, dissolved oxygen and/or pH for the lower Appomattox River Basin and its tributaries located in Amelia, Chesterfield, Dinwiddie, Nottoway, Powhatan and Prince George Counties. The public notice was published in the General Notices section of the Virginia Register on October 6, 2003. The public comment period closes on December 6, 2003.

Contact: Mark Alling, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5021, FAX (804) 527-5106, e-mail msalling@deq.state.va.us.

November 13, 2003 - 10 a.m. -- Open Meeting

Henrico Training Center, 7701 East Parham Road, Glen Allen, Virginia

A regular meeting of the Recycling Markets Development Council.

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 gscocoe@deq.state.va.us.

November 13, 2003 - 7 p.m. -- Open Meeting

Blackstone Town Office, Council Chambers, 100 West Elm Street, Blackstone, Virginia

The first public meeting on the development of a benthic TMDL for the unnamed tributary of Hurricane Branch located in Nottoway County that flows near the Blackstone municipal sewage treatment plant discharge. The public notice is published in the General Notices section of the October 20 issue of the Virginia Register. The public comment period closes on December 15, 2003.


Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (454) 582-5120, e-mail kjwills@deq.state.va.us.

† **November 17, 2003 - 7 p.m.** -- Open Meeting

Thomas Jefferson Planning District Office, 300 East Main Street, Charlottesville, Virginia


The first public meeting on the development of an implementation plan for the fecal coliform bacteria TMDL for Moore's Creek in Albemarle County. The public notice is published in the Virginia Register on November 3, 2003. The comment period closes on December 17, 2003.

Contact: Robert Brent, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail rbrent@deq.state.va.us.

† **November 18, 2003 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 


A regular meeting of the Ground Water Protection Steering Committee.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4032, e-mail mamassie@deq.state.va.us.

† **November 19, 2003 - 7 p.m.** -- Open Meeting
Patrick County Community Center, 212 Johnson Street, Stuart, Virginia 

A public meeting on the development of a bacteria TMDL for an approximate 6.52 mile segment of the South Mayo River in Patrick County. The public notice is published in the Virginia Register on November 3, 2003. The comment period closes on December 20, 2003.

Contact: Jason Hill, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, e-mail jrhill@deq.state.va.us.


† **November 20, 2003 - 7 p.m.** -- Open Meeting
Municipal Office Council Chambers, 400 North Main Street, Lawrenceville, Virginia 

A public meeting on the development of bacteria and benthic TMDLs for an approximate 3.02 mile segment of Roses Creek in Brunswick County. The public notice is published in the Virginia Register on November 3, 2003. The comment period closes on December 20, 2003.

Contact: Mark Alling, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5021, FAX (804) 527-5106, e-mail msalling@deq.state.va.us.

VIRGINIA FIRE SERVICES BOARD


November 19, 2003 - 10:30 a.m. -- Open Meeting

December 17, 2003 - 10:30 a.m. -- Open Meeting
State Forestry Building, Fontaine Business Park, Charlottesville, Virginia  (Interpreter for the deaf provided upon request)


A meeting of the Code Change and Development Subcommittee. For more details please contact Jennifer Cole at the Virginia Department of Fire Programs.


Contact: Jennifer Cole, VFSB Clerk, Virginia Department of Fire Programs, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail jcole@vdfp.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS


† **November 25, 2003 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia 


The Board of Funeral Directors and Embalmers will convene 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.


November 26, 2003 - 9 a.m. -- Open Meeting
Department of Health Profession, 6603 West Broad Street, 5th Floor, Richmond, Virginia 

The Legislative/Regulatory Committee will review and amend current regulations.


Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 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.

December 10, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia 

A quarterly business meeting to include regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.


Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 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.

CHARITABLE GAMING BOARD

† **November 8, 2003 - 1:30 p.m.** -- Open Meeting
Laurel Park Plaza, Lancer Hall, 6296 A.L. Philpott Highway (Hwy 58), Martinsville, Virginia 

The Charitable Gaming Board is conducting a series of open forums to solicit public input to assist the board in reviewing the current state charitable gaming regulations. After completing a series of open forums the board will publish a notice of intent to amend the current regulations.

Contact: Frances C. Jones, Office Manager, Charitable Gaming Board, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail fjones@dcg.state.va.us.

December 2, 2003 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia 

Calendar of Events

Agenda to be posted.

Contact: Frances C. Jones, Office Manager, Department of Charitable Gaming, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail fjones@dca.state.va.us.

BOARD FOR GEOLOGY

November 20, 2003 - 9 a.m. -- Open Meeting
NOTE: CHANGE IN MEETING DATE.

January 6, 2004 - 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

November 19, 2003 - 9 a.m. -- Open Meeting
† **January 28, 2004 - 9 a.m.** -- Open Meeting
George Mason University, Mason Hall, Fairfax, Virginia ☎

A meeting of the Board of Visitors. The agenda will be published 10 days prior to the meeting.

Contact: Mary Roper, Secretary, pro tem, George Mason University, MSN 3A1, George Mason University, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, (703) 993-8707/TTY ☎, e-mail mroper@gmu.edu.

OFFICE OF GOVERNOR

November 6, 2003 - 10 a.m. -- Open Meeting
Hampton History Museum, 120 Old Hampton Lane, Hampton, Virginia.

December 9, 2003 - 10 a.m. -- Open Meeting
Northern Virginia (location to be announced).

A meeting of the Urban Policy Task Force.

Contact: Kelly Spraker, Special Assistant to the Commissioner, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1902, FAX (804) 692-1964, e-mail kelly.spraker@governor.virginia.gov.

DEPARTMENT OF HEALTH

November 20, 2003 - 10 a.m. -- Open Meeting
Natural Resources Building, 900 Natural Resources Drive, Fontaine Research Park, Charlottesville, Virginia ☎

This meeting of the Biosolids Use Regulations Advisory Committee is a rescheduling of the September 18, 2003, meeting that was canceled due to Hurricane Isabel. The meeting agenda will include discussions of the status of

future amendments to the regulations including site management practices.

