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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2003 VAC Supplement includes final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4 VAC 5-10-40	Repealed	19:24 VA.R. 3510	9/10/03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4 VAC 15-50-30	Repealed	19:19 VA.R. 2819	7/1/03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 20-620-30	Amended	20:4 VA.R. 342	10/15/03
4 VAC 20-620-40	Amended	20:4 VA.R. 342	10/15/03
4 VAC 20-620-50	Amended	19:14 VA.R. 2088	3/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
4 VAC 20-720-40 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	20:4 VA.R. 344-346	10/8/03
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 20-190-10	Amended	20:4 VA.R. 346	12/3/03
6 VAC 20-190-40	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-60	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-90	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-100	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-120	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-150	Amended	20:4 VA.R. 348	12/3/03
6 VAC 20-190-160	Amended	20:4 VA.R. 348	12/3/03
6 VAC 20-190-170	Amended	20:4 VA.R. 348	12/3/03
6 VAC 20-200	Repealed	20:4 VA.R. 348	12/3/03
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 20-220-10 through 6 VAC 20-220-80	Added	20:4 VA.R. 348-350	12/3/03
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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	--

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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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	--
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
11 VAC 10-130-77	Amended	20:4 VA.R. 350	10/14/03
11 VAC 10-150-130	Amended	20:4 VA.R. 351	11/17/03
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

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

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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 30-40-100	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-140	Amended	20:4 VA.R. 351	12/3/03
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 30-40-240	Amended	20:4 VA.R. 351	12/3/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-40-280	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-290	Amended	20:4 VA.R. 351	12/3/03
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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	--
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

* Effective date suspended for further public comment.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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	--
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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	--
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 30-20-80	Amended	20:4 VA.R. 352	1/2/04
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 30-71-10	Amended	20:4 VA.R. 353	12/3/03
24 VAC 30-71-20	Amended	20:4 VA.R. 353	12/3/03
24 VAC 30-71-30	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-50	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-70	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-80	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-90	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-100	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-110	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-120	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-130	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-150	Amended	20:4 VA.R. 357	12/3/03
24 VAC 30-71-160	Amended	20:4 VA.R. 357	12/3/03
24 VAC 30-71-170	Amended	20:4 VA.R. 362	12/3/03
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

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Agency Decision

Title of Regulation: **9 VAC 5-80. Permits for Stationary Sources (E03).**

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

Name of Petitioner: Virginia Manufacturers Association.

Nature of Petitioner's Request: To initiate an expedited rulemaking pursuant to §2.2-4006 A 4 c of the Code of Virginia to incorporate recent federal new source review reforms into Virginia's major new source review regulations (Articles 8 and 9 of 9 VAC 5-80).

Agency Decision: Request Granted (in part); Request Denied (in part).

Statement of Reasons for Decision: The request to consider incorporating recent federal new source review reforms into Virginia's major new source review regulations is granted based on the following reasons articulated by the U.S. Environmental Protection Agency in the promulgation of the reforms:

- Use of the NSR reform regulations will result in an overall net benefit to air quality.
- Use of the NSR reform regulations will address long-recognized problems with the current regulations.
- Use of the NSR reform regulations will contribute to overall efficiency of permit preparation, review and processing, and thus contribute to resource savings for the state and the regulated community.
- Use of the NSR reform regulations will redirect focus from a wide range of relatively insignificant projects to ones with the potential for significant environmental impact.
- Use of the NSR reform regulations will provide tangible rewards for environmental stewardship by encouraging sources to voluntarily reduce emissions.

The request to use the expedited rulemaking process pursuant to § 2.2-4006 A 4 c of the Code of Virginia to accomplish the above is denied for the following reasons:

- The full APA regulatory process is preferable because it provides opportunity for broad-based public participation and government oversight.
- Exemptions from the full process should be narrowly construed so as not to foreclose that opportunity and to permit the nature and the quality of the regulation to benefit from the full process, including conflict resolution.
- The expedited process has hitherto only been used for noncontroversial regulatory amendments. To

approve a potentially controversial regulatory change under the expedited process has never been done, and doing so would violate the intent of the APA.

- The expedited process should not be applied to a matter where federal requirements may be met in ways other than merely adopting the specified federal provisions, especially in a situation where the mere adoption of the specified federal provisions, at the behest of particular interested stakeholders, may be unacceptable to other stakeholders.
- The EPA regulations are in litigation at the federal level and may change. Use of the expedited process is inadvisable in consideration of this ongoing litigation. EPA has already responded to the court that it intends to seek public comment and reconsider at least one issue associated with its new regulations.
- Use of the expedited process is not necessary to meet the EPA SIP submittal deadline.
- Due to the complexity of the EPA regulations, use of an expedited process would not afford the DEQ staff adequate time to gain a thorough understanding of the EPA regulations prior to implementing them.

Agency Contact: Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482 or e-mail kgsabastea@deq.state.va.us.

VA.R. Doc. No. R03-181; Filed October 29, 2003, 4:23 p.m.

Agency Decision

Title of Regulation: **9 VAC 5-80. Permits for Stationary Sources (F03).**

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

Name of Petitioner: Virginia Manufacturers Association.

Nature of Petitioner's Request: Undertake and swiftly conclude a rulemaking to incorporate recent federal new source review reforms and other innovations previously proposed by the board into Virginia's minor new source review regulations (Article 6 of 9 VAC 5-80).

Agency Decision: Request Denied.

Statement of Reasons for Decision: The reasons for the board's decision are as follows:

- EPA has stated that it will not accept the application of the major new source review (NSR) elements to a minor new source review program.
- In the Federal Register preambles that serve to justify its major NSR regulations, EPA includes several statements that indicate that the minor NSR is to serve as a backup to review projects that may not be subject to the major NSR.

Petitions for Rulemaking

- The minor NSR program has just been extensively revised, a process that began in 1994. Currently, staff are working to develop an implementation strategy and guidance. Halting this process would undo years of intensive collaborative work, as well as create confusion among staff, the regulated community, and the public.
- Experience is needed implementing the latest revision to the minor NSR program in order to make meaningful changes.
- Experience is needed understanding and implementing the EPA major NSR reform regulations prior to including the elements thereof in a minor NSR program.

Agency Contact: Robert Mann, Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419, FAX (804) 698-4510, toll-free 1-800-592-5482 or e-mail ramann@deq.state.va.us.

VA.R. Doc. No. R03-182; Filed October 29, 2003, 4:23 p.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 action after publication in the Virginia Register of Regulations.

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.

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to include in the regulation updated numerical and narrative criteria to protect designated uses from the impacts of nutrients and sedimentation. The rulemaking will also include new and revised use designations for the Chesapeake Bay and its tidal tributaries.

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

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15 of the Code of Virginia, the Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

Public comments may be submitted until 5 p.m. on January 15, 2004.

Contact: Eleanore M. Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4522 or e-mail emdaub@deq.state.va.us.

VA.R. Doc. No. R04-39; Filed October 29, 2003, 11:17 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF COUNSELING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Counseling intends to consider amending regulations entitled **18 VAC 115-20, Regulations Governing the Practice of Professional Counseling**. The purpose of the proposed action is to amend the existing regulation to update and provide for consistency of regulations relating to standards of practices, disciplinary actions, and reinstatement governing the three professions licensed by this board.

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

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

Public comments may be submitted until 5 p.m. on December 17, 2003.

Contact: Ben Foster, Deputy Executive Director, Board of Counseling, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-7250 or email ben.foster@dhp.state.va.us.

VA.R. Doc. No. R04-28; Filed October 28, 2003, 3:27 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Counseling intends to consider amending regulations entitled **18 VAC 115-50, Regulations Governing the Practice of Marriage and Family Therapy**. The purpose of the proposed action is to amend the existing regulation to update and provide for consistency of regulations relating to standards of practices, disciplinary actions, and reinstatement governing the three professions licensed by this board.

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

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

Notices of Intended Regulatory Action

Public comments may be submitted until 5 p.m. on December 17, 2003.

Contact: Ben Foster, Deputy Executive Director, Board of Counseling, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-7250 or email ben.foster@dhp.state.va.us.

VA.R. Doc. No. R04-29; Filed October 28, 2003, 3:27 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Counseling intends to consider amending regulations entitled **18 VAC 115-60, Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners**. The purpose of the proposed action is to amend the existing regulation to update and provide for consistency of regulations relating to standards of practices, disciplinary actions, and reinstatement governing the three professions licensed by this board.

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

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

Public comments may be submitted until 5 p.m. on December 17, 2003.

Contact: Ben Foster, Deputy Executive Director, Board of Counseling, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-7250 or email ben.foster@dhp.state.va.us.

VA.R. Doc. No. R04-30; Filed October 28, 2003, 3:27 p.m.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulations: **12 VAC 30-40. Eligibility Conditions and Requirements (adding 12 VAC 30-40-235).**

12 VAC 30-130. Amount, Duration and Scope of Selected Services (amending 12 VAC 30-130-620).

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

Public Hearing Date: N/A -- Public comments may be submitted until January 16, 2004.

(See Calendar of Events section for additional information)

Agency Contact: James Cohen, Director, Program Support, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-8098, FAX (804) 786-1680, or e-mail jcohen@dmas.state.va.us.

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

The Medicaid authority as established by § 1902 (a) of the Social Security Act (42 USC § 1396a) provides governing authority for payments for services.

Purpose: This regulatory action is not expected to have any impact on the health, safety or welfare of citizens. Medicaid, as well as commercial health insurance companies, set maximum reimbursement amounts for services rendered by their provider networks. In the case of Medicaid, the reimbursement is usually the same as or less than the Medicare rate. Therefore, the purpose of this regulatory action is to conform this method of reimbursement to the general Medicaid reimbursement policies.

Substance: Prior to DMAS' emergency regulations, there were no limits on how much money that nursing facility residents could be charged for necessary medical care and services that Medicaid did not pay for. This often resulted in such residents paying providers the full amount of their charges. As a result, DMAS was forced to increase its payments to the nursing facilities to cover more of the costs of Medicaid covered services because it was unable to offset these costs with any patient pay amounts, up to the difference in payment amounts. The payment differences resulted from the fact that the residents were expending large amounts on otherwise noncovered services and did not have the funds

available to contribute toward the costs of their Medicaid-covered nursing facility care.

This regulation proposes to set a maximum amount for noncovered medically necessary goods and services that can be allowed as adjustments to the patient pay for nursing facility residents. The maximum amount allowed will be the higher of either the Medicare or Medicaid rate for the same noncovered item or service. By limiting the amount of money that nursing facility residents can expend for non-Medicaid-covered items or services, the nursing facility residents will be able to continue to contribute more towards the costs of their Medicaid-covered nursing facility care.

Issues: The advantage to DMAS is that there will be a cost savings associated with this change of approximately \$68,000 (GF) annually. The primary disadvantage to nursing facility Medicaid residents is that they could be balance-billed for medical or remedial care when such care has been provided by nonenrolled providers. Medicaid enrolled providers are contractually obligated to accept Medicaid's reimbursement as payments in full and are prohibited from billing the balance of their charges to nursing facility residents. All nonenrolled providers of services will be affected since they will no longer be receiving full reimbursement of their charges. To protect nursing facility residents from the potential victimization that could result from this policy, DMAS is engaging in an educational effort to encourage nursing facility residents to secure the needed noncovered services from Medicaid enrolled providers.

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 Chapter 1042 of the 2003 Acts of Assembly, item 325 BBB, the proposed regulations will establish upper limits for the amounts that can be deducted from nursing home residents' income prior to calculating their contribution toward Medicaid's reimbursement to nursing homes for the nursing homes' costs of care.

Estimated economic impact. Although Medicaid pays the nursing home charges, nursing home residents must participate in the costs of their care by making payments from

Proposed Regulations

their monthly incomes. This contribution of the nursing home recipients toward Medicaid payments is known as "patient pay." The patient pay contribution is less than a resident's income because of several deductions. About \$30 is set aside from the income for personal expenditures (toothbrush, candy, etc.). Also, the expenses for non-Medicaid covered medical or remedial services are paid from their income. The remainder is the patient pay amount, or the amount residents contribute to their costs of care. Thus, the higher the amount of deductions, the less money is paid toward nursing home costs as patient pay.

For example, if a nursing home resident receives \$330/month from Social Security, \$30 is set aside as personal funds, with the remaining \$300 being counted toward nursing home costs as patient pay. If the resident purchases dentures costing \$1,500, then no money can be counted toward Medicaid costs for five months until the denture bill is paid off. If the dentures were to cost \$1,200, then the nursing home resident starts contributing \$300 toward the nursing home costs in the fifth month.

Currently, there is no limit on non-Medicaid covered medical or remedial expenditures that can be deducted from a nursing home recipient's income. The most common types of these medical or remedial services are dentures, specialized motorized wheelchairs, eyeglasses, and hearing aides. It is estimated that approximately \$912,082 is deducted from residents' income in Virginia to cover these expenses. The proposed changes will establish limits for these medical or remedial expenses that can be deducted from nursing home residents' income. The proposed limit is the higher of the Medicaid or Medicare rate allowed. The department estimates that the proposed limit for these expenses will reduce the deductions from residents' income by \$136,500 per year, or by 15% of the total deductions and increase the amounts counted toward nursing facility costs as patient pay. Thus, this change is expected to provide an equivalent amount of savings in the Medicaid operating expenditures, approximately half of which will have been funded by the state.

This change will also affect the providers and recipients in several different ways. Imposing a limit on the medical or remedial expenses that can be deducted from income will provide incentives to providers and recipients not to exceed the Medicaid or Medicare rate, whichever is higher. The degree of potential effects on Medicaid enrolled and non-enrolled providers will likely be different.

The differential effect is expected because Medicaid-enrolled providers will not be allowed to balance bill the recipients an amount higher than the proposed limit while non-enrolled providers will be free to balance bill the service recipient. Such recipients would be expected to pay such balances from other available sources of income, if there are any. This means that the highest amount Medicaid enrolled providers can expect to be paid is the proposed rate. Knowing the highest amount they can expect to be paid, Medicaid enrolled providers are most likely not sell their most expensive products in excess of the allowed rate, or they could be expected to reduce their profit margins if possible. Thus, depending on a provider's response, there is a chance that a

nursing home resident's access to the most expensive medical or remedial products from Medicaid-enrolled providers may be reduced. Further, a recipient wishing to purchase these products with available resources other than income might be provided incentives to buy them from nonenrolled providers, as they are free to bill any amount.

Though not as strong, the proposed change will introduce similar incentives for non-enrolled providers. The authority of these providers to collect additional moneys from recipients in excess of the proposed limits will not be prohibited, but will be relatively more difficult. This is because the proposed change will eliminate the use of income as a direct means to pay for these products or services and leave recipients with fewer other purchase options. For example, a recipient may use the funds set aside for personal expenditures to pay for the portion of the bill in excess of the allowed rate, or may convince family members to pay for the difference. The higher the uncertainty in collecting the difference for the provider, the more likely it is that this change will produce similar economic effects as those for Medicaid enrolled providers.

Businesses and entities affected. The proposed regulations will affect nursing home residents who purchase non-covered medical or remedial services and providers of such services. While there is no estimate available for the number of residents, approximately 84 dentists, 65 audiologists, and 20 durable medical equipment companies may be affected.

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

Projected impact on employment. The estimated size of the fiscal effect on the providers does not appear to be large enough to have a significant effect on employment.

Effects on the use and value of private property. Similarly, due to the size of the estimated fiscal impact, no significant change in the value of privately owned provider businesses is expected.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning reasonable limits on amounts for necessary medical or remedial care not covered by Medicaid.

Summary:

The proposed amendments set the maximum amount for medically necessary goods and services that are not covered by Medicaid or a third party and can be allowed as adjustments to the patient-pay amount for nursing facility residents. The maximum amount will be the Medicare or Medicaid maximum allowable reimbursement, whichever is higher for the noncovered items or services.

12 VAC 30-40-235. Reasonable limits on amounts for necessary medical or remedial care not covered under Medicaid.

A. The Medicaid agency meets the requirements of 42 CFR 435.725, 42 CFR 435.832, and § 1924 of the Social Security Act, in that the agency will deduct amounts for incurred

expenses for medical or remedial care that are not subject to payment by a third party, including medically necessary or remedial care recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits as specified in subsection B of this section.

B. All medical or remedial goods and services not subject to payment by a third party and not covered by Medicaid but recognized under state law must be prescribed by a physician, dentist, podiatrist or other practitioner with prescribing authority pursuant to Virginia law. The maximum amount that may be deducted from the patient-pay amount for nursing facility residents shall be the maximum amount allowable by either Medicare or Medicaid, whichever is higher, for the same noncovered items or services.

12 VAC 30-130-620. Limitations.

A. A DMAS-122 adjustment request shall always be used as the last source of payment. If a recipient has other sources of possible payment (i.e., Medicare, major medical insurance, prescription insurance, dental insurance, etc.), payment must be sought first from those other sources.

B. The maximum amount for noncovered medically necessary items or services that can be allowed as adjustments to the patient pay amount for nursing facility residents shall be the maximum amount allowable by either Medicare or Medicaid, whichever is higher, for the same noncovered items or services.

C. Only the cost of medically necessary, resident-specific, customized, noncovered items or services may be deducted from patient pay. This shall include, but not necessarily be limited to, electric, motorized, or customized wheelchairs and other equipment not regularly supplied to residents by the facility as part of the cost of care. Supplies, equipment, or services used in the direct care and treatment of residents are covered services and must be provided by the facility. Covered items and services include, but are not necessarily limited to, standard wheelchairs, recliners, geriatric chairs, special mattresses, humidifiers, cots, and routine podiatry care (e.g., trimming nails for onychia, cleaning and soaking the feet, and other services performed in the absence of localized illness, injury, or symptoms involving the foot). Expenses incurred by the facility for covered items and services are considered "allowable expenses" and are covered by Medicaid as part of reimbursement to the facility for the resident's care; these costs cannot be deducted from patient pay.

D. Extenuating circumstances shall be considered for the provision of podiatry care when corrective trimming is performed to prevent further complications in a patient who has a systemic condition that has resulted in severe circulation deficits or areas of desensitization in the legs or feet. Trimming of nails for a systemic condition is limited to once every 60 days and must be medically necessary. In such cases, the facility is not responsible for routine podiatry care.

E. DMAS-122 adjustments shall be allowed for the cost of medically or remedially necessary services provided prior to Medicaid eligibility or prior to admission. Any decision made by DMAS or DSS to deny a service may be appealed to DMAS. Appeals must be made in writing by the resident or his

legally appointed representative, as provided for in DMAS Client Appeals Regulations (12 VAC 30-110-10 et seq.).

F. The facility shall monitor the proper care of the resident's medical supplies and equipment. Requests for adjustment made because an item is lost or broken by facility staff must include documentation on the resident's interdisciplinary plan of care regarding proper care and treatment of the item. When loss or breakage is incurred as a result of facility staff following improper practices, the facility must replace the item.

G. All requests for DMAS-122 adjustments submitted by providers to either DMAS or DSS shall include:

1. The recipient's correct Medicaid identification number;
2. The current physician's orders for the noncovered service (not required for replacement of hearing aid batteries or eyeglass frames or for repair to hearing aids or eyeglasses);
3. Medical justification for the service being requested (see subsection H of this section);
4. The service description;
5. Actual cost information;
6. Documentation that the recipient continues to need the equipment for which a repair, replacement, or battery is requested;
7. A statement of proof of denial or noncoverage by other insurance; and
8. A copy of the most current, fully completed Minimum Data Set (MDS) and quarterly review.

H. Medical justification documentation as specified in subdivision G 3 of this section shall include the following:

1. Physician prescription;
2. Identification of the diagnosis related to the reason for the request;
3. Identification of the resident's functional limitation;
4. Identification of the quantity needed, frequency of use, estimated length of use; and
5. Identification of how the item or service will be used in the resident's environment.

I. Adjustments of a recipient's patient pay amount may only be authorized by DMAS or DSS.

VA.R. Doc. No. R03-219; Filed October 29, 2003, 11:20 a.m.

Title of Regulation: 12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-20; adding 12 VAC 30-80-200).

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

Public Hearing Date: N/A -- Public comments may be submitted until January 16, 2004.

(See Calendar of Events section for additional information)

Proposed Regulations

Agency Contact: Steve Ford, Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7355, FAX (804) 786-1680.

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

The Medicaid authority as established by § 1902 (a) of the Social Security Act (42 USC § 1396a) provides governing authority for payments for services. This regulatory action is a response to a change in the 2003 Virginia Appropriation Act (Item 325 KKK and Item 325 NNN).

Purpose: This regulatory action is not expected to have any impact on the health, safety or welfare of citizens. Medicaid, as well as commercial health insurance companies, set maximum reimbursement amounts for services rendered by their provider networks. In the case of Medicaid, the reimbursement is usually the same as or less than the Medicare rate. Therefore, the purpose of this regulatory action is to conform this method of reimbursement to the general Medicaid reimbursement policies.

Substance: Outpatient Hospital Allowable Cost Limit. 12 VAC 30-80-20 identifies services that are reimbursed on the basis of allowable costs and describes any special provisions related to specific services or provider categories. Outpatient hospital services are currently listed in this section, and are subject only to the limits related to Medicare principles of reimbursement. These limits provide that outpatient operating costs are reimbursed at 94.2% of cost, and capital costs at 90% of cost. The proposed amendment provides for reimbursement of all outpatient costs at 80% of allowable cost.

Prospective Reimbursement for Rehabilitation Agencies. 12 VAC 30-80-20 also currently lists rehabilitation agency services that are reimbursed their actual allowable costs, subject only to the limits related to Medicare principles of reimbursement. The proposed amendment would provide that rehabilitation agencies operated by community services boards (CSBs) continue to be paid based on allowable costs. This amendment also includes a new section (12 VAC 30-80-200) describing a prospective reimbursement methodology applicable to other rehabilitation agencies. Each provider's prospective rate would be the lesser of its own historical cost per visit, or 112% of the median cost per visit of all providers.

Issues: The advantage to DMAS is that there will be a cost savings associated with this change of approximately \$8.5 million (\$4.25 million GF; \$4.25 million NGF) annually. For the change to a prospective payment system for outpatient rehabilitation agencies, a savings to the Medicaid program of \$3.0 million (\$1.5 million GF; \$1.5 million NGF) is expected. The primary disadvantage to affected hospitals and rehabilitation agencies is a concomitant reduction in reimbursement for these services.

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 the 2003 Virginia Appropriation Act (Item 325 KKK), the Board of Medical Assistance Services proposes to limit Type Two (nonteaching) hospitals to 80% of their allowable costs for outpatient operating and capital costs. Type One (teaching) hospitals will continue to be reimbursed at 94.2% of allowable operating costs and 90% of allowable capital costs.

Additionally, Item 325 NNN of the 2003 Appropriation Act directs DMAS to revise the payment methodology for rehabilitation agencies from a retrospective reasonable cost basis to a prospective methodology based on establishing a ceiling at 112% of the weighted median cost of all rehabilitation agencies. This legislation exempts rehabilitation agencies operated by the community services boards.

Estimated economic impact. Outpatient Reimbursement. Currently at all hospitals, outpatient operating costs are reimbursed at 94.2% of allowable cost, and capital costs are reimbursed at 90% of allowable cost for Medicaid patients. Pursuant to the 2003 Virginia Appropriation Act (Item 325 KKK), the Board of Medical Assistance Services (board) proposes to limit Type Two (nonteaching) hospitals to 80% of their allowable costs for outpatient operating and capital costs. Type One (teaching) hospitals will continue to be reimbursed at 94.2% of allowable operating costs and 90% of allowable capital costs. As a result, the Department of Medical Assistance Services (department) expects to save approximately \$4.25 million in general funds, and \$4.25 million in nongeneral funds.

In response to the reduction in reimbursement rates for Medicaid outpatient services, hospitals could potentially: (i) choose to no longer serve Medicaid outpatients, but continue to serve Medicaid inpatients, (ii) choose to no longer serve any Medicaid patients (beyond emergency cases), (iii) choose to raise rates to private payers to offset the loss of Medicaid revenue, or (iv) scale back services.

The department has not determined whether hospitals may refrain from providing outpatient services to Medicaid patients, while continuing to provide inpatient services for Medicaid recipients. Both the Virginia Hospital and Healthcare Association (VHHA) and the department believe that few, if any, hospitals would choose to serve only inpatient Medicaid patients, even if it is legal. Though the proposed 80% reimbursement rate is substantially lower than the current outpatient reimbursement rates, it is still higher than inpatient

reimbursement rates; according to the department, hospitals receive reimbursements for approximately 71% or 72% of their allowable Medicaid inpatient costs.

Currently all Virginia hospitals serve Medicaid patients.¹ According to both the department and VHHA, it is unlikely that any hospital will choose to stop serving all Medicaid patients. VHHA cites the mission of hospitals, both public and private, to serve those in need. The department adds that hospitals would likely consider that the bad will created by refusing Medicaid patients would exceed potential net cost savings of refusing service to those patients.

Hospitals could conceivably use the reduced Medicaid revenue as a tool when negotiating service rates with private payers. For example, citing that reduced Medicaid revenue caused an area of care or service to be no longer financially sustainable, a hospital could threaten to stop providing that area of care or service unless private payers pay more. Research by Zwanziger, Melnick, and Bamzai (*Health Economics*: 2000) on California hospitals found that while hospitals increased "their prices to private payers in response to reductions in Medicare rates; they had far smaller and generally insignificant responses to changes in Medicaid reimbursement." The authors attribute part of the failure to raise private payer rates in response to lower Medicaid reimbursement to the competitiveness of California's hospital market. In a less competitive market, hospitals may be more able to shift costs. Showalter (*Contemporary Economic Policy*: 1997) in a study using national data also found evidence against cost shifting (raising prices charged to private payers) when Medicaid rates are cut.

Since hospitals are unlikely to choose to no longer serve all Medicaid patients, and in practice hospitals are limited in their ability to successfully shift costs to private payers on a large scale, reduced revenue likely leads to service reductions. For example, Showalter found that "lower Medicaid reimbursements tend to cause physicians to treat relatively fewer Medicaid patients." Reduced physician availability to Medicaid patients causes longer waits for service. People's time has value. Longer waits may discourage some patients from taking the time to make and go to appointments. The quantity and quality of healthcare received may consequently be reduced. Also, lower reimbursement rates may allow for fewer support staff and the elimination of services that are considered beneficial, but non-essential.

Though there are clear costs associated with the reduced reimbursement rates, the estimated \$8.5 million saved by reducing the reimbursement rate for hospital outpatient services can be used beneficially through other government expenditure or through lower taxes than would be required to maintain the higher reimbursement rates.

Rehabilitation agency reimbursement. Currently, there is no ceiling on the Medicaid payments made to rehabilitation agencies. Pursuant to Item 325 NNN of the 2003 Appropriation Act, the board proposes to reimburse private rehabilitation agencies at a "rate equal to the lesser of the agency's cost per visit for each type of rehabilitation service

(physical therapy, occupational therapy, and speech therapy) or a statewide ceiling established for each type of service. The prospective ceiling for each type of service shall be equal to 112% of the median cost per visit, for such services, of rehabilitation agencies."

Thus rehabilitation agencies will not be reimbursed at a rate more than 12% higher than the median cost. The department expects that this will save approximately \$1.5 million in General Funds, and \$1.5 million in Non-General Funds. Rehabilitation agencies that charge greater than 12% above the average for services will see their reimbursement cut to 12% above the average. Such agencies could potentially react by reducing the number of Medicaid recipients they see, or to stop serving Medicaid patients altogether. These provisions have been in effect under an emergency regulation since July 1, 2003, and the department has not yet seen indications that rehabilitation agencies are reducing the number of Medicaid recipients they see.

Businesses and entities affected. The proposed regulations affect the 96 Type II hospitals and the 64 privately operated rehabilitation agencies that provide outpatient services to Medicaid recipients, as well as their staff and patients.

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposal to limit nonteaching hospitals to 80% of their allowable costs for operating and capital costs will likely reduce services and some employment at hospitals. The proposal to cap rehabilitation agency reimbursement at 112% of the median cost per visit has the potential to reduce employment at rehabilitation agencies if pricier agencies choose to see fewer patients in response.

Effects on the use and value of private property. The lower reimbursement rates will consequently lower the value of hospitals and pricier rehabilitation agencies. Hospitals and their physicians may react by offering fewer services. Pricier rehabilitation agencies may choose to accept fewer Medicaid patients.

References

Showalter, Mark H., "Physicians' Cost Shifting Behavior: Medicaid versus Other Patients," *Contemporary Economic Policy*, v15, n2 (April 1997): 74-84.

Zwanziger, Jack, Melnick, Glenn A., and Anil Bamzai, "Can Cost Shifting Continue in a Price Competitive Environment?" *Health Economics*, v9, n3 (April 2000): 211-25.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has reviewed the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning limit outpatient hospital payment to 80% of allowable cost; establishing prospective reimbursement for rehabilitation agencies. The agency raises no issues with this analysis.

¹ Source: Virginia Hospital & Healthcare Association

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Summary:

The proposed amendments limit reimbursement of nonteaching hospitals to 80% of their allowable costs for outpatient operating and capital costs; however, state teaching hospitals are excluded from this limitation. The amendments also propose to establish a prospective reimbursement methodology for rehabilitation agencies other than those operated by community services boards (CSBs). Rehabilitation agencies operated by CSBs will continue to be reimbursed retrospectively.

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

A. Payments for services listed below shall be on the basis of reasonable cost following the standards and principles applicable to the Title XVIII Program with the exception provided for in subdivision D 2 e d of this section. The upper limit for reimbursement shall be no higher than payments for Medicare patients on a facility by facility basis in accordance with 42 CFR 447.321 and 42 CFR 447.325. In no instance, however, shall charges for beneficiaries of the program be in excess of charges for private patients receiving services from the provider. The professional component for emergency room physicians shall continue to be uncovered as a component of the payment to the facility.

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

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

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

D. The services that are cost reimbursed are:

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

2. Outpatient hospital services excluding laboratory.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. *Limitation to 80% of allowable cost. Effective for services on and after July 1, 2003, reimbursement of Type Two hospitals for outpatient services shall be at 80% of allowable cost, with cost to be determined as provided in subsections A, B, and C of this section. For hospitals with fiscal years that do not begin on July 1, 2003, outpatient costs, both operating and capital, for the fiscal year in progress on that date shall be apportioned between the time period before and the time period after that date, based on the number of calendar months in the cost reporting period, falling before and after that date. Operating costs apportioned before that date shall be settled according to the principles in effect before that date, and those after at 80% of allowable cost. Capital costs apportioned before that date shall be settled according to the principles in effect before that date, and those after at 80% of allowable cost. Operating and capital costs of Type One hospitals shall continue to be reimbursed at 94.2% and 90% of cost respectively.*

e. d. Outpatient reimbursement methodology prior to July 1, 2003. DMAS shall continue to reimburse for outpatient hospital services, with the exception of direct graduate medical education for interns and residents, at 100% of reasonable costs less a 10% reduction for capital costs and a 5.8% reduction for operating costs. This methodology shall continue to be in effect after July 1, 2003, for Type One hospitals.

e. e. Payment for direct medical education costs of nursing schools, paramedical programs and graduate medical education for interns and residents.

(1) Direct medical education costs of nursing schools and paramedical programs shall continue to be paid on an allowable cost basis.

(2) Effective with cost reporting periods beginning on or after July 1, 2002, direct graduate medical education (GME) costs for interns and residents shall be reimbursed on a per-resident prospective basis. See 12 VAC 30-70-281 for prospective payment

methodology for graduate medical education for interns and residents.

3. Rehabilitation agencies *operated by community services boards. For the reimbursement methodology applicable to other rehabilitation agencies, see 12 VAC 30-80-200.* Reimbursement for physical therapy, occupational therapy, and speech-language therapy services shall not be provided for any sums that the rehabilitation provider collects, or is entitled to collect, from the NF or any other available source, and provided further, that this amendment shall in no way diminish any obligation of the NF to DMAS to provide its residents such services, as set forth in any applicable provider agreement.

4. Comprehensive outpatient rehabilitation facilities.

5. Rehabilitation hospital outpatient services.

12 VAC 30-80-200. Prospective reimbursement for rehabilitation agencies.

A. *Effective for dates of service on and after July 1, 2003, rehabilitation agencies, excluding those operated by community services boards, shall be reimbursed a prospective rate equal to the lesser of the agency's cost per visit for each type of rehabilitation service (physical therapy, occupational therapy, and speech therapy) or a statewide ceiling established for each type of service. The prospective ceiling for each type of service shall be equal to 112% of the median cost per visit, for such services, of rehabilitation agencies. The median shall be calculated using a base year to be determined by the department. Effective July 1, 2003, the median calculated and the resulting ceiling shall be applicable to all services beginning on and after July 1, 2003, and all services in provider fiscal years beginning in SFY2004.*

B. *In each provider fiscal year, each provider's prospective rate shall be determined based on the cost report from the previous year and the ceiling, calculated by DMAS, that is applicable to the state fiscal year in which the provider fiscal year begins.*

C. *For providers with fiscal years that do not begin on July 1, 2003, services for the fiscal year in progress on that date shall be apportioned between the time period before and the time period after that date based on the number of calendar months before and after that date. Costs apportioned before that date shall be settled based on allowable costs, and those after shall be settled based on the prospective methodology.*

D. *Beginning with state fiscal years beginning on and after July 1, 2004, the ceiling and the provider specific cost per visit shall be adjusted for inflation, from the previous year to the prospective year, using the nursing facility inflation factor published for Virginia by DRI, applicable to the calendar year in progress at the start of the state fiscal year.*

VA.R. Doc. No. R03-220; Filed October 29, 2003, 4:31 p.m.



Proposed Regulations

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Title of Regulation: **20 VAC 5-10. Rules Governing Utility Customer Deposit Requirements (amending 20 VAC 5-10-20).**

Statutory Authority: § 12.1-13 of the Code of Virginia.

Public Hearing Date: Hearing will be scheduled if hearing requested.

Public comments may be submitted until December 1, 2003.

Agency Contact: Farris M. (Rusty) Maddox, Principal Financial Analyst, State Corporation Commission, Division of Economics and Finance, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9296, FAX (804) 371-9935, or e-mail rmaddox@scc.state.va.us.

Summary:

The proposed amendments change the prior year period used to calculate the interest rate on all customer deposits from the three-month period ending in December to the three-month period ending in November. In addition, the proposed amendments change the calculation of the interest rate on customer deposits for nonprofit utilities from the investor-owned utility rate less a fixed rate of 2.0% (e.g., 2.0% less 2.0% = 0%) to 75% of the investor-owned utility rate (e.g., 2.0% x 0.75 = 1.5%).

AT RICHMOND, OCTOBER 24, 2003

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE-2003-00224

Ex Parte: In the Matter Adopting a Revised Rule Governing Utility Customer Deposits

ORDER FOR NOTICE AND COMMENT OR REQUESTS FOR HEARING

On February 22, 1983, the State Corporation Commission ("Commission") issued its Final Order in Case No. PUE-1982-00073, revising the rate of interest that utilities must pay on customer security deposits held longer than 90 days.¹ Pursuant to that Order, the interest rate for investor-owned utilities is set annually in January at a rate equal to the average of the one-year Treasury bill rates for October, November, and December of the preceding year. Non-profit utilities that are owned by their customers pay an interest rate

that is two percent (2%) less than the rate paid by the investor-owned utilities.

The interest rate for calendar year 2003 was calculated to be 1.5% for investor-owned utilities. The cooperatives paid no interest on customer deposits as a consequence of the two percent (2%) discount.

Because the Rule has not been revisited since 1983 and because the Commission is concerned that some customers are receiving no interest on their deposits, we issued an Order Establishing Investigation and Inviting Comments on June 2, 2003, affording the public an opportunity to comment on the issues presented in that order.

Comments were received which provided the individual or collective responses of: four investor owned electric utility companies ("IOUs"); 12 electric cooperatives and the Virginia, Maryland, & Delaware Association of Electric Cooperatives (together, the "Cooperatives"); three investor-owned gas utilities, one water company, and the Virginia Telecommunications Industry Association (collectively, the "Combined Companies"); and the Division of Consumer Counsel for the Office of the Attorney General. Staff filed its Report on September 5, 2003. Responses to the Staff Report were filed on October 1, 2003, by the Cooperatives and the Division of Consumer Counsel.

