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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 55-30-10 through 1 VAC 55-30-90 emer	Added	21:19 VA.R. 2599-2602	5/16/05-5/15/06
Title 3. Alcoholic Beverages			
3 VAC 5-30-10	Amended	21:19 VA.R. 2530	6/29/05
3 VAC 5-30-30	Amended	21:19 VA.R. 2531	6/29/05
3 VAC 5-30-60	Amended	21:19 VA.R. 2532	6/29/05
3 VAC 5-30-70	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-20	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-20	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-40	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-50	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-50	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-70-220	Added	21:19 VA.R. 2533	6/29/05
Title 4. Conservation and Natural Resources			
4 VAC 15-40-20	Amended	21:23 VA.R. 3235	8/24/05
4 VAC 15-40-21	Added	21:23 VA.R. 3235	8/24/05
4 VAC 15-380-120	Readopting	21:23 VA.R. 3236	8/24/05
4 VAC 20-80-30	Amended	21:25 VA.R. 3469	7/29/05
4 VAC 20-110-20	Amended	21:21 VA.R. 2900	6/1/05
4 VAC 20-170-10 emer	Amended	21:16 VA.R. 2219	4/1/05-4/30/05
4 VAC 20-170-30 emer	Amended	21:16 VA.R. 2219	4/1/05-4/30/05
4 VAC 20-170-30	Amended	21:18 VA.R. 2372	5/1/05
4 VAC 20-252-50	Amended	21:13 VA.R. 1824	2/2/05
4 VAC 20-252-55	Amended	21:13 VA.R. 1824	2/2/05
4 VAC 20-252-130	Amended	21:13 VA.R. 1825	2/2/05
4 VAC 20-252-135 emer	Added	21:16 VA.R. 2219	4/1/05-4/30/05
4 VAC 20-252-135	Added	21:18 VA.R. 2372	5/1/05
4 VAC 20-252-150	Amended	21:13 VA.R. 1825	2/2/05
4 VAC 20-252-160	Amended	21:13 VA.R. 1826	2/2/05
4 VAC 20-270-30 emer	Amended	21:23 VA.R. 3290	6/29/05-7/28/05
4 VAC 20-270-30	Amended	21:25 VA.R. 3469	7/29/05
4 VAC 20-320-20 emer	Amended	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-320-20	Amended	21:18 VA.R. 2373	5/1/05
4 VAC 20-320-65 emer	Added	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-320-65	Added	21:18 VA.R. 2373	5/1/05
4 VAC 20-390-20 through 4 VAC 20-390-50	Amended	21:22 VA.R. 3089-3092	7/1/05
4 VAC 20-430-10 emer	Amended	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-430-10	Amended	21:18 VA.R. 2373	5/1/05
4 VAC 20-430-15 emer	Amended	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-430-15	Amended	21:18 VA.R. 2373	5/1/05
4 VAC 20-430-65 emer	Added	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-430-65	Added	21:18 VA.R. 2373	5/1/05
4 VAC 20-450-30	Amended	21:13 VA.R. 1827	2/2/05
4 VAC 20-566-10 through 4 VAC 20-566-50 emer	Added	21:25 VA.R. 3552	8/16/05-9/14/05
4 VAC 20-620-20	Amended	21:21 VA.R. 2900	6/1/05

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4 VAC 20-620-40	Amended	21:14 VA.R. 1992	3/1/05
4 VAC 20-620-50	Amended	21:14 VA.R. 1993	3/1/05
4 VAC 20-620-60	Amended	21:14 VA.R. 1993	3/1/05
4 VAC 20-620-70	Amended	21:14 VA.R. 1994	3/1/05
4 VAC 20-670-30	Amended	21:25 VA.R. 3470	7/29/05
4 VAC 20-670-50	Amended	21:25 VA.R. 3470	7/29/05
4 VAC 20-720-10 emer	Amended	21:12 VA.R. 1563	2/1/05-2/28/05
4 VAC 20-720-20 emer	Amended	21:12 VA.R. 1563	2/1/05-2/28/05
4 VAC 20-720-20	Amended	21:14 VA.R. 1994	3/1/05
4 VAC 20-720-40 emer	Amended	21:12 VA.R. 1564	2/1/05-2/28/05
4 VAC 20-720-40	Amended	21:14 VA.R. 1995	3/1/05
4 VAC 20-720-49 emer	Added	21:14 VA.R. 2016	3/1/05-3/9/05
4 VAC 20-720-50 emer	Amended	21:12 VA.R. 1564	2/1/05-2/28/05
4 VAC 20-720-50	Amended	21:14 VA.R. 1995	3/1/05
4 VAC 20-720-60 emer	Amended	21:12 VA.R. 1565	2/1/05-2/28/05
4 VAC 20-720-110 emer	Amended	21:12 VA.R. 1565	2/1/05-2/28/05
4 VAC 20-910	Erratum	21:20 VA.R. 2736	--
4 VAC 20-910-45	Amended	21:13 VA.R. 1827	2/2/05
4 VAC 20-910-45	Amended	21:21 VA.R. 2901	6/1/05
4 VAC 20-920-45	Added	21:8 VA.R. 914	12/1/04
4 VAC 20-950-45	Amended	21:16 VA.R. 2191	4/1/05
4 VAC 20-950-48	Amended	21:13 VA.R. 1828	2/2/05
4 VAC 20-1065-10 through 4 VAC 20-1065-40	Added	21:12 VA.R. 1523	2/1/05
4 VAC 20-1080-10 through 4 VAC 20-1080-50 emer	Added	21:16 VA.R. 2221	4/1/05-4/30/05
4 VAC 20-1080-10 through 4 VAC 20-1080-50	Added	21:18 VA.R. 2374	5/1/05
4 VAC 25-130 (Forms)	Amended	21:22 VA.R. 3106	--
4 VAC 25-130-816.11	Amended	21:26 VA.R. 3706	8/10/05-8/9/06
4 VAC 25-130-816.64	Amended	21:26 VA.R. 3707	8/10/05-8/9/06
Title 6. Criminal Justice and Corrections			
6 VAC 20-130-60	Amended	21:16 VA.R. 2192	5/18/05
6 VAC 20-180-10 through 6 VAC 20-180-50	Amended	21:14 VA.R. 1996-1998	4/20/05
6 VAC 20-180-60	Added	21:14 VA.R. 1998	4/20/05
6 VAC 20-230-10 through 6 VAC 20-230-350	Added	21:26 VA.R. 3680-3691	10/5/05
6 VAC 20-250-10 through 6 VAC 20-250-360 emer	Added	21:21 VA.R. 2914-2925	7/1/05-6/30/06
6 VAC 35-140-10	Amended	21:19 VA.R. 2534	7/1/05
6 VAC 35-140-20	Amended	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-22	Added	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-23	Added	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-24	Added	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-30	Amended	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-40	Amended	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-45	Added	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-50 through 6 VAC 35-140-90	Amended	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-110 through 6 VAC 35-140-140	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-170 through 6 VAC 35-140-190	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-192	Added	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-200 through 6 VAC 35-140-230	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-250 through 6 VAC 35-140-270	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-275	Added	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-280	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-290	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-295	Added	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-300 through 6 VAC 35-140-350	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-385 through 6 VAC 35-140-389	Added	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-400	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-430 through 6 VAC 35-140-500	Amended	21:19 VA.R. 2538	7/1/05

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 35-140-510	Repealed	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-530	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-540	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-545	Added	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-550 through 610	Amended	21:19 VA.R. 2538-2540	7/1/05
6 VAC 35-140-615	Added	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-620	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-630	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-660	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-670	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-680	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-685	Added	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-690	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-700	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-701 through 6 VAC 35-140-709	Added	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-711 through 6 VAC 35-140-715	Added	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-730 through 6 VAC 35-140-770	Amended	21:19 VA.R. 2540	7/1/05
Title 8. Education			
8 VAC 20-21-80	Amended	21:25 VA.R. 3471	9/22/05
8 VAC 20-21-90	Amended	21:25 VA.R. 3473	9/22/05
8 VAC 20-21-580	Amended	21:15 VA.R. 2111	5/5/05
8 VAC 20-21-660	Amended	21:25 VA.R. 3473	9/22/05
8 VAC 20-21-680	Amended	21:25 VA.R. 3474	9/22/05
8 VAC 20-30-10 through 8 VAC 20-30-40	Amended	21:22 VA.R. 3092-3093	8/15/05
8 VAC 20-30-50	Repealed	21:22 VA.R. 3093	8/15/05
8 VAC 20-30-60	Amended	21:22 VA.R. 3093	8/15/05
8 VAC 20-30-70	Amended	21:22 VA.R. 3093	8/15/05
8 VAC 20-90-10	Amended	21:14 VA.R. 1999	5/2/05
8 VAC 20-90-30	Amended	21:14 VA.R. 2000	5/2/05
8 VAC 20-90-40	Amended	21:14 VA.R. 2003	5/2/05
8 VAC 20-90-70	Amended	21:14 VA.R. 2003	5/2/05
8 VAC 20-210-10	Erratum	21:13 VA.R. 1941	--
8 VAC 20-520-5 emer	Added	21:14 VA.R. 2016	3/1/05-2/28/06
8 VAC 20-520-10 emer	Repealed	21:14 VA.R. 2017	3/1/05-2/28/06
8 VAC 20-520-20 through 8 VAC 20-520-60 emer	Added	21:14 VA.R. 2017-2018	3/1/05-2/28/06
8 VAC 20-680-10	Added	21:12 VA.R. 1559	5/9/05
8 VAC 20-680-20	Added	21:12 VA.R. 1559	5/9/05
8 VAC 20-690-10 through 8 VAC 20-690-50	Added	21:12 VA.R. 1525	3/29/05
8 VAC 20-700-10 through 8 VAC 20-700-50 (emer)	Added	21:13 VA.R. 1928-1929	2/16/05-2/15/06
8 VAC 40-20-20	Amended	21:22 VA.R. 3102	9/28/05
8 VAC 40-20-30	Amended	21:22 VA.R. 3103	9/28/05
Title 9. Environment			
9 VAC 5-10-20	Amended	21:15 VA.R. 2112	5/4/05
9 VAC 5-20-204	Amended	21:15 VA.R. 2119	5/4/05
9 VAC 5-40-6620	Amended	21:15 VA.R. 2120	5/4/05
9 VAC 5-40-7260	Erratum	21:13 VA.R. 1941	--
9 VAC 5-40-7270	Erratum	21:13 VA.R. 1941	--
9 VAC 5-50-260	Amended	21:19 VA.R. 2577	*
9 VAC 5-60-92	Added	21:19 VA.R. 2577	*
9 VAC 5-80-1100	Amended	21:19 VA.R. 2577	*
9 VAC 5-80-1110	Amended	21:19 VA.R. 2578	*
9 VAC 5-80-1120	Amended	21:19 VA.R. 2583	*
9 VAC 5-80-1140	Amended	21:19 VA.R. 2584	*

* Suspension of Regulatory Process 21:26

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-1160	Amended	21:19 VA.R. 2584	*
9 VAC 5-80-1170	Amended	21:19 VA.R. 2584	*
9 VAC 5-80-1280	Amended	21:19 VA.R. 2585	*
9 VAC 5-80-1290	Amended	21:19 VA.R. 2586	*
9 VAC 5-80-1300	Amended	21:19 VA.R. 2586	*
9 VAC 5-80-1320	Amended	21:19 VA.R. 2587	*
9 VAC 5-91-20	Amended	21:19 VA.R. 2541	6/29/05
9 VAC 5-91-160	Amended	21:19 VA.R. 2547	6/29/05
9 VAC 5-91-180	Amended	21:19 VA.R. 2547	6/29/05
9 VAC 5-91-740	Amended	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-741	Added	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-742	Added	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-743	Added	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-750	Amended	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-760	Amended	21:19 VA.R. 2548	6/29/05
9 VAC 5-230-10 through 9 VAC 5-230-120	Added	21:24 VA.R. 3385-3390	9/7/05
9 VAC 20-20-20	Amended	21:20 VA.R. 2668	7/13/05
9 VAC 20-20-40	Amended	21:20 VA.R. 2668	7/13/05
9 VAC 20-20-60	Amended	21:20 VA.R. 2668	7/13/05
9 VAC 20-20-80	Amended	21:20 VA.R. 2669	7/13/05
9 VAC 20-20-100	Amended	21:20 VA.R. 2669	7/13/05
9 VAC 20-20-110 through 9 VAC 20-20-150	Amended	21:20 VA.R. 2669	7/13/05
9 VAC 20-20-160	Added	21:20 VA.R. 2669	7/13/05
9 VAC 20-30-30	Amended	21:20 VA.R. 2670	7/13/05
9 VAC 20-30-50	Amended	21:20 VA.R. 2670	7/13/05
9 VAC 20-30-70 through 9 VAC 20-30-120	Amended	21:20 VA.R. 2670	7/13/05
9 VAC 20-30-130	Added	21:20 VA.R. 2671	7/13/05
9 VAC 20-40-20	Amended	21:20 VA.R. 2671	7/13/05
9 VAC 20-40-40 through 9 VAC 20-40-150	Amended	21:20 VA.R. 2671-2680	7/13/05
9 VAC 20-40-160	Added	21:20 VA.R. 2680	7/13/05
9 VAC 20-50-20	Amended	21:20 VA.R. 2680	7/13/05
9 VAC 20-50-40 through 9 VAC 20-50-100	Amended	21:20 VA.R. 2680-2693	7/13/05
9 VAC 20-50-110	Added	21:20 VA.R. 2693	7/13/05
9 VAC 20-70-290	Amended	21:20 VA.R. 2693	7/13/05
9 VAC 20-80-60	Amended	21:26 VA.R. 3691	10/5/05
9 VAC 20-80-400	Amended	21:26 VA.R. 3694	10/5/05
9 VAC 20-80-480	Amended	21:26 VA.R. 3697	10/5/05
9 VAC 20-80-485	Amended	21:26 VA.R. 3698	10/5/05
9 VAC 20-80 (Forms)	Amended	21:13 VA.R. 1930	--
9 VAC 20-130 (Forms)	Amended	21:13 VA.R. 1930	--
9 VAC 25-31-10	Erratum	21:13 VA.R. 1941	--
9 VAC 25-31-100	Erratum	21:14 VA.R. 2022	--
9 VAC 25-31-120	Erratum	21:13 VA.R. 1941	--
9 VAC 25-40-10	Amended	21:23 VA.R. 3236	Suspended
9 VAC 25-40-20	Repealed	21:23 VA.R. 3236	Suspended
9 VAC 25-40-25	Added	21:23 VA.R. 3236	Suspended
9 VAC 25-40-30	Amended	21:23 VA.R. 3236	Suspended
9 VAC 25-40-40	Amended	21:23 VA.R. 3237	Suspended
9 VAC 25-40-50	Amended	21:23 VA.R. 3237	Suspended
9 VAC 25-40-70	Added	21:23 VA.R. 3237	Suspended
9 VAC 25-260-5	Amended	21:18 VA.R. 2375	6/24/05
9 VAC 25-260-10	Amended	21:18 VA.R. 2375	6/24/05
9 VAC 25-260-30	Amended	21:22 VA.R. 3094	8/10/05
9 VAC 25-260-30	Amended	21:22 VA.R. 3094	8/10/05
9 VAC 25-260-30	Amended	21:22 VA.R. 3094	8/10/05
9 VAC 25-260-30	Amended	21:22 VA.R. 3094	8/10/05

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-260-50	Amended	21:18 VA.R. 2377	6/24/05
9 VAC 25-260-185	Added	21:18 VA.R. 2377	6/24/05
9 VAC 25-260-186	Added	21:18 VA.R. 2379	6/24/05
9 VAC 25-260-310	Amended	21:23 VA.R. 3250	Suspended
9 VAC 25-260-350	Amended	21:18 VA.R. 2379	6/24/05
9 VAC 25-260-410	Amended	21:23 VA.R. 3252	Suspended
9 VAC 25-260-530	Amended	21:23 VA.R. 3252	Suspended
9 VAC 25-720-10	Amended	21:23 VA.R. 3238	Suspended
9 VAC 25-720-30 through 9 VAC 25-720-70	Amended	21:23 VA.R. 3240-3246	Suspended
9 VAC 25-720-50	Amended	21:12 VA.R. 1526	3/23/05
9 VAC 25-720-60	Amended	21:17 VA.R. 2302	6/1/05
9 VAC 25-720-80	Amended	21:12 VA.R. 1527	3/23/05
9 VAC 25-720-80	Amended	21:17 VA.R. 2302	6/1/05
9 VAC 25-720-90	Amended	21:12 VA.R. 1527	3/23/05
9 VAC 25-720-100	Amended	21:17 VA.R. 2303	6/1/05
9 VAC 25-720-110	Amended	21:23 VA.R. 3247	Suspended
9 VAC 25-720-120	Amended	21:23 VA.R. 3247	Suspended
9 VAC 25-720-130	Amended	21:12 VA.R. 1528	3/23/05
9 VAC 25-720-130	Amended	21:17 VA.R. 2303	6/1/05
Title 11. Gaming			
11 VAC 10-70-20	Amended	21:22 VA.R. 3094	6/17/05
11 VAC 10-70-30	Amended	21:22 VA.R. 3095	6/17/05
11 VAC 10-70-40	Amended	21:22 VA.R. 3095	6/17/05
11 VAC 10-70-50	Repealed	21:22 VA.R. 3095	6/17/05
11 VAC 10-70-60	Amended	21:22 VA.R. 3095	6/17/05
11 VAC 10-70-70	Amended	21:22 VA.R. 3096	6/17/05
11 VAC 10-70-80	Amended	21:22 VA.R. 3096	6/17/05
11 VAC 10-70-90	Amended	21:22 VA.R. 3096	6/17/05
11 VAC 10-70-170	Amended	21:22 VA.R. 3096	6/17/05
11 VAC 10-90-10	Amended	21:22 VA.R. 3097	6/17/05
11 VAC 10-90-30	Amended	21:22 VA.R. 3097	6/17/05
11 VAC 10-90-50	Amended	21:22 VA.R. 3097	6/17/05
11 VAC 10-180-10	Amended	21:16 VA.R. 2197	5/18/05
11 VAC 10-180-20	Amended	21:16 VA.R. 2193	3/31/03
11 VAC 10-180-20	Amended	21:16 VA.R. 2198	5/18/05
11 VAC 10-180-30	Repealed	21:16 VA.R. 2199	5/18/05
11 VAC 10-180-40	Repealed	21:16 VA.R. 2200	5/18/05
11 VAC 10-180-50	Repealed	21:16 VA.R. 2200	5/18/05
11 VAC 10-180-60	Amended	21:16 VA.R. 2194	3/31/03
11 VAC 10-180-60 through 11 VAC 10-180-90	Amended	21:16 VA.R. 2202-2207	5/18/05
11 VAC 10-180-80	Amended	21:16 VA.R. 2196	3/31/03
11 VAC 10-180-85	Added	21:16 VA.R. 2206	5/18/05
11 VAC 10-180-90	Amended	21:16 VA.R. 2197	3/31/03
11 VAC 10-180-100	Added	21:16 VA.R. 2207	5/18/05
11 VAC 10-180-110	Added	21:16 VA.R. 2207	5/18/05
Title 12. Health			
12 VAC 5-390-10 through 12 VAC 5-390-660	Repealed	21:23 VA.R. 3254	11/1/05
12 VAC 5-391-10 through 12 VAC 5-391-500	Added	21:23 VA.R. 3254-3272	11/1/05
12 VAC 5-410-10	Amended	21:12 VA.R. 1561	5/9/05
12 VAC 5-410-420	Amended	21:25 VA.R. 3550	11/7/05
12 VAC 5-410-1190	Amended	21:25 VA.R. 3550	11/7/05
12 VAC 5-590-10	Amended	21:13 VA.R. 1829	4/6/05
12 VAC 5-590-140	Amended	21:16 VA.R. 2209	5/18/05
12 VAC 5-590-150	Amended	21:16 VA.R. 2212	5/18/05
12 VAC 5-590-370	Amended	21:13 VA.R. 1835	4/6/05
12 VAC 5-590-410	Amended	21:13 VA.R. 1860	4/6/05

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-590-420	Amended	21:13 VA.R. 1863	4/6/05
12 VAC 5-590-500	Amended	21:13 VA.R. 1879	4/6/05
12 VAC 5-590-530	Amended	21:13 VA.R. 1880	4/6/05
12 VAC 5-590-540	Amended	21:13 VA.R. 1886	4/6/05
12 VAC 5-590-550	Amended	21:13 VA.R. 1890	4/6/05
12 VAC 5-590, Appendix L	Amended	21:13 VA.R. 1891	4/6/05
12 VAC 5-590, Appendix M	Amended	21:13 VA.R. 1897	4/6/05
12 VAC 5-590, Appendix O	Amended	21:13 VA.R. 1901	4/6/05
12 VAC 30-50-190 emer	Amended	21:23 VA.R. 3291	7/1/05-6/30/06
12 VAC 30-50-300	Amended	21:22 VA.R. 3098	8/10/05
12 VAC 30-50-490 emer	Amended	21:12 VA.R. 1566	2/1/05-1/31/06
12 VAC 30-50-520 emer	Amended	21:20 VA.R. 2715	5/27/05-5/26/06
12 VAC 30-50-530	Amended	21:22 VA.R. 3098	8/10/05
12 VAC 30-60-40 emer	Amended	21:20 VA.R. 2716	7/1/05-6/30/06
12 VAC 30-60-70	Amended	21:19 VA.R. 2592	8/15/05
12 VAC 30-60-350 emer	Amended	21:20 VA.R. 2717	7/1/05-6/30/06
12 VAC 30-70-291 emer	Amended	21:20 VA.R. 2720	5/12/05-5/11/06
12 VAC 30-70-291	Amended	21:23 VA.R. 3274	9/1/05
12 VAC 30-70-291 emer	Amended	21:23 VA.R. 3299	7/1/05-6/30/06
12 VAC 30-70-301	Amended	21:14 VA.R. 2014	6/6/05
12 VAC 30-70-301	Amended	21:23 VA.R. 3274	9/1/05
12 VAC 30-70-331	Amended	21:20 VA.R. 2696	7/14/05
12 VAC 30-70-391	Amended	21:23 VA.R. 3275	9/1/05
12 VAC 30-70-425 emer	Amended	21:23 VA.R. 3292	7/1/05-6/30/06
12 VAC 30-70-426 emer	Repealed	21:23 VA.R. 3293	7/1/05-6/30/06
12 VAC 30-80-20 emer	Amended	21:23 VA.R. 3293	7/1/05-6/30/06
12 VAC 30-80-30 emer	Amended	21:23 VA.R. 3296	7/1/05-6/30/06
12 VAC 30-80-40	Amended	21:15 VA.R. 2121	7/1/05
12 VAC 30-80-190	Amended	21:23 VA.R. 3275	9/1/05
12 VAC 30-90-19 emer	Amended	21:23 VA.R. 3298	7/1/05-6/30/06
12 VAC 30-90-41	Amended	21:15 VA.R. 2136	7/1/05
12 VAC 30-90-41 emer	Amended	21:20 VA.R. 2717	7/1/05-6/30/06
12 VAC 30-120-10 through 12 VAC 30-120-60 emer	Repealed	21:12 VA.R. 1601	2/1/05-1/31/06
12 VAC 30-120-380 emer	Amended	21:20 VA.R. 2721	7/1/05-6/30/06
12 VAC 30-120-490 through 12 VAC 30-120-550 emer	Repealed	21:12 VA.R. 1601	2/1/05-1/31/06
12 VAC 30-120-700 emer	Amended	21:12 VA.R. 1568	2/1/05-1/31/06
12 VAC 30-120-710 emer	Amended	21:12 VA.R. 1572	2/1/05-1/31/06
12 VAC 30-120-720 emer	Amended	21:12 VA.R. 1572	2/1/05-1/31/06
12 VAC 30-120-730 emer	Amended	21:12 VA.R. 1576	2/1/05-1/31/06
12 VAC 30-120-740 emer	Amended	21:12 VA.R. 1578	2/1/05-1/31/06
12 VAC 30-120-750 emer	Amended	21:12 VA.R. 1579	2/1/05-1/31/06
12 VAC 30-120-752 emer	Amended	21:12 VA.R. 1580	2/1/05-1/31/06
12 VAC 30-120-753 emer	Amended	21:12 VA.R. 1582	2/1/05-1/31/06
12 VAC 30-120-754 emer	Amended	21:12 VA.R. 1583	2/1/05-1/31/06
12 VAC 30-120-756 emer	Amended	21:12 VA.R. 1584	2/1/05-1/31/06
12 VAC 30-120-758 emer	Amended	21:12 VA.R. 1585	2/1/05-1/31/06
12 VAC 30-120-760 emer	Amended	21:12 VA.R. 1586	2/1/05-1/31/06
12 VAC 30-120-762 emer	Amended	21:12 VA.R. 1586	2/1/05-1/31/06
12 VAC 30-120-764 emer	Amended	21:12 VA.R. 1587	2/1/05-1/31/06
12 VAC 30-120-766 emer	Amended	21:12 VA.R. 1588	2/1/05-1/31/06
12 VAC 30-120-768 emer	Amended	21:12 VA.R. 1590	2/1/05-1/31/06
12 VAC 30-120-770 emer	Amended	21:12 VA.R. 1592	2/1/05-1/31/06
12 VAC 30-120-772 emer	Amended	21:12 VA.R. 1596	2/1/05-1/31/06
12 VAC 30-120-774 emer	Amended	21:12 VA.R. 1597	2/1/05-1/31/06
12 VAC 30-120-776 emer	Amended	21:12 VA.R. 1598	2/1/05-1/31/06
12 VAC 30-120-780 emer	Repealed	21:12 VA.R. 1600	2/1/05-1/31/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-790 emer	Repealed	21:12 VA.R. 1601	2/1/05-1/31/06
12 VAC 30-120-900 through 12 VAC 30-120-990 emer	Added	21:12 VA.R. 1601-1619	2/1/05-1/31/06
12 VAC 30-120-1500 through 12 VAC 120-1590 emer	Added	21:23 VA.R. 3300-3308	7/1/05-6/30/06
12 VAC 30-141-10 emer	Amended	21:25 VA.R. 3553	8/1/05-7/31/06
12 VAC 30-141-10 emer	Amended	21:25 VA.R. 3561	8/1/05-7/31/06
12 VAC 30-141-40 emer	Amended	21:25 VA.R. 3555	8/1/05-7/31/06
12 VAC 30-141-100 emer	Amended	21:25 VA.R. 3555	8/1/05-7/31/06
12 VAC 30-141-100 emer	Amended	21:25 VA.R. 3563	8/1/05-7/31/06
12 VAC 30-141-120 emer	Amended	21:25 VA.R. 3564	8/1/05-7/31/06
12 VAC 30-141-150 emer	Amended	21:25 VA.R. 3564	8/1/05-7/31/06
12 VAC 30-141-160 emer	Amended	21:25 VA.R. 3557	8/1/05-7/31/06
12 VAC 30-141-170 emer	Repealed	21:25 VA.R. 3557	8/1/05-7/31/06
12 VAC 30-141-175 emer	Added	21:25 VA.R. 3559	8/1/05-7/31/06
12 VAC 30-141-200 emer	Amended	21:20 VA.R. 2721	7/1/05-6/30/06
12 VAC 30-141-200 emer	Amended	21:25 VA.R. 3560	8/1/05-7/31/06
12 VAC 30-141-500	Amended	21:19 VA.R. 2549	6/29/05
12 VAC 30-141-500 emer	Amended	21:23 VA.R. 3291	7/1/05-6/30/06
12 VAC 30-141-810 through 12 VAC 30-141-1660 emer	Added	21:25 VA.R. 3566-3573	8/1/05-7/31/06
Title 13. Housing			
13 VAC 5-63-110	Erratum	21:14 VA.R. 2021	--
Title 14. Insurance			
14 VAC 5-170-20 through 14 VAC 5-170-105	Amended	21:25 VA.R. 3477-3490	8/15/05
14 VAC 5-170-120	Amended	21:25 VA.R. 3490	8/15/05
14 VAC 5-170-130	Amended	21:25 VA.R. 3492	8/15/05
14 VAC 5-170-150	Amended	21:25 VA.R. 3493	8/15/05
14 VAC 5-170-160	Amended	21:25 VA.R. 3525	8/15/05
14 VAC 5-170-190 Appendices A through D	Amended	21:25 VA.R. 3527-3548	8/15/05
14 VAC 5-210-10 through 14 VAC 5-210-150	Repealed	21:23 VA.R. 3276	7/1/05
14 VAC 5-211-10 through 14 VAC 5-211-280	Added	21:23 VA.R. 3279-3287	7/1/05
Title 15. Judicial			
15 VAC 5-50-10 through 15 VAC 5-50-210	Repealed	21:17 VA.R. 2304	4/13/05
15 VAC 5-60-10 through 15 VAC 5-60-240	Repealed	21:17 VA.R. 2304	4/13/05
Title 16. Labor and Employment			
16 VAC 25-90-1910.142	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.151	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.268	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1001	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1003	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1017	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1018	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1025	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1027	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1028	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1029	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1043	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1044	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1045	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1047	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1048	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1051	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-100-1915.1001	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-175-1926.60	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-175-1926.62	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-175-1926.1101	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-175-1926.1127	Amended	21:21 VA.R. 2901	8/15/05