Contact: C. M. Sawyer, P.E., Director, Division of Wastewater Engineering, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567, e-mail csawyer@vdh.state.va.us.

November 20, 2003 - 10 a.m. -- Open Meeting
Department of Health, 1500 East Main Street, Room 115, Richmond, Virginia.

A meeting of the Sewage Handling and Disposal Advisory Committee to discuss regulations, new technologies and new products to recommend for approval to the State Health Commissioner for use in Virginia.

Contact: Donald J. Alexander, Division Director, Department of Health, 1500 E. Main St., Room 115, Richmond, VA 23219, telephone (804) 225-4030, FAX (804) 225-4003, e-mail dalexander@vdh.state.va.us.

December 12, 2003 - 10:30 a.m. -- Open Meeting
Virginia Hospital and Health Care Association, 4200 Innslake Dr., Glen Allen, VA. ☎

A meeting of an advisory committee to the Virginia Early Hearing Detection and Intervention program regarding implementing the program.

Contact: Pat Dewey, Program Manager, Department of Health, 1500 E. Main St., Richmond VA, telephone (804) 786-1964, e-mail pdewey@vdh.state.va.us.

Emergency Medical Services Advisory Board

November 14, 2003 - 1 p.m. -- Open Meeting
The Place at Innsbrook, 4036-C Cox Road, Glen Allen, Virginia.

A quarterly meeting of the State EMS Advisory Board.

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

December 12, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia ☎

A bimonthly meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program.

Contact: Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

BOARD FOR HEARING AID SPECIALISTS

† **November 24, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ☎

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. 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: William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.state.va.us.

VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

November 5, 2003 - 2 p.m. -- Open Meeting
James Monroe Building, Virginia College Savings Plan Board Room, 101 North 14th Street, 5th Floor, Richmond, VA. ☎
(Interpreter for the deaf provided upon request)

A quarterly meeting of the Board of the Virginia College Savings Plan.

Contact: Lee Hall, Special Projects Assistant, Virginia Higher Education Tuition Trust Fund, P.O. Box 607, Richmond, VA 23218, telephone (804) 786-3605, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY ☎, e-mail lhall@virginia529.com.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

November 12, 2003 - 12:15 p.m. -- Open Meeting
Norfolk Waterside Marriott, 235 East Main Street, Norfolk, Virginia. ☎

A regular business meeting to be held at the location of the Governor's Housing Conference.

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.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **November 12, 2003 - 9 a.m.** -- Open Meeting
Norfolk Waterside Marriott, 235 E. Main Street, Norfolk, Virginia. ☎

A meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior meeting. The board may consider for approval and ratification mortgage loan commitments under its various programs, will consider for approval proposed amendments to the Authority's Rules and Regulations for Allocation of Low-

Income Housing Tax Credits, and will consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Audit/Operations Committee, the Executive Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY ☎

VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Virginia Geographic Information Network Advisory Board

November 6, 2003 - 1:30 p.m. -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Training Room, Richmond, Virginia. ☎

A regular board meeting.

Contact: Bill Shinar, VGIN Coordinator, Virginia Information Technologies Agency, 110 S. 7th Street, Suite 135, Richmond, VA 23219, telephone (804) 786-8175, FAX (804) 371-2795, e-mail bshinar@vgin.state.va.us.

Wireless E-911 Services Board

November 12, 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 meeting of the CMRS subcommittee. A request will be made to hold the meeting in closed session.

Contact: Steven Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 South 7th Street, Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

November 12, 2003 - 10 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 regular monthly meeting.

Contact: Steven Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 South 7th Street, Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

Calendar of Events

JAMESTOWN-YORKTOWN FOUNDATION

November 5, 2003 - 2 p.m. -- Open Meeting
The College of William and Mary, University Center, Tidewater Room B, 2nd Floor, Williamsburg, Virginia (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee's Executive Committee.

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.

November 17, 2003 - 9 a.m. -- Open Meeting

November 18, 2003 - 8 a.m. -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia (Interpreter for the deaf provided upon request)

Board of Trustees' semiannual meeting. Committee meetings will also be held. 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.

December 10, 2003 - Noon -- Open Meeting

Location to be determined (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee.

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.

STATE BOARD OF JUVENILE JUSTICE

November 12, 2003 - 9 a.m. -- Public Hearing
James River Detention Center, Beaumont Road (adjacent to Beaumont Juvenile Correctional Center), Goochland, Virginia.

December 5, 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 Juvenile Justice intends to adopt regulations entitled **6 VAC 35-30, Regulations for State Reimbursement of Local Juvenile Residential Facility Costs**. The purpose of the proposed action is to make proper provision for review of reimbursement actions by the Governor as represented by the Secretary of Public Safety. Amendments are needed to clarify the sequence for submitting and approving materials at various stages of a construction project, and to clarify how construction projects can be completed and reimbursed in phases. Finally, amendments are proposed to establish the regulatory basis upon which the board may act

in exercising its statutory responsibility to approve certain juvenile residential facilities, even when those facilities have been constructed without financial assistance from the Commonwealth.

Statutory Authority: §§ 16.1-313, 16.322.5 through 16.1-322.7 and 66-10 of the Code of Virginia.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

November 12, 2003 - 9 a.m. -- Open Meeting
James River Detention Center (adjacent to Beaumont Juvenile Correctional Center), Beaumont Road, Goochland, Virginia

Committees of the board (Secure Services and Nonsecure Services) meet at 9 a.m. to receive certification audit reports. The full board meets at 10 a.m. to take certification action, to consider revisions to Regulations for Reimbursement of Juvenile Residential Facility Costs (6 VAC 35-30), to hear from detention homes seeking authorization to use pepper spray under certain conditions, and to consider such other matters as may come before the board.

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

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

November 5, 2003 - 10 a.m. -- Open Meeting
Tyler Building (State Corporation Commission Building), 1300 East Main Street, Second Floor, Courtroom A, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail rlc@doli.state.va.us.