Staff has now proposed rules that would amend 20 VAC 5-10-20 by setting the rate paid on utility customer deposits by Cooperatives at 75% of the rate paid by IOUs, and concluding the three-month period used to calculate the interest rate on customer deposits in November. The method of calculation remains unchanged, utilizing the average of one-year Treasury bill rates for a three-month period. The proposed rules are attached to this Order as Attachment A.

We find that notice should be published in major newspapers of general circulation throughout the Commonwealth; that this Order should be forwarded to the Virginia Register of Regulations; that interested persons should be afforded an opportunity to file written comments concerning Staff's proposed rules; and that the Staff should file a Report responding to the comments filed herein.

Accordingly, IT IS ORDERED THAT:

(1) A copy of this Order shall be made available for public review at the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, during the Commission's regular hours of operation, Monday through Friday, from 8:15 a.m. to 5:00 p.m. Interested persons may also review a copy of this Order on the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>.

(2) On or before November 17, 2003, the Commission's Division of Information Resources shall cause the following notice to be published as classified advertising on one occasion in newspapers of general circulation throughout the Commonwealth of Virginia:

¹ The rules adopted in the Commission's Final Order are codified at 20 VAC 5-10-20.

NOTICE TO THE PUBLIC OF A PROCEEDING TO ADOPT
RULES GOVERNING THE RATE OF INTEREST FOR
UTILITY CUSTOMER DEPOSITS
CASE NO. PUE-2003-00224

On February 22, 1983, the State Corporation Commission ("Commission") issued its Final Order in Case No. PUE-1982-00073, revising the rate of interest that utilities must pay on customer security deposits held longer than 90 days. Pursuant to that Order, the interest rate for investor-owned utilities is set annually in January at a rate equal to the average of the one-year Treasury bill rates for October, November, and December of the preceding year (the rules adopted in the Commission's Final Order are codified at 20 VAC 5-10-20). Non-profit utilities that are owned by their customers pay an interest rate that is two percent less than the rate paid by the investor-owned utilities.

The interest rate for calendar year 2003 was calculated to be 1.5 percent for investor-owned utilities. The cooperatives paid no interest on customer deposits as a consequence of the two percent discount.

Because this Rule has not been revisited since 1983 and because the Commission is concerned that some customers are receiving no interest on their deposits, the Staff of the Commission has proposed rules that would amend 20 VAC 5-10-20 by setting the rate paid on utility customer deposits by Cooperatives at 75% of the rate paid by IOUs, and concluding the three-month period used to calculate the interest rate on customer deposits in November. The method of calculation remains unchanged, utilizing the average of one-year Treasury bill rates for a three-month period.

Interested persons may obtain a copy of the Proposed Rules from the Commission's website, <http://www.state.va.us/scc/caseinfo/notice.htm>.

On or before December 1, 2003, any person desiring to comment on this matter may do so by directing such comments in writing to the Clerk of the Commission at the address set forth below. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.state.va.us/scc/caseinfo/notice.htm>.

All written communications to the Commission concerning this matter shall be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUE-2003-00224.

(3) On or before December 1, 2003, any person desiring to comment on this matter may do so by directing an original and fifteen (15) copies of such comments in writing to

Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUE-2003-00224. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website:

<http://www.state.va.us/scc/caseinfo/notice.htm>.

(4) On or before December 12, 2003, the Division of Economics and Finance shall file a report, summarizing and responding to the comments received herein. The Division of Economics and Finance shall mail a copy of its report to all parties of record.

(5) On or before December 22, 2003, interested persons may file with the Clerk of the Commission an original and fifteen (15) copies of any response to the Staff Report. Interested persons desiring to submit responses electronically may do so by following the instructions found on the Commission's website: <http://www.state.va.us/scc/caseinfo/notice.htm>.

(6) The Commission's Division of Information Resources shall forthwith cause this Order to be forwarded for publication in the Virginia Register of Regulations.

(7) On or before December 22, 2003, the Division of Information Resources shall file with the Clerk of the Commission proof of publication of the notice required in Ordering Paragraph (2) herein.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Philip J. Bray, Esquire, Allegheny Power Company, 10435 Downsville Pike, Hagerstown, Maryland 21740-1766; Anthony Gambardella, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; John A. Pirko, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Jill C. Nadolink, Esquire, Dominion Virginia Power, Legal Services, P.O. Box 26532, Richmond, Virginia 23261; Richard D. Gary, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; F. Howard Bush, Kentucky Utilities Company, P.O. Box 32030, Louisville, Kentucky; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Energy Regulation, Economics and Finance, and Communications.

20 VAC 5-10-20. Rule governing utility customer deposit requirements.

Each utility may require deposits from customers to protect against uncollectible accounts. The maximum amount of any deposit shall not exceed the equivalent of the customer's estimated liability for two months usage. At the request of the commission, any public utility which bills in advance for any part of its services, yet requires a deposit as herein authorized, must justify the requirement as being reasonably necessary to protect against uncollectibles from its customers.

Each utility shall be liable for interest on deposits held longer than 90 days, to accrue from the date the deposit is made until

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it has been refunded, or until a reasonable effort has been made to effect refund. All investor-owned utilities will pay interest on deposits, *at a rate established annually. The interest rate for such rate-bearing deposits in a given year will be established in January/December of each the preceding year to equal the average of the percent annual yields of one year Treasury bills (auction average - issue date) for September, October, and November, and December of the preceding year.* Nonprofit utilities that are owned by their customers will pay 75% of the above described interest rate ~~less 2.0%~~. The commission's Director of Economics and Finance shall notify utilities in ~~January/December~~ of each year of the rate prevailing for ~~that the ensuing year~~. At the option of each customer making a security deposit, each utility shall annually make either direct payment to the customer of all accrued interest, or shall credit same to the customer's account.

Customer deposits may be refunded by a utility at any time. Residential customers' deposits should not be held longer than one year and all other deposits should not be held longer than two years provided the customer has established satisfactory credit during that period.

Whenever a utility requires a deposit from any residential customer, ~~said the~~ customer shall be permitted to pay it in three consecutive equal monthly installments whenever the total amount of the required deposit exceeds the sum of \$40. ~~Provided, however, that~~ *However*, each utility shall have the discretion to allow payment of any deposit (more or less than \$40 total) over a longer period of time to avoid undue hardship.

VA.R. Doc. No. R04-33; Filed October 27, 2003 11:00 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Reproposed

Title of Regulation: 22 VAC 40-295. Temporary Assistance for Needy Families (TANF).

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

Public Hearing Date: N/A -- Public comments may be submitted until December 17, 2003.

(See Calendar of Events section for additional information)

Agency Contact: Mark L. Golden, TANF Manager, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1731, FAX (804) 225-2321, or e-mail mxg2@dss.state.va.us.

Basis: Pursuant to § 63.2-217 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs. The Personal Responsibility and Work Opportunity

Reconciliation Act of 1996 (PRWORA) transformed the welfare system from a mandated system into a block grant with state flexibility. These regulations are necessary for the state to regulate its state TANF program.

Purpose: There are several different TANF regulations in Virginia. This regulation replaces them with one regulation, streamlining the TANF regulatory structure. This regulation will simplify the program rules and align many rules with other public assistance programs, leading to more efficient state and local administration and better customer service. These new procedures reduce the administrative burden on local agency personnel as well as applicants and recipients of public assistance. The regulation will serve as a comprehensive program regulation. Other existing TANF regulations will be repealed and included in the proposed regulation as necessary.

Substance: In 22 VAC 40-295-20, the regulation specifies that a child is eligible if living with a relative. Currently, the child has to be related to the caretaker within the fifth degree of relationship.

The regulation sets the number of days a child can be absent from a home and still retain eligibility for TANF (22 VAC 40-295-40).

In 22 VAC 40-295-50, the regulation excludes the earned income of students under 18. Currently this income is counted in the gross screening after six months. In the initial eligibility screening for all applicants and ongoing eligibility calculation for non-VIEW participants, a flat dollar amount plus 20% of the remainder will be deducted from earned income. The TANF payment shall be suspended if the amount of child support collected by the Division of Child Support Enforcement for two consecutive months, when treated like income, makes the family ineligible for TANF. The TANF case shall be closed if in the month of suspension, the amount of child support collected by the Division of Child Support Enforcement, when treated like income, makes the family ineligible.

In 22 VAC 40-295-60, the beginning date of assistance is set at the date of application. The application must be processed within 30 days.

In 22 VAC 40-295-70, the redetermination time frame is set at 12 months.

Hearings may be requested orally as well as in writing (22 VAC 40-295-110).

The TANF-Emergency Assistance (TANF-EA) (22 VAC 40-295-150) program is simplified by removing prescriptive policy on the use of funds. The old policy stated that only certain merchandise could be purchased, for example, one table, one chair, and one lamp. The \$500 maximum has been retained.

PRWORA forbids a state from sanctioning a TANF recipient for refusal to work if that recipient has a child under the age of six and the recipient has a demonstrated inability to obtain needed child care. To this end, federal regulations at 45 CFR 261.56 require states to define "appropriate child care," "reasonable distance," "unsuitability of informal care," and "affordable child care arrangements." This regulation contains these definitions (22 VAC 40-295-160).

There are also administrative areas that will be altered to make case processing more efficient. Since the same eligibility worker is processing the same information for the same client, reporting requirements and action on changes (22 VAC 40-295-80), and advance notice requirements (22 VAC 40-295-90) have been aligned with other programs.

In 22 VAC 40-295-170, the regulations have been amended to grant the Department of Social Services authority to establish pilot projects to test future changes in program policy.

Issues: These regulations are designed to make the TANF program more streamlined for ease of administration and better service to program applicants and participants. These regulations take advantage of the flexibility offered by the TANF block grant environment and the authority for states to establish program rules. The regulations have been simplified so that they are more easily understood by the public. The primary advantages to the public and the Commonwealth will be a program that is more efficient. The public will have a streamlined and less bureaucratic process of accessing benefits. The regulations also address the issue of pilot programs. Establishing pilot programs will allow the Commonwealth to test the effects of changes prior to making the changes statewide. There are no disadvantages to the public or the Commonwealth.

Fiscal Impact: This regulation will increase the monthly TANF caseload. However, these increases are balanced with actual monetary savings and significant administrative savings. The overall impact of these regulations on applicants is to reduce administrative processes and rules, so that agencies can focus more on the goal of helping recipients obtain and maintain employment. No costs are expected to be borne by customers.

These regulations will reduce the workload for local departments. These regulations are aimed at simplifying the TANF program and streamlining administration. As such, the following changes will result in reduced time spent on the processing of cases: earned income disregards are simplified, student earnings are disregarded, the method of determining self-employment income is simplified, resources are disregarded, processing time frames, effective dates, and advance and adequate notice requirements have been changed to mirror the food stamp program, and cases are redetermined on an annual basis.

Disregarding student earnings will impact approximately 10 families and will increase costs by \$31,800.

Treating lump sums as income will effect 171 families and will increase costs by \$271,890.

The amended resource rules will effect approximately 40 families and will increase costs by \$127,200.

Changing the beginning date of assistance will increase costs by \$74,817.

Approximately 271 families will be affected by the change in considering support collections. However, there is no net cost for this change as the payment is totally paid by the support collection.

As a result of time savings and efficiencies, total administrative savings for these regulations is estimated at \$2,526,893.

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

Summary of the proposed regulation. The Board of Social Services proposes to (i) eliminate all of the resource eligibility rules for the Temporary Assistance to Needy Families, (ii) increase the eligibility redetermination period from 6 months to 12 months, (iii) treat nonrecurring payments as income rather than a resource, (iv) disregard student earnings from countable income, (v) change the effective date of assistance to the date of the application rather than the date of approval, (vi) increase the time period a child can be absent from home and continue to be eligible for benefits from 45 days to 60 days and expand the accepted reasons for absence, (vii) require two and three month consistency in the child support payments prior to suspending benefits and closing a case respectively, (viii) allow informing recipients for mass changes through nonspecific notices, (ix) eliminate the prescriptive requirements for the use of emergency funds, (x) simplify the method of determining self-employment income, (xi) streamline the case processing with the food stamp program, (xii) allow the department to change the rules for the purpose of conducting pilot projects, (xiii) allow hearing requests to be made verbally, and (xiv) increase the limit of overpayments the local departments are authorized to waive the collection.

Estimated economic impact. These regulations apply to Temporary Assistance to Needy Families (TANF). TANF provides temporary cash assistance to eligible families with children to meet their basic needs. The program serves approximately 32,000 recipients. The federal government provides approximately \$158 million funding for this program through a federal block grant and the Commonwealth provides an additional \$125 million annually. Average assistance is currently about \$262 per month per family. Since the assistance is available to financially needy families, eligibility rules for TANF include resource and income criteria.

The Board of Social Services (the board) proposes to change a number of TANF rules. Each one of these changes is individually discussed below.

Resource eligibility rules: One of the proposed changes will eliminate the TANF resource eligibility rules. Currently, the assistance is provided to families with countable resources less than or equal to \$1,000. In addition, there are numerous resources that do not count toward the \$1,000 limit. Among

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these items are the exclusion of one vehicle and up to \$5,000 in an account for the purposes of “self-sufficiency.” Enforcement of resource rules requires the Department of Social Services (the department) to collect information from the applicant and then verify the reported cash resources, bank accounts, trust funds, stocks, bonds, mutual funds, or any other financial assets. According to the department, collection and verification of resource information are administratively expensive while the resource eligibility rules currently prevent only 40 people receiving assistance. Based on this information, the board proposes to eliminate all of the TANF resource eligibility criteria. It is estimated that this change will increase the assistance provided by \$127,200 for 40 families and provide \$323,050 savings in administrative staff time annually.

Although the department anticipates net fiscal benefits from this change, this expectation does not appear to be founded on reliable assumptions. The expected number of recipients who would be eligible when the resource rules are eliminated is based on the current available data. However, the use of current data for this estimation is statistically inappropriate, as it does not consider the behavioral response of potential recipients to this change. After the resource rules are eliminated, a number of applicants with excessive resources will apply and qualify. The current data does not contain information on such cases because people with excessive resources would not apply while the resource rules are in place. Thus, the expected increase in the number of recipients and the costs may be significantly underestimated. In other words, the behavioral response of the potential recipients may be higher than the estimated 40 additional recipients because this estimate assumes that the effect of behavioral response will be zero. Also, this proposed change will provide incentives to people to convert their stream of income into a resource and gain eligibility for TANF benefits. Such transactions are often not very difficult to arrange. For example, a divorce settlement may provide for a cash settlement rather than a stream of support payments. Thus, there could be an additional increase in the TANF caseloads not accounted for in the department’s estimated fiscal effect.

However, no data currently exists to make a reliable estimate of the magnitude of this effect. The department has argued that the behavioral response is likely to be small because (i) there are not many poor enough people in Virginia to qualify; (ii) the monthly average benefit is only \$254; (iii) the average stay on the program is less than a year; and (iv) there is a two-year time limit. Also, there is the possibility that the added incentives for asset accumulation may help some of the recipients move out of poverty.

In short, while there are a number of mitigating factors, the actual long-term costs of this proposed change may be greater than the estimated 40 additional TANF cases when potential recipients adjust their behaviors to maximize their benefits under the proposed rules with no resource criteria. Thus, eliminating all of the resource eligibility criteria may pose a fiscal risk for the Commonwealth of unknown magnitude.

An alternate and lower risk way of reducing costs associated with administration of resource rules could be conducting

random verifications of reported resources. The main purpose of the proposed change is to reduce administrative costs. The random check approach is a cost effective and a sound practice utilized in many other regulatory programs. In this case, random check approach has the potential to provide significant administrative cost savings without introducing significant fiscal risks. For example, randomly verifying 10% of the cases would reduce the administrative staff time by 72%.¹

Eligibility redeterminations: The proposed changes will replace the certification approach for eligibility. Currently, TANF recipients are certified to receive benefits for a 6-month fixed period of time. Thus, every six months local agencies receive new applications, conduct face-to-face interviews, and make necessary verifications. The board proposes to replace the current approach with a 12-month redetermination period. This is expected to reduce the number of case verifications by approximately 39,000 cases and estimated to save approximately \$2.1 million in staff time. Similarly, significant time savings for applicants are also expected. On the other hand, it is possible that less frequent redeterminations will hurt the ability of the department to receive updated information on cases and prevent noneligible persons from receiving benefits in a timely fashion.

Nonrecurring payments: The proposed regulations will treat nonrecurring payments (lump sums) as income in the month of the receipt. Currently, the recipients are not provided benefits for the duration of the time it would take them to collect TANF benefits in the amount equal to the lump sum payment. For example, a \$5,000 received in insurance payments renders the recipient receiving \$262 per month ineligible for 19 months. However, the department indicates that in many cases the recipient spends the lump sum, reapplies for TANF benefits, and qualifies. With this change, the recipient will be ineligible in the month he receives the lump sum payment, but will continue to receive the benefits for the remaining 18 months. This change is expected to make about 171 families eligible for TANF assistance and increase payments by \$271,890. On the other hand, approximately \$3,157 savings in staff time is expected as a result of fewer reapplications.

Student income: The proposed regulations will disregard the earned income of a student who is not the head of household when determining income eligibility. Currently, this income is counted in the gross screening after six months. It is estimated that approximately 10 families will qualify for the assistance because of this change. While the assistance amount is expected to increase by \$31,800, approximately \$558 in staff time is expected to be saved. The proposed exemption is also expected to provide incentives for students to work.

Effective date of assistance: The proposed regulations will change the start of TANF assistance to the date of application from the date of approval. With this change, benefits will be

¹ This is based on the following assumptions provided by the Department of Social Services: a) there are 70,000 affected cases, b) it takes 3 minutes staff time to collect resource information and 12 minutes to verify that information on average.

provided to recipients for the time it takes to process applications. The average processing time is currently about 30 days. This change is estimated to increase the assistance provided by \$74,817.

Child absence: With the proposed changes, if the child is absent from home more than 60 consecutive days he/she will be ineligible for TANF. This time period is currently 45 days. Also, the specific reasons for absence that are acceptable will be changed to the more open ended good cause. As a result of both of these changes, fewer children will be found ineligible. Thus, TANF benefit payments are expected to increase by \$28,558. On the other hand, approximately \$2,012 in staff time is expected to be saved since there will be less administrative work associated with a lower number of ineligibility determinations.

Child support collections: It is proposed to suspend TANF payments when the child support collections in two consecutive months (if considered as income) make a family ineligible and to close the case when this amount continues to make the family ineligible in the month of the suspension. Currently, the department stops and starts payments every month depending on the change in the eligibility when the child support payments are taken into account. If the child support payments are \$50 higher than the TANF benefits, the case is closed. However, in many cases there is no consistency in the amount of child support received. Thus, the TANF case is closed and reopened very often. According to the department, closing the case only after three consecutive months of receiving payments in excess of TANF benefits will prevent closing and reopening of many cases and provide consistency in receiving payments. This is expected to provide \$10,000 savings in staff time. The amount of assistance the beneficiaries receive will stay unchanged, but the funds will come from different programs of the agency's budget.

Mass change notices: The proposed changes will allow the department to send notices to recipients for the changes in benefits due to events affecting large populations such as cost of living adjustments without the specific information about the change in the benefit amount. This change is estimated to provide \$13,845 savings in staff time, but as a result recipients will no longer receive specific information about the change in the support amount.

Emergency assistance: The board proposes to eliminate prescriptive language on the provision of emergency assistance. This type of assistance is provided in the event of an emergency such as a fire. Current language is very specific about how this money can be spent. For example, it specifies what could be bought with these funds and requires many types of verifications prior to the purchase. Elimination of this prescriptive language is estimated to save about \$2,215 in staff time.

Standardized disregards: The proposed changes will standardize income disregards so that they do not fluctuate. Currently, the department applies \$90 income disregard for the earned income in the first month, \$30 disregard in next four months, and \$90 disregard thereafter. It is proposed to replace these disregards by a flat dollar amount plus 20% of the remainder of earned income. Although the proposed

language does not specify the flat dollar amount, the department plans to use the amount used in the food stamp program and expects no significant change in benefits. However, this change is expected to simplify the calculation of income disregards and save approximately \$11,076 in administrative staff time.

Self-employment income: The board proposes to simplify the method of determining self-employment income. Currently, self-employment income is determined by subtracting business expenses from gross receipts. However, the determination of business expenses is administratively costly. The proposed changes will allow the department to establish a standard business expense ratio as a percent of gross revenues. This simplification is expected to provide \$1,154 savings in staff time. It is possible that this change may affect the eligibility determinations for some individuals, but is not expected to have a significant program wide fiscal impact.

Case processing: The board also proposes to streamline the TANF case processing with the food stamp program by making changes to processing time frames, reporting requirements, action on changes, and advance notice requirements. Since the same employees process the information on two programs, some administrative cost savings are anticipated.

Pilot programs: The proposed changes will provide authority to the department to change the TANF rules established in these regulations for research purposes. Such research projects may be used to analyze the impact of a planned change in program rules, may provide useful information on the potential effects, and may reduce risks associated with the planned changes.

Hearings: The proposed changes will allow the recipients to request hearings orally. Currently, this must be done with a written request. The proposed change may provide some small administrative cost savings by reducing the paperwork involved in hearing requests. On the other hand, it may increase the number of hearing requests and consequently the administrative costs by removing a potential barrier. The net effect of this proposed change cannot be estimated at this time due to lack of data.

Collection of overpayments: The board proposes to increase the overpayment amount the local departments may suspend (when the collection is not cost effective) from \$35 to \$125. In most cases, the local departments deduct overpayments from the next TANF payments. Thus, this limit applies only when the recipient has received overpayments and stopped receiving TANF payments. Because such cases are not common, the department does not anticipate any significant change in the collections because of this change.

The main overall effects of the proposed changes include an anticipated increase in the TANF assistance provided and a decrease in the staff time required to administer this program. According to the department, there are no plans to reduce staffing. Instead, anticipated savings in staff time might be redirected to focus on the employment component of the Virginia welfare program, or other programs administered by the local departments such as the food stamp program.

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Businesses and entities affected. The proposed changes will affect all TANF recipients. Currently, average monthly enrollment is about 32,000.

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

Projected impact on employment. The proposed regulations are expected to provide administrative timesavings amounting to approximately 2.5% of the total eligibility worker time used by the local departments to administer this program. However, there are no plans to reduce staff because caseloads for benefits programs have been increasing. Caseloads across eligibility programs have risen more than 107,000 in FY 2002. Also, none of the changes are expected to have a direct effect on employment. Thus, no significant effect on employment is expected.

Effects on the use and value of private property. The proposed regulations are not anticipated to have a direct effect on the use and value of private property.

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

Summary:

This regulation provides the rules for qualifying for TANF assistance. The regulation establishes rules pertaining to the assistance unit, income eligibility criteria, processing time frames, advance notice requirements, procedures for intentional program violations, the collection of overpaid TANF assistance, emergency assistance, and criteria for determining the availability of child care.

CHAPTER 295.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

22 VAC 40-295-10. Definitions.

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

"Administrative disqualification hearing" [or "ADH"] means an impartial review by a hearing officer of an individual's actions involving an alleged intentional program violation for the purpose of rendering a decision of guilty or not guilty of committing an intentional program violation.

"Adoption assistance" means a money payment or services provided to adoptive parents on behalf of a child with special needs.

"Affordable child care arrangements" means the cost of the child care is less than or equal to the payment amounts specified in the Virginia Department of Social Services Child Day Care Services policy (Volume VII, Section II, Chapter D, Revised February 2000).

"Application" means a [~~written~~] request for financial assistance received by the local social services agency [in the format prescribed by the Virginia Department of Social Services].

"Appropriate child care" means child care arranged by the participant or, if the participant cannot arrange for the child's care, child care arranged by the local department of social services with a legally-operating provider.

"Assistance unit" means those persons who must participate together as a family unit.

["~~Beginning date of assistance~~" means the date assistance begins.]

"Board" means the State Board of Social Services.

"Caretaker" means the natural or adoptive parent or other relative [~~(e.g., aunt, uncle, grandparent, etc.)~~] with whom the [~~children reside~~ child resides] who is responsible for supervision and care of the needy [~~children~~ child] and is the individual to whom the assistance payment is made.

["~~Certification period~~" means the period of time within which an assistance unit is eligible to receive benefits.]

"Child" means a child who is eligible for TANF and has not attained the age of [~~eighteen~~ 18] years, or if [~~eighteen and in school, is expected to graduate by his nineteenth birthday~~ regularly attending a secondary school or in the equivalent level of career and technical education, has not attained the age of 19 years and is reasonably expected to complete his senior year of school prior to attaining age 19].

"Department" means the Virginia Department of Social Services.

"Dependent child" means a child living in the home of a parent or relative. [~~This includes children who have been emancipated.~~]

"Determination of eligibility" means the screening procedure to determine the need for assistance and the amount of the monthly assistance payment.

"Disregard" means income [~~or resources which are~~ that is] not considered when determining eligibility for the TANF program.

"Earned income" means income from wages, salary, commissions, or profit from activities in which an individual is engaged as self-employed. [~~On-the-job training, tryout employment, and work experience are types of programs from which earnings are received by Job Training Partnership Act (JTPA) participants.~~]

"Emancipated child" means a minor who has been released from parental care and responsibility by court order.

["~~Exempted resource in the TANF Program~~" means a resource that is not counted in determining eligibility for the TANF program.]

"Former recipient" means an individual whose case has been closed and is not presently receiving an assistance payment through TANF.

"Gross earned and unearned income" means total income before application of any applicable disregards.

"Hearing officer" means an impartial representative of the Department of Social Services to whom requests for

~~[administrative disqualification]~~ hearings are assigned and by whom they are heard. The hearing officer has ~~[been delegated]~~ the authority ~~[by the Commissioner of the Department of Social Services]~~ to conduct and control hearings and to render decisions.

"Income" means all income, both earned and unearned, which is available or expected to be available to the assistance unit.

"Intentional program violation" [or "IPV"] means any action by an individual for the purpose of establishing or maintaining the family's eligibility for TANF [or TANF service] or for increasing or preventing a reduction in the amount of the grant which is intentionally a false or misleading statement or misrepresentation, concealment or withholding of facts or any act intended to mislead, misrepresent, conceal or withhold facts or propound a falsity.

"Local agency" means any one of the local departments of social services.

"Lump sum " means money received in the form of a nonrecurring ~~[lump sum]~~ payment [that is treated as income in the month of receipt].

"Minor" means any person who is under the age of 18.

"Otherwise eligible" means that the individual is not precluded from eligibility by some provision of law or regulation.

"Overpayment" means an assistance payment [or the value of services provided] by a local department of social services ~~[which that]~~ is greater than the amount to which the assistance unit is eligible to receive.

"Parent" means a mother or father, married or unmarried, natural or [, following entry of an interlocutory order,] adoptive ~~[, following entry of an interlocutory order]~~.

"Payee" means the person to whom the assistance payment is made payable. In most situations, the caretaker is the payee.

"Protective payee" means an appropriate individual to act for the caretaker in receiving and managing the assistance payment. The protective payee should be someone who is interested and concerned with the welfare of the caretaker and his children.

"Reasonable distance" means that the travel time from the child's home to the child care provider and the work site is generally no more than one hour, based on transportation available to the parent.

"Recipient" means a person whose application for TANF or TANF-UP has been approved and is currently a member of an eligible assistance unit.

"Recoupment" means withholding all or part of an assistance payment to a current assistance unit for the purpose of repaying a prior overpayment.

"Recovery" means a voluntary or court ordered arrangement with a current or former assistance unit for repayment of an overpayment.

~~["Resource" means real and personal property, both liquid and nonliquid, including cash, bank accounts, lump sums, the cash value of bank accounts, the cash value of life insurance,~~

~~trust funds, stocks, bonds, mutual funds, or any other financial instruments, which the assistance unit has the right, authority, or power to liquidate.]~~

"Sanctioned caretaker" means a caretaker whose needs are removed from the grant and who is ineligible for an assistance payment.

"SSN" means social security number.

"Standard of assistance" means the dollar amount, based on the family size, which has been established by the State Board of Social Services to cover predetermined monthly maintenance needs.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his eligible children.

~~"Unearned income" means income that is not earned. [Types of unearned income received by participants in Job Training Partnership Act (JTPA) programs include stipends paid to enrollees in classroom training and remedial education programs.]~~

"Unsuitability of informal child care" means that the child care arrangement does not meet the requirements for relative care in the Virginia Department of Social Services Child Day Care Services policy.

22 VAC 40-295-20. Specified relatives.

The relative with whom the child is living who is designated as the caretaker must be a relative by blood, marriage, or adoption.

22 VAC 40-295-30. Assistance unit.

A. With respect to a [dependent] child ~~[or minor parent]~~, the assistance unit shall include, if living in the same household and otherwise eligible for assistance:

1. The natural or adoptive parent; and
2. The blood-related or adoptive brother or sister, including those emancipated.

B. The following child is not included in the assistance unit:

1. A child who is receiving Supplemental Security Income;
2. A child who is ineligible due to failure to meet alienage requirements;
3. A child whose social security number has not been provided or application has not been made for such social security number.
4. A child receiving an adoption assistance payment or a foster care maintenance payment. However, if excluding a child who is receiving an adoption assistance payment reduces the TANF benefit to the remaining family members, the child must be included.

~~[C. Income and resources of a child who is not required to be in the assistance unit due to the application of 22 VAC 40-295-30 B are not considered available to the assistance unit.~~

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~~D. C.] A caretaker who meets all other eligibility requirements must be considered eligible to receive TANF benefits for his own needs even though the only child living in the [relative's caretaker's] home is receiving foster care maintenance payments [or Supplemental Security Income]. [In determining assistance for this assistance unit,] the needs and income of the child who receives foster care maintenance [payments or Supplemental Security Income] must not be considered [in determining the amount of the assistance payment].~~

~~[D. A nonparent caretaker may receive assistance if he requests assistance and his countable income, when added to the countable income of the eligible children, does not exceed income limits.]~~

22 VAC 40-295-40. Minor children who are absent from the home.

A child who is absent from the home for [~~30~~ 60] consecutive days shall be ineligible for TANF, unless the absence is due to [~~one of the following reasons:~~ a good cause. When a child is placed in foster care, the period of temporary absence for purposes of TANF and TANF maintenance of effort shall not exceed 180 days unless a local department of social services determines that return of the child to the home would pose an unnecessary risk to the child's health, safety, or well-being and that a longer period of temporary absence is warranted.]

- ~~[1. Hospitalization;~~
- ~~2. Education or training;~~
- ~~3. Vacation; or~~
- ~~4. A visit.]~~

[22 VAC 40-295-50. Resource eligibility.

~~A. Assistance units shall have countable resources equal to or less than \$2,000 to be eligible for TANF.~~

~~B. All resources shall be counted except for the following, which are exempt from consideration toward the resource limit:~~

- ~~1. The value of food coupons under the Food Stamp Program;~~
- ~~2. The value of foods donated under the United States Department of Agriculture Commodity Distribution Program;~~
- ~~3. Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC §§ 4601 et seq.);~~
- ~~4. Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC §§ 3001 et seq.);~~
- ~~5. Grants or loans to undergraduate students for educational purposes, made or insured under any program administered by the United States Commissioner of Education;~~
- ~~6. The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USC §§ 1771-1789);~~

~~7. Payments to VISTA volunteers under Title I when the monetary value of such payments is less than minimum wage as determined by the director of the Action Office, and payments for services of reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and other programs pursuant to Titles II and III, of Public Law 93-113, the Domestic Volunteer Service Act of 1993 (42 USC §§ 4950 et seq.);~~

~~8. Real property;~~

~~9. The home in which the assistance unit lives and its contents;~~

~~10. Income producing farm and business equipment;~~

~~11. Burial plots;~~

~~12. Burial funds or funeral agreements;~~

~~13. The cash value of insurance policies;~~

~~14. Interest-bearing savings accounts not to exceed \$5,000 for the purpose of paying for tuition, books, and incidental expenses at any elementary, secondary, or vocational school or any college or university, or for making a down payment on a primary residence, or for establishing a business. Any funds withdrawn from the savings account established for these purposes, and interest earned on the account, shall be disregarded in determining eligibility. Any amount withdrawn from the account for any purpose other than these purposes shall be treated as a countable resource;~~

~~15. Funds distributed to, or held in trust for, members of any Indian tribe under Public Law 92-254, 93-134, 94-540, 97-458, 98-64, 98-123, or 98-124. Additionally, interest and investment income accrued on such funds while held in trust, and purchases made with such interest and investment income;~~

~~16. The following types of distributions received from a Native Corporation under the Alaska Native Claims Settlement Act (Public Law 100-241; (43 USC §§ 1601 et seq.):~~

- ~~a. Cash (including stock issued or distributed by a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per year;~~
- ~~b. Stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock);~~
- ~~c. A partnership interest;~~
- ~~d. Land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock);~~
- ~~e. An interest in a settlement trust;~~

~~17. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 94-114);~~

~~18. Disregarded support payments which were sent to the recipient by the Virginia Department of Social Services or determined to be a disregard by the eligibility worker;~~

~~19. Tools and equipment belonging to a member of the assistance unit when such tools and equipment have been and will continue to be used for employment;~~

~~20. Federal major disaster and emergency assistance provided under the Disaster Relief and Emergency Assistance Amendments of 1988, and disaster assistance provided by state and local governments and disaster assistance organization (Public Law 100-707);~~

~~21. Payments received by individuals of Japanese ancestry under the Civil Liberties Act of 1988, and by Aleuts under the Aleutian and Pribilof Island Restitution Act (Public Law 100-383; 50 USC Appx. §§ 1989 et seq.);~~

~~22. Agent Orange payments;~~

~~23. Payments received by individuals under the Radiation Exposure Compensation Act (Public Law 101-426);~~

~~24. Funds received pursuant to the Maine Indians Claims Settlement Act of 1980 (Public Law 96-420; 25 USC §§ 1721 et seq.) and the Aroostook Band of Micmaqs Settlement Act (Public Law 102-171; 25 USC § 1721 nt.);~~

~~25. Student financial assistance received under the Carl D. Perkins Vocational and Applied Technology Education Act made available for attendance costs (Public Law 101-392; 20 USC § 2301 nt.);~~

~~26. Student financial assistance received under the Bureau of Indian Affairs student assistance programs;~~

~~27. All bona fide loans. The loan may be for any purpose and may be from a private individual as well as a commercial institution. The disregard is limited to the principal of a loan. A simple statement signed by both parties indicating that the payment is a loan and must be repaid is sufficient to verify that a loan is bona fide. Interest earned on the proceeds of a loan while held in a savings or checking account or other financial instrument shall be counted as income in the month received and as a resource thereafter. Purchases made with a loan are counted as resources;~~

~~28. Earned income tax credit payments and refunds for the month of receipt and the month following;~~

~~29. Lump sums for the month of receipt;~~

~~30. Any resource that is specifically disregarded by federal or state law or regulation.]~~

[22 VAC 40-295-60 22 VAC 40-295-50]. Income eligibility.

A. Income eligibility for all cases is based on a prospective determination that anticipates the countable income of the assistance unit. The assistance unit is income eligible if the net income of the assistance unit is less than the standard of assistance.