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-175-1926.60	Amended	21:21 VA.R. 2903	8/15/05
Title 18. Professional and Occupational Licensing			
18 VAC 30-20-290	Added	21:21 VA.R. 2904	7/27/05
18 VAC 47-20-10 emer	Amended	21:25 VA.R. 3574	8/1/05-7/31/06
18 VAC 47-20-35 emer	Added	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-70 emer	Amended	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-140 emer	Amended	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-240 emer	Repealed	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-250 emer	Added	21:25 VA.R. 3576	8/1/05-7/31/06
18 VAC 47-20-260 emer	Added	21:25 VA.R. 3576	8/1/05-7/31/06
18 VAC 47-20-270 emer	Added	21:25 VA.R. 3576	8/1/05-7/31/06
18 VAC 50-22-100	Amended	21:20 VA.R. 2696	8/1/05
18 VAC 50-22-140	Amended	21:20 VA.R. 2697	8/1/05
18 VAC 50-22-170	Amended	21:20 VA.R. 2697	8/1/05
18 VAC 50-22-250	Amended	21:20 VA.R. 2697	8/1/05
18 VAC 50-30-90	Amended	21:20 VA.R. 2698	8/1/05
18 VAC 50-30-120	Amended	21:20 VA.R. 2698	8/1/05
18 VAC 50-30-130	Amended	21:20 VA.R. 2699	8/1/05
18 VAC 60-20	Erratum	21:22 VA.R. 3119	--
18 VAC 60-20-10	Amended	21:19 VA.R. 2551	6/29/05
18 VAC 60-20-16	Amended	21:19 VA.R. 2551	6/29/05
18 VAC 60-20-17	Added	21:19 VA.R. 2550	6/29/05
18 VAC 60-20-20	Amended	21:19 VA.R. 2551	6/29/05
18 VAC 60-20-20	Amended	21:19 VA.R. 2555	6/29/05
18 VAC 60-20-50 through 18 VAC 60-20-90	Amended	21:19 VA.R. 2551-2552	6/29/05
18 VAC 60-20-91	Added	21:19 VA.R. 2555	6/29/05
18 VAC 60-20-105	Amended	21:19 VA.R. 2552	6/29/05
18 VAC 60-20-106	Added	21:19 VA.R. 2552	6/29/05
18 VAC 60-20-106	Erratum	21:22 VA.R. 3119	--
18 VAC 60-20-107	Added	21:19 VA.R. 2552	6/29/05
18 VAC 60-20-107	Erratum	21:22 VA.R. 3119	--
18 VAC 60-20-110	Amended	21:19 VA.R. 2552	6/29/05
18 VAC 60-20-120	Amended	21:19 VA.R. 2553	6/29/05
18 VAC 60-20-130	Repealed	21:19 VA.R. 2554	6/29/05
18 VAC 60-20-135	Added	21:19 VA.R. 2554	6/29/05
18 VAC 60-20-190	Amended	21:19 VA.R. 2554	6/29/05
18 VAC 60-20-195	Amended	21:19 VA.R. 2554	6/29/05
18 VAC 62-20-10 through 18 VAC 62-20-180	Added	21:20 VA.R. 2700-2706	7/15/05
18 VAC 65-20-15	Added	21:18 VA.R. 2380	6/15/05
18 VAC 75-40-10	Added	21:16 VA.R. 2215	5/18/05
18 VAC 75-40-20	Added	21:16 VA.R. 2215	5/18/05
18 VAC 75-40-30	Added	21:16 VA.R. 2215	5/18/05
18 VAC 76-20-20 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-30 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-50 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-60	Amended	21:19 VA.R. 2556	6/29/05
18 VAC 76-20-60 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-70 emer	Added	21:25 VA.R. 3578	7/25/05-7/24/06
18 VAC 76-40-10	Amended	21:19 VA.R. 2596	8/15/05
18 VAC 85-15-10	Added	21:21 VA.R. 2905	7/27/05
18 VAC 85-15-20	Added	21:21 VA.R. 2905	7/27/05
18 VAC 85-15-30	Added	21:21 VA.R. 2905	7/27/05
18 VAC 85-20-30	Amended	21:20 VA.R. 2707	7/13/05
18 VAC 85-20-100	Amended	21:20 VA.R. 2707	7/13/05
18 VAC 85-20-280	Amended	21:22 VA.R. 3105	9/26/05
18 VAC 85-80-61	Added	21:23 VA.R. 3287	8/24/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-15-10	Added	21:21 VA.R. 2905	7/27/05
18 VAC 90-15-20	Added	21:21 VA.R. 2905	7/27/05
18 VAC 90-15-30	Added	21:21 VA.R. 2905	7/27/05
18 VAC 90-20-10	Amended	21:21 VA.R. 2906	7/27/05
18 VAC 90-20-181	Added	21:21 VA.R. 2907	7/27/05
18 VAC 90-20-182	Added	21:21 VA.R. 2907	7/27/05
18 VAC 90-20-183	Added	21:21 VA.R. 2907	7/27/05
18 VAC 90-20-230	Amended	21:20 VA.R. 2708	7/13/05
18 VAC 90-20-280	Amended	21:21 VA.R. 2907	7/27/05
18 VAC 90-20-300	Amended	21:21 VA.R. 2907	7/27/05
18 VAC 90-30-80	Amended	21:21 VA.R. 2910	7/27/05
18 VAC 90-30-100	Amended	21:21 VA.R. 2910	7/27/05
18 VAC 90-30-110	Amended	21:21 VA.R. 2910	7/27/05
18 VAC 90-30-120	Amended	21:21 VA.R. 2909	7/27/05
18 VAC 95-10-10	Amended	21:18 VA.R. 2380	7/1/05
18 VAC 95-10-20	Amended	21:18 VA.R. 2380	7/1/05
18 VAC 95-20-10	Amended	21:18 VA.R. 2381	7/1/05
18 VAC 95-20-471	Added	21:19 VA.R. 2557	6/29/05
18 VAC 100-20-53	Added	21:20 VA.R. 2709	8/1/05
18 VAC 100-20-54	Amended	21:20 VA.R. 2708	8/1/05
18 VAC 100-20-54	Erratum	21:23 VA.R. 3311	--
18 VAC 100-20-81	Amended	21:20 VA.R. 2709	8/1/05
18 VAC 105-20-41	Added	21:18 VA.R. 2382	6/15/05
18 VAC 110-20-15	Added	21:15 VA.R. 2122	5/4/05
18 VAC 110-20-276	Added	21:24 VA.R. 3390	9/7/05
18 VAC 110-20-515	Added	21:24 VA.R. 3391	9/7/05
18 VAC 112-20-26	Added	21:19 VA.R. 2557	6/29/05
18 VAC 115-15-10 through 18 VAC 115-15-30	Added	21:22 VA.R. 3099	8/10/05
18 VAC 120-40-50	Amended	21:20 VA.R. 2712	8/1/05
18 VAC 125-15-10	Added	21:20 VA.R. 2712	7/13/05
18 VAC 125-15-20	Added	21:20 VA.R. 2712	7/13/05
18 VAC 125-15-30	Added	21:20 VA.R. 2712	7/13/05
18 VAC 140-20-171	Added	21:21 VA.R. 2913	7/27/05
18 VAC 150-20-15	Added	21:21 VA.R. 2913	7/27/05
18 VAC 150-20-100	Amended	21:26 VA.R. 3701	10/5/05
18 VAC 150-20-195	Amended	21:23 VA.R. 3289	10/8/05
Title 19. Public Safety			
19 VAC 30-70-210	Amended	21:18 VA.R. 2382	4/15/05
Title 20. Public Utilities and Telecommunications			
20 VAC 5-315 (Forms)	Amended	21:19 VA.R. 2603	--
20 VAC 5-315-20	Amended	21:18 VA.R. 2387	4/26/05
20 VAC 5-315-30	Amended	21:18 VA.R. 2388	4/26/05
20 VAC 5-315-40	Amended	21:18 VA.R. 2388	4/26/05
20 VAC 5-315-90	Repealed	21:18 VA.R. 2389	4/26/05
Title 22. Social Services			
22 VAC 15-30-10	Amended	21:12 VA.R. 1528	6/1/05
22 VAC 15-30-30	Amended	21:12 VA.R. 1532	6/1/05
22 VAC 15-30-50	Amended	21:12 VA.R. 1532	6/1/05
22 VAC 15-30-70	Amended	21:12 VA.R. 1533	6/1/05
22 VAC 15-30-80	Amended	21:12 VA.R. 1533	6/1/05
22 VAC 15-30-90	Amended	21:12 VA.R. 1533	6/1/05
22 VAC 15-30-110	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-140	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-150	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-160	Amended	21:12 VA.R. 1534	6/1/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 15-30-180	Amended	21:12 VA.R. 1535	6/1/05
22 VAC 15-30-190	Amended	21:12 VA.R. 1535	6/1/05
22 VAC 15-30-200	Amended	21:12 VA.R. 1536	6/1/05
22 VAC 15-30-200	Erratum	21:13 VA.R. 1941	--
22 VAC 15-30-230	Amended	21:12 VA.R. 1536	6/1/05
22 VAC 15-30-250	Amended	21:12 VA.R. 1537	6/1/05
22 VAC 15-30-260	Amended	21:12 VA.R. 1537	6/1/05
22 VAC 15-30-290	Amended	21:12 VA.R. 1538	6/1/05
22 VAC 15-30-310 through 22 VAC 15-30-390	Amended	21:12 VA.R. 1538-1542	6/1/05
22 VAC 15-30-410	Amended	21:12 VA.R. 1542	6/1/05
22 VAC 15-30-430	Amended	21:12 VA.R. 1543	6/1/05
22 VAC 15-30-440	Amended	21:12 VA.R. 1543	6/1/05
22 VAC 15-30-451	Amended	21:12 VA.R. 1545	6/1/05
22 VAC 15-30-461	Amended	21:12 VA.R. 1545	6/1/05
22 VAC 15-30-471	Amended	21:12 VA.R. 1545	6/1/05
22 VAC 15-30-490	Amended	21:12 VA.R. 1546	6/1/05
22 VAC 15-30-500	Amended	21:12 VA.R. 1547	6/1/05
22 VAC 15-30-510	Amended	21:12 VA.R. 1547	6/1/05
22 VAC 15-30-520	Amended	21:12 VA.R. 1548	6/1/05
22 VAC 15-30-540 through 22 VAC 15-30-670	Amended	21:12 VA.R. 1548-1556	6/1/05
22 VAC 15-30-575	Erratum	21:13 VA.R. 1941	--
22 VAC 15-30-585	Added	21:12 VA.R. 1550	6/1/05
22 VAC 15-51-50	Amended	21:20 VA.R. 2713	7/13/05
22 VAC 30-40-10	Amended	21:16 VA.R. 2215	5/18/05
22 VAC 30-40-70	Amended	21:16 VA.R. 2217	5/18/05
22 VAC 30-40-130	Amended	21:16 VA.R. 2218	5/18/05
22 VAC 30-40-140	Amended	21:16 VA.R. 2218	5/18/05
22 VAC 30-40-150	Amended	21:16 VA.R. 2218	5/18/05
22 VAC 40-90-10 through 22 VAC 40-90-60	Amended	21:18 VA.R. 2393	7/1/05
22 VAC 40-90-70	Added	21:18 VA.R. 2395	7/1/05
22 VAC 40-170-10	Amended	21:19 VA.R. 2558	8/1/05
22 VAC 40-170-20	Repealed	21:19 VA.R. 2559	8/1/05
22 VAC 40-170-30 through 22 VAC 40-170-210	Amended	21:19 VA.R. 2560-2567	8/1/05
22 VAC 40-170-230	Amended	21:19 VA.R. 2567	8/1/05
22 VAC 40-191-40	Amended	21:18 VA.R. 2395	7/1/05
22 VAC 40-191-50	Amended	21:18 VA.R. 2399	7/1/05
22 VAC 40-191-90	Amended	21:18 VA.R. 2400	7/1/05
22 VAC 40-660-10 through 22 VAC 40-660-100	Repealed	21:19 VA.R. 2568	8/1/05
22 VAC 40-661-10 through 22 VAC 40-661-90	Added	21:19 VA.R. 2568-2572	8/1/05
Title 24. Transportation and Motor Vehicles			
24 VAC 30-41-30	Amended	21:13 VA.R. 1911	4/6/05
24 VAC 30-41-50	Amended	21:13 VA.R. 1913	4/6/05
24 VAC 30-41-110	Amended	21:13 VA.R. 1913	4/6/05
24 VAC 30-41-190	Amended	21:13 VA.R. 1914	4/6/05
24 VAC 30-41-210	Amended	21:13 VA.R. 1915	4/6/05
24 VAC 30-41-220	Amended	21:13 VA.R. 1916	4/6/05
24 VAC 30-41-230	Amended	21:13 VA.R. 1916	4/6/05
24 VAC 30-41-250	Amended	21:13 VA.R. 1917	4/6/05
24 VAC 30-41-280	Amended	21:13 VA.R. 1917	4/6/05
24 VAC 30-41-290	Amended	21:13 VA.R. 1918	4/6/05
24 VAC 30-41-300	Amended	21:13 VA.R. 1918	4/6/05
24 VAC 30-41-310	Amended	21:13 VA.R. 1918	4/6/05
24 VAC 30-41-320	Amended	21:13 VA.R. 1919	4/6/05
24 VAC 30-41-350	Amended	21:13 VA.R. 1920	4/6/05
24 VAC 30-41-430	Amended	21:13 VA.R. 1920	4/6/05
24 VAC 30-41-500	Amended	21:13 VA.R. 1921	4/6/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 30-41-510	Amended	21:13 VA.R. 1921	4/6/05
24 VAC 30-41-520	Amended	21:13 VA.R. 1921	4/6/05
24 VAC 30-41-530	Amended	21:13 VA.R. 1922	4/6/05
24 VAC 30-41-580	Amended	21:13 VA.R. 1922	4/6/05
24 VAC 30-41-650	Amended	21:13 VA.R. 1923	4/6/05
24 VAC 30-41-660	Amended	21:13 VA.R. 1923	4/6/05
24 VAC 30-41-680	Amended	21:13 VA.R. 1923	4/6/05
24 VAC 30-91-10	Erratum	21:12 VA.R. 1776	--
24 VAC 30-91-110	Erratum	21:12 VA.R. 1776	--
24 VAC 30-91-130	Erratum	21:12 VA.R. 1776	--
24 VAC 30-620-10	Amended	21:15 VA.R. 2123	5/22/05
24 VAC 30-620-30	Amended	21:15 VA.R. 2123	5/22/05
24 VAC 30-620-30	Amended	21:22 VA.R. 3099	8/20/05

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled **4 VAC 25-130, Coal Surface Mining Reclamation Regulations**. The purpose of the proposed action is to require coal mine permit boundary markers located on steep slopes above private dwellings of occupied buildings to be made of or marked with fluorescent or reflective paint, and to require persons conducting blasting operations on coal mines with 1,000 feet of a dwelling or occupied building to conduct seismic monitoring of the blasting.

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

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Public comments may be submitted until October 5, 2005.

Contact: Stephen A. Walz, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 N. 9th St., 8th Floor, Richmond, VA 23219, telephone (804) 692-3211, FAX (804) 692-3237 or e-mail stephen.walz@dmme.virginia.gov.

VA.R. Doc. No. R05-282; Filed August 10, 2005, 3 p.m.

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 amending regulations entitled **6 VAC 20-30, Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services**. The purpose of the proposed action is to establish a licensure process to conduct a periodic review with four additional goals: (i) incorporating into the regulation greater opportunities to use electronic media to facilitate in-service training; (ii)

providing cost savings to agencies and localities; (iii) providing a consistency between the courses used for firearms training at entry level and the courses used for in-service recertification with firearms; and (iv) including training on cultural diversity and the potential for bias-based policing as required by § 9.1-102 of the Code of Virginia (§ 9.1-102 (4)).

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

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public comments may be submitted until October 6, 2005.

Contact: John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail john.byrd@dcjs.virginia.gov.

VA.R. Doc. No. R05-284; Filed August 15, 2005, 9:52 a.m.

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 amending regulations entitled **6 VAC 20-80, Rules Relating to Certification of Criminal Justice Instructors**. The purpose of the proposed action is to amend the rules to provide for an approach allowing certified criminal justice academies to formulate their own program for recertification of criminal justice instructors. Additionally, a change from "radar instructor" to "speed measurement instructor" is recommended.

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

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public comments may be submitted until October 6, 2005.

Contact: John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail john.byrd@dcjs.virginia.gov.

VA.R. Doc. No. R05-285; Filed August 15, 2005, 9:53 a.m.

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 promulgating regulations entitled **6 VAC 20-250, Regulations Relating to Property and Surety Bail Bondsman**. The purpose of the proposed action is to establish a licensure process to include a fingerprint-based background check, licensure fees, compulsory minimum entry-level training standards, and administration of the regulatory system for property and surety bail bondsmen. It authorizes the department to (i) receive complaints concerning the

Notices of Intended Regulatory Action

conduct of any person whose activities are monitored by the board; (ii) conduct investigations; (iii) issue disciplinary action; and (iv) revoke, suspend, and refuse to renew a license.

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

Statutory Authority: §§ 9.1-102 and 9.1-185.2 of the Code of Virginia.

Public comments may be submitted until September 21, 2005.

Contact: Lisa McGee, Regulatory Program Manager, Department of Criminal Justice Services, 202 N. 9th St., Richmond, VA 23219, telephone (804) 371-2419, FAX (804) 786-6344 or e-mail lisa.mcgee@dcjs.virginia.gov.

VA.R. Doc. No. R05-279; Filed August 2, 2005, 11:11 a.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled **9 VAC 20-80, Solid Waste Management Regulations**. The purpose of the proposed action is to amend the requirements for control programs for unauthorized wastes.

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

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

Public comments may be submitted until November 4, 2005.

Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4327 or e-mail rgwickline@deq.virginia.gov.

VA.R. Doc. No. R06-31; Filed August 31, 2005, 10:48 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled **9 VAC 20-80, Solid Waste Management Regulations**. The purpose of the proposed action is to amend the numerous requirements for solid waste management including exemptions and exclusions, open burning, waste intake rates, bird hazards, etc.

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

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

Public comments may be submitted until November 4, 2005.

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327 or e-mail mjdieter@deq.virginia.gov.

VA.R. Doc. No. R06-32; Filed August 31, 2005, 10:48 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled **9 VAC 20-101, Vegetative Waste Management and Yard Waste Composting Regulations**. The purpose of the proposed action is to address the composting of manure and crop waste with vegetative waste and yard waste. The goal is to make the regulations clear and enforceable and to protect human health and the environment.

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

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

Public comments may be submitted until November 4, 2005.

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327 or e-mail mjdieter@deq.virginia.gov.

VA.R. Doc. No. R06-30; Filed August 31, 2005, 10:49 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled **9 VAC 20-130, Regulations for the Development of Solid Waste Management Plans**. The purpose of the proposed action is to amend the regulation on the calculation of the mandatory recycling rate for localities and regions, procedures for formation and dissolution of planning regions, clear specification of qualifications for variances, requirements for plan approval and duplicative language on the Waste Information and Assessment Program.

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

Statutory Authority: § 10.1-1411 of the Code of Virginia; 42 USC § 6942 (b) of the Resource Conservation and Recovery Act of 1976; 40 CFR Parts 255 and 256.

Public comments may be submitted until November 4, 2005.

Contact: Allen Brockman, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4468, FAX (804) 698-4327 or e-mail arbrockman@deq.virginia.gov.

VA.R. Doc. No. R06-29; Filed August 31, 2005, 10:49 a.m.

Notices of Intended Regulatory Action

STATE WATER CONTROL BOARD

(804) 698-4047, FAX (804) 698-4347 or e-mail
cmharold@deq.virginia.gov.

VA.R. Doc. No. R05-287; Filed August 17, 2005, 11:19 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-660, Virginia Water Protection General Permit for Impacts Less Than One-Half of an Acre**. The purpose of the proposed action is to review and renew the general permit that is scheduled to expire in October 2006 and allow revisions regarding administrative procedures, permit and application requirements, definitions and terminology, compensatory mitigation, permit usage thresholds, permit conditions, and topographical and grammatical errors.

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

Statutory Authority: §§ 62.-44.15 and 62.1-44.15:5 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.)

Public comments may be submitted until October 5, 2005.

Contact: Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347 or e-mail cmharold@deq.virginia.gov.

VA.R. Doc. No. R05-286; Filed August 17, 2005, 11:19 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-670, Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities**. The purpose of the proposed action is to consider whether this general permit should be extended or repealed after incorporation of these provisions into WP-4 (development and certain mining activities) due to limited use of WP-2. Should the renewal proceed, the purpose is to allow for the renewal of the above-referenced general permit regulation and allow revisions regarding administrative procedures, permit and application requirements, definitions and terminology, compensatory mitigation, permit usage thresholds, permit conditions, and topographical and grammatical errors.

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

Statutory Authority: §§ 62.-44.15 and 62.1-44.15:5 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.)

Public comments may be submitted until October 5, 2005.

Contact: Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

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 25-680, Virginia Water Protection General Permit for Linear Transportation Projects**. The purpose of the proposed action is to review and reissue the general permit that is scheduled to expire in October 2006 and allow revisions regarding administrative procedures, permit and application requirements, definitions and terminology, compensatory mitigation, permit usage thresholds, permit conditions, and topographical and grammatical errors.

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

Statutory Authority: §§ 62.-44.15 and 62.1-44.15:5 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.)

Public comments may be submitted until October 5, 2005.

Contact: Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347 or e-mail cmharold@deq.virginia.gov.

VA.R. Doc. No. R05-288; Filed August 17, 2005, 11:19 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-690, Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities**. The purpose of the proposed action is to review and renew the general permit that is scheduled to expire in October 2006 and allow revisions regarding administrative procedures, permit and application requirements, definitions and terminology, compensatory mitigation, permit usage thresholds, permit conditions, and topographical and grammatical errors.

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

Statutory Authority: §§ 62.-44.15 and 62.1-44.15:5 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.)

Public comments may be submitted until October 5, 2005.

Contact: Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347 or e-mail cmharold@deq.virginia.gov.

VA.R. Doc. No. R05-289; Filed August 17, 2005, 11:20 a.m.

Notices of Intended Regulatory Action

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-740, Regulation for Wastewater Reclamation and Reuse**. The purpose of the proposed action is to establish a technical regulation that includes requirements and standards for the reclamation and reuse of wastewater.

The department developed a proposed regulation for wastewater reclamation and reuse that was published in the Virginia Register on February 24, 2003. A public hearing for the proposed regulation was held on April 2, 2003, to further solicit public comments. Comments received during the public comment period and at the public hearing were addressed as appropriate through revisions to the proposed regulation. Thereafter, work on the draft proposed regulation was suspended until June 2005. Due to the prolonged period following the first revisions to the proposed regulation, the department determined that the Administrative Process Act should be reinitiated for the regulation. Much of the information used to draft the previous proposed regulation, as well as text of the previous proposed regulation, will be retained as applicable for discussion by a Technical Advisory Committee during the development of the currently proposed regulation.

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

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

Public comments may be submitted until October 28, 2005.

Contact: Valerie Rourke, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4158, FAX (804) 698-4116 or e-mail varourke@deq.virginia.gov.

VA.R. Doc. No. R06-33; Filed August 31, 2005, 10:48 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider adopting regulations entitled **9 VAC 25-830, Virginia General Pollution Abatement Permit Regulation for Industrial and Other Nonirrigation Reuses of Reclaimed Water**. The purpose of the proposed action is to adopt a general Virginia pollution abatement permit for industrial and other nonirrigation reuses of reclaimed water.

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

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

Public comments may be submitted until October 28, 2005.

Contact: Valerie Rourke, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4158, FAX (804) 698-4116 or e-mail varourke@deq.virginia.gov.

VA.R. Doc. No. R06-34; Filed August 31, 2005, 10:48 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider adopting regulations entitled **9 VAC 25-840, Virginia General Pollution Abatement Permit for Irrigation Reuse of Level A Reclaimed Water**. The purpose of the proposed action is to adopt a general Virginia pollution abatement permit for irrigation uses of Level A reclaimed water.

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

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

Public comments may be submitted until October 28, 2005.

Contact: Valerie Rourke, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4158, FAX (804) 698-4116 or e-mail varourke@deq.virginia.gov.

VA.R. Doc. No. R06-35; Filed August 31, 2005, 10:48 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider adopting regulations entitled **9 VAC 25-850, Virginia General Pollution Abatement Permit Regulation for Irrigation Reuse of Level B Reclaimed Water**. The purpose of the proposed action is to adopt a general Virginia pollution abatement permit for irrigation uses of Level B reclaimed water.

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

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

Public comments may be submitted until October 28, 2005.

Contact: Valerie Rourke, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4158, FAX (804) 698-4116 or e-mail varourke@deq.virginia.gov.

VA.R. Doc. No. R06-36; Filed August 31, 2005, 10:47 a.m.

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 30-141, Family Access to Medical Insurance Security Plan: FAMIS MOMS**. The purpose of the proposed action is to implement a new program of medical services for pregnant women and newborns.

Notices of Intended Regulatory Action

The agency does not intend to hold a public hearing on the proposed regulation 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 September 21, 2005.

Contact: Linda Nablo, Maternal and Child Health, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4212, FAX (804) 786-1680 or e-mail linda.nablo@dmas.virginia.gov.

VA.R. Doc. No. R05-257; Filed July 26, 2005, 11:52 a.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 promulgating regulations entitled **12 VAC 30-141, Family Access to Medical Insurance Security Plan: FAMIS Select**. The purpose of the proposed action is to implement a new health insurance premium assistance component for the FAMIS program to replace the current program, known as Employee Sponsored Health Insurance (ESHI).

The agency does not intend to hold a public hearing on the proposed regulation 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 September 21, 2005.

Contact: Linda Nablo, Maternal and Child Health, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4212, FAX (804) 786-1680 or e-mail linda.nablo@dmas.virginia.gov.

VA.R. Doc. No. R05-259; Filed July 26, 2005, 11:52 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

CEMETERY BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Cemetery Board intends to consider amending regulations entitled **18 VAC 47-20, Cemetery Board Rules and Regulations**. The purpose of the proposed action is to implement the provisions of Chapter 247 of the 2004 Acts of Assembly regarding the regulation of compliance agents employed by cemetery companies and Chapter 192 of the 2004 Acts of Assembly regarding the appointment of a receiver for the protection of preneed burial and perpetual care trust funds.

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

Statutory Authority: §§ 54.1-201 and 54.1-2313 of the Code of Virginia.

Public comments may be submitted until September 23, 2005.

Contact: Christine Martine, Assistant Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475 or e-mail cemetery@dpor.virginia.gov.

VA.R. Doc. No. R05-276; Filed August 1, 2005, 2:03 p.m.

BOARD OF DENTISTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to increase certain fees as needed to address the deficit of the board.

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

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

Public comments may be submitted until October 19, 2005.

Contact: Sandra Reen, Executive Director, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943 or e-mail sandra.reen@dhp.virginia.gov.

VA.R. Doc. No. R06-27; Filed August 31, 2005, 9:46 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to implement changes in the Dental Practice Act including licensure by credentials for dentists.

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

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

Public comments may be submitted until October 5, 2005.

Contact: Sandra Reen, Executive Director, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943 or e-mail sandra.reen@dhp.virginia.gov.

VA.R. Doc. No. R05-290; Filed August 17, 2005, 11: 37 a.m.

Notices of Intended Regulatory Action

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled **18 VAC 65-20, Regulations of the Board of Funeral Directors and Embalmers, and 18 VAC 65-40, Resident Trainee Program for Funeral Service.** The purpose of the proposed action is to increase certain fees sufficient to cover expenditures.

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

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

Public comments may be submitted until October 19, 2005.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9943 or e-mail elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R06-28; Filed August 31, 2005, 9:46 a.m.

DEPARTMENT OF HEALTH PROFESSIONS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Health Professions intends to consider amending regulations entitled **18 VAC 76-20, Regulations Governing the Prescription Monitoring Program.** The purpose of the proposed action is to comply with the changes in the Code of Virginia related to the Prescription Monitoring Program (PMP) for expansion of schedules of drugs required to be reported to the PMP, inclusion of nonresident pharmacies among the required reporters and access to disclosure of information to pharmacists and other authorized persons and entities.

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

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

Public comments may be submitted until September 21, 2005.

Contact: Ralph Orr, Program Manager, Department of Health Professions, 6606 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9921, FAX (804) 662-9943 or e-mail ralph.orr@dhp.virginia.gov.

VA.R. Doc. No. R05-261; Filed July 25, 2005, 10:40 a.m.

BOARD OF MEDICINE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled:

18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic.

18 VAC 85-40, Regulations Governing the Practice of Respiratory Care Practitioners.

18 VAC 85-50, Regulations Governing the Practice of Physician Assistants.

18 VAC 85-80, Regulations for Licensure of Occupational Therapists.

18 VAC 85-101, Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologist-Limited.

18 VAC 85-110, Regulations Governing the Practice of Licensed Acupuncturists.

18 VAC 85-120, Regulations Governing the Certification of Athletic Trainers.

The purpose of the proposed action is increase fees as necessary to meet expenditures.