STATE LIBRARY BOARD

November 17, 2003 - 8:15 a.m. -- Open Meeting
† **January 23, 2004 - 8:15 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia

Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

8:15 a.m. - Public Library Development Committee, Floor 2M
Publications and Educational Services Committee,
Conference Room B;
Records Management Committee

9:30 a.m. - Archival and Information Services Committee
Collection Management Services Committee
Legislative and Finance Committee

10:30 a.m. - Library Board

Contact: Jean H. Taylor, Executive Secretary to the Librarian,
The Library of Virginia, 800 E. Broad St., Richmond, VA
23219-2000, telephone (804) 692-3535, FAX (804) 692-3594,
(804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

November 10, 2003 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North 2nd Street, First Floor
Conference Room, Richmond, Virginia ☎ (Interpreter for the
deaf provided upon request)

A regular meeting to consider such matters as may be
presented.

Contact: Ted McCormack, Associate Director, Commission
on Local Government, 501 N. 2nd St., Richmond, VA 23219,
telephone (804) 786-6508, FAX (804) 371-7090, (804) 828-
1120/TTY ☎, e-mail tmccormack@dhcd.state.va.us.

LONGWOOD UNIVERSITY

November 3, 2003 - 9:30 a.m. -- Open Meeting
Capital Club, 1051 East Cary St., 4th Floor, Richmond,
Virginia ☎

A meeting to conduct routine business of the Executive
Committee.

Contact: Jeanne Hayden, Administrative Staff Assistant,
Office of the President, Longwood University, 201 High St.,
Farmville, VA 23909, telephone (434) 395-2004, FAX (434)
395-2821, e-mail jhayden@longwood.edu.

MARINE RESOURCES COMMISSION

November 25, 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

December 9, 2003 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, Suite 1300, Richmond, Virginia ☎

A routine quarterly 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.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **November 5, 2003 - 4 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor Board Room, Richmond, Virginia ☎

A meeting of the Managed Care Advisory Committee
(MAC), which is a combination of two advisory groups, the
Provider Advisory Committee (PAC) and the previous HMO
Oversight Group (HOG). The committee was established to
improve communications with providers, recipients, partner
agencies and other interested parties in the healthcare
arena. The committee consists of associations, providers,
consumers, and agencies across the healthcare spectrum.
The committee also provides input on educational and
marketing materials. MAC providers also assist the
department in the review of its provider manuals and
recipient education materials by lending their profession's
perspective on the appropriateness of the information and
the clarity of its presentation.

Contact: Olivia Howell, Health Care Quality Analyst,
Department of Medical Assistance Services, 600 E. Broad St.,
Suite 1300, Richmond, VA 23219, telephone (804) 371-6060,
FAX (804) 786-5799, (800) 343-0634/TTY ☎, e-mail
ohowell@dmas.state.va.us.

† **November 14, 2003 - 11 p.m.** -- Open Meeting
Virginia Dental Association, 7525 Staples Mill Road,
Richmond, Virginia.

A meeting of the Dental Advisory Committee. The
Department of Medical Assistance Services and the
Department of Health will work with representatives of the
dental community to expand the availability and delivery of
dental services to pediatric Medicaid recipients, to
streamline the administrative processes, and to remove
impediments to the efficient delivery of dental services and
reimbursement thereof.

Contact: Sally Rice, Division of Program Support,
Department of Medical Assistance Services, 600 E. Broad St.,
Suite 1300, Richmond, VA 23219, telephone (804) 786-9490,
FAX (804) 225-4393, (800) 343-0634/TTY ☎, e-mail
srice@dmas.state.va.us.

Calendar of Events

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December 5, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-120, Waiver Services**. The purpose of the proposed action is to add coverage of consumer-directed personal assistance services and consumer-directed respite care services to the HIV/AIDS waiver program.

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

Public comments may be submitted until December 5, 2003, to Vivian Horn, LTC Analyst, 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.

† **December 16, 2003 - 4 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia ☎

A meeting of the Medicaid Physicians Advisory Committee to discuss physician issues in the Medicaid system.

Contact: Chris Schroeder, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail cschroed@dmas.state.va.us.

December 17, 2003 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia ☎

A meeting of the Medicaid Transportation Advisory Committee to provide a forum for ongoing input and communication with transportation providers, health care providers, and recipients regarding the Medicaid nonemergency brokerage transportation program.

Contact: Robert Knox, Transportation Supervisor, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854, FAX (804) 786-1680, (800) 343-0634/TTY ☎, e-mail Rknox@dmas.state.va.us.

BOARD OF MEDICINE

November 7, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia ☎

A panel of the board consisting of at least five members will convene a formal hearing to inquire into allegations that a certain practitioner may have violated laws and regulations governing the practice of medicine. Further, the board may review cases with staff regarding case disposition, including the consideration of consent orders for settlement in lieu of

proceeding to an administrative proceeding. The board will meet in open and closed sessions pursuant to the Code of Virginia. Public committee will not be received.

Contact: Renee S. Dixon, Discipline Case Manager, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail renee.dixon@dhp.state.va.us.

Informal Conference Committee

November 12, 2003 - 9:15 a.m. -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

November 19, 2003 - 9 a.m. -- Open Meeting
December 3, 2003 - 9 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **November 5, 2003 - 9 a.m.** -- Open Meeting
December 17, 2003 - 9:15 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee 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.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **November 6, 2003 - 9:30 a.m.** -- Open Meeting
† **December 4, 2003 - 9:30 a.m.** -- Open Meeting
Henrico County Training Center, 7701 Parham Road, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A monthly meeting of the State and Local Advisory Team pursuant to §§ 2.2-5201 through 2.2-5203 of the Code of Virginia. A public comment period is scheduled.

Contact: Pamela Fitzgerald-Cooper, Director of Child and Adolescent Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-2183, FAX (804) 786-1587, e-mail pcooper@dmhmrsas.state.va.us.

STATE MILK COMMISSION


December 16, 2003 - 10:30 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, 1100 Bank Street, 1st Floor Board Room, Richmond, Virginia ☎

A regular meeting of the commission to consider industry issues, distributor licensing, base transfers, and reports


from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify the agency meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Washington Bldg., 1100 Bank Street, Suite 1019, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, or e-mail ewilson@smc.state.va.us.