B. The following income of members of the assistance unit, a parent not included in the assistance unit, or anyone whose

income is used in determining eligibility or the amount of TANF assistance, shall be disregarded:

1. Home produce of the assistance unit utilized for their own consumption;

2. The value of food coupons under the Food Stamps program;

3. The value of foods donated under the United States Department of Agriculture Commodity Distribution Program, including those furnished through school meal programs;

4. Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC §§ 4601 et seq.);

5. Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC §§ 3001 et seq.);

6. Grants or loans to any undergraduate students for educational purposes made or insured under any program administered by the United States Secretary of Education. Programs that are administered by the United States Secretary of Education include: Pell Grant, Supplemental Education Opportunity Grant, Perkins Loan, Guaranteed Student Loan (including the Virginia Education Loan), PLUS Loan, Congressional Teacher Scholarship Program, College Scholarship Assistance Program, and the Virginia Transfer Grant Program;

7. Funds derived from the College Work Study Program;

8. A scholarship or grant obtained and used under conditions which preclude its use for current living costs;

9. Training allowance (transportation, books, required training expenses, and motivational allowance) provided by the Department of Rehabilitative Services (DRS) for persons participating in Rehabilitative Services Programs. This disregard is not applicable to the allowance provided by DRS to the family of the participating individual;

10. Any portion of an SSI payment or Auxiliary Grant;

11. Payments to VISTA Volunteers under Title I, when the monetary value of such payments is less than minimum wage as determined by the Director of the Action Office, and payments for services of reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and other programs pursuant to Titles II and III, of Public Law 93-13, the Domestic Volunteer Service Act of 1993 (42 USC §§ 4950 et seq.);

12. The Veterans Administration educational amount for the caretaker 18 or older when used specifically for education purposes. Any additional money included in the benefit amount for dependents is to be counted as income to the assistance unit;

13. Foster care payments received by anyone in the assistance unit;

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14. Unearned income received from Title IV, Part B (Job Corps) of the Job Training Partnership Act (JTPA) (29 USC §§ 1501 et seq.) by an eligible child is to be disregarded as an incentive payment. However, any payment received by any other Job Corps participant or any payment made on behalf of the participant's eligible child or children is to be counted as income to the assistance unit;

15. Income tax refunds including earned income tax credit advance payments and refunds;

16. Payments made under the Energy Assistance Program;

17. The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USC §§ 1771-1789). This includes all school meals programs; the Women, Infants, and Children (WIC) program; and the Child Care Food program;

18. All federal, state, or local government rent and housing subsidies and utility payments;

19. Unearned income received by an eligible child under Title II, Parts A and B, and Title IV, Part A, of the Job Training Partnership Act (JTPA) (29 USC §§ 1501 et seq.);

20. Funds distributed to, or held in trust for, members of any Indian tribe under Public Laws 92-254, 93-134, 94-540, 97-458, 98-64, 98-123, or 98-124. Additionally, interest and investment income accrued on such funds while held in trust, and purchases made with such interest and investment income;

21. The following types of distributions received from a Native Corporation under the Alaska Native Claims Settlement Act (Public Law 100-241; 43 USC §§ 1601 et seq.):

a. Cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per year;

b. Stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock);

c. A partnership interest;

d. Land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and

e. An interest in a settlement trust.

22. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 92-114);

23. The first \$50 of total child or spousal support payments received each month by an assistance unit;

24. Federal major disaster and emergency assistance provided under the Disaster Relief and Emergency Assistance Amendments of 1988 (42 USC § 5121 nt.), and disaster assistance provided by state and local governments and disaster assistance organizations (Public Law 100-707);

25. Payments received by individuals of Japanese ancestry under the Civil Liberties Act of 1988, and by Aleuts under the Aleutian and Pribilof Islands Restitution Act (Public Law 100-383; 50 USC Appx. §§ 1989 et seq.);

26. Agent Orange payments;

27. Payments received by individuals under the Radiation Exposure Compensation Act (Public Law 101-426; 42 USC § 2210 nt.);

28. Funds received pursuant to the Maine Indians Claims Settlement Act of 1980 (Public Law 96-420) and the Aroostook Band of Micmacs Settlement Act (Public Law 102-171; 25 USC § 1721);

29. Student financial assistance received under Title IV of the Higher Education Amendments of 1992 (Public Law 102-325);

30. Student financial assistance received under the Carl D. Perkins Vocational and Applied Technology Education Act made available for attendance costs (Public Law 101-392; 20 USC § 2301 nt.);

31. Student financial assistance received under the Bureau of Indian Affairs student assistance programs;

32. All bona fide loans. The loan may be for any purpose and may be from a private individual as well as from a commercial institution. The disregard is limited to the principal of the loan. A simple statement signed by both parties indicating that the payment is a loan and must be repaid is sufficient to verify that a loan is bona fide. Interest earned on the proceeds of a loan while held in a savings or checking account or other financial instrument shall be counted as income [only] in the month received [and as a resource thereafter. Purchases made with a loan are counted as resources];

33. Up to \$2,000 per year of income received by individual Indians, which are derived from leases or other uses of individually-owned trust or restricted lands shall be disregarded as income, and shall not be used to reduce or deny assistance or benefits to which the individual, or household, would otherwise be entitled to receive;

34. Nonrecurring monetary gifts for special occasions, such as birthdays, Christmas, graduations;

35. All other unearned income that is specifically disregarded in the calculation of TANF benefits by federal or state law or regulation.

C. [When determining initial eligibility, or ongoing eligibility for non-VIEW participants,] the following [~~earned income~~] is disregarded from the monthly earned income of [~~each individual whose needs are included in the eligibility determination~~ the assistance unit]:

1. An amount equal to the standard deduction used in the Food Stamp program; and

2. Twenty percent of the remainder.

[3.-D.] The earned income of [~~students~~ a student, who is not the head of household,] under 18 years of age shall be disregarded.

~~[D. E.] When a [parent person] is excluded or removed from the assistance unit due to noncompliance with a TANF rule, [the parent's gross unearned and earned income must be counted in determining eligibility for the assistance unit and the amount of payment all income of the person is considered available to the assistance unit to the same extent if the person were not excluded or removed from the assistance unit].~~

~~[E. F.] For self-employment, the profit obtained through self-employment is gross income in determining TANF eligibility. Profit is the income minus expenses.~~

~~[G. The income of a child who is not required to be in the assistance unit due to the application of 22 VAC 40-295-30 B is not considered available to the assistance unit.~~

~~H. The TANF payment shall be suspended if the amount of child support collected by the Division of Child Support Enforcement for two consecutive months, when treated like income, makes the family ineligible for TANF. The TANF case shall be closed if in the month of suspension the amount of child support collected by the Division of Child Support Enforcement, when treated like income, makes the family ineligible.~~

~~I. The monthly payment amount is equal to the standard of assistance minus the net income.]~~

[22 VAC 40-295-70 22 VAC 40-295-60]. Beginning date of assistance and application processing.

~~[Application processing time frames and the beginning date of assistance shall be determined according to the standards set out in 7 CFR 273.2 (g) and (h). A decision on TANF eligibility shall be made by the thirtieth day following the date the application was filed.~~

~~B. The eligible assistance unit shall receive TANF benefits beginning with the date of application.]~~

[22 VAC 40-295-80. Certification periods 22 VAC 40-295-70. Redetermination of benefits].

~~[A. The local agency shall establish a definite period of time within which an assistance unit shall be eligible to receive benefits. At the expiration of each certification period, eligibility for TANF cash assistance ends. Further eligibility shall be established only upon a determination based upon a newly completed application, an interview, and necessary verifications. Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility.~~

~~B. Certification periods shall be determined in accordance with the Virginia Food Stamp Manual (7 CFR 273.9, 7 CFR 273.10, 7 CFR 273.12 and 7 CFR 273.13), except with the following:~~

- ~~1. Assistance units with a nonparent caretaker not receiving TANF with very stable income or assistance units that meet Food Stamp specifications for certification periods shall be certified for up to 12 months provided other assistance unit circumstances are expected to remain stable.~~
- ~~2. All other assistance units shall be certified for six months.~~

~~C. If an application is approved, the local agency shall provide the assistance unit with written notice of the amount of the benefits and the beginning and end dates of the certification period. The assistance unit shall also be advised of variations in the benefit level based on changes anticipated at the time of certification.~~

~~D. The local agency shall provide assistance units that have filed an application by the 15th of the last month of their certification period with either a notice of eligibility or a notice of denial by the end of the current certification period if the assistance unit has complied with all recertification requirements.~~

~~E. The local agency shall provide assistance units that have received a notice of expiration at the time of certification, and have timely reapplied, with either a notice of eligibility or a notice of denial not later than thirty days after the date of the assistance unit's last TANF payment.~~

Where an individual has been determined eligible, eligibility will be reconsidered or redetermined:

1. When required on the basis of information the agency has obtained previously about anticipated changes in the individual's situation;
2. Promptly after a report is obtained that indicates changes in the individual's circumstances that may affect the amount of assistance to which he is entitled or that may make him ineligible; and
3. Periodically on all factors subject to change. All factors of eligibility will be redetermined at least every 12 months.]

[22 VAC 40-295-90 22 VAC 40-295-80]. Reporting changes.

~~[Recipient families are required to report changes in accordance with 7 CFR 273.12(a)(1)(i) through 7 CFR 273.12(a)(1)(iii), 7 CFR 273.12 (a)(1)(v), 7 CFR 273.12(a)(2) through 7 CFR 273.12(a)(3), 7 CFR 273.12(c), 7 CFR 273.12(c)(1)(i) through 7 CFR 273.12(c)(1)(iii), and 7 CFR 273.12(c)(2)(i). The eligible person who receives temporary assistance, or the person who is caring for or otherwise acting on behalf of such eligible person, shall report promptly to the local department of social services any event or circumstance that would cause such assistance to be changed in amount or terminated].~~

[22 VAC 40-295-100 22 VAC 40-295-90]. Notice of adverse action.

~~[A.] Prior to any action to reduce or terminate an assistance unit's TANF assistance, the agency shall provide a notice [which meets the requirements of 7 CFR 273.13 (a) and (b) before the adverse action is taken].~~

~~[B. The notice shall be issued at least 10 days before the date upon which the action would become effective if the change is to reduce or terminate the assistance.~~

C. 1. The local agency may notify an assistance unit that its benefits will be reduced or terminated no later than the date the assistance unit receives, or would have received, its payment, if any of the following conditions are met:

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a. The assistance unit reports the information that results in the reduction or termination, and the agency can determine the payment or ineligibility based solely on the information provided by the assistance unit;

b. The agency determines, based on reliable information, that all members of an assistance unit have died;

c. The agency determines, based on reliable information, that all members of an assistance unit have moved from the locality; or

d. The assistance unit voluntarily requests that its participation be terminated.

2. The assistance unit retains its rights to a fair hearing, and if a hearing request is received prior to the effective date of any proposed change in benefit status, the assistance unit appealing such change shall have the right to continued direct payment of TANF benefits pending final administrative action on such appeal.

D. Individual notices of adverse action shall not be provided when:

1. The agency initiates a mass change that affects the entire caseload or significant portions of the caseload; or

2. The assistance unit's monthly payment varies from month to month to take into account changes that were anticipated at the time of application or redetermination, and the assistance unit was so notified in writing at that time.]

[22 VAC 40-295-110 22 VAC 40-295-100]. Mass changes.

~~[Mass changes in federal benefits shall be processed by following procedures at 7 CFR 273.12(e)(3). When the agency makes a mass change in eligibility or benefits, it shall notify all assistance units whose benefits are reduced or terminated as follows:~~

1. The agency shall inform the assistance unit of:

a. The general nature of the change;

b. Examples of the change's effect on assistance unit payment levels;

c. The month in which the change will take effect;

d. The assistance unit's right to a fair hearing;

e. The assistance unit's right to continue benefits and under what circumstances benefits will be continued pending a fair hearing;

f. General information on whom to contact for additional information; and

g. The liability the assistance unit will incur for any overpayment if the fair hearing is adverse.

2. The agency shall notify the assistance unit of the mass change by the date the assistance unit is scheduled to receive the benefit that has been received.]

[~~22 VAC 40-295-120. Hearing requests.~~ 22 VAC 40-295-110. Hearings.]

[A.] Every applicant or recipient shall have the right to request a hearing [~~either orally or in writing~~ before a hearing officer. An opportunity for a hearing shall be granted to any applicant who requests a hearing because his claim for financial assistance is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance, or determination that a protective, vendor, or two-party payment should be made or continued. A hearing need not be granted when either state or federal law required automatic grant adjustments for classes of recipients unless the reason for an individual appeal is incorrect grant computation. A hearing may be requested by a clear expression, oral or written, by any member of an assistance unit or its authorized representative to the effect that it wishes to appeal a decision or that an opportunity to present its case to a higher authority is desired.

B. The applicant or recipient shall be afforded all rights as specified in this section.

C. Every applicant or recipient shall be informed in writing at the time of application and at the time of any action affecting his claim:

1. Of his right to a hearing,

2. Of the method by which he may obtain a hearing;

3. That he may be represented by an authorized representative, such as legal counsel, relative, friend, or other spokesman, or he may represent himself.

D. The hearing shall be conducted at a reasonable time, date, and place, and adequate preliminary written notice shall be given.

E. When the hearing involves medical issues such as those concerning a diagnosis, an examining physician's report, or a medical review team's decision, a medical assessment other than that of the person or persons involved in making the original decision shall be obtained at agency expense and made part of the record if the hearing officer considers it necessary.

F. The hearing shall include consideration of:

1. An agency action, or failure to act with reasonable promptness, on a claim for financial assistance, which includes undue delay in reaching a decision on eligibility or in making a payment, refusal to consider a request for or undue delay in making an adjustment in payment, and discontinuance, termination or reduction of such assistance;

2. An agency decision regarding:

a. Eligibility for financial assistance in both initial and subsequent determinations;

b. Amount of financial assistance or change in payments; or

c. The manner or form of payment, including restricted or protective payments.

G. The claimant, or his representative, shall have adequate opportunity to:

1. Examine the contents of his case file and all documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing as well as during the hearing;
2. At his option, present his case himself or with the aid of an authorized representative;
3. Bring witnesses;
4. Establish all pertinent facts and circumstances;
5. Advance any arguments without undue interference;
6. Question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

H. Recommendations or decisions of the hearing officer shall be based exclusively on evidence and other material introduced at the hearing. The transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the recommendation or decision of the hearing officer shall constitute the exclusive record and shall be available to the claimant at a place accessible to him or his representative at a reasonable time.

I. Decisions by the hearing officer shall:

1. In the event of an evidentiary hearing, consist of a memorandum decision summarizing the facts and identifying the regulations supporting the decision;
2. In the event of a de novo hearing, specify the reasons for the decision and identify the supporting evidence and regulations.

J. The claimant shall be notified of the decision in writing.

K. When the hearing decision is favorable to the claimant, or when the agency decides in favor of the claimant prior to the hearing, the Department of Social Services shall promptly make corrective payments retroactively to the date the incorrect action was taken].

[22 VAC 40-295-130 22 VAC 40-295-120]. Collection of overpayments.

A. A local department of social services shall promptly recoup or recover any overpayment from a current [adult] recipient of TANF including overpayments [which that] are the result of assistance paid pending an appeal hearing decision in which the adverse action taken by the agency is upheld by the hearing authority. [All overpayments which were made to former recipients which are less than \$35 shall be waived after the local agency has notified the former recipient in writing that an overpayment has occurred which must be repaid and the former recipient fails to respond to the initial request for repayment. No further action to collect the overpayment is to be taken. In cases where an overpayment to a former recipient is \$35 or more, the agency may elect to forego collection activity if, after reasonable efforts, it is determined that further action to collect the overpayment would not be

~~cost effective. To ensure reasonable efforts have been made to collect the overpayment, the agency must have documentary evidence that they cannot locate the former recipient, or determine that the former recipient has no means by which to repay the overpayment, or secure a written statement from the former recipient that they refuse to repay the overpayment. The agency must maintain information for three years concerning former recipients who received an overpayment, including overpayments which are less than \$35, and must initiate recoupment procedures should one or more of those individuals again be found eligible to receive assistance. If it is not cost effective to attempt recovery of an overpayment, the agency may elect not to attempt recovery of an overpayment from an individual not receiving aid where the overpayment amount is less than \$125. Where the overpayment amount owed by an individual no longer receiving aid is \$125 or more, the agency can determine when it is no longer cost effective to continue overpayment recovery efforts, provided it has made reasonable efforts to recover the overpayment from the individual. Reasonable efforts must include notification of the amount of and reason for the overpayment and that repayment is required. Local departments of social services must also maintain information regarding uncollected overpayments to enable the agency to recover those overpayments if the individual subsequently becomes a recipient. In cases involving fraud, the agency must make every effort to recover the overpayment, regardless of the amount].~~

B. Repayment for overpayments [based on intentional misrepresentation] shall [be twenty percent of the monthly TANF benefits, but no less than ten dollars monthly result in the assistance unit retaining, for any payment month, from the combined aid and income, not less than 90% of the amount payable to an assistance unit of the same size with no income].

[C. For all other overpayments, repayment shall be ten percent of the monthly TANF benefits.]

[22 VAC 40-295-140. Overpayments based on an intentional program violation.

~~In instances where the overpayment is based on an alleged intentional program violation, the case shall be referred to the attorney for the Commonwealth for review. In situations involving an intentional program violation, the agency may forego collection of an overpayment to a recipient or former recipient in cases where the overpayment is being referred for possible prosecution or for administrative disqualification, and the local agency determines that collection action will prejudice the case.]~~

[22 VAC 40-295-150 22 VAC 40-295-130]. Protective payee.

When a caretaker is excluded or removed from the assistance unit due to noncompliance with a TANF rule, a protective payee must be appointed to receive and manage the financial assistance payment [unless the local agency determines that such appointment is unnecessary to achieve the purposes of the TANF program or cannot, after reasonable efforts, locate an appropriate individual to act as a protective payee]. At least every six months, the local agency must review the way

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in which the protective payee's responsibilities are being carried out. ~~[In situations where the local agency cannot, after reasonable efforts, locate an appropriate individual to act as a protective payee, the sanctioned caretaker may continue to receive the assistance payment on behalf of the remaining assistance unit members. The final authority for determining that reasonable efforts to locate a protective payee have been made rests with the superintendent or director of each locality or may be delegated as deemed appropriate.]~~

~~[22 VAC 40-295-160 22 VAC 40-295-140].~~ **Intentional program violation (IPV).**

A. The agency shall ensure and document that a clear and full explanation is given to the applicant or recipient of [:

1.] The eligibility requirements for the type of assistance he is requesting or receiving; ~~[of~~

2.] His responsibility to give complete and accurate information related to his eligibility and to report promptly and fully any changes in his circumstances ~~[; and of the provisions of the law with respect to giving false information knowingly or deliberately withholding information]~~ that would affect his eligibility for [services or] assistance or the amount thereof [; and

3. The penalties for knowingly falsifying or deliberately withholding such information]. The worker shall explain fully what types of changes in his circumstances would have an effect on the grant [or services].

B. The local agency shall conduct an investigation of an allegation that an individual has committed an IPV, regardless of the TANF payment status. A determination as to whether an IPV has occurred shall be based on careful consideration of the particular circumstances. A determination ~~[shall be made]~~ that [an IPV has been committed must be based on clear and convincing evidence that] there has been a deliberate misrepresentation on the part of the applicant or recipient. Consideration should be given to: (i) whether the correct or unreported information was, in fact, known to the applicant or recipient and (ii) whether the applicant or recipient understood the eligibility and reporting requirements.

C. An individual may be charged with an IPV even if the individual's application for assistance was denied. It is not required that an overpayment actually exist for there to be a determination of IPV.

D. The local agency is required to proceed against any individual alleged to have committed an IPV ~~[by referring the matter to the appropriate authorities for criminal action in a federal or state court or]~~ through an administrative disqualification hearing (ADH).

~~[E. The local agency may refer a case for prosecution or initiate an ADH regardless of the current eligibility of the individual.~~

~~¶ E.]~~ The local agency must coordinate its actions with any corresponding actions being taken against the individual under the Food Stamp Program if the factual issues involved arise out of the same or related circumstances.

~~[G. F.]~~ The local agency shall confer with the appropriate legal authorities to determine the types of cases that will be accepted for prosecution ~~[and cases of alleged IPV .~~ Cases found to have committed an IPV (i) by a court of appropriate jurisdiction; (ii) pursuant to an administrative disqualification hearing; or (iii) by waiving rights to an administrative disqualification hearing] will be referred for prosecution in accordance with the agreement established between the legal authority and the local agency. This agreement shall include information on how and under what circumstances cases will be accepted for possible prosecution and any other criteria set by the prosecutor for accepting cases for possible prosecution, such as minimum amount of overpayment ~~[which that]~~ resulted from the IPV. The local agency is encouraged to refer for prosecution those individuals suspected of committing an IPV where large amounts of overpaid benefits are involved or more than one act of IPV is suspected.

~~[H. G.]~~ An individual found to have committed an IPV ~~[by]~~ (i) ~~[by]~~ a court of appropriate jurisdiction; (ii) pursuant to an administrative disqualification hearing; or (iii) ~~[by]~~ waiving his right to an administrative disqualification hearing shall be ineligible to participate in the TANF program for the time periods specified in subsection ~~[H]~~ of this section.

~~[I. H.]~~ The time periods are as follows:

1. ~~[Twelve Six]~~ months for the first offense;
2. ~~[Twenty-four Twelve]~~ months for the second offense; and
3. Permanently for the third offense.

~~[J. I.]~~ The disqualification penalty imposed on an individual in one ~~[state or]~~ locality shall be used in determining the appropriate disqualification penalty.

~~[K. Only J.]~~ The individual found guilty of committing an IPV shall be disqualified. The local agency shall not take the individual's needs into account when determining the assistance unit's need and the amount of assistance. However, any ~~[resources and]~~ income of the disqualified individual will be considered available to the assistance unit.

~~[L. K.]~~ The period of disqualification shall begin no later than the first day of the second month which follows the [date the local agency receives a signed ADH waiver from the recipient or the date of a hearing officer's or] court's decision ~~[of guilty or the date on the notice of ADH decision by the hearing officer that the recipient is guilty].~~ The disqualification period will be imposed without regard to eligibility or ineligibility of the individual and will run uninterrupted until it expires.

~~[M. L.]~~ The disqualification penalty shall be in addition to, and cannot substitute for, any other sanctions or penalties which may be imposed by law for the same offense.

~~[N. M.]~~ The disqualification penalty cannot substitute for other sanctions under the TANF program .

~~[O. N.]~~ Any period for which a disqualification period is imposed shall remain in effect, without possibility of an administrative stay, unless and until the finding upon which the penalty was based is subsequently reversed by a court of

appropriate jurisdiction. In no event shall the duration of the period for which such penalty is imposed be subject to review in a fair hearing.

[~~P. O.~~] The local agency shall provide all applicants with a written notice of the disqualification penalties for IPV at the time of application.

[~~Q. P.~~] In order to request an ADH, the local agency shall ensure that a prehearing investigation has occurred and that the evidence supports the charge of intentional program violation. There must be clear and convincing evidence which demonstrates the individual committed [~~or intended to commit~~] an IPV. [~~Examples of evidence include:~~

- ~~1. Written verification of unreported income or resources received by the individual;~~
- ~~2. Verification that the individual understands his reporting responsibilities by signature on the application/redetermination form or some other form;~~
- ~~3. An application, monthly report or change report submitted during the period the IPV is alleged to have occurred that omits the information in question; and~~
- ~~4. Documented contacts with the individual during the period the IPV is alleged to have occurred in which the individual failed to report the information in question.]~~

[~~R. Q.~~] Prior to submitting the request for an ADH to the state hearing authority, the local agency shall provide written notification to the individual suspected of an intentional program violation that the individual can waive his right to an ADH by signing a waiver request and returning it to the local agency within 10 days from the date notification is sent to the individual in order to avoid submission of the request for an ADH.

[~~S. R.~~] If a signed waiver is received, no ADH is conducted and the disqualification period is imposed [~~in accordance with federal regulations~~].

[~~T. S.~~] If a case is referred for an ADH, it shall not be [~~simultaneously~~] referred for prosecution [~~Cases dismissed in court or individuals acquitted by the court shall not be referred for an ADH unless the individual is found to have committed an IPV.~~

[~~U. T.~~] The local agency shall request an ADH be scheduled by submitting a written request to the state hearing authority. The form must include the following information:

1. Identifying information;
2. Summary of the allegation or allegations;
3. Summary of the evidence; and
4. Copies of documents supporting the allegation or allegations.

The referral is to be signed and dated by the supervisor or local agency director.

[~~V. U.~~] The local agency may combine a fair hearing and an ADH into a single hearing if the factual issues arise out of the

same or related circumstances provided that the individual receives prior notice of the consolidation.

[~~W. Upon receipt of the request for an ADH from the local agency, the state hearing authority will forward the request to the appropriate regional hearing officer.~~]

[~~X. V.~~] The hearing officer will schedule a date for the ADH and provide written notice to the individual suspected of committing an IPV at least 30 days in advance of the date the ADH has been scheduled. [The notice shall contain at a minimum:

1. The date, time, and place of the hearing;
2. The charge(s) against the individual;
3. A summary of the evidence, and how and where the evidence can be examined;
4. A statement that the decision will be based solely on information provided by the department of social services if the individual fails to appear at the hearing;
5. A statement that the individual or representative will, upon receipt of the notice, have 10 days from the date of the scheduled hearing to present good cause for failure to appear in order to receive a new hearing;
6. A statement that a determination of intentional program violation will result in a disqualification period, and a statement of which penalty is applicable to the case scheduled for a hearing;
7. A listing of the individual's rights. The assistance unit or its representative must be given adequate opportunity to:
 - a. Examine the contents of his case file and all documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing as well as during the hearing;
 - b. At his option, present his case himself or with the aid of an authorized representative;
 - c. Bring witnesses;
 - d. Establish all pertinent facts and circumstances;
 - e. Advance any arguments without undue interference;
 - f. Question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.
8. If there is an individual or organization available that provides free legal representation, the notice shall advise the affected individual of the availability of the service.]

[~~Y. W.~~] The time and place of the ADH shall be arranged so that the hearing is accessible to the individual suspected of committing an IPV. The individual may request a postponement of the ADH if the request for postponement is made at least 10 days in advance of the date of the scheduled hearing. The ADH shall not be postponed for more than a total of 30 days and the state hearing authority may limit the number of postponements.

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~~[Z. X.]~~ The ADH can be held even if the individual fails to appear. The individual has 10 days after the date of the scheduled ADH to present reasons indicating a good cause failure to appear.

~~[AA. Y.]~~ Even though the individual is not ~~[represented present]~~, the hearing officer shall carefully consider the evidence and determine if an IPV was committed, based on clear and convincing evidence.

~~[BB. Z.]~~ If the household member is found to have committed an IPV but a hearing officer later determines there was good cause for not appearing, the previous decision is no longer valid and a new ADH shall be conducted. The hearing officer who conducted the original hearing may conduct the new hearing. The good cause decision shall be entered into the hearing record by the hearing officer.

~~[CC. A pending ADH shall not affect the individual's right to participate in the TANF program. The local agency may not disqualify an individual until the hearing officer finds that the individual has committed an IPV. This does not preclude, however, the local agency from reducing, suspending, or terminating assistance for other reasons.~~

~~DD. AA.]~~ The ADH is attended by persons directly concerned with the issue at hand. This normally means a representative of the local agency and the individual alleged to have committed the IPV.

~~[EE. BB.]~~ The hearing officer shall:

1. Identify those present for the record;
2. Advise the individual that he may refuse to answer questions during the hearing and that anything said or signed by the individual concerning the charge or charges may be used against him in a court of law;
3. Explain the purpose of the ADH, the procedure, [and] how and by whom a decision will be reached and communicated ~~[and the option of either the individual or the local agency to request state board review of the hearing officer's decision];~~
4. Consider all relevant issues ~~[Even if the individual is not present, the hearing officer is to carefully consider the evidence]~~ and determine if an IPV was committed, based on clear and convincing evidence;
5. Request, receive and make part of the record all evidence determined necessary to render a decision;
6. Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing; and
7. Advise the local agency to obtain a medical assessment at local agency expense if the hearing officer considers it necessary.

~~[FF. CC.]~~ The individual alleged to have committed an IPV shall be given adequate opportunity to:

1. Examine all documents and records to be used at the ADH at a reasonable time prior to the ADH as well as during the ADH. The contents of the case file, including the application form and documents of verification used by the

local agency to establish the alleged IPV, shall be made available;

2. Present his own case or with the aid of an authorized representative;
3. Bring witnesses;
4. Establish all pertinent facts and circumstances;
5. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine witnesses; and
6. Advance arguments without any undue influence.

~~[GG. DD.]~~ The hearing officer is responsible for rendering a decision based on clear and convincing evidence from the facts as presented in the hearing. The hearing officer must substantiate his decision by identifying supporting evidence and applicable regulations.

~~[HH. EE.]~~ The hearing officer shall prepare a written report of the hearing which shall include findings, conclusions, decisions and appropriate recommendations. The decision shall specify the reasons for the decision, identify the supporting evidence, identify pertinent TANF regulations and respond to reasoned arguments made by the individual or representative.

~~[I. FF.]~~ The hearing officer shall notify the individual of the decision in writing ~~[and of the individual's right to request state board review of the decision].~~

~~[J. GG.]~~ If the individual is found guilty of committing an IPV, the written decision shall advise the individual that disqualification shall occur.

~~[K. HH.]~~ The determination of IPV by the hearing officer cannot be reversed by a subsequent fair hearing.

~~[L. II.]~~ Upon receipt of the notice of a decision from the hearing officer finding the individual guilty of an IPV, the local agency shall inform the individual of the reason for the disqualification and the date the disqualification will take effect.

[22 VAC 40-295-170 22 VAC 40-295-150]. TANF-Emergency Assistance (TANF-EA).

A. A family shall be eligible for TANF-EA if all of the following conditions are met:

1. The assistance meets TANF requirements specified in ~~[\$ 63.1-105 § 63.2-614]~~ of the Code of Virginia.
2. The emergency assistance is necessary to avoid destitution of the child or to provide living arrangements for him in a home.
3. The child's need is the result of a ~~natural~~ disaster or a fire.
4. For current TANF recipients, disaster-related needs can be met through TANF-EA in addition to the regular TANF money payment. The TANF-EA payment does not affect the regular TANF money payment. A TANF-EA payment may not be issued, however, to replace money lost by the recipient or for the loss of earnings. ~~[The period of~~

~~ineligibility specified below shall not apply to TANF recipients that receive TANF-EA.]~~

~~B. The amount of assistance provided shall be up to [the maximum TANF amount for four months that the family would otherwise be eligible to receive \$500 per emergency occurrence]. The amount of the payment is based on immediate needs of the applicant.~~

~~[C. If an assistance unit receives a TANF-EA and is not otherwise receiving TANF, all assistance unit members shall be ineligible for TANF for 1.33 times the number of days for which assistance is granted, beginning with the date that the TANF-EA is issued.]~~

[22 VAC 40-295-180 22 VAC 40-295-160]. Availability of child care and sanctioning for failure to engage in work.

The local department of social services shall not sanction a single custodial parent caring for a child under age six for failure to engage in required work if he demonstrates an inability to obtain needed child care for one or more of the following reasons:

1. Appropriate child care within a reasonable distance from the home or under other arrangements is unavailable;
2. Informal child care by a relative or under other arrangements is unavailable or unsuitable; or
3. Appropriate and affordable formal child care arrangements are unavailable.

[22 VAC 40-295-170. Pilot projects.

The Department of Social Services shall have the authority to implement pilot projects that may have program rules different than those contained in this regulation. Such program rules shall be made available to all program participants in the area in which the pilot is implemented. Pilot projects shall be evaluated for cost effectiveness, client impact, and the achievement of outcomes that support the long-term success of TANF recipients.]

DOCUMENT INCORPORATED BY REFERENCE

Virginia Department of Social Services Child Day Care Services Policy, Volume VII, Section II, Chapter D, Revised February 2000.

VA.R. Doc. No. R99-85; Filed October 21, 2003, 1:50 p.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 1. ADMINISTRATION

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

REGISTRAR'S NOTICE: The Department of Human Resource Management is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors and § 2.2-4006 A 4a, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Human Resource Management 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 55-10. Public Participation Guidelines (amending 1 VAC 55-10-10, 1 VAC 55-10-20, and 1 VAC 55-10-30).

Statutory Authority: §§ 2.2-1201 and 2.2-4007 of the Code of Virginia.

Effective Date: December 17, 2003.

Summary:

The amendments reflect that the name of the Department of Personnel and Training has been changed to the Department of Human Resource Management. Additionally, referenced citations to the Administrative Process Act have been updated, and the provisions relating to petitions for rulemaking have been amended to conform to § 2.2-4007 A of the Code of Virginia.

Agency Contact: Charles Reed, Associate Director, Department of Human Resource Management, 101 North 14th Street, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-0231 or e-mail creed@dhrm.state.va.us.

1 VAC 55-10-10. Purpose and authority.

This chapter establishes public participation guidelines for soliciting input from interested parties in the formation, development and revision of regulations by the Department of ~~Personnel and Training~~ *Human Resource Management*. These guidelines are required under § ~~9-6.14:7.1~~ *2.2-4007* of the Code of Virginia (Administrative Process Act). The guidelines do not apply to any regulation adopted on an emergency basis or to other regulations excluded from the operation of Article 2 of the Administrative Process Act under § ~~9-6.14:4.1 C~~ *2.2-4006* of the Code of Virginia.

1 VAC 55-10-20. Definitions.

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

"Department" means the Department of ~~Personnel and Training~~ *Human Resource Management*.

"Director" means the director of the Department of ~~Personnel and Training~~ *Human Resource Management*.

"Person" means an individual, a corporation, a partnership, an association, a government body, a municipal corporation, or any other legal entity.

1 VAC 55-10-30. Initiation of regulation development procedures.

A. Regulation development may be initiated at any time by the department.

B. Any person may petition the department to promulgate new regulations, or to amend, ~~add to, or repeal~~ existing regulations *subject to § 2.2-4007 A of the Administrative Process Act. All petitions shall be considered and responded to within 90 days. The petition shall, at a minimum, contain the following information:*

- ~~1. Name of petitioner;~~
- ~~2. Petitioner's mailing address and telephone number;~~
- ~~3. Petitioner's interest in the proposed action;~~
- ~~4. The recommended new regulation or addition, deletion or amendment to an existing regulation;~~
- ~~5. Statement of need and justification for the proposed action;~~
- ~~6. Statement of impact on the petitioner and other affected persons; and~~
- ~~7. Supporting documents, as applicable.~~

VA.R. Doc. No. R04-34; Filed October 24, 2003, 3:19 p.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

REGISTRAR'S NOTICE: The Department of Medical Assistance Services is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 30-70. **Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (amending 12 VAC 30-70-201).**

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

Effective Date: January 4, 2004.

Summary:

The amendment adjusts the percentage for reduction of inpatient hospital payments in order to avoid recoveries that would exceed the 2004 mandated cap for such recoveries as established in Item 325 KK of Chapter 899, 2002 Acts of Assembly.

Agency Contact: Steve Ford, Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7355, FAX (804) 786-1680 or email sford@dmass.state.va.us.

12 VAC 30-70-201. Application of payment methodologies.

A. The state agency will pay for inpatient hospital services in general acute care hospitals, rehabilitation hospitals, and freestanding psychiatric facilities licensed as hospitals under a prospective payment methodology. This methodology uses both per case and per diem payment methods. Article 2 (12 VAC 30-70-221 et seq.) describes the prospective payment methodology, including both the per case and the per diem methods.

B. Article 3 (12 VAC 30-70-400 et seq.) describes a per diem methodology that applied to a portion of payment to general acute care hospitals during state fiscal years 1997 and 1998, and that will continue to apply to patient stays with admission dates prior to July 1, 1996. Inpatient hospital services that are provided in long stay hospitals and state-owned rehabilitation hospitals shall be subject to the provisions of Supplement 3 (12 VAC 30-70-10 through 12 VAC 30-70-130).

C. Transplant services shall not be subject to the provisions of this part. Reimbursement for covered liver, heart, and bone marrow/stem cell transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a

prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. If the actual charges are lower than the fee, the agency shall reimburse the actual charges. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through 12 VAC 30-50-580.

D. Reduction of payments methodology.

1. For state fiscal years 2003 and 2004, the Department of Medical Assistance Services (DMAS) shall reduce payments to hospitals participating in the Virginia Medicaid Program by \$8,935,825 total funds, and \$9,227,815 total funds respectively. For purposes of distribution, each hospital's share of the total reduction amount shall be determined as provided in this subsection.

2. Determine base for revenue forecast.

a. DMAS shall use, as a base for determining the payment reduction distribution for hospitals Type I and Type II, net Medicaid inpatient operating reimbursement and outpatient reimbursed cost, as recorded by DMAS for state fiscal year 1999 from each individual hospital settled cost reports. This figure is further reduced by 18.73%, which represents the estimated statewide HMO average percentage of Medicaid business for those hospitals engaged in HMO contracts, to arrive at net baseline proportion of non-HMO hospital Medicaid business.

b. For freestanding psychiatric hospitals, DMAS shall use estimated Medicaid revenues for the six-month period (January 1, 2001, through June 30, 2001), times two, and adjusted for inflation by 4.3% for state fiscal year 2002, 3.1% for state fiscal year 2003, and 3.7% for state fiscal year 2004, as reported by DRI-WEFA, Inc.'s, hospital input price level percentage moving average.