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

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

Public comments may be submitted until October 19, 2005.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943 or e-mail william.harp@dhp.virginia.gov.

VA.R. Doc. No. R06-26; Filed August 31, 2005, 9:46 a.m.

BOARD OF SOCIAL WORK

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Social Work intends to consider amending regulations entitled **18 VAC 140-20, Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to amend for clarity and consistency with other behavioral science practitioners and with the modern practice of social work.

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

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

Public comments may be submitted until September 22, 2005.

Notices of Intended Regulatory Action

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-9943 or e-mail evelyn.brown@dhp.virginia.gov.

VA.R. Doc. No. R05-262; Filed July 25, 2005, 10:41 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Social Work intends to consider amending regulations entitled **18 VAC 140-20, Regulations Governing the Practice of Social Work**. The purpose of the proposed action is to allow applicants for licensure as social workers to take the examination after completion of education and prior to practical experience.

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

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

Public comments may be submitted until September 22, 2005.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-9943 or e-mail evelyn.brown@dhp.virginia.gov.

VA.R. Doc. No. R05-263; Filed July 25, 2005, 10:41 a.m.

TITLE 22. SOCIAL SERVICES

DEPARTMENT FOR THE AGING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department for the Aging intends to consider promulgating regulations entitled **22 VAC 5-30, Virginia Public Guardian and Conservator Program Regulations**. The purpose of the proposed action is to set forth guidance for a statewide program of local and regional public guardian programs.

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

Statutory Authority: § 2.2-712 of the Code of Virginia.

Public comments may be submitted until October 1, 2005.

Contact: Janet Dingle Brown, Esq., Guardianship Coordinator and Legal Services Developer, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free 1-800-552-3402 or e-mail janet.brown@vda.virginia.gov.

VA.R. Doc. No. R05-275; Filed August 1, 2005, 11:17 a.m.

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

† Notice of Intended Regulator Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of State Police intends to consider adopting regulations entitled **19 VAC 30-190, Regulations Relating to the Issuance of Nonresident Concealed Handgun Carry Permits**. The purpose of the proposed action is to promulgate new regulations for issuance of nonresident concealed handgun carry permits.

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

Statutory Authority: § 18.2-308 of the Code of Virginia.

Public comments may be submitted until October 19, 2005.

Contact: Donna Tate, Firearms Manager, Department of State Police, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-2292, FAX (804) 674-6704 or e-mail donna.tate@vsp.virginia.gov.

VA.R. Doc. No. R06-37; Filed September 1, 2005, 12:53 p.m.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

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

NOTICE TO THE PUBLIC

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendments to board regulations. A public comment period on the proposed regulation opened August 25, 2005, and remains open until October 10, 2005. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; should state the regulatory action desired; and should state the justification for the desired action. Comments should be entered into the online comment system at www.dgif.virginia.gov, e-mailed to regcomments@dgif.virginia.gov, or sent to Department of Game and Inland Fisheries, Phil Smith, Policy Analyst and Regulatory Coordinator, 4016 West Broad Street, Richmond, Virginia 23230.

A public hearing on the advisability of adopting or amending and adopting the proposed regulation, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Thursday, October 27, 2005, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulation, or any parts thereof, is advisable, in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the October 27 meeting. The regulation or regulation amendment adopted may be either more liberal or more restrictive than that proposed and being advertised under this notice.

Title of Regulation: **4 VAC 15-20. Definitions and Miscellaneous: In General (amending 4 VAC 15-20-130, 4 VAC 15-20-160; adding 4 VAC 15-20-210).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding this regulation.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments update the Virginia List of Endangered and Threatened Species by (i) adding four species to the list: spider elimia (state endangered), Appalachian springsnail (state endangered), springsnail (no common name; state endangered); and green floater (state threatened); and (ii) adopting current taxonomic nomenclature regarding several species and correcting spelling errors. The addition of the four species to the state list of endangered and threatened species would protect them by prohibiting the collection of them or the destruction of their habitats.

The proposed amendments add the U.S. Fish and Wildlife Service list of 125 nonnative bird species as defined in the Migratory Bird Treaty Reform Act of 2005 and federally regulated under 50 CFR 10.13 to the list of bird species designated as nuisance species in Virginia.

*An additional section defines a list of "nonindigenous aquatic nuisance species" as black carp (*Mylopharyngodon piceus*), New Zealand mudsnail (*Potamopyrgus antipodarum*), and rusty crayfish (*Orconectes rusticus*).*

4 VAC 15-20-130. Endangered and threatened species; adoption of federal list; additional species enumerated.

A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered Species Act of December 28, 1973 (16 USC §§ 1531-1543), as amended, and declares all species listed thereon to be endangered or threatened species in the Commonwealth. Pursuant to § 29.1-103.12 of the Code of Virginia, the director of the department is hereby delegated authority to propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List in accordance with the procedures of §§ 29.1-501 and 29.1-502 of the Code of Virginia.

B. In addition to the provisions of subsection A, the following species are declared endangered or threatened in this Commonwealth, and are afforded the protection provided by

Proposed Regulations

Article 6 (§ 29.1-563 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia:

1. Fish:

Endangered:

Dace, Tennessee	<i>Phoxinus tennesseensis</i>
Darter, sharphead	<i>Etheostoma acuticeps</i>
Darter, variegated	<i>Etheostoma variatum</i>
Sunfish, blackbanded	<i>Enneacanthus chaetodon</i>

Threatened:

Darter, Carolina	<i>Etheostoma collis</i>
Darter, Tippecanoe	<i>Etheostoma tippecanoe</i>
Darter, greenfin	<i>Etheostoma chlorobranchium</i>
Darter, longhead	<i>Percina macrocephala</i>
Darter, western sand	<i>Ammocrypta clara</i>
Madtom, orangefin	<i>Noturus gilberti</i>
Paddlefish	<i>Polyodon spathula</i>
Shiner, emerald	<i>Notropis atherinoides</i>
Shiner, steelcolor	<i>Cyprinella whipplei</i>
Shiner, whitemouth	<i>Notropis alborus</i>

2. Amphibians:

Endangered:

Salamander, eastern tiger	<i>Ambystoma tigrinum tigrinum</i>
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Threatened:

Salamander, Mabee's	<i>Ambystoma mabeei</i>
Treefrog, barking	<i>Hyla gratiosa</i>

3. Reptiles:

Endangered:

Rattlesnake, canebrake (Coastal Plain population of timber rattlesnake)	<i>Crotalus horridus</i>
Turtle, bog	Clemmys <i>Glyptemys muhlenbergii</i>
Turtle, eastern chicken	<i>Deirochelys reticularia reticularia</i>

Threatened:

Lizard, eastern glass	<i>Ophisaurus ventralis</i>
Turtle, wood	Clemmys <i>Glyptemys insculpta</i>

4. Birds:

Endangered:

Plover, Wilson's	<i>Charadrius wilsonia</i>
Wren, Bewick's	<i>Thryomanes bewickii bewickii</i>

Threatened:

Eagle, bald	<i>Haliaeetus leucocephalus</i> (see note A below for effective date)
Falcon, peregrine	<i>Falco peregrinus</i>
Sandpiper, upland	<i>Bartramia longicauda</i>
Shrike, loggerhead	Lanius <i>Lanius ludovicianus</i>
Sparrow, Bachman's	Aimophila <i>Aimophila aestivalis</i>
Sparrow, Henslow's	Ammodramus <i>Ammodramus henslowii</i>

Tern, gull-billed	<i>Sterna nilotica</i>
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5. Mammals:

Endangered:

Bat, <i>Rafinesque's</i> eastern big-eared	Plecotus <i>Corynorhinus rafinesquii macrotis</i>
Hare, snowshoe	<i>Lepus americanus</i>
Shrew, <i>American</i> water	<i>Sorex palustris</i>
Vole, rock	<i>Microtus chrotorrhinus</i>

Threatened:

Shrew, Dismal Swamp southeastern	<i>Sorex longirostris fisheri</i>
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6. Molluscs:

Endangered:

Cavesnail, Unthanks <i>Ghostsail, thankless</i>	<i>Holsingeria unthinksensis</i>
Coil, rubble	<i>Helicodiscus lirellus</i>
Coil, shaggy	<i>Helicodiscus diadema</i>
Deertoe	<i>Truncilla truncata</i>
Elephant ear <i>Elephantear</i>	<i>Elliptio crassidens</i>
<i>Elimia, spider</i>	<i>Elimia arachnoidea</i>
Floater, brook	<i>Alasmidonta varicosa</i>
Heelsplitter, Tennessee	<i>Lasmigona holstonia</i>
Lilliput, purple	<i>Toxolasma lividus</i>
Mussel, slippershell	<i>Alasmidonta viridis</i>
Pigtoe, Ohio cordatum	<i>Pleurobema</i>
Pigtoe, pink pyramid	<i>Pleurobema rubrum</i>
Snuffbox	<i>Epioblasma triquetra</i>
<i>Springsnail, Appalachian</i>	<i>Fontigens bottimeri</i>
<i>Springsnail (no common name)</i>	<i>Fontigens morrisoni</i>
Spectaclecase	<i>Cumberlandia monodonta</i>
Supercoil, spirit	<i>Paravitrea hera</i>

Threatened:

<i>Floater, green</i>	<i>Lasmigona subviridis</i>
Papershell, fragile	<i>Leptodea fragilis</i>
Pearlymussel, slabside	<i>Lexingtonia dolabelloides</i>
Pigtoe, Atlantic	<i>Fusconaiamasoni</i>
Pimpleback	<i>Quadrula pustulosa ustulosa-pustulosa</i>
Riversnail, spiny	<i>Iofluvialis</i>
Sandshell, black	<i>Ligumia recta</i>
Sheepnose	<i>Plethobasus cyphus</i>
Supercoil, brown	<i>Paravitrea septadens</i>

7. Arthropods:

Threatened:

Amphipod, Madison Cave	<i>Stygobromus stegerorum</i>
Pseudotremia, Ellett Valley	<i>Pseudotremia cavernarum</i>
Xystodesmid, Laurel Creek	<i>Sigmoria whiteheadi</i>

^A Notwithstanding the prospective removal of the bald eagle from the federal list of endangered or threatened species, the bald eagle continues to be threatened in the Commonwealth of Virginia, and is hereby declared to be a threatened species in Virginia effective as of, and simultaneously with, the date of its removal from the federal list.

C. It shall be unlawful to take, transport, process, sell, or offer for sale within the Commonwealth any threatened or endangered species of fish or wildlife except as authorized by law.

4 VAC 15-20-160. Nuisance species designated.

A. The board hereby designates the following species as nuisance species pursuant to § 29.1-100 of the Code of Virginia.

1. Mammals.
 - a. House mouse (*Mus musculus*);
 - b. Norway rat (*Rattus norvegicus*);
 - c. Black rat (*Rattus rattus*);
 - d. Coyote (*Canis latrans*);
 - e. Feral hog (*Sus scrofa*);
 - f. Nutria (*Myocastor coypus*); and
 - g. Woodchuck (*Marmota monax*).
2. Birds.
 - a. European starling (*Sturnus vulgaris*);
 - b. English (house) sparrow (*Passer domesticus*); and
 - c. Pigeon (Rock Dove) (*Columba livia*).
 - d. *Other nonnative species as defined in the Migratory Bird Treaty Reform Act of 2004 and regulated under 50 CFR 10.13.*

B. It shall be unlawful to take, possess, transport, or sell all other wildlife species not classified as game, furbearer or nuisance, or otherwise specifically permitted by law or regulation.

4 VAC 15-20-210. Definitions; nonindigenous aquatic nuisance species.

A. *In addition to the species already listed in § 29.1-571 of the Code of Virginia, the board hereby designates the following species as nonindigenous aquatic nuisance species pursuant to § 29.1-100 of the Code of Virginia.*

1. Fish.
 - a. *Black carp (*Mylopharyngodon piceus*).*
2. Invertebrates.
 - a. *New Zealand mudsnail (*Potamopyrgus antipodarum*).*
 - b. *Rusty crayfish (*Orconectes rusticus*).*

B. *It shall be unlawful to take, possess, transport, import, sell, or offer for sale within the Commonwealth any nonindigenous*

aquatic nuisance species except as authorized by law or regulation.

VA.R. Doc. No. R06-06; Filed August 31, 2005, 11:14 a.m.

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

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

*The proposed amendments (i) limit the importation, possession, and sale of the following nonnative aquatic species, including those designated as nonindigenous aquatic nuisance species: New Zealand mudsnail (*Potamopyrgus antipodarum*), quagga mussel (*Dreissena bugensis*), rusty crayfish (*Orconectes rusticus*), and Australian crayfish (*Cerax spp.*); (ii) allow anglers to legally take nonnative snakehead fish from the waters of the Commonwealth provided that they immediately kill the animal and notify the Department of Game and Inland Fisheries; and (iii) add the mute swan (*Cygnus olor*) to the list of bird species that are illegal to import, possess or sell in Virginia without a permit.*

4 VAC 15-30-40. Importation requirements, possession and sale of nonnative (exotic) animals.

A. Permit required. A special permit is required and may be issued by the department, if consistent with the department's fish and wildlife management program, to import, possess, or sell those nonnative (exotic) animals listed below and in 4 VAC 15-20-210 that the board finds and declares to be predatory or undesirable within the meaning and intent of § 29.1-542 of the Code of Virginia, in that their introduction into the Commonwealth will be detrimental to the native fish and wildlife resources of Virginia:

Proposed Regulations

AMPHIBIANS:

Order	Family	Genus/Species	Common Name
Anura	Buforidae	Bufo marinus	Giant or marine toad*
	Pipidae	Xenopus spp.	Tongueless or African clawed frog
Caudata	Ambystomatidae	Ambystoma tigrum mavortium	Barred tiger salamander
		A. t. diaboli	Gray tiger salamander
		A. t. melanostictum	Blotched tiger salamander

BIRDS:

Order	Family	Genus/Species	Common Name
Psittaciformes	Psittacidae	Myiopsitta monachus	Monk parakeet*
Anseriformes	Anatidae	Cygnus olor	Mute swan

FISH:

Order	Family	Genus/Species	Common Name		
Cypriniformes	Catostomidae	Ictiobus bubalus	Smallmouth* buffalo		
		I. cyprinellus	Bigmouth* buffalo		
		I. niger	Black buffalo*		
	Characidae	Pygopristis spp. Pygocentrus spp. Rooseveltiella spp. Serrasalmo spp. Serrasalmus spp. Taddyella spp.		Piranhas	
			Cyprinidae	Aristichthys nobilis	Bighead carp*
				Ctenopharyngodon idella	Grass carp or white amur
				Cyprinella lutrensis	Red shiner
				Hypophthalmichthys molitrix	Silver carp*
				Mylopharyngodon piceus	Black carp*
	Scardinius erythrophthalmus	Rudd			
	Tinca tinca	Tench*			
	Gobiesociformes	Gobiidae	Proterorhinus marmoratus	Tubenose goby	
			Neogobius melanostomus	Round goby	
Perciformes	Channidae	Channa spp. Parachanna spp.	Snakeheads		
		Cichlidae	Tilapia spp.	Tilapia	
	Gymnocephalus cernuum		Ruffe*		
Siluriformes	Clariidae	All species	Air-breathing catfish		
Synbranchiformes	Synbranchidae	Monopterus albus	Swamp eel		

MAMMALS:			
Order	Family	Genus/Species	Common Name
Artiodactyla	Suidae	All Species	Pigs or Hogs*
	Cervidae	All Species	Deer*
Carnivora	Canidae	All Species	Wild Dogs*, Wolves, Coyotes or Coyote hybrids, Jackals and Foxes
	Ursidae	All Species	Bears*
	Procyonidae	All Species	Raccoons and* Relatives
	Mustelidae	All Species (except <i>Mustela putorius furo</i>)	Weasels, Badgers,* Skunks and Otters Ferret
	Viverridae	All Species	Civets, Genets,* Lingsangs, Mongooses, and Fossas
	Herpestidae	All Species	Mongoose*
	Hyaenidae	All Species	Hyenas*
	Protelidae	<i>Proteles cristatus</i>	Aardwolf*
	Felidae	All Species	Cats*
Chiroptera		All Species	Bats*
Lagomorpha	Leporidae	<i>Lepus europeaeus</i>	European hare
		<i>Oryctolagus cuniculus</i>	European rabbit
Rodentia		All species native to Africa	All species native to Africa
	Sciuridae	<i>Cynomys</i> spp.	Prairie dogs

MOLLUSKS:			
Order	Family	Genus/Species	Common Name
<i>Neotaenioglossa</i>	<i>Hydrobiidae</i>	<i>Potamopyrgus antipodarum</i>	<i>New Zealand mudsnail</i>
Veneroida	Dreissenidae	<i>Dreissena bugensis</i>	<i>Quagga mussel</i>
		<i>Dreissena polymorpha</i>	<i>Zebra mussel</i>

REPTILES:			
Order	Family	Genus/Species	Common Name
Squamata	Alligatoridae	All species	Alligators, caimans*
	Colubridae	<i>Boiga irregularis</i>	Brown tree snake*
	Crocodylidae	All species	Crocodiles*
	Gavialidae	All species	Gavials*

CRUSTACEANS:			
Order	Family	Genus/Species	Common Name
Decapoda	<i>Cambaridae</i>	<i>Orconectes rusticus</i>	<i>Rusty crayfish</i>
	<i>Parastacidae</i>	<i>Cherax</i> spp.	<i>Australian crayfish</i>

B. Temporary possession permit for certain animals. Notwithstanding the permitting requirements of subsection A, a person, company or corporation possessing any nonnative (exotic) animal, designated with an asterisk (*) in subsection A, prior to July 1, 1992, must declare such possession in writing to the department by January 1, 1993. This written declaration shall serve as a permit for possession only, is not

transferable, and must be renewed every five years. This written declaration must include species name, common

name, number of individuals, date or dates acquired, sex (if possible), estimated age, height or length, and other characteristics such as bands and band numbers, tattoos, registration numbers, coloration, and specific markings. Possession transfer will require a new permit according to the requirements of this subsection.

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C. Exception for certain monk parakeets. A permit is not required for monk parakeets (quakers) that have been captive bred and are closed-banded with a seamless band.

D. Exception for parts or products. A permit is not required for parts or products of those nonnative (exotic) animals listed in subsection A that may be used for personal use, in the manufacture of products, or used in scientific research, provided that such parts or products be packaged outside the Commonwealth by any person, company, or corporation duly licensed by the state in which the parts originate. Such packages may be transported into the Commonwealth, consistent with other state laws and regulations, so long as the original package remains unbroken, unopened and intact until its point of destination is reached. Documentation concerning the type and cost of the animal parts ordered, the purpose and date of the order, point and date of shipping, and date of receiving shall be kept by the person, business or institution ordering such nonnative (exotic) animal parts. Such documentation shall be open to inspection by a representative of the Department of Game and Inland Fisheries.

E. Exception for certain mammals. Nonnative (exotic) mammals listed in subsection A, except members of the Cervidae family, African rodents, and prairie dogs, that are imported or possessed by dealers, exhibitors, transporters, and researchers who are licensed or registered by the United States Department of Agriculture under the Animal Welfare Act (7 USC §§2131 et seq.) will be deemed to be permitted pursuant to this section, provided that those individuals wanting to import such animals notify the department 24 hours prior to importation with a list of animals to be imported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a copy of the current license or licenses or registration or registrations from the U.S. Department of Agriculture, and further provided that such animals shall not be liberated within the Commonwealth.

F. Exception for prairie dogs. The effective date of listing of prairie dogs under subsection A of this section shall be January 1, 1998. Prairie dogs possessed in captivity in Virginia on December 31, 1997, may be maintained in captivity until the animals' deaths, but they may not be sold on or after January 1, 1998, without a permit.

G. *Exception for snakehead fish. Anglers may legally harvest snakehead fish of the family Channidea, provided that they immediately kill such fish and that they notify the department, as soon as practicable, of such actions.*

~~G.~~ H. All other nonnative (exotic) animals. All other nonnative (exotic) animals not listed in subsection A of this section may be possessed, purchased, and sold; provided, that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to threatened/endangered species, and further provided, that such animals shall not be liberated within the Commonwealth.

VA.R. Doc. No. R06-07; Filed August 31, 2005, 11:15 a.m.

Title of Regulation: **4 VAC 15-40. Game: In General (amending 4 VAC 15-40-30 and 4 VAC 15-40-200; adding 4 VAC 15-40-285).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.

(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) add bobcats to the list of species that can be taken by the use or aid of recorded animal or bird calls or sounds; (ii) permit the use of electronic calls on department-owned wildlife management areas unless otherwise posted; (iii) increase the maximum jaw spread from 5 inches to 6-1/2 inches for baited body gripping traps set above the ground, provided that these traps are placed inside "dog-proof" boxes that are staked and provided further that such traps may only be used on private lands with written permission of landowners; and (iv) prohibit placing or distributing any food, salt, minerals, or similar substances to feed or attract deer from September 1 through the first Saturday in January, and to prohibit placing or distributing such substances for any purpose after receiving written notification by the department.

4 VAC 15-40-30. Recorded wild animal or wild bird calls or sounds prohibited in taking game; bobcats, coyotes, crows, and foxes excepted.

It shall be unlawful to take or attempt to take wild animals and wild birds, with the exception of *bobcats*, coyotes, crows, and foxes by the use or aid of recorded animal or bird calls or sounds or recorded or electrically amplified imitation of animal or bird calls or sounds; provided, that electronic calls may be used on private lands for hunting *bobcats*, coyotes, and foxes with the written permission of the landowner and on department-owned wildlife management areas unless otherwise posted by wildlife management area rules.

4 VAC 15-40-200. Restricted use of above ground body-gripping traps in excess of five inches.

It shall be unlawful to set above the ground any body-gripping trap with a jaw spread in excess of five inches ~~baited with any when using any bait, lure, or scent likely to attract a dog;~~ provided, that baited body gripping traps with a jaw spread up to 6-1/2 inches may be used when the trap is within an enclosure with openings no greater than 60 square inches and the trap trigger is recessed at least 12 inches from all openings; provided further that such traps must be staked to prevent them from turning over and may only be used on private lands with written permission of the landowner.

4 VAC 15-40-285. Unauthorized feeding of deer.

It shall be unlawful for any person to place or distribute food, salt, minerals or similar substances, to feed or attract deer from September 1 through the first Saturday in January, both dates inclusive. Nor, upon written notification by department personnel, shall any person continue to place or distribute any food, salt, mineral or similar substances for any purpose if the placement of these materials results in the attraction of and/or feeding of deer. After such notification, such person shall be in violation of this section if the placing, distribution, or presence of such food, salt, minerals or similar substances continues. No part of this regulation shall be construed to restrict bona fide agronomic plantings (including wildlife food plots), bona fide distribution of food to livestock or wildlife management activities conducted or authorized by the department.

VA.R. Doc. No. R06-08; Filed August 31, 2005, 11:15 a.m.

Title of Regulation: 4 VAC 15-50. **Game:** Bear (amending 4 VAC 15-50-71, 4 VAC 15-50-110, 4 VAC 15-50-120).

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) allow for the use of smokeless powder in muzzleloaders during the muzzleloading hunting season; (ii) expand the hound hunting area during the existing two-week bear season in additional portions of Grayson, Wythe, and Carroll counties; (iii) change the opening date of the western bear hound training season from the last Saturday in August to the second Saturday in August; and (iv) open four counties (Brunswick, Greenville, Lunenburg, and Mecklenburg) in the southeast piedmont to a bear hound training season from the first Monday in December and for 11 consecutive hunting days following, both dates inclusive, except bear dog training on Sundays in these four counties will be prohibited.

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

A. It shall be lawful to hunt bear during the special muzzleloading season with muzzleloading guns from the Tuesday prior to the third Monday in November and for three consecutive hunting days following, both dates inclusive, except in Alleghany, Amherst, Augusta (west of Interstate 81 and that part east of Interstate 81 that is south of Interstate 64), Bath, Bedford, Bland, Botetourt, Buchanan, Campbell (west of Norfolk Southern Railroad), Carroll, Craig, Dickenson,

Floyd, Franklin, Giles, Grayson, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski, Roanoke, Rockbridge, Rockingham (west of Interstate 81), Russell, Scott, Shenandoah (west of Interstate 81), Smyth, Tazewell, Washington, Wise and Wythe counties and in the cities of Chesapeake, Suffolk and Virginia Beach.

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

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

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

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

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

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

C. It shall be unlawful to use dogs for the hunting of bear in the counties of Campbell (west of Norfolk Southern Railroad), Carroll (east of the New River), Floyd, Franklin, Grayson (east of ~~Route 24~~ the New River), Henry, Montgomery (south of Interstate 81), Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski (south of Interstate 81), and Wythe (southeast of the New River or that part east of bounded by Route 21 ~~that is south of~~ on the west, Interstate 81 on the north, the county line on the east, the New River on the southeast and Cripple Creek on the south).

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

A. Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to chase black bear with dogs, without capturing or taking, in all counties and cities or in the portions in which bear hunting is permitted except in the counties of Accomack, Amelia, Appomattox, Brunswick, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Grayson, Greenville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King & Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Montgomery (south of Interstate 81), New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski (south of Interstate 81), Richmond, Roanoke (south of a continuous line formed by Route 785, Route 311

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and Route 779), Roanoke (south of a continuous line formed by Route 785, Route 311 and Route 779), Smyth (south of Interstate 81), Southampton, Spotsylvania, Stafford, Surry, Sussex, Washington (south of Interstate 81), Westmoreland, Wythe (south of Interstate 81), and York, and in the cities of Hampton, Newport News and Norfolk, from the ~~last Saturday~~ ~~in~~ ~~second~~ ~~Saturday~~ in August through the last Saturday in September. It shall be unlawful to have in immediate possession a firearm, bow or any weapon or device capable of taking a black bear *while participating in the bear hound training season.*

B. Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to chase black bear with dogs, without capturing or taking, in the counties of Brunswick, Greensville, Lunenburg, and Mecklenburg from the first Monday in December and for 11 consecutive hunting days following, both dates inclusive, except bear dog training will be unlawful on Sunday in these counties during this period. It shall be unlawful to have in immediate possession a firearm, bow or any weapon or device capable of taking a black bear while participating in the bear hound training season.

VA.R. Doc. No. R06-09; Filed August 31, 2005, 11:16 a.m.

* * * * *

Title of Regulation: **4 VAC 15-70. Game: Bobcat (amending 4 VAC 15-70-10; adding 4 VAC 15-70-60).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments change the season ending date for bobcat hunting from January 31 to the last day in February and establish a special archery season for bobcats from the first Saturday in October through October 31.

4 VAC 15-70-10. Open season for hunting.

It shall be lawful to hunt bobcat by day and night from November 1 through ~~January 31~~ *the last day in February*, both dates inclusive.

4 VAC 15-70-60. Archery hunting with bow and arrow or crossbow.

A. Season. It shall be lawful to hunt bobcats with bow and arrow or crossbow from the first Saturday in October through October 31, both dates inclusive.

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

C. Use of dogs prohibited during the special archery season. It shall be unlawful to use dogs when hunting with bow and arrow or crossbow during any special archery season.

VA.R. Doc. No. R06-10; Filed August 31, 2005, 11:16 a.m.

* * * * *

Title of Regulation: **4 VAC 15-90. Game: Deer (amending 4 VAC 15-90-70, 4 VAC 15-90-80, and 4 VAC 15-90-90; adding 4 VAC 15-90-22, 4 VAC 15-90-291, 4 VAC 15-90-292, and 4 VAC 15-90-293; repealing 4 VAC 15-90-100 through 4 VAC 15-90-121, 4 VAC 15-90-141, 4 VAC 15-90-160, 4 VAC 15-90-170, and 4 VAC 15-90-190 through 4 VAC 15-90-220).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) provide an extended deer firearms season in the counties of Fairfax, Loudoun, and Prince William from the Monday following the first Saturday in January to the first Saturday in February and provide further that only antlerless deer may be legal to take during this extended season; (ii) allow either-sex deer hunting during the early and late archery seasons in all of Buchanan, Dickenson, and Wise counties, except for the Public Access Land for Sportsmen (PALS) program land in Dickenson County, which would remain buck only deer hunting during all seasons (archery, muzzleloading, and firearms); (iii) repeal obsolete language regarding crossbow hunting by disabled deer hunters; (iv) change the deadline for localities to notify the department of their intent to participate in archery hunting season from May 1 to April 1; (v) provide the cities and towns within Buchanan, Dickenson and Wise counties the opportunity to participate in the urban archery season by removing them from the exception; (vi) establish the opening date of the late muzzleloading season 18 hunting days prior to the first Saturday in January to standardize for a three-week season length in all years; (vii) remove the early muzzleloading either-sex deer hunting day on public lands in Grayson County making the early muzzleloading season for Grayson County buck only; (viii) allow for full season either-sex deer hunting during the early special muzzleloader season on private lands in Clarke, Frederick and Warren counties while maintaining the one either-sex deer day on national forest lands in Frederick and Warren counties; (ix) allow for full season either-sex deer hunting during the late muzzleloading season in Warren

County while maintaining six days of either-sex deer hunting on national forest lands in Warren County; (x) allow for the use of smokeless powder in muzzleloaders during the muzzleloading seasons; (xi) remove the effective dates for the bag limit for deer east of the Blue Ridge Mountains; (xii) require that at least one antlered buck meet a specified antler restriction criteria in Shenandoah County; (xiii) repeal 12 sections that establish the days on which antlerless deer (deer of either sex) may be taken during general firearms deer hunting season and replace them with one new section; (xiv) establish the height and other characteristics of an enclosed or fenced area that prevents or impedes the free egress of deer, as provided for in § 29.1-525.1 of the Code of Virginia, which generally prohibits the construction of enclosures to confine deer or the hunting of deer within a fenced area; (xv) ensure that opening day of the Chesapeake, Suffolk (east) and Virginia Beach October 1 firearms deer season is not an either-sex deer hunting day; (xvi) make numerous changes in general firearms either-sex deer hunting days in localities statewide; (xvii) prohibit the importation of whole deer carcasses and specific carcass parts from deer Chronic Wasting Disease (CWD) positive states or from CWD positive Canadian provinces; and (xviii) require persons who import permitted deer parts to notify the department if they are notified of a positive CWD test.