DEPARTMENT OF MINES, MINERALS AND ENERGY

November 6, 2003 - 7 p.m. -- Public Hearing
Wytheville Community College, Grayson Hall Commons,
Wythe County, Virginia  (Interpreter for the deaf provided upon request)

The Virginia Division of Mineral Mining (DMM) will hold an informal public hearing to receive comments regarding a proposed mining operation in Wythe County. Persons attending the hearing may present written and/or oral statements, photographs, or other evidence to the hearing officer. The hearing will be recorded. This public hearing will be an informal "information-gathering" forum pertaining to the application for a mining permit administered by the division. A hearing officer appointed by DMM will conduct the hearing. The permit applicant, Salem Stone Corporation, has submitted a complete application package, which is available for review in the DMM office located at 900 Natural Resources Drive, Charlottesville, Virginia. There will also be an opportunity to review the application package at the site of the hearing between 6 p.m. and 7 p.m. on November 6, 2003. Anyone needing special accommodations should contact the Department of Mines, Minerals and Energy at least seven days prior to the hearing date.

Contact: Mark S. Goff, Engineering Manager, Department of Mines, Minerals and Energy, 900 Natural Resources Dr., Charlottesville, VA 22903, telephone (434) 951-6313, FAX (434) 951-6325, (800) 828-1120/TTY , e-mail Mark.Goff@dmme.virginia.gov.

MOTOR VEHICLE DEALER BOARD

November 10, 2003 - 8:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia  (Interpreter for the deaf provided upon request)

Committees will meet as follows:


- Dealer Practices Committee - 8:30 a.m.
- Franchise Law Committee - To be scheduled as needed
- Licensing Committee - Immediately following Dealer Practices
- Advertising Committee - 9:30 a.m. or immediately following Licensing
- Transaction Recovery Fund Committee - Immediately following Advertising

The full board will meet at 10:30 a.m. Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.


Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

DEPARTMENT OF MOTOR VEHICLES


Medical Advisory Board

November 12, 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., Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 497-7188, FAX (804) 367-1604, toll-free (866) 368-5463, (800) 272-9268/TTY , e-mail dmvj3b@dmv.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS


November 4, 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. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

† **November 6, 2003 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Parlor, 2800 Grove
Avenue, Richmond, Virginia 

A meeting for staff to update the Expansion Oversight Committee. The meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

† **November 12, 2003 - 9:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Parlor, 2800 Grove
Avenue, Richmond, Virginia 

A meeting for staff to update the Expansion Committee. The meeting will be held in closed session. Public comment will not be received.

Calendar of Events

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

November 19, 2003 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia ☎

The following committees will meet:
Finance - 9 a.m. - Main Lobby Conference Room
Collections - 10 a.m. - Auditorium
Expansion - 11 a.m. - CEO Parlor

Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

† **November 20, 2003 - 12:30 p.m.** -- Open Meeting
George Mason University, Mason Hall, 4400 University Drive, Board Room, Fairfax, Virginia ☎

A meeting for staff to update the Board of Trustees. Part of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

† **December 2, 2003 - 8 a.m.** -- Open Meeting

† **January 6, 2004 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, Main Lobby Conference Room, 2800 Grove Avenue, Richmond, Virginia ☎

A meeting for staff to update the Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

VIRGINIA MUSEUM OF NATURAL HISTORY

† **November 10, 2003 - 3 p.m.** -- Open Meeting
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia ☎

A meeting of the Board of Trustees to discuss marketing and fundraising for new facilities.

Contact: Cindy Rorrer, Administrative Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY ☎, e-mail crorrer@vmnh.net.

November 14, 2003 - 3 p.m. -- Open Meeting
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia ☎

December 10, 2003 - 10 a.m. -- Open Meeting
LeClair Ryan Consulting, 1010 First Union Building, 213 South Jefferson Avenue, Roanoke, Virginia ☎

A meeting of the Executive Committee to discuss the management and direction of the museum.

Contact: Cindy Rorrer, Administrative Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY ☎, e-mail crorrer@vmnh.net.

† **November 15, 2003 - 10 a.m.** -- Open Meeting
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia ☎

A meeting of the Board of Trustees to hear reports from all standing board committees.

Contact: Cindy Rorrer, Administrative Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY ☎, e-mail crorrer@vmnh.net.

BOARD OF NURSING

November 17, 2003 - 9 a.m. -- Open Meeting

November 19, 2003 - 9 a.m. -- Open Meeting

November 20, 2003 - 9 a.m. -- Open Meeting

† **January 26, 2004 - 9 a.m.** -- Open Meeting

† **January 28, 2004 - 9 a.m.** -- Open Meeting

† **January 29, 2004 - 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: Jay P. Douglas, M.S.M., C.S.A.C., 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.

November 18, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 2, 5th Floor, Richmond, Virginia ☎

A general business meeting including committee reports, consideration of regulatory action, and disciplinary case decisions as presented on the agenda. Public comment will be received at 11 a.m.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail jay.douglas@dhp.state.va.us.

December 3, 2003 - 9 a.m. -- Open Meeting

December 4, 2003 - 9 a.m. -- Open Meeting

December 9, 2003 - 9 a.m. -- Open Meeting

December 16, 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 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.

OLD DOMINION UNIVERSITY

† **November 19, 2003 - 3 p.m.** -- Open Meeting
Webb University Center, Old Dominion University, 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.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

† **December 12, 2003 - 1:15 p.m.** -- Open Meeting
Webb University Center, Old Dominion University, 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.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

BOARD FOR OPTICIANS

† **January 9, 2004 - 9:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ♿

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. 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: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.state.va.us.

VIRGINIA OUTDOORS FOUNDATION

† **November 15, 2003 - 9 a.m.** -- Open Meeting
Brownsville Farm, 11369 Brownsville Road, Nassawaddox, Virginia.

A field trip for the Board of Trustees to explore possible partnership with the Virginia Eastern Shore Land Trust. No public comment will be accepted at the meeting.

