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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2003 VAC Supplement includes final regulations published through *Virginia Register* Volume 19, Issue 24, dated August 11, 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
<b>Title 1. Administration</b>			
1 VAC 55-10-10	Amended	20:5 VA.R. 454	12/17/03
1 VAC 55-10-20	Amended	20:5 VA.R. 454	12/17/03
1 VAC 55-10-30	Amended	20:5 VA.R. 454	12/17/03
1 VAC 55-20-320 emer	Amended	19:25 VA.R. 3829	10/1/03-9/30/04
<b>Title 2. Agriculture</b>			
2 VAC 20-30	Erratum	20:1 VA.R 39	--
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 15-30-40	Amended	19:25 VA.R. 3780	7/30/03
4 VAC 20-490-35	Added	20:6 VA.R. 584	11/1/03
4 VAC 20-490-40	Amended	20:6 VA.R. 584	11/1/03
4 VAC 20-490-45	Added	20:6 VA.R. 584	11/1/03
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 20-650-10 through 4 VAC 20-650-40	Amended	20:6 VA.R. 585	11/1/03
4 VAC 20-720-20	Amended	20:6 VA.R. 585	11/1/03
4 VAC 20-720-40	Amended	20:6 VA.R. 586	11/1/03
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 through 4 VAC 20-720-90	Amended	20:6 VA.R. 587-588	11/1/03
4 VAC 20-752-20	Amended	19:25 VA.R. 3780	7/23/03
4 VAC 20-950-46	Amended	20:6 VA.R. 589	11/1/03
4 VAC 20-950-47	Amended	20:6 VA.R. 589	11/1/03
4 VAC 20-950-48	Amended	20:6 VA.R. 589	11/1/03
4 VAC 20-1070-10 through 4 VAC 20-1070-50	Added	19:25 VA.R. 3781	8/1/03
4 VAC 25-31 (Forms)	Amended	20:2 VA.R. 135	--
4 VAC 25-31 (Forms)	Amended	20:5 VA.R. 487	--
4 VAC 25-130 (Forms)	Amended	20:1 VA.R 33	--
<b>Title 6. Criminal Justice and Corrections</b>			
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6 VAC 20-171-40	Repealed	20:3 VA.R. 217	11/19/03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

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 20-171-330	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-340	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-350 through 6 VAC 20-171-400	Amended	20:3 VA.R. 234-241	11/19/03
6 VAC 20-171-420	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-430	Amended	20:3 VA.R. 241	11/19/03
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	Erratum	20:8 VA.R. 850	--
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 20-220-10 through 6 VAC 20-220-80	Added	20:4 VA.R. 348-350	12/3/03
<b>Title 8. Education</b>			
8 VAC 20-70-10	Amended	20:7 VA.R. 656	1/14/04
8 VAC 20-70-30	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-40	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-70	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-80	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-100 through 8 VAC 20-70-170	Amended	20:7 VA.R. 657-658	1/14/04
8 VAC 20-70-190	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-200	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-210	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-220	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-230	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-235	Added	20:7 VA.R. 658	1/14/04
8 VAC 20-70-240 through 8 VAC 20-70-270	Repealed	20:7 VA.R. 658	1/14/04
8 VAC 20-70-280	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-290	Amended	20:7 VA.R. 659	1/14/04
8 VAC 20-70-300	Amended	20:7 VA.R. 659	1/14/04
8 VAC 20-70-340 through 8 VAC 20-70-380	Amended	20:7 VA.R. 659-660	1/14/04
8 VAC 20-70-390	Repealed	20:7 VA.R. 660	1/14/04
8 VAC 20-70-400 through 8 VAC 20-70-440	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-460	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-470	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-510	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-520	Repealed	20:7 VA.R. 660	1/14/04
8 VAC 20-70-525	Added	20:7 VA.R. 660	1/14/04
8 VAC 20-70-530 through 8 VAC 20-70-1510	Repealed	20:7 VA.R. 660	1/14/04
8 VAC 20-680-10 emer	Added	20:7 VA.R. 675	11/7/03-11/6/04
<b>Title 9. Environment</b>			
9 VAC 5-10-20	Amended	20:6 VA.R. 590	1/1/04
9 VAC 5-40	Erratum	19:25 VA.R. 3844	--
9 VAC 5-40-5800	Amended	20:8 VA.R. 808	1/29/04
9 VAC 5-40-5810	Amended	20:8 VA.R. 808	1/29/04

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-5820	Amended	20:8 VA.R. 810	1/29/04
9 VAC 5-40-5822	Amended	20:8 VA.R. 810	1/29/04
9 VAC 5-40-5824	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5850	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5855	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5860	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5870	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5880	Amended	20:8 VA.R. 812	1/29/04
9 VAC 5-40-5890	Amended	20:8 VA.R. 812	1/29/04
9 VAC 5-40-5910	Amended	20:8 VA.R. 813	1/29/04
9 VAC 5-40-5920	Amended	20:8 VA.R. 813	1/29/04
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 20-170-70	Added	20:3 VA.R. 242	11/19/03
9 VAC 20-170-195	Added	20:3 VA.R. 243	11/19/03
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	2/12/04
9 VAC 25-260-50	Amended	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-140	Amended	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-150	Repealed	19:25 VA.R. 3785	2/12/04

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-260-170	Amended	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-190 through 9 VAC 25-260-240	Repealed	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-300	Amended	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-310	Amended	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-320	Amended	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-340	Repealed	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-380 through 9 VAC 25-260-450	Amended	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-415	Added	19:25 VA.R. 3785	2/12/04
9 VAC 25-260-470 through 9 VAC 25-260-540	Amended	19:25 VA.R. 3785	2/12/04
9 VAC 25-280-10 through 9 VAC 25-280-90	Added	19:25 VA.R. 3785	2/12/04
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-200-90	Added	20:2 VA.R. 128	9/11/03
<b>Title 11. Gaming</b>			
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
<b>Title 12. Health</b>			
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 5-400-10 through 12 VAC 5-400-90	Repealed	20:6 VA.R. 597	12/31/03
12 VAC 5-407-10 through 12 VAC 5-407-120	Added	19:26 VA.R. 3911	10/8/03
12 VAC 5-550-5	Added	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-10	Repealed	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-30	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-40	Repealed	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-70	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-90 through 12 VAC 5-550-120	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-125	Added	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-130	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-140	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-150	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-190	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-200	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-210	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-230 through 12 VAC 5-550-260	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-280 through 12 VAC 5-550-330	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-350 through 12 VAC 5-550-410	Amended	19:26 VA.R. 3912	10/8/03
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 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 30-40-240	Amended	20:4 VA.R. 351	12/3/03
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 30-50-10	Amended	20:1 VA.R. 25	10/22/03
12 VAC 30-50-20	Amended	20:1 VA.R. 26	10/22/03
12 VAC 30-50-50	Amended	20:1 VA.R. 26	10/22/03
12 VAC 30-50-60	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-120	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-130	Amended	20:7 VA.R. 661	2/1/04
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	20:1 VA.R. 30	10/22/03
12 VAC 30-50-210 emer	Amended	20:8 VA.R. 836	1/4/04-1/3/05

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-50-530	Amended	20:1 VA.R. 28	10/22/03
12 VAC 30-50-226	Amended	20:7 VA.R. 661	2/1/04
12 VAC 30-50-420	Amended	20:7 VA.R. 664	2/1/04
12 VAC 30-50-430	Amended	20:7 VA.R. 664	2/1/04
12 VAC 30-50-510	Amended	20:7 VA.R. 667	2/1/04
12 VAC 30-60-61	Amended	20:7 VA.R. 669	2/1/04
12 VAC 30-60-143	Amended	20:7 VA.R. 669	2/1/04
12 VAC 30-60-147	Amended	20:7 VA.R. 673	2/1/04
12 VAC 30-70-201	Amended	20:5 VA.R. 455	1/4/04
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 30-70-425	Added	20:8 VA.R. 814	1/28/04
12 VAC 30-70-426	Added	20:8 VA.R. 814	1/28/04
12 VAC 30-80-20	Amended	20:8 VA.R. 815	1/28/04
12 VAC 30-80-30	Amended	20:8 VA.R. 817	1/28/04
12 VAC 30-80-40	Amended	20:2 VA.R. 132	11/6/03
12 VAC 30-80-40 emer	Amended	20:8 VA.R. 839	1/4/04-1/3/05
12 VAC 30-120-350 emer	Amended	20:8 VA.R. 843	12/4/03-12/3/04
12 VAC 30-120-370 emer	Amended	20:8 VA.R. 845	12/15/03-12/14/04
12 VAC 30-120-380 emer	Amended	20:8 VA.R. 847	12/15/03-12/14/04
12 VAC 30-120-420 emer	Amended	20:8 VA.R. 847	12/15/03-12/14/04
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 30-130-550	Repealed	20:7 VA.R. 673	2/1/04
12 VAC 30-130-565	Amended	20:7 VA.R. 673	2/1/04
12 VAC 30-130-570	Repealed	20:7 VA.R. 673	2/1/04
12 VAC 30-130-1000 emer	Added	20:8 VA.R. 840	1/4/04-1/3/05
12 VAC 30-135-10 through 12 VAC 30-135-90	Added	19:25 VA.R. 3789-3791	10/1/03
12 VAC 35-105	Erratum	19:25 VA. R. 3844	--
<b>Title 13. Housing</b>			
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-51-81	Amended	19:25 VA.R. 3802	10/1/03
13 VAC 5-51-85	Added	19:25 VA.R. 3810	10/1/03
13 VAC 5-51-91	Amended	19:25 VA.R. 3812	10/1/03
13 VAC 5-51-101	Amended	19:25 VA.R. 3813	10/1/03
13 VAC 5-51-111	Amended	19:25 VA.R. 3814	10/1/03
13 VAC 5-51-121	Amended	19:25 VA.R. 3814	10/1/03
13 VAC 5-51-129	Added	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-130	Amended	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-131	Amended	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-132	Added	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-133	Amended	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-135	Amended	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-136	Amended	19:25 VA.R. 3817	10/1/03
13 VAC 5-51-140	Amended	19:25 VA.R. 3817	10/1/03
13 VAC 5-51-150	Amended	19:25 VA.R. 3818	10/1/03
13 VAC 5-51-155	Added	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-160	Repealed	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-170	Repealed	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-180	Repealed	19:25 VA.R. 3823	10/1/03
13 VAC 5-51-181	Repealed	19:25 VA.R. 3823	10/1/03
13 VAC 5-51-182	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-51-190	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-51-200	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-61-11 through 13 VAC 5-61-460	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-62	Erratum	20:2 VA.R. 140	--
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	<sup>1</sup>
13 VAC 5-62-260 M	Suspended	20:2 VA.R. 133	<sup>1</sup>
13 VAC 5-62-260 N	Suspended	20:2 VA.R. 133	<sup>1</sup>
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

<sup>1</sup> Effective date suspended for further public comment.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 10-40-10	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-30 through 13 VAC 10-40-70	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-90	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-100	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-120	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 10-40-230	Amended	20:3 VA.R. 244	9/25/03
<b>Title 14. Insurance</b>			
14 VAC 5-71-10	Amended	20:5 VA.R. 457	11/1/03
14 VAC 5-71-20	Amended	20:5 VA.R. 458	11/1/03
14 VAC 5-71-30	Repealed	20:5 VA.R. 459	11/1/03
14 VAC 5-71-31	Added	20:5 VA.R. 460	11/1/03
14 VAC 5-71-35	Added	20:5 VA.R. 463	11/1/03
14 VAC 5-71-40	Amended	20:5 VA.R. 464	11/1/03
14 VAC 5-71-60	Amended	20:5 VA.R. 464	11/1/03
14 VAC 5-71-70	Amended	20:5 VA.R. 465	11/1/03
14 VAC 5-71-80	Repealed	20:5 VA.R. 466	11/1/03
14 VAC 5-71-90	Amended	20:5 VA.R. 466	11/1/03
14 VAC 5-71-91	Added	20:5 VA.R. 467	11/1/03
14 VAC 5-71-92	Added	20:5 VA.R. 467	11/1/03
14 VAC 5-71-93	Added	20:5 VA.R. 467	11/1/03
14 VAC 5-310	Erratum	20:8 VA.R. 850	--
14 VAC 5-310-10	Amended	20:5 VA.R. 469	12/31/03
14 VAC 5-310-20	Amended	20:5 VA.R. 469	12/31/03
14 VAC 5-310-30	Amended	20:5 VA.R. 469	12/31/03
14 VAC 5-310-40	Amended	20:5 VA.R. 470	12/31/03
14 VAC 5-310-50	Amended	20:5 VA.R. 470	12/31/03
14 VAC 5-310-60	Repealed	20:5 VA.R. 472	12/31/03
14 VAC 5-310-70	Repealed	20:5 VA.R. 473	12/31/03
14 VAC 5-310-80	Amended	20:5 VA.R. 475	12/31/03
14 VAC 5-310-90	Amended	20:5 VA.R. 479	12/31/03
14 VAC 5-310-100	Amended	20:5 VA.R. 481	12/31/03
14 VAC 5-310-105	Added	20:5 VA.R. 482	12/31/03
14 VAC 5-310-110	Repealed	20:5 VA.R. 482	12/31/03
<b>Title 16. Labor and Employment</b>			
16 VAC 25-85-1904.12	Repealed	20:7 VA.R. 673	1/15/04
16 VAC 25-85-1904.29	Amended	20:7 VA.R. 673	1/15/04
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 15-30	Erratum	19:26 VA.R. 3926	--
18 VAC 30-20-10	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-150	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-170	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-240	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-280	Amended	20:8 VA.R. 821	1/28/04
18 VAC 65-20-10	Amended	20:8 VA.R. 822	1/28/04
18 VAC 65-20-50	Amended	20:8 VA.R. 822	1/28/04

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 65-20-70	Amended	20:8 VA.R. 822	1/28/04
18 VAC 65-20-170	Amended	20:8 VA.R. 823	1/28/04
18 VAC 65-20-350	Amended	20:8 VA.R. 823	1/28/04
18 VAC 65-20-400	Amended	20:8 VA.R. 823	1/28/04
18 VAC 65-20-440	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-570	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-580	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-590	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-700	Amended	20:8 VA.R. 824	1/28/04
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 80-20-70	Amended	19:25 VA.R. 3827	10/1/03
18 VAC 140-20-105	Amended	20:8 VA.R. 825	1/28/04
18 VAC 140-20-150	Amended	20:8 VA.R. 826	1/28/04
<b>Title 19. Public Safety</b>			
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
<b>Title 21. Securities and Retail Franchising</b>			
21 VAC 5-120-50	Amended	20:1 VA.R. 32	9/2/03
<b>Title 22. Social Services</b>			
22 VAC 30-20-90	Amended	20:7 VA.R. 674	1/15/04
22 VAC 40-250-10	Amended	20:8 VA.R. 827	2/1/04
22 VAC 40-250-20	Amended	20:8 VA.R. 827	2/1/04
22 VAC 40-260-10	Amended	20:8 VA.R. 827	2/1/04
22 VAC 40-260-20	Amended	20:8 VA.R. 828	2/1/04
22 VAC 40-270	Repealed	20:8 VA.R. 831	2/1/04
22 VAC 40-675-10 through 22 VAC 40-675-220	Added	20:8 VA.R. 832-835	2/1/04
22 VAC 40-705-60	Amended	20:5 VA.R. 483	1/1/04
22 VAC 40-705-130	Amended	20:5 VA.R. 483	1/1/04
22 VAC 40-730-115	Added	20:5 VA.R. 484	1/1/04
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-71	Erratum	20:7 VA.R. 678	--
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 30-580-10 through 24 VAC 30-580-40	Amended	20:5 VA.R. 485-486	10/28/03

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### CRIMINAL JUSTICE SERVICES BOARD

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider adopting regulations entitled **6 VAC 20-230, Regulations Relating to the Conservator of the Peace**. The purpose of the proposed action is to establish a registration process to include a fingerprint-based background check, registration fees, compulsory minimum entry-level training standards, and administration of the regulatory system.

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

Statutory Authority: §§ 9.1-150.2 and 19.2-113 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 11, 2004.

**Contact:** Ellen Spain, Regulatory Programs Coordinator for Private Security Services, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219, telephone: (804) 786-1018, FAX (804) 786-6344, or e-mail [espain@dcjs.state.va.us](mailto:espain@dcjs.state.va.us).

VA.R. Doc. No. R04-66; Filed December 15, 2003, 1:21 p.m.

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-260, 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](mailto:emdaub@deq.state.va.us).

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

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## TITLE 11. GAMING

### STATE LOTTERY BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Lottery Board intends to consider amending regulations entitled **11 VAC 5-20, Administration Regulations**. The purpose of the proposed action is to update, streamline and add flexibility to the Virginia Lottery's procurement processes.

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

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

Public comments may be submitted until 5 p.m. on January 16, 2004.

**Contact:** Betty K. Hill, Administrative Assistant, Division of Legislative and Regulatory Affairs, State Lottery Board, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7904, FAX (804) 692-7603 or e-mail [bhill@valottery.state.va.us](mailto:bhill@valottery.state.va.us).

VA.R. Doc. No. R04-52; Filed November 24, 2003, 12:04 p.m.

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-50, Amount, Duration, and Scope of Medical**

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# Notices of Intended Regulatory Action

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**and Remedial Care Services, 12 VAC 30-80, Methods and Standards for Establishing Payment Rates: Other Types of Care, and 12 VAC 30-130, Amount, Duration and Scope of Selected Services.** The purpose of the proposed action is to institute the requirement that prescription drugs be contained within the DMAS preferred drug list in order to be covered by Medicaid. Drugs not included on this list will require prior authorization before they will be paid for by Medicaid. This action also establishes state supplemental rebates and the Pharmacy and Therapeutics Committee.

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

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

Public comments may be submitted until January 28, 2004, to Adrienne Fegans, Health Programs Administrator, Department of Medical Assistance Services, 600 E. Broad St., 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.

VA.R. Doc. No. R04-54; Filed November 25, 2003, 3:44 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-120, Waivered Services: MEDALLION.** The purpose of the proposed action is to fully conform the MEDALLION regulations (12 VAC 30-120-260 through 12 VAC 30-120-350) to requirements of the federal Balanced Budget Act of 1997, as well as to update the MEDALLION regulation with regard to the MEDALLION Waiver and changes in other regulations.

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

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

Public comments may be submitted until January 28, 2004, to Alissa Nashwint, Division of Health Care Services, Department of Medical Assistance Services, 600 E. Broad St., 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.

VA.R. Doc. No. R04-59; Filed December 4, 2003, 4:18 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-120, Waivered Services: MEDALLION II.** The purpose of the proposed action is to fully conform the

MEDALLION II regulations (12 VAC 30-120-360 through 12 VAC 30-120-420) to requirements of the federal Balanced Budget Act of 1997, as well as to update the MEDALLION II regulation with regard to the MEDALLION II Waiver and changes in other regulations.

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

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

Public comments may be submitted until January 28, 2004, to Patti Davidson, Division of Health Care Services, Department of Medical Assistance Services, 600 E. Broad St., 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.

VA.R. Doc. No. R04-60; Filed December 4, 2003, 4:20 p.m.



## TITLE 16. LABOR AND EMPLOYMENT

### DEPARTMENT OF LABOR AND INDUSTRY

#### Safety and Health Codes Board

##### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Safety and Health Codes Board intends to consider adopting regulations entitled **16 VAC 25-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors.** The purpose of the proposed action is to set minimum aggregate limits for professional liability or errors of omission coverage or other methods of ensuring financial responsibility for boiler and pressure vessel contract fee inspectors operating in the Commonwealth.

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

Statutory Authority: § 40.1-51.9:2 of the Code of Virginia.

Public comments may be submitted until February 12, 2004.

**Contact:** Fred P. Barton, Director, Boiler Safety Compliance Director, Department of Labor and Industry, Powers Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3262, FAX (804) 371-2324, or e-mail fpb@doli.state.va.us.

VA.R. Doc. No. R04-68; Filed December 19, 2003, Noon



**TITLE 18. PROFESSIONAL AND  
OCCUPATIONAL LICENSING**

**BOARDS OF NURSING AND MEDICINE**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to (i) state clearly that an applicant for initial licensure in a specialty area of practice must have a degree from an advanced practice educational program and certification by national examination that are both consistent with that area of practice; (ii) specify that a graduate degree is required for licensure; and (iii) write regulations for licensure by endorsement.

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 54.1-2957 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on January 14, 2004.

**Contact:** Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or e-mail [jay.douglas@dhp.state.va.us](mailto:jay.douglas@dhp.state.va.us).

VA.R. Doc. No. R04-49; Filed November 20, 2003, 2:28 p.m.

**BOARD FOR WATERWORKS AND WASTEWATER  
WORKS OPERATORS**

**† Notice of Intended Regulatory Action**

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to consider amending regulations entitled **18 VAC 160-20, Board for Waterworks and Wastewater Works Operators Regulations**. The purpose of the proposed action is to review the experience requirements to determine if experience obtained at a nonclassified waterworks or wastewater works facility should qualify an individual to sit for the examination.

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

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 13, 2004.

**Contact:** David E. Dick, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, or e-mail [waterwasteoper@dpor.state.va.us](mailto:waterwasteoper@dpor.state.va.us).

VA.R. Doc. No. R04-67; Filed December 10, 2003, 3:27 p.m.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Title of Regulation: **18 VAC 30-20. Regulations Governing the Practice of Audiology and Speech-Language Pathology (amending 18 VAC 30-20-80, 18 VAC 30-20-150, 18 VAC 30-20-160, 18 VAC 30-20-320).**

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

Public Hearing Date: February 19, 2004 - 9:30 a.m.

Public comments may be submitted until March 13, 2004.

(See Calendar of Events section for additional information)

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

Basis: Chapter 24 (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations, levy fees, administer a licensure and renewal program, and discipline regulated professionals.

Purpose: The purpose of the proposed action is to address the need of the Board of Audiology and Speech-Language Pathology to generate sufficient income to cover expenses for essential functions of the approving applicants for licensure to ensure minimal competency in the professions and for the investigation of complaints against licensees and adjudication of disciplinary cases as required to protect public health and safety in the Commonwealth.

In the analysis of the funding under the current fee structure, a deficit of \$80,387 for the 2000-2002 biennium has been reported. The total budget for FY03, including direct and allocated expenditures was \$184,722, but revenues were only \$173,840. That combined with the carry-over debt of the board resulted in a deficit of (\$91,269) by June 30, 2003. Since licensees of the board renew biennially in even years, there will not be another renewal date until December 2004, so the estimated income for the board for FY04 is only \$17,035. Expenditures for FY04 are estimated to be \$165,000, resulting in an estimated deficit by June 30, 2004 of \$239,234.

Section 54.1-113 of the Code of Virginia requires that at the end of each biennium, an analysis of revenues and expenditures of each regulatory board shall be performed. It is necessary that each board have sufficient revenue to cover

its expenditures. By the close of the 2000-2002 biennium, the Board of Audiology and Speech-Language Pathology had a deficit, and it is projected that the board will continue to have a larger deficit through the next two biennia. Since the fees from licensees have fallen short of the operating expenses for the board, a fee increase is essential.

In addition, the board proposes to add a fee for approval of a continuing education (CE) provider. The process for approving a CE provider entails submission of an application with documentation on the courses, instructors and objectives. Each application must be reviewed by staff for completeness, and staff time is often taken with securing follow-up information. Application packages must be copied and provided to members of the continuing education committee for their review and approval. Those members are entitled to per diem for the time spent in review. If there is no agreement among members of the committee or if the provider disputes the decision of the committee, a special conference committee must be convened to hear the case. That would necessitate expenditures related to bringing board members to Richmond or hearing the case in venue.

In order to have adequate funding for the operation of the board by the end of fiscal year 2004, it is necessary to promulgate amendments to regulations at the earliest possible date.

Substance: The substantive change is an increase in renewal fees for licensees and a change from a biennial renewal to an annual renewal. Renewal of licensure increases from \$60 biennially to \$75 annually for licensed audiologists and speech-language pathologists and for school speech-language pathologists, it increases from \$60 biennially to \$40 annually.

Other fees that are built on the basis of the renewal fees are increased accordingly, including the application fee, the late fee, and the reinstatement fee. Fees for inactive licensees are typically set at one-half the active fee, so those are also increased. Miscellaneous fees are set to recover actual costs, so the fee for duplicate wall certificate increases from \$15 to \$25. There is a new fee established for board approval of a continuing education sponsor set at \$200.

Rules are changed to require reinstatement after one renewal cycle, which would now be one year. In order to reinstate, documentation of continuing education is required for the number of years in which the license has been lapsed, not to exceed four years. After four years, a person must reapply and meet the qualifications in effect at the time of the application. It also adds a provision to allow the board to deny reinstatement to anyone who is determined to have committed an act in violation of law or regulation.

Issues: There are no advantages or disadvantages to the public, which is not directly impacted by an increase in fees for audiologists and speech-language pathologists. An additional \$45 per year in the cost of maintaining a license is unlikely to

have any effect on the supply of licensees in Virginia nor is it likely to result in an increase in provider services.

The primary advantage to the agency, the Board of Audiology and Speech-Language Pathology, is that increased revenue from fees will offset the deficits that have accumulated over the past three fiscal years. Without an increase, the board would be faced with severe curtailment of its primary functions of licensing, renewing and disciplining practitioners. There are no disadvantages to the agency or the Commonwealth.

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

Summary of the proposed regulation. The Board of Audiology and Speech-Language Pathology (board) proposes to (i) change the license renewal cycle from biennial to annual, and (ii) increase its licensing fees.

Estimated economic impact. As of June 30, 2003, the board's fiscal account had a balance of negative \$91,269. The board anticipates that its expenditures will continue to exceed its revenue without increased fees. In order to eliminate the current and future negative balances, the board proposes to increase its per annum fees.

Currently, the duration for audiology and speech-language pathology licenses is two years. The board proposes to require annual renewal of the licenses, while simultaneously increasing per annum licensure fees. The following table displays current fees and proposed fees on a comparable per annum basis.

Licensure Fees on a Per Annum Basis

<u>Licensure Fee Category</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Audiology license application	\$50	\$135
Audiology license renewal	\$30	\$75
Audiology late renewal	N/a	\$100
Audilology license reinstatement	\$50	\$135
Inactive audiology license renewal	\$15	\$40
Speech-language pathology license application	\$50	\$135
Speech-language pathology license renewal	\$30	\$75

Speech-language pathology late renewal	N/a	\$100
Speech-language pathology license reinstatement	\$50	\$135
Inactive speech-language pathology license renewal	\$15	\$40
School speech-language pathology license application	\$25	\$70
School speech-language pathology license renewal	\$30	\$40
School speech-language pathology late renewal	N/a	\$55
School speech-language pathology license reinstatement	\$50	\$70
Inactive school speech-language pathology license renewal	\$15	\$20

In the current regulations the fee for the school speech-language pathology license is the same (\$60 over two years) as the fees for the audiology or speech-language pathology licenses. The fees for all three licenses are higher in the proposed regulations; but the proposed fee for the school speech-language pathology license is lower (\$40 for one year) than the other two (\$75 for one year). According to the department, it is less costly to regulate school speech-language pathologists since, unlike audiology and full speech-language pathology license holders, the department does not check the education and training for school speech-language pathology license applicants. The board simply accepts evidence of qualification via endorsement from the Board of Education.

In addition to the changes to the licensure fees, the board proposes to charge a new \$200 fee for approval of continuing education sponsors. Up until now, the department has been absorbing significant costs relating to the approval process of continuing education sponsors.<sup>1</sup> The department estimates that a \$200 fee per sponsor applicant is necessary to offset those costs. Without this fee, the licensure fees would need to be raised further to offset the board's full expenditures.

Businesses and entities affected. The proposed regulations affect the 409 licensed audiologists, 2,222 licensed speech-language pathologists, 79 school speech-language pathologists, their patients, and individuals considering becoming either audiologists or speech-language pathologists, and continuing education course providers.

<sup>1</sup> The process for approving a continuing education provider entails submission of an application with documentation on the courses, instructors, and objectives. Staff time is spent on reviews for completeness, securing follow-up information, copying of application packages, and distribution to members of the continuing education committee for their review and approval. Members of the continuing education committee are paid a per diem for the time spent in review. If there is no agreement among members of the committee or if the provider disputes the decision of the committee, a special conference committee must be convened to hear the case. That would necessitate expenditures related to bringing board members to Richmond or hearing the case in venue.

# Proposed Regulations

There are approximately 25 applicants for licensure in audiology and 125 applicants for licensure in speech-language pathology each year.<sup>2</sup>

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

Projected impact on employment. The proposed fee increases are unlikely to affect the employment of full-time audiologists and speech-language pathologists. The higher fees may discourage some individuals from working part-time.

Effects on the use and value of private property. The proposed significant increases in licensure fees will commensurately reduce the value of licensees' practices. The proposed \$200 fee for continuing education sponsor approval will reduce the value of new continuing education course providers.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Audiology and Speech-Language Pathology concurs with the analysis of the Department of Planning and Budget on the need for a proposed fee increase for 18 VAC 30-20, Regulations Governing the Practice of Audiology and Speech-Language Pathology.

## Summary:

*The proposed amendments increase the renewal and related fees for licensees and amend policies for late renewal and reinstatement for consistency with other professions and with the established fee principles for all boards. In addition, the renewal cycle is changed from a biennial renewal to an annual renewal.*

## 18 VAC 30-20-80. Fees.

A. The following fees shall be paid as applicable for licensure:

1. Application for audiology or speech-language pathology license	<del>\$100</del> \$135
2. Application for school speech-language pathology license	<del>\$50</del> \$70
3. Verification of licensure requests from other states	\$20
4. <del>Biennial</del> Annual renewal of audiology or speech-language pathology license	<del>\$60</del> \$75
5. Late renewal of audiology or speech-language pathology license	\$25
6. Annual renewal of school speech-language pathology license	\$40
7. Late renewal of school speech-language pathology license	\$15
<del>5-8.</del> Reinstatement fee of audiology or speech-language pathology license	<del>\$20</del> \$135
9. Reinstatement of school speech-language pathology license	\$70

<del>6-10.</del> Duplicate wall certificates	<del>\$15</del> \$25
<del>7-11.</del> Duplicate license	\$5
<del>8-12.</del> Returned check	\$25
<del>9-13.</del> Inactive license renewal for audiology or speech-language pathology	<del>\$30</del> \$40
14. Inactive license renewal for school speech-language pathology	\$20
15. Approval of a continuing education sponsor	\$200

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refunded once submitted.