4 VAC 15-90-22. Special late antlerless only open season; Fairfax, Loudoun, and Prince William counties.

It shall be lawful to hunt antlerless deer from the Monday following the first Saturday in January through the first Saturday in February, both dates inclusive, in Fairfax, Loudoun and Prince William counties.

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

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

B. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer during the late special archery season with bow and arrow from the Monday following the close of the general firearms season on deer through the first Saturday in January, both dates inclusive, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County) and in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on the Chester F. Phelps Wildlife Management Area and on national forest lands in Frederick County and from December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach.

C. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section (except in Buchanan County and on private lands in the counties of Dickenson and Wise on PALS (Public

Access Lands) in Dickenson County where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section).

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

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

F. It shall be unlawful to use dogs when hunting with bow and arrow during any special archery season.

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

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

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

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

B. It shall be lawful to hunt deer during the late special muzzleloading season with muzzleloading guns ~~from the Saturday prior to the third Monday in December through the first Saturday in January, both dates inclusive starting 18 consecutive hunting days immediately prior to and inclusive of~~

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the first Saturday in January, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County), and east of the Blue Ridge Mountains in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on national forest lands in Frederick County and in the cities of Chesapeake and Virginia Beach.

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

D. Deer of either sex may be taken during the entire late special muzzleloading season in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29 except on national forest lands), Bedford (except on national forest lands), Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151 except on national forest lands), Patrick, and Pittsylvania (west of Norfolk Southern Railroad). It shall be lawful to hunt deer of either sex during the last six days of the late special muzzleloading season in all counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, Floyd, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and on private lands in Roanoke ~~County~~ and *Warren counties*) and on national forest and department-owned lands in Roanoke County and on national forest lands in *Warren County* and on national forest lands in Amherst, Bedford, Frederick, and Nelson counties and in the cities of Chesapeake and Virginia Beach. Provided further it shall be lawful to hunt deer of either sex during the last day only of the late special muzzleloading season in the counties of Grayson, Lee, Russell, Scott, Smyth, Tazewell, and Washington. Additionally, deer of either-sex may be taken during the entire late special muzzleloading season in Floyd County and on private lands in Roanoke ~~County~~ and *Warren counties*.

E. Deer of either sex may be taken full season during the special muzzleloading seasons within the incorporated limits

of any city or town in the Commonwealth that allows deer hunting except in the counties of Buchanan, Dickenson, and Wise and in the cities of Chesapeake, Suffolk, and Virginia Beach.

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

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

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

4 VAC 15-90-90. Bag limit, bonus deer permits and special antlerless provision for youth hunters, and special earn a buck regulation.

~~A. The bag limit for deer east of the Blue Ridge Mountains (except on national forest lands in Amherst, Bedford, and Nelson counties) through June 30, 2004, is two per day, four per license year, one of which must be antlerless. Effective July 1, 2004,~~ The bag limit for deer east of the Blue Ridge Mountains (except on national forest lands in Amherst, Bedford, and Nelson counties) is two per day, six per license year, three of which must be antlerless.

~~B. The bag limit for deer west of the Blue Ridge Mountains and on national forest lands in Amherst, Bedford, and Nelson counties through June 30, 2004, is one per day, three per license year, one of which must be antlerless. Effective July 1, 2004,~~ The bag limit for deer west of the Blue Ridge Mountains and on national forest lands in Amherst, Bedford, and Nelson counties is one per day, five per license year, three of which must be antlerless. Only one antlered buck may be taken during the special early muzzleloading season per hunter. *Only one antlered buck taken in Shenandoah County per license year may have less than four antler points one inch or longer on one side of the antlers.*

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

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

against the daily bag limit but are in addition to the seasonal bag limit.

E. Deer hunters 15 years of age and under, including those exempt from purchasing a hunting license, when in compliance with all applicable laws and license requirements, may take one antlerless deer per license year on days other than designated either-sex deer hunting days during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season.

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

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

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

~~During the general firearms season, deer of either sex may be taken on the Saturday immediately following the third Monday in November and the last hunting day on the G. Richard Thompson Wildlife Management Area and White Oak Mountain Wildlife Management Area and on national forest lands in Frederick, Grayson, Page, Rockingham, Shenandoah, Smyth, Tazewell, Washington, and Warren counties and on the Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area and on portions of Grayson Highlands State Park open to hunting.~~

~~4 VAC 15-90-120. General firearms season eithersex deer hunting days; last six hunting days. (Repealed.)~~

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

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

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

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

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

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

~~A. During the general firearms season, deer of either sex may be taken full season, in the counties of Accomack, Amherst (west of U.S. Route 29, except on national forest lands), Arlington, Bedford (except on national forest lands), Botetourt (except on national forest lands), Campbell (west of Norfolk Southern Railroad and in the City of Lynchburg only on private lands for which a special permit has been issued by the chief of police), Clarke, Fairfax (restricted to certain parcels of land by special permit), Fauquier (except on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas), Floyd, Franklin (except Philpott Reservoir and Turkeycock Mountain Wildlife Management Area), Frederick (except on national forest lands), Grayson (except on national forest lands and portions of Grayson Highland State Park open to hunting), Henry (except on Fairystone Farms Wildlife Management Area, Fairystone State Park, Philpott Reservoir, and Turkeycock Mountain Wildlife Management Area), Loudoun, Montgomery (except on national forest lands), Nelson (west of Route 151, except on national forest lands), Northampton, Patrick (except on Fairystone Farms Wildlife Management Area, Fairystone State Park and Philpott Reservoir), Pittsylvania (west of Norfolk Southern Railroad), Prince William, Roanoke (except on national forest and department-owned lands), Warren (except on national forest lands), York, and in the cities of Hampton, Newport News, Richmond, the Town of Chincoteague, and on Back Bay National Wildlife Refuge, Fort A.P. Hill, Caledon Natural Area, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge, Chippokes State Park, Dahlgren Surface Warfare Center Base, Dam Neck Amphibious Training Base, Dismal Swamp National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, False Cape State Park, Fentress Naval Auxiliary Landing Field, Fisherman's Island National Wildlife Refuge, Fort Belvoir, Fort Eustis, Fort Lee,~~

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~~Harry Diamond Laboratory, Langley Air Force Base, NASA Langley Research Center, Naval Air Station Oceana, Northwest Naval Security Group, Pocahontas State Park, Presquile National Wildlife Refuge, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, Sky Meadows State Park, York River State Park, Yorktown Naval Weapons Station.~~

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

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

~~During the general firearms season, deer of either sex may be taken the Saturday immediately following the third Monday in November on the Buckingham-Appomattox State Forest, Cumberland State Forest and Prince Edward State Forest.~~

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

~~During the general firearms season, deer of either sex may be taken on the first Saturday immediately following the third Monday in November and the last six hunting days, in the counties of Alleghany (except on national forest lands), Augusta (except on national forest and department owned lands), Bath (except on national forest and department owned lands), Bland (except on national forest lands), Carroll (except on national forest and department owned lands), Craig (except on national forest lands), Giles (except on national forest lands), Highland (except on national forest and department owned lands), Pulaski (except on national forest lands and the Radford Army Ammunition Plant), Rockbridge (except on national forest and department owned lands), Rockingham (except on national forest lands), Shenandoah (except on national forest lands), and Wythe (except on national forest lands), and on the James River Wildlife Management Area, and on national forest lands in Amherst, Bedford, and Nelson counties.~~

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

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

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

~~During the general firearms season, deer of either sex may be taken on the first three Saturdays immediately following the third Monday in November and on the last 24 hunting days, in the counties of Albemarle, Greensville, Isle of Wight (except on Ragged Island Wildlife Management Area), Southampton, Surry (except on the Carlisle Tract of the Hog Island Wildlife Management Area), and Sussex.~~

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

~~During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last 12 hunting days, in the counties of Amherst (east of U.S. Route 29), Campbell (east of Norfolk Southern Railroad except City of Lynchburg), Culpeper (except on Chester F. Phelps Wildlife Management Area), Gloucester, Goochland (east of U.S. Route 522), Greene, Halifax, Hanover, Henrico (except Presquile National Wildlife Refuge), James City (except York River State Park), Lancaster, Madison, Nelson (east of Route 151 except James River Wildlife Management Area), Northumberland, Orange, Pittsylvania (east of Norfolk Southern Railroad except White Oak Mountain Wildlife Management Area), Rappahannock, Richmond, Spotsylvania, Stafford (except on Quantico Marine Reservation), and in the City of Suffolk (west of the Dismal Swamp line).~~

~~**4 VAC 15-90-220. General firearms season; bucks only. (Repealed.)**~~

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

~~**4 VAC 15-90-291. Enclosed or fenced areas that prevent or impede the free egress of deer.**~~

~~A. Pursuant to § 29.1-525.1 A and B of the Code of Virginia, an enclosed or fenced area having any of the following attributes shall be deemed to prevent or impede the free egress of deer:~~

- ~~1. A fence greater than 61 inches high anywhere along its entire length;~~
- ~~2. A fence greater than 61 inches high that incorporates any topographic or other physical barrier that prevents or impedes the free egress of deer;~~
- ~~3. A fence or other barrier 61 inches or less in height having any attribute that prevents or impedes the free egress of~~

deer, including but not limited to being slanted, doubled, offset, or electrified; or

4. A fence or other barrier, having any of the attributes described in subdivision 1, 2, or 3 of this section that does not have a permanent gap of at least 40 linear feet per every 660 linear feet (1/8 mile) along the fence or barrier, including an additional permanent gap of at least 40 linear feet at every inside angle in the fence or barrier of less than 120 degrees. For the purposes of this section, a gap is defined as an interruption in the fence or barrier devoid of any impediment.

B. This subsection shall not apply to enclosures and lands exempted under § 29.1-525.1 C and D of the Code of Virginia.

4 VAC 15-90-292. General firearms season either-sex deer hunting days.

A. During the general firearms deer season, deer of either sex may be taken within:

Accomack County: full season.

Albemarle County: the second, third, and fourth Saturdays and the last 24 hunting days.

Alleghany County: the second Saturday and the last two hunting days.

-National forest lands: the second Saturday and the last hunting day.

Amelia County: the second and third Saturdays and the last six hunting days.

Amherst County (east of U.S. Route 29): the second, third, and fourth Saturdays and the last 24 hunting days.

Amherst County (west of U.S. Route 29): full season.

-National forest lands: the second Saturday and the last six hunting days.

Appomattox County: the second and third Saturdays and the last six hunting days.

-Appomattox-Buckingham State Forest: the second Saturday.

Arlington County: full season.

Augusta County: the second Saturday and the last six hunting days.

-National forest and department-owned lands: the second Saturday and the last hunting day.

Bath County: the second Saturday and the last two hunting days.

-National forest and department-owned lands: the second Saturday and the last hunting day.

Bedford County: full season.

-National forest lands: the second Saturday and the last six hunting days.

Bland County: the second Saturday and the last six hunting days.

-National forest lands: the second Saturday and the last two hunting days.

Botetourt County: full season.

-National forest lands: the second Saturday and the last two hunting days.

Brunswick County: the second and third Saturdays and the last six hunting days.

Buchanan County: antlered bucks only – no either-sex days. Only deer with antlers above the hairline may be taken.

Buckingham County: the second and third Saturdays and the last six hunting days.

-Appomattox-Buckingham State Forest: the second Saturday.

Campbell County (east of Norfolk Southern Railroad): the second, third, and fourth Saturdays and the last 24 hunting days.

Campbell County (west of Norfolk Southern Railroad): full season.

Caroline County: the second and third Saturdays and the last six hunting days.

Carroll County: full season.

-National forest and department-owned lands: the second Saturday and the last two hunting days.

Charles City County: the second and third Saturdays and the last 12 hunting days.

-Chickahominy WMA: antlered bucks only – no either-sex days. Only deer with antlers above the hairline may be taken.

Charlotte County: the second and third Saturdays and the last six hunting days.

Chesapeake (City of): the first Saturday following October 1st and the last six hunting days.

Chesterfield County: the second and third Saturdays and the last six hunting days.

Clarke County: full season.

Craig County: the second Saturday and the last six hunting days.

-National forest lands: the second Saturday and the last two hunting days.

Culpeper County: the second, third, and fourth Saturdays and the last 24 hunting days.

-Chester F. Phelps WMA: the second Saturday.

Cumberland County: the second and third Saturdays and the last six hunting days.

-Cumberland State Forest: the second Saturday.

Dickenson County: antlered bucks only – no either-sex days. Only deer with antlers above the hairline may be taken.

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Dinwiddie County: the second and third Saturdays and the last six hunting days.

Essex County: the second and third Saturdays and the last 12 hunting days.

Fairfax County: full season (restricted to certain parcels of land by special permit).

Fauquier County: full season.

-G. Richard Thompson WMA: the second Saturday and the last hunting day.

-Chester F. Phelps WMA: the second Saturday.

Floyd County: full season.

Fluvanna County: second and third Saturdays and the last six hunting days.

Franklin County: full season.

-Philpott Reservoir: the second Saturday and the last six hunting days.

-Turkeycock Mountain WMA: the second Saturday and the last two hunting days.

Frederick County: full season

-National forest lands: the second Saturday and the last hunting day.

Giles County: the second Saturday and the last six hunting days.

-National forest lands: the second Saturday and the last two hunting days.

Gloucester County: the second, third, and fourth Saturdays and the last 24 hunting days.

Goochland County (east of U.S. Route 522): the second and third Saturdays and last 12 hunting days.

Goochland County (west of U.S. Route 522): the second and third Saturdays and last six hunting days.

Grayson County: full season.

-National forest lands and portions of Grayson Highland State Park open to hunting: the second Saturday and the last hunting day.

Greene County: the second, third, and fourth Saturdays and the last 24 hunting days.

Greensville County: full season.

Halifax County: the second and third Saturdays and last 12 hunting days.

Hanover County: the second and third Saturdays and last 12 hunting days.

Henrico County: the second and third Saturdays and last 12 hunting days.

Henry County: full season.

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six hunting days.

-Turkeycock Mountain WMA: the second Saturday and the last two hunting days.

Highland County: the second Saturday and the last two hunting days.

-National forest and department-owned lands: the second Saturday and the last hunting day.

Isle of Wight County: full season.

-Ragged Island WMA: antlered bucks only – no either-sex days. Only deer with antlers above the hairline may be taken.

James City County: the second and third Saturdays and last 12 hunting days.

King and Queen County: the second and third Saturdays and last 12 hunting days.

King George County: the second and third Saturdays and the last six hunting days.

King William County: the second and third Saturdays and the last 12 hunting days.

Lancaster County: the second, third, and fourth Saturdays and the last 24 hunting days.

Lee County: the second Saturday and the last two hunting days.

-National forest lands: antlered bucks only – no either-sex days. Only deer with antlers above the hairline may be taken.

Loudoun County: full season.

Louisa County: the second and third Saturdays and the last six hunting days.

Lunenburg County: the second and third Saturdays and the last six hunting days.

Madison County: the second, third, and fourth Saturdays and the last 24 hunting days.

Mathews County: the second and third Saturdays and last 12 hunting days.

Mecklenburg County: the second and third Saturdays and the last six hunting days.

Middlesex County: the second and third Saturdays and last 12 hunting days.

Montgomery County: full season.

-National forest lands: the second Saturday and the last two hunting days.

Nelson County (east of Route 151): the second, third, and fourth Saturdays and the last 24 hunting days.

-James River WMA: the second Saturday and the last six hunting days.

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Nelson County (west of Route 151): full season.

-National forest lands: the second Saturday and the last six hunting days.

New Kent County: the second and third Saturdays and last 12 hunting days.

Northampton County: full season.

Northumberland County: the second, third, and fourth Saturdays and the last 24 hunting days.

Nottoway County: the second and third Saturdays and the last six hunting days.

Orange County: the second, third, and fourth Saturdays and the last 24 hunting days.

Page County: the second Saturday and the last two hunting days.

-National forest lands: the second Saturday and the last hunting day.

Patrick County: full season.

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six hunting days.

Pittsylvania County (east of Norfolk Southern Railroad): the second and third Saturdays and last 12 hunting days.

-White Oak Mountain WMA: the second Saturday and the last hunting day.

Pittsylvania County (west of Norfolk Southern Railroad): full season.

Powhatan County: the second and third Saturdays and the last six hunting days.

Prince Edward County: the second and third Saturdays and the last six hunting days.

-Prince Edward State Forest: the second Saturday.

Prince George County: the second and third Saturdays and the last six hunting days.

Prince William County: full season.

Pulaski County: the second Saturday and the last six hunting days.

-National forest lands: the second Saturday and the last two hunting days.

Rappahannock County: the second, third, and fourth Saturdays and the last 24 hunting days.

Richmond County: the second, third, and fourth Saturdays and the last 24 hunting days.

Roanoke County: full season.

-National forest and department-owned lands: the second Saturday and the last two hunting days.

Rockbridge County: the second Saturday and the last six hunting days.

-National forest and department-owned lands: the second Saturday and the last hunting day.

Rockingham County: the second Saturday and the last six hunting days.

-National forest lands: the second Saturday and the last hunting day.

Russell County: the second Saturday and the last two hunting days.

-Clinch Mountain WMA and Hidden Valley WMA: the second Saturday and the last hunting day.

Scott County: the second Saturday and the last six hunting days.

-National forest lands: antlered bucks only – no either-sex days.

Only deer with antlers above the hairline may be taken.

Shenandoah County: full season.

-National forest lands: the second Saturday and the last hunting day.

Smyth County: the second Saturday and the last two hunting days.

-National forest lands, Clinch Mountain WMA, and Hidden Valley WMA: the second Saturday and the last hunting day.

Southampton County: full season.

Spotsylvania County: the second, third, and fourth Saturdays and the last 24 hunting days.

Stafford County: the second, third, and fourth Saturdays and the last 24 hunting days.

Suffolk (City of; east of the Dismal Swamp line): the first and second Saturdays following October 1st and the last six hunting days.

Suffolk (City of; west of the Dismal Swamp line): the second and third Saturdays and the last 12 hunting days.

Surry County: full season.

-Carlisle Tract of the Hog Island WMA: antlered bucks only – no either-sex days. Only deer with antlers above the hairline may be taken.

Sussex County: full season.

Tazewell County: the second Saturday and the last two hunting days.

-National forest lands, Clinch Mountain WMA, and Hidden Valley WMA: the second Saturday and the last hunting day.

Virginia Beach (City of): the first Saturday following October 1 and the last six hunting days.

Warren County: full season.

-National forest lands: the second Saturday and the last hunting day.

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Washington County: the second Saturday and the last two hunting days.

-National forest lands, Clinch Mountain WMA, and Hidden Valley WMA: the second Saturday and the last hunting day.

Westmoreland County: the second and third Saturdays and last 12 hunting days.

Wise County: antlered bucks only – no either-sex days. Only deer with antlers above the hairline may be taken.

Wythe County: the second Saturday and the last six hunting days.

-National forest lands: the second Saturday and the last two hunting days.

York County: full season.

B. Except as provided in the subsection A of this section, deer of either sex may be taken full season during the general firearms deer season within the incorporated limits of any city or town, state park, national wildlife refuge, or military installation that allows deer hunting.

4 VAC 15-90-293. Chronic Wasting Disease deer carcass importation restrictions.

A. No person shall import or possess any carcass or part of a carcass of any member of the family Cervidae (deer) originating from a state or Canadian province in which Chronic Wasting Disease has been found in free-ranging or captive deer, except that the following carcass parts may be imported and possessed:

1. Boned-out meat that is cut and wrapped,
2. Quarters or other portions of meat with no part of the spinal column or skull attached,
3. Hides or capes with no skull attached,
4. Clean (no meat or tissue attached) skull plates with antlers attached,
5. Antlers (with no meat or tissue attached),
6. Upper canine teeth (buglers, whistlers, or ivories), and
7. Finished taxidermy products.

A legible label shall be affixed to packages or containers containing the allowed carcass parts bearing the following information: the species of animal, the state or province from where the animal originated, and the name and address of the person who killed or owned the animal.

B. Any person who imports into Virginia any deer carcass or parts described in subsection A of this section and is notified that the animal has tested positive for Chronic Wasting Disease must report the test results to the department within 72 hours of receiving the notification. In order to facilitate the proper disposal of any infected material, the department may take into possession any imported carcass or carcass part of an animal if the animal has tested positive for Chronic Wasting Disease.

VA.R. Doc. No. R06-11; Filed August 31, 2005, 11:16 a.m.

Title of Regulation: **4 VAC 15-110. Game: Fox (amending 4 VAC 15-110-20).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments change the season ending date for fox hunting with guns from January 31 to the last day in February, and change the term "guns" to "firearms."

4 VAC 15-110-20. Hunting with guns firearms. Open season.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this chapter, it shall be lawful to hunt foxes with ~~guns~~ *firearms* from November 1 through ~~January 31~~ *the last day in February*, both dates inclusive.

VA.R. Doc. No. R06-12; Filed August 31, 2005, 11:16 a.m.

Title of Regulation: **4 VAC 15-120. Game: Grouse (amending 4 VAC 15-120-10).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) change the opening date of the grouse hunting season from the last Monday in October to the Saturday prior to the last Monday in October and (ii) extend the ending date of the grouse hunting season to the last day in February.

4 VAC 15-120-10. Open season.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to hunt grouse from the *Saturday prior to the last Monday in October* through the ~~second Saturday~~ *last day in February* both dates inclusive.

VA.R. Doc. No. R06-13; Filed August 31, 2005, 11:17 a.m.

Title of Regulation: **4 VAC 15-170. Game: Otter (adding 4 VAC 15-170-21).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005. (See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) establish a trapping season for river otters from December 1 through the last day of February in the counties of Augusta, Alleghany, Bath, Bland, Botetourt, Carroll, Craig, Floyd, Giles, Grayson, Montgomery, Pulaski, Roanoke, Rockbridge, and Wythe; (ii) set the season limit in those counties at two otters per trapper; and (iii) require the entire skinned carcass be presented to an agent of the department within three days of capture.

4 VAC 15-170-21. Open season for trapping in certain counties west of the Blue Ridge Mountains; carcass presented to department agent; season bag limit.

A. It shall be lawful to trap otter from December 1 through the last day of February, both dates inclusive, in the counties of Augusta, Alleghany, Bath, Bland, Botetourt, Carroll, Craig, Floyd, Giles, Grayson, Montgomery, Pulaski, Roanoke, Rockbridge, and Wythe.

B. The entire skinned carcass of all otters trapped in counties west of the Blue Ridge Mountains must be presented to an agent of the department within three days of capture.

C. The season bag limit for trapping otter shall be two per trapper in counties west of the Blue Ridge Mountains where otter trapping is permitted.

VA.R. Doc. No. R06-14; Filed August 31, 2005, 11:17 a.m.

Title of Regulation: **4 VAC 15-190. Game: Quail (amending 4 VAC 15-190-10).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005. (See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendment changes the opening date of the quail season from the second Monday in November to the Saturday prior to the second Monday in November.

4 VAC 15-190-10. Open season; generally.

Except as otherwise specifically provided by the sections appearing in this chapter, it shall be lawful to hunt quail from the Saturday prior to the second Monday in November through January 31, both dates inclusive.

VA.R. Doc. No. R06-15; Filed August 31, 2005, 11:17 a.m.

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

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005. (See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendment changes the opening date of the rabbit season from the first Monday in November to the Saturday prior to the first Monday in November.

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

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

VA.R. Doc. No. R06-16; Filed August 31, 2005, 11:17 a.m.

Title of Regulation: **4 VAC 15-210. Game: Raccoon (amending 4 VAC 15-210-10 and 4 VAC 15-210-20).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005. (See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Proposed Regulations

Summary:

The proposed amendments (i) provide a continuous open season for chasing raccoon with dogs in counties and portions of counties east of Route 29 and Route 15 and (ii) move the eastern boundary line of the 10-month western raccoon chase season on private lands to Route 29 and Route 15 in certain counties and to further include Fairystone Farms, G. Richard Thompson, Rapidan, and Turkeycock Wildlife Management Areas into this season.

4 VAC 15-210-10. Open season; counties east of Blue Ridge Mountains Route 29; possession of certain devices unlawful.

Except as otherwise specifically provided in the sections appearing in this chapter, ~~it there shall be lawful to chase a continuous open season for chasing raccoon with dogs, without capturing or taking, in all counties and portions of counties east of the Blue Ridge Mountains (except on the George Washington and Jefferson National Forests) from August 1 through May 31, both dates inclusive Route 29 and in the counties of Loudoun (east of Route 15) and Prince William (east of Route 15).~~ It shall be unlawful to have in possession a firearm, bow, axe, saw, or any tree climbing device while hunting during this chase season. The meaning of "possession" for the purpose of this section shall include, but not be limited to, having these devices in or on one's person, vehicle or conveyance while engaged in the act of chasing.

4 VAC 15-210-20. Open season; counties west of Blue Ridge Mountains Route 29; possession of certain devices unlawful.

It shall be lawful to chase raccoon with dogs, without capturing or taking, on private lands in all counties and portions of counties west of the Blue Ridge Mountains Route 29 and in the counties of Loudoun (west of Route 15); Prince William (west of Route 15); and on Fairystone Farms, G. Richard Thompson, Rapidan, and Turkeycock Wildlife Management Areas from August 1 through May 31, both dates inclusive. It shall be unlawful to have in possession a firearm, bow, axe, saw, or any tree climbing device while hunting during this chase season. The meaning of "possession" for the purpose of this section shall include, but not be limited to, having these devices in or on one's person, vehicle or conveyance while engaged in the act of chasing.

VA.R. Doc. No. R06-17; Filed August 31, 2005, 11:17 a.m.

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Title of Regulation: **4 VAC 15-230. Game: Squirrel (adding 4 VAC 15-230-21 and 4 VAC 15-230-61; repealing 4 VAC 15-230-40).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) create a gray and red squirrel hunting season on selected wildlife management areas from the first Saturday in June through the third Saturday in June; (ii) repeal the special squirrel archery season; and (iii) create a fox squirrel hunting season on selected wildlife management areas from the first Saturday in June through the third Saturday in June.

4 VAC 15-230-21. Spring season for gray and red squirrel on certain wildlife management areas.

A. It shall be lawful to hunt gray and red squirrels from the first Saturday in June through the third Saturday in June, both dates inclusive, on Amelia Wildlife Management Area, Big Survey Wildlife Management Area, Briery Creek Wildlife Management Area, Chickahominy Wildlife Management Area, Dick Cross Wildlife Management Area, Dismal Swamp Wildlife Management Area, Fairystone Wildlife Management Area (including Fairystone State Park and Philpott Reservoir), Goshen Wildlife Management Area, Havens Wildlife Management Area, Hog Island Wildlife Management Area (Carlisle Tract only), Horsepen Wildlife Management Area, James River Wildlife Management Area, Pettigrew Wildlife Management Area, Phelps Wildlife Management Area, Powhatan Wildlife Management Area, Thompson Wildlife Management Area, Turkeycock Mountain Wildlife Management Area, and White Oak Mountain Wildlife Management Area.

B. It shall be unlawful to hunt gray and red squirrels with dogs during the spring squirrel season.

4 VAC 15-230-40. Bow and arrow hunting. (Repealed.)

~~A. Season. It shall be lawful to hunt squirrel with bow and arrow from the first Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive.~~

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

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

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

4 VAC 15-230-61. Spring season for fox squirrel on certain wildlife management areas.

A. It shall be lawful to hunt fox squirrels from the first Saturday in June through the third Saturday in June, both dates inclusive, on Big Survey Wildlife Management Area, Goshen Wildlife Management Area, Havens Wildlife Management Area, Phelps Wildlife Management Area, and Thompson Wildlife Management Area.

B. It shall be unlawful to hunt fox squirrels with dogs during the spring squirrel season.

VA.R. Doc. No. R06-18; Filed August 31, 2005, 11:18 a.m.