Contact: Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 302 Royal Lane, Blacksburg, VA 24060, telephone (540) 951-2822, FAX (540) 951-2695, e-mail tvance@virginiaoutdoorsfoundation.org.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

December 2, 2003 - 1 p.m. -- Open Meeting
Virginia Board for People with Disabilities Conference Room, 202 North 9th St, Richmond, Virginia ♿ (Interpreter for the deaf provided upon request)

An Executive Committee meeting.

December 3, 2003 - 9 a.m. -- Open Meeting
Virginia Housing Development Authority, Richmond, Virginia ♿ (Interpreter for the deaf provided upon request)

A full board meeting.

Contact: Sandra Smalls, Assistant to the Director, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 866-4464, e-mail smallsse@vbpd.state.va.us.

PESTICIDE CONTROL BOARD

November 26, 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 Pesticide Control Board intends to amend regulations entitled **2 VAC 20-30, Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services Under the Virginia Pesticide Control Act**. The purpose of the proposed action is to review the regulation for effectiveness and continued need. The proposed regulations set fees for (i) pesticide products offered for sale in the Commonwealth; (ii) commercial pesticide applicators providing pest control services to citizens of the Commonwealth; (iii) registered technician applicators providing pest control services to citizens of the Commonwealth; and (iv) pesticide businesses operating in the Commonwealth. In addition to the fee structure, these regulations establish renewal deadlines and late fees.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Contact: Marvin A. Lawson, Director, Pesticide Control Board, 1100 Bank St., Room 401, Richmond, VA 23219, telephone (8904) 786-3534, FAX (804) 786-5112, toll-free 1-800-552-9963, e-mail@vdacs.state.va.us.


Calendar of Events

BOARD OF PHARMACY


† **November 4, 2003 - 9 a.m.** -- Open Meeting
† **December 18, 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 will discuss disciplinary matters. Public comments will not be received.


Contact: Elizabeth Scott Russell, RPh., Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

† **November 25, 2003 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia 


A general business meeting, including consideration of disciplinary matters as presented on the agenda. The public may present comment after the adoption of the agenda and 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 pharmbd@dhp.state.va.us.


POLYGRAPH EXAMINERS ADVISORY BOARD

† **November 21, 2003 - 10 a.m.** -- Open Meeting
December 3, 2003 - 10 a.m. -- Canceled
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia 


A meeting to conduct board business. The board fully complies with the Americans with Disabilities Act.


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.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION


November 15, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia 

A meeting of the Professional Boxing and Wrestling Advisory Task Force to discuss proposed wrestling regulations.


Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail oneal@dpor.state.va.us.

† **November 17, 2003 - 10 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 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: Judith A. Spiller, Administrative Staff Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY , e-mail spiller@dpor.state.va.us.


VIRGINIA PUBLIC BROADCASTING BOARD

† **November 19, 2003 - 10 a.m.** -- Open Meeting
WHRO, 5200 Hampton Boulevard, Norfolk, Virginia 


Contact the board for the meeting agenda.

Contact: Shannon Rainey, Research Assistant, Virginia Public Broadcasting Board, 202 N. 9th St., Room 636, Richmond, VA 23219, telephone (804) 786-1201.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

December 11, 2003 - 10 a.m. -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Suite 102,
Richmond, Virginia 

A regular quarterly meeting.

Contact: Terry Raney, Guardianship Coordinator, Department for the Aging, 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

November 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 Virginia Racing Commission intends to amend regulations entitled **11 VAC 10-20, Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering**. The purpose of the proposed action is to update the criteria for unlimited horse racing facilities in Virginia.

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

Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, P.O. Box 208, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418 or e-mail Anderson@vrc.state.va.us.

REAL ESTATE BOARD

November 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 Virginia Racing Commission intends to amend regulations entitled **11 VAC 10-20, Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering**. The purpose of the proposed action is to update requests for racing days in Virginia.

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

Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, P.O. Box 208, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418 or e-mail Anderson@vrc.state.va.us.

November 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 Virginia Racing Commission intends to amend regulations entitled **11 VAC 10-20, Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering**. The purpose of the proposed action is to update the assignment of racing days within Virginia.

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

Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, P.O. Box 208, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418 or e-mail Anderson@vrc.state.va.us.

REAL ESTATE APPRAISER BOARD

November 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: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

† **November 25, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia ♿

An informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

November 12, 2003 - 9 a.m. -- Open Meeting
November 13, 2003 - 9 a.m. -- Open Meeting
† **November 18, 2003 - 2 p.m.** -- Open Meeting
† **November 20, 2003 - 9 a.m.** -- Open Meeting
† **November 24, 2003 - 9 a.m.** -- Open Meeting
December 17, 2003 - 9 a.m. -- Open Meeting
December 18, 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 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, (804) 367-9753/TTY ☎, e-mail amaker@dpor.state.va.us.

December 3, 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: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

December 4, 2003 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting of the Fair Housing Board to review fair housing cases.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

December 4, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting of the board to conduct board business.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

Calendar of Events

DEPARTMENT OF REHABILITATIVE SERVICES

† **November 12, 2003 - 3:30 p.m.** -- Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, Central Virginia Training Center, 521 Colony Road, Lynchburg, Virginia.

November 12, 2003 - 3:30 p.m. -- Open Meeting
Piedmont Geriatric Hospital, 5001 East Patrick Henry Highway, Burkeville, Virginia (Interpreter for the deaf provided upon request)

November 13, 2003 - 3:30 p.m. -- Open Meeting
Southside Virginia Training Center, 26317 West Washington Street, Petersburg, Virginia (Interpreter for the deaf provided upon request)

November 17, 2003 - 4 p.m. -- Open Meeting
Woodrow Wilson Rehabilitation Center, William Cashett Chapel, Route 250, Fishersville, Virginia (Interpreter for the deaf provided upon request)

November 19, 2003 - 3:30 p.m. -- Open Meeting
Southwestern Virginia Mental Health Institute, 340 Bagley Circle, Marion, Virginia (Interpreter for the deaf provided upon request)

November 19, 2003 - 3:30 p.m. -- Open Meeting
Southwestern Virginia Training Center, State Route 707, Hillsville, Virginia (Interpreter for the deaf provided upon request)

November 20, 2003 - 3:30 p.m. -- Open Meeting
Northern Virginia Training Center, 9901 Braddock Road, Fairfax, Virginia (Interpreter for the deaf provided upon request)

Public forums to seek input regarding vocational rehabilitation and supported employment services provided to Virginians with disabilities. The State Plan may be reviewed at www.vadrs.org or www.va-src.org.