## 18 VAC 30-20-150. Renewal.

A. A person who desires to renew his license shall, not later than December 31 of each ~~odd-numbered~~ year, return the renewal notice and applicable renewal fee. A licensee who fails to renew his license by the expiration date shall have a lapsed license, and practice with a lapsed license may constitute grounds for disciplinary action by the board.

~~B. A licensee who fails to renew his license by the expiration date shall have an invalid license. A person who fails to renew his license by the expiration date may renew at any time within one year of expiration by submission of a renewal application, the renewal fee and late fee, and statement of compliance with continuing education requirements.~~

## 18 VAC 30-20-160. Reinstatement of lapsed license.

~~A. When a license is not renewed by the expiration date, the board may consider reinstatement of a license for up to two years from the date of expiration. In addition to payment of the back renewal fee and a reinstatement fee as prescribed in 18 VAC 30-20-80, the licensee shall provide documentation of having completed the number of continuing competency hours required for the period in which the license has been lapsed has not been renewed within one year of the expiration date, a person may apply to reinstate his license by submission of a reinstatement application, payment of the reinstatement fee, and submission of documentation of continuing competency hours equal to the requirement for the number of years, not to exceed four years, in which the license has been lapsed.~~

B. A licensee who does not reinstate within ~~two~~ four years as prescribed by subsection A of this section shall reapply for licensure as prescribed by Part III (18 VAC 30-20-170 et seq.) of this chapter, and meet the qualifications for licensure in effect at the time of the new application and provide documentation of having completed the number of continuing competency hours required for the period in which the license has been lapsed, not to exceed four years.

C. If the licensee holds licensure in any other state or jurisdiction, he shall provide evidence that no disciplinary action has been taken or is pending. The board reserves the right to deny a request for reinstatement to any licensee who has been determined to have committed an act in violation of 18 VAC 30-20-280.

<sup>2</sup> Source for numbers: Department of Health Professions

**18 VAC 30-20-320. Reinstatement of an inactive license.**

A. A licensee whose license has been inactive and who requests reinstatement of an active license shall file a reinstatement application, pay the difference between the inactive and active renewal fees for the current ~~biennium~~ year, and provide documentation of having completed continued competency hours equal to the requirement for the number of years, not to exceed four years, in which the license has been inactive.

B. The board reserves the right to deny a request for reactivation to any licensee who has been determined to have committed an act in violation of 18 VAC 30-20-280.

VA.R. Doc. No. R03-206; Filed December 23, 2003, 8:55 a.m.

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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 2. AGRICULTURE

### STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

**REGISTRAR'S NOTICE:** The Department of Agriculture and Consumer Services, with advice of counsel, is claiming an exemption from the Administrative Process Act in promulgating 2 VAC 5-325, Regulations Governing Pine Shoot Beetle. These regulations are being promulgated pursuant to § 3.1-188.23 of the Code of Virginia, which provides authority for the Board of Agriculture and Consumer Services to quarantine this Commonwealth or any portion thereof when it determines that such action is necessary to prevent or retard the spread of a pest into, within or from this Commonwealth.

**Title of Regulation:** 2 VAC 5-325. Regulations Governing Pine Shoot Beetle.

**Statutory Authority:** §§ 3.1-188.21 and 3.1-188.23 of the Code of Virginia.

**Effective Date:** December 15, 2003.

**Agency contact:** Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 703, Richmond, VA 23218, telephone (804) 786-3515, FAX (804) 371-7793, e-mail ffulgham@vdacs.state.va.us.

#### Summary:

*This regulation will restrict the intrastate movement of pine products from regulated to nonregulated areas of Virginia. This regulation will include Clarke County, Virginia, as a regulated area. Christmas tree producers, landscape nurseries, and shippers of pine logs or mulch in Clarke County, as in other quarantined states, must obtain special inspections and certifications prior to selling their pine Christmas trees or pine nursery stock into any nonquarantined counties. This state quarantine parallels a federal quarantine issued by USDA/APHIS/Plant Protection & Quarantine governing the interstate movement of pine products from Clarke County, Virginia.*

#### 2 VAC 5-325-10. Definitions.

The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Certificate" means a document in which an inspector affirms that a specified regulated article is free of pine shoot beetle and may be moved to any destination outside the area under quarantine.

"Compliance agreement" means a written agreement between a person engaged in growing, handling, receiving or moving regulated articles and the Virginia Department of Agriculture

and Consumer Services, the U.S. Department of Agriculture, or both, wherein the former agrees to comply with the requirements of the compliance agreement.

"Infestation" means the presence of the pine shoot beetle or the existence of circumstances that make it reasonable to believe that the pine shoot beetle is present.

"Inspector" means any employee of the Virginia Department of Agriculture and Consumer Services, or other person authorized by the commissioner to enforce the provisions of the quarantine or regulation.

"Limited permit" or "permit" means a document in which an inspector affirms that the regulated article identified on the document is eligible for movement in accordance with this regulation only to a specified destination and only in accordance with specified conditions.

"Moved," "move," or "movement" means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

"Person" means any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

"Pine nursery stock" means all *Pinus* spp. woody plants, shrubs, and rooted trees, including dug (balled and burlaped) Christmas trees, and ornamental pine, such as bonsai.

"Pine shoot beetle" means the insect known as pine shoot beetle, *Tomicus piniperda* (Linnaeus), in any stage of development.

"Virginia Pest Law" means the statute set forth in Article 6 (§ 3.1-188.20 et seq.) of Title 3.1 of the Code of Virginia.

#### 2 VAC 5-325-20. Regulated articles.

The following articles are regulated under the provisions of this quarantine, and shall not be moved out of any regulated area within Virginia, except in compliance with the conditions prescribed in this quarantine:

1. Pine products (*Pinus* spp.), as follows: bark nuggets (including bark chips); Christmas trees; logs with bark attached; lumber with bark attached; nursery stock; raw pine materials for wreaths and garlands; and stumps.

2. Any article, product, or means of conveyance which, in the determination of the Commissioner of the Department of Agriculture and Consumer Services (commissioner), presents the risk of spread of the pine shoot beetle.

#### 2 VAC 5-325-30. Regulated areas.

The following areas in Virginia:

The entire county of:

Clarke

## **2 VAC 5-325-40. Conditions governing the intrastate movement of regulated articles.**

A. Movement within regulated areas. Movement of a regulated article solely within the regulated area is allowed without restriction.

B. Any regulated article may be moved intrastate from a regulated area only if moved under the following conditions:

1. With a certificate or limited permit issued and attached in accordance with 2 VAC 5-325-50 and 2 VAC 5-325-80 of this quarantine.

2. Without a certificate or limited permit, if:

a. (1) The regulated article originates outside any regulated area and is moved through the regulated area without stopping (except for drop-off loads, refueling, or traffic conditions, such as traffic lights or stop signs) during October, November, or December, or when ambient air temperature is below 10 degrees Celsius (50 degrees Fahrenheit); or

(2) The regulated article originates outside any regulated area and, during the period of January through September, is moved through the regulated area at a temperature higher than 10 degrees Celsius (50 degrees Fahrenheit), if the article is shipped in an enclosed vehicle or completely covered (such as with plastic, canvas, or other closely woven cloth) so as to prevent access by the pine shoot beetle; and

b. The point of origin of the regulated article is indicated on the waybill.

3. With a limited permit issued by the Commonwealth if the regulated article is moved:

a. By a state or federal agency for experimental or scientific purposes;

b. Under conditions, specified on the permit, which the commissioner has found to be adequate to prevent the spread of the pine shoot beetle; and

c. With a tag or label, bearing the number of the permit issued for the regulated article, attached to the outside of the container of the regulated article or attached to the regulated article itself, if the regulated article is not in a container.

## **2 VAC 5-325-50. Issuance and cancellation of certificates and limited permits.**

A. An inspector may issue a certificate for the intrastate movement of a regulated article if the inspector determines that:

1. a. The regulated article has been treated under the direction of an inspector in accordance with 2 VAC 5-325-100 of this quarantine;

b. Based on inspection of the premises of origin, if the regulated article is a greenhouse-grown pine (such as bonsai), that the greenhouse is free from the pine shoot beetle and is screened to prevent entry of the pine shoot beetle;

c. Based on inspection of the regulated article, if the regulated article is a pine seedling or a pine transplant and is no greater than 36 inches high with a bole diameter at soil level of 1 inch or less, that it is free from the pine shoot beetle;

d. Based on inspection by an inspector (branch tip-by-branch tip) of pine nursery stock, that it is free from the pine shoot beetle; or

e. If the regulated article is a pine log with bark attached or pine lumber with bark attached or a pine stump, that its source tree has been felled during the period of July through October; and

2. a. The regulated article will be moved through the regulated area during October, November, or December, or when the ambient air temperature is below 10 degrees Celsius (50 degrees Fahrenheit);

b. The regulated article will be moved through the regulated area during the period of January through September, if the ambient air temperature is 10 degrees Celsius (50 degrees Fahrenheit) or higher, in an enclosed vehicle or completely enclosed by a covering adequate to prevent access by the pine shoot beetle; or

c. The pine log with bark attached, pine lumber with bark attached, or pine stump, from a tree felled during the period of July through October, will be shipped intrastate from the regulated area during the period of July through October; and

3. The regulated article is to be moved in compliance with any additional conditions deemed necessary under the Virginia Pest Law to prevent the spread of the pine shoot beetle; and

4. The regulated article is eligible for unrestricted movement under all other state or federal domestic plant quarantines and regulations applicable to the regulated articles.

B. An inspector may issue a limited permit for the intrastate movement of a regulated article if the inspector determines that:

1. a. The regulated article is to be moved intrastate to a specified destination for specified handling, processing, or utilization (the destination and other conditions to be listed in the limited permit), and this intrastate movement will not result in the spread of the pine shoot beetle. If the regulated article is part of a shipment of pine Christmas trees, the inspector will make a pest-risk determination on the basis of an inspection conducted in accordance with 2 VAC 5-325-50 C of this quarantine; or

b. The regulated article is to be moved intrastate from a regulated area to a regulated area and will transit any nonregulated area in an enclosed vehicle or completely enclosed by a covering adequate to prevent access by the pine shoot beetle; and

2. The regulated article is to be moved in compliance with any additional conditions deemed necessary under the

# Final Regulations

Virginia Pest Law to prevent the spread of the pine shoot beetle; and

3. The regulated article is eligible for interstate movement under all other state or federal domestic plant quarantines and regulations applicable to the regulated article.

C. The number of pine Christmas trees randomly selected for inspection is determined by the size and type of shipment, in accordance with the following tables. If a shipment mixes

and natural trees, the inspection procedure for painted trees will apply. If a pine shoot beetle is detected in any one of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain unsold as of December 25 must be destroyed by burning or chipping, or must be fumigated, prior to January 1."

Table 1.-- Painted (Color-Enhanced) Pine Christmas Trees

No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample
1-72	All	301-400	111	701-800	120	2,001-3,000	127
73-100	73	401-500	115	801-900	121	3,001-5,000	128
101-200	96	501-600	117	901-1,000	122	5,001-10,000	129
201-300	106	601-700	119	1,001-2,000	126	10,001 or more	130

Table 2.-- Natural (Unpainted) Pine Christmas Trees

No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample	No. of trees in shipment	No. of trees to sample
1-57	All	201-300	75	501-600	80	1,001-3,000	84
58-100	58	301-400	77	601-700	81	3,001-10,000	85
101-200	69	401-500	79	701-1,000	82	10,000 or more	86

D. Certificates and limited permits for use for intrastate movement of regulated articles may be issued by an inspector or person operating under a compliance agreement. A person operating under a compliance agreement may issue a certificate for the intrastate movement of a regulated article if an inspector has determined that the regulated article is otherwise eligible for a certificate in accordance with subsection A of this section. A person operating under a compliance agreement may issue a limited permit for intrastate movement of a regulated article when an inspector has determined that the regulated article is eligible for a limited permit in accordance with subsection B of this section.

E. Any certificate or limited permit that has been issued or authorized may be withdrawn by the inspector orally or in writing if he determines that the holder of the certificate or limited permit has not complied with all conditions for the use of the certificate or limited permit or with any applicable compliance agreement. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow.

**2 VAC 5-325-60. Compliance agreements and cancellation.**

A. Any person engaged in growing, handling, or moving regulated articles may enter into a compliance agreement when an inspector determines that the person understands this quarantine. The agreement shall stipulate that safeguards will be maintained against the establishment and spread of infestation, and will comply with the conditions governing the maintenance of identity, handling, and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers.

B. Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has

failed to comply with this quarantine. If the cancellation is oral, the cancellation and the reasons for the cancellation shall be confirmed in writing as promptly as circumstances allow.

**2 VAC 5-325-70. Assembly and inspection of regulated articles.**

A. Any person (other than a person authorized to issue certificates or limited permits under 2 VAC 5-325-50 D), who desires to move a regulated article intrastate accompanied by a certificate or limited permit shall apply for inspection as far in advance as possible.

B. The regulated article must be assembled at the place and in the manner the inspector designates as necessary to facilitate inspection and comply with this quarantine. The regulated article shall be safeguarded from infestation.

**2 VAC 5-325-80. Attachment and disposition of certificates and limited permits.**

A. A certificate or limited permit required for the intrastate movement of a regulated article must be attached, at all times during the intrastate movement, to the outside of the container containing the regulated article, or to the regulated article itself, if not in a container. The requirements of this section may also be met by attaching the certificate or limited permit to the consignee's copy of the waybill, provided the regulated article is sufficiently described on the certificate or limited permit and on the waybill to identify the regulated article. B. The certificate or limited permit for the intrastate

movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article.

**2 VAC 5-325-90. Inspection and disposal of regulated articles and pests.**

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and pine shoot beetles as provided in the Virginia Pest Law under which this quarantine is issued.

**2 VAC 5-325-100. Treatments.**

A. Fumigation is authorized for use on pine logs with bark attached, pine lumber with bark attached, pine bark nuggets (including bark chips), and pine stumps, as follows: logs, lumber, and stumps may be treated with methyl bromide at normal atmospheric pressure with 48 g/m<sup>3</sup> (3 lb/1000 ft<sup>3</sup>) for 16 hours at 21 degrees Celsius (70 degrees Fahrenheit) or

above, or 80 g/m<sup>3</sup> (5 lb/1000 ft<sup>3</sup>) for 16 hours at 4.5 through 20.5 degrees Celsius (40 through 69 degrees Fahrenheit).

B. Cold treatment is authorized for cut pine Christmas trees, pine nursery stock, and raw pine materials for pine wreaths and garlands as follows: The regulated articles must be loaded into a refrigeration unit and held at -20.6 degrees Celsius (-5 degrees Fahrenheit) for one hour; the period before the refrigeration unit reaches the specified temperature is not part of the treatment period.

C. Any one of these fumigation treatments is authorized for use on cut pine Christmas trees and raw pine materials for pine wreaths and garlands. Cut pine Christmas trees and raw pine materials for pine wreaths and garlands may be treated with methyl bromide at normal atmospheric pressure as follows:

Temperature	Dosage: lbs/1000 ft <sup>3</sup>	Exposure: hours	Concentration readings: ounces per 1000 ft <sup>3</sup>			
			2.0 hrs.	3.0 hrs.	3.5 hrs.	4.0 hrs.
40-49 deg. F	4.0	4.0	57	---	---	48
50-59 deg. F	4.0	3.5	57	---	48	---
50-59 deg. F	3.5	4.0	50	---	---	42
60 deg. F +	4.0	3.0	57	48	---	---
60 deg. F +	3.0	4.0	43	---	---	36

**2 VAC 5-325-110. Nonliability of the department.**

The Virginia Department of Agriculture and Consumer Services shall not be liable for:

1. Any costs incident to inspections required under the provisions of the quarantine and regulations, other than for the services of the inspector.
2. Damage to cut pine Christmas trees due to possible phytotoxic effects of authorized treatments. Trees should be cut at least 14 days before treatment to reduce the possibility of phytotoxic effects.

**2 VAC 5-325-120. Revocation of this regulation.**

This regulation may be revoked by either the Commissioner of the Department of Agriculture and Consumer Services or the Board of Agriculture and Consumer Services when such party is satisfied that the need for the regulation no longer exists. No revocation may take effect unless notice of the revocation is filed with the Registrar of Regulations. Once the notice has been filed, the effective date of the revocation shall be the filing date (unless the notice specifies an effective date that is later than the filing date, in which case that later date shall be the effective date).

VA.R. Doc. No. R04-65; Filed December 15, 2003, 2:49 p.m.

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

**Statutory Authority:** § 3.1-828.4 of the Code of Virginia.

**Effective Date:** February 11, 2004.

**Agency Contact:** J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571 or e-mail jrogers@vdacs.state.va.us.

**Summary:**

This regulation establishes labeling guidelines for commercial feed manufacturers as to claims for animal nutrients, including guarantees for crude protein, crude fat, crude fiber, minerals and vitamins; ingredients; methods of sampling and analysis; definitions and standards; and application for and cancellation of registrations and licenses. The regulation serves as a reference and instructional guide for manufacturers and provides compliance expectations for products merchandised within the Commonwealth. The amendments delete obsolete sections and clarify the intent and meaning of the regulation making it compatible with changes to the Commercial Feed Act enacted by the 1994 General Assembly.

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

# Final Regulations

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 18:26 VA.R. 3674-3686 September 9, 2002, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-109; Filed December 15, 2003, 2:52 p.m.

~~19.0273S-19.9273S~~  
(1000 - 1.005109S)

Where I = molal ionic strength of water

S = Salinity ppt (g/kg)

\*\*\*

VA.R. Doc. No. R04-56; Filed December 19, 2003, 9:18 a.m.

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

**REGISTRAR'S NOTICE:** The State Water Control Board 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. The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 9 VAC 25-260. Water Quality Standards (amending 9 VAC 25-260-155).

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

**Effective Date:** February 12, 2004.

#### Summary:

*The amendments correct a typographical error in a portion of the formula utilized to calculate acute and chronic ammonia criteria for saltwater.*

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

#### 9 VAC 25-260-155. Ammonia surface water quality criteria.

**Editor's Notice:** Due to the length of 9 VAC 25-260-155, only the amended formulas in subsection D following the chart titled, "Acute Ammonia Saltwater Criteria," and in subsection E following the chart titled, "Chronic Ammonia Saltwater Criteria," are set out. No other amendments were adopted.

\*\*\*

D. \*\*\*

I =

~~19.0273S-19.9273S~~  
(1000 - 1.005109S)

Where I = molal ionic strength of water

S = Salinity ppt (g/kg)

\*\*\*

E. \*\*\*

I =

### Notice of Effective Date

**Titles of Regulations:** 9 VAC 25-260. Water Quality Standards (amending 9 VAC 25-260-5 through 9 VAC 25-260-30, 9 VAC 25-260-50, 9 VAC 25-260-140, 9 VAC 25-260-170, 9 VAC 25-260-300, 9 VAC 9 VAC 25-260-310, 9 VAC 25-260-320, 9 VAC 25-260-380 through 9 VAC 25-260-450, and 9 VAC 25-260-470 through 9 VAC 25-260-540, adding 9 VAC 25-260-415; repealing 9 VAC 25-260-150, 9 VAC 25-260-190 through 9 VAC 25-260-240, and 9 VAC 25-260-340).

**9 VAC 25-280. Ground Water Standards (adding 9 VAC 25-280-10 through 9 VAC 25-280-90).**

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

**Effective Date:** February 12, 2004

On March 25, 2003 the State Water Control Board adopted revisions to the Water Quality Standards in 9 VAC 25-260-5, 9 VAC 25-260-10, 9 VAC 25-260-20, 9 VAC 25-260-30, 9 VAC 25-260-50, 9 VAC 25-260-140, 9 VAC 25-260-150, 9 VAC 25-260-170, 9 VAC 25-260-300, 9 VAC 9 VAC 25-260-310, 9 VAC 25-260-320, 9 VAC 25-260-340, 9 VAC 25-260-380, 9 VAC 25-260-390, 9 VAC 25-260-400, 9 VAC 25-260-410, 9 VAC 25-260-415, 9 VAC 25-260-420, 9 VAC 25-260-430, 9 VAC 25-260-440, 9 VAC 25-260-450, 9 VAC 25-260-470, 9 VAC 25-260-480, 9 VAC 25-260-490, 9 VAC 25-260-500, 9 VAC 25-260-510, 9 VAC 25-260-520, 9 VAC 25-260-530, 9 VAC 25-260-540; deleted 9 VAC 25-260-190 through 9 VAC 25-260-240; and added 9 VAC 25-280-10 through 9 VAC 25-280-90. These revisions relate to water quality criteria, use designations, groundwater quality criteria and standards, antidegradation and other policies related to water quality. The amendments were published final on August 25, 2003 Volume 19, Issue 25 of the *Virginia Register* with an effective date of 30 days after notice in the *Virginia Register* of EPA approval. The State Water Control Board hereby notices EPA approval of these revisions to the water quality standards via a letter dated December 11, 2003, from Jon M. Capacasa, Director of the Water Protection Division, EPA Region 3 to Robert G. Burnley, Director of the Virginia Department of Environmental Quality. The effective date of these amendments is February 12, 2004. Copies are available online at <http://www.deq.state.va.us/wqs> or call toll free at 1-800-592-5482 ext. 4111, local 698-4111, written request to Eleanore Daub at P.O. Box 10009, Richmond, VA 23240 or email request to emdaub@deq.state.va.us.

VA.R. Doc. No. R01-78; Filed December 19, 2003, 3:25 p.m.

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**TITLE 12. HEALTH**

**STATE BOARD OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES**

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

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Due to its length, the following regulatory action filed by the State Water Control Board is not being published. However, in accordance with § 2.2-4031 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the State Water Control Board (see contact information above) and is accessible on the Virginia Register of Regulations website at <http://register.state.va.us/vol20/iss09/p9v25790fulltext.doc>.

**Title of Regulation:** 12 VAC 35-180. Regulations to Assure the Protection of Subjects in Human Research (amending 12 VAC 35-180-10, 12 VAC 35-180-30 through 12 VAC 35-180-110 and 12 VAC 35-180-130 through 12 VAC 35-180-150; repealing 12 VAC-35-180-20).

**Statutory Authority:** §§ 37.1-10 and 37.1-24.01 of the Code of Virginia.

**Effective Date:** February 11, 2004.

**Agency Contact:** Mary Nash Shawver, Planning Coordinator, Office of Substance Abuse Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0825, FAX (804) 786-4320, or e-mail [mshawver@dmhmrsas.state.va.us](mailto:mshawver@dmhmrsas.state.va.us).

**Title of Regulation:** ~~12 VAC 5-581, 9 VAC 25-790.~~ Sewage Collection and Treatment Regulations (adding 9 VAC 25-790-10 through 9 VAC 25-790-1000).

**Statutory Authority:** § 62.1-44.19 of the Code of Virginia.

**Effective Date:** February 12, 2004

**Agency Contact:** Michael Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032, or e-mail [mbgregory@deq.state.va.us](mailto:mbgregory@deq.state.va.us).

**Summary:**

*The Sewage Collection and Treatment (SCAT) regulation provides for control of sewerage and sewage treatment works. House Bill 2602 of the 2003 Acts of Assembly amended and reenacted the State Health Code (§ 32.1-164) and the State Water Control Law (§§ 62.1-44.3, 62.1-44.18 and 62.1-44.19) to transfer responsibility for supervision and control of sewerage and sewage treatment works from the Virginia Department of Health to the State Water Control Board. Because of this transfer of statutory authority, the State Water Control Board and the Department of Environmental Quality are now responsible for implementation of the SCAT regulation, and it is necessary that the regulation be recodified. This regulation was Virginia Department of Health 12 VAC 5-581. It will become State Water Control Board 9 VAC 25-790. Changes made to the regulation are those that are necessary to make the regulation conform to the State Water Control Board's statutory authority, code citations, organization and terminology.*

VA.R. Doc. No. R04-69; Filed December 22, 2003, 1:46 p.m.

**Summary:**

*These regulations provide the regulatory basis for the Department of Mental Health, Mental Retardation and Substance Abuse Services (department) to oversee research involving human subjects receiving services in the mental health, mental retardation, and substance abuse services system. The regulation details guidelines for the initiation of human research activities in institutions operated, funded, or licensed by the department. Additionally, it provides for local review and approval of human research activities through the establishment of research review committees. This regulation also outlines the reporting requirements of research review committees to the department.*

*The amendments (i) specify an "order of priority" for obtaining consent from legally authorized representatives; (ii) require that if two or more persons qualify as the legally authorized representatives and have equal priority, then both must agree to participation; (iii) specify conditions under which a legally authorized representative may not consent for the prospective subject; (iv) specify additional items that must be considered in the review of the proposed study (e.g., risks are minimized by not exposing subject to unnecessary risks, and whether additional safeguards are in place for vulnerable populations such as children and pregnant women); (v) require compliance with the research provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), specifically those regarding use and disclosure of "protected health information" (PHI) created for research; and (vi) correct inconsistencies with the agency's Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services (12 VAC 35-115) by requiring that subjects be notified of "how the results of the study will be disseminated" and by adding "treatment" to the list of examples used to define "minimal risk."*

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# Final Regulations

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*Amendments since the proposed include changing the name of the chapter, modifying several definitions, adding a provision regarding participation by a university institutional review board, and clarifying language throughout the amendments.*

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

[ CHAPTER 180.  
REGULATIONS TO ASSURE THE PROTECTION OF  
PARTICIPANTS SUBJECTS IN HUMAN RESEARCH. ]

## 12 VAC 35-180-10. Definitions.

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

*"Affiliated with the institution"* means employed by the institution or a member of a household containing an employee of the institution.

*"Board"* means the State Mental Health, Mental Retardation and Substance Abuse Services Board.

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

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

*"Health information"* means any information, whether oral or recorded in any form or medium, that:

1. *Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and*
2. *Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual.*

*"Human research"* means any systematic investigation, including research development, testing, and evaluation, utilizing human subjects, that is designed to develop or contribute to generalized knowledge. Human research shall not be deemed to include research exempt from federal research regulation pursuant to 45 CFR 46.101(b).

*"Human participant subject" or "subject"* means a living individual about whom an investigator (whether professional or student) conducting research obtains (i) data through intervention or interaction with the individual, or (ii) [ ~~identifiable private protected health~~ ] information.

*"Individually identifiable health information"* means information that is a subset of health information, including demographic information collected from an individual, and:

1. *Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and*
2. *Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health*

*care to an individual; or the past, present, or future payment for the provision of health care to an individual; and*

- a. *That identifies the individual; or*
- b. *With respect to which there is a reasonable basis to believe the information can be used to identify the individual.*

*"Informed consent"* means the knowing and voluntary agreement, without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion, of a person who is capable of exercising free power of choice. For the purposes of human research, the basic elements of information necessary for such consent shall include:

1. ~~[ A statement that the study involves research, and ]~~ A reasonable and comprehensible explanation to the [ individual person ] of the [ proposed ] procedures or protocols to be followed, and their purposes, including ~~[ identification of any procedures that are experimental; the expected duration of the individual's participation; and the extent, if any, to which confidentiality of records identifying the subject will be maintained; how the results of the study will be disseminated; and if any data from the study are published, the individual will not be identified without written permission; 2. A statement descriptions ]~~ of any attendant discomforts [ and , ] risks [ and benefits ] reasonably to be expected [ and a statement that there may be other risks not identified, how the results of the research will be disseminated, and how the identity of the individual will be protected;
2. A disclosure of any appropriate alternative procedures or therapies that might be advantageous for the person together with their side effects, risks, and benefits];
3. A description of any ~~[ benefits to the individual or to others reasonably~~ adverse consequences and risks ] to be expected [ and an indication whether there may be other significant risks not yet identified ];
4. ~~[ A disclosure of any appropriate alternative procedures or therapies that might be advantageous for the individual~~ An instruction that the person may withdraw his consent and discontinue participation in the human research at any time without prejudice to him or fear of reprisal;
5. An explanation of any costs or compensation that may accrue to the person and, if applicable, the availability of third party reimbursement for the proposed procedures or protocols or any medical care that may be available if an injury occurs; and ];
- ~~[ 6. ]~~ An offer to answer and answers to any inquiries by ~~[ any individual~~ the person or his legally authorized representative ] concerning the procedures and protocols [ and a description of the ways in which concerns may be raised or questions asked ];
- ~~[ 6. A statement that (i) participation is voluntary, (ii) refusal to participate will involve no penalty or loss of benefits to which the individual is otherwise entitled, and (iii) the individual may withdraw his consent and discontinue~~

~~participation at any time without penalty or loss of benefits to which he is otherwise entitled;~~

~~7. An explanation of whom to contact for answers to pertinent questions about the research and research subject's rights, and whom to contact in the event of a research-related injury;~~

~~8. For research involving more than minimal risk, an explanation as to whether any compensation or medical care is available if injury occurs and, if so, what they consist of, or where further information may be obtained; and~~

~~9. An explanation of any costs or compensation that may accrue to the person or medical care that is available and, if applicable, the availability of third party reimbursement for the proposed procedures or protocols. ]~~

"Institution" or "agency" means any community services board or any facility or program operated, funded, or licensed by the department.

"Interaction" includes communication or interpersonal contact between investigator and ~~participant~~ subject.

"Intervention" includes both physical procedures by which data are gathered (for example, venipuncture) and manipulations of the ~~participant subject~~ or ~~participant's~~ subject's environment that are performed for research purposes.