Title of Regulation: **4 VAC 15-240. Game: Turkey (amending 4 VAC 15-240-10, 4 VAC 15-240-20, and 4 VAC 15-240-31).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments change the opening date for the general (six-week) fall turkey season from the last Monday in October to the Saturday prior to the last Monday in October. The first segment of the season would be open for 11 consecutive hunting days following the opening Saturday.

The amendments change the opening date for the fall turkey season in certain counties and areas with a two-week fall season from the last Monday in October to the Saturday prior to the last Monday. The season would be open for 11 consecutive hunting days following the opening Saturday.

The amendments also change the opening date for the four-week fall turkey season in certain counties and areas from the last Monday in October to the Saturday prior to the last Monday in October. The early segment of this season would be open for 11 consecutive hunting days following the opening Saturday.

4 VAC 15-240-10. Open season; generally.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to hunt turkeys from the Saturday prior to the last Monday in October and for 11 consecutive hunting days following; on Thanksgiving Day; and on the Monday nearest December 9 through the first Saturday in January, both dates inclusive.

4 VAC 15-240-20. Open season; certain counties and areas; Saturday prior to the last Monday in October and for 11 hunting days following, and on Thanksgiving Day.

It shall be lawful to hunt turkeys on the Saturday prior to the last Monday in October and for 11 consecutive hunting days following, and on Thanksgiving Day in the counties of Buchanan, Isle of Wight, Prince George, Southampton, Surry, and Sussex.

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

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

VA.R. Doc. No. R06-19; Filed August 31, 2005, 11:18 a.m.

Title of Regulation: **4 VAC 15-320. Fish: Fishing Generally (amending 4 VAC 15-320-25).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

In order to set length limits and possession (creel) limits for fish caught and taken, the proposed amendments: (i) rescind the special bass length limits on Lake Anna, Beaverdam Creek Reservoir (Loudoun County), Chesdin Reservoir/Appomattox River, and Occoquon Reservoir; (ii) extend the "No bass 14 to 22 inches, only one bass per day longer than 22 inches" length and possession limits to the entire James River from the confluence of the Jackson and Cowpasture rivers (Alleghany County) downstream to the 14th Street Bridge in Richmond; (iii) extend the "No bass 14 to 20 inches, only one bass per day longer than 20 inches" length and possession limits to the entire New River in VA from Fields Dam (Grayson County) downstream to the VA-WV state line, not including Claytor Lake; (iv) extend the upper end of the "No bass less than 20 inches, only one bass per day longer than 20 inches" length and possession limits on the North Fork Holston River so that the river section now runs from the Rt. 91 bridge upstream of Saltville, VA downstream to the VA-TN state line; (v)

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establish "2 per day, no striped bass less than 26 inches (October 1 - May 31) and 4 per day, no length limit (June 1 - September 30)" length and possession limits for striped bass on Buggs Island (Kerr) Reservoir; (vi) establish "2 per day, no striped bass 26 to 36 inches (October 1 - May 31) and 4 per day, no length limit (June 1 - September 30)" length and possession limits for striped bass on Smith Mountain Lake; (vii) modify the creel and length limits for anadromous (coastal) striped bass in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest rivers and their tributaries plus Back Bay from "4 per day, no length limits" to "2 per day, no striped bass less than 18 inches"; (viii) establish a "No walleye less than 18 inches" length limit in Philpott Reservoir; (ix) establish "1 per day, no muskellunge less than 42 inches" possession and length limits for muskellunge on the New River from Fields Dam (Grayson County) downstream to the VA-WV state line, including Claytor Lake; (x) add white catfish to the Creel and Length Limit Table along with other catfish; (xi) add "only 1 blue catfish per day longer than 32 inches" possession and length limits to existing catfish

limits; (xii) establish an American shad and hickory shad "10 per day in the aggregate, no length limit" possession limit on the Meherrin River below Emporia Dam, and the Nottoway, Blackwater, North Landing and Northwest rivers, and their tributaries plus Back Bay; (xiii) establish anadromous (coastal) alewife and blueback herring "No daily limits, no length limits" possession and length limits on the Meherrin River below Emporia Dam, and the Nottoway, Blackwater, North Landing and Northwest rivers, and their tributaries plus Back Bay; and (xiv) add references, in the Creel and Length Limit Table, to the Endangered and Threatened Species regulation and the Nonnative (Exotic) Animals regulation.

4 VAC 15-320-25. Creel and length limits.

The creel limits (including live possession) and the length limits for the various species of fish shall be as follows, unless otherwise excepted by posted rules at department-owned or department-controlled waters (see 4 VAC 15-320-100 D).

Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
largemouth bass, smallmouth bass, spotted bass		5 per day in the aggregate; No statewide length limits	Lakes	
			Lake Anna	No bass 12 to 15 inches
			Beaverdam Creek Reservoir (Loudoun County)	No bass 12 to 15 inches
			Briery Creek Lake	No bass 14 to 24 inches, only 1 per day longer than 24 inches
			Buggs Island (Kerr)	Only 2 of 5 bass less than 14 inches
			Chesdin Reservoir	No bass 12 to 15 inches
			Claytor Lake	No bass less than 12 inches
			Flannagan Reservoir	No bass less than 12 inches
			Lake Gaston	Only 2 of 5 bass less than 14 inches
			Leesville Reservoir	Only 2 of 5 bass less than 14 inches
			Lake Moomaw	No bass less than 12 inches
			Occoquan Reservoir from the reservoir dam upstream to the Lake Jackson Dam on Occoquan Creek and upstream to the Yates Ford Bridge (Rt. 612) on Bull Run Creek	No bass less than 14 inches
Philpott Reservoir	No bass less than 12 inches			
Quantico Marine Base waters	No bass 12 to 15 inches			

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Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
			Smith Mt. Lake and its tributaries below Niagara Dam	Only 2 of 5 bass less than 14 inches
			Rivers	
			Appomattox River — Brasfield Dam to Bevel's Bridge on Rt. 602, Chesterfield Co.	No bass 12 to 15 inches
			Clinch River – within the boundaries of Scott, Wise, Russell, or Tazewell counties	No bass 11 to 14 inches
			Dan River and tributaries down stream from the Brantley Steam Plant, Danville	Only 2 of 5 bass less than 14 inches
			James River – Confluence of the Jackson and Cowpasture rivers (<i>Alleghany County</i>) downstream to Rt. 220 bridge near Lick Run, Botetourt Co. the 14th Street Bridge in Richmond Rt. 220 bridge near Lick Run downstream, to Rt. 614 bridge, Botetourt Co. Rt. 614 bridge downstream to the Interstate 95 bridge, Richmond	No bass 11 to 14 inches No bass 14 to 22 inches, only 1 per day longer than 22 inches No bass 11 to 14 inches
			New River – Claytor Dam Fields Dam (<i>Grayson County</i>) downstream to the VA – WV state line and its tributary Little River downstream from Little River Dam in Montgomery County (<i>This does not include Claytor Lake which is delineated as: The upper end of the island at Allisonia downstream to the dam</i>)	No bass 14 to 20 inches, only 1 per day longer than 20 inches
			North Fork Holston River - Rt. 634 91 bridge near upstream of Saltville, VA downstream to the – VA-TN state line	No bass less than 20 inches, only 1 per day longer than 20 inches
			North Fork Shenandoah River – Rt. 42 bridge, Rockingham Co. downstream to the confluence with S. Fork Shenandoah at Front Royal	No bass 11 to 14 inches
			Potomac River - Virginia tidal tributaries above Rt. 301 bridge	No bass less than 15 inches from March 1 through June 15
			Roanoke (Staunton) River - and its tributaries below Difficult Creek, Charlotte Co.	Only 2 of 5 bass less than 14 inches

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Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
			<p>Shenandoah River –</p> <p>Confluence of South Fork and North Fork rivers, Front Royal, downstream, to the Warren Dam, near Front Royal</p> <p>Base of Warren Dam, near Front Royal downstream to Rt. 17/50 bridge</p> <p>Rt. 17/50 bridge downstream to VA - WV state line</p>	<p>No bass 11 to 14 inches</p> <p>No bass 14 to 20 inches, only 1 per day longer than 20 inches</p> <p>No bass 11 to 14 inches</p>
			<p>South Fork Shenandoah River -</p> <p>Confluence of North and South rivers, below Port Republic, downstream to Shenandoah Dam, near Town of Shenandoah</p> <p>Base of Shenandoah Dam, near Town of Shenandoah, downstream to Luray Dam, near Luray</p> <p>Base of Luray Dam, near Luray, downstream to the confluence with North Fork of Shenandoah, Front Royal</p>	<p>No bass 11 to 14 inches</p> <p>No bass 14 to 20 inches, only 1 per day longer than 20 inches</p> <p>No bass 11 to 14 inches</p>
striped bass	landlocked striped bass and landlocked striped bass x white bass hybrids	<p>4 per day in the aggregate;</p> <p>No fish less than 20 inches</p>	<p><i>Buggs Island (Kerr) reservoir including the Staunton River to Leesville Dam and the Dan River to Brantly Steam Plant (Danville)</i></p>	<p><i>October 1 - May 31: 2 per day in the aggregate</i></p> <p><i>No striped bass less than 26 inches</i></p> <p><i>June 1 - September 30: 4 per day in the aggregate</i></p> <p><i>No length limit</i></p>
			<p>Smith Mountain Lake and its tributaries, including the Roanoke River upstream to Niagara Dam</p>	<p><i>Oct 1 - May 31: 2 per day in the aggregate</i></p> <p><i>No striped bass 26 to 36 inches</i></p> <p><i>June 1 - September 30: 4 per day in the aggregate</i></p> <p><i>No length limit</i></p>
	anadromous (coastal) striped bass above the fall line in all coastal rivers of the Chesapeake Bay	<p>Creel and length limits shall be set by the Virginia Marine Resources Commission for recreational fishing in tidal waters</p>		

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Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
	anadromous (coastal) in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay	4-2 per day; No length limits <i>striped bass less than 18 inches</i>		
white bass		5 per day; No statewide length limits		
walleye		5 per day; No statewide length limits	Flannagan, <i>Philpott</i> , and South Holston reservoirs	No walleye less than 18 inches
			Claytor Lake and New River upstream of Claytor Lake Dam	No walleye less than 20 inches
sauger		2 per day; No statewide length limits		
chain pickerel		5 per day; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs	No daily limit
northern pike		2 per day; No pike less than 20 inches		
muskellunge		2 per day; No muskellunge less than 30 inches	<i>New River - Fields Dam (Grayson County) downstream to the VA - WV state line, including Claytor Lake</i>	1 per day <i>No muskellunge less than 42 inches</i>
bluegill (bream) and other sunfish excluding crappie, rock bass (redeye) and Roanoke bass		50 per day in the aggregate; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the Virginia-North Carolina VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
crappie (black or white)		25 per day in the aggregate; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the Virginia-North Carolina VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
			Flannagan and South Holston reservoirs	No crappie less than 10 inches

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Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
rock bass (redeye)		25 per day; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County.	No daily limit
			Nottoway and Meherrin rivers and their tributaries	5 per day in the aggregate with Roanoke bass; No rock bass less than 8 inches
Roanoke bass		No statewide daily limit; No statewide length limits	Nottoway and Meherrin rivers and their tributaries	5 per day in the aggregate with rock bass; No Roanoke bass less than 8 inches
trout	See Chapter 330 4 VAC 15-330. Fish: Trout Fishing.			
catfish	channel, blue white, and flathead catfish	20 per day; No length limits	All rivers below the fall line	No daily limit
	blue catfish	20 per day, only 1 blue catfish per day longer than 32 inches	All rivers below the fall line	No daily limit, except only 1 blue catfish per day longer than 32 inches
	yellow, brown, and black bullheads	No daily limit; No length limits		
American shad and hickory shad	in the James River above the fall line (14 th Street Bridge), in the Meherrin River above Emporia Dam, in the Chickahominy River above Walkers Dam, in the Appomattox River and Pamunkey River above the Rt. 360 bridge, and in the Rappahannock River above the Rt. 1 bridge	No possession: (catch and release only)		
	(below the fall line) in tidal waters rivers of the Chesapeake Bay	Creel and length limits shall be those set by the Virginia Marine Resources Commission		

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Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
	<i>Meherrin River below Emporia Dam Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay</i>	<i>10 per day in the aggregate No length limits</i>		
anadromous (coastal) alewife and blueback herring	in the James River above Boshers Dam, in the Meherrin River above Emporia Dam, in the Chickahominy River above Walkers Dam, in the Appomattox River above Harvell Dam, in the South Anna River above the U.S. Rt. 1 bridge, and in the Rappahannock River above Embrey Dam	No possession: (catch and release only)		
	<i>below the fall line in tidal rivers of the Chesapeake Bay</i>	Creel and length limits shall be those set by the Virginia Marine Resources Commission		
	<i>Meherrin River below Emporia Dam, Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay</i>	<i>No daily limits No length limits</i>		
other native or naturalized nongame fish	See Chapter 360 4 VAC 15-360-10. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. <i>Taking aquatic invertebrates, amphibians, reptiles and nongame fish for private use.</i>			
endangered or threatened fish	See 4 VAC 15-20-130. <i>Definitions and Miscellaneous: In General. Endangered and threatened species; adoption of federal list; additional species enumerated.</i>			
nonnative (exotic) fish	See 4 VAC 15-30-40. <i>Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. Importation requirements, possession and sale of nonnative (exotic) animals.</i>			

VA.R. Doc. No. R06-20; Filed August 31, 2005, 11:18 a.m.

Proposed Regulations

Title of Regulation: **4 VAC 15-330. Fish: Trout Fishing (amending 4 VAC 15-330-50, 4 VAC 15-330-140, and 4 VAC 15-330-160).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.

(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) remove Philpott Reservoir from the waters that have a special 16-inch minimum size limit on trout; (ii) add Cabin Creek in Grayson County, within the Grayson Highland State Park, to those waters in which only artificial lures with single hooks may be used for fishing, and on which no trout less than nine inches in length may be possessed; and (iii) expand the current 2.3-mile section to an 11.4-mile section of Chestnut Creek in Carroll County and add a 2.7-mile section of Peak Creek in Pulaski County, to those waters in which from October 1 through May 31 fishing may be only with artificial lures, all trout caught must be immediately returned to the water unharmed, and no trout may be possessed. Creeling trout would be allowed in these areas (delayed harvest trout streams) from June 1 - September 30.

4 VAC 15-330-50. Size limit.

Except as otherwise specifically provided by the sections appearing in this chapter, there shall be a seven-inch minimum size limit on trout generally and a 16-inch minimum size limit on trout in Moomaw and ~~Philpott Reservoirs Reservoir.~~

4 VAC 15-330-140. Special provision applicable to certain portions of Big Wilson Creek, Cabin Creek, Conway River, Little Stony Creek, Little Wilson Creek, North Fork Buffalo River, St. Mary's River and Ramsey's Draft.

It shall be lawful to fish using only artificial lures with single hooks in that portion of the Conway River and its tributaries in Greene and Madison Counties within the Rapidan Wildlife Management Area, in that portion of Big and Little Wilson Creeks and their tributaries and Cabin Creek and its tributaries in Grayson County within the Grayson Highland Highlands State Park and the Jefferson National Forest Mount Rogers National Recreation Area, in that portion of Little Stony Creek in Giles County within the Jefferson National Forest, in that portion of Little Stony Creek in Shenandoah County within the George Washington National Forest, in the North Fork Buffalo River and its tributaries in Amherst County within the George Washington National Forest, in that portion of St. Mary's River in Augusta County and its tributaries upstream from the gate at the George Washington National Forest

property line, and in that portion of Ramsey's Draft and its tributaries in Augusta County within the George Washington National Forest. All trout caught in these waters under nine inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under nine inches in length while in these areas.

4 VAC 15-330-160. Special provisions applicable to certain portions of Accotink Creek, Back Creek, Chestnut Creek, Hardware River, Holliday Creek, Holmes Run, North River, Passage Creek, Peak Creek, Pedlar River, North Fork of Pound and Pound rivers, Roanoke River, and South River.

It shall be lawful to fish from October 1 through May 31, both dates inclusive, using only artificial lures in Accotink Creek (Fairfax County) from Route 236 (Little River Turnpike) downstream 1.9 miles to Route 620 (Braddock Road), in Back Creek (Bath County) from the Route 600 bridge just below the Virginia Power Back Creek Dam downstream 1.5 miles to the Route 600 bridge at the lower boundary of the Virginia Power Recreational Area, in Chestnut Creek (Carroll County) from the ~~State Route 793~~ U.S. Route 58 bridge downstream ~~2.3~~ 11.4 miles to the confluence with New River, in the Hardware River (Fluvanna County) from the Route 646 bridge upstream 2.6 miles to Muleshoe Bend as posted, in Holliday Creek (Appomattox/Buckingham Counties) from the Route 640 crossing downstream 2.8 miles to a sign posted at the headwaters of Holliday Lake, in Holmes Run (Fairfax County) from the Lake Barcroft Dam downstream 1.2 miles to a sign posted at the Alexandria City line, in the North River (Augusta County) from the base of Elkhorn Dam downstream 1.5 miles to a sign posted at the head of Staunton City Reservoir, in Passage Creek (Warren County) from the lower boundary of the Front Royal State Hatchery upstream 0.9 miles to the Shenandoah/Warren County line, in Peak Creek (Pulaski County) from the confluence of Tract Fork downstream 2.7 miles to the Route 99 bridge, in the Pedlar River (Amherst County) from the City of Lynchburg/George Washington National Forest boundary line (below Lynchburg Reservoir) downstream 2.7 miles to the boundary line of the George Washington National Forest, in North Fork of Pound and Pound rivers from the base of North Fork of Pound Dam downstream to the confluence with Indian Creek, in the Roanoke River (Roanoke County) from the Route 760 bridge (Diuguids Lane) upstream 1.0 miles to a sign posted at the upper end of Green Hill Park (Roanoke County), in the Roanoke River (City of Salem) from the Route 419 bridge upstream 2.2 miles to the Colorado Street bridge, and in the South River from the Second Street Bridge upstream 2.4 miles to the base of Rife Loth Dam in the City of Waynesboro. From October 1 through May 31, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in possession any bait or trout. During the period of June 1 through September 30, the above restrictions will not apply.

VA.R. Doc. No. R06-21; Filed August 31, 2005, 11:19 a.m.

Title of Regulation: 4 VAC 15-340. Fish: Seines and Nets (amending 4 VAC 15-340-10, 4 VAC 15-340-30, and 4 VAC 15-340-40).

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) remove Northwest River (Chesapeake) and Nottoway River (Southampton County) from those waters where haul seines may be used to take nongame fish for sale; (ii) limit the taking of American and hickory shad to 10 per day in the aggregate; (iii) remove the Nottoway River (Southampton County) from the waters where gill nets may be used to take nongame fish; (iv) establish that there is no limit on the number of mullet that may be possessed; and (v) reference 4 VAC 15-320-25 as the regulation section providing creel limits on shad and herring.

4 VAC 15-340-10. Haul seines to take fish for sale.

A. Authorization to take fish for sale. A haul seine permit shall authorize the person to whom issued to take fish for sale as specified with a haul seine from the waters designated in this section.

B. Permit holder to be present when seine operated. The holder of a haul seine permit must be present with the ~~same~~ seine at all times when it is being operated. The holder, however, may have others to assist him and such persons assisting are not required to have a permit.

C. Length and size of nets. The length of haul seine nets shall not be more than 500 yards. The size of mesh shall be 1- 1/2 inch bar mesh.

~~D. Season and fish to be taken in Chesapeake City; set nets prohibited. In the Northwest River, the open season to take carp, grinnel, or bowfin, and catfish, generally known in that section as roundfish, and herring with a haul seine shall be from November 1 through May 15, both dates inclusive. All set nets shall be prohibited in the Northwest River.~~

~~E. D. Season and fish to be taken in Virginia Beach City. In Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake), North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River), the open season to take all fish, except game fish, with a haul seine shall be from November 1 through March 31, both dates inclusive. *The harvest limit for anadromous American and hickory shad shall be 10 per day, in the aggregate.*~~

~~F. Season and fish to be taken in Southampton County. In the Nottoway River, from Cary's Bridge to the North Carolina line, the open season to take shad, herring, mullet, and suckers, only, with a haul seine shall be from March 1 through May 15, both dates inclusive.~~

~~G. E. Labeling packages containing fish taken with haul seine. It shall be unlawful for any person to ship or otherwise transport any package, box or other receptacle containing fish taken under a haul seine permit unless the same bears a label showing the name and address of the owner of the seine and a statement of the kind of fish contained in it.~~

~~H. F. Reporting. The holder of a permit to take fish for sale by means of haul seines shall keep a record of the pounds of fish taken by species and location (name and county of water body), and the pounds of each species sold.~~

4 VAC 15-340-30. Gill nets.

A. Authorization to take fish. A gill net permit shall authorize the holder thereof to take nongame fish during the times and in the waters and for the purposes provided for in this section. Such gill net shall not be more than 300 feet in length. The mesh size shall be not less than 1 inch bar or square mesh (three-inch stretch mesh). Applicants must annually purchase tags for each net the applicant intends to operate and attach a department tag to each net prior to use. A single permit will be issued to the permittee and shall list each tag number the permittee has been issued. All nets must be checked daily and all game fish returned to the wild.

B. Permit holder to be present when gill net is being set and checked for fish. The holder of a gill net permit must be present with the net at all times when it is being set and checked for fish. The holder may have others to assist him, and such persons assisting are not required to have a permit. However, those assisting the permittee must meet the fishing license requirements of the Commonwealth.

~~C. Time and place permitted in Southampton County. Gill nets may be used in Southampton County only in the Nottoway River from Cary's Bridge to the North Carolina line from March 1 through May 15, both dates inclusive, to take fish for private table use only and not for sale.~~

~~D. C. Times and places permitted in Virginia Beach City; fish which may be taken. Gill nets may be used in Virginia Beach City in Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake) and North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River) for the taking of mullet only for table use and also for sale from July 1 through November 1, both dates inclusive; and for the taking of other nongame fish, except mullet, for table use and also for sale from November 1 through March 31, both dates inclusive. *The harvest limit for anadromous American and hickory shad shall be 10 per day, in the aggregate.* Gill nets set in Back Bay waters shall be at least 300 feet from any other net and at least 300 feet from the shoreline. All such nets must be marked at both ends and at least every 100 feet along the length of the net with a five-inch by 12-inch minimum dimensions float.~~

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4 VAC 15-340-40. Dip nets; generally.

A. Authorization to take fish with dip nets. A county dip net permit shall authorize the holder to take shad, herring, mullet and suckers (*daily creel (possession) limits for shad and herring are found in 4 VAC 15-320-25, there is no limit for mullet, and subsection D of this section provides limits for suckers*), in the county named on the face of the permit with a dip net in inland waters, except where otherwise prohibited by local legislation or by the sections appearing in this chapter.

B. Persons required to have permit; inspection by game wardens. A dip net permit, or valid fishing license, shall be required for all persons using or assisting in the use of a dip net and permits, or licenses, shall be carried at all times while using such nets and shall be subject to inspection by game wardens.

C. Release of certain fish netted. All fish, except shad, herring, mullet, suckers and carp, when taken with a dip net shall be returned to the water alive with as little injury as possible.

D. Special provisions applicable only to suckers. The following special provisions shall apply only to the taking of suckers, with a dip net:

1. Not more than 20 may be taken by any person in one day;
2. The open season for taking same with a dip net shall be from February 15 through May 15, both dates inclusive; and
3. Dip nets for taking such fish shall not be more than six feet square.

VA.R. Doc. No. R06-22; Filed August 31, 2005, 11:19 a.m.

Title of Regulation: **4 VAC 15-360. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish (amending 4 VAC 15-360-10 and 4 VAC 15-360-30; adding 4 VAC 15-360-70).**

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

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@cgif.state.va.us.

Summary:

*The proposed amendments (i) limit the sale of crayfish as bait; (ii) limit the size of salamanders used as fish bait to under six inches in length; (iii) remove provisions that allow collection and possession for personal use of up to five individuals each of the eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), diamondback terrapin (*Malaclemmys terrapin terrapin*), and spotted turtle (*Clemmys guttata*), and up to 20 individuals each of the*

*candy darter (*Etheostoma osburni*), thereby prohibiting the collection and possession of these species without a scientific collection or exhibitors permit issued by the department; (iv) add the Nottoway River to the list of areas in which the collection of freshwater mussels is prohibited without a permit; (v) reference 4 VAC 15-320-25 as the regulation section providing creel (possession) limits on the following nongame fish: anadromous blueback herring, alewife, American shad, and hickory shad; channel, white, flathead, and blue catfish; (vi) remove the provision that allows for the taking and selling of crayfish; and (vii) prohibit the sale of crayfish as bait or for personal use except for personal consumption.*

4 VAC 15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4 VAC 15-20-130, subdivision 8 of 4 VAC 15-320-40 and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale no more than five individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, bowfin, longnose gar, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see 4 VAC 15-320-25 for *anadromous blueback herring limits*), white perch, yellow perch, alewife (see 4 VAC 15-320-25 for *anadromous alewife limits*), stoneroller (hornyhead), fathead minnow, golden shiner, and goldfish.

2. ~~The following species may be taken in unlimited numbers from inland waters below the fall line: See 4 VAC 15-320-25 for American shad, hickory shad, channel catfish, white catfish, flathead catfish, and blue catfish limits.~~

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders (*each under six inches in total length*), crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders *and crayfish* which cannot be sold pursuant to the provisions of 4 VAC 15-360-60 and 4 VAC 15-360-70. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs and snapping turtles shall be 15 and bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. *The following species may not be taken in any number for private use: candy darter, eastern hellbender, diamondback terrapin, and spotted turtle.*

B. Methods of taking species in subsection A. Except as otherwise provided for in the Code of Virginia, 4 VAC 15-20-130, and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A may only be taken by hand, hook and line, with a seine not exceeding four feet in depth by 10 feet in length, an umbrella type net not exceeding five by five feet square, small minnow traps with throat openings no larger than one inch in diameter, cast nets, and hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take mussels and the spiny riversnail (*lo fluvialis*) in the Tennessee drainage in Virginia (Clinch, Powell and the North, South and Middle Forks of the Holston Rivers and tributaries), and. It shall be unlawful to take mussels in the James River and tributaries west of U.S. Route 29 and, in the entire North Fork of the Shenandoah River, and in the entire Nottoway River.

D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

4 VAC 15-360-30. Taking of snapping turtles, crayfish and hellgrammites for sale.

It shall be lawful to take and sell snapping turtles, ~~crayfish~~ and hellgrammites with a Permit to Collect and Sell Snapping Turtles, ~~Crayfish~~ and Hellgrammites or a Permit to Hold and Sell Certain Wildlife under such restrictions and conditions as the board may prescribe. *It shall be lawful to hold and sell crayfish with a Permit to Hold and Sell Certain Wildlife under such restrictions as the board may prescribe.*

4 VAC 15-360-70. Prohibit the sale of crayfish species.

It shall be unlawful to sell any species of crayfish (Superfamily Astacoidea) live as bait or for personal use, except for personal consumption.

VA.R. Doc. No. R06-23; Filed August 31, 2005, 11:19 a.m.

Title of Regulation: 4 VAC 15-380. Watercraft: Motorboat Numbering (amending 4 VAC 15-380-70; adding 4 VAC 15-380-71).

Statutory Authority: §§ 29.1-501, 29.1-502, 29.1-701, 29.1-701.1 and 29.1-735 of the Code of Virginia.

Public Hearing Date: October 27, 2005 - 9 a.m.
Public comments may be submitted until October 10, 2005.

(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) create an exception, provided for in 4 VAC 15-380-71, to the requirement that a watercraft certificate of number is invalid when the watercraft is documented or required to be documented and (ii) allow the owner of a federally documented vessel otherwise exempt from Virginia motorboat numbering requirements to nonetheless apply for the issuance of motorboat registration decals, pay the same fees as prescribed in 4 VAC 15-380-120, and receive nontransferable decals that may be affixed to a window or windshield on the sides of the vessel.

4 VAC 15-380-70. When invalid; removal of numbers and surrender of certificate of number and certificate of title.

A. Certificate of number shall be invalid:

1. When the watercraft is documented, or required to be documented, *except as provided for in 4 VAC 15-380-71;*
2. Sixty days after the watercraft is no longer principally used in the Commonwealth;
3. The owner loses his interest in the vessel through legal process; or
4. The certificate of number is cancelled and recalled by the department pursuant to § 29.1-702 D of the Code of Virginia.

When a certificate of number becomes invalid for any reason the person whose name appears on the certificate as owner shall remove the numbers from the vessel, and, within 15 days, surrender the invalid certificate to the department.

B. Certificate of title shall be invalid when:

1. A duplicate title is issued;
2. A new title is issued;
3. The watercraft is documented or required to be documented;
4. The watercraft is registered or titled in another state or country;
5. The title is altered to the point of significant information on the title being unreadable;
6. It appears proper payment has not been made for the certificate of title; or
7. The department ascertains the title has been issued improperly or erroneously.

When a certificate of title becomes invalid for any reason, the department is authorized to cancel and recall the certificate. If recalled by the department, the person whose name appears

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on the certificate as owner shall within 15 days surrender the invalid certificate to the department. Upon demand of any officer whose duty it is to enforce the game and inland fish laws, the person whose name appears on the certificate as owner shall present any recalled certificate immediately to the officer.