Contact: Rhonda Earman, Department of Rehabilitative Services, 8004 Franklin Farms Drive, P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7611, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, e-mail srcweb@dsa.state.va.us.

VIRGINIA RESOURCES AUTHORITY

November 13, 2003 - 9 a.m. -- Open Meeting
Eighth and Main Building, 707 East Main Street, 2nd Floor, Richmond, Virginia.

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the

regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Bonnie R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 East Main Street, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcr@vra.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

Family and Children's Trust Fund

† **December 5, 2003 - 10 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level 1, Richmond, Virginia

A regular meeting of the Board of Trustees.

Contact: Nan McKenney, Executive Director, Family and Children's Trust Fund, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1823, FAX (804) 692-1869.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

† **November 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. 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, Board for Professional Soil Scientists and Wetland Professionals, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail soilscientist@dpor.state.va.us.

COUNCIL ON TECHNOLOGY SERVICES


November 6, 2003 - 2 p.m. -- Open Meeting
December 4, 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, COTS 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.


November 12, 2003 - 9:30 a.m. -- Open Meeting

December 10, 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.

November 20, 2003 - 3 p.m. -- Open Meeting


December 18, 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 details can be found 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.

COMMONWEALTH TRANSPORTATION BOARD


November 19, 2003 - 2 p.m. -- Open Meeting

Department of Transportation, 1221 East Broad Street, Central Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation and Department of Rail and Public Transportation staff.

Contact: Katherine Tracy, Assistant Secretary, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@VirginiaDOT.org.

November 20, 2003 - 9 a.m. -- Open Meeting


Department of Transportation, 1221 East Broad Street, Central Auditorium, Richmond, Virginia. 

A meeting to vote on proposals presented regarding bids, permits, conveyances, 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. 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) 786-3090 for schedule.

Contact: Katherine Tracy, Assistant Secretary, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@VirginiaDOT.org.

TREASURY BOARD

November 19, 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.

BOARD OF VETERANS SERVICES

† **November 10, 2003 - 10 a.m.** -- Open Meeting


Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. 

A regular meeting.


Contact: Geneva M. Claybrook, Executive Services Liaison, Department of Veterans Services, P.O. Box 6334, Roanoke, VA 24017, telephone (540) 857-6974, FAX (540) 857-6954, e-mail gclaybrook@vvcc1.us.

BOARD OF VETERINARY MEDICINE

† **November 12, 2003 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A brief Legislative/Regulatory Committee meeting to consider potential amendments to the regulations pertaining to inspections. The regular board will meet after the committee meeting to review the recommendation of the Legislative/Regulatory Committee, review with counsel the Goad v. Virginia Board of Medicine decision, and address other general board business issues, including development of the 2004 calendar.


Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail elizabeth.carter@dhp.state.va.us.

November 13, 2003 - 9 a.m. -- Open Meeting

† **December 3, 2003 - 9:30 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

Informal hearings (disciplinary hearings). These are public meetings, but public comment will not be received.

Contact: Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail terri.behr@dhp.state.va.us.

Calendar of Events

STATE WATER CONTROL BOARD

† **November 6, 2003 - 10:30 a.m.** -- Open Meeting
† **November 13, 2003 - 10:30 a.m.** -- Open Meeting
Department of Environmental Quality Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia ☎

A meeting of the ad hoc advisory committee established to advise the agency on issues raised during the notice of intended regulatory action public comment period regarding Ragged Island Creek Tier III Designation.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522, e-mail jwggregory@deq.state.va.us.

November 12, 2003 - 11 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia ☎

A meeting of the technical advisory committee assisting the department in the development of regulatory actions to implement the federal confined animal feeding operation regulations.

Contact: T. Scott Haley, Confined Animal Feeding Operations, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4443, FAX (804) 698-4032, e-mail tshaley@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

December 9, 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, Board for Waterworks and Wastewater Works Operators, 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.

INDEPENDENT

STATE LOTTERY BOARD

November 5, 2003 - 9:30 a.m. -- Open Meeting
State Lottery Department, 900 East Main Street, 13th Floor, Richmond, Virginia ☎

A regular meeting to consider upcoming games and conduct routine business.

Contact: Frank S. Ferguson, Director, Legislative and Regulatory Affairs, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7901, FAX (804) 692-7603, e-mail fferguson@valottery.state.va.us.

BOARD FOR PROTECTION AND ADVOCACY

† **November 19, 2003 - 9 a.m.** -- Open Meeting
Southwest Virginia Higher Education Center, One Partnership Circle, Abingdon, Virginia ☎ (Interpreter for the deaf provided upon request)

Public comment is welcomed and will be accepted at the start of the meeting. If you wish to provide public comment via telephone, contact Sonya McKenzie at 1-800-552-3962 or via e-mail at mckenzsk@vopa.state.va.us, no later than November 12.

Contact: Sonya McKenzie, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, Richmond, VA, telephone (804) 225-3220, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail mckenzsk@vopa.state.va.us.

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

† **November 13, 2003 - 10 a.m.** -- Open Meeting
Hampton Inn and Suites, 900 West Main Street, Charlottesville, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting of the Protection and Advocacy of Individuals with Mental Illness Advisory Council. Public comment is welcome and will be accepted at the start of the meeting.

Contact: Kimberly A. Ware, Program Operations Coordinator, Virginia Office for Protection and Advocacy, 202 N. 9th Street, 9th Floor, Richmond, VA, telephone (804) 225-2061, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail wareka@vopa.state.va.us.

VIRGINIA RETIREMENT SYSTEM

November 19, 2003 - 11 a.m. -- Open Meeting
December 17, 2003 - 3 p.m. -- Open Meeting
Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia 23219 ☎

The regular meeting of the Investment Advisory Committee of the VRS Board of Trustees. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Investment Department Administrative Assistant, Virginia Retirement System, 1111 East Main Street, Richmond, Virginia 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail phenderson@vrs.state.va.us.