~~"Interaction" includes communication or interpersonal contact between investigator and participant.~~

~~"Private information" includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a medical record). Private information must be individually identifiable (i.e., the identity of the participant is or may readily be ascertained by the investigator or associated with the information) in order for obtaining the information to constitute research involving human participants.~~

~~"Human research" means any systematic investigation which utilizes human participants who may be exposed to physical or psychological injury as a consequence of participation and which departs from the application of established and accepted therapeutic methods appropriate to meet the participant's needs.~~

~~"Institution" means any community services board or any facility or program operated, funded, or licensed by the department.~~

"Legally authorized representative" means in the following specified order of priority, (i) the parent or parents having custody of a prospective ~~participant~~ subject who is a minor, (ii) the agent appointed under an advance directive as defined in § 54.1-2982 of the Code of Virginia, executed by the prospective subject, provided the [advanced advance] directive authorizes the agent to make decisions regarding the prospective subject's participation in human research, (iii) the legal guardian of a prospective ~~participant~~ subject, (iv) the spouse of a prospective subject, except where a suit for

divorce has been filed and the divorce decree is not yet final, (v) an adult child of the prospective subject, (vi) a parent of the prospective subject when the subject is an adult, (vii) an adult brother or sister of the prospective subject, or (viii) any person or judicial or other body authorized by law or regulation to consent on behalf of a prospective ~~participant~~ subject to such ~~person's~~ subject's participation in the particular human research. For the purposes of this definition, any person authorized by law or regulation to consent on behalf of a prospective ~~participant~~ subject to his participation in the particular human research shall include an attorney-in-fact appointed under a durable power of attorney, to the extent the power grants the authority to make such a decision. The attorney-in-fact shall not be employed by the person, institution or agency conducting the human research ~~and shall not be authorized to consent to nontherapeutic medical research.~~ No official or employee of the institution or agency conducting or authorizing the research shall be qualified to act as a legally authorized representative.

"Minimal risk" means that the risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations ~~or~~, tests, or treatments.

"Nontherapeutic research" means human research in which there is no reasonable expectation of direct benefit to the physical or mental condition of the ~~participant~~ human subject.

~~[ "Private information" includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information that has been provided for specific purposes by an individual and that the individual can reasonably expect will not be made public (for example, a medical record). Private information must be individually identifiable (i.e., the identity of the participant subject is or may readily be ascertained by the investigator or associated with the information) in order for the obtaining of the information to constitute research involving human subjects. ]~~

"Protected health information (PHI)" means individually identifiable health information that is created or received by or on behalf of the institution or agency that is maintained or transmitted in any medium, including electronic media. PHI excludes individually identifiable health information in:

1. Education records covered by the Family Educational Rights and Privacy Act, as amended, 20 USC § 1232g;
2. Records described at 20 USC § 1232g(a)(4)(B)(iv) (educational records not otherwise covered under the Family Educational Rights Privacy Act in subdivision 1 of this definition); or
3. Employment records held by a covered entity in its role as an employer.

"Research" means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to general knowledge. Activities which meet this definition constitute research for purposes of this chapter, whether or not they are supported or funded under a program which is considered research for other purposes. For

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example, some "demonstration" and "service" programs may include research activities.

[ "*Research review committee*" or "*committee*" means a committee of professionals to provide complete and adequate review of research activities pursuant to § 32.1-162.19 of the Code of Virginia. ]

~~"Voluntary informed consent" means the knowing consent of an individual so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress or other form of constraint or coercion. With regard to the conduct of human research, the basic elements of information necessary to such consent shall include:~~

- ~~1. A statement that the study involves research, and a reasonable and comprehensible explanation to the individual of the procedures to be followed and their purposes, including identification of any procedures which are experimental; the expected duration of the individual's participation; a statement describing the extent, if any, to which confidentiality of records identifying the participant will be maintained; and if any data from this study are published, the individual will not be identified without his written permission;~~
- ~~2. A description of any attendant discomforts and risks reasonably to be expected and a statement that there may be other risks not yet identified;~~
- ~~3. A description of any benefits to the individual or to others reasonably to be expected;~~
- ~~4. A disclosure of any appropriate alternative procedures or therapies that might be advantageous for the individual;~~
- ~~5. An offer to answer and answers to any inquiries by any individual concerning the procedure;~~
- ~~6. A statement that participation is voluntary, refusal to participate will involve no penalty or loss of benefits to which the individual is otherwise entitled, and the individual may discontinue participation at any time without penalty or loss of benefits to which he is otherwise entitled;~~
- ~~7. An explanation of whom to contact for answers to pertinent questions about the research and research participants' rights, and whom to contact in the event of a research-related injury;~~
- ~~8. For research involving more than minimal risk, an explanation as to whether any compensation or medical care is available if injury occurs and, if so, what they consist of or where further information may be obtained; and~~
- ~~9. An explanation of any costs or compensation which may accrue to the person and, if applicable, the availability of third party reimbursement for the proposed procedures or protocols.~~

## 12 VAC 35-180-20. Authority. (Repealed.)

~~This chapter is promulgated under the authority of §§ 37.1-24.01 and 37.1-10.6 of the Code of Virginia, to effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia.~~

## 12 VAC 35-180-30. Applicability.

This chapter shall apply to the Department of Mental Health, Mental Retardation and Substance Abuse Services ~~and to~~ [ ; , ] any community services board [ ; , ] and [ to ] any facility operated, funded or licensed by the department which conducts or which proposes to conduct or authorize research which uses human ~~participants~~ *subjects*.

## 12 VAC 35-180-40. Policy.

~~A. No human research may be conducted without informing the participant or his legally authorized representative in writing of the risks, procedures, and discomforts of the research obtaining the informed consent of the subject or his legally authorized representative. The informed consent of the participant *subject* or his legally authorized representative to participate in the research must be documented in writing and supported by the signature of a witness not involved in the conduct of the research, except as provided for in 12 VAC 35-180-100 F of this chapter. Arrangements shall be made for those who need special assistance in understanding the consequences of participating in the research.~~

B. Each human research activity shall be approved by a [ *research review* ] committee composed of representatives of varied backgrounds who shall assure the competent, complete, and professional review of human research activities.

[ *C. Institutions or agencies, as defined by this chapter, may participate in human research activity when such activity has been considered and approved by a university institutional review board (IRB) that complies with the relevant requirements of § 32.1-162.19 of the Code of Virginia. ]*

~~[ *C. D.* ] Nontherapeutic research using institutionalized *participants subjects* receiving care in a residential or hospital setting is prohibited unless it is determined by the research review committee that such nontherapeutic research will not present greater than minimal risk no more than a minor increase over minimal risk to the human subject.~~

~~[ *D. E.* ] The individual conducting the research shall be required to notify all *participants subjects* of research of the risks caused by the research which are discovered after the research has concluded.~~

## 12 VAC 35-180-50. Certification process.

A. Institutions [ *or agencies* ] seeking to conduct or sponsor human research are required to submit statements to the department assuring that all human research activities will be reviewed and approved by a *an internal or external* research review committee. Institutions shall report annually to the commissioner giving assurance that a committee exists and is functioning. These reports ~~should~~ *shall* include a list of committee members, their qualifications for service on the committee, their institutional [ *or agency* ] affiliation and a copy of the minutes of committee meetings.

B. Prior to the initiation of a human research project, institutions shall also send to the commissioner a description of the research project to be undertaken, which shall include a statement of the criteria for inclusion of a *participant subject* in the research project, a description of what will be done to the

~~participants~~ *subjects*, and a copy of the informed consent statement.

C. Each person engaged in the conduct of human research or proposing to conduct human research shall ~~associate~~ *affiliate* himself with ~~any~~ *an* institution *or agency* having a [*research review*] committee, and such human research as he conducts or proposes to conduct shall be subject to review and approval by the committee in the manner set forth in ~~this section~~ *these regulations*.

D. The commissioner may inspect the records of the committee.

E. The chairman of the committee shall report as soon as possible to the head of the institution and to the commissioner any violation of the research protocol which led the committee to either suspend or terminate the research.

### **12 VAC 35-180-60. Composition of research review committees.**

A. Each [*research review*] committee shall have at least five members, appointed by the head of the institution *or agency*, with varying backgrounds to ~~provide~~ *ensure the competent, complete and adequate professional review of human research* activities commonly conducted by the institution [*or agency*]. The committee shall be sufficiently qualified through the maturity, experience, and diversity of its members, including consideration of race, gender and cultural background, to promote respect for its advice and counsel in safeguarding the rights and welfare of ~~participants~~ *subjects* in human research. In addition to possessing the professional competence necessary to review specific *research* activities, the committee must be able to ascertain the acceptability of applications and proposals in terms of institutional commitments and regulations, applicable law, standards of professional conduct and practice, and community attitudes. If a committee regularly reviews research that has an impact on an institutionalized or other vulnerable category of ~~participants~~ *subjects*, including residents of mental health or mental retardation facilities, the committee shall have in its membership one or more individuals who are primarily concerned with the welfare of these ~~participants~~ *subjects* and who have appropriate experience to serve in that capacity.

B. No committee shall consist ~~entirely of men or entirely of women~~, or entirely of members of one profession, and at least one member must be an individual whose primary concerns are in nonscientific areas (e.g., lawyers, ethicists, members of the clergy).

C. Each committee shall include at least one member who is not otherwise affiliated with the institution *or agency* and who is not part of the immediate family of a person who is affiliated with the institution *or agency*.

D. No member of a committee shall participate in the committee's initial or continuing review of any project in which the member is directly involved or for which he has administrative approval authority, except to provide information requested by the committee. The committee has responsibility for determining whether a member has a conflicting interest. The committee member shall be replaced

in the case of conflicting interests resulting in a decrease of the committee below five persons.

E. A committee may, at its discretion, invite individuals with competence in special areas to assist in the review of complex issues which require expertise beyond or in addition to that available on the committee. These individuals may not vote with the committee.

F. A quorum of the committee shall consist of a majority of its members including at least one member whose primary concerns are in nonscientific areas.

G. The committee and the institution *or agency* shall establish procedures and rules of operation necessary to fulfill the requirements of this chapter.

### **12 VAC 35-180-70. Elements of each committee's review process.**

A. No human research shall be conducted or authorized by such institution or agency unless [~~such the research review~~] committee has reviewed and approved the proposed human research project giving consideration to:

1. The adequacy of the description of the potential benefits and risks involved and the adequacy of the methodology of the research;
2. The degree of the risk, and, if the research is nontherapeutic, whether it presents greater than minimal risk;
3. Whether the rights and welfare of the ~~participants~~ *subjects* are adequately protected;
4. Whether the risks to the ~~participants~~ *subjects* are outweighed by the potential benefits to them;
5. *Whether the risks to subjects are minimized by using procedures that are consistent with sound research design and that do not unnecessarily expose subjects to risk and, whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes;*
6. *When some or all of the subjects are likely to be incapable of [~~making an~~ providing] informed [~~decision regarding~~] consent or are otherwise vulnerable to coercion or undue influence, such as children, prisoners, pregnant women, mentally disabled persons, or economically or educationally disadvantaged persons, whether additional safeguards have been included in the study to protect the rights and welfare of these subjects;*
- 5-7. Whether the ~~voluntary~~ informed consent is to be obtained by methods that are adequate and appropriate and whether the written consent form is adequate and appropriate in both content and language for the particular research and for the particular ~~participants~~ *subjects* of the research;
- 6- 8. Whether the persons proposing to supervise or conduct the particular human research are appropriately competent and qualified;

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~~7. 9. Whether criteria for selection of participants subjects are equitable, especially in research regarding the future development of mental or physical illness; and~~

~~8. 10. Whether the research conforms with such other requirements as the board may establish; and.~~

~~9. Whether appropriate studies in nonhuman systems have been conducted prior to the involvement of human participants.~~

B. Each committee shall review approved projects to ensure conformity with the approved proposal at least annually.

C. Research must be approved by the committee ~~which that~~ has jurisdiction over the ~~participant subject~~. When cooperating institutions conduct some or all of the research involving some or all of the ~~participants subjects~~, each cooperating institution is responsible for safeguarding the rights and welfare of human ~~participants subjects~~ and for complying with this chapter, except that in complying with this chapter institutions may enter into joint review, rely upon the review of another qualified committee, or make similar arrangements aimed at avoiding duplication of effort. Such arrangements may be made by the committee chairperson with the approval of a majority of the members present at a meeting of the committee. *If a given institution or agency does not have a research review committee, this arrangement shall be approved by the chief executive officer of the institution, or his designee.*

D. The committee shall consider research proposals within 45 days after submission to the committee's chairman. In order for the research to be approved, it shall receive the approval of a majority of those members present at a meeting in which a quorum exists. A committee shall notify investigators and the institution in writing of its decision to approve or disapprove the proposed research activity, or of modifications required to secure committee approval.

E. The committee shall develop a written description of the procedure to be followed by a ~~participant subject~~ who has a complaint about a research project in which he is participating or has participated.

F. Any ~~participant subject~~ who has a complaint about a research project in which he is participating or has participated shall be referred to the chairperson of the committee who shall refer it to the committee to determine if there has been a violation of the protocol.

G. The committee shall require periodic reports *to ensure that the project is being carried out in conformity with the proposal.* The frequency of such reports should reflect the nature and degree of risk of each research project.

H. *The committee shall ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-19) [ and the regulations promulgated thereunder ] regarding the use and disclosure of PHI created for research. In particular, authorization shall be obtained for the use and disclosure of PHI created for the purpose of research, except as otherwise permitted by 45 CFR 164.512(i).*

## 12 VAC 35-180-80. Kinds of research exempt from committee review.

Research activities in which the only involvement of human ~~participants subjects~~ will be in one or more of the following categories are exempt from this chapter unless the research is covered by other sections of this chapter:

1. Research conducted in established or commonly accepted educational settings, involving commonly used educational practices, such as:

a. Research on regular and special education instructional strategies; or

b. Research on the effectiveness of or the comparison among instructional techniques, curriculum or classroom management methods.

2. Research involving solely the use and analysis of the results of ~~standardized psychological, educational tests, whether cognitive, diagnostic, aptitude, or achievement tests, if information taken the data from these sources is such tests are~~ recorded in such a manner so that ~~participants subjects~~ cannot be reasonably identified, directly or through identifiers linked to the ~~participants subjects~~.

3. Research involving survey or interview procedures, unless: ~~a-~~ responses are recorded in such a manner that ~~participants the subjects~~ can be identified, directly or through identifiers linked to the ~~participants subjects~~; and:

(4) a. The ~~participant's subject's~~ responses, if they became known outside the research, could reasonably place the ~~participant subject~~ at risk of criminal or civil liability or be damaging to the ~~participant's subject's~~ financial standing, employability, or reputation; or

(2) b. The research deals with sensitive aspects of the ~~participant's subject's~~ own behavior, such as sexual behavior, drug or alcohol use, or illegal conduct or family planning.

4. Research involving solely the observation (including observation by ~~participants subjects~~) of public behavior, unless: ~~a-~~ observations are recorded in such a manner that ~~participants subjects~~ can be identified, directly or through identifiers linked to the ~~participants subjects~~, and either:

(4) a. The observations recorded about the individual, if they became known outside the research, could reasonably place the ~~participant subject~~ at risk of criminal or civil liability or be damaging to the ~~participant's subject's~~ financial standing, or employability, or reputation; or

(2) b. The research deals with sensitive aspects of the ~~participant's subject's~~ own behavior such as illegal conduct, drug use, sexual behavior, or use of alcohol drug or alcohol use, or illegal conduct.

5. Research involving solely the collection or study of existing data, documents, records, or pathological or diagnostic specimens, if these sources are publicly available or if the information taken from these sources is recorded in such a manner that ~~participants subjects~~ cannot

be identified, directly or through identifiers linked to the ~~participants~~ subjects.

6. Research involving solely a combination of any of the activities described in this section.

**12 VAC 35-180-90. Expedited review procedures for certain kinds of research involving no more than minimal risk.**

A. The [*research review*] committee may conduct an expedited review of a human research project which involves no more than minimal risk to the ~~participants~~ subjects if (i) another institution's or agency's human research review committee has reviewed and approved the project or (ii) the review involves only minor changes in previously approved research and the changes occur during the approved project period. Under an expedited review procedure, the review may be carried out by the committee chairperson and one or more experienced reviewers designated by the chairperson from among members of the committee. In reviewing the research, the reviewers may exercise all of the ~~authorities~~ authority of the committee except that the reviewers may not disapprove the research. A research activity may be disapproved only after review in accordance with the nonexpedited procedure set forth in 12 VAC 35-180-70 of ~~this chapter~~.

B. Each committee which uses an expedited review procedure shall adopt a method for keeping all members advised of research proposals which have been approved under the procedure.

C. Research activities involving no more than minimal risk and in which the only involvement of human ~~participants~~ subjects will be in one or more of the following categories (carried out through standard methods) may be reviewed by the research review committee through the expedited review procedure.

1. Collection of hair and nail clippings, in a nondisfiguring manner; nonpermanent teeth *at a time of natural loss or if patient care indicates a need for extraction*; and permanent teeth if patient care indicates a need for extraction.

2. Collection of excreta and external secretions including sweat, uncannulated saliva, placenta removed at delivery, and amniotic fluid at the time of rupture of the membrane prior to or during labor.

3. Recording of data from ~~participants~~ subjects 18 years of age or older using noninvasive procedures routinely employed in clinical practice. This includes the use of physical sensors that are applied either to the surface of the body or at a distance and do not involve input of matter or significant amounts of energy into the ~~participant~~ subject or an invasion of the ~~participant's~~ subject's privacy. It also includes such procedures as weighing, testing sensory acuity, electrocardiography, electroencephalography, thermography, detection of naturally occurring radioactivity, diagnostic echography, and electroretinography. It does not include exposure to electromagnetic radiation outside the visible range (for example, x-rays, microwaves).

4. Collection of blood samples by venipuncture *or less invasive procedures*, in amounts not exceeding 450 milliliters in an eight-week period and no more often than

two times per week, from ~~participants~~ subjects 18 years of age or older and who are in good health and not pregnant.

5. Collection of both supra-gingival and subgingival dental plaque and calculus, provided the procedure is not more invasive than routine prophylactic scaling of the teeth and the process is accomplished in accordance with accepted prophylactic techniques.

6. Voice recordings made for research purposes such as investigations of speech defects.

7. Moderate exercise by healthy volunteers.

8. The study of existing data, documents, records, pathological specimens, or diagnostic specimens.

9. Research on individual or group behavior or characteristics of individuals, such as studies of perception, cognition, game theory, or test development, where the investigator does not manipulate ~~participants'~~ subjects' behavior and the research will not involve stress to ~~participants~~ subjects.

10. Research on drugs or devices for which an investigational new drug exemption or an investigational device exemption is not required.

**12 VAC 35-180-100. Informed consent.**

A. No human research may be conducted in this Commonwealth in the absence of ~~voluntary~~ informed consent subscribed to in writing by the ~~participant~~ subject or by the ~~participant's~~ subject's legally authorized representative except as provided for in subsection F of this section. *If the subject is capable of [~~making—~~an providing] informed [~~decision~~ consent], then it shall be subscribed to in writing by the subject and witnessed. If the subject is incapable of making an informed decision, as defined in § 54.1-2982 of the Code of Virginia, at the time consent is required, then it shall be subscribed to in writing by the person's legally authorized representative and witnessed.* If the ~~participant~~ subject is a minor otherwise capable of rendering ~~voluntary~~ informed consent, the consent shall be subscribed to by both the minor and his legally authorized representative. An investigator shall seek such consent only under circumstances that provide the prospective ~~participant~~ subject or the representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence. The information that is given to the ~~participant~~ subject or the representative shall be in language understandable to the ~~participant~~ subject or the representative.

*If two or more persons who qualify as legally authorized representatives have equal decision-making priority under this chapter inform the principal investigator or attending physician that they disagree as to participation of the prospective subject in human research, the subject shall not be enrolled in the human research that is the subject of the consent.*

B. No individual shall participate in research unless this requirement is met for each individual. The giving of *informed* consent by a legally authorized representative shall be subject to the provisions of subsection C of this section. No ~~voluntary~~ informed consent shall include any language through which the ~~participant~~ subject waives or appears to waive any of his

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legal rights, including any release of any individual, institution or agency or any agents thereof from liability for negligence. Notwithstanding *the informed consent* by a legally authorized representative, no person shall be forced to participate in any human research *if the investigator conducting the human research knows that participation in the research is protested by the prospective subject. In the case of persons suffering from organic brain disease causing progressive deterioration of cognition for which there is no known cure or medically accepted treatment, the implementation of experimental courses of therapeutic treatment to which the legally authorized representative has given informed consent shall not constitute the use of force.* Each ~~participant~~ subject shall be given a copy of the signed consent form required by 12 VAC 35-180-40 A ~~of this chapter~~, except as provided for in ~~42 VAC 35-180-100 F subsection F of this section.~~

C. No legally authorized representative may consent to nontherapeutic research unless it is determined by the [research review] committee that such nontherapeutic research will present no more than a minor increase over minimal risk to the ~~participant~~ subject. *A legally authorized representative may not consent to participation in human research on behalf of a prospective subject if the legally authorized representative knows, or upon reasonable inquiry ought to know, that any aspect of the human research protocol is contrary to the religious beliefs or basic values of the prospective subject, whether expressed orally or in writing. A legally authorized representative may not consent to participation in human research involving nontherapeutic sterilization, abortion, psychosurgery, or admission for research purposes to a facility or hospital as defined in § 37.1-1 of the Code of Virginia.* No nontherapeutic research shall be performed without the consent of the ~~participant~~ subject [or his legally authorized representative].

D. The [research review] committee may approve a consent procedure which does not include, or which alters some or all of the elements of informed consent set forth in 12 VAC 35-180-10 ~~of this chapter~~, or waive the requirements to obtain informed consent provided the committee finds and documents that:

1. The research involves no more than minimal risk to the ~~participants~~ subjects;
2. The *omission*, waiver or alteration will not adversely affect the rights and welfare of the ~~participants~~ subjects;
3. The research could not practicably be carried out without the *omission*, waiver or alteration; and
4. Whenever appropriate, the ~~participants will~~ subjects shall be provided with additional pertinent information after participation.

E. Except as provided in subsection F of this section, the consent form may be either of the following:

1. A written consent document that embodies the elements of informed consent required by 12 VAC 35-180-10 ~~of this chapter~~. This form may be read to the ~~participant~~ subject or the ~~participant's~~ subject's legally authorized representative, but in any event, the investigator shall give either the

~~participant~~ subject or the *legally authorized* representative adequate opportunity to read it before it is signed; or

2. A short form written consent document stating that the elements of informed consent required by 12 VAC 35-180-10 ~~of this chapter~~ have been presented orally to the ~~participant~~ subject or the ~~participant's~~ subject's legally authorized representative. When this method is used, there shall be a witness to the oral presentation. Also, the committee shall approve a written summary of what is to be said to the ~~participant~~ subject or the *legally authorized* representative. Only the short form itself is to be signed by the ~~participant~~ subject or the representative. However, the witness shall sign both the short form and a copy of the summary, and the person actually obtaining consent shall sign a copy of the summary. A copy of the summary shall be given to the ~~participant~~ subject or the representative, in addition to a copy of the short form.

F. The committee may waive the requirement for the investigator to obtain a ~~signed~~ *written informed* consent form for some or all ~~participants~~ subjects if it finds that the only record linking the ~~participant~~ subject and the research would be the consent document and the principal risk would be potential harm resulting from a breach of confidentiality. Each ~~participant will~~ subject shall be asked whether the ~~participant~~ subject wants documentation linking the ~~participant~~ subject with the research, and the ~~participant's~~ subject's wishes ~~will~~ shall govern. In cases where the documentation requirement is waived, the committee may require the investigator to provide ~~participants~~ subjects with a written statement ~~regarding~~ *explaining* the research.

## 12 VAC 35-180-110. Committee records.

A. An institution *or agency*, or when appropriate a committee, shall prepare and maintain adequate documentation of committee activities, including the following:

1. Copies of all research proposals reviewed, scientific evaluations, if any, that accompany the proposals, approved sample consent documents, progress reports submitted by investigators, and reports of injuries to ~~participants~~ subjects.
2. Minutes of committee meetings which shall be in sufficient detail to show attendance at the meetings; actions taken by the committee; the vote on these actions including the number of members voting for, against, and abstaining; the basis for requiring changes in or disapproving research; and a written summary of the discussion of controverted issues and their resolution.
3. Records of continuing review activities.
4. Copies of all correspondence between the committee and the investigators.
5. A list of committee members.
6. Written procedures for the committee.
7. Statements of significant new findings provided to ~~participants~~ subjects.

B. The records required by this chapter shall be retained for at least three years, and records relating to research which is conducted shall be retained for at least three years after

completion of the research. All records shall be accessible for inspection and copying by authorized employees or agents of the department at reasonable times and in a reasonable manner.

**12 VAC 35-180-130. Role of the department, commissioner, and the board.**

A. The commissioner shall establish and maintain records of institutional assurances, annual reports, and summary descriptions of research projects to be reviewed by the board.

B. The commissioner shall review communications from committees reporting violations of research protocols which led to suspension or termination of the research to ensure that appropriate steps have been taken for the protection of the rights of human research participants subjects. The board shall be kept informed.

C. The commissioner shall arrange for the printing and dissemination of copies of this chapter.

**12 VAC 35-180-140. Applicability of state policies.**

Nothing in this chapter shall be construed as limiting in any way the rights of participants subjects in research under regulations promulgated by the board [ in response pursuant ] to § 37.1-84.1 of the Code of Virginia.

**12 VAC 35-180-150. Applicability of federal policies.**

Human research at institutions or agencies which are subject to policies and regulations for the protection of human participants subjects promulgated by any agency of the federal government shall be exempt from this chapter. Such institutions or agencies shall notify the commissioner and the board annually of their compliance with the policies and regulations of federal agencies.

VA.R. Doc. No. R02-153; Filed December 18, 2003, 9:37 a.m.



**TITLE 22. SOCIAL SERVICES**

**DEPARTMENT OF REHABILITATIVE SERVICES**

Title of Regulation: **22 VAC 30-30. Provision of Independent Living Services (amending 22 VAC 30-30-10, 22 VAC 30-30-20, 22 VAC 30-30-50 through 22 VAC 30-30-120, 22 VAC 30-30-160, 22 VAC 30-30-220, and 22 VAC 30-30-250; adding 22 VAC 30-30-31, 22 VAC 30-30-131, 22 VAC 30-30-141, 22 VAC 30-30-171, 22 VAC 30-30-181, 22 VAC 30-30-191, 22 VAC 30-30-201, 22 VAC 30-30-211, 22 VAC 30-30-241, 22 VAC 30-30-260, 22 VAC 30-30-270, 22 VAC 30-30-280; repealing 22 VAC 30-30-30, 22 VAC 30-30-40, 22 VAC 30-30-130, 22 VAC 30-30-140, 22 VAC 30-30-170 through 22 VAC 30-30-210, 22 VAC 30-30-230, and 22 VAC 30-30-240).**

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

Effective Date: February 11, 2004.

Agency Contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin

Farms Drive, P.O. Box K300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, or e-mail [smithee@drs.state.va.us](mailto:smithee@drs.state.va.us).

Summary:

*The amendments update all sections regarding federally funded Centers for Independent Living to make Virginia's implementation of the federal program comply with the federal Independent Living regulation. This action revises sections on eligible applicant agencies, funded activities, allocation of funds among centers, scope of services, evaluation standards, periodic review, and appeal. The amendments add similar sections for state-funded centers to make the state program consistent with the federal program. The amendments (i) add those receiving workers' compensation or veterans' disability benefits to the list of groups not required to pay for services and (ii) make most services (but not goods) free, regardless of income. For cost services, if the consumer is 18 years old or older, the amendments revise the financial needs test to consider only the consumer's income, even if the consumer is living with parents, spouse, etc. The consumer's written consent is required to release medical or psychological information to third parties. The consumer has the right to have a written service plan if determined eligible. If determined ineligible, the service provider must review the decision within 12 months and thereafter whenever the applicant's status has materially changed.*

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:23 VA.R. 3295-3319 July 26, 2003, with the changes identified below. Pursuant to § 2.2-4031 of the Code of Virginia, the adopted regulation is not published at length; however, the section that has changed since publication of the proposed is set out.

**22 VAC 30-30-10 through 30-30-211. [ No change from proposed. ]**

**22 VAC 30-30-220. Appeal procedures for CILs.**

~~Appeal Procedures for Independent Living Rehabilitation Services provided by Independent Living Rehabilitation Centers shall adhere to a department approved appeal procedure.~~

*A. This subsection is applicable to centers receiving funds under § 723 of the Act. To obtain the Secretary of the U.S. Department of Education review of a director's final written decision to disapprove a center's corrective action plan submitted under subdivision C 1 of 22 VAC 30-30-211, the center shall file, within 30 days from receipt of the director's final written decision, a formal written appeal with the secretary giving the reasons why the center believes that the director should have approved the center's corrective action plan. For purposes of this section, in the case of a state in which there is both a DSU responsible for providing IL services to the general population and a DSU responsible for providing IL services for individuals who are blind, the "director" shall be the director of the general DSU. These*

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DSUs shall periodically consult with each other with respect to the provision of services for individuals who are blind.

B. This subsection is applicable to centers receiving funds under § 723 of the Act. To obtain the Secretary of the U.S. Department of Education's review of a decision described in a director's initial written notice, a center that does not submit a corrective action plan to a director shall file, in accordance with subdivision C 1 a (1) of this section, a formal written appeal with the secretary giving the reasons why the center believes that the director should have found the center in compliance with the standards and assurances in § 725(b) and (c) of the Act, 22 VAC 30-30-171, and 22 VAC 30-30-181.

C. This subsection is applicable to centers receiving funds under § 723 of the Act and subsection D of 22 VAC 30-30-131. To appeal to the Secretary of the U.S. Department of Education a decision described in a director's initial written notice or a director's final written decision to disapprove a center's corrective action plan and to terminate or take other significant adverse action:

1. A center shall file with the secretary:

a. A formal written appeal:

(1) On or after the 90th day but not later than the 120th day following a center's receipt of a director's initial written notice; or

(2) On or before the 30th day after a center's receipt of the director's final written decision to disapprove a center's corrective action plan and to terminate or take other significant adverse action;

b. A copy of the corrective action plan, if any, submitted to the director; and

c. One copy each of any other written submissions sent to the director in response to the director's initial written notice to terminate funds or take other significant adverse action against the center.