4 VAC 15-380-71. Registration decals issued to documented vessels; exception to display of numbers.

A. The owner of a federally documented vessel otherwise exempt from motorboat numbering requirements pursuant to § 29.1-710 of the Code of Virginia may nonetheless request the issuance of motorboat registration decals. Upon application and payment of the same fees prescribed in 4 VAC 15-380-120, the department will issue nontransferable decals that may be affixed to a window or windshield on the sides of the vessel.

B. Vessels for which registration decals are requested and issued pursuant to subsection A of this section are not required to display the registration numbers of those decals.

VA.R. Doc. No. R06-24; Filed August 31, 2005, 11:19 a.m.

Title of Regulation: **4 VAC 15-430. Watercraft: Safety Equipment Requirements (amending 4 VAC 15-430-60 and 4 VAC 15-430-160).**

Statutory Authority: §§ 29.1-501, 29.1-502, 29.1-701, 29.1-701.1 and 29.1-735 of the Code of Virginia.

Public Hearing Date: October 27, 2005 - 9 a.m.

Public comments may be submitted until October 10, 2005.
(See Notice to the Public preceding 4 VAC 15-20.)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

Summary:

The proposed amendments (i) require that a U.S. Coast Guard approved life jacket must be used in accordance with any requirements or restrictions on the approval label and (ii) require all hand-portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems for use aboard vessels, required to be of a type approved by the U.S. Coast Guard, to have an efficient charge and be in good and serviceable condition.

4 VAC 15-430-60. Personal flotation device condition; size and fit; approval marking.

It shall be unlawful to use a recreational vessel unless each PFD required by 4 VAC 15-430-30 or allowed by 4 VAC 15-430-40 is:

1. In serviceable condition as provided in 4 VAC 15-430-70;
2. Of an appropriate size and fit for the intended wearer, as marked on the approval label; and

3. Legibly marked with its U.S. Coast Guard approval number; and

4. Used in accordance with any requirements or restrictions on the approval label.

4 VAC 15-430-160. Fire extinguishing equipment application and general provisions.

A. The provisions of this section through 4 VAC 15-430-210, with the exception of 4 VAC 15-430-200, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to that date shall meet the requirements of 4 VAC 15-430-200.

B. Where equipment in this section is required to be of an approved type, such equipment requires the specific approval of the U.S. Coast Guard.

C. All hand-portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems shall be of a type approved by the U.S. Coast Guard and shall have an efficient charge and be in good and serviceable condition.

VA.R. Doc. No. R06-25; Filed August 31, 2005, 11:19 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

Title of Regulation: **18 VAC 10-20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations (amending 18 VAC 10-20-10, 18 VAC 10-20-15, 18 VAC 10-20-20, 18 VAC 10-20-35 through 55, 18 VAC 10-20-70, 18 VAC 10-20-75, 18 VAC 10-20-90 through 18 VAC 10-20-420, 18 VAC 10-20-440 through 18 VAC 10-20-560, 18 VAC 10-20-570 through 18 VAC 10-20-620, 18 VAC 10-20-630 through 18 VAC 10-20-660, and 18 VAC 10-20-670 through 18 VAC 10-20-795; adding 18 VAC 10-20-17, 18 VAC 10-20-25, and 18 VAC 10-20-85; and repealing 18 VAC 10-20-30, 18 VAC 10-20-60, 18 VAC 10-20-80, 18 VAC 10-20-565, 18 VAC 10-20-625, and 18 VAC 10-20-665).**

Statutory Authority: §§ 54.1-201, 54.1-404 and 54.1-411 of the Code of Virginia.

Public Hearing Date: December 8, 2005 - 9 a.m.

Public comments may be submitted until December 8, 2005.

(See Calendar of Events section for additional information)

Agency Contact: Mark N. Courtney, Executive Director of the Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600

West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, or e-mail apelscidla@dpor.virginia.gov.

Basis: Section 54.1-201 of the Code of Virginia empowers the regulatory boards to promulgate regulations that are necessary to ensure continued competency, prevent deceptive or misleading practices by practitioners, and effectively administer the regulatory system administered by the regulatory board.

Section 54.1-404 of the Code of Virginia provides the board the authority to promulgate regulations governing its own organization, the professional qualifications of applicants, the requirements necessary for passing examinations in whole or in part, the proper conduct of its examinations, the implementation of exemptions from license requirements, and the proper discharge of its duties.

Section 54.1-411 of the Code of Virginia requires the board to adopt regulations governing the registration of persons, corporations, partnerships, limited liability companies, sole proprietors and other entities offering or rendering the practice of architecture, engineering, land surveying or offering the title of certified landscape architect or certified interior designer.

Purpose: The purpose of this regulatory action is to make general clarifying changes to the regulation as well as clarifying the requirements relating to "responsible charge" and "direct control and personal supervision." Any other changes that may be necessary may also be considered. Failure to adopt these changes will allow unclear language to remain in the regulations. Ensuring that the regulations are as clear as possible will facilitate the regulants complying with the board's requirements that will better protect the health, safety and welfare of the public.

Substance: Reference those definitions used in the regulations that are contained in the Code of Virginia. Delete the definition of "board" as it is contained in § 54.1-400 of the Code of Virginia and delete the definition of "responsible charge" as it is being replaced by "responsible person." Add definitions for "application," "certified," "profession," "registrant," and "responsible person." Amend definitions for "comity," "direct control and personal supervision," "good moral character," "landscape architect," "licensed," "place of business," "professional," and "resident."

Move the regulation regarding replacement wall certificates from 18 VAC 10-20-60 to 18 VAC 10-20-17 as it is better placed in the general section of the regulations.

Add language for land surveyors and interior designers that details existing practice.

Move common provisions relating to references to the general entry requirements section from 18 VAC 10-20-130 and 18 VAC 10-20-220 to 18 VAC 10-20-25.

Delete references to "dishonored checks" from regulations as this requirement is contained in § 2.2-614.1 of the Code of Virginia.

Add a requirement for an examination on the board's regulations and statutes as part of the application.

Delete "approved engineering experience" definition as it is incorporated in the revised "qualifying engineering experience" definition. Delete definition of "engineering examination" as it is not needed. Add definition of "related science curriculum" to better spell out the board's requirements for applicants.

Ensure consistent use of the term "direct control and personal supervision" throughout the regulation.

Include requirements that any inconsistencies found between boundaries be disclosed on the plat, that it be disclosed on the plat whether a current title report has been furnished, that it be disclosed on the plat whether any or all easements are shown on the plat, and that information be included on the plat regarding items crossing property lines. Further, a requirement is being added to include the distance to the nearest road intersection or prominent or well-known object to assist in locating the property.

Lessen the requirements for electronic seal, signatures and date in 18 VAC 10-20-760 B to make them more practical. In addition, add a seal design for certified interior designers to 18 VAC 10-20-760 B 6.

Issues: The primary advantage to the public is that the board's regulants will have a clearer set of regulations that will facilitate compliance and better protect the public. The only potential disadvantage is that the board is implementing an open book examination on its regulations and the statutes as part of the application process (see 18 VAC 10-20-85). However, the assurance that all applicants are aware of the board's regulations and statutes should better protect the public.

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 for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (board) propose to: (i) repeal the requirement that applicants for architect licensure be enrolled in the National Council of Architectural Registration Board's (NCARB) Intern Development Program (IDP) for at least one year prior to submitting an application for original licensure, (ii) require that applicants for any of the board's licenses or certifications demonstrate that they are aware of relevant regulatory and statutory issues by providing answers to questions in their application package, (iii) change the required number of days prior to the architecture, landscape architecture, principles and practice of engineering, and principles and practice of land surveying exams that

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applicants must submit full applications from 120 days to 130 days, (iv) require that responsible persons for registered professional corporations, registered professional limited liability companies, and other registered business entities notify the board in writing of any changes in their employment status within 30 days of such change, (v) eliminate certain requirements when using electronic seals and signatures, and (vi) make numerous changes for clarification.

Estimated economic impact.

Architect licensure

In order to become a licensed architect, individuals must pay an application fee, hold a professional degree in architecture from an accredited program, pass an examination prepared by the National Council of Architectural Registration Boards (NCARB), have at least 12 months experience/training in architecture as an employee in the office of a licensed architect, successfully complete the NCARB Intern Development Program (IDP) in no less than three years, and obtain three references. The NCARB IDP concerns on-the-job training for architects following training guidelines established by NCARB.

The current regulations state that: "An applicant shall be enrolled in NCARB IDP for a period of one year or more prior to submitting an application for original licensure in Virginia." The requirement that architecture license applicants not apply until they have been enrolled in NCARB IDP for at least a year does not affect most applicants since NCARB IDP typically takes three years to complete.¹ On the other hand, there are individuals who have not enrolled in NCARB IDP, but have experience that either satisfies all or most of NCARB IDP training requirements. Under the current regulations, even if NCARB determines that these individuals' training completely satisfies NCARB IDP, they must wait a year before they can obtain licensure. The board proposes to eliminate the requirement that applicants must be enrolled in NCARB IDP for at least one year prior to applying for licensure. This proposed amendment will create a net benefit. Affected individuals will be able to work as licensed architects one year sooner. Since these individuals will have already satisfied all requirements pertaining to knowledge and ability, there is no cost to the public associated with their working as licensed architects one year sooner.

Examination on regulations

The board proposes to require licensure and certification applicants to demonstrate that they are aware of the stated requirements within the regulations and statutes that apply to their profession by providing answers to questions in their application package. The applicants are given the Internet addresses for viewing the applicable regulations and statutes.² The Department of Professional and Occupational Regulation (department) will mail copies of the regulations and statutes to applicants who do not have Internet access. According to the department, the answers to the questions will be readily apparent within the regulations and statutes. This proposed requirement will create some cost for applicants in that they

will spend time answering questions that they could have used productively in other activities. Those applicants who would have read the regulations and statutes carefully without this proposed requirement incur a smaller new cost than do the applicants who would not have read the documents carefully. The proposed requirement will likely result in greater awareness of the details of state rules and requirements by licensees and certificate holders. Greater awareness of the details within the regulations and statutes will most likely create some degree of greater compliance with those rules and requirements.

Individuals without extensive experience reading the law may have difficulty interpreting regulations and statutes. Making sense of laws and regulations takes significant time and effort for even experienced readers. In fact, the department is in a much better position to interpret the requirements of law and regulation than are most licensees. Rather than just providing applicants with access to the regulations and pertinent statutes, the department could improve the likelihood that applicants will understand the legal requirements associated with their profession by providing summaries of those requirements in laymen's terms. If done well, this would help accomplish the intended goal of testing applicants on the stated requirements within the regulations and statutes; i.e., increased knowledge by the regulated professionals upon the legal requirements of their profession. In addition to improving understanding, such a department effort would save an indeterminate amount of time, effort, and possibly frustration on the part of licensees.

Required time frames for submissions

Under the current regulations, licensure and certification applicants who need to take and pass the architecture, landscape architecture, principles and practice of engineering, or principles and practice of land surveying exam, must submit their application at least 120 days prior to the scheduled exam date. In practice, the department posts specific application due dates (which are 120 days before the exam dates) on their website. Thus far the department has been able to process applications within 120 days. It is concerned though, that at current staffing levels it may not be able to meet the processing workload within 120 days if there is significant growth in the number of applications. The board proposes to amend the 120-day figure to 130 days so that the department will have sufficient time to process applications at times of high demand. The department does intend to keep posting due dates of 120 days prior to the exam date for as long as demand stays at a level that can be handled within 120 days.

As long as the department continues to post application due dates of 120 days prior to the examination the proposed amendment will have no effect. If the department does post an application due date that is 130 days prior to examination, most applicants will likely be able to comply with little or no additional cost. For a small number of applicants the greater required number of days in advance that the completed applications must be completed may cause a delay in when they can take their required examination and earn licensure or certification. The landscape architecture, principles and practice of engineering, and principles and practice of land surveying examinations are offered twice a year. Thus, a

¹ Source: Department of Professional and Occupational Regulation

² Source: Department of Professional and Occupational Regulation

small number of landscape architects, professional engineers, and land surveyors who would have submitted their completed application 120 days ahead of exam time, but are unable³ to submit their application 130 days ahead of time, may have to wait about six additional months to become certified or licensed. The architecture exam is offered six days a week year round. Thus for architecture license applicants, the extra 10 days could delay their licensure by 10 or 11 days. Hiring additional staff to handle peak times would be costly. Expenditures would need to be made for training as well as wages. It is not known how many individuals would have their licensure or certification delayed due to earlier application due dates, but it is likely to be quite small. Estimates for how many individuals would have their licensure or certification delayed would be needed to determine whether the proposed cumulative costs of those delays would exceed the costs of hiring and training additional staff for the department. Data for such estimates are not currently available.

The current regulations require that responsible persons for registered professional corporations, registered professional limited liability companies, and other registered business entities notify the board in writing of any changes in their employment status within 10 days of such change. The board proposes to allow responsible persons up to 30 days for notification. At times of change in employment status individuals may find it particularly difficult to find the time (and to remember) to send written notifications to the board. This proposed amendment makes compliance easier. Since the board determined notification within 30 days is sufficient for its purposes, this proposed change produces a net benefit.

Electronic seals and signatures

Under the current regulations, in order for licensees and certificate holders to use an electronic seal, signature, and date, in lieu of an original seal signature, and date, the electronic information must be:

Linked to the document file in such a manner that changes are readily determined and visually displayed if any data contained in the document file was changed subsequent to the electronic seal, signature and date giving been affixed to the document; and changes to the document after affixing the electronic seal, signature and date shall cause the electronic seal, signature and date to be removed or altered in such a way as to invalidate the electronic seal, signature and date.

The board proposes to eliminate these requirements. It has determined: (i) that the requirements are not met by any software that is currently commercially available, and (ii) that electronic seals, signatures, and dates do not produce greater risk of fraud than do paper seals, signatures, and dates. Eliminating these requirements will make the use of electronic seals, signatures, and dates feasible for licensees and certificate holders. Using electronic seals, signatures, and dates can at times significantly reduce the cost of doing business since electronic information can be delivered close to instantaneously and at very little marginal cost, while sending paper documents can take days and cost more in

delivery charges. Applicable electronic encryption software is also readily available. To the extent that the risk of fraud is not increased, this proposed amendment will produce net benefits.

Businesses and entities affected. The proposed regulations affect the 33,100⁴ architects, professional engineers, land surveyors, interior designers, landscape architects, and associated businesses that are licensed, certified, or registered in Virginia, as well as their clients.

Localities particularly affected. The proposed regulations affect localities throughout the Commonwealth.

Projected impact on employment. The proposal to repeal the requirement that applicants for architect licensure be enrolled in NCARB IDP for at least one year prior to submitting an application for original licensure will permit affected individuals to begin their practice as licensed architects up to one year sooner. The proposal to require license and certification applicants to submit their completed applications 130 days prior to examination can delay when applicants become licensed or certified.

Effects on the use and value of private property. The repeal of the requirement that applicants for architect licensure be enrolled in the National Council of Architectural Registration Board's (NCARB) Intern Development Program (IDP) for at least one year prior to submitting an application for original licensure will allow affect individuals work as licensed architects up to one year sooner. This will allow those professionals to potentially earn greater income and increase the value of their practices commensurately.

The proposed elimination of specified requirements for the use of electronic seals, signatures, and dates will likely lead to increased use of electronic seals, signatures, and dates. This has the potential to reduce the costs of doing business for firms, and consequently raising their value commensurately.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: Generally concur. While we concur with the approval, we do not concur with the suggestion to provide summaries of the board's regulations and statutes in laymen's terms as the board strives to have clearly written and understandable regulations and the board's regulants have a duty to be aware of, and comply with, the board's regulations and statutes - not summaries of the board's regulations and statutes.

Summary:

The proposed amendments (i) repeal the requirement that applicants for architect licensure be enrolled in the National Council of Architectural Registration Board's (NCARB) Intern Development Program (IDP) for at least one year prior to submitting an application for original licensure; (ii) require that applicants for any of the board's licenses or certifications demonstrate that they are aware of relevant regulatory and statutory issues by providing answers to questions in their application package; (iii) change the required number of days prior to the architecture, landscape

³ or consider it too costly

⁴ Source: Department of Professional and Occupational Regulation

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architecture, principles and practice of engineering, and principles and practice of land surveying exams that applicants must submit full applications from 120 days to 130 days; (iv) require that responsible persons for registered professional corporations, registered professional limited liability companies, and other registered business entities notify the board in writing of any changes in their employment status within 30 days of such change; (v) eliminate certain requirements when using electronic seals and signatures; and (vi) make numerous changes for clarification.

CHAPTER 20.
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS RULES AND
REGULATIONS

18 VAC 10-20-10. Definitions.

~~As used in this chapter, unless the context requires a different meaning:~~

Section 54.1-400 of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

Architect

Board

Certified interior designer

Certified landscape architect

Interior design by a certified interior designer

Land surveyor

Practice of architecture

Practice of engineering

Practice of land surveying

Practice of landscape architecture

Professional engineer

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them except where the context clearly indicates or requires different meanings:

"Application" means a completed application with the appropriate fee and any other required documentation, including, but not limited to, references, employment verification, degree verification, and verification of examination and licensure or certification.

~~"Board" means the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.~~

"Certified" means an individual holding a valid certification issued by the board that has not been suspended, revoked, or surrendered, and is currently registered with the board to practice in the Commonwealth in accordance with § 54.1-405 or 54.1-414 of the Code of Virginia.

"Comity" means the recognition of licenses or certificates issued by other states, the District of Columbia, or any territory or possession of the United States as permitted by § 54.1-103 C of the Code of Virginia.

"Department" means the Department of Professional and Occupational Regulation.

"Direct control and personal supervision" shall be that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his supervision and words and phrases of similar import mean that the professional shall have control over the decisions on technical matters of policy and design, and exercises his professional judgment in all professional matters that are embodied in the work and the drawings, specifications, or other documents involved in the work; and the professional has exercised critical examination and evaluation of an employee's, consultant's, subcontractor's, or project team members' work product, during and after preparation, for purposes of compliance with applicable laws, codes, ordinances, regulations and usual and customary standards of care pertaining to professional practice. Further, it is that degree of control a professional is required to maintain over decisions made personally or by others over which the professional exercises direct control and personal supervision. "Direct control and personal supervision" also includes the following:

1. The degree of control necessary for a professional to be in direct control and personal supervision shall be such that the professional:

a. Personally makes professional decisions or reviews and approves proposed decisions prior to their implementation, including the consideration of alternatives, whenever professional decisions that could affect the health, safety, and welfare of the public are made; and

b. Determines the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.

2. Professional decisions that must be made by and are the responsibility of the professional in direct control and personal supervision are those decisions concerning permanent or temporary work that could affect the health, safety, and welfare of the public, and may include, but are not limited to, the following:

a. The selection of alternatives to be investigated and the comparison of alternatives for designed work; and

b. The selection or development of design standards and materials to be used.

3. A professional shall be able to clearly define the scope and degree of direct control and personal supervision and how it was exercised and to demonstrate that the professional was answerable within said scope and degree of direct control and personal supervision necessary for the work for which the professional has signed and sealed; and

4. No sole proprietorship, partnership, corporation, limited liability company, joint venture, professional corporation, professional limited liability corporation, or other entity shall practice, or offer to practice, any profession regulated under this chapter unless there is a resident professional for that service providing direct control and personal supervision of

such service in each separate office in which such service is performed or offered to be performed.

"Good moral character" shall include, but shall not be limited to, compliance with the standards of practice and conduct as set forth in this chapter. may be established if the applicant or regulant:

1. Has not been convicted of a felony or misdemeanor that has a reasonable relationship to the functions of the employment or category for which the license or certification is sought;
2. Has not, within 10 years of application for licensure, certification, or registration, committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, negligence, or incompetence reasonably related to the applicant's proposed area of practice;
3. Has not engaged in fraud or misrepresentation in connection with the application for licensure, certification, or registration, or related examination;
4. Has not had a license, certification or registration revoked or suspended for cause by this state or by any other jurisdiction, or surrendered a license, certificate, or registration in lieu of disciplinary action;
5. Has not practiced without the required license, registration, or certification in this state or in another jurisdiction within the five years immediately preceding the filing of the application for licensure, certification, or registration by this Commonwealth; or
6. Has not, within 10 years of application for licensure, certification, or registration, committed an act that would constitute unprofessional conduct, as set forth in Part XII of this chapter.

"Landscape architect" means an individual who has been certified as a landscape architect pursuant to the provisions of this chapter and is in good standing with the board to practice in the Commonwealth in accordance with § 54.1-409 of the Code of Virginia.

"Licensed" means an individual who holds a valid license issued by the board, which that has not been suspended, or revoked, or surrendered and who is currently registered with the board to practice in the Commonwealth in accordance with § 54.1-405 of the Code of Virginia.

"Place of business" means any location which offers to practice or practices through licensed or certified professionals the services of architecture, engineering, land surveying, certified landscape architecture and or certified interior design, or any combination thereof. A temporary field office set up established and utilized for project specific services is the duration of a specific project shall not qualify as a place of business under this chapter.

"Profession" means the practice of architecture, engineering, land surveying, certified landscape architecture, or certified interior design.

"Professional" means an architect, professional engineer, land surveyor, landscape architect or certified interior designer who

is licensed or certified, as appropriate, pursuant to the provisions of this chapter and is in good standing with the board to practice his profession in this Commonwealth.

"Registrant" means a business currently registered with the board to offer or provide one or more of the professions regulated by the board.

"Regulant" means a licensee, certificate holder or registrant.

"Resident" means a professional who is physically present in said place of business a majority of the operating hours of the place of business.

~~"Responsible charge" means there shall be a professional in direct control and exercising personal supervision of each professional service offered or practiced. Direct control and personal supervision requires more than reviewing the work prepared by another person.~~

"Responsible person" means the individual named by the entity to be responsible and have control of the regulated services offered, or rendered, or both, by the entity.

18 VAC 10-20-15. Board organization.

The board's organization shall be consistent with applicable provisions of the Code of Virginia. The board may have the following sections: Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects. Each section may meet as necessary.

18 VAC 10-20-17. Replacement of wall certificate.

Any licensee or certificate holder may obtain a replacement for a lost, destroyed, or damaged wall certificate upon submission of a \$20 fee accompanied by a written request indicating that the certificate was lost, destroyed, or damaged.

18 VAC 10-20-20. General application requirements.

A. All applicants must be of good moral character.

B. 1. ~~Except as otherwise provided in subdivisions 2 and 3 of this subsection, a fully documented applications with the noted exception in subdivision 2 of this subsection application shall be submitted by applicants seeking consideration for licensure, certification or registration with the appropriate fee(s) (check or money order only made payable to the Treasurer of Virginia) to be received in the board's office no later than 420 130 days prior to the scheduled examination. The date the completely fully documented application and fee are is received in the board's office shall determine if an application has been received by the deadline set by the board. All applications should shall be completed according to in accordance with the instructions contained herein and on the application. Applications are will not be considered complete until all required documents, including but not limited to references, employment verifications and verification of registration are received by the board. All applications, accompanying materials and references are become the property of the board upon receipt by the board.~~

2. Applicants for the Fundamentals of Engineering examination enrolled in an ABET accredited curriculum who are within 12 months of completion of degree requirements applying pursuant to subdivision 1 of 18 VAC 10-20-190

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may submit applications to be received in the board's office no later than 60 days prior to the scheduled examination.

3. *Applicants for the Fundamentals of Land Surveying examination who are applying pursuant to subdivision 1 of 18 VAC 10-20-300 may submit applications to be received in the board's office no later than 60 days prior to the scheduled examination.*

4. *Applicants for the National Council of Interior Design Qualification (NCIDQ) examination shall apply directly to NCIDQ for the examination.*

C. Applicants shall meet applicable entry requirements at the time application is made.

D. Applicants who have been found ineligible for any reason may request further consideration by submitting in writing evidence of additional qualifications, training or experience. No additional fee will be required provided the requirements for licensure, certification or registration are met within a period of three years from the date the original application is received by the board. After such period, a new application shall be required.

E. The board may make further inquiries and investigations with respect to the qualifications of ~~the~~ an applicant and all ~~references, etc.,~~ documentation and information to confirm or amplify information supplied. The board may also require a personal interview with ~~the~~ an applicant.

F. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

G. Applicants shall be held to the ~~same~~ standards of practice and conduct as set forth in this chapter.

18 VAC 10-20-25. References.

In addition to the requirements found in 18 VAC 10-20-130 and 18 VAC 10-20-220, as applicable, references that are submitted as part of an application must comply with the following:

- 1. Written references shall be no more than one year old at the time the application is received by the board;*
- 2. Individuals who provide references may not also verify experience; and*
- 3. The individual providing the reference must have known the applicant for at least one year.*

18 VAC 10-20-30. Determining qualifications of applicants. (Repealed.)

~~In determining the qualifications of an applicant for a license or certificate, a majority vote of only the members of the profession involved shall be required.~~

18 VAC 10-20-35. Experience.

All experience or training requirements contained in this chapter are based on the applicant working at least a

minimum of 35 hours per week. All applications will be evaluated against the experience or training requirements based on evaluated by this standard. Any experience gained at a rate of less than 35 hours per week may be prorated in the sole discretion of the board.

18 VAC 10-20-40. Good standing of ~~emity~~ applicants.

A. An applicant licensed, certified, or registered to practice architecture, engineering, land surveying, landscape architecture, or interior design in another jurisdiction shall be in good standing in every jurisdiction where licensed, certified, or registered, and shall not have had a license, certificate, or registration suspended, revoked, or surrendered in connection with a disciplinary action or ~~who has~~ been the subject of discipline in another jurisdiction ~~prior to applying for licensure, certification or registration in Virginia.~~ *An applicant who was formerly licensed, certified, or registered to practice architecture, engineering, land surveying, landscape architecture, or interior design in another jurisdiction shall not have had a license, certificate, or registration suspended, revoked, or surrendered in connection with a disciplinary action or have been the subject of discipline in another jurisdiction.*

B. *Applicants who do not meet the requirements of subsection A of this section may be approved following consideration by the board in accordance with the provisions of Administrative Process Act of the Code of Virginia.*

18 VAC 10-20-50. Transfer of scores to other boards.

The board, in its discretion and upon proper application, may forward the grades achieved by an applicant in the various examinations given under the board's jurisdiction to any other duly constituted registration board for use in evaluating such applicant's eligibility for registration within such board's jurisdiction or evaluation of such applicant's national certification. ~~The~~ *An applicant requesting transfer of his score to another registration board shall state his reason for requesting transfer and such transfer shall terminate the applicant's application pending before the board in writing.*

18 VAC 10-20-55. Language and comprehension.

Every applicant applying for licensure or certification shall be able to speak and write English to the satisfaction of the board. ~~Applicants from a non-English speaking country or a country wherein the primary language is other than English, who have not graduated from a college or university in the United States, whose primary language is not English or who have not graduated from a college or university in which English is the language of instruction, including, but not limited to, those born in a non-English speaking country, shall submit to the board a Test of English as a Foreign Language (TOEFL (Test of English as a Foreign Language) score report that reflects a score acceptable to the board, and a TSE (Test of Spoken English (TSE) score report that reflects a score acceptable to the board. Score reports shall not be over two years old at the time of application and, to support the application, must reflect a score acceptable to the board.~~

18 VAC 10-20-60. Replacement of wall certificate. (Repealed.)

~~Any licensee or certificate holder may obtain a replacement for a lost, destroyed, or damaged wall certificate only upon submission of a \$25 fee accompanied by a written request indicating that the certificate was lost, destroyed, or damaged.~~

18 VAC 10-20-70. Modifications to examination administration.

The board and the department of ~~Professional and Occupational Regulation~~ support and fully comply with the provisions of the Americans with Disabilities Act (ADA), 42 USC § 12101 et seq. Contracts between the board, department, and the vendors for examinations contain the necessary provisions for compliance with the ADA. Requests for accommodations must be in writing and received by the board within a reasonable time before the examination. The board may require a report from a medical ~~professionals~~ *professional* along with supporting data confirming the nature and extent of the disability. It is the responsibility of the applicant to provide the required information in a timely manner and the costs for providing such information are the responsibility of the applicant. The board ~~shall~~ *will* determine, *consistent with applicable law*, what, if any, accommodations will be made.

18 VAC 10-20-75. Conduct at examination.

Examinees will be given specific instructions as to the conduct of each division of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in *removal from the examination site*, voided examination scores, or *both*.

18 VAC 10-20-80. Dishonored checks. (Repealed.)

~~In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge specified in the regulations.~~

18 VAC 10-20-85. Examination on regulations.

All applicants for licensure or certification must achieve a passing score on a board-supplied examination pertaining to the board's regulations and relevant statutes. The examination will be provided as part of the application.

18 VAC 10-20-90. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$75
Renewal	\$55
Dishonored checks	\$25

18 VAC 10-20-110. Education.

A. All applicants for original licensure shall hold a professional degree in architecture ~~where the degree from a program has been~~ accredited by the National Architectural Accrediting

Board (NAAB) not later than two years after *the applicant's graduation from said program*.