November 19, 2003 - 3 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia ☎

Regular meetings of the following committees:
Administration and Personnel - 3 p.m.
Benefits and Actuarial - 3 p.m.
Audit and Compliance - 4 p.m.

Contact: LaShaunda B. King, Acting 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 lking@vrs.state.va.us.

November 20, 2003 - 9 a.m. -- Open Meeting
December 18, 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

November 19, 2003 - 10 a.m. -- Open Meeting
General Assembly Bldg., 6th Floor, Speaker's Conference Room, Richmond, Virginia 📍 (Interpreter for the deaf provided upon request)

NOTE: CHANGE IN MEETING DATE AND LOCATION

† **December 9, 2003 - 2 p.m.** -- Open Meeting
† **December 10, 2003 - 9 a.m.** -- Open Meeting
Lansdowne Resort, Lansdowne, Virginia.

A meeting to continue with the recodification of Titles 1, 3.1 and 37.1 and to conduct any other business that may come before the commission. Public comment will be received at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

SPECIAL ADVISORY COMMISSION ON MANDATED HEALTH INSURANCE BENEFITS

† **November 17, 2003 - 2:30 p.m.**
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia 📍

A meeting to vote on proposals that require coverage for hearing aids for children, coverage for prophylactic surgeries and parity in the coverage of biologically-based mental illness. The Advisory Committee will also vote on revisions to the essential and standard plans that are sold in the small group market.

Changes in required health insurance benefits proposed during the General Assembly session are regularly referred to the advisory commission which reviews the proposals, conducts hearings, and makes recommendations on those coverage issues before it.

Comments to the advisory commission are encouraged to be in writing.

Contact: Ann Colley, Principal Insurance Analyst, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9388, FAX (804) 371-9944, toll-free (800) 552-7945, (804) 371-9206/TTY ☎.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

December 2, 2003 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia 📍

A meeting of the Joint Commission on Technology and Science. This meeting also will be teleconferenced from 510 Cumberland St., Suite 308, Bristol, Virginia.

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Building, 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169.

CHRONOLOGICAL LIST

OPEN MEETINGS

November 3

Branch Pilots, Board for
Longwood University
- Executive Committee

November 4

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Professional Engineers Section
Asbestos, Lead and Home Inspectors, Virginia Board for
Contractors, Board for
Environmental Quality, Department of
Museum of Fine Arts, Virginia
- Executive Committee
† Pharmacy, Board of
- Special Conference Committee

November 5

Agriculture and Consumer Services, Department of
- Consumer Affairs Advisory Committee
† Education, Department of
- Committee on Low-Performing School Systems
Higher Education Tuition Trust Fund, Virginia
Jamestown-Yorktown Foundation
- Jamestown 2007 Executive Committee
Labor and Industry, Department of
- Safety and Health Codes Board
Lottery Board, State
† Medical Assistance Services, Department of
- Managed Care Advisory Committee
† Medicine, Board of
- Informal Conference Committee

November 6

Audiology and Speech-Language Pathology, Board of
Conservation and Recreation, Department of
† Contractors, Board for

Calendar of Events

Deaf and Hard-of-Hearing, Department for the
Environmental Quality, Department of
Governor, Office of the
- Urban Policy Task Force
Information Technologies Agency, Virginia
- Virginia Geographic Information Network Advisory Board
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- State and Local Advisory Team
† Museum of Fine Arts, Virginia
- Expansion Oversight Committee
Technology Services, Council on
- Executive Committee
† Water Control Board, State

November 7

Agriculture and Consumer Services, Department of
- Virginia Pork Industry Board
Art and Architectural Review Board
Medicine, Board of

November 8

† Gaming Board, Charitable

November 10

Alcoholic Beverage Control Board
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Landscape Architects Section
Local Government, Commission on
Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Practices Committee
- Franchise Law Committee
- Licensing Committee
- Transaction Recovery Fund Committee
† Museum of Natural History, Virginia
- Board of Trustees
† Veterans Services, Board of

November 12

† Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Land Surveyors Section
Housing and Community Development, Board of
† Housing Development Authority, Virginia
Information Technologies Agency, Virginia
- Wireless E-911 Services Board
Juvenile Justice, State Board of
Medicine, Board of
- Informal Conference Committee
Motor Vehicles, Department of
- Medical Advisory Board
† Museum of Fine Arts, Virginia
- Expansion Committee
† Real Estate Board
Rehabilitative Services, Department of
Technology Services, Council on
- Change Management Workgroup
† Veterinary Medicine, Board of
- Legislative/Regulatory Committee
State Water Control Board

November 13

† Accountancy, Board of
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Certified Interior Designers Section
Conservation and Recreation, Department of
- State Scenic River Advisory Board
Dentistry, Board of
Environmental Quality, Department of
- Recycling Markets Development Council
† Protection and Advocacy, Virginia Office for
- PAIMI Advisory Council
Real Estate Board
Rehabilitative Services, Department of
Resources Authority, Virginia
Veterinary Medicine, Board of
† Water Control Board, State

November 14

Child Fatality Review Team, State
Counseling, Board of
- Informal Conference Committee
Health, Department of
- Emergency Medical Services Advisory Board
† Medical Assistance Services, Department of
- Dental Advisory Committee
Museum of Natural History, Virginia
- Executive Committee

November 15

† Museum of Natural History, Virginia
- Board of Trustees
† Outdoors Foundation, Virginia
- Board of Trustees
Professional and Occupational Regulation, Department of
- Professional Boxing and Wrestling Advisory Task Force

November 17

Education, Department of
- Advisory Board for Teacher Education and Licensure
† Environmental Quality, Department of
Jamestown-Yorktown Foundation
- Board of Trustees
The Library of Virginia
- Archival and Information Services Committee
- Collection and Management Services Committee
- Legislative and Finance Committee
- Library Board
- Publications and Educational Services Committee
- Public Library Development Committee
- Records Management Committee
† Mandated Health Insurance Benefits, Special Advisory
Commission on
Nursing, Board of
† Professional and Occupational Regulation, Board of
Rehabilitative Services, Department of