3. Determine forecast revenue.

a. Each Type I hospital's individual state fiscal year 2003 and 2004 forecast reimbursement is based on the proportion of non-HMO business (see subdivision 2 a of this subsection) with respect to the DMAS forecast of SFY 2003 and 2004 inpatient and outpatient operating revenue for Type I hospitals.

b. Each Type II, including freestanding psychiatric, hospital's individual state fiscal year 2003 and 2004 forecast reimbursement is based on the proportion of non-HMO business (see subdivision 2 of this subsection) with respect to the DMAS forecast of SFY 2003 and 2004 inpatient and outpatient operating revenue for Type II hospitals.

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4. Each hospital's total yearly reduction amount is equal to their respective state fiscal year 2003 and 2004 forecast reimbursement as described in subdivision 3 of this subsection, times 3.235857% for state fiscal year 2003, and 3.235857%, ~~subject to revision by the DMAS annual budget forecast~~, for the first two quarters of state fiscal year 2004 and 2.88572% for the last two quarters of state fiscal year 2004, not to be reduced by more than \$500,000 per year.

5. Reductions shall occur quarterly in four amounts as offsets to remittances. Each hospital's payment reduction shall not exceed that calculated in subdivision 4 of this subsection. Payment reduction offsets not covered by claims remittance by May 15, 2003, and 2004, will be billed by invoice to each provider with the remaining balances payable by check to the Department of Medical Assistance Services before June 30, 2003, or 2004, as applicable.

VA.R. Doc. No. R04-38; Filed October 30, 2003, 11:30 a.m.



TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

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

Title of Regulation: 14 VAC 5-71. Rules Governing Viatical Settlement Providers and Viatical Settlement Brokers (amending 14 VAC 5-71-10, 14 VAC 5-71-20, 14 VAC 5-71-40, 14 VAC 5-71-60, 14 VAC 5-71-70, and 14 VAC 5-71-90; adding 14 VAC 5-71-31, 14 VAC 5-71-35, 14 VAC 5-71-91, 14 VAC 5-71-92, and 14 VAC 5-71-93; repealing 14 VAC 5-71-30, and 14 VAC 5-71-80).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: November 1, 2003.

Agency Contact: Jarrett D. Goodwin, Principal Insurance Analyst, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9365, 1-800-552-7945, FAX (804) 371-9511, or e-mail jgoodwin@scc.state.va.us.

Summary:

The purpose of the revisions is to conform rules concerning the viatical settlement contracts, providers, and brokers subject to regulation by the State Corporation Commission Bureau of Insurance pursuant to Chapter 717 of the 2003 Acts of Assembly (HB 2613). This legislation, effective July 1, 2003, repealed Chapter 57 (§ 38.2-5700 et seq.) of Title 38.2 of the Code of Virginia and enacted in its stead provisions designated for a new Chapter 60 (§ 38.2-6000 et seq.) in Title 38.2 of the Code of Virginia. As compared to the former rules, the new rules focus the purpose; revise

definitions to conform to and support statutory definitions; revise standards for the evaluation of reasonable payments; clarify reporting requirements; and conform the general rules in 14 VAC 5-71-90 to the new statutory requirements. Licensure standards for viatical settlement providers are set forth in a new 14 VAC 5-71-31, which replaces the repealed 14 VAC 5-71-30. The revisions also technically edit 14 VAC 5-71-40 and repeal 14 VAC 5-71-80. Final revisions technically edit and clarify provisions, including definitions, throughout the chapter, and include significant revisions.

The provisions at 14 VAC 5-71-31 address licensing standards for viatical settlement providers, including requirements for initial licensing and renewal applications and also provisions for suspension, revocation, and termination of a license. The final revisions for this section include several technical clarifications and a significant revision providing that any surety bond required for licensing as a viatical settlement provider may be issued by an insurer licensed in this Commonwealth to transact the business of suretyship or approved by the commission to issue surplus lines coverage.

Final revisions to the new contract and disclosure provisions in 14 VAC 5-71-35 make the viatical settlement provider responsible for complying with provisions requiring that disclosure forms are filed with and approved by the commission. Other final revisions of significance, at 14 VAC 5-71-91, clarify that the viatical settlement provider is responsible also for complying with requirements pertaining to advertisements, which may be subject to filing and record retention requirements as well as inspection and examination by the Bureau of Insurance.

Final revisions to 14 VAC 5-71-70 streamline annual reporting requirements and provide that annual reports must be filed for information on all viatical settlement transactions where the viator is a resident of this Commonwealth.

A significant revision to 14 VAC 5-71-90 recognizes that contacts for the purpose of determining the health status of the insured after the viatical settlement has occurred shall be made only by a licensee or its authorized representative. The final revisions define "authorized representative," as used in 14 VAC 5-71-90, as "an individual who, for or on behalf of a licensee under this chapter, contacts an insured under a viaticated policy after the viatical settlement has occurred."

The "purpose" provisions in 14 VAC 5-71-10, and provisions in 14 VAC 5-71-93, concerning insurance company practices, are adopted as initially proposed.

AT RICHMOND, OCTOBER 29, 2003

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2003-00104

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Viatical Settlement
Providers and Viatical Settlement
Brokers

ORDER ADOPTING REVISIONS TO RULES

By order entered herein May 27, 2003, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to July 30, 2003, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Viatical Settlement Providers and Viatical Settlement Brokers, set forth in Chapter 71 of Title 14 of the Virginia Administrative Code, effective August 4, 2003, unless on or before July 30, 2003, any person objecting to the adoption of the proposed rules filed a request for a hearing with the Clerk of the Commission (the "Clerk").

The Order to Take Notice also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before July 30, 2003.

The Life Settlement Institute filed comments to the proposed revisions and a request for a hearing with the Clerk on July 1, 2003, but withdrew its hearing request in a letter filed with the Clerk on July 28, 2003.

The Viatical and Life Settlement Association of America (the "VLSAA") filed comments to the proposed revisions and a request for a hearing with the Clerk on August 1, 2003.

By Order Setting Hearing entered herein August 29, 2003, the Commission scheduled a hearing for October 8, 2003, to consider the adoption of the revisions to the Rules Governing Viatical Settlement Providers and Viatical Settlement Brokers proposed by the Commission's Bureau of Insurance (and attached to the Order to Take Notice).

The Bureau filed its Statements of Position in response to the comments filed by the Life Settlement Institute and the VLSAA with the Clerk on September 11, 2003.

The Bureau and the VLSAA resolved all but one of the issues raised in the VLSAA's comments prior to the hearing. The Commission conducted a hearing on October 8, 2003, wherein testimony was received from the Bureau and the VLSAA on whether and how the standard of evaluating the reasonableness of payments to insureds who are terminally or chronically ill, which is located at 14 VAC 5-71-60, should be revised.

At the conclusion of the hearing, the Commission noted that it would consider an alternative standard to the present standard set forth in 14 VAC 5-71-60, provided the parties could agree upon an alternative standard. The Bureau and the VLSAA have been unable to reach agreement on this issue.

The Bureau, citing the need for rules to administer and support the Viatical Settlements Act, which was effective on July 1, 2003, has recommended that the revisions originally proposed by the Bureau and attached to the Order to Take Notice, amended as reflected in the Bureau's Exhibit #2 entered at the October 8, 2003, hearing, which are the

revisions to the rules that are attached hereto, be adopted; and

THE COMMISSION, having considered the proposed revisions, the testimony at the October 8, 2003, hearing, and the Bureau's recommendation, is of the opinion that the attached revisions to the rules should be adopted.

THEREFORE, IT IS ORDERED THAT:

(1) The revisions to Chapter 71 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Viatical Settlement Providers and Viatical Settlement Brokers," which amend the rules at 14 VAC 5-71-10, 14 VAC 5-71-20, 14 VAC 5-71-40, 14 VAC 5-71-60, 14 VAC 5-71-70, and 14 VAC 5-71-90, propose new rules at 14 VAC 5-71-31, 14 VAC 5-71-35, 14 VAC 5-71-91, 14 VAC 5-71-92, and 14 VAC 5-71-93, and repeal the rules at 14 VAC 5-71-30 and 14 VAC 5-71-80, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective November 1, 2003.

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, including a copy of the attached revised rules, to all viatical settlement providers and viatical settlement brokers licensed by the Commission, and certain interested parties designated by the Bureau of Insurance.

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, including a copy of the attached revisions to the rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(4) On or before October 29, 2003, the Commission's Division of Information Resources shall make available this Order and the attached revisions to the rules on the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>.

(5) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

14 VAC 5-71-10. Purpose.

A. The purpose of this chapter (14 VAC 5-71) is to implement the Viatical Settlements Act, Chapter ~~57 60~~ (§ ~~38.2-5700~~ 38.2-6000 et seq.) of Title 38.2 of the Code of Virginia.

~~B. This chapter is designed to:~~

~~1. Regulate persons in the business of offering, advertising, negotiating, contracting for, providing or doing any act in this Commonwealth in furtherance of making or proposing to make a viatical settlement contract;~~

~~2. Provide required standards of disclosure;~~

~~3. Protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates which could result if persons transacting the business of viatical settlement providers are allowed to operate an unregulated industry with an aggressive marketing approach targeted to individuals with a catastrophic or~~

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~~life-threatening illness or condition which deals in death benefits derived from insurance;~~

~~4. Provide an additional means of securing financial assistance among individuals with a catastrophic or life-threatening illness or condition;~~

~~5. Provide formal regulatory controls for the assignment, sale or other transfer of life insurance policies and benefits which, notwithstanding the provisions of § 38.2-301 of the Code of Virginia, enable an individual with a catastrophic or life-threatening illness or condition to utilize life insurance benefits to obtain funding for life-sustaining treatment, comfort or care; and~~

~~6. Recognize that assignment of life insurance benefits without an insurable interest in the life of the person should only be made in good faith and not for monetary speculation, and that such assignment must not promote an interest in the early death of the insured.~~

~~C. This chapter is not designed to regulate or monitor the financial solvency of persons in the business of viatical settlements.~~

~~D. Sales of fractional interests in a life insurance policy or interests in a pool of such policies shall constitute the sale of a "security" as that term is defined in the Virginia Securities Act, Chapter 5 (§ 13.1-501 et seq.) of Title 13.1 of the Code of Virginia.~~

14 VAC 5-71-20. Definitions.

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

"Chronically ill" means (i) being unable to perform at least two activities of daily living, which shall include eating, toileting, transferring, bathing, dressing or continence, (ii) requiring substantial supervision by another person to protect the individual from threats to health and safety due to severe cognitive impairment, or (iii) having a level of disability similar to that described in clause (i) as determined by the U.S. Secretary of Health and Human Resources as required by § 38.2-6000 of the Code of Virginia.

"Commission" means the Virginia State Corporation Commission.

"Insured" means the person covered under the life insurance policy or certificate being considered for viatication.

"Legal entity" means an entity, other than a natural person, [that has sufficient existence in legal contemplation that [it] can function legally, sue or be sued, and make decisions through agents, as in the case of a corporation. Legal entity includes a partnership, limited partnership, limited liability company, corporation, or other legally functioning business entities, other than a sole proprietorship.

"Licensee under this chapter" means a person licensed by the commission as a viatical settlement provider or viatical settlement broker, as may be reasonably construed from the content in which the term appears.

"Life expectancy" means the number of months the individual insured under the life insurance policy or certificate to be

viaticated can be expected to live as determined by the viatical settlement provider considering medical records and appropriate experiential data.

"NAIC" means the National Association of Insurance Commissioners.

"Net death benefit" means the amount of the life insurance policy or certificate to be viaticated less any outstanding debts or liens.

"Patient identifying information" means an insured's address, telephone number, facsimile number, electronic mail address, photograph or likeness, employer, employment status, social security number, or any other information that is likely to lead to the identification of the insured.

"Policy" means an individual or group policy, group certificate, contract or arrangement of life insurance affecting the rights of a resident of this Commonwealth or bearing a reasonable relation to this Commonwealth, regardless of whether delivered or issued for delivery in this Commonwealth.

"Terminally ill" means having an illness or sickness that can reasonably be expected to result in death in 24 months or less.

~~*"Viatical settlement" means compensation or other valuable consideration paid to the viator in return for the viator's assignment, transfer, sale, devise or bequest of the death benefit or ownership of a life insurance policy or certificate to the viatical settlement provider which compensation or other valuable consideration is less than the expected death benefit of the life insurance policy or certificate.*~~

"Viatical settlement broker" means any a person who, for licensed in Virginia pursuant to § 38.2-1865.1 of the Code of Virginia, that on behalf of another and for a fee, commission or other valuable consideration, offers or advertises the availability of viatical settlements, introduces viators to viatical settlement providers, or offers or attempts to negotiate viatical [settlements- settlement contracts] between a viator and one or more viatical settlement providers; however, "A viatical settlement broker" may act as agent for a viatical settlement provider or on behalf of the viator, provided that a viatical settlement broker shall not be deemed to act exclusively for the viator unless, pursuant to written agreement between the parties, the viatical settlement broker agrees (i) to disclose fully all interests in the viatical settlement contract and [relationship relationships] with the viatical settlement provider including its affiliates and appointed or contracted agents, and (ii) that compensation for services as a viatical settlement broker shall be paid directly and only by the viator. The term does not include an attorney, certified public accountant, or a financial planner who accredited by a nationally recognized accreditation agency, who is retained to represent the viator and whose compensation is not paid directly or indirectly by the viatical settlement provider and who is retained to represent the viator or viatical settlement purchaser.

~~*"Viatical settlement contract" means a written agreement between a viatical settlement provider and a person who owns a life insurance policy or who owns or is covered under a group policy insuring the life of a person who has a*~~

~~catastrophic or life-threatening illness or condition; under the terms of the agreement, the viatical settlement provider will pay establishing the terms under which compensation or other valuable consideration—anything of value will be paid, which compensation or value is less than the expected death benefit of the insurance policy or certificate, in return for the viator's assignment, transfer, sale, devise or bequest of the death benefit or ownership of any portion of the insurance policy or certificate to the viatical settlement provider of insurance. A viatical settlement contract also includes a contract for a loan or other financing transaction with a viator secured primarily by an individual or group life insurance policy, other than a loan by a life insurance company pursuant to the terms of the life insurance contract, or a loan secured by the cash value of the policy. A viatical settlement contract includes an agreement [with a viator] to transfer ownership or change the beneficiary designation at a later date regardless of the date that compensation is paid to the viator. "Viatical settlement contracts" do not include accelerated death benefit provisions governed by 14 VAC 5-70, contained in life insurance policies, whether issued with the original policy or as a rider.~~

"Viatical settlement provider" means a person, *other than the viator*, that ~~conducts the business of viatical settlements directly or indirectly as agent or attorney-in-fact for one or more persons entering enters into or attempting to enter into effectuates a viatical settlement contract.~~ "Viatical settlement provider" does not include: (i) ~~any a bank, savings bank, savings institution and loan association, credit union or other licensed lending institution which that takes an assignment of a life insurance policy as collateral for a loan;~~ (ii) ~~the issuer of a life insurance policy which makes a policy loan on a policy that it has issued, permits surrender of the policy or pays other policy benefits, including providing accelerated death benefits governed by 14 VAC 5-70 and pursuant to the contract; or~~ (iii) ~~any individual who enters into only one agreement in a calendar year for the transfer of the death benefit or ownership of the insurance policy or certificate for any value less than the expected death benefit an authorized or eligible insurer that provides stop loss coverage to a viatical settlement provider, viatical settlement purchaser, financing entity, special purpose entity or related provider trust;~~ (iv) ~~a natural person who enters into or effectuates no more than one agreement in a calendar year for the transfer of life insurance policies for any value less than the expected death benefit;~~ (v) ~~a financing entity;~~ (vi) ~~a special purpose entity;~~ (vii) ~~a related provider trust;~~ (viii) ~~a viatical settlement purchaser;~~ or (ix) ~~an accredited investor or qualified institutional buyer as [defined respectively described] in [Securities and Exchange Commission (SEC)] Regulation D (17 CFR 230.501 through 17 CFR 230.508) [, and defined, respectively, in] Rule 501 (17 CFR 230.501) [or and] Rule 144A (17 CFR 230.144A) [of under] the Securities Act of 1933, as amended, and who purchases a viaticated policy from a viatical settlement provider and does not communicate with the viator or insured who is a resident of this Commonwealth except through a licensee under this chapter.~~

"Viatical settlement purchaser" means a person who gives a sum of money as consideration for a life insurance policy or an interest in the death benefits of a life insurance policy, or a person who owns or acquires or is entitled to a beneficial interest in a trust that owns a viatical settlement contract or is

the beneficiary of a life insurance policy that has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit. Viatical settlement purchaser does not include (i) a licensee under this chapter; (ii) an accredited investor or qualified institutional buyer as [defined respectively described] in Regulation D (17 CFR 230.501 through 17 CFR 230.508) [, and defined, respectively, in] Rule 501 (17 CFR 230.501) [or and] Rule 144A (17 CFR 230.144A) [of under] the Securities Act of 1933, as amended; (iii) a financing entity; (iv) a special purpose entity; or (v) a related provider trust.

"Viaticated policy" means a life insurance policy ~~or~~, *including a certificate of life insurance issued under a group life insurance policy, that has been acquired or transferred by a viatical settlement provider pursuant to the terms of a viatical settlement contract.*

"Viator" means the owner of a life insurance policy or ~~the holder of a certificate issued holder under a group life insurance policy insuring the life of a person with a catastrophic or life-threatening illness or condition who enters or seeks to enter into an agreement under the terms of which the viatical settlement provider will pay compensation or other valuable consideration, which compensation or other valuable consideration is less than the expected death benefit of the insurance policy or certificate, in return for the assignment, transfer, sale, devise or bequest of the death benefit or ownership of the insurance policy or certificate to the viatical settlement provider.~~ "Viator" ~~does not include a viatical settlement provider or any subsequent owner of a viaticated policy a viatical settlement contract.~~ *For the purposes of this chapter and the application of Article 6.1 (§ 38.2-1865.1 et seq.) of Chapter 18 of Title 38.2 of the Code of Virginia, a viator shall not be limited to an owner of a life insurance policy or a certificate holder under a group policy insuring the life of an individual with a terminal or chronic illness except where specifically addressed. Viator does not include (i) a licensee under this chapter; (ii) an accredited investor or qualified institutional buyer as [defined respectively described] in Regulation D (17 CFR 230.501 through 17 CFR 230.508) [, and defined, respectively, in] Rule 501 (17 CFR 230.501) [or and] Rule 144A (17 CFR 230.144A) [of under] the Securities Act of 1933, as amended; (iii) a financing entity; (iv) a special purpose entity; or (v) a related provider trust.*

14 VAC 5-71-30. License requirements for viatical settlement providers. (Repealed.)

~~A. A viatical settlement provider shall not enter into or solicit a viatical settlement contract without first obtaining a license from the commission.~~

~~B. The application shall be on a form required by the commission.~~

~~C. The application shall be accompanied by a fee of \$500. The license may be renewed biennially by submitting a renewal application form and fee of \$500 prior to April 1 of the renewal year. Failure to submit a renewal application form and fee within the time prescribed shall result in an automatic expiration of the license on June 30 of the renewal year.~~

~~D. Only those individuals named in the application may act as viatical settlement providers.~~

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~~E. The commission may require such additional information as is necessary to determine whether the applicant complies with the requirements of § 38.2-5701 of the Code of Virginia.~~

~~F. Viatical settlement providers shall acquire and maintain a surety bond in the amount of \$100,000. A copy of the executed bond shall be filed with the commission at the time of application for a license and with each renewal.~~

~~G. Viatical settlement providers, either directly or through a viatical settlement broker, shall be required to provide a written disclosure form to the viator at the time of solicitation for the viatical settlement and again at the time the viatical settlement contract is signed by all parties. Disclosure forms containing identical or substantially similar wording to the following are deemed to be approved for use in Virginia and need not be filed. Whether a disclosure form contains "substantially similar" wording, as that term is used herein, shall be determined at the sole discretion of the commission. Under no circumstances shall a disclosure form be considered to contain wording "substantially similar" unless the form addresses each and every element contained in the form contained herein. Viatical settlement providers wishing to utilize disclosure forms the wording of which differs substantially from that contained herein may not utilize such forms until they have been filed with and approved by the commission, either with the initial application for a viatical settlement provider license or at such later time as the viatical settlement provider may determine that it wishes to utilize a different form.~~

~~VIATICAL SETTLEMENT PROVIDER/COMPANY
NAME~~

~~DISCLOSURE FORM~~

~~VIATICATING YOUR LIFE INSURANCE POLICY?~~

~~Are you thinking about viaticating your life insurance policy? If you are, your decision could be a good one -- or a mistake. You will not know for sure unless you carefully consider all of the options available to you and the consequences of viaticating your life insurance policy.~~

~~We are required to inform you of the following:~~

~~Make sure you understand the facts. You should ask your insurance company to review all the possible alternatives that your life insurance policy may offer in lieu of a viatical settlement.~~

~~Compensation from a viatical settlement may be taxable. You should seek assistance from a personal tax advisor.~~

~~The proceeds from a viatical settlement may be subject to the claims of creditors.~~

~~Compensation from a viatical settlement may affect your eligibility for medical assistance or other government benefits or entitlements. You should seek advice from the appropriate government agencies.~~

~~You have the right to rescind your viatical settlement contract within 30 days of the date the agreement was signed by the~~

~~parties or 15 days of the receipt of the viatical settlement proceeds, whichever occurs first.~~

~~We are required to disclose to you the date by which the viatical settlement funds will be available to you and the source of those funds.~~

~~The viatical settlement broker is presumed to represent this viatical settlement provider, unless you have obtained a prior written agreement to the contrary from the viatical settlement broker. If the viatical settlement broker represents this viatical settlement provider, he cannot seek or obtain any compensation from you.~~

~~Review all options and issues before you decide. This way you can be sure you are making a decision that is in your best interest.~~

~~Applicant's signature _____ Date _____ Signature of authorized
_____ representative of
_____ viatical settlement provider~~

14 VAC 5-71-31. License requirements for viatical settlement providers.

~~A. No person shall act as a viatical settlement provider with a resident of this Commonwealth without first obtaining a license from the commission. [The license, regardless of whether it was initially issued pursuant to § 38.2-6002 of the Code of Virginia or as provided in this section or in 14 VAC 5-71-30, shall be fully subject on and after July 1, 2003, to the provisions of Chapter 60 (§ 38.2-6000 et seq.) of Title 38.2 of the Code of Virginia and may be renewed only in accordance with the provisions of this section.]~~

~~B. The license [issued to a viatical settlement provider] shall allow the licensee to [operate only enter or effectuate a viatical settlement contract only by operating] within the scope of its license [by entering into or effectuating as] a viatical settlement [contract provider].~~

~~[1.] No provision of this chapter shall be deemed to authorize any viatical settlement provider to transact any business other than that of a viatical settlement provider [, or. A viatical settlement provider license shall not authorize the licensee] to transact any business [subject to regulation by the commission unless the entity is separately authorized by in this Commonwealth for which] registration [with or , certification or a] license [issued by the commission is required under any section of the Code of Virginia other than § 38.2-6002].~~

~~[C. The following persons are not authorized to act as viatical settlement providers in this Commonwealth or with any resident of this Commonwealth, and no such person will be licensed in this Commonwealth as a viatical settlement provider 2. "Viatical settlement provider" does not include, and licensing as a viatical settlement provider shall not be required of, the following persons]: (i) a bank, savings bank, savings and loan association, credit union, or other licensed lending institution that takes an assignment of a life insurance policy as collateral for a loan; (ii) the issuer of a life insurance policy providing accelerated death benefits governed by 14 VAC 5-70 and pursuant to the contract; (iii) an authorized or eligible insurer that provides stop loss coverage to a viatical settlement provider, viatical~~

settlement purchaser, financing entity, special purpose entity or related provider trust; (iv) a financing entity; (v) a natural person who enters into or effectuates no more than one agreement in a calendar year for the transfer of life insurance policies for any value less than the expected death benefit; (vi) a special purpose entity; (vii) a related provider trust; (viii) a viatical settlement purchaser; or (ix) ~~an~~ the] accredited investor ~~or,~~ qualified institutional buyer ~~and or qualified institutional]~~ purchaser ~~of a viatical settlement policy under the Securities Act of 1933, as amended, provided the person is acting in the capacity of a person listed above and is neither entering into nor attempting to enter into, nor effectuating nor attempting to effectuate a viatical settlement contract in this Commonwealth or with any resident of this Commonwealth.~~

3. Except as provided in subdivision 2 (v) of this subsection, no person listed in subdivision 2 of this subsection shall attempt to enter into or effectuate a viatical settlement contract in this Commonwealth or with any resident of this Commonwealth without first becoming licensed as a viatical settlement provider in accordance with the provisions of this chapter. Notwithstanding the foregoing and in accordance with § 38.2-6002 F of the Code of Virginia, no licensed insurer shall be licensed as, or authorized to transact the business of, a viatical settlement provider in this Commonwealth].

~~[D. C.]~~ The licensee shall be a legal entity that enters into or effectuates, or seeks to enter into or effectuate, a viatical settlement contract. The license shall authorize the licensee's partners, officers, members, and designated employees to act on behalf of the viatical settlement provider provided such individual is named in the legal entity's application for license ~~[and any application or the application's]~~ supplements.

~~[E. D.]~~ A license issued prior to July 1, 2004, shall expire on June 30, 2004, unless the license is renewed in accordance with the provisions of this section or subject to actions of termination, suspension, or revocation prior to expiry.

~~[F. E.]~~ 1. If at the time of renewal, a viatical settlement provider has viatical settlements where an insured, who is a resident of this Commonwealth, has not died, it shall do one of the following:

- a. Renew or maintain its license until the earlier of: (i) the date the viatical settlement provider properly assigns, sells or otherwise transfers the viatical settlements; or (ii) the date that ~~[all such insureds have the last insured covered by a viatical settlement transaction has]~~ died; or
- b. Appoint, in writing, a viatical settlement provider or viatical settlement broker that is licensed in this Commonwealth to make all inquiries to the viator, or the viator's designee, regarding health status of the insured or any other matters. A copy of the appointment, acknowledged by the appointed provider or broker should be filed with the commission.

2. No viatical settlement provider shall fail to renew or seek to otherwise terminate its license without certifying to the commission that it has ceased doing business in this Commonwealth and is in compliance with the requirements

of subdivision 1 of this subsection. The commission may require documentation supportive of the certification.

~~[G. F.]~~ A license expiring on June 30 may be renewed effective July 1 for a one-year period ending on June 30 of the following year if the required renewal application and nonrefundable renewal fee have been received and the license is not terminated, suspended, or revoked at the time of renewal.

~~[H. G.]~~ Initial and renewal applications shall be submitted to the Bureau of Insurance in a form acceptable to the commission. Forms are available through the website for the Bureau of Insurance, at <http://www.state.va.us/scc/division/boi>.

~~[I. H.]~~ Initial applications for licenses that are to be issued on or after July 1, 2003, shall be accompanied by a nonrefundable application fee of \$500. A licensee may request renewal by submitting a renewal application and renewal fee of \$300 on or before March 1 of the year in which the license shall expire. ~~[A viatical settlement provider's] failure to submit a renewal application and fee within the prescribed time shall result in the imposition of penalties or other appropriate regulatory action. Notice of the requirements for renewal will be mailed by the Bureau of Insurance to each licensee's mailing address as shown in the records of the Bureau of Insurance [or will. Renewal forms may]~~ be posted on the website for the Bureau of Insurance, at <http://www.state.va.us/scc/division/boi>.

~~[J. I.]~~ Each application shall fully and clearly disclose the identity of the applicant by complying with the provisions of this subsection.

1. An application for initial licensure shall identify all of the applicant's affiliates, directors, partners, and officers, and also each stockholder, member or employee having, owning or holding a 10% or greater interest in the applicant or an affiliate of the applicant. A renewal application shall update or confirm the accuracy of the information filed with the initial application and any intervening renewal applications or 30-day reports required by 14 VAC 5-71-70.

2. The commission may require the applicant to disclose the identity of all stockholders, members, and employees.

3. The applicant shall name and fully identify any individual, including any director, partner, officer, member or designated employee, that is to be authorized to act on behalf of the applicant under the license.

4. The commission, in the exercise of its discretion, may refuse to issue a license in the name of a legal entity if not satisfied that all directors, officers, employees, stockholders, partners, members thereof, or other individuals who may materially influence the applicant's conduct meet the standards of this chapter and Chapter 60 (§ 38.2-6000 et seq.) of Title 38.2 of the Code of Virginia.

~~[K. J.]~~ Each application shall include evidence of the ~~[applicant's viatical settlement provider's]~~ financial accountability acceptable to the commission in accordance with the provisions of this subsection.

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1. A surety bond in the amount of \$100,000, in a form approved by the commission, shall be acceptable evidence of the [applicant's viatical settlement provider's] financial accountability provided (i) the surety bond is for the use and benefit only of the Commonwealth of Virginia and any person having a cause of action against the principal arising out of breaches of laws set forth in this chapter or Chapter 60 (§ 38.2-6000 et seq.) of Title 38.2 of the Code of Virginia; (ii) the surety [bond] is [issued by an insurer] licensed in this Commonwealth to transact the business of suretyship [or approved by the commission to issue surplus lines coverage]; [and] (iii) the surety is neither directly nor indirectly under the same ownership or management as the principal on the bond [; and (iv) termination provisions acceptable to the commission provide that the bond and coverage thereunder shall not be terminated without 30 days' written notice to the commission].

2. The requirement of a surety bond may be waived for a licensee that (i) has and maintains an errors and omissions insurance policy [,] in the sum of not less than \$100,000 per occurrence and \$1 million for all occurrences within one year [, issued by an insurer licensed in this Commonwealth or approved by the commission to issue surplus lines coverage] or (ii) makes and maintains a deposit of not less than \$100,000 with the State Treasurer that complies in form and amount with the requirements of § 38.2-1045 A of the Code of Virginia.

3. No such policy or bond shall be terminated and no such deposit shall be withdrawn without 30 days' prior written notice to the licensee and the commission. Termination or withdrawal without the required notice and approval of the commission shall be grounds for suspension or revocation of, or refusal to renew, a license.

[L. K.] A nonresident applicant, as a condition precedent to receiving or holding a license and in addition to all other licensing requirements, shall designate a resident of this Commonwealth as the person upon whom any process, notice, or order required or permitted by law to be served upon such nonresident viatical settlement provider may be served.

1. The licensee shall promptly notify the clerk of the commission in writing of every change in its designated agent for service of process.

2. Whenever a nonresident viatical settlement provider transacting business in this Commonwealth fails to appoint or maintain a registered agent in this Commonwealth, or whenever its registered agent cannot with reasonable diligence be found at the registered office, the clerk of the commission shall be an agent of the nonresident upon whom service may be made in accordance with § 12.1-19.1 of the Code of Virginia.

[M. L.] The commission may require such additional information as is necessary to make the findings required by subsection [M] of this section and to otherwise determine whether the applicant complies with the requirements of § 38.2-6002 of the Code of Virginia.

[M.] Upon the filing of the initial application for licensure and the payment of the nonrefundable application fee, the

commission shall make such investigation of each applicant as the commission may determine to be appropriate and issue a license if it finds that the applicant: (i) has provided a detailed plan of operation; (ii) is competent and trustworthy; (iii) indicates its intention to act in good faith within the confines of the license; (iv) has a good business reputation; (v) if an individual, has had experience, training or education that qualifies him for licensure; (vi) if a resident partnership, limited liability company, or corporation, has recorded the existence of the partnership, limited liability company, or corporation pursuant to law; (vii) if a corporation, has specific authority to act as a viatical settlement provider in its charter; (viii) if a nonresident partnership, limited liability company, or corporation, has furnished proof of its authority to transact business in Virginia; and (ix) has provided an anti-fraud plan that meets the requirements of § 38.2-6011 E 2 of the Code of Virginia.

[O. N.] The commission may suspend, revoke, refuse to issue, or refuse to renew the license of a viatical settlement provider if the commission finds that the applicant or licensee has (i) made any material misrepresentation in the application; (ii) been guilty of fraudulent or dishonest practices; (iii) been subject to a final administrative action or has otherwise been shown to be untrustworthy or incompetent to act as a viatical settlement provider; (iv) demonstrated a pattern of unreasonable payments to viators; (v) been convicted of a felony or any misdemeanor involving fraud or moral turpitude; (vi) entered into any viatical settlement contract that has not been approved pursuant to this chapter; (vii) failed to honor contractual obligations set out in a viatical settlement contract; (viii) demonstrated or represented that it no longer meets the requirements for initial licensure; (ix) assigned, transferred, or pledged a viatical policy to a person other than a viatical settlement provider licensed in this Commonwealth, a viatical settlement purchaser, [a financing entity, a special purpose entity, a related provider trust, or] an accredited investor [,] or a qualified institutional buyer as [defined, respectively, described] in Regulation D (17 CFR 230.501 through 17 CFR 230.508) [, and defined, respectively, in] Rule 501 (17 CFR 230.501) [, and] Rule 144A (17 CFR 230.144A) [of under] the Securities Act of 1933, as amended [, a financing entity, a special purpose entity, or a related provider trust]; (x) violated any provisions of this chapter, Chapter 60 (§ 38.2-6000 et seq.) of Title 38.2 of the Code of Virginia or other applicable provisions of Title 38.2 or rules promulgated thereunder [;] or has in its employ [or organization] any officer, partner, member, or key management personnel who has violated provisions of this chapter, Chapter 60 of Title 38.2 or other applicable provisions of Title 38.2 [or is affiliated with any person who has in its employ any such officer, partner, member, or key management personnel]; or (xi) renewed or requested renewal of its license before implementing the anti-fraud initiatives required by § 38.2-6011 E of the Code of Virginia.

[P. O.] No applicant to whom a license is refused after a hearing, nor any licensee whose license is revoked, shall apply again for a license under this chapter until after the expiration of a period of five years from the date of the commission's order, or such other period of time as the commission may specify in its order.

[Q. P.] A licensed insurer shall be prohibited from transacting the business of a viatical settlement provider.

14 VAC 5-71-35. Viatical settlement contracts and disclosure statements.

A. No viatical settlement contract, including attached riders, amendments or endorsements, and including any application used in connection with the viatical settlement contract, shall be used in this Commonwealth on or after July 1, 2003, unless the contract and the riders, amendments, endorsements and any applications have been filed with and approved by the commission.

B. Except as provided in subdivision C 1 of this section, no disclosure [~~statement~~] form shall be provided [by a licensee under this chapter] to a viator [or proposed viator] in this Commonwealth on or after July 1, 2003, unless the [disclosure] form has been filed with [~~and approved~~] the commission by the viatical settlement provider and the viatical settlement provider has received notification of the approval of such form] by the commission. [The use of any disclosure form by a licensee under this chapter, except as provided in this section, shall be prohibited.]

C. Before asking a viator or insured to sign any document, a licensee under this chapter shall provide the viator or the insured, or both, if the viator and the insured are different individuals, with a copy of the disclosure required by § 38.2-6007 A of the Code of Virginia.

1. A disclosure form containing wording identical to that in subdivision 2 of this subsection is deemed approved for use in Virginia in satisfaction of the § 38.2-6007 A requirements and need not be filed. In accordance with § 38.2-6007 A 8 of the Code of Virginia, disclosure to a viator shall also include distribution of a brochure describing the process of viatical settlements. The brochure entitled "Selling Your Life Insurance Policy," or its successor, developed and adopted by the NAIC shall be used unless one is developed by the commission. Unless and until a brochure is developed by the commission to satisfy the requirements of § 38.2-6007 A 8 of the Code of Virginia, the NAIC's form for the brochure is deemed approved for use in Virginia and need not be filed. Other disclosures, brochures and formats developed by the NAIC or any other source may not be used to satisfy the requirements of this section unless approved by the commission as containing substantially similar wording.

2. Whether a disclosure form contains "substantially similar" wording, as that term is used herein, shall be determined by the commission. Under no circumstances shall a disclosure form be considered to contain wording "substantially similar" unless the form addresses each and every element contained in the form contained herein.