2. The date of filing a formal written appeal to the secretary is determined in a manner consistent with the requirements of 34 CFR 81.12.

3. If the center files a formal written appeal with the secretary, the center shall send a separate copy of the appeal to the director by registered or certified mail, return receipt requested, or other means that provide a record that the director received a separate copy of the center's written appeal.

4. The center's formal written appeal to the secretary must state why:

a. The director has not met the burden of showing that the center is not in compliance with the standards and assurances in § 725(b) and (c) of the Act, 22 VAC 30-30-171, and 22 VAC 30-30-181; and

b. The corrective action plan, if any, should have been approved; or

c. The director has not met the procedural requirements of subsection B of 22 VAC 30-30-211 and subsections A through E of this section.

5. As part of its submissions, the center may request an informal meeting with the secretary at which representatives of both parties will have an opportunity to present their views on the issues raised in the appeal.

D. This subsection is applicable to centers receiving funds under § 723 of the Act and subsection D of 22 VAC 30-30-131. A director's decision to terminate funds that is described in an initial written notice or final written decision is stayed as of the date (determined under subdivision C 2 of this section) that the center files a formal written appeal with the secretary.

E. This subsection is applicable to centers receiving funds under § 723 of the Act and subsection D of 22 VAC 30-30-131. If the center files a formal written appeal in accordance with subsection C of this section, the director shall, within 15 days of receipt of the center's appeal, submit to the secretary one copy each of the following:

1. The director's initial written notice to terminate funds or take any other significant adverse action against the center sent to the center.

2. The director's final written decision, if any, to disapprove the center's corrective action plan and to terminate the center's funds or take any other significant adverse action against the center.

3. Any other written documentation or submissions the director wishes the secretary to consider.

4. Any other information requested by the secretary.

5. As part of its submissions, the director may request an informal meeting with the secretary at which representatives of both parties will have an opportunity to present their views on the issues raised in the appeal.

F. This subsection is applicable to centers receiving funds under § 723 of the Act and subsection D of 22 VAC 30-30-131. If either party requests a meeting under subdivisions [C 4-d C 5] or E 5 of this section, the meeting is to be held within 30 days of the date of the secretary's receipt of the submissions from the director that are required by subsection E of this section. The secretary promptly notifies the parties of the date and place of the meeting.

1. Within 30 days of the informal meeting or, if neither party has requested an informal meeting, within 60 days of the date of receipt of the submissions required from the director by subsection E of this section, the secretary issues to the parties the secretary's decision.

2. The secretary reviews a decision included in a director's initial written notice or a director's final written decision to disapprove the center's corrective action plan and to terminate the center's funds or take any other significant adverse action against the center based on the record submitted under subsections C and E of this section and may affirm or, if the secretary finds that the decision included in a director's initial written notice or a director's final written decision is not supported by the evidence or is not in accordance with the law, may:

- a. Remand the appeal for further findings; or*
  - b. Reverse the decision described in the director's initial written notice or the director's final written decision.*
- 3. The secretary sends copies of the decision to the parties by registered or certified mail, return receipt requested, or other means that provide a record of receipt by both parties.*
- 4. If the secretary affirms the decision described in a director's initial written notice or the director's final written decision, the director's decision takes effect on the date of the secretary's final decision to affirm.*

**22 VAC 300-30-30-230 through 22 VAC 30-30-280. [ No change from proposed. ]**

VA.R. Doc. No. R03-36; Filed December 18, 2003, 2:54 p.m.



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# FAST-TRACK REGULATIONS

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Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

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## BOARD OF DENTISTRY

**Title of Regulation:** 18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-50).

**Statutory Authority:** §§ 54.1-103, 54.1-2400 and 54.1-2729 of the Code of Virginia.

**Public Hearing Date:** January 22, 2004 - 9 a.m.

Public comments may be submitted until March 13, 2004.  
(See Calendar of Events section for additional information)

**Effective Date:** April 1, 2004.

**Agency Contact:** Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, e-mail elaine.yeatts@dhp.state.va.us.

**Basis:** Regulations are promulgated under the general authority of Chapter 24 (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia. Section 54.1-2400 (6) provides the board the authority to promulgate regulations to administer the regulatory system:

Section 54.1-103 authorizes the board to require additional training for renewal of licensure.

Continuing education for dental hygienists is specifically mandated by § 54.1-2729 of the Code of Virginia.

**Purpose:** It is the board's policy to require continuing education hours to be live or interactive to allow for exchange of information in a clinical or classroom setting. Recently, questions have arisen about the acceptability of on-line or home study hours. While the board is willing to permit a portion of the hourly requirement to be obtained by such means, it does not intend to allow all of the required 15 hours in home study. The board agrees with other professions, such as medicine, that there is merit in having practitioners engaged in a live or interactive learning environment with their peers. For dentists, who are often solo practitioners, such interaction enhances their acquisition of new information and clinical skills, which translates into better dental care and protection of the consuming public's health and safety.

**Rationale for Using Fast-Track Process:** While it is the board's intent to require most continuing education hours to be live or interactive, it is necessary to respond to requests from practitioners who want to receive credit for some hours in home study. Adoption of a guidance document was considered as an option, but it is not enforceable as a law or regulation and could not be cited in a disciplinary case. Therefore, the only option was adoption of an amendment to regulation to specify the number of home study hours that could be credited toward the annual requirement.

In order to have clear guidance through a regulation on the issue of live versus home study continuing education, the board acted to propose an amendment through the fast-track process. It does not anticipate any opposition to the amended rule and views it as clarifying to its licensees.

**Substance:** The amendment provides that no more than five of the 15 hours could be obtained through home study or on-line course work with the remaining hours to be live classroom or clinical hours.

**Issues:** There are no disadvantages to the public of this amendment. Consumers of dental services may be better served by a limitation on the number of hours that may be obtained through home study since it is believed that live, interactive hours are more valuable in conveying new knowledge and clinical skills.

There are no disadvantages to the agency or the Commonwealth; a clearly stated regulation should enable staff of the board to give licensees a definitive response to inquiries about home study hours.

**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 Dentistry (board) proposes to establish that at least 10 of the required annual 15 hours of continuing education be conducted in venues other than home study and on-line course work.

**Estimated Economic Impact.** Dentists and dental hygienists are required to have 15 hours of continuing education (CE) each year in order to maintain licensure. The board proposes to specify that only 5 hours of the requirement may be met through home study or the Internet. Regardless of venue, all continuing education must be obtained via an approved sponsor.

The proposed limitation will raise costs for dentists and dental hygienists who currently satisfy their CE requirement without taking 10 hours or more of their continuing education outside of home study or the Internet. These licensees will incur new time and travel costs in order to attend additional continuing education outside of their home or place of work. Some may have to pay higher fees as well.

On the other hand, requiring that licensees obtain at least 10 hours of CE outside of home study or the Internet may result in some improved practice if dentists and dental hygienists participate in more hands-on interactive CE. In a study on different forms of continuing medical education, Davis, O'Brien, Freemantle, Wolf, Mazmanian, and Taylor-Vaisley<sup>1</sup> found that passive forms of CE, such as reading and listening to lectures, to be ineffective in changing physician performance; but that interactive CE sessions, such as workshops and individualized training sessions, "can effect change in professional practice and, on occasion, health outcomes."<sup>2</sup> If the licensees just substitute passive listening to lectures for home study and Internet-based CE, then there will likely be little or no benefit to the proposed limitation on qualifying home study and Internet CE. Thus, the benefit of the proposed restriction will depend on how much affected licenses switch to hands-on interactive CE. If all, or nearly all, affected licensees switch to passive CE, then the proposed restriction will most likely result in a net cost since there will be a definite cost to those affected, and research indicates that practitioner performance is not enhanced by passive CE. If some or several of the affected licensees switch to hands-on interactive CE, then the benefit of the proposed restriction may exceed the cost.

Since this rule will only be binding on those dentists who are currently meeting the 15 hour CE minimum by exceeding the proposed standard for in-home CE, then it would seem reasonable to assume that few in this group will substitute active CE for the in-home passive CE they are now choosing. Thus, it would seem fair to conclude that little or no improvement in the quality of dental care can be expected from this change. Given the obvious costs involved, then it must be considered likely that this proposal will have a small but negative economic impact on the Commonwealth.

**Businesses and Entities Affected.** The proposed amendments affect the 5,360 dentists and 3,770 dental hygienists who are licensed in Virginia, as well as providers of continuing education.

**Localities Particularly Affected.** The proposed regulations affect all Virginia localities.

**Projected Impact on Employment.** The proposed amendments will increase business for non-home study and non-Internet-based CE providers. This may result in a small increase in labor hours for these providers.

**Effects on the Use and Value of Private Property.** Dentists and dental hygienists who currently satisfy their CE requirement without taking 10 hours or more of their CE outside of home study or the Internet will need to increase the amount of non-

home study and non-Internet-based CE they take. This will raise their costs in terms of time, travel, and perhaps fees. Providers of non-home and non-Internet-based CE will receive some additional business.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Dentistry concurs with the analysis of the Department of Planning and Budget for proposed fast-track regulations, 18 VAC 60-20, for an amendment to limit the number of continuing education hours that may be obtained through home study.

Summary:

*Of the 15 hours of continuing education required for annual renewal of licensure as a dentist or dental hygienist, the amendments specify that only five hours may be obtained through home study or on-line course work. The remaining must be live hours obtained in a clinical or classroom setting.*

**18 VAC 60-20-50. Requirements for continuing education.**

A. After April 1, 1995, a dentist or a dental hygienist shall be required to have completed a minimum of 15 hours of approved continuing education for each annual renewal of licensure. Continuing education hours for dentists in excess of the number required for renewal may be transferred or credited to another year for a total of not more than 15 hours. *No more than five of the 15 hours may be obtained through home study or on-line course work; the remaining shall be live classroom or clinical hours.*

B. An approved continuing dental education program shall be relevant to the treatment and care of patients and shall be:

1. Clinical courses in dentistry and dental hygiene; or
2. Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this subsection include, but are not limited to, estate planning, financial planning, investments, and personal health.

C. Continuing education credit may be earned for verifiable attendance at or participation in any courses, to include audio and video presentations, which meet the requirements in subdivision B 1 of this section and which are given by one of the following sponsors:

1. American Dental Association and National Dental Association, their constituent and component/branch associations;
2. American Dental Hygienists' Association and National Dental Hygienists Association, their constituent and component/branch associations;
3. American Dental Assisting Association, its constituent and component/branch associations;
4. American Dental Association specialty organizations, their constituent and component/branch associations;

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<sup>1</sup> Davis D, O'Brien M, Freemantle N, Wolf F, Mazmanian P, and A Taylor-Vaisley, "Impact of Formal Continuing Medical Education: Do Conferences, Workshops, Rounds, and Other Traditional Continuing Education Activities Change Physician Behavior or Health Care Outcomes?" *Journal of the American Medical Association*, September 1, 1999, Vol 282, No.9.

<sup>2</sup> This study examined the effects of different forms of physician CE, not dentist and dental hygienist CE. The professions have enough similarities that it seems reasonable to project that results for physicians will likely apply for dentists and dental hygienists as well.

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## Fast-Track Regulations

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5. American Medical Association and National Medical Association, their specialty organizations, constituent, and component/branch associations;
  6. Academy of General Dentistry, its constituent and component/branch associations;
  7. Community colleges with an accredited dental hygiene program if offered under the auspices of the dental hygienist program;
  8. A college, university, or hospital service which is accredited by an accrediting agency approved by the U.S. Office of Education;
  9. The American Heart Association, the American Red Cross and the American Cancer Society;
  10. A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education;
  11. State or federal government agencies (i.e., military dental division, Veteran's Administration, etc.);
  12. The Commonwealth Dental Hygienists' Society; or
  13. Any other board-approved programs.
- D. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following his initial licensure.
- E. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.
- F. A licensee is required to provide information on compliance with continuing education requirements in his annual license renewal. Following the renewal period, the board may conduct an audit of licensees to verify compliance. Licensees selected for audit must provide original documents certifying that they have fulfilled their continuing education requirements by the deadline date as specified by the board.
- G. All licensees are required to maintain original documents verifying the date and subject of the program or activity. Documentation must be maintained for a period of four years following renewal.
- H. A licensee who has allowed his license to lapse, or who has had his license suspended or revoked, must submit evidence of completion of continuing education equal to the requirements for the number of years in which his license has not been active.
- I. Continuing education hours required by disciplinary order shall not be used to satisfy the continuing education requirement for license renewal.
- J. Failure to comply with continuing education requirements may subject the licensee to disciplinary action by the board.

VA.R. Doc. No. R04-61; Filed December 16, 2003, 8:47 a.m.



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# EMERGENCY REGULATIONS

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: **6 VAC 20-230. Regulations Relating to Special Conservator of the Peace (adding 6 VAC 20-230-10 through 6 VAC 20-230-99).**

Statutory Authority: §§ 9.1-150.2 and 19.2-13 of the Code of Virginia.

Effective Dates: January 12, 2004, through January 11, 2005.

Agency Contact: Ellen Spain, Regulatory Coordinator for Private Security Services, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219, telephone (804) 786-1018, FAX (804) 786-6344, or e-mail [espain@dcjs.state.va.us](mailto:espain@dcjs.state.va.us).

Preamble:

*Adoption of the regulations pursuant to § 9.1-150.2 of the Code of Virginia qualify as emergency regulations pursuant to § 2.2-4011 A (j) of the Code of Virginia given the existence of an imminent threat to public safety.*

*Currently there is the potential for the misuse of power by thousands of persons who have law-enforcement powers as a special conservator of the peace and who are without any training, liability insurance or qualifications. This lack of training creates a significant potential for such misuse of power. A majority of these individuals have been authorized to carry firearms as a part of their appointments and have received no firearms-related training. A number of individuals are allowed to exceed the term limitations by the circuit court or have lifetime appointments. In addition, there is no standard to ensure a criminal history records search is being completed on individuals who are currently appointed.*

*The board is required by § 9.1-150.2 to "ensure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section" by establishing compulsory minimum training standards. Pursuant to § 19.2-13 B, as of September 15, 2004, all persons seeking appointment as a special conservator of the peace must possess a valid registration issued by the department. Applicants for registration may submit applications starting January 1, 2004. The registration process requires that an individual submit their fingerprints in order to conduct a national and Virginia criminal history records search to ensure the public safety and welfare against incompetent or unqualified persons engaging in activities as a special conservator of the peace.*

#### CHAPTER 230.

#### REGULATIONS RELATING TO SPECIAL CONSERVATOR OF THE PEACE.

#### **6 VAC 20-230-10. Definitions.**

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

*"Armed special conservator of the peace" means a special conservator of the peace registrant who carries or has immediate access to a firearm in the performance of his duties.*

*"Board" means the Criminal Justice Services Board or any successor board or agency.*

*"Certification" means a method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools and private security services instructors.*

*"Certified training schools" means a training school certified by the department for specific purpose of training a special conservator of the peace regulated in at least 1 category of the compulsory minimum training standards.*

*"Class" means a block of instruction no less than 50 minutes in length on a particular subject.*

*"Combat loading" means tactical loading of a shotgun while maintaining coverage of the threat area.*

*"Department" means the Department of Criminal Justice Services or any successor agency.*

*"Director" means the chief administrative officer of the department.*

*"Electronic roster submittal" means the authority given to the training director or assistant training director of a training school, after they have submitted an application and the required nonrefundable fee, to submit a training school roster to the department electronically through the department's on-line system.*

*"Firearms verification" means verification of successful completion of either initial or retraining requirements for handgun or shotgun training, or both.*

*"Incident" means an event that exceeds the normal extent of one's appointed special conservator of the peace authority.*

*"In-service training requirement" means the compulsory in-service training standards adopted by the Criminal Justice Services Board for special conservator of the peace personnel.*

*"Performance of his duties" means on duty in the context of this chapter.*

*"Person" means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.*

*"Physical address" means the location of the building that houses a business or training school, (a post office box is not a physical address).*

*"Private security services training school" means any person certified by the department to provide instruction in special conservator of the peace subjects for the training of special conservator of the peace personnel in accordance with this chapter.*

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"Registration" means a method of regulation that identifies individuals as having met the minimum requirements for a particular registration category as set forth in this chapter.

"Registration category" means any one of the following categories: (i) unarmed special conservators of the peace, (ii) armed special conservators of the peace.

"Session" means a group of classes comprising the total hours of mandated training in any of the following categories: unarmed special conservator of the peace, and armed special conservator of the peace.

"Special Conservator of the Peace" means any individual appointed by the circuit court pursuant to § 19.2-13 on or after September 15, 2004 to perform only those powers, functions, duties and responsibilities authorized within such geographic limitations as the court may deem appropriate.

"Special Conservator of the Peace Registrant" means any individual who has met the requirements under this article to apply for appointment to the circuit court as a special conservator of the peace.

"This chapter" means the Regulations Relating to Special Conservators of the Peace as part of the Virginia Administrative Code.

"Training certification" means verification of the successful completion of any training requirement established in this chapter.

"Training requirement" means any entry level, in-service, or firearms retraining standard established in this chapter.

"Unarmed special conservator of the peace" means a special conservator of the peace registrant who does not carry or has immediate access to a firearm in the performance of his duties.

## 6 VAC 20-230-20. Fees.

A. Schedule of fees. The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing, registration, certification and other administrative requests for services related to private security services. (NOTE: FEES ARE NONREFUNDABLE)

CATEGORIES	FEES
Initial registration	\$60
Registration renewal	\$60
Application for training exemption	\$25
Fingerprint card processing	\$50
Replacement photo identification letter	\$20

## B. Reinstatement fee.

1. The department shall collect a reinstatement fee for registration renewal applications not received on or before the expiration date of the expiring registration.

2. The reinstatement fee shall be 50% above and beyond the renewal fee of the registration, or any other credential issued by the department wherein a fee is established and renewal is required.

## C. Dishonor of fee payment due to insufficient funds.

1. The department may suspend the registration or authority it has granted any person or registrant who submits a check or similar instrument for payment of a fee required by statute or regulation which is not honored by the financial institution upon which the check or similar instrument is drawn.

2. The suspension shall become effective upon receipt of written notice of the dishonored payment. Upon notification of the suspension, the person or registrant may request that the suspended registration or authority be reinstated, provided payment of the dishonored amount plus any penalties or fees required under the statute or regulation accompany the request. Suspension under this provision shall be exempt from the Administrative Process Act.

## 6 VAC 20-230-30. Initial registration application.

A. Individuals required to be registered, pursuant to § 19.2-13 Code of Virginia, in the category of Special Conservator of the Peace. Prior to the issuance of a registration, the applicant shall meet or exceed the requirements of registration and application submittal to the department as set forth in this section. Individuals who carry or have access to a firearm while on duty must have a valid registration with firearms verification. If carrying a handgun concealed, the individual must also have a valid concealed handgun permit, and the written permission of his employer pursuant to § 18.2-308 of the Code of Virginia. The court may limit or prohibit the carrying of weapons by any special conservator of the peace as defined in § 19.2-13 F.

B. Each person applying for registration shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 18 years of age; and
2. Successfully complete all initial training requirements for special conservator of the peace, including firearms verification if applicable, requested pursuant to the compulsory minimum training standards in 6 VAC 20-230-60 of this chapter.

3. Be a United States citizen or legal resident alien of the United States.

C. Each person applying for registration shall file with the department:

1. A properly completed application provided by the department;
2. On the application his mailing address;
3. Fingerprint cards pursuant to 6 VAC 20-230-31;
4. The applicable, nonrefundable application fee;
5. A Drug and Alcohol Test pursuant to 6 VAC 20-230-32.
6. Pursuant to § 19.2-13 subsection C, documentation verifying that the applicant has secured a surety bond or cash bond in the amount not to be less than \$10,000 executed by a surety company authorized to do business in Virginia, or a certificate of insurance reflecting the department as a certificate holder, showing a policy of

comprehensive general liability insurance with a minimum coverage of \$10,000 issued by an insurance company authorized to do business in Virginia.

7. Documentation verifying completion of initial training with a certified training school, private security services training school or documentation for training exemption for prior training.

D. Upon completion of the initial registration application requirements, the department may issue a temporary registration letter for a period not to exceed 12 months. This temporary registration letter shall be taken to the circuit court where seeking appointment for special conservator of the peace.

E. The department may issue a letter of temporary registration for not more than 120 days while awaiting the results of the state and national fingerprint search, provided the applicant has met the necessary conditions and requirements.

F. Each registration shall be issued to the individual named on the application and shall be valid only for use by that individual. No registration shall be assigned or otherwise transferred to another individual.

G. Each registered individual shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

H. Once the individual has met the requirements and received a temporary registration letter, he then shall appear before the circuit court in the jurisdiction where the individual will be employed to seek appointment.

I. Meeting the requirements of registration allows an individual to be eligible for appointment. Registration does not guarantee appointment.

J. Upon completion of an appointment by a circuit court, the individual shall file a copy of the court order granting appointment as a special conservator of the peace authority and jurisdiction with the department. A final registration letter then will be issued to the individual by the department that shall be submitted to the Virginia Department of Motor Vehicles or other specified entity for a photo identification card.

### **6 VAC 20-230-31. Fingerprint processing.**

A. Before appointment by the circuit court, each individual applying for Special Conservator of the Peace shall submit to the department:

1. Two completed fingerprints cards provided by the department or another electronic method approved by the department;
2. A fingerprint processing application;
3. The applicable nonrefundable fee.
4. All criminal history conviction information on a form provided by the department.

B. The department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the individual or individuals have a record of conviction.

C. Fingerprint cards that are found to be unclassifiable will be returned to the applicant. Action on the application will be suspended pending the resubmittal of classifiable fingerprint cards. The applicant shall be so notified in writing and shall submit new fingerprint cards and the applicable, nonrefundable fee to the department before the processing of his application shall resume. However, no such fee may be required if the rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted and the department is not assessed additional processing fees.

D. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

### **6 VAC 20-230-32. Drug and alcohol testing.**

A. Before appointment by the circuit court each individual applying for Special Conservator of the Peace, must submit to a drug and alcohol screening test approved by the Department of Criminal Justice Services.

B. The applicant is responsible for any fees required for the drug and alcohol-screening test. The applicant will directly make payment to the approved agency conducting the drug and alcohol screening test.

C. Drug and alcohol screening results will be sent to the department for review. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

D. A list of approved drug and alcohol-screening agencies will be provided to the applicant during the registration application process.

### **6 VAC 20-230-33. Applications procedures and requirements.**

Every applicant for special conservator of the peace shall submit all requirements for a criminal history records background search and initial registration requirements.

### **6 VAC 20-230-34. Renewal registration application.**

A. Applications for registration renewal should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the registered individual. However, if the individual does not receive a renewal notification, it is the responsibility of the individual to ensure renewal requirements are filed with the department. Registration renewal applications received by the department after the expiration date shall be subject to all applicable, nonrefundable renewal fees plus reinstatement fees.

B. Each person applying for registration renewal shall meet the minimum requirements for eligibility as follows:

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1. Successfully complete the in-service training, and firearms retraining if applicable, pursuant to the compulsory minimum training standards set forth by this chapter; and

2. Be in good standing in every jurisdiction where appointment is granted. This subdivision shall not apply to any probationary periods during which the individual is eligible to operate under the registration.

C. The department may renew a registration when the department receives the following:

1. A properly completed renewal application provided by the department;

2. The applicable, nonrefundable registration renewal fee.

3. For individuals with firearms verification, annual firearms retraining must be completed.

4. Copy of court order granting special conservator of the peace authority and jurisdiction if changed from original filed with the department.

D. Upon completion of the renewal registration application requirements, the department may issue a registration letter for a period not to exceed 12 months. This registration letter shall be submitted by the applicant to the Virginia Department of Motor Vehicles or other specified entity for a state issued photo identification card or decals will be provided by the department.

E. Any renewal application received by the department shall meet all renewal requirements prior to the expiration date of a registration or shall be subject to the reinstatement requirements set forth 6 VAC 20-230-36.

## **6 VAC 20-230-35. Replacement state-issued photo identification letter.**

Registered individuals seeking a replacement state-issued photo identification letter shall submit to the department:

1. A properly completed application provided by the department; and

2. The applicable, nonrefundable application fee.

## **6 VAC 20-230-36. Reinstatement.**

A. Any registration not renewed on or before the expiration date, shall become null and void. Pursuant to the Code of Virginia, all such persons must currently be registered with the department as a special conservator of the peace.

B. A renewal application must be received by the department within 60 days following the expiration date of the registration in order to be reinstated by the department providing all renewal requirements have been met. Prior to reinstatement the following shall be submitted to the department:

1. The appropriate renewal application and completion of renewal requirements including required training pursuant to this chapter;

2. The applicable, nonrefundable reinstatement fee;

3. The department shall not reinstate renewal applications received after the 60-day reinstatement period has expired.

It is unlawful to operate without a valid registration during reinstatement period; and

4. The department shall not reinstate a registration that has become null and void due to not maintaining required insurance or surety bond coverage.

5. The department will notify the court when an individual has not met the registration renewal requirements with the department.

C. No registration shall be renewed or reinstated when all renewal application requirements are received by the department more than 60 days following the expiration date of the license. After that date, the applicant shall meet all initial application requirements, including applicable training requirements.

D. Following submittal of all reinstatement requirements, the department will process and may approve any application for reinstatement pursuant to the renewal process for the application.

## **6 VAC 20-230-37. Renewal extensions.**

A. An extension of the time period to meet renewal requirements may be approved only under specific circumstances that do not allow special conservators of the peace to complete the required procedures within the prescribed time period. The following are the only circumstances for which extensions may be granted:

1. Extended illness;

2. Extended injury;

3. Military or Foreign Service.

B. A request for extension shall:

1. Be submitted in writing, dated and signed by the individual prior to the expiration date of the time limit required for completion of the requirements;

2. Indicate the projected date the individual will be able to comply with the requirements; and

3. Include a copy of the physician's record of the injury or illness or a copy of the government orders.

C. No extension will be approved for registrations that have expired.

D. Applications for additional extensions may be approved upon written request of the individual.

E. The individual shall be non-operational during the period of extension.

## **6 VAC 20-230-38. Court order term expiration renewal process.**

A. A special conservator of the peace registration will become null and void if the individual does not renew their court order with the circuit court on or before the expiration of the term date.

B. A copy of the renewed special conservator of the peace court order must be received by the department on or before the expiration date of the court order.

C. The department will contact the clerk of the circuit court advising the court of any individual who has a court order for special conservator of the peace that has expired its term. The court will be advised by the department that the individual's conservator of the peace registration has become null and void.

**6 VAC 20-230-40. Denial, probation, suspension and revocation.**

A. The department may deny a registration in which any person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (f) firearms, or (g) any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of a conviction, authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.

B. The department may deny a registration in which any individual has not maintained good standing in the jurisdiction where appointed by the circuit court; or had registration that was denied upon initial application, suspended, revoked, surrendered, or not renewed; or has otherwise been disciplined in connection with a disciplinary action prior to applying for registration in Virginia.

C. Any false or misleading statement on any state application or supporting documentation is grounds for denial or revocation and may be subject to criminal prosecution.

D. A registered individual shall be subject to disciplinary action for violations or noncompliance with the Code of Virginia or this chapter. Disciplinary action shall be in accordance with procedures prescribed by the Administrative Process Act. The disciplinary action may include but is not limited to a letter of censure, fine, probation, suspension or revocation.

**6 VAC 20-230-50. General requirements.**

All registered individuals are required to maintain administrative requirements and standards of conduct as determined by the Code of Virginia, department guidelines and this chapter.

**6 VAC 20-230-51. Registered individual administrative requirements.**

A registered individual shall:

A. Conform to all requirements pursuant to the Code of Virginia and this chapter.

B. Maintain at all times with the department his mailing address, e-mail address and phone number, if applicable. Written notification of any address change, e-mail address or phone number shall be in writing and received by the department no later than 10 days after the effective date of the change.

C. Inform the department in writing within 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor.

D. Inform the department in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the special conservator of the peace statutes or regulations of that jurisdiction, there being no appeal there from or the time for appeal having elapsed.

E. Inform the department of any incident in which any registrant has discharged a firearm while on duty, excluding any training exercise. This report shall be made within 24 hours of the incident.

F. Inform the department and circuit court where the individual was appointed within 10 days, that the individual has left employment and all powers of the special conservator of the peace shall be void.

G. An individual's appointment from the circuit court shall not exceed four years under any one appointment.

H. Submit documentation of jurisdiction of appointment to the department within 30 days from appointment of the circuit court.

**6 VAC 20-230-52. Registered individual standards of conduct.**

A registered individual shall:

A. Conform to all requirements pursuant to the Code of Virginia and this chapter.

B. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter.

C. Not commit any act or omission that results in a registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.

D. No person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (f) firearms or (g) any felony from which no appeal is pending, the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

E. Not obtain a special conservator of the peace registration or registration renewal through any fraud or misrepresentation.

F. Carry a valid registration or valid temporary authorization letter at all times while on duty.

G. Carry the private security state authorized photo identification card at all times while on duty once the authorization has been approved from the department.

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H. Perform those duties authorized by the circuit court only while employed and in the jurisdiction of appointment. Perform those duties only authorized in the circuit court ordered appointment.

I. Maintain a valid firearms verification if he carries or has immediate access to firearms while on duty and authorized by the circuit court. Only those firearms by type action and caliber to which he has been trained on and is qualified to carry.

J. Carry a firearm concealed while on duty only with the expressed authorization of the circuit court who appoints the registrant and only in compliance with § 18.2-308 of the Code of Virginia.

K. Transport, carry and utilize firearms while on duty only in a manner that does not endanger the public health, safety and welfare.