B. Foreign degrees must be evaluated for equivalency to a NAAB-accredited degree. The board reserves the right to reject, for good cause, any evaluation submitted. Any cost of translation and evaluation ~~will~~ *shall* be borne by the applicant.

18 VAC 10-20-120. Experience.

A. The successful completion of the *National Council of Architectural Registration Boards* (NCARB) Intern Development Program (NCARB-IDP) shall be required of all applicants for original licensure. ~~An applicant shall be enrolled in NCARB-IDP for a period of one year or more prior to submitting an application for original licensure in Virginia. IDP training requirements shall be in accordance with the National Council of Architectural Registration Boards' NCARB's Handbook for Interns and Architects, 2001-2002 Edition.~~

B. All applicants must have a minimum of 36 months experience/training prior to submitting an application for examination. Any experience/training of less than 10 consecutive weeks will not be considered in satisfying this requirement.

C. All applicants must have a minimum of 12 months experience/training in architecture as an employee in the office of a licensed architect prior to submitting an application for examination. An organization will be considered to be an office of a licensed architect if:

1. The architectural practice of the organization in which the applicant works is under the charge of a person practicing as a principal, where a principal is a licensed architect in charge of an organization's architectural practice either alone or with other licensed architects, and the applicant works under the direct supervision of a licensed architect; and

2. The practice of the organization encompasses the comprehensive practice of architecture, including the categories set forth in the NCARB IDP requirements.

18 VAC 10-20-130. References.

Eligibility for licensure is determined in part by the applicant's demonstrated competence and integrity to engage in the practice of architecture. Applicants shall submit three references with the application, all of whom are licensed architects in a jurisdiction or territory of the United States or a province of Canada. *In addition to the requirements found in 18 VAC 10-20-25*, these professionals shall have personal knowledge of the applicant's architectural experience ~~and have known the applicant for at least one year. References shall be current for one year. Individuals who provide references may not also verify experience/training.~~

18 VAC 10-20-140. Examination.

A. All applicants for original licensure in Virginia are required to pass an NCARB-prepared examination after meeting the education and experience/training requirements as provided in this chapter. *Provided all other requirements are met, a license*

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as an architect will be issued upon passing the NCARB examination.

B. The Virginia board is a member board of the ~~National Council of Architectural Registration Boards (NCARB)~~ and as such is authorized to make available the NCARB-prepared examination.

C. Grading of the examination shall be in accordance with the national grading procedure administered by NCARB. The board shall utilize the scoring procedures recommended by NCARB.

D. The NCARB-prepared examination will be offered at least once a year at a time designated by the board.

E. The board may approve transfer credits for parts of the NCARB-prepared examination taken in accordance with national standards.

F. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee. Applicants not properly registered ~~shall~~ will not be allowed into the examination site.

G. Applicants approved to sit for the examination shall follow NCARB procedures.

H. Examinees will be ~~advised only~~ notified by the board of passing or failing the examination. ~~Only the board and its staff shall have access to documentation.~~

I. Should an applicant ~~not fail to~~ pass the NCARB-prepared examination within three years after being approved ~~to sit for the examination~~, the applicant must reapply. If the applicant has not been taking the examination on a continuous basis during the three-year eligibility period, ~~and the applicant does not or fails to~~ reapply within six months ~~of after~~ the end of his ~~the~~ three-year eligibility period, ~~or both~~, then the applicant shall meet the entry requirements current at the time of reapplication.

18 VAC 10-20-150. License Licensure by comity.

A. Any person who is or has been licensed in another state, jurisdiction, *possession* or territory of the United States, or a province of Canada, may be granted a license provided that:

1. The applicant meets all the requirements for licensing in Virginia that were in effect at the time of the original licensure or *the applicant* possesses an NCARB certificate; and
2. The applicant holds a ~~currently~~ an active valid license in good standing in another state, jurisdiction, *possession* or territory of the United States, or a province of Canada.

If the applicant does not possess an NCARB certificate, or does not meet the requirements for licensure in Virginia that were in effect at the time of original licensure, the applicant shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office.

B. Applicants licensed in foreign countries other than Canada may be granted a license in Virginia based on an NCARB certificate.

18 VAC 10-20-160. Definitions.

The following definitions ~~shall apply in the regulations relating to the licensing of professional engineers~~ words, terms, and phrases when used in this part shall have the meanings ascribed to them ~~except where the context clearly indicates or requires different meanings~~:

"ABET" means the Accreditation Board for Engineering and Technology.

"Approved engineering curriculum" means an undergraduate engineering curriculum of four years or more, or a graduate engineering curriculum, approved by the board. ABET-approved engineering curricula are approved by the board. Curricula that are accredited by ABET not later than two years after an applicant's graduation shall be deemed as ABET approved.

~~"Approved engineering experience" means a specific record of acceptable professional experience which the board, in its discretion, judges to be pertinent in acquiring engineering skills, on engineering projects of a grade and character indicating that the applicant may be competent to practice engineering.~~

"Approved engineering technology curriculum" means an *undergraduate* engineering technology curriculum of four years or more approved by the board. ABET-approved engineering technology curricula of four years or more are approved by the board. Curricula that are accredited by ABET not later than two years after an applicant's graduation shall be deemed as ABET approved.

~~"Engineering examination" means an NCEES examination in the Fundamentals of Engineering and an NCEES examination in the Principles and Practice of Engineering where required.~~

"Engineer-in-training (EIT)" means an applicant who has completed any one of several combinations of education, or education and experience, and *has* passed the Fundamentals of Engineering examination.

"Related science curriculum" includes, but is not limited to, a four-year curriculum in biology, chemistry, geology, geophysics, mathematics, physics, or other curriculum approved by the board.

~~"Qualifying engineering experience" means a specific record of engineering experience which the board, in its discretion, judges to be pertinent in acquiring engineering skills, on engineering projects of a grade and character indicating that the applicant may be competent to practice engineering~~ *progressive experience on engineering work during which the applicant has made a practical utilization of acquired knowledge and has demonstrated progressive improvement, growth, and development through the utilization of that knowledge as revealed in the complexity and technical detail of the applicant's work product or work record. The applicant must show progressive assumption of greater individual responsibility for the work product over the relevant period. The progressive experience on engineering work shall be of a grade and character that indicates to the board that the applicant is minimally competent to practice engineering. Qualifying engineering experience shall be progressive in complexity and*

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based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design.

Comity \$60
 FE/PE out-of-state proctor \$100
 Dishonored check \$25

18 VAC 10-20-170. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Fundamentals of Engineering Application \$30
 Principles of Engineering Application \$60
 Renewal \$80

18 VAC 10-20-190. Requirements for the Fundamentals of Engineering (FE) exam.

In order to be approved to sit for the FE examination, an applicant must satisfy one of the following:

EDUCATIONAL REQUIREMENTS	NUMBER OF REQUIRED YEARS OF PROGRESSIVE, QUALIFYING ENGINEERING EXPERIENCE
1. (i) Enrolled in an ABET-accredited undergraduate curriculum and within 12 months of completion of degree requirements- or (ii) enrolled in an ABET-accredited graduate master's or doctorate curriculum, or enrolled in a graduate curriculum that is ABET accredited at the undergraduate level at the institution at which the graduate degree is being sought, and within six months of completion of graduate degree requirements. <i>In order to be considered pursuant to clause (i) or (ii) of this subdivision, all applications must be accompanied by a certificate of good standing from the dean of the engineering school.</i>	0
2. Graduated from an approved engineering or an approved engineering technology curriculum.	0
3. Obtained an undergraduate engineering degree of four years or more from an institution in a curriculum without ABET accreditation and obtained a graduate-level master's or doctorate engineering degree from an institution in a curriculum that is ABET accredited at the undergraduate level.	0
4. Graduated from a nonapproved engineering curriculum or <i>from a related science curriculum of four years or more.</i>	2
5. Graduated from a nonapproved engineering technology curriculum or not graduated from an engineering or related science curriculum of four years or more <i>Not meeting any of the above requirements, but who, in the judgment of the board, has obtained the equivalent of such graduation education by documented academic course work that meets the requirements of ABET accreditation for the baccalaureate engineering technology curricula.</i>	6

18 VAC 10-20-200. Requirements for engineer-in-training (EIT) designation.

An applicant who is qualified to sit for the FE examination under subdivision 1 of 18 VAC 10-20-190 must provide verification of his degree prior to receiving the EIT designation. All other applicants who qualify to sit for the FE examination under subdivisions 2 through 5 of 18 VAC 10-20-190 will receive the EIT designation upon achieving a passing examination score *as established by the National*

Council of Examiners for Engineering and Surveying (NCEES). The EIT designation will remain valid indefinitely.

18 VAC 10-20-210. Requirements for the Principles of Engineering (PE) examination.

In order to be approved to sit for the PE examination, an applicant must satisfy one of the following:

EDUCATIONAL REQUIREMENTS	EIT REQUIRED?	NUMBER OF REQUIRED YEARS OF PROGRESSIVE, QUALIFYING ENGINEERING EXPERIENCE
1. Graduated from an approved engineering curriculum of four years or more.	YES	4
2. Awarded both Graduated from an ABET-accredited undergraduate engineering degree curriculum and awarded a doctorate degree in engineering from an engineering curriculum which is ABET-accredited at the undergraduate level.	NO	4
3. Graduated from a nonapproved engineering curriculum <i>of four years or more, a related science curriculum, or an approved engineering technology curriculum, all of which shall be four years or more.</i>	YES	6

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4. Graduated from a nonapproved engineering technology curriculum of four years or more; or without graduation from an engineering or related science curriculum of four years or more but who, in the judgment of the board, has obtained the equivalent of such graduation by documented academic course work that meets the requirements of ABET accreditation for the engineering technology curricula.	YES	10
5. Not meeting any of the above requirements, but who, in the judgment of the board, has obtained the equivalent of such education by documented academic course work that meets that requirements of ABET accreditation for the baccalaureate engineering technology curricula.	YES	10
5- 6. Graduated from an engineering, engineering technology, or related science curriculum of four years or more.	NO	20

18 VAC 10-20-215. Requirements for the PE license.

In order to obtain the Professional Engineer license, an applicant must satisfy the requirements of at least one subsection of 18 VAC 10-20-210 and pass the PE examination. An applicant will receive his license to practice *engineering* upon achieving a passing examination score as established by NCEES.

18 VAC 10-20-220. References.

In addition to the requirements found in 18 VAC 10-20-25:

A. ~~References for Fundamentals of Engineering examination.~~

1. Applicants for the Fundamentals of Engineering examination only shall provide one reference from a professional engineer, or from the dean of the engineering school or a departmental professor in the school attended by the applicant, or an immediate work supervisor. ~~Any reference provided shall be from a person who has known the applicant for at least one year. Individuals who provide references may not also verify qualifying experience. References shall be no more than one year old at the time the application is received.~~

B. ~~References for Principles and Practice of Engineering examination.~~

2. Applicants for the Principles and Practice of Engineering examination must indicate competence and integrity to engage in the engineering profession by submitting three references from professional engineers licensed in a state or , territory, or possession of the United States each having personal knowledge of the applicant's engineering experience ~~and having known the applicant for at least one year. References shall be no more than one year old at the time the application is received. Individuals who provide references may not also verify qualifying experience.~~

C. ~~References for comity applicants.~~

3. Applicants for comity ~~shall submit~~ *must indicate competence and integrity to engage in the engineering profession by submitting* three references ~~with the application, all of whom are licensed~~ from professional engineers *licensed* in a jurisdiction ~~or state, territory, or possession of the United States. These professionals shall have~~ ,each having personal knowledge of the applicant's engineering experience ~~and have known the applicant for at least one year. Individuals who provide references may~~

~~not also verify qualifying experience. References shall be no more than one year old at the time the application is received.~~

18 VAC 10-20-230. Education.

Any applicant who has earned a degree from an institution outside the United States shall have the degree *authenticated and* evaluated by an educational credential evaluation service or by ABET if credit for such education is sought, unless the applicant *has also* earned an equivalent or higher level engineering degree from a United States institution where the program has been accredited by ABET. The board reserves the right to reject, for good cause, any evaluation submitted by the applicant.

18 VAC 10-20-240. Experience.

~~Qualifying engineering experience shall be progressive in complexity and based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design, provided:~~

1. In general, ~~experience in sales, drafting, estimating, field surveying, nonengineering military service, and inspection are considered nonqualifying;~~

Applicants shall submit a written narrative or narratives, on the board provided application form, documenting all of the applicant's engineering experience. Such narrative or narratives shall: clearly describe the engineering work that the applicant personally performed; delineate the role of the applicant in any group engineering activity; provide an overall description of the nature and scope of work; and include a detailed description of the engineering work personally performed by the applicant. Experience in claims consulting, drafting, estimating, and field surveying are considered nonqualifying.

In general, the required experience shall be applied as follows:

1. *Construction experience, in order to be qualifying, must include a demonstrated use of engineering computation and problem-solving skills. The mere execution as a contractor of work designed by others, the supervision of construction, and similar nonengineering tasks will not be considered qualifying experience.*
2. *Military experience, in order to be qualifying must have been spent in engineering work and must be of a character substantially equivalent to that required in the civilian sector*

for like work. Nonengineering military training and supervision will not be considered qualifying experience.

3. Sales experience, in order to be qualifying, must include a demonstrated use of engineering computational and problem-solving skills. The mere selection of data or equipment from a company catalogue or similar publication or database will not be considered qualifying experience.

4. Industrial experience, in order to be qualifying, should be directed toward the identification and solution of practice problems in the applicant's area of engineering specialization. This experience should include engineering analysis of existing systems or the design of new ones.

2- 5. Engineering experience gained by successfully completing a graduate engineering study degree or by engineering teaching as an instructor or higher in an institution approved by the board may be deemed qualifying engineering experience;

a. Successful completion of a master's or doctorate degree in an engineering curriculum may be accepted as one year of equivalent engineering experience credit.

b. For teaching experience to be considered by the board, the applicant must have taught in an engineering curriculum approved by the board and must have been employed in the grade of instructor or higher.

3- 6. Engineering experience gained during a board-approved co-op program may be deemed qualifying engineering experience to a maximum of one year of credit;

4- 7. The board, in its sole discretion, may permit partial credit, not to exceed 1/2 of that required, for approved qualifying engineering experience obtained prior to graduation from an engineering curriculum.

18 VAC 10-20-260. Examinations.

A. The Virginia board is a member board of the ~~National Council of Examiners for Engineering and Surveying (NCEES)~~ and as such is authorized to administer the NCEES examinations.

B. The Fundamentals of Engineering examination consists of a ~~an~~ NCEES exam on the fundamentals of engineering ~~and is given at times designated by the board.~~

C. The Principles and Practice of Engineering examination consists of a ~~an~~ NCEES exam on applied engineering ~~and is given at times designated by the board.~~

D. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office, *or by the board's designee*, at a time designated by the board. Applicants not properly registered ~~shall~~ will not be allowed into the examination site.

E. A candidate eligible for admission to both parts of the examination must first successfully complete the fundamentals of engineering examination before being admitted to the principles and practice of engineering examination.

~~F. Grading of the examinations shall be in accordance with national grading procedures established by NCEES.~~

~~Each part of the written examination will have a value of 100. A passing score shall be 70 and above. Candidates will be notified of passing or failing and their actual scores.~~

~~G. F.~~ Should an applicant ~~not~~ fail to pass an examination within three years after being approved to sit for an examination, the applicant must reapply and meet all current entry requirements *at the time of reapplication*.

~~H. G.~~ The examination may not be reviewed by the candidates. Examination scores are final and are not subject to change.

18 VAC 10-20-270. License Licensure by comity.

A person *in good standing and* holding a *valid* license to engage in the practice of engineering, ~~issued to the applicant by other states in another state~~, the District of Columbia, or any territory or possession of the United States ~~based on requirements that do not conflict with and are at least as rigorous as these regulations and supporting statutes of this board that were in effect at the time of original licensure~~, may be licensed ~~without further examination~~, *provided the applicant submits verifiable documentation to the board that the education, experience, and examination requirements by which the applicant was first licensed in the original jurisdiction were substantially equivalent to those existing in Virginia at the time of the applicant's original licensure*. No person shall be so licensed, however, who has not passed an examination in another jurisdiction ~~which that was~~ substantially equivalent to that approved by the board ~~at that the time of the applicant's original licensure~~. If the applicant does not meet the requirements for licensure in Virginia that were in effect at the time of original licensure, the applicant shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office.

18 VAC 10-20-280. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application for Fundamentals of <i>Land Surveying</i>	\$60
Application for Principles and Practice of <i>Land Surveying</i>	\$90
Application for Land Surveyor B	\$90
Renewal	\$90
Comity	\$90
Out-of-state proctor	\$100
Dishonored check	\$25

18 VAC 10-20-295. Definitions.

"Approved land surveying experience" means ~~diversified training in land surveying under the supervision and direction of a licensed land surveyor or under the supervision and direction of an individual authorized by statute to practice land surveying. This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative and professional skill in the office and field and written verification of such work experience shall be on forms provided by the board. Experience may be gained either prior to or after education is obtained a record of progressive experience under the direct control and personal supervision of~~

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a licensed land surveyor, or an individual authorized by statute to practice land surveying, on land surveying work during which the applicant has made practical utilization of acquired knowledge and has demonstrated continuous improvement, growth, and development through the utilization of that knowledge as revealed in the complexity and technical detail of the applicant's work product or work record. The applicant must show continuous assumption of greater individual responsibility for the work product over the relevant period. The progressive experience on land surveying work shall be of a grade and character that indicates to the board that the applicant is minimally competent to practice land surveying. Notwithstanding the definition of "approved land surveying experience," the requirements set forth in 18 VAC 10-20-310 shall not be waived.

18 VAC 10-20-300. Requirements for land surveyor-in-training (LSIT SIT) designation.

~~The education or experience, or both, and examination requirements for the LSIT designation are as follows:~~ In order to be approved to sit for the Fundamentals of Land Surveying examination (FLS), an applicant must satisfy the following:

1. An applicant who has graduated from, or is enrolled in, a ~~board-approved~~ surveying or surveying technology curriculum of four years or more approved by the board and is within 12 months of completion of degree requirements is ~~eligible for~~ shall be admitted to an examination in the Fundamentals of Land Surveying examination, provided the applicant is otherwise qualified. Upon passing such examination, and providing evidence of graduation, the applicant ~~will~~ shall receive the LSIT SIT designation, provided the applicant is otherwise qualified. For those applicants who are within 12 months of completion of degree requirements, their application must be accompanied by a certificate of good standing from the dean of the school;
2. An applicant who has graduated from a curriculum of ~~four years or more~~ related to surveying as of four years or more approved by the board and with a ~~specific record~~ minimum of one year of approved land surveying experience shall be admitted to an examination in the Fundamentals of Land Surveying, provided the applicant is otherwise qualified. Upon passing such examination, the applicant shall receive the LSIT SIT designation, provided the applicant is otherwise qualified;
3. An applicant who has earned at least a four-year bachelor's degree in a field unrelated to surveying approved by the board and with a ~~specific record~~ minimum of three years of approved land surveying experience that is ~~progressive in complexity~~. The applicant shall be admitted to an examination in the Fundamentals of Land Surveying, provided the applicant is otherwise qualified. Upon passing such examination, the applicant shall receive the LSIT SIT designation, provided the applicant is otherwise qualified;
4. An applicant who has graduated from a surveying curriculum of two years or more approved by the board with a ~~specific record~~ minimum of four years of approved land surveying experience that is ~~progressive in complexity~~ shall

be admitted to an examination in the Fundamentals of Land Surveying, provided the applicant is otherwise qualified. Upon passing such examination, the applicant shall receive the LSIT SIT designation, provided the applicant is otherwise qualified;

5. An applicant who has successfully completed a survey apprenticeship program approved by the board with ~~at least~~ a minimum of 480 hours of surveying-related classroom instruction with a ~~specific record~~ minimum of six years of approved land surveying experience that is ~~progressive in complexity~~ shall be admitted to an examination in the Fundamentals of Land Surveying, provided the applicant is otherwise qualified. Upon passing such examination, the applicant shall receive the LSIT SIT designation, provided the applicant is otherwise qualified; or

6. An applicant who has graduated from high school and who has evidence of successful completion of courses in algebra, geometry and trigonometry with a ~~specific record~~ minimum of eight years of approved land surveying experience that is ~~progressive in complexity~~ shall be admitted to an examination in the Fundamentals of Land Surveying, provided the applicant is otherwise qualified. Upon passing such examination, the applicant shall receive the LSIT SIT designation, provided the applicant is otherwise qualified.

7. Applicants who have accumulated college credits may apply credit hours approved by the board to help meet the experience requirement. A maximum of one year of experience credit will be given for each 40 semester hours approved college credit.

18 VAC 10-20-310. Requirements for a licensed land surveyor.

An LSIT SIT who, after meeting the requirements of 18 VAC 10-20-300, has a ~~specific record~~ minimum of four years of approved land surveying experience of which a minimum of ~~three years~~ experience has been progressive in complexity, and has been on land surveying projects under the direct control and personal supervision of a licensed land surveyor, shall be admitted to an examination in the Principles and Practice of Land Surveying and the Virginia state-specific examination, provided the applicant is otherwise qualified. Upon passing such examination, the applicant shall be granted a license to practice land surveying, provided the applicant is otherwise qualified.

18 VAC 10-20-320. Requirements for a licensed land surveyor B.

A. An applicant shall hold a valid license as a land surveyor and present satisfactory evidence of a minimum of two years of land surveying experience that is progressive in complexity in land surveyor B land surveying, as defined in § 54.1-408 of the Code of Virginia, under the direct control and personal supervision ~~and direction~~ of a licensed land surveyor B or professional engineer.

B. An applicant shall also present satisfactory evidence of having passed college-level courses in hydraulics acceptable to the board.

C. An applicant shall pass an examination as developed by the board. Upon passing such examination, the applicant shall be granted a license as a Land Surveyor B ~~if he is~~, *provided the applicant is otherwise qualified.*

18 VAC 10-20-330. Education.

Any applicant who has attended an institution ~~not located in~~ *outside of* the United States shall have his degree ~~authenticated and~~ *evaluated by an education evaluation service approved by the board* if credit for such education is sought. The board reserves the right to reject, for good cause, any evaluation submitted by the applicant. *Any cost of evaluation shall be borne by the applicant.*

18 VAC 10-20-340. Experience standards.

An applicant shall submit written verification from ~~each employment engagement that has been gained under the direct control and personal supervision of~~ a licensed land surveyor or an individual authorized by statute to practice land surveying ~~of work experience from each employment engagement utilized as land surveying experience on forms provided by the board to be considered by the board as approved land surveying experience.~~

18 VAC 10-20-350. Examinations; ~~grading; reexamination.~~

~~A. The examination for land surveying under § 54.1-400 of the Code of Virginia shall consist of two parts. Part I shall consist of the Fundamentals of Land Surveying. Part II shall consist of an examination in the Principles and Practice of Land Surveying and a Virginia state specific examination. These examinations shall be given semiannually at times designated by the board. The Fundamentals of Land Surveying examination consists of the National Council of Examiners for Engineering and Surveying (NCEES) examination on the fundamentals of land surveying.~~

~~B. The Principles and Practice of Land Surveying examination consists of an NCEES examination on applied land surveying and a Virginia state-specific examination.~~

~~B. C. The examination for land surveying under § 54.1-408 of the Code of Virginia (Land Surveyor B) shall be given at times designated by the board.~~

~~C. D. Unless otherwise stated, applicants approved to sit for an examination must register and submit the required examination fee to be received in the board office, or by the board's designee, at a time designated by the board. Applicants not properly registered shall will not be allowed into the examination site.~~

~~D. Candidates~~ *E. Applicants shall be notified by the board of passing or failing the examination but shall not be notified of actual scores. Only the board and its staff shall have access to examination papers, scores, and answer sheets. Examinations may not be reviewed.*

~~E. F. Should the applicant not fail to pass an examination within three years after being authorized to take the examination, the applicant must reapply and meet all current entry requirements at the time of reapplication.~~

18 VAC 10-20-360. Licensure by comity.

A person *in good standing and* holding a ~~current valid~~ license to engage in the practice of land surveying, ~~issued to the applicant by other states in another state,~~ the District of Columbia, or any territory or possession of the United States ~~based on requirements that do not conflict with and are at least as rigorous as these regulations and supporting statutes of this board that were in effect at the time of original licensure,~~ may be licensed ~~without further examination except for the Virginia state specific examination,~~ *provided the applicant submits verifiable documentation to the board that the education, experience, and examination requirements by which the applicant was first licensed in the original jurisdiction were substantially equivalent to those existing in Virginia at the time of the applicant's original licensure.* No person shall be so licensed, however, who has not passed an examination in another jurisdiction that was substantially equivalent to that approved by the board ~~at that the time of the applicant's original licensure.~~ If the applicant does not meet the requirements for licensure in Virginia that were in effect at the time of original licensure, the applicant shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office. All applicants shall be required to pass a written Virginia state-specific examination. The examination shall include questions on law, procedures and practices pertaining to land surveying in Virginia.

18 VAC 10-20-370. Minimum standards and procedures for land boundary surveying practice.

A. The minimum standards and procedures set forth in this section are to be used for land boundary surveys performed in the Commonwealth of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the land boundary survey is correct to the best of the professional's knowledge, information, and belief, and complies with the minimum standards and procedures *set forth in this chapter.*

B. Research procedure. The professional shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining ~~land~~ *land(s)* as it pertains to the common boundaries. The professional shall have the additional responsibility to utilize ~~any such~~ other available data pertinent to the survey being performed from any other ~~source that is known~~ *sources(s).* Evidence found, from all *known sources, including evidence found in the field,* shall be carefully compared ~~with that located and found in the field survey~~ in order to aid in the establishment of the correct boundaries of the land being surveyed. The professional shall clearly ~~note~~ *identify on the plats, maps, and reports* inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining ~~land~~ *land(s).* It is not the intent of this regulation to require the professional to research the question of title or encumbrances on the land involved.

C. Minimum field procedures.

1. Angular measurement. Angle measurements made for traverse or land boundary survey lines will be made by using a properly adjusted transit-type instrument which

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allows a direct reading to a minimum accuracy of 30 seconds of arc or metric equivalent. The number of angles turned at a given station or corner will be the number which, in the judgment of the professional, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

2. Linear measurement. Distance measurement for the lines of traverse or lines of the land boundary survey shall be made with metal tapes which have been checked and are properly calibrated as to incremental distances, or with properly calibrated electronic distance measuring equipment following instructions and procedures established by the manufacturer of such equipment. All linear measurements shall be reduced to the horizontal plane, and other necessary corrections *shall be* performed before using *such linear measurements* for computing purposes.

3. Field traverse and land boundary closure and accuracy standards. ~~a. For a land boundary survey located in a rural area, the maximum permissible error of closure for a field traverse in connection with a land boundary survey located in a rural area shall be one part in 10,000 (1/10,000). The attendant angular closure shall be that which will sustain the one part in 10,000 (1/10,000) maximum error of closure. For a land boundary survey located in an urban area, the maximum permissible error of closure for a traverse in connection with a land boundary survey located in an urban area shall be one part in 20,000 (1/20,000). The attendant angular closure shall be that which will sustain the one part in 20,000 (1/20,000) maximum error of closure.~~

~~b. The maximum permissible positional uncertainty based on the 95% confidence level of any independent boundary corner or independent point located on a boundary that has been established by utilizing global positioning systems will shall not exceed the positional tolerance of 0.07 feet (or 20 mm + 50 ppm).~~

4. Monumentation. As a requisite for completion of the work product, each land boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes of direction on the land boundary with the exceptions of meanders, such as meanders of streams, tidelands, lakes, swamps and prescriptive ~~road~~ rights-of-way; and each such monument, other than a natural monument, shall, when feasible, be identified by a temporary witness ~~stake (which may be wooden) marker~~. Where it is not feasible to set actual corners, appropriate reference monuments shall be set, preferably on line, and the location of each shall be shown on the plat or map of the land boundary.

All boundaries, both exterior and interior, of the original survey for any division or partition of land shall be monumented in accordance with the provisions of this subdivision, when such monumentation is not *otherwise* regulated by the provisions of a local subdivision ordinance.

5. *For land boundary surveys providing for a division when only the division, in lieu of the entire parcel, is being*

surveyed, any new corners established along existing property lines shall require that those existing property lines be established through their entire length. This shall include the recovery or reestablishment of the existing corners for each end of the existing property lines.

D. Office procedures.

1. Computations. The computation of field work data shall be accomplished by using the mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final land boundary of the land involved.

2. Plats and maps. The following information shall be shown on all plats or maps, or both, used to depict the results of the land boundary survey:

a. The title of the land boundary plat identifying the land surveyed and showing the district, *town*, and county or city in which the land is located and scale of drawing.

b. The name of *the* owner of record and deed book reference where the acquisition was recorded.

c. Names of all adjoining owners of record with deed book references, or subdivision lot designations.

d. The professional shall clearly note inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land(s).