[NAME OF COMPANY LICENSED AS] VIACIAL SETTLEMENT PROVIDER [~~COMPANY NAME OR VIACIAL SETTLEMENT BROKER-AGENCY~~] DISCLOSURE FORM

[Note: When and if the broker contacts a potential viator prior to determining which viatical settlement provider he or she may contract with, the broker may use a "deemed" form with the following more generic heading and caption:

VIACIAL SETTLEMENT CONTRACT DISCLOSURE FORM] VIATICATING YOUR* LIFE INSURANCE POLICY?

*"You" or "Your" as used in this disclosure form, refers to the owner of the life insurance policy, which may or may not be the person who is insured under the policy.

Are you thinking about viaticating your life insurance policy? If you are, your decision could be a good one -- or a mistake. You will not know for sure unless you carefully consider all of the options available to you and the consequences of viaticating your life insurance policy.

We are required to inform you of the following:

- Make sure you understand the facts. You should ask your insurance company to review all the possible alternatives that your life insurance policy may offer in lieu of a viatical settlement, including any accelerated death benefits or policy loans offered under your life insurance policy.
- Some or all of the proceeds of the viatical settlement may be taxable under federal income tax and state franchise and income [~~taxes~~ tax laws]. You should seek assistance from a professional tax advisor.
- The proceeds from a viatical settlement may be subject to the claims of creditors.
- [~~Compensation~~ Proceeds] from a viatical settlement may adversely affect your eligibility for Medicaid or other medical assistance, government benefits, or entitlements. You should seek advice from the appropriate government agencies.
- You have the right to rescind your viatical settlement contract within 15 calendar days after you receive the viatical settlement proceeds (the rescission period).
- If the insured dies during the rescission period, the viatical settlement contract shall be deemed to have been rescinded subject to repayment of all viatical settlement proceeds, including any commissions, premiums, loans, and loan interest paid on behalf of the viator from proceeds due the viator to the viatical settlement provider or viatical settlement purchaser.
- Funds will be sent to you within three business days after your viatical settlement provider has received acknowledgement from your insurer or group administrator that ownership of the policy or interest in the certificate has been transferred and the beneficiary has been designated.
- Entering into a viatical settlement contract may cause other rights or benefits, including conversion rights and waiver of premium benefits that may exist under your policy or certificate, to be forfeited. Assistance should be sought from a financial advisor.

Privacy Considerations

All medical, financial, or personal information solicited or obtained by a viatical settlement provider or viatical settlement broker about an insured, including the insured's identity or the identity of family members, a spouse, or a significant other

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may be disclosed as necessary to effect the viatical settlement between the viator and the viatical settlement provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every two years.

If you are the insured, both the viatical settlement provider and the viatical settlement broker may contact you to determine your health status. This contact is limited, in the aggregate, to once every three months if your life expectancy is more than one year, and no more than once per month if your life expectancy is one year or less. There are no limitations on contacts for purposes other than to determine the insured's health status.

Your Viatical Settlement Broker

· A viatical settlement broker is a person who on behalf of another and for a fee, commission, or other valuable consideration introduces viators to viatical settlement providers, or offers or attempts to negotiate viatical settlement contracts between a viator and one or more viatical settlement providers.

· Your viatical settlement broker can represent multiple parties in this transaction. He can represent you, a viatical settlement provider, or another third party. He cannot represent your insurance company when he is discussing viatical settlements.

· If you want the viatical settlement broker to act exclusively for you, you and the viatical settlement broker should execute a separate written agreement in which the viatical settlement broker (i) discloses fully all his interests in the viatical settlement contract and his relationships with the viatical settlement provider, including the viatical settlement provider's affiliates and appointed or contracted agents, and (ii) agrees that compensation for his services as a viatical settlement broker shall be paid directly and only by you.

Review all options and issues before you decide. This way you can be sure you are making a decision that is in your best interest.

Signature of Applicant:

Signature of Licensed
Viatical Broker Or Viatical
Settlement Provider

Date: _____

Date: _____

Viatical Settlement Broker: _____
[print name and address]

Viatical Settlement Provider: _____
[print name and address]

D. The disclosures required by § 38.2-6007 B of the Code of Virginia shall be made to the viator and insured by or on behalf of the viatical settlement provider no later than the date on which the viatical settlement contract is signed by all parties. All or part of the disclosures may be combined and

made in conjunction with the disclosures described in subsection C of this section.

E. Viatical contracts and applications for viatical settlement, regardless of the form of transmission, shall contain the following or substantially similar statements:

1. "Any person who knowingly presents false information in an application for insurance or viatical settlement contract may be guilty of a crime and subject to prosecution."

2. "Viatical settlement transactions between a viatical settlement broker or viatical settlement provider and a resident of this Commonwealth who is a viator or insured are subject to regulation by the State Corporation Commission acting through the Bureau of Insurance pursuant to provisions comprising Chapter 60 (§ 38.2-6000 et seq.) of Title 38.2 of the Code of Virginia. Any person damaged by the acts of a person in violation of this chapter may bring a civil action in a court of competent jurisdiction against the person committing the violation."

14 VAC 5-71-40. License requirements for viatical settlement brokers.

A. [No person shall act as] a viatical settlement broker [shall not solicit a viatical settlement contract with a resident of this Commonwealth] without first obtaining a license from the commission as set forth in § 38.2-1865.1 of the Code of Virginia.

B. A viatical settlement broker shall submit an application on a form required by the commission.

C. The application shall be accompanied by a fee of \$50. The license may be renewed annually by submitting a renewal form and payment of a fee of \$50 on or before June 1 of each year. Failure to submit a renewal form and fee within the time prescribed shall result in an automatic expiration of the license on June 30.

D. The license shall be a limited license which that allows solicitation only of viatical settlements.

E. Prelicensing examination and continuing education required of agents in §§ 38.2-1815, 38.2-1817, and 38.2-1866 of the Code of Virginia shall not apply to viatical settlement brokers.

F. The commission may require such additional information as is necessary to determine whether the applicant complies with the requirements of § 38.2-1865.1 of the Code of Virginia.

14 VAC 5-71-60. Standards for evaluation of reasonable payments.

A. In order to assure that viators receive a reasonable compensation settlement for viaticating a life insurance policy or certificate, the following compensation for viaticating a policy shall be minimum face value percentages, no less than the following payouts for insureds who are terminally or chronically ill:

Insured's Life Expectancy	Minimum Percentage of Face Value (at time of viatication and withdrawals) Less Outstanding Loans Received by Viator
Less than 6 months	80%
At least 6 but less than 12 months	70%
At least 12 but less than 18 months	65%
At least 18 but less than 24 months	60%
Twenty-four months or more	50%

B. If the insured's life expectancy is 25 months or more, the compensation for viaticating a policy shall be at least the greater of the cash surrender value at the time of the transaction or the [then available] accelerated death benefit in the policy.

C. Except where the cash surrender value is paid, [the] percentage may be reduced by 5.0% for viaticating a policy written by an insurer rated less than the highest four categories by at least two rating agencies, such as A.M. Best or other comparable rating agencies, based on the most recent publication of such rating agencies at the time of viatication.

14 VAC 5-71-70. Reporting requirements.

A. On or before March 1 of each calendar year, each viatical settlement provider licensed in this Commonwealth shall file an annual ~~statement report~~ of all viatical settlement transactions where the viator [~~or an insured~~] is a resident of this Commonwealth, ~~and a separate annual statement of all viatical settlement transactions for all states in the aggregate, on a form prescribed by the commission containing the following information, for the previous calendar year, 4. for each life insurance policy or certificate viaticated of the viatical settlements contracted during the reporting period:~~

- a. 1. Date of the viatical settlement contract;
- [~~2. Viator's state of residence at time of the contract;]~~
- b. [~~3. 2.]~~ Life expectancy of the viator insured at the time of the contract, in months;
- [~~4. Whether the insured was determined to be (i) terminally ill or chronically ill or (ii) neither at the time of the contract;]~~
- e. [~~5. 3.]~~ Face amount of the policy at the time of the contract;
- d. Outstanding policy loans (if any);
- [~~6. 4.]~~ Net death benefit viaticated;
- [~~7. 5.]~~ Cash surrender value of the policy at time of the contract;
- [~~8. 6.]~~ Accelerated death benefit available from the policy; and

e. Amount [~~9. Viator's compensation~~ (7. Net] amount paid by the viatical settlement provider to the viator to viaticate the policy; and [~~]~~.

- f. If the viator has died:
 - (1) Date of death; and
 - (2) Total insurance premiums paid by the viatical settlement provider to maintain the policy or certificate in force;
- 2. Breakdown of applications received, accepted and rejected, by disease category of insured person with a catastrophic or life-threatening illness or condition;
- 3. Breakdown of policies or certificates viaticated by issuer and policy type;
- 4. Number of secondary market vs. primary market transactions;
- 5. Portfolio size; and
- 6. Amount of outside borrowings.

B. On or before March 1 of each calendar year, each viatical settlement broker licensed in this Commonwealth shall file an annual statement on a form prescribed by the commission containing the following information for each life insurance policy or certificate viaticated during the previous calendar year:

- 1. Date of the viatical settlement contract;
- 2. Life expectancy of the viator at the time of the contract;
- 3. Face amount of the policy at the time of the contract;
- 4. Amount paid by the viatical settlement provider to the viator to viaticate the policy; and
- 5. Commission paid by the viatical settlement provider to the viatical settlement broker.

B. In compliance with § 38.2-6011 E of the Code of Virginia, each viatical settlement provider shall certify annually to the commission the implementation of anti-fraud initiatives reasonably calculated to detect, prosecute, and prevent fraudulent viatical settlement acts. The required annual certification shall be filed on or before March 1 of each year that the viatical settlement provider is licensed in this Commonwealth. For persons licensed initially [~~on or after July 1, 2003, pursuant to in accordance with provisions set forth in]~~ 14 VAC 5-71-31 [~~or Chapter 60 (§ 38.2-6000 et seq.) of Title 38.2 of the Code of Virginia~~], the initial certification shall be filed within 60 days of initial licensure.

C. A viatical settlement provider shall report to the commission material changes in information filed with the commission at licensure, pursuant to 14 VAC 5-71-31 [~~J I~~] 1, concerning the licensee's identity.

- 1. As used in this subsection, "material changes" means a change (i) in the name of the licensee, (ii) in the business or residence address of the licensee, (iii) in the identity, designation or official responsibilities of any director, officer, or other person who is authorized to act for or on behalf of the licensee, or (iv) in affiliation that results in any person

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acquiring a 10% or greater interest in the licensee or in an affiliate of the licensee.

2. A change resulting in the election or appointment of a new director or officer or in the designation of any partner, officer, member or employee that is to be authorized to act on behalf of the provider shall be reported on a form of biographical affidavit developed by the NAIC unless a more specific form is prescribed by the commission.

3. Notices of material changes required by this section shall be filed with the commission within 30 calendar days of the change.

D. A licensed viatical settlement provider convicted of a felony shall report to the commission within 30 calendar days of the conviction the facts and circumstances regarding the conviction.

E. The annual report required by subsection A of this section shall be filed with the Bureau of Insurance, marked to the attention of the Life and Health Market Regulation Division. The reports required by subsections B, C and D of this section shall be filed with the Bureau of Insurance, marked to the attention of the Financial Regulation Division.

14 VAC 5-71-80. Annual notification and modification of application and annual statement forms. (Repealed.)

~~The Bureau of Insurance may modify the information requirements of the application and annual statement forms as necessary. Any such modifications shall be provided to all persons described in 14 VAC 5-71-10, in the form of an administrative letter sent by regular mail to each person's mailing address as shown in the records of the Bureau of Insurance. Failure by a person to receive such notice shall not be cause for exemption or grounds for noncompliance with the reporting requirements set forth in 14 VAC 5-71-70.~~

14 VAC 5-71-90. General rules.

A. With respect to policies containing a provision for double or additional indemnity for accidental death, the additional payment shall remain payable to the beneficiary last named by the viator prior to entering into the viatical settlement contract, or to such other beneficiary, other than the viatical settlement provider, as the viator may thereafter designate, or, in the absence of a designation, to the estate of the viator.

B. Payment of the proceeds of a viatical settlement pursuant to § ~~38.2-5705-C~~ 38.2-6008 D of the Code of Virginia shall be by means of wire transfer to the account designated by the viator or by certified check or cashier's check made payable to the viator or his designee.

C. Payment of the proceeds pursuant to a viatical settlement shall be made in a lump sum. ~~Retention of a~~ except where [, in response to the request of the viator,] the viatical settlement provider has purchased an annuity issued by an insurance company licensed in this Commonwealth [for the purpose of payment of the proceeds], and the insurance company agrees to make [all] payments directly to the viator or the viator's beneficiary. No portion of the proceeds shall be retained by the viatical settlement provider or, escrow agent is not permissible, or other person without the written consent of the viator.

~~D. A viatical settlement provider or viatical settlement broker shall not discriminate in the making of viatical settlements on the basis of race, age, sex, national origin, creed, religion, occupation, marital or family status or sexual orientation, or discriminate between viators with dependents and without dependents.~~

~~E. A viatical settlement provider or viatical settlement broker shall not pay or offer to pay any finder's fee, commission or other compensation to any viator's physician, attorney, accountant or other person providing medical, legal or financial planning services to the viator, or to any other person acting as an agent of the viator with respect to the viatical settlement.~~

~~F.D. Contacts for the purpose of determining the health status of the [viator] by the viatical settlement provider or viatical settlement broker [or] insured after the viatical settlement has occurred shall be limited, in the aggregate, to once every three months for viators a person with a life expectancy of more than one year and to no more than one per month for viators a person with a life expectancy of one year or less. Such contacts shall be made only by a licensee under this chapter [or its authorized representative. As used in this section, "authorized representative" means an individual who, for or on behalf of a licensee under this chapter, contacts an insured under a viatical policy after the viatical settlement has occurred]. The viatical settlement provider or viatical settlement broker shall explain the procedure for these contacts at the time the viatical settlement contract is entered into. If contact will be or is made by both the viatical settlement broker and the viatical settlement provider, both the viatical settlement broker and the viatical settlement provider shall have and maintain a system that tracks aggregate contacts.~~

~~G. Viatical settlement providers and viatical settlement brokers shall not solicit investors who could influence the treatment of the illness of the viators whose coverage would be the subject of the investment.~~

~~H. Viatical settlement providers and viatical settlement brokers shall adhere to the following advertising standards:~~

~~1. Advertising shall be truthful and not misleading by fact or implication.~~

~~2. If the advertiser emphasizes the speed with which the viatication will occur, the advertising must disclose the average time frame from completed application to the date of offer and from the date of the contract to receipt of the funds by the viator.~~

~~3. If the advertising emphasizes the dollar amounts available to viators, the advertising shall disclose the average purchase price as a percent of face value obtained by viators contracting with the advertiser during the immediately preceding six months.~~

~~E. If a viatical settlement provider enters into a viatical settlement that allows the viator to retain an interest in the policy, the viatical settlement contract shall contain the following provisions:~~

~~1. A provision that the viatical settlement provider will effect the transfer of the amount of the death benefit only to the~~

extent or portion of the amount viaticated. Benefits in excess of the amount viaticated shall be paid directly to the viator's beneficiary by the insurance company;

2. A provision that the viatical settlement provider will, upon acknowledgment of the perfection of the transfer, either:

a. Advise the insured, in writing, that the insurance company has confirmed the viator's interest in the policy, or

b. Send the insured a copy of the instrument sent from the insurance company to the viatical settlement provider that acknowledges the viator's interest in the policy; and

3. A provision that apportions the premiums to be paid by the viatical settlement provider and the viator, provided that the contract provides premium payment terms and nonforfeiture options no less favorable, on a proportional basis, than those included in the policy.

F. In all cases where the insured is a minor child, disclosures to and permission of a parent or legal guardian satisfy the requirements of Chapter 60 (§ 38.2-6000 et seq.) of Title 38.2 of the Code of Virginia and the provisions of this chapter.

G. The requirements of this section supplement the general rules set forth in § 38.2-6008 of the Code of Virginia.

14 VAC 5-71-91. Advertising.

A. As used in this section, "advertising" means any written, electronic or printed communication or any communication by means of recorded telephone messages or transmitted on radio, television, the Internet or similar communications media, including film strips, motion pictures and videos, published, disseminated, circulated or placed before the public, directly or indirectly, for the purpose of creating an interest in or inducing a person to sell a life insurance policy pursuant to a viatical settlement contract.

B. Pursuant to § 38.2-6003 B of the Code of Virginia, the commission may require the submission [, by viatical settlement providers,] at any time of advertising material used or intended for use in this Commonwealth. The Bureau of Insurance will provide notification of the requirements, if any, for the filing [~~and/or approval~~] of advertising material by administrative letter. Failure of a person to receive or review such notification shall not be cause for exemption or grounds for noncompliance with any such requirements.

C. [~~Every licensee under this chapter~~ Each viatical settlement provider] shall establish and at all times maintain a system of control over the method of dissemination, content, and form of all advertisements pursuant to [~~a each~~] viatical settlement contract [entered into or effectuated in this Commonwealth]. All [~~the~~ such] advertising, regardless of by whom created, designed, or presented, shall be the responsibility of the [~~licensee~~ viatical settlement provider]. Each [~~licensee~~ viatical settlement provider] under this chapter shall maintain at its home or principal office a complete file containing a specimen copy of every advertisement, as described in subsection A of this section, disseminated in this Commonwealth with a notation indicating the manner and extent of distribution and a copy of the viatical settlement contract referred to in such advertisement. The file shall be subject to inspection by the

commission. All the advertisements shall be maintained in the file [~~for the longer of (i) a period of five years or (ii)] until the filing of the next regular report of examination of the [~~licensee~~ viatical settlement provider, but no longer than five years in accordance with the provisions of Chapter 60 (§ 38.2-6000 et seq.) of Title 38.2 of the Code of Virginia]. A licensee under this chapter who, after notice and hearing, is found to have violated any provision of this chapter or a cease and desist order issued by the commission with respect to any provision of this chapter shall be punished in accordance with the provisions of Chapter 5 (§ 38.2-500 et seq.) of Title 38.2 of the Code of Virginia.~~

14 VAC 5-71-92. Prohibited practices.

A. A [(i) viatical settlement provider or viatical settlement broker [or (ii) any successor-in-interest to a viatical settlement provider] that provides patient identifying information to any person or entity [~~other than the person's life insurer~~] shall obtain from that person a signed affirmation that the person or entity will not further divulge the information without procuring the express, written consent of the insured for the disclosure. Notwithstanding the foregoing, if a [~~viatical settlement provider or viatical settlement broker~~ person or entity referred to in clauses (i) and (ii) of this subsection] is served with a subpoena and, therefore, compelled to produce records containing patient identifying information, it shall notify the viator and the insured in writing at their last known addresses within five business days after receiving notice of the subpoena.

B. A viatical settlement broker shall not, without the written agreement of the viator obtained prior to performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

C. A viatical settlement provider or viatical settlement broker shall not discriminate in the making or soliciting of viatical settlements on the basis of race, age, sex, national origin, creed, religion, occupation, marital or family status or sexual orientation, or discriminate between viators with dependents and without dependents.

D. A viatical settlement provider or viatical settlement broker shall not pay or offer to pay any finder's fee, commission or other compensation to any viator's physician, attorney, accountant or other person providing medical, legal or financial planning services to the viator, or to any other person acting as an agent of the viator, other than a viatical settlement broker, with respect to the viatical settlement.

E. Viatical settlement providers and viatical settlement brokers shall not knowingly solicit purchasers who may have treated or have been asked to treat the illness, or who could influence the treatment of the illness, of the viators whose coverage would be the subject of investment in or purchase of a viaticated policy.

14 VAC 5-71-93. Insurance company practices.

A. Life insurance companies authorized to do business in this Commonwealth shall respond to a request for verification of coverage from a viatical settlement provider or a viatical settlement broker within 30 calendar days of the date a request is received. The insurer shall complete and issue the

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verification of coverage to the viatical settlement provider or, in its response, indicate whether, based on the medical evidence and documents provided, the insurer intends to pursue an investigation at this time regarding possible fraud or the validity of the contract, subject to the following conditions:

1. A current authorization consistent with applicable law, signed by the policy owner or certificate holder, accompanies the request.
2. In the case of an individual policy, submission of a verification of coverage form that is substantially similar to a form developed and adopted by the NAIC for such purpose or approved for such purpose by the commission, which has been completed by the viatical settlement provider or the viatical settlement broker in accordance with the instructions on the form.
3. In the case of group insurance coverage:
 - a. Submission of a verification of coverage form that is substantially similar to a form developed and adopted by the NAIC for such purpose or approved for such purpose by the commission, which has been completed by the viatical settlement provider or viatical settlement broker in accordance with the instructions on the form, and
 - b. Which has previously been referred to the group policyholder and completed to the extent the information is available to the group policyholder.

B. Nothing in this section shall prohibit a life insurance company and a viatical settlement provider or a viatical settlement broker from using another verification of coverage form that has been mutually agreed upon in writing in advance of submission of the request.

C. A life insurance company may not charge a fee for responding to a request for information from a viatical settlement provider or viatical settlement broker in compliance with this section in excess of any usual and customary charges to contract holders, certificate holders or insureds for similar services.

D. The life insurance company may send an acknowledgment of receipt of the request for verification of coverage to the policy owner or certificate holder and, where the policy owner or certificate holder is other than the insured, to the insured. The acknowledgment may contain a general description of any accelerated death benefit that is available under a provision of or rider to the life insurance contract.

FORMS

~~Requirements for Viatical Settlement Provider Companies Seeking to Do Business in Virginia, off. 11/97.~~

~~Application for Initial License as a Viatical Settlement Provider, off. 11/97.~~

~~SCC Bureau of Insurance Biographical Affidavit.~~

~~Application for Reservation or for Renewal of Reservation of Corporate Name, SCC631/830 (09/96).~~

~~Application for a Certificate of Authority to Transact Business in Virginia, SCC759/924 (09/96).~~

~~Application for Individual Viatical Settlement Broker License, PIN250A, off. 11/97.~~

~~Application for Agency Viatical Settlement Broker License, PIN250B, off. 11/97.~~

VA.R. Doc. No. R03-216; Filed October 29, 2003, 11:40 a.m.

* * * * *

Title of Regulation: **14 VAC 5-310. Rules Governing Actuarial Opinions and Memoranda (amending 14 VAC 5-310-10, 14 VAC 5-310-20, 14 VAC 5-310-30, 14 VAC 5-310-40, 14 VAC 5-310-50, 14 VAC 5-310-80, 14 VAC 5-310-90, and 14 VAC 5-310-100; adding 14 VAC 5-310-105; repealing 14 VAC 5-310-60, 14 VAC 5-310-70, and 14 VAC 5-310-110).**

Statutory Authority: §§ 12.1-13, 38.2-223, and 38.2-3127.1 of the Code of Virginia.

Effective Date: December 31, 2003.

Agency Contact: Ernest L. Johnson, III, Life Actuary, State Corporation Commission, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9589, FAX (804) 371-9511, or e-mail ejohnson@scc.state.va.us.

Summary:

The revisions amend the rules governing actuarial opinions and memoranda required of life and health insurers by repealing 14 VAC 5-310-60, 14 VAC 5-310-70, and 14 VAC 5-310-110, adding 14 VAC 5-310-105 to address notification requirements for opinions in error and amended opinions, and revising all other sections of the chapter to require that companies subject to the provisions of § 38.2-3127.1 of the Code of Virginia annually file actuarial opinions, which, as defined by the rules, must be prepared by qualified appointed actuaries and based on an asset adequacy analysis that is to be documented in a confidential asset adequacy memorandum with a regulatory (confidential) asset adequacy issues summary. The revisions delete provisions in current rules that describe authorized exemptions and filing exceptions. The revisions also delete provisions that have allowed companies to file a statement of actuarial opinion not including asset adequacy analysis. The revisions adopt for Virginia many of the provisions, including recommended language for actuarial opinions, adopted by the National Association of Insurance Commissioners in 2001 for its Actuarial Opinion and Memorandum Regulation.

AT RICHMOND, OCTOBER 23, 2003

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

Ex Parte: In the matter of CASE NO. INS-2003-00165
Adopting Revisions to the Rules
Governing Actuarial Opinions
and Memoranda

ORDER ADOPTING REVISIONS TO RULES

By order entered herein August 5, 2003, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to October 15, 2003, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Actuarial Opinions and Memoranda, set forth in Chapter 310 of Title 14 of the Virginia Administrative Code, which amend the rules concerning the specifics of the annual actuarial opinion required pursuant to § 38.2-3127.1 of the Code of Virginia effective December 31, 2003, unless on or before October 15, 2003, any person objecting to the adoption of the proposed rules filed a request for a hearing with the Clerk of the Commission.

The August 5, 2003, Order also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before October 15, 2003.

As of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission, and, as of the date of this Order, no comments have been filed with the Clerk of the Commission.

The Bureau has recommended that the proposed revisions be adopted; and

THE COMMISSION, having considered the proposed revisions and the Bureau's recommendation, is of the opinion that the proposed revisions should be adopted.

THEREFORE, IT IS ORDERED THAT:

(1) The proposed revisions to Chapter 310 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Actuarial Opinions and Memoranda," which amend the rules at 14 VAC 5-310-10 through 14 VAC 5-310-50, and 14 VAC 5-310-80 through 14 VAC 5-310-100, propose a new rule at 14 VAC 5-310-105, and repeal the rules at 14 VAC 5-310-60, 14 VAC 5-310-70, and 14 VAC 5-310-110, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective December 31, 2003.

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, including a copy of the attached revised rules, to all companies subject to the provisions of § 38.2-3127.1 of the Code of Virginia, including fraternal benefit societies licensed under Chapter 41 of Title 38.2, and all other companies licensed by the Commission to write or reinsure policies or agreements providing any form of life, life insurance, or annuity benefits, and all life insurers licensed by the Commission to write or reinsure accident and sickness insurance.

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, including a copy of the attached rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(4) On or before October 28, 2003, the Commission's Division of Information Resources shall make available this Order and

the attached rules on the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>.

(5) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

CHAPTER 310.
RULES GOVERNING ACTUARIAL OPINIONS AND
MEMORANDA.

14 VAC 5-310-10. Purpose.

The purpose of this chapter (14 VAC 5-310-10 ~~et seq.~~) is to prescribe:

1. ~~Guidelines and standards~~ Requirements for statements of actuarial opinion which ~~that~~ are to be submitted in accordance with § 38.2-3127.1 B-4 of the Code of Virginia, and for memoranda in support thereof;
2. ~~Guidelines and standards for statements of actuarial opinion which are to be submitted when a company is exempt from filing the actuarial opinion prescribed by § 38.2-3127.1 B-1 of the Code of Virginia; and~~
- 3.2. Rules applicable to the appointment of an appointed actuary; and
3. Guidance as to the meaning of "adequacy of reserves."

14 VAC 5-310-20. Authority; effective date.

This chapter (14 VAC 5-310-10 ~~et seq.~~) is adopted and promulgated by the commission pursuant to §§ 12.1-13, 38.2-223, and 38.2-3127.1 of the Code of Virginia. This chapter will take effect for annual statements for the year-ending December 31, 1992. *Except as otherwise specifically provided, revisions to this chapter shall be effective upon adoption by the commission and applicable as to annual statements and actuarial opinions, memoranda, and statements of reserves filed with the commission for periods ending on or after December 31 of the year in which the revision is adopted.*

~~If a foreign or alien company's state of domicile makes provision in its insurance code or regulations for a later effective date, this later effective date will apply to the company, but under no circumstances will the effective date apply beyond December 31, 1993.~~

14 VAC 5-310-30. Scope.

A. This chapter (14 VAC 5-310-10 ~~et seq.~~) shall apply to all companies subject to the provisions of § 38.2-3127.1 of the Code of Virginia, including fraternal benefit societies licensed under Chapter 41 (§ 38.2-4100 et seq.) of Title 38.2 and all other companies licensed under Title 38.2 of the Code of Virginia to write and reinsure policies or agreements providing any form of life, life insurance, or annuity benefits as those terms are defined in §§ 38.2-102 through 38.2-107.1 of the Code of Virginia *and also to any life insurer authorized to write or reinsure accident and sickness insurance as defined in § 38.2-109 of the Code of Virginia.*

B. *This chapter shall be applied in a manner that allows the appointed actuary to utilize professional judgment in performing the asset analysis and developing the actuarial*

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opinion and supporting memoranda, consistent with relevant actuarial standards of practice unless the commission determines particular specifications are necessary for an acceptable opinion to be rendered relative to the adequacy of reserves and related items. Particular specifications, including specific methods of actuarial analysis and actuarial assumptions, may be promulgated by rule or order of the commission or by an administrative letter issued by the Commissioner of Insurance.

C. This chapter, as reflected in rules adopted by the commission by order entered November 5, 1992, in Case No. INS920377, shall be applicable to all annual statements filed with the commission on or after ~~the effective date of this chapter December 15, 1992, and before December 31, 2003.~~ Except with respect to companies which are exempted pursuant to 14 VAC 5-310-60 of this chapter, ~~On and after December 31, 2003,~~ a statement of opinion on the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with 14 VAC 5-310-80 ~~of this chapter,~~ and a memorandum in support thereof in accordance with 14 VAC 5-310-90 ~~of this chapter,~~ shall be required each year in accordance with rules as revised and adopted by order of the commission entered in Case No. INS-2003-00165. ~~Any company so exempted must file a statement of actuarial opinion pursuant to 14 VAC 5-310-70 of this chapter.~~

B. ~~Notwithstanding the foregoing, the Commission may require any company otherwise exempt pursuant to this chapter to submit a statement of actuarial opinion and to prepare a memorandum in support thereof in accordance with 14 VAC 5-310-80 And 14 VAC 5-310-90 of this chapter if, in the opinion of the Commission, an asset adequacy analysis is necessary with respect to the company.~~

14 VAC 5-310-40. Definitions.

As used in this chapter unless the context clearly indicates otherwise:

"Actuarial opinion" means the opinion of an appointed actuary regarding the adequacy of reserves and related actuarial items based on an asset adequacy analysis in accordance with 14 VAC 5-310-80 and with applicable Actuarial Standards of Practice.

"Actuarial Standards Board" means the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice.

"Annual statement" means that statement required by § 38.2-1300 of the Code of Virginia to be filed by the company with the commission annually.

"Appointed actuary" means any individual who is appointed or retained in accordance with the requirements set forth in 14 VAC 5-310-50 C ~~of this chapter~~ to provide the actuarial opinion and supporting memorandum as required by § 38.2-3127.1 of the Code of Virginia.

"Asset adequacy analysis" means an analysis that meets the standards and other requirements referred to in 14 VAC 5-310-50 D ~~of this chapter.~~ It may take many forms, including, but not limited to, cash flow testing, sensitivity testing or applications of risk theory.

"Commission" means the Virginia State Corporation Commission.

"Commissioner" means the *Commissioner of Insurance in Virginia unless specific reference is made to another state, in which case "commissioner" means the* Insurance Commissioner, Director, Superintendent or other supervising regulatory official of a given state who is responsible for administering the insurance laws of ~~said that~~ state.

"Company" means a life insurer, company or fraternal benefit society subject to the provisions of this chapter.

"NAIC" means *the* National Association of Insurance Commissioners.

~~"Non-investment grade bonds" are those which are (i) rated 3, 4, 5 or 6 by the NAIC Securities Valuation Office, or (ii) if not rated by the Securities Valuation Office, are rated in an equivalent grade by a national rating agency recognized by the Commission.~~

"Qualified actuary" means any individual who meets the requirements set forth in 14 VAC 5-310-50 B ~~of this chapter.~~

14 VAC 5-310-50. General requirements for actuarial opinions.

A. ~~Submission of~~ *The following requirements apply to all companies submitting a statement of actuarial opinion in compliance with § 38.2-3127.1 of the Code of Virginia.*

1. There is to be included on or attached to page 1 of the annual statement for each year ~~beginning with the year in which this chapter (14 VAC 5-310-10 et seq.) becomes effective ending on or after December 31, 1992,~~ the statement of an appointed actuary, entitled "Statement of Actuarial Opinion," setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts, in accordance with 14 VAC 5-310-80 ~~of this chapter; provided, however, that any company exempted pursuant to 14 VAC 5-310-60 of this chapter from submitting a statement of actuarial opinion in accordance with 14 VAC 5-310-80 of this chapter shall include on or attach to Page 1 of the annual statement a statement of actuarial opinion rendered by an appointed actuary in accordance with 14 VAC 5-310-70 of this chapter.~~

2. ~~If in the previous year a company provided a statement of actuarial opinion in accordance with 14 VAC 5-310-70 of this chapter, and in the current year fails the exemption criteria of 14 VAC 5-310-60 C 1, 2 or 5 of this chapter to again provide an actuarial opinion in accordance with 14 VAC 5-310-70, the statement of actuarial opinion in accordance with 14 VAC 5-310-80 shall not be required until August 1 following the date of the annual statement. In this instance, the company shall provide a statement of actuarial opinion in accordance with 14 VAC 5-310-70 with appropriate qualification noting the intent to subsequently provide a statement of actuarial opinion in accordance with 14 VAC 5-310-80.~~

3. ~~In the case of a statement of actuarial opinion required to be submitted by a foreign or alien company, the Commissioner may accept the statement of actuarial opinion filed by such company with the commissioner of~~

~~another state if the Commission determines that the opinion reasonably meets the requirements applicable to a company domiciled in Virginia.~~

4. 2. Upon written request by the company, the commission may grant an extension of the date for submission of the statement of actuarial opinion.

B. ~~Qualified actuary.~~ A "qualified actuary" is an individual who:

1. Is a member in good standing of the American Academy of Actuaries; ~~and~~
2. Is qualified to sign statements of actuarial opinion for life and health insurance company annual statements in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements; ~~and~~
3. Is familiar with the valuation requirements applicable to life and health insurance companies; ~~and~~
4. Has not been found by the commission (or if so found has subsequently been reinstated as a qualified actuary), following appropriate notice and hearing, to have:
 - a. Violated any provision of, or any obligation imposed by Title 38.2 of the Code of Virginia or other law in the course of his ~~or her~~ dealings as a qualified actuary; ~~or~~
 - b. Been found guilty of fraudulent or dishonest practices; ~~or~~
 - c. Demonstrated his ~~or her~~ incompetency, lack of cooperation, or untrustworthiness to act as a qualified actuary; ~~or~~
 - d. Submitted to the commission during the past five years, pursuant to this chapter, an actuarial opinion or memorandum that the commission rejected because it did not meet the provisions of this chapter, including standards set by the Actuarial Standards Board; or
 - e. Resigned or been removed as an actuary within the past five years as a result of acts or omissions indicated in any adverse report on examination or as a result of failure to adhere to generally acceptable actuarial standards; and
5. Has not failed to notify the commission of any action taken by the commissioner of any other state similar to that under subdivision 4 ~~above~~ of this subsection.

C. ~~Appointed actuary.~~ An "appointed actuary" is a qualified actuary who is appointed or retained to prepare the statement of actuarial opinion required by this chapter, either directly by or by the authority of the board of directors through an executive officer of the company *other than the qualified actuary*. The company shall give the commission timely written notice of the name, title (and, in the case of a consulting actuary, the name of the firm) and manner of appointment or retention of each person appointed or retained by the company as an appointed actuary and shall state in such notice that the person meets the requirements set forth in 14 VAC 5-310-50 B. Once notice is furnished, no further notice is required with respect to this person, provided that the company shall give the commission timely written notice in the

event the actuary ceases to be appointed or retained as an appointed actuary or to meet the requirements set forth in 14 VAC 5-310-50 B. If any person appointed or retained as an appointed actuary replaces a previously appointed actuary, the notice shall so state and give the reasons for replacement.

D. ~~Standards for asset adequacy analysis.~~ The asset adequacy analysis required by this chapter *shall*:

1. ~~Shall~~ Conform to the *Actuarial Standards of Practice* as promulgated from time to time by the Actuarial Standards Board and on any additional standards under this chapter, which standards are to form the basis of the statement of actuarial opinion in accordance with ~~14 VAC 5-310-80 of~~ this chapter; and
2. ~~Shall~~ Be based on methods of analysis as are deemed appropriate for such purposes by the Actuarial Standards Board.