L. Arrests must be made in full compliance with the law and using only the minimum force necessary to effect an arrest.

M. Display one's registration while on duty in response to the request of a law-enforcement officer, department personnel or client.

N. Not perform any unlawful or negligent act resulting in a loss, injury or death to any person.

O. If a uniform is required, wear the uniform required by the employer. If wearing a uniform while employed as a special conservator of the peace, that the uniform must:

1. Only have the title "police" on any badge or uniform when the circuit court order indicates and to the extent the displayed words accurately represents a special conservator of the peace;

2. A name plate or tape bearing, as a minimum, the individual's last name attached on the outermost garment, except rainwear worn only to protect from inclement weather.

P. Act only in such a manner that does not endanger the public health, safety and welfare.

Q. Not represent as one's own a special conservator of the peace registration issued to another individual.

R. Not falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a registration.

S. Not engage in acts of unprofessional conduct in the practice of special conservator of the peace services.

T. Not engage in acts of negligent and/or incompetent special conservator of the peace services.

## **6 VAC 20-230-60. Entry-level training.**

A. Each individual applying to the department for registration as a special conservator of the peace as defined, must meet the mandated compulsory minimum training standards herein established, unless provided for otherwise in accordance with this chapter.

B. Hour requirement. The compulsory minimum entry level training hour requirement by category, excluding

examinations, practical exercises and range qualification, shall be:

1. Unarmed special conservator of the peace - 24 hours

2. Armed special conservator of the peace - 40 hours

C. Course content. The compulsory minimum entry level training course content by category, excluding range qualification, shall be as provided in this subsection.

1. Unarmed special conservator of the peace. The entry-level curriculum for unarmed special conservator of the peace sets forth the following areas identified as:

a. Orientation - 2 hours

(1) Virginia Law and Regulations

(2) Code of Ethics

(3) General Duties and Responsibilities

b. Legal Procedures, Due Process, Civil Law, Criminal Law and Constitutional Law - 8 hours

c. Basic Law - 4 Hours

(1) Juvenile Law

(2) Crimes Against Peace & Order

(3) Crimes Against Persons

(4) Crimes Against Property

(5) Crimes Against Health & Safety

(6) Crimes Involving Fraud

d. Laws Regarding the Use of Force/Liability Issues - 4 hours

(1) Use of Force

(2) Liability Issues

e. Obtaining an Arrest Warrant/Virginia Uniform Summons - 4 hours

(1) Appearing before a magistrate

(2) Types of Warrants

(3) Serving a Warrant

(4) Issuing a Virginia Uniform Summons

f. Rules of Evidence - 1 hour

(1) Definition of Evidence

(2) Rules

(3) Types

(4) Requirements

(5) Admissibility of Evidence

(6) Integrity of Evidence

(7) Chain of Custody

g. Court Room Testimony - 1 hour

Total hours - 24 hours

2. Armed special conservator of the peace.

- a. Unarmed special conservator of the peace core subjects - 24 hours
- b. Entry level handgun training (refer to 6 VAC 20-230-81) - 16 hours (includes dry fire, judgmental shooting and low level light shooting familiarization)
- c. Entry level shotgun training, if applicable (refer to 6 VAC 20-230-82) - 2 hours

Total hours (excluding examinations, shotgun classroom instruction and range qualification) - 40 hours

**6 VAC 20-230-70. In-service training.**

A. Each person registered with the department as a special conservator of the peace by the department shall complete the compulsory in-service training standard once during each 12-month period of registration. In-service training must be completed within 12 months immediately preceding the expiration date.

B. Hour requirement. The compulsory minimum in-service training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be as follows:

1. Special conservators of the peace - 8 hours
2. Firearms requalification if applicable.

C. Course content. The compulsory minimum in-service training for special conservator of the peace course content by category, excluding examinations, practical exercises and range qualification, shall be as follows:

1. Legal authority - 4 hours
2. Job-related training - 4 hours

Total hours - 8 hours

**6 VAC 20-230-71. In-service training exemption.**

Persons who have completed training which meets or exceeds the compulsory minimum training standards promulgated by the board for the in-service training required for the individual's particular category may be authorized credit for such training, provided the training has been completed within 12 months of the expiration date of the registration period during which in-service training is required. Such training must be provided by a third party organization offering services or expertise for the particular training category. Official documentation of the following must accompany the application for in-service training credit:

- A. Information regarding the sponsoring organization, including documentation regarding the instructor for each session; and
- B. An outline of the training session material, including the dates, times and specific subject matter.
- C. Proof of attendance and successful completion.

**6 VAC 20-230-80. General firearms training requirements.**

Firearms training verification is required for all private security services business personnel who carry or have immediate access to a firearm while on duty. Each person who carries or has immediate access to firearms while on duty shall qualify with each type of action and caliber of firearm to which he has access.

**6 VAC 20-230-81. Entry-level handgun training.**

A. Handgun classroom training.

1. The entry-level handgun classroom training will include but not be limited to the following:

- a. The proper care and maintenance of the firearm;
- b. Civil liability of the use of firearms;
- c. Criminal liability of the use of firearms;
- d. Firearms retention and storage;
- e. Deadly force;
- f. Justifiable deadly force;
- g. Range safety;
- h. Principles of marksmanship;
- i. Practical firearms handling and safety;
- j. Judgmental shooting; and
- k. Low level light shooting familiarization.

Total Hours (excluding written examination) - 16 hours

2. Written examination required.

B. Range qualification (no minimum hours). The purpose of the range qualification course is to provide practical firearms training to individuals desiring to become armed special conservators of the peace.

1. Prior to the date of range training, it will be the responsibility of the school director to ensure that all students are informed of the proper attire and equipment to be worn for the firing range portion of the training. Equipment needed: handgun, belt with directional draw holster, ammunition (60 rounds).
2. Factory loaded practice or duty ammunition (60 rounds) may be used for range qualification.
3. Course shall be fired double action, double single action, except for single action semi-automatic handguns.
4. All qualifications shall be conducted using a B-27 silhouette target or the FBI "Q" target. Alternate targets may be utilized with prior approval by the department.
5. With prior approval of the department, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges.
6. A certified firearms instructor must be present on the range directly controlling the firing line during all phases of firearms training. There shall be a minimum of one certified firearms instructor per five shooters on the line.

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7. All individuals shall qualify with directional draw holsters only.

8. The range qualification of individuals shall be scored as follows:

B27 target: (use indicated K-value) 7, 8, 9, 10 X rings--value 5 points, other hits on silhouette--value 0 points: divide points scored by maximum possible score to obtain decimal and convert to percentage, e.g.,  $225 \div 300 = .75 = 75\%$ . FBI Q target: all hits inside the bottle - value 5 points; hits outside the bottle - value 0 points.

9. The low light range familiarization of individuals shall be scored as indicated above. This is strictly a familiarization course with no pass or fail grade provided.

C. Course: Virginia Private Security Course of Fire for Handguns. The course of fire shall be conducted using, at a minimum, the requirements set forth in subsection B of this section. Strong/weak hand refers to the primary hand used in firing the firearm. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase 1; 3 yards, utilizing weaver, Modified Weaver or isosceles stance, 18 rounds:

- a. Load 6 rounds and holster loaded firearm.
- b. On command, draw and fire 2 rounds (3 seconds), repeat.
- c. Load 6 rounds and holster loaded firearm.
- d. On command, draw and fire 6 rounds with strong hand.
- e. Unload, reload 6 rounds and fire 6 rounds with weak hand (25 seconds).

2. Phase 2; 7 yards, utilizing weaver, Modified Weaver or isosceles stance, 24 rounds:

- a. Load 6 rounds and holster loaded firearm.
- b. On command, draw and fire 1 round (2 seconds), repeat.
- c. Load 6 rounds and holster loaded firearm.
- d. On command, draw and fire 2 rounds (3 seconds), repeat.
- e. Load 6 rounds and holster loaded firearm.
- f. On command, draw and fire 6 rounds, reload 6 rounds, fire 6 rounds (30 seconds).

3. Phase 3; 15 yards, 70 seconds, 18 rounds:

- a. Load 6 rounds and holster loaded firearm.
- b. On command, assume kneeling position, draw and fire 6 rounds with strong hand.
- c. Assume standing position, unload, reload and fire 6 rounds from weak-hand barricade position.
- d. Unload, reload and fire 6 rounds from strong-hand barricade position (Kneeling position may be fired using barricade position.) (70 seconds).

D. Low Light Course: Virginia Private Security Low Light Familiarization Course of Fire for Handguns. The course of fire shall be conducted using, at a minimum, the requirements set forth in this subsection. Equipment needed: belt with directional draw holster, handgun, two speed loaders or three magazines, range ammunition (30 rounds). Equipment provided by instructor: A range that can simulate low light. Strong/weak hand refers to the primary hand used in firing the firearm. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase 1; 3 yards, utilizing weaver or isosceles stance, 18 rounds:

- a. Load 6 rounds and come to ready
- b. On command, fire 2 rounds (3 seconds) repeat
- c. Load 6 rounds and come to ready
- d. On command, fire 6 rounds with strong hand
- e. Unload, reload 6 rounds and fire 6 rounds (30 seconds)

2. Phase 2; 7 yards, utilizing weaver or isosceles stance, 12 rounds

- a. Load 6 rounds and come to ready
- b. On command, fire 2 rounds (5 seconds), and repeat
- c. Load 6 rounds and come to ready
- d. On command, draw and fire 3 rounds (6 seconds), and repeat

## 6 VAC 20-230-82. Entry-level shotgun training.

A. Shotgun classroom training. The entry-level shotgun classroom instruction will emphasize but not be limited to:

1. Safe and proper use and handling of the shotgun;
2. Nomenclature;
3. Positions and combat loading techniques;
4. Decision-making for the officer with the shotgun;
5. Transition from sidearm to shotgun; and
6. Shotgun retention and proper use of a sling.

Total hours - 2 hours

B. Range qualification (no minimum hours). The purpose of the range-firing course is to provide practical shotgun training to those individuals who carry or have immediate access to a shotgun in the performance of their duties.

1. For certification, 12 gauge, double aught "00" buckshot ammunition shall be used. Five rounds.
2. Scoring--70% of available pellets must be within silhouette.

C. Course: Virginia Private Security Course of Fire for Shotguns.

Distance	Position	No. Rounds	Target	Time
Combat load & fire 15 Yds.	Standing/ Shoulder	3	B-27 Silhouette	20 sec.
Combat load & fire 25 Yds.	Kneeling/ Shoulder	2	B-27 Silhouette	15 sec.

D. A certified firearms instructor must be present on the range directly controlling the firing line during all phases of firearms range training. There shall be a minimum of one certified firearms instructor per five shooters on the line.

**6 VAC 20-230-83. Firearms (handgun/shotgun) retraining.**

All armed special conservator of the peace must satisfactorily complete two hours of firearms classroom training or practical exercises and range training, and requalify as prescribed in (6 VAC 20-230-81) for handgun and (6 VAC 20-230-82) for shotgun, if applicable, on an annual basis prior to the issuance of the Firearms verification, as follows.

A. Classroom retraining or practical exercises--2 hours

B. Range qualification with handgun and/or shotgun, if applicable (no minimum hours)

Total hours (excluding range qualification)--2 hours

**6 VAC 20-230-84. Firearms training exemptions.**

Persons who meet the statutory requirements as set forth in §§ 9.1-141 and § 9.1-101 the Code of Virginia may apply for a partial exemption from the compulsory training standards. Individuals requesting such partial exemption shall file an application furnished by the department and include the applicable, nonrefundable application fee. The department may issue such partial exemption on the basis of individual qualifications as supported by required documentation. Those applying for and receiving exemptions must comply with all regulations promulgated by the board. Each person receiving a partial exemption must apply to the department for registration within 12 months from the date of issuance; otherwise the partial exemption shall become null and void. No such exemption shall be provided to any individual that has been terminated because of his misconduct or incompetence.

**6 VAC 20-230-85. Entry level firearms training exemption.**

Persons previously employed as law-enforcement officers who have not terminated or been terminated from said employment more than five years prior to the application date must submit official documentation of the following with the application for partial exemption:

A. Completion of law-enforcement entry level training; and

B. Five continuous years of law-enforcement employment provided such employment as a law-enforcement officer was not terminated due to misconduct or incompetence.

C. A current Special Conservator of the Peace with a minimum of two years of experience and have received training in two or more of the following areas in the past five years of employment as a special conservator of the peace

provided such employment as a special conservator of the peace was not terminated due to misconduct or incompetence:

1. Constitutional Law
2. Arrest authority
3. Criminal Law
4. Search & Seizure
5. Probable Cause
6. Criminal Procedures
7. Classification of Crimes
8. Basic Law
9. Laws regarding the use of force/liability issues
10. Police Functions
11. Rules of evidence

**6 VAC 20-230-86. Prior firearms training exemption.**

Persons having previous department-approved firearms training may be authorized credit for such training, which meets or exceeds the compulsory minimum training standards for special conservator of the peace, provided such training has been completed within the 12 months preceding the date of application. Official documentation of the following must accompany the application for partial in-service training credit:

1. Completion of department-approved firearms training; and
2. Qualification at a Virginia criminal justice agency, academy or correctional department.

**6 VAC 20-230-90. Complaints, department actions, adjudication.**

In accordance with § 9.1-150.2 of the Code of Virginia, this chapter establishes standards designed to secure the public safety and welfare against deceptive or misleading practices by practitioners engaging in special conservator of the peace services. It shall be the responsibility of the special conservator of the peace to provide services in a professional manner and ethical manner.

**6 VAC 20-230-91. Submittal requirements.**

A. Any aggrieved or interested person may file a complaint against any individual whose conduct and activities are regulated or required to be regulated by the board. The complaint must allege a violation of the law governing special conservator of the peace or this chapter.

B. Complaints may be submitted:

1. In writing, or on a form provided by the department, by a signed complainant;
2. In writing, submitted anonymously, that provide sufficient detailed information for the department to conduct an investigation; or

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3. Telephonically, providing the complaint alleges activities which constitute a life-threatening situation, or have resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm or personal injury, and that provide sufficient detailed information for the department to conduct an investigation.

## **6 VAC 20-230-92. Department investigation.**

A. The department may initiate or conduct an investigation based on any information received or action taken by the department to determine compliance with the Code of Virginia and this chapter.

### **B. Documentation.**

1. Persons regulated or required to be regulated by this chapter pursuant to the Code of Virginia are required to provide department investigators with any and all records required to be maintained by this chapter.

a. This shall not be construed to authorize the department to demand records protected under applicable federal and state laws. If such records are necessary to complete an investigation, the department may seek a subpoena to satisfy the request.

b. The department shall endeavor to review, and request as necessary, only those records required to verify alleged violations of compliance with the Code of Virginia and this chapter.

2. The department shall endeavor to keep any documentation, evidence or information on an investigation confidential until such time as adjudication has been completed, at which time information may be released upon request pursuant to applicable federal and state laws, rules or regulations.

## **6 VAC 20-230-93. Disciplinary action; sanctions; publication of records.**

A. Each person subject to jurisdiction of this chapter who violates any statute or regulation pertaining to special conservator of the peace shall be subject to sanctions imposed by the department regardless of criminal prosecution.

B. The department may impose any of the following sanctions, singly or in combination, when it finds the respondent in violation or in noncompliance of the Code of Virginia or of this chapter:

1. Letter of reprimand or censure;
2. Probation for any period of time;
3. Suspension of registration or approval granted, for any period of time;
4. Revocation;
5. Refusal to issue, renew or reinstate a registration or approval;
6. Fine not to exceed \$2,500 per violation as long as the respondent was not criminally prosecuted.
7. Remedial Training

C. The department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this chapter but do not hold a registration. Any person in violation of a cease and desist order entered by the department shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

D. The director may summarily suspend a registration under this chapter without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing, if the director finds that the continued operations of the registrant would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm, personal injury or loss.

E. All proceedings pursuant to this section are matters of public record and shall be preserved. The department may publish a list of the names and addresses of all registrants whose conduct and activities are subject to this chapter and have been sanctioned or denied registration or approval.

## **6 VAC 20-230-94. Fines, administrative and investigative costs.**

A. The department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or regulations, which result in a sanction, including fine, probation, suspension, revocation or denial of any license, certification or registration. Such costs shall be in addition to any monetary penalty that may be imposed.

B. All monetary penalties imposed, as a sanction shall be deposited into the state treasury to the credit of the State Literary Fund.

## **6 VAC 20-230-95. Hearing process.**

Following a preliminary investigative process, the department may initiate action to resolve the complaint through an informal fact-finding conference or formal hearing as established in this chapter. Pursuant to the authority conferred in § 9.1-150.2 of the Code of Virginia and in accordance with the procedures set forth by the Administrative Process Act and the procedures prescribed herein, the department is empowered to receive, review, investigate and adjudicate complaints concerning the conduct of any person whose activities are regulated by the board. The board will hear and act upon appeals arising from decisions made by the director. In all case decisions, the Criminal Justice Services Board shall be the final agency authority.

## **6 VAC 20-230-96. Informal fact-finding conference.**

The purpose of an informal fact-finding conference is to resolve allegations through informal consultation and negotiation. Informal fact-finding conferences shall be conducted in accordance with § 2.2-4019 of the Code of Virginia. The respondent, the person against whom the complaint is filed, may appeal the decision of an informal fact-finding conference and request a formal hearing, provided that written notification is given to the department within 30 days of the date the informal fact-finding decision notice was served, or the date it was mailed to the respondent, whichever occurred first. In the event the informal fact-finding decision was served by mail, three days shall be added to that period.

## 6 VAC 20-230-97. Formal hearing.

A. Formal hearing proceedings may be initiated in any case in which the basic laws provide expressly for a case decision, or in any case to the extent the informal fact-finding conference has not been conducted or an appeal thereto has been timely received. Formal hearings shall be conducted in accordance with § 2.2-4020 of the Code of Virginia. The findings and decision of the director resulting from a formal hearing may be appealed to the board.

B. After a formal hearing pursuant to § 2.2-4020 of the Code of Virginia wherein a sanction is imposed to fine, or to suspend, revoke or deny issuance or renewal of a registration or approval, the department may assess the holder thereof the cost of conducting such hearing when the department has final authority to grant a registration or approval, unless the department determines that the offense was inadvertent or done in good faith belief that such act did not violate a statute or regulation. The cost shall be limited to (i) the reasonable hourly rate for the hearing officer and (ii) the actual cost of recording the proceedings. This assessment shall be in addition to any fine imposed by sanctions.

C. The department does not have the authority to supercede any decision or action made by the circuit court in reference to an individual's special conservator of the peace appointment.

## 6 VAC 20-230-98. Appeals.

The findings and the decision of the director may be appealed to the board provided that written notification is given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, within 30 days following the date notification of the hearing decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the hearing decision is served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

## 6 VAC 20-230-99. Court review; appeal of final agency order.

A. The agency's final administrative decision (final agency orders) may be appealed. Any person affected by, and claiming the unlawfulness of the agency's final case decision, shall have the right to direct review thereof by an appropriate and timely court action. Such appeal actions shall be initiated in the circuit court of jurisdiction in which the party applying for review resides; save, if such party is not a resident of Virginia, the venue shall be in the city of Richmond, Virginia.

B. Notification shall be given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, in writing within 30 days of the date notification of the board decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the board decision was served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

C. During all judicial proceedings incidental to such disciplinary action, the sanctions imposed by the board shall remain in effect, unless the court issues a stay of the order.

/s/ Mark R. Warner

Governor  
Date: December 8, 2003

VA.R. Doc. No. R04-62; Filed December 15, 2003, 1:21 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF ACCOUNTANCY

**Title of Regulation:** 18 VAC 5-21. Board of Accountancy Regulations (amending 18 VAC 5-21-10 through 18 VAC 5-21-40, and 18 VAC 5-21-170).

**Statutory Authority:** § 54.1-4402 of the Code of Virginia and Chapter 291 of the 2003 Acts of Assembly.

**Effective Dates:** December 15, 2003, through December 14, 2004.

**Agency Contact:** Mark D'Amato, Regulatory Coordinator, Board of Accountancy, 3600 West Broad Street, Suite 696, Richmond, VA 23230-4916, telephone (804) 367-0502, FAX (804) 367-2174, or e-mail mark@boa.state.va.us.

#### Preamble:

In accordance with § 2.2-4011 A of the Administrative Process Act (APA) and Executive Order 21 (2002), the Board of Accountancy is proposing emergency regulations that include two changes: (1) the qualifications for, and implementation of, the new computerized CPA exam, and (2) the requirements for Ethics CPE.

#### (1) The new computerized CPA exam.

The board finds that new regulations regarding the Uniform CPA exam are required by an emergency situation, which is defined according to § 2.2-4011 A as a situation involving an imminent threat to public health or safety. This threat appears in the negative impact on both the "big four" CPA firms and the small- and medium-sized CPA firms in Virginia that will result from approximately 1,200 new CPAs being prevented from entering the labor market beginning in 2004. Each year, this many potential employees enter the labor market in Virginia as a result of passing the Uniform CPA exam. This in turn will affect the competent practice of public accounting in Virginia that directly impacts the public, both businesses and individuals.

This situation will occur because beginning in 2004 the American Institute of Certified Public Accountants (AICPA) will no longer have a paper-and-pencil CPA exam available for candidates. It will be replaced nationwide by the AICPA's new computerized CPA exam. This means that the board's current provisions for exam requirements that are specifically meant for the paper-and-pencil CPA exam will not be applicable to the new computerized CPA exam.

In 2002, Virginia had a total of 4,470 candidates take the CPA exam; in 2003, well over 5,000 took the CPA exam in the Commonwealth. Should the board's proposed changes about the conduct of the CPA exam fail to be promulgated

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by emergency regulations, approximately 5,000 candidates will not be allowed to take the exam in Virginia in 2004. Further, Virginia is one of the last states to implement the 150-year education requirement. Therefore, the majority of these exam candidates in Virginia will not qualify to take the CPA exam in most other states.

The only provisions of the current regulations that will be changed are: (i) 18 VAC 5-21-10, add new definitions about the new computerized CPA exam for clarity; (ii) 18 VAC 5-21-20, revise name of "Initial examination application fee" to "Initial CPA exam application fee," and clarify that this fee shall not exceed \$1,000; and (iii) 18 VAC 5-21-30, add new language about the computerized CPA exam. In addition, "CPA exam" was substituted for "examination," only where necessary in the text for clarification.

The failure thus to promulgate these changes by emergency regulations meets the definition of an emergency situation that is an imminent threat to the public as defined in § 2.2-4011 A of the APA.

(2) The new requirement for Ethics CPE.

In the fall of 2002, the board entered into an Executive Agreement with the Governor to implement regulations about continuing professional education (CPE) in ethics. The board will meet the Governor's priority by requiring initial applicants and regulants to obtain two CPE credits in ethics each year. The regulations are required to become effective in 2004. The implementation of this requirement will fulfill the enabling section of Chapter 291 of the 2003 Acts of the General Assembly, which provides that "the Board of Accountancy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment."

The only provisions of the current regulations that will be changed are: (1) 18 VAC 5-21-10, add new definitions about CPE for clarity; (2) 18 VAC 5-21-40, revise current licensing requirements to call for the applicant who applies for licensure three or more years after successfully completing the CPA exam to complete the most recent Ethics CPE course; and (3) 18 VAC 5-21-170, add new language about the constitution of the new Ethics CPE course, and insert the revised dates for the beginning of the CPE reporting cycles for CPAs who practice public accountancy for an employer and not for the public, or who serve as an educator in the field of accounting.

These proposed emergency regulations are not otherwise exempt under the provisions of § 2.2-4006 A 4.

## 18 VAC 5-21-10. Definitions.

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

"Accredited institution" means any degree-granting college or university accredited at the time of the applicant's degree or attendance by any of the following: Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges,

Southern Association of Colleges and Schools, and Western Association of Schools and Colleges.

"Assurance" means any act or action, whether written or oral, expressing an opinion or conclusion about the reliability of a financial statement or about its conformity with any financial accounting principles or standards.

"Audit" means expressing an opinion about the fairness of presentation of financial statements in accordance with prescribed criteria.

"Board" means the Board of Accountancy.

"Certify," "audit," "examine," "review," or "express or disclaim an opinion," when referenced to financial information or the practice of public accountancy, are terms which, when used in connection with the issuance of reports, state or imply assurance of conformity with generally accepted accounting principles, generally accepted auditing standards, and review standards. The terms include forms of language disclaiming an opinion concerning the reliability of the financial information referred to or relating to the expertise of the issuer.

"Client" means a person or entity that contracts with or retains a firm for performance of services by a CPA certificate holder or registration certificate holder subject to Chapter 44 (§ 54.1-4400 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Commission" means compensation generated from the purchase or sale of a product or service and which would not be generated but for the purchase or sale of the product or service.

"Conditional CPA exam credit" means credit for successfully passing a section of the CPA exam.

"Contact hour" means 50 minutes of participation in a group program or 50 minutes of average completion time in a self-study program.

"Contingent fee" means a fee established for the performance of a service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is obtained, or in which the amount of the fee is dependent upon the finding or result obtained. Fees shall not be considered contingent if fixed by courts or other public authorities, or in tax matters if determined based on the results of judicial proceedings or the findings of governmental agencies. A CPA certificate holder's fees may vary depending on the complexity of services rendered, and such variation shall not be considered a contingent fee.

"Continuing Professional Education (CPE)" means an integral part of the lifelong learning required to provide competent service to the public; the formal set of activities that enables accounting professionals to maintain and increase their professional competence.

"CPA certificate" means a certificate as a certified public accountant (CPA) issued by the board pursuant to Chapter 44 (§ 54.1-4400 et seq.) of Title 54.1 of the Code of Virginia and this chapter, which shall function as a license, or a corresponding certificate as a certified public accountant issued after meeting examination the CPA exam and other requirements under the laws of any other state.

"CPA exam" means the National Uniform CPA exam approved and administered by the Board of Accountancy to candidates for a CPA certificate.

"CPA wall certificate" means the symbolic document suitable for wall display that is issued by the board to an individual meeting the requirements for a CPA certificate set forth in 18 VAC 5-21-30.

"CPE" means continuing professional education.

"CPE credit" means 50 minutes of participation in a group, independent study or self-study program.

"CPE reporting cycle" means the three CPE reporting years immediately preceding the year the CPA certificate is renewed pursuant to 18 VAC 5-21-80.

"CPE reporting year" means for the purposes of this chapter a calendar year.

~~"Credit hour" means successful completion of a course of study measured in a contact hour.~~

"Ethics CPE" means subjects relating to standards of conduct, Chapter 44 (§ 54.1-4400 et seq.) of Title 54.1 of the Code of Virginia, and regulations of the board.

"Examination" means, when used in the context of services provided by CPAs, expressing an opinion about the fairness of presentation of financial information in accordance with prescribed criteria.

"Financial statement" means writing or other presentation, including accompanying notes, which presents, in whole or in part, historical or prospective financial position, results of operations or changes in financial position of any person, corporation, partnership or other entity.

"Firm" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Good character" means a lack of a history of dishonest or felonious acts.

"Group program" means an educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

"Interactive self-study program" means a program using interactive learning methodologies simulating a classroom learning process by employing software, other courseware, or administrative systems and providing significant ongoing, interactive feedback to the learner regarding his learning process. Substantial written or electronic evidence of satisfactory completion of each program segment by the learner is required. Interactive self-study programs must clearly define lesson objectives and manage students through the learning process by requiring frequent student response to questions that test for understanding of the material presented, providing evaluative feedback to incorrectly answered questions, and providing reinforcement feedback to correctly answered questions. Capabilities must, based on student response, provide appropriate ongoing written or electronic format feedback to the student regarding his learning progress through the program.

"Noninteractive self-study program" means any self-study program that does not meet the criteria for interactive self-study programs.

"Original CPA certificate" means a CPA certificate issued by the board other than a CPA certificate by endorsement.

"Peer review" means a study, appraisal, or review, by a CPA certificate holder who is not affiliated with the firm being reviewed, of one or more aspects of the professional work of a firm that engages in the practice of public accounting or compiles financial statements in accordance with the American Institute of Certified Public Accountants' Statements on Standards for Accounting and Review Services (SSARS).

"Practice of public accountancy" or "public accounting" means the giving of an assurance, in a report or otherwise, whether expressly or implicitly, unless this assurance is given by an employee to his employer.

"Practice of taxation" means the providing of tax compliance and tax advice services.

"Registration" means the process through which a firm obtains a registration certificate from the board.

"Registration certificate" means a certificate issued to a firm that has met all of the requirements for registration under this chapter.

"Regulant" means any CPA certificate holder or registration certificate holder who is subject to Chapter 44 (§ 54.1-4400 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Renewal month" means the month of the calendar year in which a firm is required to renew its registration certificate.

"Report" or "reports," when used with reference to financial statements, means an opinion or disclaimer of opinion or other form of language or representation that states or implies any form of assurance or denial of assurance.

"Self-study program" means an educational process designed to permit a participant to learn a given subject without major involvement of an instructor. Self-study programs do not include informal learning.

"SSARS" means Statements on Standards for Accounting and Review Services established by the American Institute of Certified Public Accountants.

"Standards of conduct" means the standards set forth in 18 VAC 5-21-120.

"Standards of practice for CPA certificate holders" means the standards set forth in 18 VAC 5-21-30, 18 VAC 5-21-140 and 18 VAC 5-21-150.

"State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam.

"Substantial equivalency" means a determination by the board or its designee that the education, ~~examination~~ CPA exam and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to, or exceed, the education, ~~examination~~ CPA exam and experience requirements contained in this chapter, or that an individual CPA from another jurisdiction has met education,

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~~examination~~ CPA exam and experience requirements that are comparable to, or exceed, the education, ~~examination~~ CPA exam, and experience requirements contained in Chapter 44 (§ 54.1-4400 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Window" means the four times (each being a three-month period) in a year that a CPA candidate may take the computer-based CPA exam.

"Year" means a calendar year unless otherwise indicated.

## 18 VAC 5-21-20. Fees.

A. All fees are nonrefundable and the date of receipt by the board or its agent is the date that will be used to determine whether it is on time.