November 18

† Community Colleges, State Board for
Conservation and Recreation, Department of
- Goose Creek Scenic River Advisory Board
Corrections, Board of
- Correctional Services/Policy and Regulations
Committee
- Liaison Committee

† Education, Department of
- Committee on Low-Performing School Divisions
† Environmental Quality, Department of
- Ground Water Protection Steering Committee
Jamestown-Yorktown Foundation
- Board of Trustees
Nursing, Board of
Real Estate Appraiser Board
† Real Estate Board

November 19

Code Commission, Virginia
† Community Colleges, State Board for
† Compensation Board
Contractors, Board for
Corrections, Board of
- Administration Committee
Education, Board of
† Environmental Quality, Department of
Fire Services Board, Virginia
- Code Change and Development Subcommittee
George Mason University
Medicine, Board of
- Informal Conference Committee
Museum of Fine Arts, Virginia
- Collections Committee
- Expansion Committee
- Finance Committee
Nursing, Board of
† Old Dominion University
- Board of Visitors
† Protection and Advocacy, Board for
† Public Broadcasting Board, Virginia
Rehabilitative Services, Department of
Retirement System, Virginia
- Administration and Personnel Committee
- Audit and Compliance Committee
- Benefits and Actuarial Committee
- Investment Advisory Committee
Transportation Board, Commonwealth
Treasury Board

November 20

† Community Colleges, State Board for
† Counseling, Board of
- Credentials Committee
Design-Build/Construction Management Review Board
† Environmental Quality, Department of
Geology, Board for
Health, Department of
- Biosolids Use Regulations Advisory Committee
- Sewage Handling and Disposal Advisory Committee
† Museum of Fine Arts, Virginia
- Board of Trustees
Nursing, Board of
† Real Estate Board
Rehabilitative Services, Department of
Retirement System, Virginia
- Board of Trustees
Technology Services, Council on
- Security Workgroup
Transportation Board, Commonwealth

November 21

† Contractors, Board for

Counseling, Board of
Dentistry, Board of
- Special Conference Committee
† Polygraph Examiners Advisory Board
† Soil Scientists and Wetland Professionals, Board for
Professional

November 22

† Conservation and Recreation, Department of
- Virginia Cave Board

November 24

Alcoholic Beverage Control Board
† Hearing Aid Specialists, Board for
† Real Estate Board

November 25

† Funeral Directors and Embalmers, Board of
Marine Resources Commission
† Pharmacy, Board of
† Real Estate Appraiser Board

November 26

At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
Funeral Directors and Embalmers, Board of
- Regulatory/Legislative Committee

December 2

Gaming Board, Charitable
Contractors, Board for
† Museum of Fine Arts, Virginia
- Executive Committee
People with Disabilities, Virginia Board for
Technology and Science, Joint Commission on

December 3

Alzheimer's Disease and Related Disorders Commission
Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- Special Conference Committee
People with Disabilities, Virginia Board for
Real Estate Board
- Education Committee
† Veterinary Medicine, Board of

December 4

† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Nursing, Board of
- Special Conference Committee
Real Estate Board
- Fair Housing Board
Technology Services, Council on
- Executive Committee

December 5

Art and Architectural Review Board
† Social Services, Department of
- Family and Children's Trust Fund

December 8

Alcoholic Beverage Control Board

December 9

† Code Commission, Virginia
Contractors, Board for
Governor, Office of
- Urban Policy Task Force
Medical Assistance Services, Board of
Nursing, Board of

Calendar of Events

- Special Conference Committee

Waterworks and Wastewater Works Operators, Board for

December 10

† Code Commission, Virginia

Funeral Directors and Embalmers, Board of
Jamestown-Yorktown Foundation

- Steering Committee

Museum of Natural History

- Executive Committee

Technology Services, Council on

- Change Management Workgroup

December 11

Public Guardian and Conservator Advisory Board, Virginia

December 12

Health, Department of

- Early Hearing Detection and Intervention Program
Advisory Committee

Health Professions, Department of

† Old Dominion University

- Board of Visitors

December 15

† Barbers and Cosmetology, Board for

December 16

† Medical Assistance Services, Department of

- Medicaid Physicians Advisory Committee

Milk Commission, State

Nursing, Board of

- Special Conference Committee

December 17

Fire Services Board, Virginia

- Code Change and Development Subcommittee

Medical Assistance Services, Department of

- Medicaid Transportation Advisory Committee

Medicine, Board of

- Informal Conference Committee

Real Estate Board

Retirement System, Virginia

- Investment Advisory Committee

December 18

Design-Build/Construction Management Review Board

† Pharmacy, Board of

- Special Conference Committee

Real Estate Board

Retirement System, Virginia

- Board of Trustees

Technology Services, Council on

- Security Workgroup

December 22

Alcoholic Beverage Control Board

December 31

At-Risk Youth and Families, Comprehensive Services for

- State Executive Council

January 6, 2004

† Contractors, Board for

Geology, Board for

† Museum of Fine Arts, Virginia

- Executive Committee

January 9

† Opticians, Board for

January 21

† Community Colleges, State Board for

January 22

† Community Colleges, State Board for

January 23

† The Library of Virginia

- Archival and Information Services Committee

- Collection and Management Services Committee

- Legislative and Finance Committee

- Library Board

- Publications and Educational Services Committee

- Public Library Development Committee

- Records Management Committee

January 26

† Education, Department of

- Advisory Board for Teacher Education and Licensure

† Nursing, Board of

January 28

† George Mason University

- Board of Visitors

† Nursing, Board of

January 29

† Nursing, Board of

PUBLIC HEARINGS

November 6

Mines, Minerals and Energy, Department of

November 12

Juvenile Justice, State Board of

November 13

† Child Day-Care Council

November 17

† Child Day-Care Council

November 18

† Child Day-Care Council

November 20

† Child Day-Care Council

November 25

† Child Day-Care Council

December 11

Criminal Justice Services Board