E. Liabilities ~~to~~ *shall* be covered, *in conformity with the following*:

1. Under authority of § 38.2-3127.1 of the Code of Virginia, the statement of actuarial opinion shall apply to all in-force business on the statement date, *whether directly issued or assumed*, regardless of when or where issued, e.g., reserves reported in reportable for 2002 in Exhibits 8, 9, 5, 5A, 6, and 40 7 of the NAIC annual statement for life insurers, ~~and~~; claim liabilities reported in Exhibit 44- 8 (2002) in Part I of ~~such the life insurer's annual statement~~; and equivalent items in ~~the any separate account statement(s) statement~~ or other annual financial statements filed pursuant to §§ 38.2-1300, 38.2-1301 or 38.2-4126 of the Code of Virginia.
2. If the appointed actuary determines as the result of asset adequacy analysis that a reserve should be held in addition to the aggregate reserve held by the company and calculated in accordance with methods set forth for policies providing life insurance, annuity or endowment benefits in §§38.2-3137, 38.2-3138, 38.2-3141, and 38.2-3142 of the Code of Virginia; for policies providing disability, accident and sickness benefits in the Commission's Rules Governing Reserve Standards for Accident and Sickness Insurance Contracts Policies, Chapter 320, 14 VAC 5-320-10 et seq. of this title, and any supplemental and related rules and regulations; and, for certain other companies affected by this chapter, in §§ 38.2-1311, 38.2-3846, 38.2-3923, 38.2-4010, 38.2-4011 and , or §38.2-4125 of the Code of Virginia; Article 3 (§ 38.2-3136 et seq.) of Chapter 31 of Title 38.2 of the Code of Virginia; a rule or regulation of the commission applicable to the company; or any additional or further guidance provided by the NAIC Accounting Practices and Procedures Manual, whether in a Statement of Statutory Accounting Principle or in an actuarial guideline or other appendix, the company shall establish ~~such the~~ additional reserve.
3. ~~For years ending prior to December 31, 1994, the company may, in lieu of establishing the full amount of the additional reserve in the annual statement for that year, set up an additional reserve in an amount not less than the following:~~

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~~December 31, 1992: The additional reserve divided by three.~~

~~December 31, 1993: Two times the additional reserve divided by three.~~

~~4.3. Additional reserves established under subdivisions *subdivision 2 or 3 above of this subsection* and deemed not necessary in subsequent years may be released. Any amounts released ~~must shall~~ be disclosed in the actuarial opinion for the applicable year. The release of such reserves would not be deemed an adoption of a lower standard of valuation.~~

14 VAC 5-310-60. Required opinions. (Repealed).

~~A. In accordance with § 38.2-3127.1 of the Code of Virginia, every company doing business in Virginia shall annually submit the opinion of an appointed actuary as provided for by this chapter (14 VAC 5-310-10 et seq.). The type of opinion submitted shall be determined by the provisions set forth in this section and shall be in accordance with the applicable provisions in this chapter.~~

~~B. Company categories. For purposes of this chapter, companies shall be classified as follows based on the admitted assets as of the end of the calendar year for which the actuarial opinion is applicable:~~

~~1. Category A shall consist of those companies whose admitted assets do not exceed \$20 million;~~

~~2. Category B shall consist of those companies whose admitted assets exceed \$20 million but do not exceed \$100 million;~~

~~3. Category C shall consist of those companies whose admitted assets exceed \$100 million but do not exceed \$500 million; and~~

~~4. Category D shall consist of those companies whose admitted assets exceed \$500 million.~~

~~C. Exemption eligibility tests.~~

~~1. Any Category A company that, for any year beginning with the year in which this chapter, 14 VAC 5-310-10 et seq., becomes effective, meets all of the following criteria shall be eligible for exemption from submission of a statement of actuarial opinion in accordance with 14 VAC 5-310-80, for the year in which these criteria are met. The ratios in subdivisions a, b and c below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.~~

~~a. The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to 0.10.~~

~~b. The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than 0.30.~~

~~c. The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is less than 0.50.~~

~~d. The company has not been designated by the National Association of Insurance Commissioners (NAIC) as a first priority company in any of the two calendar years preceding the calendar year for which the actuarial~~

~~opinion is applicable, or a second priority company in each of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and said commissioner has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC Staff and Support Office.~~

~~2. Any Category B company that, for any year beginning with the year in which this chapter (14 VAC 5-310-10 et seq.) becomes effective, meets all of the following criteria shall be eligible for exemption from submission of a statement of actuarial opinion in accordance with 14 VAC 5-310-80 of this chapter for the year in which the criteria are met. The ratios in subdivisions a, b and c below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.~~

~~a. The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to 0.07.~~

~~b. The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than 0.40.~~

~~c. The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is less than 0.50.~~

~~d. The company has not been designated by the National Association of Insurance Commissioners (NAIC) as a first priority company in any of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and said commissioner has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC Staff and Support Office.~~

~~3. Any Category A or Category B company that meets all of the criteria set forth in subdivisions 1 or 2 of this subsection, whichever is applicable, is exempted from submission of a statement of actuarial opinion in accordance with 14 VAC 5-310-80 of this chapter unless the Commission specifically indicates to the company that the exemption is not to be taken.~~

~~4. Any Category A or Category B company that, for any year beginning with the year in which this chapter becomes effective, is not exempted under subdivision 3 of this subsection shall be required to submit a statement of actuarial opinion in accordance with 14 VAC 5-310-80 of this chapter for the year for which it is not exempt.~~

~~5. Any Category C company that, after submitting an opinion in accordance with 14 VAC 5-310-80, meets all of the following criteria shall not be required, unless required in accordance with subdivision 6 below, to submit a statement of actuarial opinion in accordance with 14 VAC 5-310-80 more frequently than every third year. Any Category C company which fails to meet all of the following criteria for any year shall submit a statement of actuarial opinion in~~

accordance with 14 VAC 5-310-80 for that year. The ratios in subdivisions a, b and c below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

- a. The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to 0.05.
- b. The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than 0.50.
- c. The ratio of the book value of the non-investment grade bonds to the sum of the capital and surplus is less than 0.50.
- d. The company has not been designated by the National Association of Insurance Commissioners (NAIC) as a first priority company in any of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and said commissioner has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC Staff and Support Office.

6. Any company which is not required by this section to submit a statement of actuarial opinion in accordance with 14 VAC 5-310-80 for any year shall submit a statement of actuarial opinion in accordance with 14 VAC 5-310-70 of this chapter for that year unless as provided for by 14 VAC 5-310-30 B the Commission requires a statement of actuarial opinion in accordance with 14 VAC 5-310-80.

D. Large companies. Every Category D company shall submit a statement of actuarial opinion in accordance with 14 VAC 5-310-80 of this chapter for each year beginning with the year in which this chapter becomes effective.

14 VAC 5-310-70. Statement of actuarial opinion that does not include an asset adequacy analysis. (Repealed).

A. General description. The statement of actuarial opinion required by this section shall consist of a paragraph identifying the appointed actuary and his or her qualifications; a regulatory authority paragraph stating that the company is exempt pursuant to this chapter (14 VAC 5-310-10 et seq.) from submitting a statement of actuarial opinion based on an asset adequacy analysis and that the opinion, which is not based on an asset adequacy analysis, is rendered in accordance with this section; a scope paragraph identifying the subjects on which the opinion is to be expressed and describing the scope of the appointed actuary's work; and an opinion paragraph expressing the appointed actuary's opinion as required by §38.2-3127.1 of the Code of Virginia.

B. Recommended language. The following language provided is that which in typical circumstances would be included in a statement of actuarial opinion in accordance with this section. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language which clearly expresses his or her professional judgment. However, in any event the opinion

shall retain all pertinent aspects of the language provided in this section.

1. The opening paragraph should indicate the appointed actuary's relationship to the company. For a company actuary, the opening paragraph of the actuarial opinion should read as follows:

"I, [name of actuary], am [title] of [name of company] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render this opinion as stated in the letter to the Commission dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health companies."

For a consulting actuary, the opening paragraph of the actuarial opinion should contain a sentence such as:

"I, [name and title of actuary], a member of the American Academy of Actuaries, am associated with the firm of [insert name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in the letter to the Commission dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies."

2. The regulatory authority paragraph should include a statement such as the following: "Said company is exempt pursuant to Regulation [insert designation] of the [name of state] Insurance Department from submitting a statement of actuarial opinion based on an asset adequacy analysis. This opinion, which is not based on an asset adequacy analysis, is rendered in accordance with 14 VAC 5-310-70."

3. The scope paragraph should contain a sentence such as the following: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, []."
 - a. Aggregate reserve and deposit funds for policies and contracts included in Exhibit 8 of the NAIC annual statement for life insurers;
 - b. Aggregate reserve and deposit funds for policies and contracts included in Exhibit 9 of the NAIC annual statement for life insurers;
 - c. Deposit funds, premiums, dividend and coupon accumulations and supplementary contracts not involving life contingencies included in Exhibit 10 of the NAIC annual statement for life insurers; and
 - d. Policy and contract claims liability end of current year included in Exhibit 11, Part I of the NAIC annual statement for life insurers.

The paragraph should list items and amounts with respect to which the appointed actuary is expressing an opinion. The list should include but not be necessarily limited to:

- a. Aggregate reserve and deposit funds for policies and contracts included in Exhibit 8 of the NAIC annual statement for life insurers;
- b. Aggregate reserve and deposit funds for policies and contracts included in Exhibit 9 of the NAIC annual statement for life insurers;
- c. Deposit funds, premiums, dividend and coupon accumulations and supplementary contracts not involving life contingencies included in Exhibit 10 of the NAIC annual statement for life insurers; and
- d. Policy and contract claims liability end of current year included in Exhibit 11, Part I of the NAIC annual statement for life insurers.

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~~4. If the appointed actuary has examined the underlying records, the scope paragraph should also include the following:~~

~~"My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic records and such tests of the actuarial calculations as I considered necessary."~~

~~5. If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force prepared by the company or a third party, the scope paragraph should include a sentence such as one of the following:~~

~~"I have relied upon listings and summaries of policies and contracts and other liabilities in force prepared by [name and title of company officer certifying in force records] as certified in the attached statement. (See accompanying affidavit by a company officer.) In other respects my examination included review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."~~

~~OR~~

~~"I have relied upon [name of accounting firm] for the substantial accuracy of the in force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."~~

~~The statement of the person certifying should follow the form indicated by subdivision B 10 of this section.~~

~~6. The opinion paragraph should include the following:~~

~~"In my opinion the amounts carried in the balance sheet on account of the actuarial items identified above:~~

~~a. Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated in accordance with sound actuarial principles;~~

~~b. Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;~~

~~c. Meet the requirements of Title 38.2 of the Code of Virginia, and related rules, regulations and administrative promulgations [OR: of the insurance law and regulations of the company's state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;~~

~~d. Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year end with any exceptions as noted below; and~~

~~e. Include provision for all actuarial reserves and related statement items which ought to be established.~~

~~The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis of this statement of opinion."~~

~~7. The concluding paragraph should document the eligibility for the company to provide an opinion as provided by this section. It shall include the following:~~

~~"This opinion is provided in accordance with Section 7 of the NAIC Actuarial Opinion and Memorandum Regulation. As such it does not include an opinion regarding the adequacy of reserves and related actuarial items when considered in light of the assets which support them.~~

~~Eligibility for section 7 is confirmed as follows:~~

~~a. The ratio of the sum of capital and surplus to the sum of cash and invested assets is [insert amount], which equals or exceeds the applicable criterion based on the admitted assets of the company (14 VAC 5-310-60 C).~~

~~b. The ratio of the sum of the reserves and liabilities for annuities and deposits to the excess of the total admitted assets is [insert amount], which is less than the applicable criteria based on the admitted assets of the company (14 VAC 5-310-60 C).~~

~~c. The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is [insert amount], which is less than the applicable criteria of 0.50.~~

~~d. To my knowledge, the company has not been designated by the NAIC as a first priority company in any of the two calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two calendar years preceding the calendar year for which the actuarial opinion is applicable or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and said commissioner has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC Staff and Support Office.~~

~~e. To my knowledge there is not a specific request from any commissioner requiring an asset adequacy analysis opinion.~~

~~_____
Signature of Appointed Actuary~~

~~_____
Address of Appointed Actuary~~

~~_____
Telephone Number of Appointed Actuary"~~

~~8. If there has been any change in the actuarial assumptions from those previously employed, that change should be described in the annual statement or in a paragraph of the statement of actuarial opinion, and the reference in subdivision B 6 d of this section above to consistency should read as follows:~~

~~"...With the exception of the change described on Page [] of the annual statement (or in the preceding paragraph)."~~

~~The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this subdivision.~~

~~(9) If the appointed actuary is unable to form an opinion, he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement should follow the scope paragraph and precede the opinion paragraph.~~

~~(10) If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force, there should be attached to the opinion, the statement of a company officer or accounting firm who prepared such underlying data similar to the following:~~

~~"I [name of officer], [title] of [name and address of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, [], prepared for and submitted to [name of appointed actuary], were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.~~

Signature of the Officer of the Company or Accounting Firm

Address of the Officer of the Company or Accounting Firm

Telephone Number of the Officer of the Company or Accounting Firm"

14 VAC 5-310-80. Statement of actuarial opinion based on an asset adequacy analysis.

A. ~~General description.~~ The statement of actuarial opinion submitted in accordance with this section shall consist of:

1. A paragraph identifying the appointed actuary and his ~~or her~~ qualifications (~~see and complying with the requirements of subdivision B 1 of this section~~);
2. A scope paragraph identifying the subjects on which an opinion is to be expressed and describing the scope of the appointed actuary's work, including a tabulation delineating the reserves and related actuarial items ~~which that~~ have been analyzed for asset adequacy and the method of analysis, (~~see subdivision B 2 of this section~~) and identifying the reserves and related actuarial items covered by the opinion ~~which that~~ have not been so analyzed (~~see subdivision B 2 of this section~~);
3. A reliance paragraph describing those areas, if any, where the appointed actuary has deferred to other experts in developing data, procedures or assumptions, (e.g.,

anticipated cash flows from currently owned assets, including variation in cash flows according to economic scenarios (see subdivision B 3 of this section)), supported by a statement of each such expert in the form prescribed by subsection E of this section; ~~and~~

4. An opinion paragraph expressing the appointed actuary's opinion with respect to the adequacy of the supporting assets to mature the liabilities (see subdivision B 6 of this section); ~~and~~

5. One or more additional paragraphs, *which* will be needed in individual company cases *to address matters such as follows the following*:

- a. If the appointed actuary considers it necessary to state a qualification of his ~~or her~~ *the* opinion;
- b. ~~If the appointed actuary must disclose the method of aggregation for reserves of different products or lines of business for asset adequacy analysis;~~
- c. ~~If the appointed actuary must disclose reliance upon any portion of the assets supporting the Asset Valuation Reserve (AVR), Interest Maintenance Reserve (IMR) or other mandatory or voluntary statement reserves for asset adequacy analysis;~~
- d.b. If the appointed actuary must disclose an inconsistency in the method of analysis or basis of asset allocation used at the prior opinion date with that used for this opinion;
- e.c. If the appointed actuary must disclose whether additional reserves of the prior opinion date are released as of this opinion date, and the extent of the release;
- f.d. If the appointed actuary chooses to add a paragraph briefly describing the assumptions ~~which that~~ form the basis for the actuarial opinion.

B. ~~Recommended language.~~ The following paragraphs are to be included in the statement of actuarial opinion in accordance with this section. Language is that which in typical circumstances should be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language ~~which that~~ clearly expresses his ~~or her~~ professional judgment. However, in any event the opinion shall retain all pertinent aspects of the language provided in this section.

1. The opening paragraph should generally indicate the appointed actuary's relationship to the company and his ~~or her~~ qualifications to sign the opinion. For a company actuary, the opening paragraph of the actuarial opinion should ~~read include a statement such as follows~~:

"I, [name], am [title] of [insurance company name] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render this opinion as stated in the letter to the commission dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies."

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For a consulting actuary, the opening paragraph should contain a ~~sentence~~ *statement* such as:

"I, [name], a member of the American Academy of Actuaries, am associated with the firm of [name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in the letter to the commission dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies."

2. The scope paragraph should include a statement such as the following:

"I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, 19[]-20[] Tabulated below are those reserves and related actuarial items which *that* have been subjected to asset adequacy analysis.

Table of Reserves and Liabilities
Asset Adequacy Tested Amounts

Formula	Additional-	Analysis	Other	Total
Reserves-	Actuarial	Method	Amount	Amount
	Reserves á(b)ã	á(b)ã		
				(1)+(2) +(3)

Statement	(1)	(2)	(3)	(4)
Item				

-
-
- Exhibit 8
- A Life Insurance
- B Annuities
- C Supplementary
 - Contracts
 - Involving
 - Life
 - Contingencies
- D Accidental Death Benefit
- E Disability- Active
- F Disability- Disabled
- G Miscellaneous

TOTAL (Exhibit 8

Item 1, page 3)

Exhibit 9

- A Active Life Reserve
- B Claim Reserve

TOTAL (Exhibit 9

Item 2, Page 3) Exhibit 10

1. Premiums and Other Deposit Funds

1.1 Policyholder Premiums (Page 3, Line 10.1)

1.2 Guaranteed Interest Contracts (Page 3, Line 10.2)

1.3 Other Contract Deposit Funds (Page 3, Line 10.3)

2. Supplementary Contracts Not Involving Life Contingencies (Page 3, Line 3)

3. Dividend and Coupon Accumulations (Page 3, Line 5)

TOTAL (Exhibit 10)

Exhibit 11 Part 1

1. Life (Page 3, Line 4.1)

2. Health (Page 3, Line 4.3)

TOTAL (Exhibit 11, Part 1)

Separate Accounts (Page 3, Line 27)

TOTAL (Sep Acct) TOTAL RESERVES

-IMR (Page , Line) á(c)ã

AVR (Page , Line) á(c)ã

Asset Adequacy Tested Amounts ((1) and (2)) – Reserves and Liabilities					
Statement Item	(1) Formula Reserves	(2) Additional Actuarial Reserves (a)	Analysis Method (b)	(3) Other Amount	(4) Total Amount (1)+(2)+(3)
Exhibit 5					
A. Life Insurance					
B. Annuities					
C. Supplementary Contracts With Life Contingencies					
D. Accidental Death Benefits					
E. Disability – Active Lives					
F. Disability – Disabled Lives					
G. Miscellaneous Reserves					
Total (Exh. 5 – Page 3, Item 1)					
Other actuarial items (Page ____, Line ____)					
Exhibit 6					
A. Active Life Reserve					
B. Claim Reserve					
Total (Exh. 6 – Page 3, Item 2)					
Exhibit 7					
Guaranteed Interest Contracts (Column 2, Line 14)					
Supplemental Contracts and Annuities Certain (Column 3, Line 14)					
Dividend Accumulations or Refunds (Column 4, Line 14)					
Deposit-type Contracts (Column 5, Line 14)					
Other (Column 6, Line 14)					
Total – Exh. 7 Net Balance (Column 1, Line 14)					
Exhibit 8 - Part 1					
1. Life (Page 3, Item 4.1)					
2. Health (Page 3, Item 4.2)					
Total Exhibit 8, Part 1					
Separate Accounts (Page 3 of the Annual Statement of the Separate Accounts, Items 1, 2, 3.1, 3.2, 3.3)					
TOTAL RESERVES					

IMR (General Account, Page ____ Line ____)	
(Separate Accounts, Page ____ Line ____)	
AVR (Page ____ Line ____)	(c)
Net Deferred and Uncollected Premium	

Notes: (a) The additional actuarial reserves are the reserves established under 14 VAC 5-310-50 E 2 or 3 of this chapter.

(b) The appointed actuary should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in 14 VAC 5-310-50

D of this chapter, by means of symbols which should be defined in footnotes to the table.

(c) Allocated amount amount of Asset Valuation Reserve (AVR)."

3. If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph should include a statement such as the following:

"I have relied on [name], [title] for [e.g., "anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios]—and," or

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~~"certain critical aspects of the analysis performed in conjunction with forming my opinion"], as certified in the attached statement, I have reviewed the information relied upon for reasonableness."~~

OR

~~"I have relied on personnel as cited in the supporting memorandum for certain critical aspects of the analysis in reference to the accompanying statement."~~

Such a statement of reliance on other experts should be accompanied by a statement by each of such experts ~~of~~ in the form prescribed by subsection E of this section.

4. If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph should also include ~~the following~~ a statement such as:

"My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and such tests of the actuarial calculations as I considered necessary. I also reconciled the underlying basic asset and liability records to [exhibits and schedules listed as applicable] of the company's current annual statement."

5. If the appointed actuary has not examined the underlying records, but has relied upon data (e.g., listings and summaries of policies in-force ~~and/or~~ and asset records) prepared by the company or a third party, the reliance paragraph should include ~~a sentence~~ statements such as:

"In forming my opinion on [specify type of reserves], I have relied upon ~~listings and summaries [of policies and contracts, of asset records]~~ data prepared by [name and title of company officer certifying in-force records or other data] as certified in the attached ~~statement~~ statements. I evaluated that data for reasonableness and consistency. I also reconciled that data to [exhibits and schedules to be listed as applicable] of the company's current annual statement. In other respects my examination included such review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."

OR

~~"I have relied upon [name of accounting firm] for the substantial accuracy of the in-force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary."~~

~~Such a section must~~ This part of the statement shall be accompanied by a statement by each person relied upon ~~of~~ in a form substantially similar to that prescribed by Section ~~8E~~ [subsection E of this section].

6. The opinion paragraph should include ~~the following~~ a statement such as:

"In my opinion the reserves and related actuarial values concerning the statement items identified above:

a. Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;

b. Are based on actuarial assumptions ~~which~~ that produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;

c. Meet the requirements of Title 38.2 of the Code of Virginia and related rules, regulations and administrative promulgations [OR: the insurance law and regulation of the state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;

d. Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted below); and

e. Include provision for all actuarial reserves and related statement items which ought to be established.

The reserves and related items, when considered in light of the assets held by the company with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on ~~such~~ the assets, and the considerations anticipated to be received and retained under ~~such~~ the policies and contracts, make adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the company.

The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Actuarial Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis of this statement of opinion."

AND ONE OF THE FOLLOWING TWO PARAGRAPHS, WHICHEVER IS APPLICABLE:

"This opinion is updated annually as required by statute. To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion which should be considered in reviewing this opinion."

OR:

"The following material change(s), which occurred between the date of the statement for which this opinion is applicable and the date of this opinion, should be considered in reviewing this opinion:" [Describe the change or changes.]

AND:

"The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion should be viewed recognizing that the company's future experience may not follow all the assumptions used in the analysis.

Signature of Appointed Actuary

Address of Appointed Actuary

Telephone Number of Appointed Actuary

Date"

C. ~~Assumptions for new issues.~~ The adoption for new issues or new claims or other new liabilities of an actuarial assumption ~~which that~~ differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this section.

D. ~~Adverse opinions.~~ If the appointed actuary is unable to form an opinion, ~~then he or she~~ shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, ~~then he or she~~ shall issue an adverse or qualified actuarial opinion explicitly stating the ~~reason(s) reason or reasons~~ for ~~such the~~ opinion. This statement should follow the scope paragraph and precede the opinion paragraph.

E. ~~Reliance on data furnished by other persons.~~ If the appointed actuary ~~does not express an opinion as to relies on the certification of others on matters concerning the accuracy and or completeness of the listings and summaries of policies in force and/or asset oriented information, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared such underlying data similar to the following: any data underlying the actuarial opinion, or the appropriateness of any other information used by the appointed actuary in forming the actuarial opinion, the actuarial opinion should so indicate the persons the actuary is relying upon and a precise identification of the items subject to reliance. In addition, the persons on whom the appointed actuary relies shall provide a certification that precisely identifies the items on which the person is providing information and a statement as to the accuracy, completeness or reasonableness, as applicable, of the items. This certification shall include the signature, title, company, address, and telephone number of the person rendering the certification, as well as the date on which it is signed.~~

~~"I, [name of officer], [title], of [name of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of liabilities prepared for and submitted to [name of appointed actuary] were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete~~

Signature of the Officer of the Company or Accounting Firm

Address of the Officer of the Company or Accounting Firm

Telephone Number of the Officer of the Company or Accounting Firm"

AND/OR

~~"I, [name of officer], [title] of [name of company, accounting firm, or security analyst], hereby affirm that the listings, summaries and analyses relating to data prepared for and submitted to [name of appointed actuary] in support of the~~

~~asset-oriented aspects of the opinion were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.~~

Signature of the Officer of the Company, Accounting Firm or the Security Analyst

Address of the Officer of the Company, Accounting Firm or the Security Analyst

Telephone Number of the Officer of the Company, Accounting Firm or the Security Analyst"

14 VAC 5-310-90. Description of actuarial memorandum issued for an asset adequacy analysis and regulatory asset adequacy issues summary.

A. ~~General~~ The following general provisions shall apply with respect to the preparation and submission of the asset adequacy memorandum required by § 38.2-3127.1 of the Code of Virginia.

1. In accordance with § 38.2-3127.1 of the Code of Virginia, the appointed actuary shall prepare a memorandum to the company describing the analysis done in support of his ~~or her~~ opinion regarding the reserves ~~under a 14 VAC 5-310-80 opinion.~~ The memorandum shall be made available for examination by the commission upon its request but shall be returned to the company after such examination and shall not be considered a record of the ~~insurance department Bureau of Insurance~~ or subject to automatic filing with the commission.

2. In preparing the memorandum, the appointed actuary may rely on, and include as a part of his ~~or her~~ memorandum, memoranda prepared and signed by other actuaries who are qualified within the meaning of 14 VAC 5-310-50 B, with respect to the areas covered in such memoranda, and so state in their memoranda.

3. If the commission requests a memorandum and no such memorandum exists or if the commission finds that the analysis described in the memorandum fails to meet the standards of the Actuarial Standards Board or the standards and requirements of this chapter, the commission may designate a qualified actuary to review the opinion and prepare such supporting memorandum as is required for review. The reasonable and necessary expense of the independent review shall be paid by the company but shall be directed and controlled by the commission.

4. The reviewing actuary shall have the same status as an examiner for purposes of obtaining data from the company and the work papers and documentation of the reviewing actuary shall be retained by the commission; provided, however, that any information provided by the company to the reviewing actuary and included in the work papers shall be considered as material provided by the company to the commission and shall be kept confidential to the same extent as is prescribed by law with respect to other material provided by the company to the commission pursuant to the

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statute governing this chapter, ~~14 VAC 5-310-10 et seq.~~ The reviewing actuary shall not be an employee of a consulting firm involved with the preparation of any prior memorandum or opinion for the insurer pursuant to this chapter for any one of the current year or the preceding three years.

5. In accordance with § 38.2-3127.1 of the Code of Virginia, the appointed actuary shall prepare a regulatory asset adequacy issues summary, the contents of which are specified in subsection C of this section. The regulatory asset adequacy issues summary shall be submitted no later than March 15 of the year following the year for which a statement of actuarial opinion based on asset adequacy is required. The regulatory asset adequacy issues summary is to be kept confidential to the same extent and under the same conditions as the actuarial memorandum.

~~B. Details of the memorandum section documenting asset adequacy analysis (14 VAC 5-310-80).~~

~~When an actuarial opinion under 14 VAC 5-310-80 is provided, B. A section of the memorandum shall demonstrate document asset adequacy testing by demonstrating that the analysis has been done in accordance with the standards for asset adequacy referred to in 14 VAC 5-310-50 D and any additional standards under this chapter, 14 VAC 5-310-10 et seq. It shall specify:~~

1. For reserves:

- a. Product descriptions including market description, underwriting and other aspects of a risk profile, and the specific risks the appointed actuary deems significant;
- b. Source of liability in force;
- c. Reserve method and basis;
- d. Investment reserves;
- e. Reinsurance arrangements;
- f. Identification of any explicit or implied guarantees made by the general account in support of benefits provided through a separate account policy or contract and the methods used by the appointed actuary to provide for the guarantees in the asset adequacy analysis; and
- g. Documentation of assumptions to test reserves for (i) lapse rates, whether base or excess, (ii) interest crediting rate strategy, (iii) mortality, (iv) policyholder dividend strategy, (v) competitor or market interest rate, (vi) annuitization rates, (vii) commission and expenses, and (viii) morbidity.

The documentation of the assumptions shall be such that an actuary reviewing the actuarial memorandum could form a conclusion as to the reasonableness of the assumption.

2. For assets:

- a. Portfolio descriptions, including a risk profile disclosing the quality, distribution and types of assets;
- b. Investment and disinvestment assumptions;
- c. Source of asset data;

d. Asset valuation bases; and

e. Documentation of assumptions made for (i) default costs, (ii) bond call function, (iii) mortgage prepayment function, (iv) determining market value for assets sold due to disinvestment strategy, and (v) determining yield on assets acquired through the investment strategy.

The documentation of the assumptions shall be such that an actuary reviewing the actuarial memorandum could form a conclusion as to the reasonableness of the assumption.

3. For the analysis basis:

- a. Methodology;
- b. Rationale for ~~inclusion/exclusion~~ inclusion or exclusion of different blocks of business and how pertinent risks were analyzed;
- c. Rationale for degree of rigor in analyzing different blocks of business, including the rationale for the level of "materiality" that was used in determining how rigorously to analyze different blocks of business;
- d. Criteria for determining asset adequacy, including in the criteria the precise basis for determining if assets are adequate to cover reserves under "moderately adverse conditions" or other conditions as specified in relevant actuarial standards of practice; and
- e. ~~Effect~~ Whether the impact of federal income taxes, was considered and the method of treating reinsurance and other relevant factors in the asset adequacy analysis.

4. A Summary of ~~results~~ material changes in methods, procedures, or assumptions from prior year's asset adequacy analysis;

5. ~~Conclusion(s)~~ Summary of results; and

6. Conclusion.

C. The regulatory asset adequacy issues summary shall contain the name of the company for which the regulatory asset adequacy issues summary is being supplied and shall be signed and dated by the appointed actuary rendering the actuarial opinion. The regulatory asset adequacy issues summary also shall include each of the following:

1. Descriptions of the scenarios tested, including whether those scenarios are stochastic or deterministic, and the sensitivity testing done relative to those scenarios. If negative ending surplus results under certain tests in the aggregate, the actuary should describe those tests and the amount of additional reserve as of the valuation date which, if held, would eliminate the negative aggregate surplus values. Ending surplus values shall be determined by either extending the projection period until the in-force and associated assets and liabilities at the end of the projection period are immaterial or by adjusting the surplus amount at the end of the projection period by an amount that appropriately estimates the value that reasonably can be expected to arise from the assets and liabilities remaining in force;

2. The extent to which the appointed actuary uses assumptions in the asset adequacy analysis that are

materially different from the assumptions used in the previous asset adequacy analysis;

3. The amount of reserves and the identity of the product lines that had been subjected to asset adequacy analysis in the prior opinion but were not subject to analysis for the current opinion;

4. Comments on any interim results that may be of significant concern to the appointed actuary;

5. The methods used by the actuary to recognize the impact of reinsurance on the company's cash flows, including both assets and liabilities, under each of the scenarios tested; and

6. Whether the actuary has been satisfied that all options whether explicit or embedded, in any asset or liability, including but not limited to those affecting cash flows embedded in fixed income securities, and equity-like features in any investments have been appropriately considered in the asset adequacy analysis.

D. Conformity to standards of practice. The actuarial methods, considerations, and analyses shall conform to appropriate standards of practice and the memorandum shall include a the following statement:

"Actuarial methods, considerations and analyses used in the preparation of this memorandum conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis for this memorandum."

E. An appropriate allocation of assets in the amount of Interest Maintenance Reserve (IMR), whether positive or negative, shall be used in any asset adequacy analysis. Analysis of risks regarding asset default shall include an appropriate allocation of assets supporting the Asset Valuation Reserve (AVR); these AVR assets shall not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks shall include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support. The amount of the assets used for the AVR shall be disclosed in the Table of Reserves and Liabilities of the opinion and in the memorandum. The method used for selecting particular assets or allocated portions of assets shall be disclosed in the memorandum.

14 VAC 5-310-100. Additional considerations for analysis Record retention.

A. Aggregation. For the asset adequacy analysis for the statement of actuarial opinion provided in accordance with 14 VAC 5-310-80 of this chapter, reserves and assets may be aggregated by either of the following methods:

1. Aggregate the reserves and related actuarial items, and the supporting assets, for different products or lines of business, before analyzing the adequacy of the combined assets to mature the combined liabilities. The appointed actuary must be satisfied that the assets held in support of the reserves and related actuarial items so aggregated are managed in such a manner that the cash flows from the aggregated assets are available to help mature the liabilities from the blocks of business that have been aggregated.

2. Aggregate the results of asset adequacy analysis of one or more products or lines of business, the reserves for which prove through analysis to be redundant, with the results of one or more products or lines of business, the reserves for which prove through analysis to be deficient. The appointed actuary must be satisfied that the asset adequacy results for the various products or lines of business for which the results are so aggregated:

- a. Are developed using consistent economic scenarios, or
- b. Are subject to mutually independent risks, i.e., the likelihood of events impacting the adequacy of the assets supporting the redundant reserves is completely unrelated to the likelihood of events impacting the adequacy of the assets supporting the deficient reserves.

In the event of any aggregation, the actuary must disclose in his or her opinion that such reserves were aggregated on the basis of method 1, 2 a or 2 b above, whichever is applicable, and describe the aggregation in the supporting memorandum.

B. Selection of assets for analysis. The appointed actuary shall analyze only those assets held in support of the reserves which are the subject for specific analysis, hereafter called "specified reserves." A particular asset or portion thereof supporting a group of specified reserves cannot support any other group of specified reserves. An asset may be allocated over several groups of specified reserves. The annual statement value of the assets held in support of the reserves shall not exceed the annual statement value of the specified reserves, except as provided in subsection C below. If the method of asset allocation is not consistent from year to year, the extent of its inconsistency should be described in the supporting memorandum.

C. Use of assets supporting the interest maintenance reserve and the asset valuation reserve. An appropriate allocation of assets in the amount of the Interest Maintenance Reserve (IMR), whether positive or negative, must be used in any asset adequacy analysis. Analysis of risks regarding asset default may include an appropriate allocation of assets supporting the Asset Valuation Reserve (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support.

The amount of the assets used for the AVR must be disclosed in the Table of Reserves and Liabilities of the opinion and in the memorandum. The method used for selecting particular assets or allocated portions of assets must be disclosed in the memorandum.

D. Required interest scenarios. For the purpose of performing the asset adequacy analysis required by this chapter, the qualified actuary is expected to follow standards adopted by the Actuarial Standards Board; nevertheless, the appointed actuary must consider in the analysis the effect of at least the following interest rate scenarios:

- 1. Level with no deviation;
- 2. Uniformity increasing over 10 years at a 0.5% per year and then level;

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~~3. Uniformly increasing at 1.0% per year over five years and then uniformly decreasing at 1.0% per year to the original level at the end of 10 years and then level;~~

~~4. An immediate increase of 3.0% and then level;~~

~~5. Uniformly decreasing over 10 years at a 0.5% per year and then level;~~

~~6. Uniformly decreasing at 1.0% per year over five years and then uniformly increasing at 1.0% per year to the original level at the end of 10 years and then level; and~~

~~7. An immediate decrease of 3.0% and then level.~~

~~For these and other scenarios which may be used, projected interest rates for a five year Treasury Note need not be reduced beyond the point where such five year Treasury Note yield would be at 50% of its initial level.~~

~~The beginning interest rates may be based on interest rates for new investment as of the valuation date similar to recent investments allocated to support the product being tested or be based on an outside index, such as Treasury yields, of assets of the appropriate length on a date close to the valuation date. Whatever method is used to determine the beginning yield curve and associated interest rates should be specifically defined. The beginning yield curve and associated interest rates should be consistent for all interest rate scenarios.~~

~~E. Documentation. The appointed actuary shall retain on file, for at least seven years, sufficient documentation so that it will be possible to determine the procedures followed, the analyses performed, the bases for assumptions and the results obtained.~~

14 VAC 5-310-105. Notification of an opinion in error; amended opinion.

A. The insurer required to furnish an actuarial opinion shall require its appointed actuary to notify its Board of Directors or its audit committee, in writing, within five business days after any determination by the appointed actuary that the opinion or other valuation submitted to the domiciliary commissioner was in error as a result of reliance on data or other information, other than assumptions, that, as of the balance sheet date, was factually incorrect. The opinion shall be considered to be in error if the opinion would not have been issued or would have been materially altered had the correct data or other information been used. The opinion shall not be considered in error if it would have been materially altered or not issued solely because of data or information concerning events subsequent to the balance sheet date or because actual results differ from those projected.