B. The following fees shall apply:

Initial <del>examination</del> CPA exam application fee	\$25
Original CPA certificate application	\$24
CPA certificate by endorsement application	\$24
Registration certificate application	\$24
CPA certificate renewal	\$24
Registration certificate renewal	\$24
CPA certificate late renewal	\$25
Registration certificate late renewal	\$25
CPA certificate reinstatement	\$250
Registration certificate reinstatement	\$250
Noninteractive processing fee	\$5

If the renewal fee is not received by the board within 30 days after the expiration date printed on the CPA certificate or the registration certificate, the regulant shall pay the renewal and the late renewal fees. Regulants applying for reinstatement shall pay all unpaid renewal fees in addition to the late renewal and the reinstatement fees.

C. The late filing fee for CPA certificate holders who fail to complete or report their CPE as required by this chapter shall be:

1. If received by the board up to four months late, \$25.
2. If received by the board more than four months late but not more than six months late, \$50.
3. If received by the board more than six months late, \$75.

D. The fee for a replacement wall certificate shall be \$25.

E. A fee of \$25 will be charged in addition to the fees established in this section for submitting a check to the board which is dishonored by the institution upon which it is drawn.

F. A noninteractive processing fee will be assessed when the online payment option is not chosen by the applicant or regulant.

G. The fee for the ~~examination~~ CPA exam provided for in 18 VAC 5-21-30 C shall consist of the CPA exam contract charges. ~~An administrative fee incurred by the board plus the initial CPA exam application fee of \$25, which will be assessed at the time of initial application for examination the CPA exam but not for reexamination. No administrative fee will be assessed for re-examination.~~ Examination CPA exam service contracts shall be established through competitive

negotiation in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The ~~examination~~ CPA exam fee shall not exceed \$1,000.

## 18 VAC 5-21-30. Qualifications for CPA certificate.

A. Each applicant must be a person of good character as defined in 18 VAC 5-21-10.

B. Education prior to taking the ~~examination~~ CPA exam.

1. Each ~~applicant~~ candidate whose application to sit for an ~~examination~~ a CPA exam administered prior to July 1, 2006, shall have received a baccalaureate degree or its equivalent conferred by an accredited college or university as required by § 54.1-4409 B 1 of the Code of Virginia and shall at the time the application is received have completed the following courses at the undergraduate or graduate level to meet the accounting concentration requirement of § 54.1-4409 B 1 of the Code of Virginia:

- a. At least 24 semester hours of accounting including courses covering the subjects of financial accounting, auditing, taxation, and management accounting; and
- b. At least 18 semester hours in business courses (other than the courses described in subdivision 1 a of this subsection).

An applicant whose application is received under the requirements of this subdivision may take the examination so long as the requirements of subsection C of this section are met.

2. Each ~~applicant~~ candidate whose application to sit for an ~~examination~~ a CPA exam administered on or after July 1, 2006, shall meet the requirements of § 54.1-4409 B 2 of the Code of Virginia and shall at the time the application is received have completed the following courses at the undergraduate or graduate level to meet the accounting concentration requirement of § 54.1-4409 B 2 of the Code of Virginia:

- a. At least 30 semester hours of accounting, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting; and
- b. At least 24 semester hours in business courses (other than the courses described in subdivision 2 a of this subsection).

3. A quarter hour of coursework shall be considered the equivalent of two-thirds of a semester hour of coursework.

4. Each applicant with a degree or coursework earned at a nonaccredited college or university shall, if credit for such degree or coursework is to be considered by the board, (i) have his educational credentials evaluated by an academic credentials service approved by the board or an accredited institution, as defined in 18 VAC 5-21-10, to determine the extent to which such credentials are equivalent to the education requirements set forth in subdivisions 1 and 2 of this subsection and (ii) submit such evaluations to the board, which may accept or reject the evaluator's recommendations in whole or in part.

5. Evidence of having obtained the required education shall be submitted in the form of official transcripts transmitted in

a manner determined by the board. In unusual circumstances, the board may accept other evidence it deems to be substantially equivalent.

**C. Examination CPA exam.**

1. Each ~~applicant candidate~~ shall pass (i) a national uniform ~~examination CPA exam~~, as approved by the board, in auditing and attestation, regulation, business environment and concepts, business law and professional responsibilities, accounting and reporting (taxation, managerial, governmental and not-for-profit organizations), financial accounting and reporting, and other such related subject areas as deemed appropriate by the board; and (ii) an ethics ~~examination exam~~ approved by the board. Each part of the ~~examination CPA exam~~ must be passed with a minimum by attaining a uniform passing grade established through a psychometrically acceptable standard-setting procedure approved by the board ~~based upon the recommendation of a psychometrician who has determined the valid passing grade by conducting a scientific analysis of the examination.~~

2. The following rules for granting CPA exam credits are applicable until the computer-based CPA exam becomes effective.

If at a given sitting of the ~~examination an applicant CPA exam~~ a candidate passes two or more but not all sections, then the ~~applicant candidate~~ shall be given credit for those sections that the ~~applicant candidate~~ has passed and need not sit for reexamination in those sections provided the following conditions are met:

- a. At that sitting, the ~~applicant candidate~~ wrote all sections of the ~~examination CPA exam~~ for which the ~~applicant candidate~~ did not have credit;
- b. The ~~applicant candidate~~ attained a minimum grade of 50 on each section taken at that sitting when the first two sections were passed and in each subsequent sitting attains a minimum grade of 50 on all sections taken at that sitting;
- c. The ~~applicant candidate~~ passes the remaining sections of the ~~examination CPA exam~~ within six consecutive ~~examinations CPA exams~~ (irrespective of the date on which the ~~examination CPA exam~~ credit was earned) given after the one at which the first sections were passed; and
- d. At each subsequent sitting at which the ~~applicant candidate~~ seeks to pass any additional sections, the ~~applicant candidate~~ writes all sections for which the ~~applicant candidate~~ does not have credit.

3. The following rules for granting CPA exam credits will take effect beginning with the first computer-based CPA exam:

- a. Granting of credit.
  - (1) Candidates will be allowed to sit for each section of the CPA exam individually and in any order.
  - (2) Candidates will retain credit for any section(s) passed for 18 months, without having to attain a

*minimum score on failed sections and without regard to whether they have taken other sections. Candidates will not be allowed to retake a failed section(s) within the same CPA exam window.*

(3) Candidates must pass all four sections of the CPA exam within a "rolling" 18-month period, which begins on the date that the first section(s) passed is taken.

(4) In the event all four sections of the CPA exam are not passed within the rolling 18-month period, credit for any section(s) passed outside that 18-month period will expire and that section(s) must be retaken.

**b. Conditional CPA exam credits.**

(1) Candidates who have earned conditional credits on the non-computer-based CPA exam as of the date of the first computer-based CPA exam will be given credits for the corresponding sections of the computer-based CPA exam as follows:

Non-Computer-Based CPA Exam	Computer-Based CPA Exam
Auditing	Auditing and Attestation
Financial Accounting and Reporting (FARE)	Financial Accounting and Reporting
Accounting and Reporting *ARE)	Regulation
Business Law and Professional Responsibilities (LPR)	Business Environment and Concepts

(2) Candidates who have attained conditional status as of the launch date of the first computer-based CPA exam will be allowed a transition period to complete any remaining test sections of the CPA exam. The transition is the maximum number of opportunities that a candidate who has conditioned under the non-computer-based CPA exam has remaining, at the launch of the computer-based CPA exam, to complete all remaining test sections, or the number of remaining opportunities under the non-computer-based CPA exam, multiplied by six months, which is first exhausted.

~~3-~~ 4. The board may, at its discretion, waive any of the above requirements for carryover ~~examination CPA exam~~ credits, if such waiver is in the public interest.

~~4-~~ 5. Each ~~applicant candidate~~ shall follow all rules and regulations established by the board with regard to conduct at the ~~examination CPA exam~~. Such rules shall include instructions communicated prior to the ~~examination CPA exam~~ date and instructions communicated at the ~~examination CPA exam~~ site on the date of the ~~examination CPA exam~~.

~~5-~~ 6. Failure to comply with the rules and regulations governing conduct in the ~~examination CPA exam~~ may result in the loss of established eligibility to sit for the ~~examination CPA exam~~.

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CPA exam or credit for ~~examination~~ CPA exam parts passed.

~~6.~~ 7. An applicant A candidate to sit for the ~~examination~~ CPA exam shall obtain an application form from the board or its designee, complete the application in accordance with the instructions on the application, and submit the application together with all required documents to the board or its designee by the date determined by the board or its designee.

~~7.~~ 8. An applicant A candidate who fails to appear for the ~~examination~~ CPA exam or reexamination shall forfeit the fees charged for that ~~examination~~ CPA exam or reexamination unless excused by the board.

~~8.~~ 9. The fee to sit for the ~~examination~~ CPA exam is established in 18 VAC 5-21-20 F G, whether paid directly to the board or to a designee under contract to the board.

10. The board or its designee will forward notification of eligibility for the computer-based CPA exam to NASBA's National Candidate Database.

11. Cheating by a candidate in applying for, taking or subsequent to the CPA exam will be deemed to invalidate any grade otherwise earned by a candidate on any test section of the CPA exam, and may warrant summary expulsion from the CPA exam site and disqualification from taking the CPA exam for a specified period of time.

12. Notwithstanding any other provisions under these rules, the board may postpone scheduled CPA exams, the release of grades, or the issuance of certificates due to a breach of CPA exam security; unauthorized acquisition or disclosure of the contents of a CPA exam; suspected or actual negligence, errors, omissions, or irregularities in conducting a CPA exam; or for any other reasonable cause or unforeseen circumstances.

## D. Experience.

1. Each applicant for initial issuance of a CPA certificate under this section shall provide documentation of having met the experience requirements established by § 54.1-4409 C of the Code of Virginia, which requires at least one year of acceptable experience in accounting or a related field. The experience may include providing any type of service or advice involving the use of accounting, management, financial, tax, or consulting advisory skills or services. Acceptable experience shall include employment in government, industry, academia or public accounting or related services. The applicant's experience may be supervised by a non-CPA certificate holder, although, when completing the application for the CPA certificate, the experience must be verified by a CPA certificate holder.

2. One year of experience shall consist of full- or part-time employment that extends over a period of no less than a year and no more than three years and includes no fewer than 2,000 hours of performance of services described in subdivision 1 of this subsection.

## 18 VAC 5-21-40. Issuance of original CPA certificate; CPA certificate by endorsement; and substantial equivalency.

A. Practicing as a CPA in the Commonwealth of Virginia. Only an individual who (i) holds a valid CPA certificate or (ii) meets the substantial equivalency requirements in this section may practice as a CPA in the Commonwealth of Virginia.

### B. Original CPA certificate.

1. Each individual who desires to use the CPA designation shall first obtain a CPA certificate.

2. Each applicant for an original CPA certificate shall submit an application, on a form provided by the board, which shall document that the requirements of 18 VAC 5-21-30 have been met. If the application is received by the board three or more years after the successful completion of the CPA ~~examination~~ exam by the applicant, the applicant shall, in addition, submit evidence of having met the CPE requirements set forth in 18 VAC 5-21-170 A 3 or B 3, and completed the most recent Ethics CPE course. Each applicant shall agree to comply with the statutes and regulations of any other state in which he is authorized to practice.

3. Each application for an original CPA certificate shall be accompanied by the fee established in 18 VAC 5-21-20.

### C. CPA certificate by endorsement.

1. Each individual who holds a CPA certificate in a state other than Virginia and either (i) has moved his principal place of business to Virginia or (ii) does not meet the substantial equivalency provision outlined in subsection G of this section must obtain a CPA certificate by endorsement prior to practicing as a CPA in Virginia.

2. Each applicant for a CPA certificate by endorsement shall submit an application, on a form provided by the board, which shall document that the applicant holds a corresponding CPA certificate as a certified public accountant issued after meeting ~~examination~~ CPA exam and other requirements under laws of the state(s) from which the applicant is seeking a CPA certificate by endorsement. The application shall include the following:

a. From each state from which the applicant has received a CPA certificate (or from the applicant directly if the state is unable to provide the information), a written statement from the board of each state confirming that the applicant (i) is in good standing in that state; (ii) has not been found guilty of violating that state's standards of conduct or practice; (iii) has no pending actions alleging violations of that state's standards of conduct or practice; (iv) has met the education requirements in effect in that state when the applicant passed the national uniform ~~examination~~ CPA exam described in 18 VAC 5-21-30 C; and (v) has met the experience requirement for a CPA certificate in effect in Virginia when the CPA certificate by endorsement application is received by the board. An applicant who holds a CPA certificate from a state that the board has determined meets the substantial equivalency provision set forth in § 54.1-4411 of the Code of Virginia shall be considered to have met the requirements of clauses (iv) and (v) of this paragraph.

b. A written statement from the applicant affirming that the applicant has (i) not violated the board's standards of conduct or standards of practice and (ii) met the board's continuing education requirements.

The board may deny the application for a CPA certificate by endorsement if the applicant is not in good standing in the other states which have issued CPA certificates to the applicant or if any information from the applicant indicates a failure to comply with the aforementioned standards.

3. Each application for a CPA certificate by endorsement shall be accompanied by the fee established in 18 VAC 5-21-20.

D. Each CPA certificate holder shall have the privilege of using the CPA designation provided the CPA certificate holder complies with the (i) standards of conduct, (ii) standards of practice, and (iii) the renewal requirements established by the board. Upon expiration of the CPA certificate, the CPA certificate holder shall cease displaying the CPA certificate and the wall certificate, and shall cease affixing and using the CPA designation in any manner.

E. All CPA certificate holders who supervise services involving the practice of public accountancy and who sign or authorize another to sign the report on the financial statements on behalf of the firm shall meet the experience requirement established in 18 VAC 5-21-50.

F. CPA certificates issued under the provisions of this chapter shall expire one year from the last day of the month wherein the initial CPA certificate was issued and shall be renewed in compliance with 18 VAC 5-21-80.

G. Privilege to practice without a CPA certificate by endorsement, substantial equivalency.

1. A holder of a CPA certificate from a state other than Virginia and with a principal place of business in a state other than Virginia shall either obtain a CPA certificate by endorsement as outlined in subsection C of this section or meet the substantial equivalency requirements of this subsection before beginning CPA practice in Virginia.

2. To implement the provisions of § 54.1-4411 A of the Code of Virginia, the privilege to practice under substantial equivalency shall be evidenced by the following:

a. If the individual's CPA certificate is issued by a state that the board has determined is substantially equivalent, the CPA certificate issued by that state shall constitute evidence of the privilege to practice.

b. If the individual's CPA certificate is issued by a state that the board has determined is not substantially equivalent, the CPA certificate holder shall notify the board in writing that he intends to practice in the Commonwealth and shall provide documentation acceptable to the board that he has personally satisfied the requirements for substantial equivalency. An approval letter from the board shall constitute evidence of the privilege to practice.

c. A CPA certificate by endorsement shall be obtained if the CPA exercising the privilege to practice under

substantial equivalency moves his principal place of business to Virginia or ceases to have an office in any other state.

3. For the purposes of implementing § 54.1-4411 B 2 of the Code of Virginia relating to the privilege of practicing public accounting extended to nonresident CPA certificate holders, the board shall determine the state to be served based on whose statutes and regulations most closely correspond to those of the Commonwealth of Virginia.

4. The board shall determine whether a state meets the substantial equivalency provisions for nonresident CPA certificate holders by periodically obtaining, reviewing and approving a list of states, which in the opinion of the board, meet the substantial equivalency provisions for nonresident CPA certificate holders.

## **18 VAC 5-21-170. Continuing professional education requirements for CPA certificate applicants and for CPA certificate holders.**

A. Use of CPA designation and performing services for the public.

1. As provided in § 54.1-4410 B of the Code of Virginia, any person referring to himself as a Certified Public Accountant or "CPA," including the use of the "CPA" title on individual business cards, letterhead and all other documents and devices except the CPA wall certificate, and who is performing or offering to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for the public, shall obtain 120 ~~hours of~~ CPE *credits* during each CPE reporting cycle with a minimum of 20 ~~hours~~ CPE *credits* per CPE reporting year. The CPA certificate holder may choose the areas of study and courses.

2. Any person covered by this provision who, prior to implementation of § 54.1-4410 B of the Code of Virginia on October 4, 1999, provided one or more of the services described in subdivision 1 of this subsection, but was not required to obtain CPE, shall obtain at least 20 ~~hours of~~ CPE *credits* in each of the CPE reporting years 2000, 2001 and 2002 and meet the 120-~~hour~~ CPE-*credit* requirement for the CPE reporting cycle ending December 31, 2002.

3. Any person applying for a CPA certificate pursuant to 18 VAC 5-21-40 three or more years after his successful completion of the CPA ~~examination~~ *exam* who intends to provide the services described in subdivision 1 of this subsection shall, in addition, submit evidence of having met the 120-~~hour~~ CPE-*credit* requirement in subdivision 1 of this subsection as though subdivision 1 of this subsection had been applicable to the applicant during the three ~~calendar~~ years prior to the date of his application.

4. Any CPA certificate holder whose original CPA certification application was received by the board fewer than three years after his successful completion of the CPA ~~examination~~ *exam* who commences the services described in subdivision 1 of this subsection after December 31, 2000, shall have obtained 40 ~~hours of~~ CPE *credits* within the 12 months preceding the date such services are first offered to

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the public and obtain the remaining 80 ~~hours~~ of CPE *credits* by the end of the second CPE reporting year following the date of commencing such services with no less than 20 ~~hours~~ CPE *credits* in each of these two CPE reporting years. *In addition, such CPE shall include the most recent Ethics CPE course.*

## B. Use of CPA designation and performing services other than for the public.

1. As provided in § 54.1-4410 C of the Code of Virginia, effective July 1, 2002, any person referring to himself as a Certified Public Accountant or "CPA," including the use of the "CPA" title on individual business cards, letterhead and all other documents and devices except the CPA wall certificate, who is performing or offering to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for an employer or other organization and not for the public, or who is employed as an educator in the field of accounting, shall meet the following CPE requirements as a condition of renewal of the person's CPA certificate: (i) for the three-year reporting period beginning ~~July 1, 2002~~ January 1, 2003, a minimum of 45 ~~credit hours~~ CPE *credits* with a minimum of 10 ~~hours~~ CPE *credits* per year, (ii) for the three-year reporting period beginning ~~July 1, 2005~~ January 1, 2006, a minimum of 90 ~~credit hours~~ CPE *credits* with a minimum of 15 ~~hours~~ CPE *credits* per year, and (iii) for the three-year reporting periods beginning on or after ~~July 1, 2008~~ January 1, 2009, a minimum of 120 ~~credit hours~~ CPE *credits* with a minimum of 20 ~~hours~~ CPE *credits* per year. The CPA certificate holder may choose the areas of study and courses.

2. Individuals failing to meet the CPE requirements may be subject to requalification, including possible re-examination and submission of experience qualifications. The board may, at its discretion, waive or defer CPE requirements so long as such waiver or deferral is in the public interest.

3. Any person applying for a CPA certificate pursuant to 18 VAC 5-21-40 three or more years after his successful completion of the CPA ~~examination~~ exam who intends to provide the services described in subdivision 1 of this subsection shall, in addition, submit evidence of having met the CPE requirement of subdivision 1 of this subsection as though subdivision 1 of this subsection had been applicable to the applicant during the three ~~calendar~~ years prior to the date of his application. Furthermore, if such person obtained his CPA certificate at a time when he did not intend to provide services for the public and subsequently decides to provide for the public the services described in subdivision A 1 of this section, then such regulant shall, prior to performing such services, meet the 120-~~hour~~ CPE-*credit* requirement of subdivision A 1 of this section.

## C. Use of CPA designation and not performing services.

1. Any CPA certificate holder who is not performing or offering to perform any of the services described in subdivision A 1 or B 1 of this section is not required to meet CPE requirements.

2. Any CPA certificate holder who ceases to perform services for the public shall meet the CPE requirements described in subdivision A 1 of this section for any reporting year in which he performed those services. Any CPA certificate holder who performs services for the public for less than a complete reporting cycle shall complete at least 20 ~~hours~~ CPR *credits* in each reporting year that he did perform services for the public during the reporting cycle.

*D. CPE in standards of conduct, Code of Virginia statutes relating to public accountancy, and board's regulations. Beginning with the CPE reporting year ending immediately subsequent to the year in which these regulations become effective, each CPA to which the CPE requirements in subsections A and B of this section apply will obtain annually two CPE credits relating to standards of conduct, Chapter 44 (§ 54.1-4400 et seq.) of Title 54.1 of the Code of Virginia, and regulations of the board. The course will be a self-contained course presented in not more than two CPE credit parts and may be presented in conjunction with other CPE programs. The course may be a self-study course so long as the self-study requirements of 18 VAC 5-21-170 F 3 are met. An outline of the required content for the course will be provided by the board to CPE providers who must state in their Ethics CPE course material and related catalog summaries whether the content of the course includes the material required by the board for the calendar year the course is provided.*

## ~~D.~~ E. Requirements for retaining records.

1. It is the responsibility of the CPA certificate holder to retain evidence of satisfactory completion of CPE ~~credit hours~~ *credits* for a period of three years from the anniversary date of renewal. Such documentation shall be in the form of the certificate of completion provided by the sponsor, verification from the institution offering the course, written statement from the course provider verifying the regulant's attendance, or any other documentation deemed agreeable by the board.

2. The CPA certificate holder shall provide such documentation to the board or its authorized agent upon request.

## ~~E.~~ F. Continuing professional education credit.

1. One credit hour shall be given for each 50-minute period of instruction. One semester hour of college credit is 15 CPE ~~credit hours~~ *credits* and one quarter hour of college credit is 10 CPE ~~credit hours~~ *credits*.

2. A CPA certificate holder who instructs courses that qualify for CPE credit for participants will be awarded two additional ~~hours~~ of CPE *credits* for each CPE credit ~~hour~~ of instruction. The instructor shall retain evidence to support the request for CPE credit. The instructor shall be given no CPE credit for subsequent sessions involving substantially identical subject matter. The CPE credit given for instructing shall not exceed 30 ~~credit hours~~ CPE *credits* per CPE reporting cycle.

3. CPE ~~credit hours~~ *credits* for successful completion of a self-study course shall be established by the sponsor according to the type of CPE self-study program and pre-tests to determine average completion time. Interactive

self-study programs shall receive CPE credit equal to the average completion time. Noninteractive self-study programs shall receive CPE credit equal to one-half of the average completion time. For example, an interactive self-study program that takes an average of two contact hours to complete shall receive two CPE ~~credit hours~~ *credits*, and a noninteractive self-study program that takes an average of two contact hours to complete shall receive one CPE credit ~~hour~~.

/s/ Mark R. Warner  
Governor

Date: December 9, 2003

VA.R. Doc. No. R04-63; Filed December 15, 2003, 4:23 p.m.

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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Total Maximum Daily Load - Carter Run 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 a Total Maximum Daily Load (TMDL) to address a bacteria impairment in the Carter Run Watershed. The subject stream segment is identified in Virginia's 2002 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform 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 Carter Run stream segment is located in Fauquier County. It is 3.55 miles in length and begins at the confluence of South Run to Carter Run, approximately 1.0 rivermile upstream of Cliff Mills Road, and continues downstream to its confluence with the Rappahannock River, just west of Jeffersonton Road.

The first of two public meetings on the development of the Carter Run bacteria TMDL will be held on Wednesday, January 28, 2004, at 7 p.m. at the Marshall Community Center, 4133 Rectortown Road, Marshall, Virginia.

The public comment period on this first phase of TMDL development will begin on January 28, 2004, and end on February 26, 2004. A fact sheet on the development of the TMDL for the bacteria impairment in the Carter Run 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, Virginia 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail [kebennett@deq.state.va.us](mailto:kebennett@deq.state.va.us).

### Total Maximum Daily Load - Great Run 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 a Total Maximum Daily Load (TMDL) to address a bacteria impairment in the Great Run Watershed. The subject stream segment is identified in Virginia's 2002 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform 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 Great Run stream segment is located in Fauquier County. It is 2.76 miles in length and begins at the confluence of an

unnamed tributary to Great Run, approximately 1.0 rivermile upstream of Rt. 687, and continues downstream to its confluence with the Rappahannock River, just south of Foxville Road.

The first of two public meetings on the development of the Great Run bacteria TMDL will be held on Monday, January 26, 2004, at 7 p.m. at the Warrenton Community Center, 430 East Shirley Avenue, Warrenton, Virginia.

The public comment period on this first phase of TMDL development will begin on January 26, 2004, and end on February 24, 2004. A fact sheet on the development of the TMDL for the bacteria impairment in the Great Run 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, Virginia 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail [kebennett@deq.state.va.us](mailto:kebennett@deq.state.va.us).

### Total Maximum Daily Load - 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 final public meeting on the development of TMDLs to address the impairments in the subject stream segments will be held on Thursday, January 29, 2004, 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/veronadir.pdf](http://www.mme.state.va.us/Dmm/Training_Schedule/veronadir.pdf).

A copy of the draft TMDL report addressing all of the impairments listed above, except for the Lewis Creek benthic impairment, will be available for review on or before January 29, 2004, on the DEQ website at <http://www.deq.state.va.us/tmdl/tmdlirpts.html>. The TMDL for the Lewis Creek benthic impairment will be completed at a later date and will be the subject of subsequent public involvement and public comment opportunities. The public

comment period for the January 29 meeting and the draft report addressing the remaining impairments will end on March 1, 2004. Written comments 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, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail [rbrent@deq.state.va.us](mailto:rbrent@deq.state.va.us).

**Total Maximum Daily Load Development on the Guest River and Tributaries**

The final public meeting on the development of a fecal coliform bacteria TMDL for the Sepulcher Creek, Toms Creek/Little Toms Creek and Crab Orchard Branch watersheds in the Guest River drainage will be held on Monday, January 26, 2004, at 6:30 p.m. at Tacoma Community Center. Tacoma Community Center is located in Wise County in the community of Tacoma on Stone Mountain Road approximately 0.2 miles south off of Alt. Route 58 between Coeburn and Norton, Virginia. This meeting will serve two purposes. First, the draft bacteria TMDL will be presented and public comments solicited. Secondly, implementation planning for the approved Guest River benthic TMDL and potential implementation for the draft bacteria TMDLs for Sepulcher Creek, Toms Creek/Little Toms Creek and Crab Orchard Branch will begin.

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the draft Total Maximum Daily Loads (TMDL) for fecal coliform bacteria on Crab Orchard Creek, Toms Creek, Little Toms Creek, and Sepulcher Creek in the Guest River watershed. The fecal coliform impairments include - 2.43 miles on Crab Orchard Creek through the community of Crab Orchard, 2.6 miles on Sepulcher Creek in Glamorgan and Stephens along Route 625, 11.6 miles of Toms Creek located near Coeburn and 4.7 miles on Little Toms Creek above Coeburn. Guest River and tributaries were identified in Virginia's 1998 303(d) TMDL Priority List and Report due to violations of the State's water quality standard for fecal coliform 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 purpose of a study is to identify sources and determine reductions of fecal coliform bacteria so that these Guest River tributaries can meet the water quality standards.

The public comment period will end on February 26, 2004. Questions or information requests should be addressed to Nancy T. Norton, P. E., Department of Environmental Quality. Written comments should include the name, address, and telephone number of the person submitting the comments and be addressed to Nancy T. Norton, P. E., Department of Environmental Quality, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212, telephone (276) 676-4807, FAX (276) 676-4899, or e-mail [ntnorton@deq.state.va.us](mailto:ntnorton@deq.state.va.us).

**COMMISSION ON LOCAL GOVERNMENT**

**Schedule for the Assessment of State and Federal Mandates on Local Governments**

Pursuant to the provisions of §§ 2.2-613 and 15.2-2903(6) of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by the Secretary of Administration and Governor Warner, represents the timetable that the listed executive agencies will follow in conducting their assessments of certain state and federal mandates on local governments that they administer. Such mandates are either new (in effect for at least 24 months), newly identified, or have been previously assessed more than four years ago. In conducting these assessments, agencies will follow the process established by EXECUTIVE MEMORANDUM 1-98 which became effective October 13, 1998, succeeding EXECUTIVE MEMORANDUM 5-94. These mandates are abstracted in the CATALOG OF STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS as published by the Commission on Local Government.

For further information contact Larry McMillan, Senior Policy Analyst, Commission on Local Government (e-mail [larry.mcmillan@dhcd.virginia.gov](mailto:larry.mcmillan@dhcd.virginia.gov) or phone (804) 371-8010) or visit the Commission's website at <http://www.clg.state.va.us>.

AGENCY/Mandate Short Title	CATALOG NUMBER	ASSESSMENT PERIOD
EDUCATION, DEPARTMENT OF		
Commercial, Promotional, and Corporate Partnership Policy	SOE.DOE114	4/1/04 to 5/31/04
Optional K-5 Education Programs	SOE.DOE116	4/1/04 to 5/31/04
Teacher Intervention/Remediation Training	SOE.DOE117	4/1/04 to 5/31/04
EMPLOYMENT COMMISSION, VIRGINIA		
Virginia Workforce Development Program	SCT.VEC002	4/1/04 to 6/30/04
ENVIRONMENTAL QUALITY, DEPARTMENT OF		
Water Withdrawal Report	SNR.DEQ001	8/1/04 to 9/30/04
SOCIAL SERVICES, DEPARTMENT OF		
Child Support Income Withholding	SHHR.DSS069	6/1/04 to 6/30/04

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# General Notices/Errata

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## STATE LOTTERY DEPARTMENT

### Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on December 18, 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 Sixty-Eight (03)

Virginia's Instant Game Lottery 586; "Bonu\$ Ca\$hword," (effective 12/8/03)

Director's Order Number Sixty-Nine (03)

Virginia's Instant Game Lottery 600; "Pot of Gold," (effective 12/8/03)

## VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

### Notice of Proposed Changes to Program Guidelines

Notice is hereby given that the Virginia Birth-Related Neurological Injury Compensation Program seeks comment on proposed changes to the program guidelines. The proposed changes may be viewed on the program's website at [www.vabirthinjury.com](http://www.vabirthinjury.com) on the "News & Publications" page. A copy of the proposed changes is also available for inspection during normal business hours at the program's office located at 910 Arboretum Parkway, Suite 365, Richmond, VA 23236. The program will provide a copy in response to written requests. All comments must be submitted in written form and be directed to the Board of Directors at the above address. Comments also may be emailed to [Board@vabirthinjury.com](mailto:Board@vabirthinjury.com). All comments must include the name, address and telephone number of the submitting party. This 60-day comment period ends February 23, 2004.