B. Notification shall be required when a determination prescribed by this section is made between the issuance of the opinion and the balance sheet date for which the next opinion will be issued. The notification shall include a summary of such findings and an amended opinion.

C. An insurer that is notified pursuant to subsections A or B of this section shall forward a copy of the summary and amended opinion to the domiciliary commissioner within five business days of receipt of such report and shall provide the

appointed actuary making the notification with notice of the transmittal and a copy of the summary and amended opinion being furnished to the domiciliary commissioner. If the appointed actuary fails to receive the notice and prescribed copies within the five-business-day period referred to in the previous sentence, that appointed actuary shall notify the domiciliary commissioner within the next five business days that the submitted opinion should no longer be relied.

D. If the actuary learns that the data or other information relied upon was factually incorrect, but cannot determine what, if any, changes are needed in the statement of opinion, the actuary and the company shall undertake as quickly as is reasonably practicable those procedures necessary for the actuary to make the determination described in subsection A of this section. If the insurer does not provide the necessary data corrections and other support, including financial support, within 10 business days, the actuary shall proceed to notify the domiciliary commissioner in accordance with provisions in subsection C of this section.

E. No qualified actuary shall be liable in any manner to any person for any statement made pursuant to this section if the statement is made in a good faith effort to comply with this section.

14 VAC 5-310-110. Opinion and memorandum submission dates. (Repealed).

~~The opinions and memoranda filed with the Commission pursuant to this chapter and §38.2-3127.1 of the Code of Virginia shall be subject to submission and due dates as given in this chapter and summarized in Exhibit A attached to this chapter (14 VAC 5-310-10 et seq.).~~

VA.R. Doc. No. R03-317; Filed October 27, 2003, 11:01 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

<p>REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with (i) §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 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 State Board of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.</p>
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Title of Regulation: **22 VAC 40-705. Child Protective Services (amending 22 VAC 40-705-60 and 22 VAC 40-705-130).**

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

Effective Date: January 1, 2004.

Summary:

Chapter 508 of the 2003 Acts of Assembly amended §§ 16.1-251 and 63.2-1517 of the Code of Virginia, which added requirements regarding notification of parents/guardians and regarding filing a petition within four hours when a child protective services worker has taken emergency custody of a child. Chapter 634 of the 2003 Acts of Assembly amended § 63.2-1514 of the Code of Virginia, which changed the retention requirements for a child protective services family assessment from one year to three years. Amendments to the regulations comply with the requirements of the Code of Virginia.

Agency Contact: B.J. Zarris, CPS Policy Specialist, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1220, FAX (804) 692-2215 or email bjz900@dss.state.va.us.

22 VAC 40-705-60. Authorities of local departments.

When responding to valid complaints or reports, local departments have the following authorities:

1. To talk to any child suspected of being abused and/or neglected, or child's siblings, without the consent of and outside the presence of the parent or other caretaker, as set forth by § 63.2-1518 of the Code of Virginia.
2. To take or arrange for photographs and x-rays of a child who is the subject of a complaint without the consent of and outside the presence of the parent or other caretaker, as set forth in § 63.2-1520 of the Code of Virginia.
3. To take a child into custody on an emergency removal for up to 72-96 hours under such circumstances as set forth in § 63.2-1517 of the Code of Virginia.
 - a. A child protective services (CPS) worker planning to take a child into 72-96-hour emergency custody shall first consult with a supervisor. However, this requirement shall not delay action on the CPS worker's part if a supervisor cannot be contacted and the situation requires immediate action.
 - b. When circumstances warrant that a child be taken into emergency custody during a family assessment, the report shall be reassigned immediately to an investigation.
 - c. Any person who takes a child into custody pursuant to § 63.2-1517 of the Code of Virginia shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted in bad faith or with malicious intent.
 - d. The local department shall have the authority to have a complete medical examination made of the child including a written medical report and, when appropriate, photographs and x-rays pursuant to § 63.2-1520 of the Code of Virginia.
 - e. When a child in 72-96-hour custody is in need of immediate medical or surgical treatment, the local director of social services or his designee(s) may consent to such treatment when the parent does not provide consent and a court order is not immediately obtainable.

f. When a child is not in the local department's custody, the local department cannot consent to medical or surgical treatment of the child.

g. When a child is removed, every effort must be made to obtain an emergency removal order within four hours. Reasons for not doing so shall be stated in the petition for an emergency removal order.

h. Every effort shall be made to provide notice of the removal in person to the parent or guardian as soon as practicable.

22 VAC 40-705-130. Report family assessment or investigation conclusions.

A. Pursuant to § 63.2-1514 of the Code of Virginia, the local department shall report all unfounded case dispositions to the child abuse and neglect information system when disposition is made.

1. The department shall retain unfounded complaints or reports in the child abuse and neglect information system to provide local departments with information regarding prior investigations.
2. This record shall be kept separate from the Central Registry and accessible only to the department and to local departments.
3. The record of the unfounded case ~~or family assessment~~ shall be purged one year after the date of the complaint or report if there are no subsequent founded or unfounded complaints and/or reports regarding the individual against whom allegations of abuse and/or neglect were made or regarding the same child in that one year.
4. *The record of the family assessment shall be purged three years after the date of the complaint or report if there are no subsequent complaints and/or reports regarding the individual against whom allegations of abuse and/or neglect were made or regarding the same child in those three years.*
4. 5. If the individual against whom allegations of abuse and/or neglect were made or if the same child is involved in subsequent complaints and/or reports, the information from all complaints and/or reports shall be maintained until the last purge date has been reached.
- ~~5.~~ 6. The individual against whom *unfounded* allegations of abuse and/or neglect were made may request in writing that the local department retain the record for an additional period of up to two years.
- ~~6.~~ 7. The individual against whom allegations of abuse and/or neglect were made may request in writing that both the local department and the department shall immediately purge the record after a court rules that the report was made in bad faith or with malicious intent pursuant to § 63.2-1514 of the Code of Virginia.

B. The local department shall report all founded case dispositions to the child abuse and neglect information system for inclusion in the Central Registry pursuant to subdivision 5 of § 63.2-1505 of the Code of Virginia and 22 VAC 40-700-30. Identifying information about the abuser and/or neglecter and

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the victim child or children reported include demographic information, type of abuse or neglect, and date of the complaint. The identifying information shall be retained based on the determined level of severity of the abuse or neglect pursuant to the regulation dealing with retention in the Central Registry, 22 VAC 40-700-30.

VA.R. Doc. No. R04-35; Filed October 28, 2003, 3:12 p.m.

* * * * *

REGISTRAR'S NOTICE: The State Board of Social Services has claimed an exemption 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 or the appropriation act where no agency discretion is involved. The State Board of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 22 VAC 40-730. Investigation of Child Abuse and Neglect in Out of Family Complaints (adding 22 VAC 40-730-115).

Statutory Authority: §§ 63.2-217, 63.2-1511 and 63.2-1516.1 of the Code of Virginia.

Effective Date: January 1, 2004.

Summary:

The changes to the regulation have been made to comply with Chapter 1013 of the 2003 Acts of the Assembly, which codified requirements regarding the investigation of child abuse or neglect allegations against public school personnel. In addition to providing specificity to the investigation procedures, the legislation requires local departments of social services to develop agreements with their local schools for how investigations will be conducted.

Agency Contact: B.J. Zarris, CPS Policy Specialist, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1220, FAX (804) 692-2215 or email bjz900@dss.state.va.us.

22 VAC 40-730-115. Procedures for conducting an investigation of a teacher, principal or other person employed by a local school board or employed in a nonresidential school operated by the Commonwealth.

A. Each local department of social services and local school division shall adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports against school personnel. The interagency agreement shall be based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services.

B. These procedures for investigating school personnel amplify or clarify other Child Protection Services (CPS) regulations.

1. The local department shall conduct a face-to-face interview with the person who is the subject of the complaint or report.

2. At the onset of the initial interview with the alleged abuser or neglector, the local department shall notify him in writing of the general nature of the complaint and the identity of the alleged child victim regarding the purpose of the contacts.

3. The written notification shall include the information that the alleged abuser or neglector has the right to have an attorney or other representative of his choice present during his interviews. However, the failure by a representative of the Department of Social Services to so advise the subject of the complaint shall not cause an otherwise voluntary statement to be inadmissible in a criminal proceeding.

4. Written notification of the findings shall be submitted to the alleged abuser or neglector. The notification shall include a summary of the investigation and an explanation of how the information gathered supports the disposition.

5. The written notification of the findings shall inform the alleged abuser or neglector of his right to appeal.

6. The written notification of the findings shall inform the alleged abuser or neglector of his right to review information about himself in the record with the following exceptions:

a. The identity of the person making the report.

b. Information provided by any law-enforcement official.

c. Information that may endanger the well-being of the child.

d. The identity of a witness or any other person if such release may endanger the life or safety of such witness or person.

No information shall be released by the local department in cases that are being criminally investigated unless the release is authorized by the investigating law-enforcement officer or his supervisor or the local attorney for the Commonwealth.

VA.R. Doc. No. R04-36; Filed October 28, 2003, 3:11 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

REGISTRAR'S NOTICE: The following regulation filed by the Commonwealth Transportation Board is exempt from the Administrative Process Act in accordance with § 2.2-4002 B 11 of the Code of Virginia, which exempts regulations relating to traffic signs, markers, or control devices.

Title of Regulation: 24 VAC 30-580. Guidelines for Considering Requests for Restricting Through Trucks on Primary and Secondary Highways.

Statutory Authority: §§ 33.1-12 and 46.2-809 of the Code of Virginia.

Effective Date: October 28, 2003.

Summary:

The 2003 Acts of the Assembly amended § 46.2-809 of the Code of Virginia to allow the Commonwealth Transportation Board (CTB) to regulate truck traffic on primary highways, as well as secondary highways. The action also allows the CTB to designate another authority rather than the CTB itself to approve truck restrictions. The CTB decided to delegate authority to approve truck restrictions on secondary highways, but retained the authority to approve truck restrictions on primary highways. The amendments implement the discretionary authority granted the CTB, reformat the regulation to comply with the Registrar's Form, Style and Procedure Manual (the previous version was filed by description), and update the criteria to be used in evaluating such requests from the localities to reflect current engineering practices. The amendments will:

1. Promote wider access by the public to the regulation, since it will be filed in full text form with the Registrar of Regulations;
2. Provide localities with an additional tool to address situations in which truck traffic poses a hazard to the community by extending the authority to primary highways; and
3. Expedite the ability to implement justifiable requests from localities.

Agency Contact: David L. Roberts, Policy and Planning Specialist II, Department of Transportation, 1401 East Broad Street, Richmond, VA, telephone (804) 786-3620, FAX (804) 225-4700 or e-mail David.Roberts@VirginiaDOT.org.

CHAPTER 580.
GUIDELINES FOR CONSIDERING REQUESTS FOR
RESTRICTING THROUGH TRUCKS ON PRIMARY AND
SECONDARY HIGHWAYS.

~~Section 46.2-809 (formerly Section 46.1-471.2) of the Code of Virginia provides:~~

~~"The State Highway and Transportation Board (formerly Commission) in response to a formal request by a local governing body, after said body has held public hearings, may, after due notice and a proper hearing, prohibit or restrict the use by through traffic or any part of a secondary highway if a reasonable alternate route is provided, except in cities and any town which maintains its own streets, or any county which owns, operates and maintains its own system of roads and streets, by any truck or truck and trailer or semitrailer combination, except a pickup or panel truck, as may be necessary to promote the health, safety and welfare of the citizens of the Commonwealth. Nothing herein shall affect the validity of any city charter provision or city ordinance heretofore adopted."~~

24 VAC 30-580-10. Purpose.

It is the philosophy of the Commonwealth Transportation Board that all vehicles should have access to the roads on which they are legally entitled to travel. Travel by any class of vehicle on any class of highway should be restricted only upon demonstration that the restriction will promote the health, safety and welfare of the citizens of the Commonwealth

without creating an undue hardship on any of the users of the transportation system. The board recognizes that there may be a limited number of instances when restricting through trucks from using a segment of a primary or secondary roadway will reduce potential conflicts, creating a safer environment and one that is in accord with the current use of the roadway. The board has adopted these guidelines to govern and regulate requests for through truck restrictions on primary and secondary highways.

24 VAC 30-580-20. Authority to restrict truck traffic on primary and secondary highways.

The Commonwealth Transportation Board delegates the authority to restrict through truck traffic on secondary highways to the Commissioner of the Virginia Department of Transportation. Such restrictions can apply to any truck, truck and trailer or semitrailer combination, or any combination of those classifications. Consideration of all such restrictions by the commissioner is subject to this chapter as adopted by the board. The board shall retain authority to restrict through truck traffic on primary highways.

24 VAC 30-580-30. Local governing body process for requesting truck traffic restrictions.

In order to conform to the requirements of § 46.2-809 of the Code of Virginia, and to ensure that all concerned parties have an opportunity to provide input, the local governing body must hold a public hearing and make a formal request of the department. ~~To insure that all concerned have an opportunity to provide input concerning the proposed restriction and alternate route,~~ The following must be adhered to:

- (A) 1. The public notices for the hearing must include a description of the proposed through truck restriction and the alternate route with the same termini. A copy of the notices must be provided.
- (B) 2. A public hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.
- (C) 3. The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.
- (D) 4. The governing body must include in the resolution that it will use its god offices for enforcement of the proposed restriction by the appropriate local law-enforcement agency.

Failure to comply with (A), (B), (C) and (D) the requirements of this section will result in the request being returned. The commissioner shall act upon any such formal request within nine months of its receipt, unless good cause is shown.

24 VAC 30-580-40. Criteria for reviewing requested through truck restrictions.

~~It is the philosophy of the Commonwealth Transportation Board that all vehicles should have access to the roads on which they are legally entitled to travel.~~ *Travel by any class of vehicle should be restricted only upon demonstration that it the restriction will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue*

Final Regulations

~~hardship on any users of the transportation network. Following that philosophy, The Virginia Department of Transportation staff and the Commonwealth Transportation Board will consider the criteria in subdivisions 1 through 4 of this section in reviewing a requested through truck restriction. The proposed restriction must meet both the first and second criteria in order to be approved:~~

~~(1.) Reasonable alternate routing is provided. The alternate route will be evaluated for traffic and safety related impacts. To be considered "reasonable," the alternate route(s) or routes must be engineered to a standard sufficient for truck travel, and must be judged at least as appropriate for truck traffic as the requested truck restriction route. The effect on the alternate routing will be evaluated for traffic and safety related impacts. If an alternate contains a secondary route that must be upgraded, funds must be provided from the county secondary construction funds the improvement shall be completed before the truck restriction can be implemented. The termini of the proposed restriction must be identical to the alternate routing and effectively equivalent to allow a time and distance comparison to be conducted between the two routings. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.~~

~~(2) The road requested for restriction is functionally classified as local or collector.~~

~~(3) 2. The character and/or frequency, or both, of the truck traffic on the route proposed for restriction is not compatible with the affected area. Evaluation will include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues, and will take into account the volumes of truck traffic in relation to the remaining traffic as indicated by the following table:~~

Total Traffic Volume Ranges	Total Truck Volume Ranges
4,000+	200
2,000 - 4,000	100 - 200
1,000 - 2,000	50 - 100
400 - 1000	20 - 50
250 - 400	13 - 20
50 - 250	3 - 13

~~(4) The engineering of the roadway and/or the accident history of the route proposed for restriction indicate that it is not suitable for truck traffic.~~

~~(5) Within 150' of the existing or proposed roadway center line there must be at least 12 dwellings per 1000 feet of roadway.~~

In addition to meeting the first two criteria listed above, the proposed restriction must meet either the third or the fourth criteria listed below in order to be approved.

3. *The roadway is residential in nature. Typically, the roadway will be judged to be residential if there are at least 12 dwellings combined on both sides within 150 feet of the existing or proposed roadway center line per 1,000 feet of roadway.*

4. *The roadway must be functionally classified as either a local or collector.*

Failure to satisfy ~~at least three (3) of the five (5) criteria in subdivisions 1 and 2, and either criteria in subdivision 3 or 4~~ will normally result in rejection of the requested restriction.

The Commonwealth Transportation Board, from time to time as appropriate and when deemed necessary, may modify and/or revise any provisions or criteria contained in these guidelines.

VA.R. Doc. No. R04-37; Filed October 28, 2003, 9:22 a.m.



FORMS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following forms have been filed by the Department of Mines, Minerals and Energy. The forms are available for public inspection at the Department of Mines, Minerals and Energy, 202 North Ninth Street, Richmond, Virginia 23219, or the department's Charlottesville Office or the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia. Copies of the forms may be obtained from Stephen A. Walz, Department of Mines, Minerals and Energy, 202 North Ninth Street, Richmond, Virginia 23219, telephone (804) 692-3200.

Title of Regulation: **4 VAC 25-31. Reclamation Regulations for Mineral Mining.**

FORMS

Permit License Application, DMM-101 (rev. 9/03).

Notice of Application to Mine, DMM-103 (rev. 9/03).

Statement Listing the Names and Addresses of Adjoining Property Owners, DMM-103a (rev. 9/99); included in DMM-103 Notice of Application to Mine.

Yearly Progress Report, DMM-105 (rev. 12/94).

Surety Bond, DMM-107 (rev. ~~9/99~~ 10/03).

Revised Map Legend Form, DMM-109 (rev. 9/03).

Relinquishment of Mining Permit, DMM-112 (rev. 9/03).

Request for Amendment, DMM-113 (rev. 7/99).

Consolidated Biennial Report of Waivered Counties, Cities, and Towns, DMM-116 (rev. 12/99).

Biennial Waivered Counties, Cities, and Towns, Report of Individual Mining Companies, DMM-117 (rev. 12/99).

Consent for Right of Entry, DMM-120 (rev. 12/99).

License Renewal Application, DMM-157 (rev. 9/99).

Permit Transfer Acceptance, DMM-161 (rev. 9/03).

Certification of No Change, DMM-164 (rev. 9/03).

Surety Bond Rider, DMM-167 (eff. 10/03).

General Permit for Sand and Gravel Operations Less Than Ten Acres in Size, DMM-168 (eff. 9/03).

Certificate of Deposit, DMM-169 (eff. 10/03).

GOVERNOR

EXECUTIVE ORDER NUMBER 57 (2003)

ESTABLISHING THE GOVERNOR'S VIRGINIA-LATINO ADVISORY COMMISSION

By virtue of the authority vested in me by Section 2.2-134 of the Code of Virginia, I hereby establish the Governor's Virginia-Latino Advisory Commission (hereinafter referred to as "the Commission").

The Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.2-134, 2.2-135, and 2.2-2100 of the Code of Virginia. The purpose of this Commission shall be to:

1. Advise the Governor regarding the development of economic, professional, cultural, educational, and governmental links between the Commonwealth of Virginia, the Latino community in Virginia, and Latin America.
2. Undertake studies, symposiums, research, and factual reports to gather information to formulate and present recommendations to the Governor relative to issues of concern and importance to the Latino community in the Commonwealth.
3. Advise the Governor as needed regarding any statutory, regulatory, or other issues of importance to the Latino community in the Commonwealth.

The Commission shall consist of 21 members to be appointed by the Governor and serving at his pleasure. The 21 members of the Commission shall represent business, education, the arts, and government. At least 15 of the 21 members shall be of Latino descent. The Secretaries of Commerce and Trade, Commonwealth, Health and Human Resources, Transportation, and Education, or their designees, shall serve as ex officio members of the Commission. The Governor shall designate the Chairman and Vice-Chairman of the Commission.

The Commission shall submit an interim report to the Governor by December 15, 2003, and a final report by September 1, 2004. The reports shall detail the activities of the Commission and make such recommendations to the Governor as the Commission deems appropriate.

The Governor may appoint additional members to the Commission at his discretion. Members of the Commission shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Governor's Chief of Staff or his designee.

Such staff support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Office of the Governor and such other executive agencies as the Governor may designate. An estimated 500 hours of staff time will be required to support the Commission. An estimated \$10,000 is required to support the work of the Commission. Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of

the Commission, as authorized by Section 2.2-135(B) of the Code of Virginia. The Commission shall be able to apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private sources to enable it to better carry out its purposes for the Commonwealth of Virginia and its community.

This Executive Order shall be effective October 7, 2003 and shall remain in full force and effect until October 6, 2004, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 7th day of October 2003.

/s/ Mark Warner
Governor

VA.R. Doc. No. R04-26; Filed October 21, 2003, 3:38 p.m.

EXECUTIVE ORDER NUMBER 58 (2003)

MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO THE SIGNIFICANT FLOODING AND WIND DAMAGE CAUSED BY HURRICANE ISABEL

On September 16, 2003, I issued Executive Order Number 56, declaring a state of emergency to exist for the entire Commonwealth of Virginia based on forecasts that indicated that Hurricane Isabel could cause damaging high winds, flash flooding, and possible tornadoes throughout the state. On September 18 and 19, 2003, Hurricane Isabel did in fact cause significant damage through much of the Commonwealth.

The health and general welfare of the citizens of the Commonwealth required that state action be taken to help prepare for and alleviate the conditions which resulted from this situation. I also found that the potential effects of Hurricane Isabel constituted a natural disaster wherein human life and public and private property were imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby order the following measures be taken in addition to those orders and directives contained in Executive Order 56:

A. The authorizations granted in section F of Executive Order 56 are extended for an additional thirty (30) days beyond the current expiration date, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

B. The Marine Resources Commissioner is authorized to act on behalf of the Commission in issuing permits pursuant to Chapter 12 of Title 28.2 of the Code of Virginia when, in the judgment of the Commissioner, it is necessary to address

immediate health and safety needs and the Commissioner would be unable to convene a meeting of the full Commission in a timely manner.

C. In an effort to address the impacts attributable to Hurricane Isabel on the health, safety and general welfare of the citizens of the Commonwealth, and in an attempt to expedite the return of impacted areas and structures to pre-event conditions insofar as is possible, no permits for encroachments over State-owned submerged lands shall be required to replace previously permitted structures that conform with the following criteria:

1. The pre-existing structure must have been previously authorized and in a serviceable condition prior to the onset of the hurricane.
2. The replacement structure must be reconstructed in the same location and in identical or smaller dimensions as the previously permitted structure.
3. Reconstruction activities must be initiated prior to December 31, 2003, and completed prior to June 30, 2004.
4. Any property owner(s) seeking to replace a previously permitted structure pursuant to this Executive Order must submit to the Virginia Marine Resources Commission a letter attesting to the foregoing and containing suitable drawings of the proposed replacement structure(s) for comparison purposes.
5. No person may proceed with replacement of a previously permitted structure under the provisions of this Executive Order without written approval from the Commissioner of the Virginia Marine Resources Commission.

This Executive Order shall be effective October 13, 2003, and shall remain in full force and effect until June 30, 2004, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 13th day of October 2003.

/s/ Mark Warner
Governor

VA.R. Doc. No. R04-27; Filed October 21, 2003, 3:38 p.m.

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) - Blackwater River

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for the Blackwater River. Blackwater River is identified in Virginia's 1998 and 2002 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for the General Standard (Benthic). The Blackwater River segment is located in Franklin County. The impairment is approximately 19 miles in length and begins on the North Fork of the Blackwater River and continues downstream until one mile below the Route 812 Bridge.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The final public meeting on the development of the Blackwater River TMDL will be held on Thursday, December 18, 2003, at 7 p.m. at The Community & Hospitality Center located at 52 Franklin Street in Rocky Mount, Virginia.

The public comment period for this phase of the TMDL development will end on January 18, 2003. A fact sheet on the development of the TMDL is available upon request. Questions or information requests should be addressed to Jason Hill. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason Hill, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, or e-mail jrhil@deq.state.va.us.

Total Maximum Daily Load (TMDL) - Unnamed Tributary to Chickahominy River

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for an Unnamed Tributary (UT) to the Chickahominy River located near the intersection of I-295 and Rt. 33 in Hanover County. The subject stream segment (1.49 miles) is identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for benthics. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first public meeting on the development of the UT to the Chickahominy River TMDL will be held on Monday, November 24, 2003, 2 p.m. at the DEQ Piedmont Regional Office at 4949-A Cox Road, Glen Allen, Virginia.

The public comment period for this phase of the TMDL development will end on December 24, 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 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.

Total Maximum Daily Load (TMDL) - Four Mile Run

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 (IP) for the Total Maximum Daily Load (TMDL) for fecal coliform bacteria on an 8.0-mile segment of Four Mile Run. A TMDL for bacteria in Four Mile Run was approved by EPA on May 31, 2002, and is available on DEQ's website at:

<http://www.deq.state.va.us/tmdl/apptmdls/potrivr/fourmlrn1.pdf>

The Four Mile Run impaired segment is located in Arlington County, Fairfax County, the City of Falls Church and the City of Alexandria. It begins at the headwaters of Four Mile Run and extends downstream to river mile 1.46, approximately 0.27 river miles upstream of Mount Vernon Avenue Bridge.

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an 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 their associated costs, benefits and environmental impacts.

The second and final public meeting on the development of the IP for the Four Mile Run bacteria TMDL will be held on Wednesday, December 10, 2003, at 7 p.m. in Room 10 of the Fairlington Community Center, located at 3308 S. Stafford St., Arlington, Virginia.

The public comment period will end on January 8, 2004. A fact sheet on the development of an IP for the TMDL for fecal coliform bacteria on Four Mile Run is available upon request. Questions or information requests should be addressed to Kate Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Kate Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail kebennett@deq.state.va.us.

Total Maximum Daily Load (TMDL) - Goose Creek Watershed

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 Total Maximum Daily Loads (TMDLs) to address two benthic community impairments in the Goose Creek Watershed. The subject stream segments are identified in Virginia's 1998 303(d) TMDL Priority List and

Report as impaired due to violations of the general standard for state waters. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The impaired stream segments are located in Loudoun County. The first impairment is an approximately 4.77-mile segment of Goose Creek beginning at the Goose Creek Dam and continuing downstream to the confluence with the Potomac River. The second impairment is an approximately 6.13-mile segment of Little River beginning at the confluence of Hungry Run with Little River just upstream of the Route 50 crossing and continuing downstream to the confluence with Goose Creek near Courtland Farm Lane.

The second and final public meeting on the development of the Goose Creek Watershed benthic TMDLs will be held on Thursday, December 11, 2003, at 7 p.m. in the Lovettsville Room on the 1st Floor of the Loudoun County Government Center located at 1 Harrison Street, S.E. in Leesburg, Virginia.

The public comment period will begin on December 11, 2003, and end on January 9, 2004. A fact sheet on the development of the TMDLs for the benthic impairments in the Goose Creek Watershed is available upon request. Questions or information requests should be addressed to Katherine Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Katherine E. Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail kebennett@deq.state.va.us.

Total Maximum Daily Load (TMDL) - Lynnhaven River

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 a Total Maximum Daily Load (TMDL) for fecal coliform bacteria for the Lynnhaven River, Broad Bay and their tributaries.

The Lynnhaven River, Broad Bay, and Linkhorn Bay impaired segments are located wholly within the City of Virginia Beach. These areas are identified in the Virginia Department of Health, Notice and Description of Shellfish Area Condemnation Number 25, Lynnhaven, Broad and Linkhorn Bays, effective April 10, 1998. The affected water body segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The public meeting on the development of the Lynnhaven River and Broad Bay fecal coliform TMDL's will be held on December 2, 2003, from 7 p.m. to 9 p.m. in the cafeteria of the Princess Anne High School, 4000 Virginia Beach Boulevard,

Virginia Beach, Virginia. Final water quality modeling results, fecal coliform bacteria source identification, and load and waste-load allocations will be presented.

The public comment period will begin on December 3, 2003, and end on January 3, 2004. Draft reports for the Lynnhaven River and Broad Bay are available upon request, or from the Department of Environmental Quality website. Questions or information requests should be addressed to Chester Bigelow and should include the name, address, and telephone number of the person submitting the comments. Requests should be sent to Chester Bigelow, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, or e-mail cbigelow@deq.state.va.us.

Total Maximum Daily Load (TMDL) - Middle River Watershed

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 Total Maximum Daily Loads (TMDLs) to address multiple impairments in the Middle River watershed. The subject stream segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for bacteria, the General Standard (benthics), or both. The bacteria impairments include 15.7 miles on Upper Middle River, 12.1 miles on Lewis Creek, 7.3 miles on Polecat Draft, 18.1 miles on Lower Middle River, 12.6 miles on South River, and 8.73 miles on Moffett Creek. The benthic impairments include 15.7 miles on Upper Middle River, 12.1 miles on Lewis Creek, and 8.73 miles on Moffett Creek.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The third public meeting on the development of TMDLs to address the impairments in the subject stream segments will be held on Wednesday, December 3, 2003, at 7 p.m. in the Board Room at the Augusta County Government Center, 18 Government Center Lane, Verona, Virginia. Directions and a map to the location are available at:

[http://www.mme.state.va.us/Dmm/Training schedule/verona dir.pdf](http://www.mme.state.va.us/Dmm/Training%20schedule/verona%20dir.pdf)

This third public meeting will specifically focus on TMDL development to address the benthic impairment.

The public comment period for this meeting will end on January 2, 2004. A fact sheet on the development of the TMDLs for the benthic impairments is available upon request. Questions or information requests should be addressed to Robert Brent, DEQ, (540) 574-7848, or Tamara Keeler, DCR, (540) 332-8955. 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.

General Notices/Errata

Total Maximum Daily Load (TMDL) - Tinker Creek Watershed

The Department of Environmental Quality (DEQ) and the Roanoke Valley - Alleghany Regional Commission (RVARC) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for bacteria on five stream segments in the Tinker Creek watershed. The study area includes portions of the City of Roanoke and the Town of Vinton and the counties of Botetourt and Roanoke. The five stream impairments include 19.38 miles of Tinker Creek, 12.61 miles of Glade Creek, 3.5 miles of Lick Run, 2.08 miles of Laymantown Creek, and 5.25 miles of Carvin Creek. These segments are identified in Virginia's 1998 and 2002 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The final public meeting on the development of the Tinker Creek watershed bacteria TMDL will be held on Tuesday, December 16, 2003, at 7 p.m. at the Babcock Auditorium at Hollins University located at 7916 Williamson Road, Roanoke, Virginia.

The public comment period will end on January 17, 2004. A fact sheet on the development of the TMDL for bacteria in the Tinker Creek watershed is available upon request. Questions or information requests should be addressed to Jason Hill. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason Hill, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6724, or e-mail jrhill@deq.state.va.us.

DEPARTMENT OF HEALTH

Preventive Health and Health Services (PHHS) Block Grant

The Virginia Health Department (VDH) will hold a public hearing for the Fiscal Year 2004 Preventive Health and Health Service (PHHS) Block Grant. All interested individuals and groups are invited to participate at the public hearing on the PHHS Block Grant. In accordance with Title XIX, Section 1905 of the Public Health Service Act, the Commonwealth of Virginia hereby gives notice that VDH will apply for FY 2004 PHHS Block Grant funds and submit a State Plan for programs addressing the Healthy People 2010 National Health Objectives to: reduce the overall cancer death rate; increase community health promotion; reduce coronary heart disease deaths; reduce deaths caused by unintentional injury; reduce the rate of physical assault by current or former intimate partners; reduce the annual rate of rape or attempted rape; reduce the proportion of children and adolescents who have dental caries experience in their primary teeth; ease public access to information and surveillance data; and increase the proportion of data for leading health indicators,

health status indicators and priority data needs at state and local levels.

The public hearing will be held on Monday, December 1, 2003, from 9 a.m. to 10 a.m. The meeting will be held at the Virginia Department of Health, 1500 E. Main Street, Room 105, Richmond, Virginia. The State Plan will be available on the agency's website the week ending October 31, 2003, at www.vahealth.org. Public comment on the plan can be made at the public hearing and written comments can be addressed to Robin Buskey, Office of Family Health Services, P.O. Box 2448, Room 104, Richmond, VA 23218.

Contact: Robin Buskey, Grants Coordinator, Office of Family Health Services, Department of Health, 1500 E. Main Street, Room 104, Richmond, VA 23219, telephone (804) 786-8817, FAX (804) 786-4942, e-mail rbuskey@vdh.state.va.us.

STATE CORPORATION COMMISSION

Bureau of Insurance

October 17, 2003

Administrative Letter 2003-9

TO: All Licensed Health Insurers, All Licensed Health Maintenance Organizations, and All Licensed Health Services Plans

RE: Time Requirements of § 38.2-5900 et seq. of the Code of Virginia (14 VAC 5-215-10 et seq.)

Chapter 59 (§ 38.2-5900 et seq. of the Code of Virginia) and the Rules Governing Independent External Review of Final Adverse Utilization Review Decisions (14 VAC 5-215-10 et seq.) require utilization review entities to perform certain acts within specified deadlines. The purpose of this Administrative Letter is to remind companies of those deadlines and the potential consequences of noncompliance.

When the Bureau of Insurance accepts an application for a standard review, the Bureau notifies the utilization review entity and requests that certain documents, including all medical records relevant to the final adverse decision, be provided within twenty working days from the date of the Bureau's letter. Failure to meet this deadline may result in the reversal of the final adverse decision and the imposition of penalties or actions provided by law. Assertions that documents were timely mailed will not be considered without documented proof of mailing. The Commissioner or his designee may, upon good cause shown, provide an extension of time for the submission of records. Such requests must be in writing, must contain a complete explanation as to the need for the extension and must be received by the Bureau before the deadline expires.

When an appeal is reviewed as an expedited review, a utilization review entity shall submit all information and supporting documentation within two days of the acceptance of the appeal by the Bureau. Failure to meet this deadline will not prevent or delay the issuance of a final written ruling by the Commissioner or his designee.

In those instances where the written ruling of the Commissioner or his designee modifies or reverses the utilization review entity's final adverse decision, companies must comply with that ruling immediately. Failure to comply with that ruling within thirty days of the date of the ruling is deemed to be a knowing and willful violation and the Bureau will pursue the imposition of penalties or actions provided by law.

Utilization review entities that are required to provide previously denied services as a result of an external review shall be required to pay such fees as the Commissioner, in his sole discretion, shall deem appropriate to cover the cost of the review. Failure to remit such fees within thirty days of the date notice is mailed to the utilization review entity is deemed to be a knowing and willful violation and the Bureau will pursue the imposition of penalties or actions provided by law.

When a utilization review entity, prior to making a final adverse decision, declines a request for an expedited review, the entity must immediately notify the appellant of the decision by telephone, telefacsimile, or electronic mail and inform the appellant that the appellant has a right to request an expedited appeal with the Bureau of Insurance. This notification must be followed within 24 hours by a written notice to the appellant and the treating health care provider, if not the appellant, clearly informing them of the right to appeal the decision to the Bureau of Insurance and providing the appropriate forms by which such appeal may be filed. Failure to comply with this procedure may result in the imposition of penalties or actions provided by law.

If an appeal that is reviewed by a utilization review entity as an expedited appeal results in a final adverse decision, the utilization review entity must immediately notify the person who requested the expedited review of the final adverse decision; immediately notify the appellant, by telephone, telefacsimile, or electronic mail, that the appellant is eligible for an expedited appeal to the Bureau of Insurance without the necessity of providing the justification required pursuant to subdivision 1 of 14 VAC-215-80. The notification must be followed within 24 hours by written notice to the appellant and the treating health care provider, if not the appellant, clearly informing them of the right to appeal the decision to the Bureau of Insurance and providing the appropriate forms by which such appeal may be filed. Failure to comply with this procedure may result in the imposition of penalties or actions provided by law.

External appeal documents sent to the Bureau via United States Postal Service should be sent to External Appeals, Bureau of Insurance, P.O. Box 1157, Richmond VA 23218.

External Appeal documents sent to the Bureau via Express Mail services should be sent to External Appeals, Bureau of Insurance, 1300 East Main Street, Richmond VA 23219.

Questions relating to this Administrative Letter should be directed to Kim Naoroz, External Appeals, Bureau of Insurance, P.O. Box 1157, Richmond VA 23218, telephone (804) 371-9913, or e-mail bureauofinsurance@scc.state.va.us.