Contact: Heather Brunner, Administrative Assistant, Virginia Birth-Related Neurological Injury Compensation Program, 910 Arboretum Pkwy #365, Richmond, VA 23236, telephone (804) 330-2471, ext. 306, FAX (804) 330-3054, or e-mail [hbrunner@vabirthinjury.com](mailto:hbrunner@vabirthinjury.com).

## STATE WATER CONTROL BOARD

### Proposed Consent Special Order C. L. Custer, Inc.

The State Water Control Board (board) proposes to enter into a Consent Special Order (order) with C. L. Custer, Inc. (Custer). The parties have agreed to the terms of an order for settlement of violations of State Water Control Law at their AST facility located at 2010 W. Market Street in Harrisonburg, Virginia.

This is a republication of a public notice appearing in the August 11, 2003, edition of the Virginia Register to reflect an amendment of compliance provisions. Custer is the owner and operator of an above-ground storage tank (AST) facility within the meaning of § 62.1-44.34:14 of the Code of Virginia. On November 5, 2002, an employee of Custer overfilled the 17,000-gallon horizontal diesel AST during a rain event at night and failed to observe the discharge or report it. The discharge, which was approximated at 550 gallons, flowed out the dike through the open dike valve, across the facility parking lot and into a storm drainage ditch. The discharge flowed through the storm drainage ditch under US Route 33 to the south side of the highway and into a stream traveling through a Harrisonburg golf course. A golf course employee noticed the presence of diesel in the stream and reported it to Harrisonburg Fire Department on November 6, 2002. This discharge occurred in an apparent violation of State Water Control Law § 62.1-44.34:18. The proposed order requires Custer to address and correct certain deficiencies noted by Department of Environmental Quality (DEQ) inspectors, to replace all ASTs with new underground storage tanks (USTs), and to provide DEQ with proper registration forms for the installation of the USTs. The proposed order would also assess a civil charge against Custer in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Ricard J. Dunay, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to [rjdunay@deq.state.va.us](mailto:rjdunay@deq.state.va.us). In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

## 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

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# CALENDAR OF EVENTS

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## Symbol Key

- † Indicates entries since last publication of the *Virginia Register*  
♿ Location accessible to persons with disabilities  
☎ Teletype (TTY)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at [www.vipnet.org](http://www.vipnet.org) or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD OF ACCOUNTANCY

**February 6, 2004 - 10 a.m.** -- Open Meeting  
Holiday Inn-Richmond, 6531 West Broad Street, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business matters including complaint cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the American with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY ☎, e-mail [boa@boa.state.va.us](mailto:boa@boa.state.va.us).

### COMMONWEALTH COUNCIL ON AGING

† **January 23, 2004 - 10 a.m.** -- Open Meeting  
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting of the Executive Committee by conference call. Public comments welcomed.

**Contact:** Marsha Mucha, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

† **January 28, 2004 - 11:30 a.m.** -- Open Meeting  
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments welcomed.

**Contact:** Marsha Mucha, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

† **January 28, 2004 - 2 p.m.** -- Open Meeting  
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting of the Public Relations Committee. Public comments welcomed.

**Contact:** Marsha Mucha, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Virginia Corn Board

† **February 12, 2004 - 8 a.m.** -- Open Meeting  
DoubleTree Hotel, Richmond Airport, 5501 Eubank Road, Richmond, Virginia.♿

A meeting of the board to discuss checkoff revenues resulting from sale of the 2003 corn crop and approve the previous meeting minutes. The board will also hear FY 2003-2004 project reports and receive FY 2004-2005 project proposals. Following all of the presentations, the group will make funding decisions for the fiscal year beginning July 1, 2004. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

**Contact:** Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail [phickman@vdacs.state.va.us](mailto:phickman@vdacs.state.va.us).

## Virginia Horse Industry Board

**February 4, 2004 - 10 a.m.** -- Open Meeting  
Virginia Thoroughbred Association, 38-B Garrett Street,  
Warrenton, Virginia. 

The board will review the minutes of the last meeting, its current financial statement, and ongoing projects for 2004. The board will also discuss the grant guidelines. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 786-3122.

## Virginia Irish Potato Board

**January 12, 2004 - 7 p.m.** -- Open Meeting  
Eastern Shore Agricultural Research and Extension Center,  
Research Drive, Painter, Virginia. 

A meeting to read and approve the minutes of the last meeting. In addition, the board will review its financial statement and discuss promotion, research, and education programs that may benefit the Irish potato industry. The board will review the annual budget and review and evaluate grant proposals for fiscal year 2004. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Butch Nottingham, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-5973.

## Virginia Pork Industry Board

**† January 21, 2004 - 4:30 p.m.** -- Open Meeting  
Paul D. Camp Community College, Franklin, Virginia. 

A meeting of the board to review its financial statement and review and approve promotion, research, and education projects/grants. Minutes of the last meeting will be reviewed and approved. The board will select National Pork Board committee candidates, and the general business of the board will be conducted. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least three days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

**Contact:** John H. Parker, Executive Director, Virginia Pork Industry Board, Department of Agriculture and Consumer

Services, 1100 Bank Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-7092, FAX (804) 371-7786, e-mail [jparker@vdacs.state.va.us](mailto:jparker@vdacs.state.va.us).

## Virginia Winegrowers Advisory Board

**† February 10, 2004 - 10 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, Second Floor Board Room, Richmond, Virginia. 

A board meeting to consider committee reports and a report from a representative of the Alcoholic Beverage Control Board. There will be a presentation of the board's financial statement and hearing and approval of minutes of the last board 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 the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

**Contact:** Mary Davis-Barton, Board Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, 1100 Bank Street, 9th Floor, Richmond, VA 23219, telephone (804) 371-7685, FAX (804) 786-3122, e-mail [mdavis-barton@vdacs.state.va.us](mailto:mdavis-barton@vdacs.state.va.us).

## ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

**March 23, 2004 - 10 a.m.** -- Open Meeting  
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting.

**Contact:** Janet L. Honeycutt, Director of Grant Operations, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 554-3402, (804) 662-9333/TTY , e-mail [jlhoneycutt@vdh.state.va.us](mailto:jlhoneycutt@vdh.state.va.us).

## BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

**† January 27, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Professional Engineers Section. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

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## Calendar of Events

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**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](mailto:APELSCIDLA@dpor.state.va.us).

† **February 5, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Landscape Architects Section. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [APELSCIDLA@dpor.state.va.us](mailto:APELSCIDLA@dpor.state.va.us).

† **February 6, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Architects Section. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [APELSCIDLA@dpor.state.va.us](mailto:APELSCIDLA@dpor.state.va.us).

† **February 12, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Certified Interior Designers Section. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad

St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [APELSCIDLA@dpor.state.va.us](mailto:APELSCIDLA@dpor.state.va.us).

† **March 11, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the full board. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [APELSCIDLA@dpor.state.va.us](mailto:APELSCIDLA@dpor.state.va.us).

### ART AND ARCHITECTURAL REVIEW BOARD

**February 6, 2004 - 10 a.m.** -- Open Meeting

**March 5, 2004 - 10 a.m.** -- Open Meeting

† **April 2, 2004 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. ♿

A monthly meeting to review projects submitted by state agencies.

**Contact:** Richard L. Ford, AIA Chairman, 101 Shockoe Slip, 3rd Floor, Richmond, VA 23219, telephone (804) 648-5040, FAX (804) 225-0329, toll free (804) 786-6152, or e-mail [rford@comarchs.com](mailto:rford@comarchs.com).

### VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

**February 18, 2004 - 9 a.m.** -- Open Meeting

Department of Professional and Occupation Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

**Contact:** David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail [asbestos@dpor.state.va.us](mailto:asbestos@dpor.state.va.us).

### BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**February 19, 2004 - 9:30 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly business meeting to include regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail [elizabeth.young@dhp.state.va.us](mailto:elizabeth.young@dhp.state.va.us).

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† **February 19, 2004 - 9:30 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. ♿

**March 13, 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 Board of Audiology and Speech-Language Pathology intends to amend regulations entitled **18 VAC 30-20, Regulations of the Board of Audiology and Speech-Language Pathology**. The purpose of the proposed action is to increase certain fees related to applications and renewal of licensure and change from a biennial renewal to an annual renewal.

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

Public comments may be submitted until March 13, 2004, to Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

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

## BOARD FOR BARBERS AND COSMETOLOGY

**January 12, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

A meeting to conduct an informal fact-finding conference.

**Contact:** William H. Ferguson, II, Assistant Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail [barbercosmo@dpor.state.va.us](mailto:barbercosmo@dpor.state.va.us).

† **January 26, 2004 - 9 a.m.** -- Open Meeting  
NOTE: DATE CHANGE

† **April 19, 2004 - 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](mailto:barberscosmo@dpor.state.va.us).

## BOARD FOR BRANCH PILOTS

† **February 2, 2004 - 8:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting of the Board for Branch Pilots Examination Administrators to conduct examinations.

**Contact:** Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [branchpilots@dpor.state.va.us](mailto:branchpilots@dpor.state.va.us).

† **February 3, 2004 - 9:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A general business meeting. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [branchpilots@dpor.state.va.us](mailto:branchpilots@dpor.state.va.us).

## CEMETERY BOARD

**January 21, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

A meeting to conduct an informal fact-finding conference.

**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](mailto:oneal@dpor.state.va.us).

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# Calendar of Events

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## STATE BOARD FOR COMMUNITY COLLEGES

**January 21, 2004 - 1:30 p.m.** -- Open Meeting

**March 17, 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 

**January 22, 2004 - 8:30 a.m.** -- Open Meeting

**March 18, 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

**January 13, 2004 - 2 p.m.** -- Open Meeting

**January 21, 2004 - 11 a.m.** -- Open Meeting

Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

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

## DEPARTMENT OF CONSERVATION AND RECREATION

### Virginia Soil and Water Conservation Board

**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

**January 13, 2004 - 9 a.m.** -- Open Meeting

**January 15, 2004 - 9 a.m.** -- Open Meeting

**January 20, 2004 - 2 p.m.** -- Open Meeting

† **January 22, 2004 - 9 a.m.** -- Open Meeting

**January 27, 2004 - 9 a.m.** -- Open Meeting

† **January 29, 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.** -- CANCELED

**February 18, 2004 - 9 a.m.** -- Open Meeting

**February 24, 2004 - 9 a.m.** -- Open Meeting

**February 26, 2004 - 9 a.m.** -- Open Meeting

**March 9, 2004 - 9 a.m.** -- Open Meeting

† **March 16, 2004 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

Informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at (804) 367-0946 at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

**Contact:** 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.

**January 20, 2004 - 9 a.m.** -- Open Meeting

**March 2, 2004 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A regular meeting that will 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, 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.

**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 CORRECTIONS

† **January 13, 2004 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Boardroom, Richmond, Virginia. ♿

A meeting of the Liaison Committee, which meets every other month to discuss correctional matters of interest to the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3509, e-mail woodhousebl@vadoc.state.va.us.

† **January 13, 2004 - 1 p.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Boardroom, Richmond, Virginia. ♿

A meeting of the Correctional Services/Policy and Regulations Committee every other month to discuss correctional services and policy/regulation matters to be considered by the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

† **January 14, 2004 - 9:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Boardroom, Richmond, Virginia. ♿

A meeting of the Administration Committee, which meets every other month to discuss administrative matters to be considered by the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

† **January 14, 2004 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Boardroom, Richmond, Virginia. ♿

A meeting of the full board to review and discuss all matters earlier considered by board committees and that now require presentation to and action by the full board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

## BOARD OF COUNSELING

**January 30, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

An Informal Conference Committee will meet to hold informal conferences pursuant to § 2.2-4019 of the Code of Virginia. The committee will meet in open and closed sessions.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, 6603 W. Broad St., 6th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY ♿, e-mail coun@dhp.state.va.us.

**February 12, 2004 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, 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.

**February 13, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ♿

A meeting of the Executive Committee to review the board meeting agenda. There will be no public comment.

**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.

**February 13, 2004 - 10 a.m.** -- Open Meeting  
Department of Health Professions 6603 West Broad Street, 5th Floor, Conference Room 1, 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

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**February 13, 2004 - 10 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

**February 27, 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 Board of Counseling intends to amend regulations entitled **18 VAC 115-20, Regulations Governing the Practice of Professional Counseling, 18 VAC 115-50, Regulations Governing the Practice of Marriage and Family Therapy, and 18 VAC 115-60, Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners.** The purpose of the proposed action is to comply with a statutory mandate to require continuing education. The board is proposing a requirement of 20 hours per year and a provision for an inactive licensure status to accommodate individuals who

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# Calendar of Events

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are not actively practicing and who may be unable to meet the continuing competency requirements.

Statutory Authority: §§ 54.1-103, 54.1-2400 and 54.1-3505.1 of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Evelyn B. Brown, Executive Director, Board of Counseling, 6603 West Broad Street, 6th Floor, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.state.va.us](mailto:elaine.yeatts@dhp.state.va.us).

## CRIMINAL JUSTICE SERVICES BOARD

† **January 15, 2004 - 11 a.m.** -- Open Meeting  
Central Security Bureau, LLC, 4883 Early Road, Intersection of Routes 988 and 704, Harrisonburg, Virginia.

A meeting to discuss homeland security preparedness.

**Contact:** Judith Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail [jkirkendall@dcs.state.va.us](mailto:jkirkendall@dcs.state.va.us).

## BOARD OF DENTISTRY

**January 22, 2004 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

**February 27, 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 Board of Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to update certain requirements and terminology, to clarify the board's requirements, especially related to dental education, to eliminate a jurisprudence examination and add requirements for additional training for applicants who have had multiple examination failures. Amendments also modify educational, monitoring and equipment requirements for administration of various forms of analgesia, sedation and anesthesia as minimally necessary to ensure public safety.

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, 6th Floor, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.state.va.us](mailto:elaine.yeatts@dhp.state.va.us).

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† **January 22, 2004 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. 

**March 13, 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 Board of Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**.

The purpose of the proposed action is to limit the number of continuing education hours that may be obtained through home study to five hours out of a requirement of 15 hours per year.

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

Public comments may be submitted until March 13, 2004, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, 6th Floor, Richmond, VA 23230.

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

## DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**January 15, 2004 - 11 a.m.** -- Open Meeting

† **February 19, 2004 - 11 a.m.** -- Open Meeting

† **March 18, 2004 - 11 a.m.** -- Open Meeting

Department of General Services, Eighth Street Office Building, 3rd Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use the design-build or construction management type contracts. Contact Division of Engineering and Building to confirm meeting. Board rules and regulations can be obtained online at [www.dgs.state.va.us](http://www.dgs.state.va.us) under DGS Forms, Form # DGS-30-904.

**Contact:** Rhonda M. Bishton, Administrative Assistant, Department of General Services, 805 E. Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/, or e-mail [rbishton@dgs.state.va.us](mailto:rbishton@dgs.state.va.us).

## BOARD OF EDUCATION

**February 25, 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)

**March 24, 2004 - 9 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency 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](mailto:mroberts@mail.vak12ed.edu).

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**February 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 Board of Education intends to adopt regulations entitled **8 VAC 20-670, Regulations Governing the Operation of Private Day Schools for Students with Disabilities**. Private day schools for students with disabilities are currently regulated by the Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits, which also covers private career schools. The purpose of these planned regulations is to separate the current complex and intertwined regulations. It is intended that revised regulations for the career schools and new regulations for the private day schools for students with disabilities be promulgated to provide clarity and specificity for each type of school.

Statutory Authority: §§ 22.1-16 and 22.1-321 of the Code of Virginia.

**Contact:** Carolyn Hodgins, Specialist, Private Day Schools, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-4551 or FAX (804) 225-2524.

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**February 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 Board of Education intends to amend regulations entitled **8 VAC 20-340, Regulations Governing Driver Education**. The purpose of the proposed action is to require a minimum number of miles driven during the behind-the-wheel phase of driver education instruction pursuant to amendments to § 22.1-205 of the 2001 Acts of Assembly.

Statutory Authority: §§ 22.1-16, 22.1-205 and 46.2-334 of the Code of Virginia.

**Contact:** Vanessa Wigand, Specialist in Driver Education, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-3300 or FAX (804) 225-2524.

## DEPARTMENT OF EDUCATION

† **April 1, 2004 - 8:30 a.m.** -- Open Meeting

† **April 2, 2004 - 8:30 a.m.** -- Open Meeting

Radisson Hotel Historic Richmond, 301 West Franklin Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the State Special Education Advisory Committee. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Please note that persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail [mroberts@mail.vak12ed.edu](mailto:mroberts@mail.vak12ed.edu).

## Advisory Board on Teacher Education and Licensure

**January 26, 2004 - 9 a.m.** -- Open Meeting

**March 15, 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 on 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](mailto:mroberts@mail.vak12ed.edu).

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**January 12, 2004 - 7 p.m.** -- Public Hearing

Willet Hall, 3701 Willet Drive, Portsmouth, Virginia. 

A public hearing to receive comments on a draft solid waste permit amendment for the City of Portsmouth Craney Island CDD Landfill located in Portsmouth. The amendment will establish permit modules X and XI and attach a ground

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## Calendar of Events

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water monitoring plan. The public comment period closes on January 27, 2004.

**Contact:** Rachel Borum, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (757) 518-2145, e-mail rcborum@deq.state.va.us.

**January 20, 2004 - 7 p.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A public meeting on the development of the bacteria and dissolved oxygen TMDL for Tuckahoe Creek, Little Tuckahoe Creek and Deep Run in Henrico County. The public comment period closes on February 20, 2004.

**Contact:** Mark Alling, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5021, FAX (804) 527-5106, e-mail msalling@deq.state.va.us.

**January 22, 2004 - 7 p.m.** -- Open Meeting  
Hanover Volunteer Company #3, 4428 Mechanicsville Turnpike, Meeting Room, Mechanicsville, Virginia. ♿

A public meeting on the development of bacteria and pH TMDLs for Matadequin Creek in Hanover County. The public comment period closes on February 22, 2004.

**Contact:** Mark Alling, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5021, FAX (804) 527-5106, e-mail msalling@deq.state.va.us.

**† January 26, 2004 - 7 p.m.** -- Open Meeting  
Warrenton Community Center, 430 East Shirley Avenue, Warrenton, Virginia. ♿

The first public meeting on the development of a bacteria TMDL for a segment of Great Run Watershed located in Fauquier County. The public comment period closes on February 24, 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.

**† January 26, 2004 - 7 p.m.** -- Open Meeting  
Tacoma Community Center, Stone Mountain Road (approximately 0.2 miles south of Alternate Route 58 between Coeburn and Norton) Tacoma, Virginia. ♿

The final public meeting on the development of a fecal coliform bacteria TMDL for the Sepulcher Creek, Toms Creek/Little Toms Creek and Crab Orchard Branch watersheds in the Guest River drainage. In addition, implementation planning for the approved benthic TMDL and potential implementation for the draft bacteria TMDL will begin. The public comment period closes on February 26, 2004.

**Contact:** Nancy T. Norton, Department of Environmental Quality, 355 Deadmore Street, Abingdon, VA 24210, telephone (276) 676-4807, FAX (276) 676-4899, e-mail ntnorton@deq.state.va.us.

**† January 28, 2004 - 7 p.m.** -- Open Meeting  
Marshall Community Center, 4133 Rectortown Road, Marshall, Virginia. ♿

The first public meeting on the development of a bacteria TMDL for a segment of Carter Run Watershed located in Fauquier County. The comment period closes on February 28, 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.

**† January 29, 2004 - 7 p.m.** -- Open Meeting  
Augusta County Government Center, 18 Government Center Lane, Board Room, Verona, Virginia. ♿

The final public meeting on the development of TMDLs to address impairments in the Middle River Watershed. The public comment period closes on March 1, 2004.

**Contact:** Robert Brent, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail rnbrent@deq.state.va.us.

**January 29, 2004 - 7 p.m.** -- Open Meeting  
Fairfield Area Library, 1001 North Laburnum Avenue, Richmond, Virginia. ♿

A meeting on the development of bacteria and pH TMDLs for White Oak Swamp Creek and Fourmile Creek in Henrico County. The public notice will be published in the Virginia Register on December 15, 2003, and the public comment period closes on February 22, 2004.

**Contact:** Mark Alling, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5021, FAX (804) 527-5106, e-mail msalling@deq.state.va.us.

### BOARD OF FORESTRY

**† January 14, 2004 - 10 a.m.** -- Open Meeting  
Department of Forestry Central Office, 900 Natural Resources Drive, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A subcommittee meeting to discuss timber theft issue.

**Contact:** Donna S. Hoy, Administrative Staff Specialist, Department of Forestry, 900 Natural Resources Drive, Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, e-mail hoyd@dof.state.va.us.

**† January 27, 2004 - 9 a.m.** -- Open Meeting  
Virginia Forestry Association, 3808 Augusta Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Donna S. Hoy, Administrative Staff Specialist, Department of Forestry, 900 Natural Resources Drive, Suite

800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, e-mail [hoyd@dof.state.va.us](mailto:hoyd@dof.state.va.us).

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **January 27, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of an informal conference committee to hear possible violations of the laws and regulations governing the practice of funeral service.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail [elizabeth.young@dhp.state.va.us](mailto:elizabeth.young@dhp.state.va.us).

## GEORGE MASON UNIVERSITY

**January 28, 2004 - 9 a.m.** -- Open Meeting  
**March 24, 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, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, (703) 993-8707/TTY , e-mail [mroper@gmu.edu](mailto:mroper@gmu.edu).

## DEPARTMENT OF HEALTH

### State Emergency Medical Services Advisory Board

† **February 13, 2004 - 1 p.m.** -- Open Meeting  
The Place at Innsbrook, 4036 Cox Road, Richmond, Virginia. 

A regular meeting.

**Contact:** Gary R. Brown, Director, State Emergency Medical Services Advisory Board, Department of Health, 109 Governor Street, Suite UB-55, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, e-mail [gary.brown@vdh.virginia.gov](mailto:gary.brown@vdh.virginia.gov).

### Sewage Handling and Disposal Appeal Review Board

**January 21, 2004 - 10 a.m.** -- Open Meeting  
**February 25, 2004 - 10 a.m.** -- Open Meeting  
† **April 7, 2004 - 10 a.m.** -- Open Meeting  
Henrico County Health Department, 8600 Dixon Powers Drive, Human Services Board Room, Richmond, Virginia.

A meeting to hear appeals of the health department denials of septic tank permits.

**Contact:** Susan C. Sherertz, Secretary to the Board, Sewage Handling and Disposal Appeal Review Board, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7476, e-mail [susan.sherertz@vdh.virginia.gov](mailto:susan.sherertz@vdh.virginia.gov).

## BOARD OF HEALTH PROFESSIONS

† **January 12, 2004 - 11 a.m.** -- Open Meeting  
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. 

A meeting of the Education Committee to determine the topic for the next Issues Forum or Exchange. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.state.va.us](mailto:elizabeth.carter@dhp.state.va.us).

† **January 12, 2004 - 11 a.m.** -- Open Meeting  
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. 

A meeting of the Enforcement Committee to receive an update on the Sanction Reference Study and review the workplan of the review of the agency's enforcement processes for 2003 through 2004. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.state.va.us](mailto:elizabeth.carter@dhp.state.va.us).

† **January 12, 2004 - 1 p.m.** -- Open Meeting  
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. 

A meeting of the full board to be updated on the regulations being proposed by the various health regulatory boards and to review legislation being proposed to the 2004 Session of the General Assembly that might affect health care. The board will receive status reports from the respective committees on their progress in accomplishing board workplan goals. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.state.va.us](mailto:elizabeth.carter@dhp.state.va.us).

† **February 13, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program (HPIP).

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# Calendar of Events

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**Contact:** Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

## DEPARTMENT OF HEALTH PROFESSIONS

**February 6, 2004 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

**February 27, 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 Department of Health Professions intends to adopt regulations entitled **18 VAC 76-40, Regulations Governing Emergency Contact Information**. The purpose of the proposed action is to set forth requirements for collection of emergency contact information.

Statutory Authority: § 54.1-2506.1 of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Robert A. Nebiker, Director, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**January 20, 2004 - 10 a.m.** -- Open Meeting  
State Council of Higher Education, 101 N. 14th St., 9th Floor, Main Conference Room, Richmond, Virginia.

A regular meeting. Agenda materials will be available on the website approximately one week prior to the meeting at [www.schev.edu](http://www.schev.edu). A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail LeeAnnRung@schev.edu.

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**February 3, 2004 - 9 a.m.** -- Open Meeting

**March 2, 2004 - 9 a.m.** -- Open Meeting  
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia.  (Interpreter for the deaf provided upon request)

A Local Emergency Preparedness committee meeting as required by SARA Title III.

**Contact:** Robert Brown, Emergency Services Coordinator, Hopewell Industrial Safety Council, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **January 21, 2004 - 9 a.m.** -- Open Meeting

Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners. The board will review and, if appropriate, approve the minutes from the prior monthly meeting; may consider for approval and ratification mortgage loan commitments under its various programs; will review the authority's operations for prior months; and will consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Audit/Operations Committee, the Executive Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**January 20, 2004 - 10 a.m.** -- Open Meeting

Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

A general business meeting.

**Contact:** Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail scalhoun@dhdcd.state.va.us.

## VIRGINIA INFORMATION TECHNOLOGIES AGENCY

### Wireless E-911 Services Board

† **January 14, 2004 - 9 a.m.** -- Open Meeting

Virginia Information Technologies Agency, 110 S. 7th Street, 3rd Floor Conference Room, Richmond, Virginia. 

A meeting of the CMRS Subcommittee of the Wireless E-911 Services Board. A request will be made to hold the meeting in closed session.

**Contact:** Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th Street, Richmond, VA 23219, telephone (804) 371-0015, FAX (804) 786-4177, e-mail [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).

† **January 14, 2004 - 10 a.m.** -- Open Meeting  
Virginia Information Technologies Agency, 110 S. 7th Street, 3rd Floor Conference Room, Richmond, Virginia. 

A regular meeting of the Wireless E-911 Services Board.

**Contact:** Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th Street, Richmond, VA 23219, telephone (804) 371-0015, FAX (804) 786-4177, e-mail [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).

## DEPARTMENT OF LABOR AND INDUSTRY

### Migrant and Seasonal Farmworkers Board

**January 28, 2004 - 10 a.m.** -- Open Meeting  
Virginia State University, Agriculture Building, Petersburg, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

**Contact:** Betty B. Jenkins, Board Administrator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2391, FAX (804) 371-6524, (804) 786-2376/TTY , e-mail [bbj@doli.state.va.us](mailto:bbj@doli.state.va.us).

## STATE LIBRARY BOARD

**January 23, 2004 - 8:15 a.m.** -- Open Meeting  
**March 15, 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

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](mailto:jtaylor@lva.lib.va.us).

## COMMISSION ON LOCAL GOVERNMENT

**January 12, 2004 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, First Floor Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented.

**Contact:** Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, (800) 828-1120/TTY , e-mail [tmccormack@dhcd.state.va.us](mailto:tmccormack@dhcd.state.va.us).

## VIRGINIA MANUFACTURED HOUSING BOARD

**January 15, 2004 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to review and make case decisions on complaints and claims involving licensees in the manufactured housing program and to carry out other administrative responsibilities in the manufactured housing licensing and transaction recovery fund program.

**Contact:** Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY , e-mail [Curtis.McIver@dhcd.virginia.gov](mailto:Curtis.McIver@dhcd.virginia.gov).

## MARINE RESOURCES COMMISSION

**January 27, 2004 - 9:30 a.m.** -- Open Meeting  
**February 24, 2004 - 9:30 a.m.** -- Open Meeting  
**March 23, 2004 - 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:** Jane McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY , e-mail [jmccroskey@mrc.state.va.us](mailto:jmccroskey@mrc.state.va.us).

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**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

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## Calendar of Events

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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.

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**February 27, 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 Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-60, Standards Established and Methods Used to Assure High Quality Care**, and **12 VAC 30-90, Methods and Standards for Establishing Payment Rates for Long-Term Care**. The purpose of the proposed action is to discontinue duplicative reimbursement for adult specialized care services in nursing facilities.

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

Public comments may be submitted until February 27, 2004, to Paula Margolis, Reimbursement Analyst, 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 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail vsimmons@dmas.state.va.us.

### BOARD OF MEDICINE

**January 22, 2004 - 8:15 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

**February 13, 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 Board of Medicine intends to amend regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic**. The purpose of the proposed action is to increase fees by \$77 per licensee for a biennial renewal, with other associated fees increased by a like amount. This regulatory action will replace the emergency regulations in effect since July 15, 2003. The fee increase is necessary because of a substantial increase in the number of disciplinary proceedings related to implementation of HB1441 of the 2003 Session of the General Assembly.

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

Public comments may be submitted until February 13, 2004, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

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

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**† January 22, 2004 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Fifth Floor, Board Room 2, Richmond, Virginia. 

A meeting of the full board to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.state.va.us.

**† January 22, 2004 - 11 a.m.** -- Open Meeting

**† January 23, 2004 - 8 a.m.** -- Open Meeting

**† January 24, 2004 - 8 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

The board will conduct informal conferences and/or formal hearings regarding disciplinary matters, including

consideration of consent orders, as may be presented on the agenda or the amended agenda. The Credentials Committee may meet on the 22nd or 23rd. Public comment will not be received.

**Contact:** Renee Dixon, Discipline Case Manager, Board of Medicine, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail renee.dixon@dhp.state.va.us.

**February 4, 2004 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **February 13, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

An informal conference committee 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.

## Advisory Board on Occupational Therapy

**February 11, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

The board will consider issues related to the regulation of occupational therapy. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

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

† **February 5, 2004 - 9:30 a.m.** -- Open Meeting  
Henrico County Training Center, 7701 Parham Rd., Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A 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:** Therese Wolf, Policy Specialist, Department of Social Services, 7 North 8th Street, Richmond, VA 23219, telephone (804) 726-7522, e-mail therese.wolf@dss.virginia.gov.

## STATE MILK COMMISSION

† **January 22, 2004 - 10:30 a.m.** -- Open Meeting  
Holiday Inn, Interstate 81, Exit 225, Staunton, Virginia.

A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify the agency 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 Building, 1100 Bank Street, Suite 1019, Richmond, VA 23218, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

† **January 15, 2004 - 10 a.m.** -- Open Meeting  
Department of Mines, Minerals and Energy, Buchanan-Smith Building, 3405 Mountain Empire Road, U.S. Route 23 South, Big Stone Gap, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Governor's Mined Land Reclamation Advisory Committee to review and discuss recent Interstate Mining Compact Commission (IMCC) issues with the coal industry. Public comments will not be received at this meeting. Special accommodations for the disabled will be made available at the public meeting on request. Anyone needing special accommodations should contact the Department of Mines, Minerals and Energy at least seven days prior to the meeting date.

**Contact:** Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, P.O. Box 900, U.S. Route 23 South, Big Stone Gap, VA 24219, telephone (276) 523-8156, FAX (276) 523-8163, (800) 828-1120/TTY ☎, e-mail Les.Vincent@dmme.virginia.gov.

† **February 13, 2004 - 1 p.m.** -- Open Meeting  
Department of Mines, Minerals and Energy, Buchanan-Smith Building, 3405 Mountain Empire Road, Conference Room 116, Big Stone Gap, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting sponsored by the Division of Mined Land Reclamation to give interested persons an opportunity to be heard regarding the FY2004 Abandoned Mine Land Consolidated Grant Application to be submitted to the Federal Office of Surface Mining. This meeting is open to the public. Anyone needing special accommodations should contact the DMME within seven days prior to the meeting date.

**Contact:** Roger A. Williams, AML Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8208, FAX (276) 523-8247, (800) 828-1120/TTY ☎, e-mail Roger.Williams@dmme.virginia.gov.

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# Calendar of Events

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## MOTOR VEHICLE DEALER BOARD

**January 12, 2004 - 8:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia.  (Interpreter for the deaf  
provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 8:30 a.m.  
Franchise Law Committee - To be scheduled as needed  
Licensing Committee - Immediately following Dealer  
Practices  
Advertising Committee - 9:30 a.m. or immediately  
following Licensing  
Transaction Recovery Fund Committee - Immediately  
following Advertising

The full board will meet at 10:30 a.m. Meetings may begin  
later, but not earlier than scheduled. Meeting end times are  
approximate. Any person who needs any accommodation in  
order to participate in the meeting should contact the board  
at least 10 days before the meeting so that suitable  
arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor  
Vehicle Dealer Board, 2201 W. Broad St., Suite 104,  
Richmond, VA 23220, telephone (804) 367-1100, FAX (804)  
367-1053, toll-free (877) 270-0203, e-mail  
dboard@mvb.state.va.us.

## DEPARTMENT OF MOTOR VEHICLES

**† February 11, 2004 - 8 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Richmond, Virginia.  (Interpreter for the deaf provided upon  
request)

A regular meeting of the Medical Advisory Board.

**Contact:** J.C. Branche, R.N., Division Manager, Department  
of Motor Vehicles, 2300 West Broad Street, Richmond VA  
23220, telephone (804) 497-7188, FAX (804) 367-1604, toll-  
free (800) 435-5137, (800) 272-9268/TTY , e-mail  
dmvj3b@dmv.state.va.us.

## VIRGINIA MUSEUM OF FINE ARTS

**February 3, 2004 - 8 a.m.** -- Open Meeting  
**March 2, 2004 - 8 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main  
Lobby Conference Room, Richmond, Virginia. 

**† April 6, 2004 - 8 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, MDR  
Payne Room, Richmond, Virginia. 

A meeting for staff to update the Executive Committee.  
Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum,  
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,  
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,  
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

**† February 5, 2004 - 1 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO  
Parlor, Richmond, Virginia. 

A meeting for staff and architects to update the Museum  
Expansion committee 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.

## BOARD OF NURSING

**January 13, 2004 - 9 a.m.** -- Open Meeting  
**February 2, 2004 - 9 a.m.** -- Open Meeting  
**February 5, 2004 - 9 a.m.** -- Open Meeting  
**February 10, 2004 - 9 a.m.** -- Open Meeting  
**February 17, 2004 - 9 a.m.** -- Open Meeting  
**February 25, 2004 - 9 a.m.** -- Open Meeting  
**† April 8, 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 comprised of two or three  
members of the Virginia Board of Nursing will conduct  
informal conferences with licensees and/or certificate  
holders. Public comment will not be received.

**Contact:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive  
Director, Board of Nursing, 6603 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.

**January 26, 2004 - 9 a.m.** -- Open Meeting  
**January 28, 2004 - 9 a.m.** -- Open Meeting  
**January 29, 2004 - 9 a.m.** -- Open Meeting  
**March 22, 2004 - 9 a.m.** -- Open Meeting  
**March 24, 2004 - 9 a.m.** -- Open Meeting  
**March 25, 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.

**January 27, 2004 - 9 a.m.** -- Open Meeting  
**March 23, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 2, 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.

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**January 27, 2004 - 11 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 2, Richmond, Virginia.

**February 13, 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 Board of Medicine intends to amend regulations entitled **18 VAC 90-20, Regulations Governing the Practice of Nursing**. The purpose of the proposed action is to increase certain fees for registered and licensed practical nurses to provide sufficient funding for an increased disciplinary caseload related to mandated reporting of misconduct and to offset the decrease in revenue related to Virginia's entry into the Nurse Licensure Compact in January 2005. The biennial renewal fee will increase from \$70 to \$95 and other fees associated with the renewal fee will increase accordingly.

Statutory Authority: §§ 54.1-2400 and Chapter 30 (§ 54.1-3000 et seq.) of the Code of Virginia.

Public comments may be submitted until February 13, 2004, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

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

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**January 27, 2004 - 11 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 2, Richmond, Virginia.

**February 27, 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 Board of Medicine intends to amend regulations entitled **18 VAC 90-20, Regulations Governing the Practice of Nursing**. The purpose of the proposed action is to clarify and update certain provisions affecting nursing education programs, the practice of nursing, and medication administration programs. Current regulations for nurse aides and nurse aide education programs found within 18 VAC 90-20 are being repromulgated in a new set of regulations, 18 VAC 90-25, Regulations Governing Certified Nurses.

Statutory Authority: § 54.1-2400 and Chapter 30 (§ 54.1-3000 et seq.) of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

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

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**January 27, 2004 - 11 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 2, Richmond, Virginia.

**February 27, 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 Board of Nursing intends to amend regulations entitled **18 VAC 90-25, Regulations Governing Certified Nurse Aides**. The purpose of the proposed action is to clarify instructional expectations of the board for maintaining approval to provide nurse aide education, the process for reporting to the board for an interruption in the program. Regulations for reinstatement of nurse aide certification have been amended to include a prohibition against reinstatement following a finding of abuse, neglect or misappropriation of property and incorporated a board guidance document that provides for the possibility of reinstatement if the finding of neglect was based on a single occurrence. There are additional grounds added to the disciplinary provisions that address situations encountered in disciplinary cases before the board.

Statutory Authority: § 54.1-2400 and Article 4 (§ 54.1-3022 et seq.) of Chapter 30 of the Code of Virginia.

Public comments may be submitted until February 13, 2004, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

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

**February 18, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. 

A meeting of the Joint Boards of Nursing and Medicine.

**Contact:** Jay P. Douglas, R.N., 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, e-mail nursebd@dhp.state.va.us.

## BOARD OF NURSING HOME ADMINISTRATORS

† **January 21, 2004 - 11 a.m.** -- Open Meeting  
Department of Health Professions, 6603 W. Broad Street, 5th  
Floor, Richmond, Virginia. 

A Special Conference Committee will hold informal conferences. There will not be a public comment period.

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# Calendar of Events

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**Contact:** Cheri Emma-Leigh, Operations Manager, Board of Nursing Home Administrators, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-7457, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail Cheri.Emma-Leigh@dhp.state.va.us.

## BOARD FOR OPTICIANS

† **April 9, 2004 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation  
3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting to consider regulatory and other 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 interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.state.va.us.

## BOARD OF OPTOMETRY

† **January 20, 2004 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. ♿

A regular meeting of the full board to discuss 18 VAC 105-20-45 (Standards of Practice) and current scope of practice and investigative issues related to standards of practice. In addition, the board will discuss 18 VAC 105-20-50 B 4 (Professional Designation) use of OD derivative and locators. CPT/Clinical Codes will also be discussed. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail elizabeth.carter@dhp.state.va.us.

**January 20, 2004 - 10:45 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A special conference hearing. This is a public meeting; however, public comment will not be received.

**Contact:** Elizabeth Carter, Ph.D., Executive Director, Board of Optometry, 6603 W. Broad St., 5th Floor, Richmond, Virginia 23230, telephone (804) 662-9910, FAX (804) 662-7098, e-mail elizabeth.carter@dhp.state.va.us.

**January 20, 2004 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A formal administrative hearing. This is a public meeting; however, public comment will not be received.

**Contact:** Elizabeth Carter, Executive Director, Board of Optometry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail elizabeth.carter@dhp.state.va.us.

## PESTICIDE CONTROL BOARD

† **January 15, 2004 - 9 a.m.** -- Open Meeting  
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Second Floor Boardroom, Richmond, Virginia. ♿

A meeting to discuss general business matters requiring board action. Portions of the meeting may be held in closed session pursuant to § 2.2-3711 of the Code of Virginia. The board will entertain public comment at the beginning of the meeting on all other business for a period not to exceed 30 minutes. Any person desiring to attend the meeting and requiring special accommodations in order to participate in the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

**Contact:** Dr. Marvin A. Lawson, Director, Division of Consumer Protection, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 11th Floor, Richmond, VA 23219, telephone (804) 786-3523, FAX (804) 786-5112, toll-free (800) 552-9963, e-mail mlawson@vdacs.state.va.us.

## BOARD OF PHARMACY

**January 14, 2004 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

**February 27, 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 Board of Pharmacy intends to amend regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to clarify current law and regulation, alleviate problematic rules, and set more reasonable standards for reinstatement of a pharmacist license.

Statutory Authority: §§ 54.1-103 and 54.1-2400 and Chapters 33 (§ 54.1-3300) and 34 (§ 54.1-3400 et seq.) of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Elizabeth Scott Russell, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230.

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

**January 14, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia. ♿

The board will consider such regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**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 scottl.russell@dhp.state.va.us.

**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.

## BOARD OF PSYCHOLOGY

**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 BUILDINGS BOARD

**January 28, 2004 - 10 a.m.** -- Open Meeting  
Department of Education, James Monroe Building, 18th Floor  
Conference Room, Richmond, Virginia. ♿

A meeting of the Master Plan Advisory Committee to wrap up input and recommendations regarding "education" within the Master Plan and to incorporate VPBB orientation feedback from November 19 and any additional input on larger issues. Following this meeting, all recommendations will go to the VPBB subcommittee(s) for further analysis and action.

**Contact:** Shannon Rainey, Research Assistant, Virginia Public Buildings Board, 202 N. 9th St., Suite 636, Richmond, VA 23219, telephone (804) 786-1201, FAX (804) 371-0038.

## REAL ESTATE BOARD

† **January 21, 2004 - 4 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 W. Broad Street, Richmond, Virginia. ♿

A meeting of the Real Estate Board Education Committee to review education applications.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

† **January 22, 2004 - 8:30 a.m.** -- Open Meeting  
† **March 25, 2004 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 W. Broad Street, Richmond, Virginia. ♿

A meeting of the full board to review fair housing cases.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

† **January 22, 2004 - 9 a.m.** -- Open Meeting  
† **March 25, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 W. Broad Street, Richmond, Virginia. ♿

A regular meeting of the full board.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

NOTE: TIME CHANGE

† **January 22, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

An informal fact-finding conference to be held at 9 a.m. and 2:30 p.m.

**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.

## VIRGINIA RESOURCES AUTHORITY

**January 13, 2004 - 9 a.m.** -- Open Meeting  
**February 10, 2004 - 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 sale; 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.

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## Calendar of Events

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The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Bonnie R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail [bmcræ@vra.state.va.us](mailto:bmcræ@vra.state.va.us).

### BOARD OF SOCIAL WORK

† **January 12, 2004 - 10 a.m.** -- Open Meeting  
Department of Health Professions, Alcoa Building, 6603 West Broad Street, Conference Room 4, Richmond, Virginia. 

A meeting of the Regulatory Committee to review regulatory definitions and discuss precicensure requirements.

**Contact:** Benjamin Foster, Deputy Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 6th Floor, Richmond, VA 23230-1712, telephone (804) 662-9575, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail [Benjamin.foster@dhp.state.va.us](mailto:Benjamin.foster@dhp.state.va.us).

### BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

† **January 14, 2004 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A regular meeting. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. 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](mailto:soilscientist@dpor.state.va.us).

### COMMONWEALTH TRANSPORTATION BOARD

**January 14, 2004 - 2 p.m.** -- Open Meeting  
Virginia Department of Transportation, 1221 East Broad Street, Central Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board, Virginia Department of Transportation and the Department of Rail and Public Transportation staff.

**Contact:** Katherine Tracy, Assistant Secretary to the Commonwealth Transportation Board, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond,

VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail [katherine.tracy@virginiadot.org](mailto:katherine.tracy@virginiadot.org).

**January 15, 2004 - 9 a.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street, Central Auditorium, Richmond, Virginia. 

A meeting to vote on action items presented regarding bids, conveyances and any other matter requiring board approval. Public comments will be received at the outset of the meeting with remarks limited to five minutes. Groups are asked to select a spokesperson for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on the call of the chairman and will be posted separately. Contact Policy Division, CTB Section, 786-3090 for schedule and additional information.

**Contact:** Katherine Tracy, Assistant Secretary to the Commonwealth Transportation Board, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail [katherine.tracy@virginiadot.org](mailto:katherine.tracy@virginiadot.org).

† **January 15, 2004 - 10:30 a.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street, Central Auditorium, Richmond, Virginia. 

A work session of the VTrans 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 Commonwealth Transportation Board, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail [katherine.tracy@virginiadot.org](mailto:katherine.tracy@virginiadot.org).

† **January 15, 2004 - 3 p.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street, Central Auditorium, Richmond, Virginia. 

A work session of the I-81 PPTA Panel Advisory Committee tentatively scheduled to receive public comments on the PPTA proposals to widen and improve I-81. The meeting will be held at the Richmond location and via teleconference from VDOT's Salem, Staunton and Bristol district offices from 3 p.m. to 9 p.m. The panel consists of 11 members, four of whom are members of the Commonwealth Transportation Board. The local contact is Pierce Homer at (804) 786-8032.

**Contact:** Katherine Tracy, Assistant Secretary to the Commonwealth Transportation Board, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail [katherine.tracy@virginiadot.org](mailto:katherine.tracy@virginiadot.org).

### TREASURY BOARD

† **January 21, 2004 - 9 a.m.** -- Open Meeting  
Department of the Treasury, James Monroe Building, 101 N. 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 Street, 3rd Floor, Treasury Board Room, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail [melissa.mayes@trs.state.va.us](mailto:melissa.mayes@trs.state.va.us).

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**February 1, 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 Department of the Treasury intends to adopt regulations entitled **1 VAC 75-40, Unclaimed Property Administrative Review Process**. The purpose of the proposed action is to allow any person asserting ownership of unclaimed property or any holder of unclaimed property who is aggrieved by a decision of the administrator of the Uniform Disposition of Unclaimed Property Act the opportunity to file an application for an administrative review of the administrator's decision, all in compliance with § 55-210.27 of the Code of Virginia.

Statutory Authority: § 55-210-27 of the Code of Virginia.

**Contact:** Vicki D. Bridgeman, Director of Unclaimed Property, James Monroe Bldg., 101 N. 14th St., 4th Floor, Richmond, VA 23219, telephone (804) 225-3156, FAX (804) 786-4653 or e-mail [vicki.bridgeman@trs.state.va.us](mailto:vicki.bridgeman@trs.state.va.us).

## DEPARTMENT OF VETERANS SERVICES

**January 12, 2004 - 1 p.m.** -- Open Meeting  
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. 

A meeting of the Board of Veterans Services. Subcommittees will also meet. Times to be announced for subcommittees.

**Contact:** Geneva M. Claybrook, Executive Services Liaison, Department of Veterans Services, P.O. Box 6129, Roanoke, VA 24017, telephone (540) 857-6974, FAX (540) 857-6954, toll-free (800) 220-8387, e-mail [gclaybrook@vvc1.us](mailto:gclaybrook@vvc1.us).

## BOARD OF VETERINARY MEDICINE

† **January 15, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, Virginia. 

† **February 4, 2004 - 9 a.m.** -- Open Meeting  
Hotel Roanoke and Conference Center, 110 Shenandoah Ave., Roanoke, Virginia. 

A Special Conference Committee to hold informal hearings (disciplinary hearings). These are public meetings, but public comment will not be received.

**Contact:** Terri Behr, Administrative Specialist, 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](mailto:terri.behr@dhp.state.va.us).

## BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

† **March 30, 2004 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

A regular meeting.

**Contact:** David E. Dick, Executive Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail [wastemgt@dpor.state.va.us](mailto:wastemgt@dpor.state.va.us).

## STATE WATER CONTROL BOARD

**January 13, 2004 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia.

**January 30, 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 State Water Control Board intends to amend regulations entitled **9 VAC 25-151, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity**. The purpose of the proposed action is to reissue the existing storm water industrial activity permit that expires on June 30, 2004. This general permit regulation governs the discharge of storm water from facilities with regulated industrial activities to surface waters.

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

**Contact:** Burt Tuxford, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086, FAX (804) 698-4032 or e-mail [brtuxford@deq.state.va.us](mailto:brtuxford@deq.state.va.us).

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**January 13, 2004 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia.

**January 30, 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 State Water Control Board intends to amend regulations entitled **9 VAC 25-180, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges From Construction Sites**. The purpose of the proposed action is to reissue the existing storm water construction general permit that expires on June 30, 2004. This general permit regulation governs the discharge of storm water from construction sites to surface waters.

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

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## Calendar of Events

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**Contact:** Burt Tuxford, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086, FAX (804) 698-4032 or e-mail [brtuxford@deq.state.va.us](mailto:brtuxford@deq.state.va.us).

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**January 13, 2004 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia.

**January 30, 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 State Water Control Board intends to amend regulations entitled **9 VAC 25-190, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining**. The purpose of the proposed action is to reissue a general discharge permit for discharges from nonmetallic mineral mining operations.

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

**Contact:** Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032 or e-mail [mbgregory@deq.state.va.us](mailto:mbgregory@deq.state.va.us).

† **January 20, 2004 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the technical advisory committee assisting the department in the development of regulatory actions to implement the federal Confined Animal Feeding Operation General Permit Regulations.

**Contact:** T. Scott Haley, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4443, FAX (804) 698-4032, e-mail [tshaley@deq.state.va.us](mailto:tshaley@deq.state.va.us).

† **January 22, 2004 - 7 p.m.** -- Public Hearing  
Middletown Elementary School, Middletown, Virginia. 

A public hearing to receive comments on the proposed reissuance of a VPDES permit for Crooked Run STP in Reston, Virginia. The public comment period closes on February 6, 2004.

**Contact:** Jason R. Dameron, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7824, FAX (540) 574-7878, e-mail [jrdameron@deq.state.va.us](mailto:jrdameron@deq.state.va.us).

† **February 12, 2004 - 7 p.m.** -- Public Hearing  
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. 

A public hearing to receive comments on the proposed addition of sites to the VPA permit for land application of sludge for Houff's Feed and Fertilizer Company in Weyers Cave, Virginia. The public comment period closes on February 27, 2004.

**Contact:** Brandon Kiracofe, 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](mailto:cmberndt@deq.state.va.us).

### BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **January 27, 2004 - 10 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:** 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) 367-2475, (804) 367-9753/TTY , e-mail [waterwasteoper@dpor.state.va.us](mailto:waterwasteoper@dpor.state.va.us).

**March 9, 2004 - 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, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail [waterwasteoper@dpor.state.va.us](mailto:waterwasteoper@dpor.state.va.us).

### VIRGINIA WORKFORCE COUNCIL

† **January 13, 2004 - 8:30 a.m.** -- Open Meeting  
Virginia Workforce Council, 703 E. Main Street, Conference Room A-303, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to discuss agenda items, including Strategic Guiding Principles and Governance Standards for Virginia's Workforce and Career Development System and council organizational and committee matters. Public comment will be scheduled and limited to five minutes per person. A written copy of comments is required.

**Contact:** Gail Robinson, Workforce Council Liaison, Virginia Workforce Council, 703 E. Main Street, Richmond, VA 23219, telephone (804) 225-3070, FAX (804) 225-2190, (800) 828-1120/TTY , e-mail [grobinson@vec.state.va.us](mailto:grobinson@vec.state.va.us).

## INDEPENDENT

### STATE LOTTERY BOARD

† **January 28, 2004 - 9:30 a.m.** -- Open Meeting  
Virginia Lottery, 900 East Main Street, 13th Floor, Richmond, Virginia. 

A regular meeting. There will be an opportunity for public comment.

**Contact:** Frank S. Ferguson, Director, Legislative and Regulatory Affairs, State Lottery Board, 900 East Main Street, Richmond, VA 23219, telephone (804) 692-7901, FAX (804) 692-7603, e-mail fferguson@valottery.state.va.us.

## VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

† **January 15, 2004 - 9 a.m.** -- Open Meeting  
Holiday Inn, 2000 Staples Mill Road, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A meeting of the Board for Protection and Advocacy. This is an open meeting and public comment is welcomed and will be accepted at the start of the meeting. 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 January 2, 2004. If interpreter services or other accommodations are required, please contact Ms. McKenzie no later than January 2, 2004.

**Contact:** Sonya McKenzie, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th Street, 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.

## VIRGINIA RETIREMENT SYSTEM

**January 13, 2004 - Noon** -- Open Meeting  
**January 27, 2004 - Noon** -- Open Meeting  
**February 10, 2004 - 1 p.m.** -- Open Meeting  
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ♿, e-mail lking@vrs.state.va.us.

**February 4, 2004 - 11 a.m.** -- Open Meeting  
Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia.

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, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ♿, e-mail phenderson@vrs.state.va.us.

**February 4, 2004 - 2:30 p.m.** -- Open Meeting  
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

Regular meetings of the following committees:  
Administration and Personnel - 4 p.m.

Benefits and Actuarial - 2:30 p.m.  
Audit and Compliance - 4 p.m.

**Contact:** LaShaunda B. King, Executive Assistant, 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.

**February 5, 2004 - 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:** LaShaunda B. King, Executive Assistant, 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.

**March 24, 2004 - 3 p.m.** -- Open Meeting  
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A meeting of the Audit and Compliance Committee. No public comment will be received at the meeting.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ♿, e-mail lking@vrs.state.va.us.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

**January 12**  
Agriculture and Consumer Services, Department of  
- Virginia Irish Potato Board  
Barbers and Cosmetology, Board for  
† Health Professions, Board of  
Local Government, Commission on  
Motor Vehicle Dealer Board  
† Social Work, Board of  
Veterans Services, Board of

**January 13**  
Compensation Board  
Contractors, Board for  
† Corrections, Board of  
Nursing, Board of  
Psychology, Board of  
Resources Authority, Virginia  
Retirement System, Virginia  
† Workforce Council, Virginia

**January 14**  
† Corrections, Board of  
† Forestry, Board of  
† Information Technologies Agency, Virginia  
- Wireless E-911 Services Board  
Pharmacy, Board of

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# Calendar of Events

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† Professional Soil Scientists and Wetland Professionals, Board for  
Transportation Board, Commonwealth

## January 15

Contractors, Board for  
† Criminal Justice Services Board  
† Design-Build/Construction Management Review Board  
Manufactured Housing Board, Virginia  
† Mines, Minerals and Energy, Department of  
† Pesticide Control Board  
Pharmacy, Board of  
† Protection and Advocacy, Virginia Office for  
† Transportation Board, Commonwealth  
† Veterinary Medicine, Board of

## January 20

Contractors, Board for  
Environmental Quality, Department of  
Higher Education for Virginia, State Council of  
Housing and Community Development, Board of  
† Optometry, Board of  
† Water Control Board, State

## January 21

† Agriculture and Consumer Services, Department of  
- Virginia Pork Industry Board  
Cemetery Board  
Community Colleges, State Board for  
Compensation Board  
Health, Department of  
- Sewage Handling and Disposal Appeal Review Board  
† Housing Development Authority, Virginia  
† Nursing Home Administrators, Board of  
† Real Estate Board  
† Treasury Board

## January 22

Community Colleges, State Board for  
† Contractors, Board for  
Environmental Quality, Department of  
† Medicine, Board of  
† Milk Commission, State  
† Real Estate Board

## January 23

† Aging, Commonwealth Council on  
Conservation and Recreation, Department of  
- Virginia Soil and Water Conservation Board  
Library Board, State  
† Medicine, Board of

## January 24

† Medicine, Board of

## January 26

† Barbers and Cosmetology, Board for  
Education, Department of  
- Advisory Board on Teacher Education and Licensure  
† Environmental Quality, Department of  
Nursing, Board of

## January 27

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Contractors, Board for  
† Forestry, Board of  
† Funeral Directors and Embalmers, Board of  
Marine Resources Commission

Nursing, Board of  
Retirement System, Virginia  
† Waterworks and Wastewater Works Operators, Board for

## January 28

† Aging, Commonwealth Council on  
† Environmental Quality, Department of  
George Mason University  
Labor and Industry, Department of  
- Migrant and Seasonal Farmworkers Board  
† Lottery Board, State  
Nursing, Board of  
Public Buildings Board, Virginia

## January 29

† Contractors, Board for  
† Environmental Quality, Department of  
Nursing, Board of

## January 30

Counseling, Board of

## February 2

† Branch Pilots, Board for  
Nursing, Board of

## February 3

† Branch Pilots, Board for  
Contractors, Board for  
Hopewell Industrial Safety Council  
Museum of Fine Arts, Virginia

## February 4

Agriculture and Consumer Services, Department of  
- Virginia Horse Industry Board  
Medicine, Board of  
Retirement System, Virginia  
† Veterinary Medicine, Board of

## February 5

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
† Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
† Museum of Fine Arts, Virginia  
Nursing, Board of  
Retirement System, Virginia

## February 6

Accountancy, Board of  
† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Art and Architectural Review Board

## February 10

† Agriculture and Consumer Services, Department of  
- Virginia Winegrowers Advisory Board  
Contractors, Board for  
Nursing, Board of  
Resources Authority, Virginia  
Retirement System, Virginia

## February 11

Contractors, Board for  
Medicine, Board of  
- Advisory Board on Occupational Therapy  
† Motor Vehicles, Department of

## February 12

† Agriculture and Consumer Services, Department of  
- Virginia Corn Board

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Counseling, Board of

**February 13**

Counseling, Board of  
† Health, Department of  
- State Emergency Medical Services Advisory Board  
† Health Professions, Board of  
† Medicine, Board of  
† Mines, Minerals and Energy, Department of

**February 17**

Nursing, Board of

**February 18**

Asbestos, Lead, and Home Inspectors, Virginia Board for  
Contractors, Board for  
Nursing and Medicine, Joints Boards for

**February 19**

Audiology and Speech-Language Pathology, Board of  
† Design-Build/Construction Management Review Board

**February 24**

Contractors, Board for  
Marine Resources Commission

**February 25**

Education, Board of  
Health, Department of  
- Sewage Handling and Disposal Appeal Review Board  
Nursing, Board of

**February 26**

Contractors, Board for

**March 2**

Contractors, Board for  
Hopewell Industrial Safety Council  
Museum of Fine Arts, Virginia

**March 5**

Art and Architectural Review Board

**March 9**

Contractors, Board for  
Waterworks and Wastewater Works Operators, Board for

**March 11**

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

**March 15**

Education, Board of  
- Advisory Board on Teacher Education and Licensure  
Library Board, State

**March 16**

Contractors, Board for

**March 17**

Community Colleges, State Board for

**March 18**

Community Colleges, State Board for  
† Design-Build/Construction Management Review Board

**March 22**

Nursing, Board of

**March 23**

Alzheimer's Disease and Related Disorders Commission  
Marine Resources Commission  
Nursing, Board of

**March 24**

Education, Board of

George Mason University  
Nursing, Board of  
Retirement System, Virginia

**March 25**

Nursing, Board of  
† Real Estate Board

**March 30**

† Waste Management Facility Operators, Board for

**April 1**

† Education, Board of

**April 2**

† Art and Architectural Review Board  
† Education, Board of

**April 6**

† Museum of Fine Arts, Virginia

**April 7**

† Health, Department of  
- Sewage Handling and Disposal Appeal Review Board

**April 8**

† Nursing, Board of

**April 9**

† Opticians, Board for

**April 19**

† Barbers and Cosmetology, Board for

## PUBLIC HEARINGS

**January 12**

Environmental Quality, Department of

**January 13**

Water Control Board, State

**January 14**

Pharmacy, Board of

**January 22**

† Dentistry, Board of  
Medicine, Board of  
† Water Control Board, State

**January 27**

Nursing, Board of

**February 6**

Health Professions, Department of

**February 12**

† Water Control Board, State

**February 13**

Counseling, Board of

**February 19**

† Audiology and Speech Language Pathology, Board of

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# Calendar of Events

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