/s/ Alfred W. Gross
Commissioner of Insurance

STATE LOTTERY DEPARTMENT

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on October 17, 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 Forty (03)

Virginia's Instant Game Lottery 258; "Snake Eyes," (effective 07/29/03)

Director's Order Number Fifty-Eight (03)

Virginia's Instant Game Lottery 595; "Money Talks," (effective 10/02/03)

Director's Order Number Fifty-Nine (03)

Virginia's Instant Game Lottery 324; "EZ Bingo," (effective 10/14/03)

Director's Order Number Sixty (03)

Virginia's Instant Game Lottery 323; "Bingo Night," (effective 10/08/03)

Director's Order Number Sixty-One (03)

Virginia's Instant Game Lottery 322; "Bingo Blast," (effective 10/08/03)

* * * * *

Director's Order Number Sixty-Two (03)

Certain Virginia Instant Game Lotteries; End of Games.

In accordance with the authority granted by §§ 2.2-4002 B (15) and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on October 17, 2003:

Game 224 – Magic Money
Game 225 – Dollars & Scents
Game 240 - Diamond Card
Game 243 - Crazy Aces
Game 460 - Jumbo Bucks
Game 471 - Cowboy Cash
Game 510 - Money Bags
Game 511 - Face Cards
Game 513 - Triple Tripler
Game 514 - 10 Times The Money
Game 523 - \$500,000 Tablestakes
Game 534 - 24 K
Game 543 - Slingo
Game 544 - 10 Times Lucky

The last day for lottery retailers to return for credit unsold tickets from any of these games will be November 21, 2003.

General Notices/Errata

The last day to redeem winning tickets for any of these games will be April 14, 2004, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a postmark of the United States Postal Service or another sovereign nation of April 14, 2004, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of lottery games.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Frank S. Ferguson, General Counsel and
Director of Legislative and regulatory Affairs
October 8, 2003

STATE WATER CONTROL BOARD

Proposed Consent Special Order Indmar Coatings Corporation

The State Water Control Board proposes to issue a consent special order to InMar Coatings Corporation to resolve certain alleged violations of environmental laws and regulations occurring at their facility in Wakefield, Virginia. The proposed order requires InMar Coatings Corporation to pay a \$1,000 civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive until December 19, 2003, written comments relating to the proposed consent special order. Comments should be addressed to Vernon Williams, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060-6295. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order Mr. James Keaton

The State Water Control Board proposes to issue a consent special order to Mr. James Keaton to resolve certain alleged violations of environmental laws and regulations that occurred at his property located on Wistar Road in Henrico County, Virginia. The proposed order requires that Mr. Keaton restore impacted wetlands, monitor the restoration and pay a civil charge to address noncompliance at his property in Henrico County.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the

proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, or sent to the e-mail address of ecakers@deq.state.va.us. All comments received by e-mail must include the commenter's name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

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

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION-RR01
NOTICE OF COMMENT PERIOD-RR02
PROPOSED (Transmittal Sheet)-RR03
FINAL (Transmittal Sheet)-RR04
EMERGENCY (Transmittal Sheet)-RR05
NOTICE OF MEETING-RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS-RR08
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION -RR14

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

COMMONWEALTH COUNCIL ON AGING

† **December 4, 2003 - 9 a.m.** -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Suite 102,
Richmond, Virginia♿ (Interpreter for the deaf provided upon
request)

A regular business meeting of the Public Relations
Committee. Public comments are welcome.

Contact: Robin Brannon, Communications Director,
Department for the Aging, 1600 Forest Ave., Suite 102,
Richmond, VA 23229, telephone (804) 662-9323.

† **December 4, 2003 - 10 a.m.** -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Suite 102,
Richmond, Virginia♿ (Interpreter for the deaf provided upon
request)

A regular business meeting. Public comments are welcome.

Contact: Marsha Mucha, Administrative Staff Assistant,
Department for the Aging, 1600 Forest Ave., Suite 102,
Richmond, VA 23229, telephone (804) 662-9312.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **December 4, 2003 - 9 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, Second Floor
Boardroom, Richmond, Virginia♿

A meeting to discuss issues related to Virginia agriculture
and consumer services. Among matters the board has on
its agenda are a public hearing, commencing at 10 a.m., on
the quarantine relating to the Pine Shoot Beetle, *Tomicus
piniperda* (Linnaeus), with a prior presentation on this
subject and a review by the board of action taken already.
Staff will ask the board to consider adopting a quarantine
regulation to extend a quarantine on the Pine Shoot Beetle
already adopted by the Commissioner of Agriculture and
Consumer Services -- the commissioner's quarantine is of a

temporary nature. Also on the agenda: consideration of
action to begin the process of adopting the Food and Drug
Administration's Food Code or portions thereof, amending it
as necessary, and a request by staff to reconsider its
recently-adopted final regulation on the cotton boll weevil (2
VAC 5-440, Rules and Regulations for Enforcement of the
Virginia Pest Law--Cotton Boll Weevil Quarantine). 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 Roy Seward at
least five days before the meeting date so that suitable
arrangements can be made.

Contact: Roy Seward, Board Secretary, Department of
Agriculture and Consumer Services, Washington Bldg., 1100
Bank St., Suite 211, Richmond, VA 23219, telephone (804)
786-3538, FAX (804) 371-2945, e-mail
rseward@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Corn Board

† **December 16, 2003 - 9 a.m.** -- Open Meeting
Wallace Manor, 3821 North Courthouse Road, Providence
Forge, Virginia♿

The board will hear and approve previous meeting minutes,
review checkoff revenues, and review the financial status
resulting from the sale of the 2003 Virginia Corn crop.
Reports will be heard from the chairman, board member
representation to the U.S. Grains Council, the National Corn
Growers' Association, and the Virginia Corn Growers'
Association. The nomination and election of 2004 officers
will take place at this meeting. The board will entertain
public comment at the conclusion of all other business for a
period not to exceed 30 minutes. Any person who needs
any accommodation in order to participate at the meeting
should contact Philip T. Hickman at least five days before
the meeting date so that suitable arrangements can be
made.

Calendar of Events

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phickman@vdacs.state.va.us.

Virginia Marine Products Board

† **December 2, 2003 - 6 p.m.** -- Open Meeting
Bill's Seafood House, Grafton, Virginia

The board will include the reading and approval of the previous board meeting in its meeting agenda. In addition, the board will hear reports on finance, trade shows, festivals, industry tours, and calendar sales. Cooperative programs with the Virginia Department of Agriculture and Consumer Services staff and croaker exports will be discussed. 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 Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

Contact: Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Blvd., Suite B, Newport News, VA 23608-4200, telephone (757) 874-3474, FAX (757) 886-0671.

Virginia Soybean Board

† **December 9, 2003 - 1:30 p.m.** -- Open Meeting
Virginia Soybean Association, 151 Kristiansand Drive, Suite E, Williamsburg, Virginia

The board will hear and approve meeting minutes, review checkoff revenues, and the financial status resulting from the sale of the 2003 Virginia soybean crop. Reports will be heard from the chairman, United Soybean Board representative, and the Virginia Soybean Association. The nomination and election of 2004 officers will take place at this meeting. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phickman@vdacs.state.va.us.

STATE AIR POLLUTION CONTROL BOARD

† **December 4, 2003 - 7 p.m.** -- Public Hearing
Smyth-Bland Regional Library, Marion, Virginia

A public hearing to receive comments on a New Source Review permit application from Merillat Corporation to construct and operate a wood furniture finishing system, a major stationary source, at their facility on State Route 686, Smyth County, Atkins, Virginia. The public comment period closes on December 19, 2003.

Contact: Cliff Musick, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24212, telephone (276) 676-4800, FAX (276) 676-4899, e-mail ecmusick@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

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 of the executive staff to receive and discuss reports and activities from staff members and to consider other matters not yet determined.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Department of Alcoholic Beverage Control, 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

† **December 15, 2003 - 1 p.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: 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

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 rlfaia@aol.com.

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

† **November 20, 2003 - 10 a.m.** -- Open Meeting
Ratcliffe Building, 1602 Rolling Hills Drive, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly business meeting of the Board of Directors will commence at 10 a.m. following the Executive Session of the Loan Committee. The public is welcome and comments from the public are encouraged.

Contact: Kathy Wilmot, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Dr., Richmond, VA, telephone (804) 662-9000, FAX (804) 662-9533, toll-free (866) 835-5976, (804) 662-9000/TTY ☎, e-mail loanfund@erols.com.

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 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.

CHILD DAY-CARE COUNCIL

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.


* * * * *

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. ♿

Calendar of Events

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.


STATE BOARD FOR COMMUNITY COLLEGES


November 18, 2003 - 9 a.m. -- Open Meeting

November 19, 2003 - 9 a.m. -- Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike,
Richmond, Virginia  (Interpreter for the deaf provided upon
request)


The annual meeting will be held November 18 and 19. 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, and 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

NOTE: CHANGE IN MEETING DATE

† **November 26, 2003 - 11 a.m.** -- Open Meeting

† **December 17, 2003 - 11 a.m.** -- Open Meeting

† **January 13, 2004 - 2 p.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 18, 2003 - 1 p.m. -- Open Meeting
Loudoun Parks and Recreation Office, Mickie Gordon Room,
Leesburg, Virginia.

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.

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.

Virginia Soil and Water Conservation Board

† **December 10, 2003 - 9 a.m.** -- Open Meeting
Sheraton Richmond West, 6624 West Broad Street,
Richmond, Virginia.

A regular meeting and joint meeting with the Board of Directors of the Virginia Association of Soil and Water Conservation Districts.


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.

† **January 23, 2004 - 11 a.m.** -- Open Meeting
Natural Resources Conservation Service, 1606 Santa Rosa Road, Richmond, Virginia.

A regular business meeting. Following the regular business meeting, the board will conduct a hearing regarding an appeal filed under the Agricultural Stewardship Act.

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 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.

November 21, 2003 - 10 a.m. -- Open Meeting

December 2, 2003 - 9 a.m. -- Open Meeting

† **December 8, 2003 - 1 p.m.** -- Open Meeting

December 9, 2003 - 9 a.m. -- Open Meeting

January 6, 2004 - 9 a.m. -- Open Meeting


† **January 13, 2004 - 9 a.m.** -- Open Meeting

† **January 27, 2004 - 9 a.m.** -- Open Meeting

† **February 3, 2004 - 9 a.m.** -- Open Meeting


† **February 10, 2004 - 9 a.m.** -- Open Meeting


† **February 11, 2004 - 1:30 p.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.

† **February 11, 2004 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia 


A meeting of the Tradesman and Education Committee to conduct committee business. The department fully complies with the Americans with Disabilities Act.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.


BOARD OF CORRECTIONAL EDUCATION

† **November 21, 2003 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 7th Floor,
Richmond, Virginia  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.


Contact: Patty Ennis, Board Clerk, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail paennis@dce.state.va.us.

BOARD OF CORRECTIONS

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.

Calendar of Events

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 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.

BOARD OF DENTISTRY

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,
Department of Health Professions, 6603 W. Broad St., 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.

† **December 5, 2003 - 9 a.m.** -- Open Meeting

† **December 12, 2003 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
6th Floor, Richmond, Virginia ☎

An informal conference. There will be no public comment
period.

Contact: Cheri Emma-Leigh, Operations Manager, Board of
Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230,
telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-
7197/TTY ☎, e-mail Cheri.Emma-Leigh@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.

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.

† January 7, 2004 - 9 a.m. -- Open Meeting


James Monroe Building, 101 North 14th Street, Conference Rooms C and D, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency 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 EDUCATION

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 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. 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.

Advisory Board for Teacher Education and Licensure

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. 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.

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF WINCHESTER

† December 3, 2003 - 3 p.m. -- Open Meeting

Timbrook Public Safety Center, 231 East Piccadilly Street, Winchester, Virginia.

A regular meeting.

Contact: L.A. Miller, Fire and Rescue Chief, Local Emergency Planning Committee, Winchester Fire and Rescue Department, 231 E. Piccadilly St., Winchester, VA 22601, telephone (540) 662-2298.

DEPARTMENT OF ENVIRONMENTAL QUALITY


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 was 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 rnbrent@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 mmassie@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 was 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 

Calendar of Events


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 was 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.

† **November 24, 2003 - 2 p.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


The first public meeting on the development of the benthics TMDL for an unnamed tributary to the Chickahominy River located in Hanover County. The public notice may be found in the Virginia Register of Regulations on November 17, 2003. The public comment period closes on December 24, 2003.

Contact: Mark Alling, Department of Environmental Quality, 4949-A Cox Rd., Richmond, VA 23060, telephone (804) 527-5021, FAX (804) 527-5106, e-mail msalling@deq.state.va.us.

† **December 1, 2003 - 10:30 a.m.** -- Public Hearing
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. 


A public hearing to receive comments on the application for a new source review permit for INGENCO Distributed Energy to construct and operate an electrical power generating facility in Virginia Beach.

Contact: Linda K. Lightfoot, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2005, FAX (757) 518-2009, e-mail lklightfoot@deq.state.va.us.

† **December 2, 2003 - 7 p.m.** -- Open Meeting
Princess Anne High School, 4000 Virginia Beach Boulevard, Virginia Beach, Virginia. 


A public meeting on the development of a fecal coliform TMDL for Lynnhaven River, Broad Bay and Linkhorn Bay segments located within the City of Virginia Beach. The public notice may be found in the Virginia Register of Regulations on November 17, 2003. The public comment period closes on January 3, 2004.

Contact: Chester Bigelow, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, e-mail ccbigelow@deq.state.va.us.

† **December 3, 2003 - 2 p.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A meeting to receive comment on the FY 2004 intended use plan and draft funding list for the revolving loan fund.

Contact: Walter Gills, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4133, e-mail wagills@deq.state.va.us.

† **December 3, 2003 - 7 p.m.** -- Open Meeting
Augusta County Government Center, 18 Government Center Lane, Board Room, Verona, Virginia. 


The third public meeting on the development of multiple impairments in the Middle River watershed. The public notice may be found in the Virginia Register of Regulations on November 17, 2003. The public comment period closes on January 2, 2004.

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.

† **December 10, 2003 - 7 p.m.** -- Open Meeting
Fairlington Community Center, 3308 South Stafford Street, Room 10, Arlington, Virginia. 


The second and final public meeting on the implementation plan for the Four Mile Run bacteria TMDL. The public notice may be found in the Virginia Register on November 17, 2003. The public comment period closes on January 8, 2004.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, e-mail kebennett@deq.state.va.us.

† **December 11, 2003 - 7 p.m.** -- Open Meeting
Loudoun County Government Center, Lovettsville Room, 1 Harrison Street, SE, Leesburg, Virginia. 


The second and final public meeting on the development of the Goose Creek Watershed TMDL for benthics. The public notice may be found in the Virginia Register on November 17, 2003. The public comment period will end on January 9, 2004.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, e-mail kebennett@deq.state.va.us.

† **December 16, 2003 - 7 p.m.** -- Open Meeting
Hollins University, Babcock Auditorium, 7916 Williamson Road, Roanoke, Virginia. 

The final public meeting on the development of bacteria TMDLs for five stream segments in the Tinker Creek watershed. The public notice may be found in the Virginia Register on November 17, 2003. The public comment period closes on January 17, 2004.

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.

† **December 18, 2003 - 7 p.m.** -- Open Meeting
The Community and Hospitality Center, 52 Franklin Street, Rocky Mount, Virginia. 

The final public meeting on the development of the Blackwater River benthics TMDL. The public notice may be found in the Virginia Register on November 17, 2003. The public comment period closes on January 18, 2004.

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.

Small Business Environmental Compliance Advisory Board

† **December 10, 2003 - 10 a.m.** -- Open Meeting
Location to be determined; Fredericksburg, Virginia

A regular meeting.

Contact: Richard G. Rasmussen, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4394, FAX (804) 698-4264, e-mail rgrasmusse@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, 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

An informal conference to hear possible violations of the laws and regulations governing the practice of funeral service.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY, e-mail elizabeth.young@dhp.state.va.us.

November 26, 2003 - 9 a.m. -- CANCELED
Department of Health Profession, 6603 West Broad Street, 5th Floor, Richmond, Virginia

The Legislative/Regulatory Committee meeting is canceled.

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

December 2, 2003 - 10 a.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION
Science Museum of Virginia, 2500 West Broad Street, Discovery Room, Richmond, Virginia

Agenda to be posted. Directions to the Science Museum are on DCG website or at www.smv.org.

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@dcg.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.

Calendar of Events

OFFICE OF GOVERNOR

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, 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 19, 2003 - 7 p.m.** -- Public Hearing
Roanoke County Public Library, 3131 Electric Road, SW, Roanoke, Virginia ☒

† **December 3, 2003 - 7 p.m.** -- Public Hearing
Chantilly Regional Library, 4000 Stringfellow Road, Chantilly, Virginia.

A public hearing of the Ryan White CARE Act to advise the department on implementing certain federal funds.

Contact: Michelle Baker, Department of Health, Division of HIV/STD, 1500 E. Main St., Richmond, VA 23218, telephone (804) 371-2492, e-mail mbaker@vdh.state.va.us.

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 5, 2003 - 8:30 a.m.** -- Open Meeting
Holiday Inn Select, 1021 Koger Center Boulevard, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to develop a comprehensive HIV prevention plan for Virginia.

Contact: Elaine Martin, Health Department Co-chair, Department of Health, 1500 Main Street Station, Richmond, VA 23219, telephone (804) 786-5217, FAX (804) 225-3517.

December 12, 2003 - 10:30 a.m. -- Open Meeting
Virginia Hospital and Health Care Association, 4200 Innslake Drive, Glen Allen, Virginia ☒

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.

DEPARTMENT OF HEALTH PROFESSIONS

† **December 5, 2003 - 11 a.m.** -- Open Meeting
Lewis-Gale Medical Center, 1900 Electric Road, Salem, Virginia ☒

A meeting of the Prescription Monitoring Program Committee for orientation and development of a work plan. The meeting is open to the public; however, public comment will not be received.

Contact: Ralph Orr, Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, Virginia 23230, telephone (804) 662-9129, FAX (804) 662-9240, e-mail pmp@dhp.state.va.us.

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.

DEPARTMENT OF HISTORIC RESOURCES


Board of Historic Resources and State Review Board

† **December 3, 2003 - 9 a.m.** -- Open Meeting
Fort C.F. Smith Park, 2411 24th Street, North Arlington, Virginia.


The Board of Historic Resources will consider proposed historical highway markers and historic preservation easements.

† **December 3, 2003 - 11 a.m.** -- Open Meeting
H-B Woodlawn School, formerly Stratford Junior High School, 4100 Vacation Lane, Arlington, Virginia 


The Board of Historic Resources and State Review Board will meet to consider proposed nominations to the Virginia Landmarks Register and the National Register of Historic Places. Proposed nominations and minutes will be posted on the agency website.


Contact: Marc Christian Wagner, National Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY , e-mail mwagner@dhr.virginia.gov.

JAMESTOWN-YORKTOWN FOUNDATION


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.

† **January 9, 2004 - Noon** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Rooms A and B, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee.

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

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.

DEPARTMENT OF LABOR AND INDUSTRY


Virginia Apprenticeship Council

† **November 20, 2003 - 9:30 a.m.** -- Open Meeting
Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A meeting of the council subcommittee.

Contact: Beverley Donati, Assistant Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

STATE LIBRARY BOARD

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 - 9:15 a.m. - Public Library Development Committee
Publications and Educational Services Committee
Records Management Committee

Calendar of Events

9:30 - 10:30 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.

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

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 cshroed@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.

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† **January 16, 2004** - 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 30-130, Amount, Duration and Scope of Selected Services**. The purpose of the proposed action is to set reasonable limits on the amounts of money nursing facility residents may spend on noncovered medical care.

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

Public comments may be submitted until January 16, 2004, to James Cohen, Director, Program Support, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

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† **January 16, 2004** - 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 30-80, Methods and**

Standards for Establishing Payment Rates; Other Types of Care. The purpose of the proposed action is to limit outpatient hospital costs that are allowable for reimbursement to 80% and to establish a prospective methodology to reimburse rehab agencies.

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

Public comments may be submitted until January 16, 2004, to Steve Ford, Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

BOARD OF MEDICINE

Informal Conference Committee

November 19, 2003 - 9 a.m. -- Open Meeting

December 3, 2003 - 9 a.m. -- Open Meeting

† February 4, 2004 - 9 a.m. -- Open Meeting

Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† December 10, 2003 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

† December 11, 2003 - 9:15 a.m. -- Open Meeting

Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

December 17, 2003 - 9:15 a.m. -- Open Meeting

Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Staff, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

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.

† December 18, 2003 - 10 a.m. -- Public Hearing

Jefferson Building, 1220 Bank Street, 8th Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the Synar Annual Report for the Substance Abuse Prevention and Treatment Block Grant Application for Federal Fiscal Year 2003. Copies of the report are available for review at the Office of Substance Abuse Services, Jefferson Building, Room 818, and at each community services board office. Comments may be made at the hearing or in writing no later than December 19, 2003, to the Office of the Commissioner, DMHMRSAS, P.O. Box 1797, Richmond, VA 23218. Any person wishing to make a presentation at the hearing should contact Sterling Deal, Ph.D. Copies of the presentation should be filed at the time of the hearing.

Contact: Sterling Deal, Ph.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 371-2148, FAX (804) 786-4320, (804) 371-8977/TTY ☎, e-mail sdeal@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

Virginia Gas and Oil Board

† November 18, 2003 - 9 a.m. -- Open Meeting

Virginia Highlands Community College, Southwest Virginia Higher Education Center, Abingdon, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to consider petitions filed by applicants. The public may address the board on individual items as they are called for hearing. Special accommodations for the disabled will be made available at the hearing on request.

Calendar of Events

Anyone needing special accommodations for the November hearing should contact the Department of Mines, Minerals and Energy, Division of Gas and Oil at 276-676-5423 or call the Virginia Relay Center TTY 1-800-828-1120 or 1140 by November 13. The deadline for filing of petitions to the board for the December 2003 hearing is 5 p.m. on November 14, 2003, with the hearing scheduled for 9 a.m. on Tuesday, December 16, 2003, at the Southwest Virginia Higher Education Center, Abingdon, Virginia.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, 230 Charwood Dr., Abingdon, VA 24212, telephone (276) 676-5423, FAX (276) 676-5459, (800) 828-1120/TTY ☎, e-mail bob.wilson@dmme.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

November 19, 2003 - 9 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

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.

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
† January 27, 2004 - 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 ☎

December 9, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia ☎

December 16, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees 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

† **December 3, 2003 - 10 a.m.** -- Open Meeting
† **December 4, 2003 - 9 a.m.** -- Open Meeting
Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, Board Room, Charlottesville, Virginia.

A regular meeting of the Board of Trustees to accept conservation easements and to discuss the business of the foundation. Public comment session begins at 1 p.m. on December 3.

Contact: Tamara Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Richmond, VA 23219, telephone (804) 225-2822, e-mail tvance@virginiaoutdoorsfoundation.org.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

NOTE: CHANGE IN MEETING TIME

December 2, 2003 - 12:30 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, 601 S. Belvidere St., 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

Calendar of Events

(804) 786-3534, FAX (804) 786-5112, toll-free 1-800-552-9963, e-mail@vdacs.state.va.us.

367-2474, (804) 367-9753/TTY ☎, e-mail olson@dpor.state.va.us.

BOARD OF PHARMACY

† **November 20, 2003 - 9 a.m.** -- Open Meeting
† **December 2, 2003 - 9 a.m.** -- Open Meeting
December 18, 2003 - 9 a.m. -- Open Meeting
† **January 15, 2004 - 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.

DEPARTMENT OF PLANNING AND BUDGET

Council on Virginia's Future

† **December 11, 2003 - 2 p.m.** -- Open Meeting
Virginia Economic Development Partnership, Riverfront Plaza, 901 East Byrd Street, 20th Floor, Richmond, Virginia ☎

A meeting to review and reach consensus on vision and long-term objectives.

Contact: Trudy Norfleet, Department of Planning and Budget, 200 N. 9th St., Richmond, VA 23219, telephone (804) 786-3812, e-mail tnorfleet@dpb.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)

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

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.

BOARD OF PSYCHOLOGY

† **December 11, 2003 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia ☎

The board will inquire into allegations that possible violations of certain laws and regulations governing the practice of psychology have occurred.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

† **January 13, 2004 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia ☎

A board business meeting and informal conference.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

VIRGINIA PUBLIC BROADCASTING BOARD

November 19, 2003 - 10 a.m. -- Open Meeting
WHRO, 5200 Hampton Boulevard, Norfolk, Virginia ☎

A meeting to discuss digital communications, the board's role in educational telecommunications, and discuss the Master Plan review. Included will be a tour of WHRO's telecommunications facilities and a digital demo.

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.

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.

REAL ESTATE BOARD

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 16, 2003 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

Informal fact-finding conferences.

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 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.

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)


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.


DEPARTMENT OF REHABILITATIVE SERVICES

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)

Calendar of Events

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

† December 9, 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 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrac@vra.state.va.us.

STATE BOARD OF SOCIAL SERVICES

Reproposed

† December 17, 2003 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled **22 VAC 40-295, Temporary Assistance for Needy Families**. The purpose of the proposed action is to provide the rules for qualifying for TANF assistance. The regulation establishes rules pertaining to the assistance unit, income eligibility criteria, processing time frames, advance notice requirements, procedures for intentional program violations, the collection of overpaid TANF assistance, emergency assistance, and criteria for determining the availability of child care.

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

Contact: Mark L. Golden, TANF Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1731, FAX (804) 225-2321 or email mxg2@dss.state.va.us.

DEPARTMENT OF SOCIAL SERVICES


Council on the Status of Women

† November 17, 2003 - 1:30 p.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia 

A meeting to determine future activities to sponsor.


Contact: L. Karen Darner, Chairperson, 969 South Buchanan St., Arlington, VA 22204, telephone (703) 271-5284.

Family and Children's Trust Fund

† November 20, 2003 - 3 p.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, 8th Floor, Richmond, Virginia 

The Executive Committee of the board will meet telephonically to set agenda for regular meeting to be held December 5, 2003, and to discuss any other matters brought forward at the meeting.


Contact: Nan McKenney, Executive Director, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1823, FAX (804) 692-1869.

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.

DEPARTMENT OF TAXATION


Governor's Advisory Council on Revenue Estimates

† **November 21, 2003 - 9:30 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia 

A meeting of the Governor's Advisory Council on Revenue Estimates.

Contact: Carolyn C. Johnson, Agency Management Analyst, Department of Taxation, 2220 W. Broad St., Richmond, VA 23220, telephone (804) 367-8391, FAX (804) 367-6020, e-mail cjohnson@tax.state.va.us.

COUNCIL ON TECHNOLOGY SERVICES

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.

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.

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.


VIRGINIA TOBACCO SETTLEMENT FOUNDATION


† **December 2, 2003 - 3 p.m.** -- Open Meeting
Crowne Plaza Richmond, 555 East Canal Street, Richmond, Virginia 

A meeting of the Board of Trustees to plan for FY04.

Contact: Eloise Burke, Senior Executive Assistant, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2272, e-mail eburke@tsf.state.va.us.


COMMONWEALTH TRANSPORTATION BOARD

† **November 19, 2003 - 11 a.m.** -- Open Meeting
Monroe Towers, 101 North 14th Street, Conference Room C, Richmond, Virginia 

† **December 18, 2003 - 11 a.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia 


A work session of the VTran 2025 Multi-modal Transportation Policy Committee, the chair and five members of which are members of the Commonwealth Transportation Board.

Contact: Katherine Tracy, Assistant Secretary to the CTB, Commonwealth Transportation Board, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail katherine.tracy@virginiadot.org.

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 

Calendar of Events

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.

DEPARTMENT OF VETERANS SERVICES

† November 20, 2003 - 11 a.m. -- Open Meeting
Ninth Street Office Building, 200 North 9th Street, Large Conference Room, Richmond, Virginia 

A meeting of the Veterans Service Foundation.

Contact: Geneva M. Claybrook, Executive Services Liaison, Department of Veterans Services, 4550 Shenandoah Ave., Roanoke, VA 24017, telephone (540) 857-6974, FAX (540) 857-6954, e-mail gclaybrook@vvcc1.us.

† December 16, 2003 - 1 p.m. -- Open Meeting
Location to be announced.

A meeting of the Joint Leadership Council.


Contact: Geneva M. Claybrook, Executive Services Liaison, Department of Veterans Services, 4550 Shenandoah Ave., Roanoke, VA 24017, telephone (540) 857-6974, FAX (549) 857-6954, e-mail gclaybrook@vvcc1.us.

BOARD OF VETERINARY MEDICINE


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.

STATE WATER CONTROL BOARD

† December 4, 2003 - 9:30 a.m. -- Open Meeting
State Capitol, House Room 4, Richmond, Virginia 

A regular board meeting.


Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.state.va.us.

† January 7, 2004 - 2 p.m. -- Open Meeting
State Capitol, House Room 4, Richmond, Virginia 


A public meeting to receive comments on the Notice of Intended Regulatory Action (NOIRA) to amend the Water Quality Standards (9 VAC 25-260) for Chesapeake Bay and Tidal Waters Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a and Designated Uses. The NOIRA will be published in the Virginia Register on November 17, 2003. The public comment period closes on January 15, 2004.

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4522, e-mail emdaub@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

BOARD FOR PROTECTION AND ADVOCACY

† November 18, 2003 - 7:30 p.m. -- Open Meeting
Alison's Restaurant, 1220 West Main Street, Abingdon, Virginia  (Interpreter for the deaf provided upon request)

A meeting of the Community Incident Reporting Ad Hoc Committee. Issues of the committee may be discussed informally at dinner. No votes will be taken and the meeting is open to the public.

Contact: Sonya McKenzie, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-3220, FAX (804)

225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail mckenzsk@vopa.state.va.us.

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)

A meeting of the board. 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 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, 44050 Woodridge Parkway, Lansdowne, Virginia ☎ (Interpreter for the deaf provided upon request)

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.

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

† **November 18, 2003 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A meeting of the Advisory Committee on The Hard Sciences.

Calendar of Events

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, e-mail mgoldstein@leg.state.va.us.

† **December 2, 2003 - 8:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia

A meeting of the JCOTS Consumer Protection Advisory Committee.

Contact: Eric Link, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, e-mail elink@leg.state.va.us.

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 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
† Social 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
† Mines, Minerals and Energy, Department of
- Virginia Gas and Oil Board
Nursing, Board of
† Protection and Advocacy, Virginia Board for
Real Estate Appraiser Board
Real Estate Board
† Technology and Science, Joint Commission on
- Advisory Committee on The Hard Sciences

November 19

Code Commission, Virginia
Community Colleges, State Board for
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

† Assistive Technology Loan Fund Authority
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
† Labor and Industry, Department of
- Virginia Apprenticeship Council Subcommittee
Museum of Fine Arts, Virginia
- Board of Trustees
Nursing, Board of
† Pharmacy, Board of
- Special Conference Committee

Real Estate Board
 Rehabilitative Services, Department of
 Retirement System, Virginia
 - Board of Trustees
 † Social Services, Department of
 - Family and Children's Trust Fund Executive Committee
 Technology Services, Council on
 - Security Workgroup
 Transportation Board, Commonwealth
 † Veterans Services, Department of
 - Veterans Service Foundation

November 21

Contractors, Board for
 † Correctional Education, Board of
 Counseling, Board of
 Dentistry, Board of
 - Special Conference Committee
 Polygraph Examiners Advisory Board
 Soil Scientists and Wetland Professionals, Board for
 Professional
 † Taxation, Department of

November 22

Conservation and Recreation, Department of
 - Virginia Cave Board

November 24

Alcoholic Beverage Control Board
 † Environmental Quality, Department of
 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
 † Compensation Board

December 2

† Agriculture and Consumer Services, Department of
 - Virginia Marine Products Board
 Contractors, Board for
 † Environmental Quality, Department of
 Gaming Board, Charitable
 Museum of Fine Arts, Virginia
 - Executive Committee
 † People with Disabilities, Virginia Board for
 - Executive Committee
 † Pharmacy, Board of
 - Special Conference Committee
 † Technology and Science, Joint Commission on
 - Consumer Protection Advisory Committee
 † Tobacco Settlement Foundation, Virginia

December 3

Alzheimer's Disease and Related Disorders Commission
 † Emergency Planning Committee, Local
 - City of Winchester
 † Environmental Quality, Department of
 † Health, Department of
 † Historic Resources, Department of
 - Board of Historic Resources and State Review Board
 Medicine, Board of

- Informal Conference Committee
 Nursing, Board of
 - Special Conference Committee
 † Outdoors Foundation, Virginia
 People with Disabilities, Virginia Board for
 Real Estate Board
 - Education Committee
 Veterinary Medicine, Board of

December 4

† Aging, Commonwealth Council on
 - Public Relations Committee
 † Agriculture and Consumer Services, Board of
 Mental Health, Mental Retardation and Substance Abuse
 Services, Department of
 Nursing, Board of
 - Special Conference Committee
 † Outdoors Foundation, Virginia
 Real Estate Board
 - Fair Housing Board
 Technology Services, Council on
 - Executive Committee
 † Water Control Board, State

December 5

Art and Architectural Review Board
 † Dentistry, Board of
 - Special Conference Committee
 † Health, Department of
 Social Services, Department of
 - Family and Children's Trust Fund

December 8

Alcoholic Beverage Control Board
 † Contractors, Board for

December 9

† Agriculture and Consumer Services, Department of
 - Virginia Soybean Board
 Code Commission, Virginia
 Contractors, Board for
 Governor, Office of
 - Urban Policy Task Force
 Medical Assistance Services, Board of
 Nursing, Board of
 - Special Conference Committee
 † Resources Authority, Virginia
 Waterworks and Wastewater Works Operators, Board for

December 10

Code Commission, Virginia
 † Conservation and Recreation, Department of
 - Virginia Soil and Water Conservation Board
 † Environmental Quality, Department of
 - Small Business Environmental Compliance Advisory
 Board
 Funeral Directors and Embalmers, Board of
 Jamestown-Yorktown Foundation
 - Steering Committee
 † Medicine, Board of
 Museum of Natural History
 - Executive Committee
 Technology Services, Council on
 - Change Management Workgroup

December 11

† Environmental Quality, Department of
 † Medicine, Board of

Calendar of Events

- Informal Conference Committee
† Planning and Budget, Department of
† Psychology, Board of
Public Guardian and Conservator Advisory Board, Virginia

December 12
† Dentistry, Board of
Health, Department of
- Early Hearing Detection and Intervention Program
Advisory Committee
Health Professions, Department of
Old Dominion University
- Board of Visitors

December 15
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Barbers and Cosmetology, Board for

December 16
† Agriculture and Consumer Services, Department of
- Virginia Corn Board
† Environmental Quality, Department of
Medical Assistance Services, Department of
- Medicaid Physicians Advisory Committee
Milk Commission, State
Nursing, Board of
- Special Conference Committee
† Real Estate Board
† Veterans Services, Department of

December 17
† Compensation Board
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
† Environmental Quality, Department of
Pharmacy, Board of
- Special Conference Committee
Real Estate Board
Retirement System, Virginia
- Board of Trustees
Technology Services, Council on
- Security Workgroup
† Transportation Board, Commonwealth

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 7
† Water Control Board, State

January 9
† Jamestown-Yorktown Foundation
Opticians, Board for

January 13
† Compensation Board
† Contractors, Board for
† Psychology, Board of

January 15
† Pharmacy, Board of

January 21
Community Colleges, State Board for

January 22
Community Colleges, State Board for

January 23
† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
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 27
† Contractors, Board for
† Nursing, Board of

January 28
George Mason University
- Board of Visitors
Nursing, Board of

January 29
Nursing, Board of

February 3
† Contractors, Board for

February 4
† Medicine, Board of
- Informal Conference Committee
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of

February 10
† Contractors, Board for

February 11
† Contractors, Board for

PUBLIC HEARINGS

November 17
Child Day-Care Council

November 18
Child Day-Care Council

November 19
† Health, Department of

November 20
Child Day-Care Council

November 25
Child Day-Care Council

December 1

Calendar of Events

† Environmental Quality, Department of
December 4

† Air Pollution Control Board, State
December 11

Criminal Justice Services Board
December 18

† Mental Health, Mental Retardation and Substance Abuse
Services, Department of

Calendar of Events