~~e. Names of highways and roads with route number, and widths of right-of-way, or distance to the center of the physical pavement and pavement width, name of railroads, streams adjoining or running through the land, crossing, or in close proximity to the boundary and other prominent or well-known objects or areas which that are informative as to the location of the land boundary survey including but not limited to a distance to the nearest road intersection, or prominent or well-known object. In cases of remote areas, a scaled position with the latitude and longitude must be provided.~~

f. A distance to the nearest road intersection, or prominent or well-known object. In cases of remote areas, a scaled position with the latitude and longitude must be provided.

g. Items crossing any property lines such as, but not limited to, physical encroachments, and evidence of easements such as utilities and other physical features pertinent to the boundary of the property.

~~e. h. Bearings of all property lines and meanders to nearest 10 seconds of arc; or metric equivalent.~~

~~f. i. Adequate curve data to accomplish mathematical closures.~~

~~g. j. Distances of all property lines and meanders to the nearest one hundredth (.01) of a foot or metric equivalent.~~

k. Pursuant to subdivision C 5 of this section, the bearing and distances from the new corners to the existing corners on each end of the existing property lines.

~~h.~~ *l.* For property located in rural areas, area to the nearest hundredth (.01) of an acre or metric equivalent ~~for rural located surveys.~~

~~i.~~ *m.* For property located in urban areas, area to the nearest square foot or thousandth (0.001) of an acre or metric equivalent ~~for urban located surveys.~~

~~j.~~ *n.* North arrow and source of meridian used for the survey.

~~k.~~ ~~o.~~ For interior surveys, a reference bearing and distance to a property corner of an adjoining owner or other prominent object, including, but not limited to, intersecting streets or roads.

~~l.~~ *p.* Tax map designation or geographic parcel identification number if available.

~~m.~~ *q.* Description of each monument found and each monument set by the professional.

~~n.~~ *r.* A statement that the land boundary survey shown is based on a current field survey. The application of the land surveyor's seal, signature and date shall constitute compliance with all the current standards of a land boundary survey as of the date of the application of signature unless otherwise clearly stated in the title of the plat that the plat is to be construed otherwise.

s. A statement as to whether or not a current title report has been furnished to the professional.

~~o.~~ *t.* If the land boundaries shown on the plat are the result of a compilation from deed or plats, or both, or based on a survey by others, that fact will be clearly stated and the title of the plat shall clearly depict that the plat does not represent a current land boundary survey.

u. A statement as to whether any or all easements are shown on the plat.

~~p.~~ *v.* Name and address of the land surveyor or the registered business.

w. The professional's seal, signature and date.

3. Metes and bounds description. The professional shall prepare a metes and bounds description in narrative form, if requested by the client or ~~their~~ *his* agent, for completion of any newly performed land boundary survey. The description shall reflect all metes and bounds, the area of the property described, all pertinent monumentation, names of record owners or other appropriate identification of all adjoiners, and any other data or information deemed as warranted to properly describe the property. Customarily, the metes and bounds shall be recited in a clockwise direction around the property. *The professional shall clearly identify in the metes and bounds description any inconsistencies found in the research of common boundaries between land being surveyed and the adjoining land(s).* For subdivisions, the professional shall prepare a metes and bounds description in narrative form for only the exterior boundaries of the property.

No metes and bounds description shall be required for the verification or resetting of the corners of a lot or other

parcel of land in accordance with a previously performed land boundary survey, such as a lot in a subdivision where it is unnecessary to revise the record boundaries of the lot.

18 VAC 10-20-380. Minimum standards and procedures for surveys determining the location of physical improvements; field procedures; office procedures.

A. The following minimum standards and procedures are to be used for surveys determining the location of physical improvements on any parcel of land or lot containing less than two acres or metric equivalent (sometimes also known as "building location survey," "house location surveys," "physical surveys," ~~etc.~~ *and the like*) in the Commonwealth of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the survey determining the location of physical improvements is correct to the best of the professional's knowledge, *information*, and belief, and complies with the minimum standards and procedures set forth in this ~~section~~ *chapter*.

B. The professional shall determine the position of the lot or parcel of land in accordance with the intent of the original survey and shall set or verify permanent monumentation at each corner of the property, consistent with the monumentation provisions of subdivision C 4 of 18 VAC 10-20-370;. All such monumentation, other than natural monumentation, shall, when feasible, be identified by temporary witness markers ~~(which may be wooden)~~.

When the professional finds discrepancies of sufficient magnitude to warrant, in his opinion, the performance of a land boundary survey (pursuant to the provisions of 18 VAC 10-20-370), he shall so inform the client or the client's agent that such land boundary survey is deemed warranted as a requisite to completion of the physical improvements survey.

The location of the following shall be determined in the field:

1. Fences in ~~the~~ near proximity to the land boundary lines and other fences which may reflect lines of occupancy or possession.

2. Other physical improvements on the property and all man-made or installed structures, including buildings, stoops, porches, chimneys, visible evidence of underground features (such as manholes, catch basins, telephone pedestals, power transformers, etc.), ~~power utility lines and poles, and telephone lines and poles.~~

3. Cemeteries, if known or disclosed in the process of performing the survey; roads or travelways crossing the property which serve other properties; and streams, creeks, and other defined drainage ways.

4. Other visible evidence of physical encroachment on the property.

C. The plat reflecting the work product shall be drawn to scale and shall show the following, unless requested otherwise by the client and so noted on the plat:

1. The bearings and distances for the boundaries and the area of the lot or parcel of land shall be shown in accordance with record data, unless a current, new land boundary survey has been performed in conjunction with

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the physical improvements survey. If needed to produce a closed polygon, the meander lines necessary to verify locations of streams, tidelands, lakes and swamps shall be shown. All bearings shall be shown in a clockwise direction, unless otherwise indicated.

2. North arrow, in accordance with record data.

3. Fences in the near proximity to the land boundary lines and other fences which may reflect lines of occupancy or possession.

4. Improvements and other pertinent features on the property as located in the field pursuant to subsection B of this section.

5. Physical encroachment, including fences, across a property line shall be identified and dimensioned with respect to the property line.

6. On parcels where compliance with restriction is in question, provide the closest dimension (to the nearest 0.1 foot) or metric equivalent) from the front property line, side property line, and if pertinent, rear property line to the principal walls of each building. Also, all principal building dimensions (to the nearest 0.1 foot) or metric equivalent).

7. Building street address numbers, as displayed on the premises, or so noted if no numbers are displayed.

8. Stoops, decks, porches, chimneys, balconies, floor projections, and other similar type features.

9. Street name(s), as posted or currently identified, and as per record data, if different from posted name.

10. Distance to nearest intersection, based upon record data. If not available from record data, distance to nearest intersection may be determined from best available data, and so qualified.

11. Building restriction *or setback* line(s) per restrictive covenants, if shown *or noted* on the record subdivision plat.

12. The caption or title of the plat shall include the type of survey performed; lot number, block number, section number, and name of subdivision, as appropriate, or if not in a subdivision, the name(s) of the record owner; town or county, or city; date of survey; and scale of drawing.

13. Adjoining property identification.

14. Easements and other encumbrances set forth on the record subdivision plat, and those otherwise known to the professional.

15. A statement as to whether or not a current title report has been furnished to the professional.

16. *The professional shall clearly note inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land(s).*

~~16.~~ 17. Professional's seal, signature and date.

~~17.~~ 18. Name and address of the land surveyor or registered business.

D. Notwithstanding the monumentation provisions of subsection B of this section or any other provision of these regulations, a professional, in performing a physical improvements survey, shall not be required to set corner monumentation on any property when corner monumentation is otherwise required to be set pursuant to the provisions of a local subdivision ordinance as mandated by § 15.2-2240 of the Code of Virginia, or by subdivision A 7 of § 15.2-2241 of the Code of Virginia, or where the placing of such monumentation is covered by a surety bond, cash escrow, set-aside letter, letter of credit, or other performance guaranty. When monumentation is not required, the surveyor shall clearly note on the plat "no corner markers set" and the reason to include name of guarantors.

E. Notwithstanding anything *to the contrary* in this chapter, this chapter shall be construed as to comply in all respects with § 54.1-407 of the Code of Virginia.

F. In no event may this chapter be interpreted or construed to require the professional to perform work of a lesser quality or quantity than that which is prudent or warranted under the existing field conditions and circumstances.

18 VAC 10-20-390. Geodetic surveys.

All geodetic surveys, including the determination and publication of horizontal and vertical values utilizing Global Positioning Systems (GPS), which relate to the practice of land surveying as defined in § 54.1-400 of the Code of Virginia, shall be performed under the direct control and personal supervision of a licensed land surveyor as defined in Part I of these regulations.

18 VAC 10-20-400. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$125
Renewal	\$110
Out of state proctor	\$100
Dishonored checks	\$25

18 VAC 10-20-420. Requirements for certification.

~~The education or experience, or both, and examination requirements for certification as a landscape architect are as follows:~~

1. An applicant who has graduated from an accredited landscape architecture curriculum approved by the Landscape Architectural Accreditation Board shall be admitted to a CLARB-prepared examination ~~or equivalent approved by the board~~. Upon passing such examination, the applicant shall be certified as a landscape architect, if otherwise qualified; or

2. An applicant who has obtained eight years of combined education and experience, evaluated in accordance with the Landscape Architect Equivalency Table, shall be admitted to a CLARB-prepared examination ~~or equivalent approved by the board~~. Upon passing such examination, the applicant shall be certified as a landscape architect, if otherwise qualified.

18 VAC 10-20-440. Examination.

A. All applicants for original certification in Virginia are required to pass the CLARB-prepared examination ~~or equivalent after meeting the education and experience requirements as provided in these regulations.~~

B. The Virginia board is a member of the Council of Landscape Architectural Registration Boards (CLARB) and as such is authorized to administer the CLARB examinations.

C. The CLARB-prepared examination will be offered at least once per year at a time designated by the board.

D. Grading of the examination shall be in accordance with the national grading procedures established by CLARB. The board shall adopt the scoring procedures recommended by CLARB.

E. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office ~~no later than 75 days before the next administration of the examination, or by the board's designee, at a time designated by the board.~~ Applicants not properly registered ~~shall~~ will not be allowed into the examination site.

F. Examinees will be advised only of their passing or failing score and the CLARB minimum passing or failing score. Only the board and its staff shall have access to examination papers, scores, and answer sheets.

G. Upon written request to the board within 30 days of receiving examination results, examinees will be permitted to view ~~individually their own~~ the performance problems ~~for failed sections only contained within the section that they failed.~~

Examination appeals are permitted in accordance with the CLARB score verification process.

H. Should an applicant ~~not~~ fail to pass an examination within three years after being approved *to sit for an examination*, the applicant must reapply and meet all current entry requirements *at the time of reapplication*.

18 VAC 10-20-450. Certification by comity.

A person *in good standing* and holding a ~~current~~ valid license or certification to engage in the practice of landscape architecture, ~~issued to the applicant by other states in another state, the District of Columbia, or any territory or possession of the United States based on requirements that do not conflict with and are at least as rigorous as these regulations and supporting statutes of this board that were in effect at the time of original licensure,~~ may be licensed without further examination certified, provided the applicant submits verifiable documentation to the board that the education, experience, and examination requirements by which the applicant was first licensed or certified in the original jurisdiction were substantially equivalent to those existing in Virginia at the time of the applicant's original licensure or certification. No person shall be so licensed certified, however, who has not passed an examination in another jurisdiction that was substantially equivalent to that approved by the board at ~~that~~ the time of the applicant's original licensure or certification. If the applicant does not meet the requirements for licensure certification in Virginia that were in effect at the time of original licensure or certification, the applicant shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office or shall hold a CLARB certificate.

LANDSCAPE ARCHITECT EQUIVALENCY TABLE.
TABLE OF EQUIVALENTS FOR EDUCATION AND EXPERIENCE.

DESCRIPTIONS	Education Credits			Experience Credits	
	First 2 Years	Succeeding Years	Max. Credit Allowed	Credit Allowed	Max. Credit Allowed
A-1. Credits toward a degree in landscape architecture from an accredited school of landscape architecture.	100%	100%	4 years		
A-2. Degree in landscape architecture or credits toward that degree from a nonaccredited school of landscape architecture.	100%	100%	4 years		
A-3. Degree or credits toward that degree in an allied professional discipline, i.e., such as architecture, civil engineering, or environmental science, approved by the board.	75%	100%	3 years		
A-4. Any other bachelor degree or credits toward that degree.	50%	75%	2 years		
A-5. Qualifying experience in landscape architecture under the direct control and personal supervision of a landscape architect.				100%	no limit
A-6. Qualifying experience directly related to landscape architecture when under the direct control and personal supervision of an architect, professional engineer, or land surveyor.				50%	4 years

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EXPLANATION OF REQUIREMENTS
B-1. Education Credits. Education credits shall be subject to the following conditions: B-1.1. Applicants with a degree specified in A-1 through A-4 will be allowed the credit shown in the Maximum Credit Allowed column, regardless of the length of the degree program. B-1.2. With a passing grade, 32 semester credit hours or 48 quarter hours is considered to be one year. Fractions greater than one-half year will be counted one-half year and smaller fractions will not be counted.
B-2. Experience Credits. Experience credits shall be subject to the following conditions: B-2.1. Every applicant must earn at least two years of experience credit under category A-5.

18 VAC 10-20-460. Definitions.

The following definitions shall apply in the regulations relating to the certification of interior designers words, terms, and phrases when used in this part shall have the meanings ascribed to them except where the context clearly indicates or requires different meanings. "Diversified experience" includes the identification, research and creative solution of problems pertaining to the function and quality of the interior environment.

"Monitored experience" means diversified experience in interior design under the *direct control and personal supervision* of a certified or licensed interior designer, an architect, or a professional engineer.

"Professional program approved by the board" means (i) a minimum of a four-year degree in an interior design program that has been evaluated and is deemed by the board to be substantially equivalent, at the time of the applicant's graduation, to a four-year interior design degree program from an institution accredited by Foundation of Interior Design Education Research (FIDER) or (ii) a master's degree in interior design plus a four-year degree, the combination of which has been evaluated and is deemed by the board to be substantially equivalent, at the time of the applicant's graduation, to a four-year degree program from an institution accredited by FIDER. Any cost of evaluation shall be borne by the applicant. The board reserves the right to reject, for good cause, any evaluation submitted.

18 VAC 10-20-470. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$45
Renewal	\$45
Dishonored check	\$25

18 VAC 10-20-490. Requirements for certification.

The education, experience and examination requirements for certification as an interior designer are as follows:

1. The applicant shall hold a graduate of a four-year professional degree from an institution program accredited by the Foundation for Interior Design Education Research (FIDER) not later than one year after the applicant's graduation from said program, or an equivalent accrediting organization, or a professional program approved by the board; have a minimum of two years of monitored experience; and have passed the board-approved examination for certification as an interior designer.

2. Monitored experience gained under the *direct control and personal supervision* of a professional engineer shall be reduced by 50% with a maximum credit of six months. The total experience credit for such experience shall not exceed six months.

18 VAC 10-20-505. Certification by comity.

The board may accept satisfactory evidence of licensing or certification in another state or country or the District of Columbia where the qualifications required are equal, in the opinion of the board, to those required by the provisions of this chapter as of the date of application, and in which the applicant is the holder of a license or certificate in good standing. A person in good standing and holding a valid license or certificate to engage in the practice of interior design in another state, the District of Columbia, or any territory or possession of the United States may be certified provided the applicant submits verifiable documentation to the board that the education, experience, and examination requirements by which the applicant was first licensed or certified in the original jurisdiction were equal to those existing in Virginia at the time of the applicant's original licensure or certification. No person shall be so certified, however, who has not passed an examination in another jurisdiction that was equivalent to that approved by the board at the time of the applicant's original licensure or certification. If the applicant does not meet the requirements for certification in this state that were in effect at the time of original licensure or certification, the applicant shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office. Upon receipt of such satisfactory evidence and provided all other requirements of this chapter are complied with, a certificate shall be issued to the applicant.

18 VAC 10-20-510. Definitions.

Section 13.1-543 of the Code of Virginia provides the definition of the following term:

Professional Corporation ("P.C.")

The following words, terms, and phrases when used in this part shall have the meanings ascribed to them except where the context clearly indicates or requires different meanings:

"Employee" of a corporation, for purposes of stock ownership, is a person regularly employed by the corporation who devotes 60% or more of his gainfully employed time to that of the corporation.

18 VAC 10-20-520. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$30
Designation for branch office	\$30
Renewal	\$25
Renewal of branch office	\$25
Reinstatement of branch office	\$30
Dishonored check	\$25

18 VAC 10-20-530. Application requirements.

A. All applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign professional corporation, shall have obtained a certificate of authority to ~~do~~ *conduct* business in Virginia from the State Corporation Commission in accordance with § 13.1-544.2 of the Code of Virginia. The corporation shall be in good standing with the State Corporation Commission at the time of application to the board office and at all times when the registration is in effect.

B. Each application shall include certified true copies of the certificate of incorporation issued by the *state of incorporation (in Virginia, such certificate issued by the State Corporation Commission)*, articles of incorporation, bylaws and charter, and, if a foreign professional corporation, the certificate of authority issued by the State Corporation Commission.

C. Articles of incorporation and bylaws. The following statements are required:

1. The articles of incorporation or bylaws shall specifically state that cumulative voting is prohibited.

2. ~~The bylaws shall state that at least 2/3 of the capital stock must be held by persons duly licensed to render the services of an architect, professional engineer or land surveyor, or duly certified to render the services of a landscape architect or certified interior designer. For those corporations using the title of certified interior designers and providing the services of architects, professional engineers or land surveyors, or any combination thereof, the capital stock of the corporation shall be held by individuals in accordance with § 13.1-549 of the Code of Virginia. The remainder of the stock may be issued only to and held by individuals who are employees of the corporation. Pursuant to § 13.1-549 of the Code of Virginia, the bylaws of a corporation rendering the services of architects, professional engineers, or land surveyors, or using the title of certified landscape architects or certified interior designers, or any combination thereof, shall provide that not less than two-thirds of its capital stock shall be issued to individuals duly licensed to render the services of architect, professional engineer, or land surveyor, or to individuals legally authorized to use the title of certified landscape architect or certified interior designer. Similarly, for those corporations using the title of certified interior designers and providing the services of architects, professional engineers or land surveyors, or any combination thereof, the bylaws shall provide that not less than two-thirds of the capital stock of the corporation shall be held by individuals who are duly licensed. The bylaws~~

shall further provide that the remainder of said stock may be issued only to and held by individuals who are employees of the corporation whether or not such employees are licensed to render professional services or authorized to use a title. Notwithstanding the above limitations, the bylaws may provide that the corporation may issue its stock to a partnership each of the partners of which is duly licensed or otherwise legally authorized to render the same professional services as those for which the corporation was incorporated.

3. The bylaws shall state that nonlicensed or noncertified individuals will not have a voice or standing in any matter affecting the practice of the corporation requiring professional expertise or ~~considered in any matter constituting~~ professional practice, or both.

D. Board of directors. A corporation may elect to its board of directors not more than ~~4/3~~ *one-third* of its members who are employees of the corporation and are not authorized to render professional services.

At least ~~2/3~~ *two-thirds* of the board of directors shall be licensed to render the services of an architect, professional engineer or land surveyor, or be duly certified to ~~render the services~~ *use the title of a certified landscape architect or certified interior designer, or any combination thereof.*

At least one director currently licensed or certified in each profession offered or practiced shall be resident at the business to provide effective supervision and control of the final professional product.

E. Joint ownership of stock. Any type of joint ownership of the stock of the corporation is prohibited. Ownership of stock by nonlicensed or noncertified employees shall not entitle those employees to vote in any matter affecting the practice of the professions herein regulated.

F. The name of the business and any assumed, fictitious, trading as, or doing business as names of the firm shall be disclosed on the application.

G. Branch offices. If professional services are offered or rendered in a branch office, a separate branch office designation form shall be completed for each branch office. ~~Responsible persons in responsible charge~~ shall be designated in accordance with this chapter. At least one currently licensed or certified ~~individual~~ *responsible person* in each profession offered or practiced at each branch office shall be resident at each branch office to provide effective supervision and control of the final professional product.

18 VAC 10-20-540. Certificates of authority.

Certificates of authority shall be issued by the board. The certificate of authority will permit a corporation to practice only the professions shown on its certificate of authority; ~~architecture, engineering, land surveying, certified landscape architecture, certified interior design, or any combination thereof.~~

18 VAC 10-20-550. Foreign corporations.

The bylaws shall state that the corporation's activities in Virginia shall be limited to rendering the services of architects,

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professional engineers, land surveyors, *certified* landscape architects and certified interior designers, or any combination thereof. A foreign corporation is ~~not required to comply with the provisions of 18 VAC 10-20-530 C-2~~ must meet every requirement of this chapter except the requirement that two-thirds of its stockholders be licensed or certified to perform the professional service in Virginia.

The corporation shall provide the name ~~and~~, address, ~~and~~ Virginia license or certificate number of each stockholder or employee of the corporation who will be providing the professional service(s) in Virginia ~~and the Virginia license or certificate number of each stockholder or employee.~~

18 VAC 10-20-560. Amendments and changes.

A. Amendments to charter, articles of incorporation or bylaws. A corporation holding a certificate of authority to practice in one or in any combination of the professions covered in these regulations shall file with the board, within 30 days of its adoption, a certified true copy of any amendment to the articles of incorporation, bylaws or charter.

B. Change in directors or shareholders. In the event there is a change in corporate directors or shareholders, whether the change is temporary or permanent and whether it may be caused by death, resignation or otherwise, the certificate of authority shall be limited to that professional practice permitted by those pertinent licenses or certificates held by the remaining directors and shareholders of the corporation unless an employee of the firm holds the appropriate license or certificate and is competent to render such professional services. In the event that such change results in noncompliance with the requirements of this chapter and applicable statutes relating to ownership of capital stock or composition of the board of directors, the certificate of authority shall be suspended until such time as the corporation comes into compliance with this chapter. The corporation shall notify the board within 30 days of any such change.

C. Change of name, address and place of business. Any change of name (including assumed names), address, place of business in Virginia, or *responsible* person(s) ~~in~~ responsible charge of the profession(s) practiced or offered at each place of business shall be reported to the board by the registered entity within 30 days of such an occurrence. In addition, any licensed or certified employee responsible for such practice shall notify the board in writing of any changes of his employment status within ~~40~~ 30 days of such change.

18 VAC 10-20-565. Renewal of branch offices. (Repealed.)

~~Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within 30 days following the expiration date noted on the registration, a reinstatement fee of \$30 will be required in addition to the renewal fee.~~

18 VAC 10-20-570. Definitions.

Section 13.1-1102 of the Code of Virginia provides the definition of the following term:

Professional Limited Liability Company ("P.L.C.," "PLC," "P.L.L.C.," or "PLLC")

The following words and terms when used in this part shall have the following meanings, unless the context clearly indicates otherwise, terms, and phrases when used in this part shall have the meanings ascribed to them except where the context clearly indicates or requires different meanings:

"Manager" is a person or persons designated by the members of a limited liability company to manage the *professional* limited liability company as provided in the articles of organization or an operating agreement, and who is duly licensed or otherwise legally authorized to render one or more of the professional services of architects, professional engineers, land surveyors, *certified* landscape architects, or certified interior designers in the Commonwealth of Virginia.

"Member" means an individual or professional business entity that owns an interest in a *professional* limited liability company.

~~"Professional limited liability company" means a limited liability company organized in accordance with Chapter 13 (§ 13.1-1100 et seq.) of Title 13.1 of the Code of Virginia for the sole and specific purpose of rendering one or more of the professional services of architects, professional engineers, land surveyors, landscape architects or certified interior designers.~~

18 VAC 10-20-580. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$100
Designation for branch office	\$50
Renewal	\$50
Renewal of branch office	\$50
Reinstatement of branch office	\$30
Dishonored check	\$25

18 VAC 10-20-590. Application requirements.

A. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign professional limited liability company, shall have obtained a certificate of registration to ~~do~~ conduct business in Virginia from the State Corporation Commission, in accordance with § 13.1-1105 of the Code of Virginia. The company shall be in good standing with the State Corporation Commission at the time of application to the board office and at all times when the registration is in effect.

B. Each application shall include a certified true copy of the certificate of organization or, if a foreign professional limited liability company, a certificate of registration issued by the State Corporation Commission. Each application must also include certified true copies of the articles of organization, operating agreement, or both.

C. Each application shall ~~be accompanied by~~ include a written affirmative affidavit that attests to the following inclusions to the articles of organization or operating agreement.

1. The articles of organization or operating agreement shall state the specific purpose of the professional limited liability company.

2. ~~The articles of organization or operating agreement shall attest that membership is composed of one or more individuals or professional business entities, and at least 2/3 of the membership interests are held by individuals or professional business entities which are duly licensed, certified or registered to render professional services within the Commonwealth of Virginia. For those professional limited liability companies using the title of certified interior designers and providing the services of architects, professional engineers or land surveyors, or any combination thereof, the membership interests of the professional limited liability company shall be held by individuals in accordance with § 13.1-1111 of the Code of Virginia. The remaining membership interest may be held only by employees of the company whether or not they are licensed, certified or otherwise legally authorized to render professional services. Pursuant to § 13.1-1111 of the Code of Virginia, the articles of organization or operating agreement shall provide that not less than two-thirds of the membership interests of a PLLC rendering the services of architects, professional engineers, or land surveyors, or using the title of certified landscape architects or certified interior designers, or any combination thereof, shall be held by individuals duly licensed or professional business entities legally authorized to render the services of architects, professional engineers, or land surveyors, or by individuals or professional business entities legally authorized to use the title of certified landscape architects or certified interior designers. Similarly, for those PLLCs using the title of certified interior designers and providing the services of architects, professional engineers, or land surveyors, or any combination thereof, the articles of organization or operating agreement shall provide that not less than two-thirds of the membership interests of the company shall be held by individuals who are duly licensed. The articles of organization or operating agreement shall further provide that the remainder of the membership interests of the PLLC may be held only by individuals who are employees of the PLLC whether or not those employees are licensed to render professional services or authorized to use a title.~~

3. The articles of organization or operating agreement shall attest that all members, managers, employees and agents who render professional services of architects, professional engineers, or land surveyors, ~~or use the title of certified landscape architects, or certified interior designers are duly licensed or certified to provide those services.~~

4. ~~The person executing the affidavit shall sign it and state beneath his signature his name and the capacity in which he signs. If the person signing the affidavit is not a manager of the limited liability company, the affidavit shall also state that the individual has been authorized by the members of the limited liability company to execute the affidavit for the benefit of the company.~~

The person executing the affidavit shall sign it and state beneath his signature his name and the capacity in which he signs. If the person signing the affidavit is not a manager of the PLLC, the affidavit shall also state that the individual has been authorized by the members of the PLLC to execute the affidavit for the benefit of the company.

D. ~~Pursuant to § 13.1-1118 of the Code of Virginia, unless the articles of organization or an operating agreement provides for management of a professional limited liability company the PLLC by a manager or managers, management of a limited liability company the PLLC shall be vested in its members pursuant to § 13.1-1118 of the Code of Virginia.~~

If the articles of organization or an operating agreement provides for management of the ~~professional limited liability company PLLC~~ by a manager or managers, the manager or managers must be an individual or professional business entity ~~individuals~~ duly licensed or otherwise legally authorized to render the same professional services within the Commonwealth for which the company was formed. ~~At least one member or manager currently licensed or certified in each profession offered or practiced shall be resident at the business to provide effective supervision and control of the final professional product.~~

Only members or managers duly licensed or otherwise legally authorized to render the same professional services within this Commonwealth shall supervise and direct the provision of professional services within this Commonwealth. At least one member or manager currently licensed or certified in each profession offered or practiced shall be resident at the business to provide effective supervision and control of the final professional product.

E. The name of the business and any assumed, fictitious, trading as, or doing business as names of the firm shall be disclosed on the application.

F. If professional services are offered or rendered in a branch office, a separate branch office designation form shall be completed for each branch office. ~~Responsible persons in~~ responsible charge shall be designated in accordance with this chapter. At least one currently licensed or certified ~~individual~~ responsible person in each profession offered or practiced at each branch office shall be resident at each branch office to provide effective supervision and control of the final professional product.

18 VAC 10-20-600. Certificates of authority.

A certificate of authority shall be issued by the board. The certificate of authority will permit a ~~professional limited liability company PLLC~~ to practice only the professions shown on its certificate of authority, ~~architecture, engineering, land surveying, certified landscape architecture, certified interior design, or any combination thereof.~~

18 VAC 10-20-610. Foreign professional limited liability companies.

The articles of organization or operating agreement shall state that the ~~professional limited liability company's PLLC's~~ activities in Virginia shall be limited to rendering the professional services of architects, professional engineers, land surveyors, ~~certified landscape architects, and certified interior designers, or any combination thereof. A foreign company is not required to comply with the provisions of 18 VAC 10-20-590 C 2. The foreign company must meet every requirement of this chapter except for the requirement that two-thirds of its members and managers be licensed or certified to perform the professional service in this Commonwealth.~~

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The ~~professional limited liability company PLLC~~ shall provide the name ~~and~~, address, ~~and Virginia license or certificate number~~ of each manager or member who will be providing the professional service(s) in Virginia ~~and the Virginia license or certificate number of each manager or member.~~

18 VAC 10-20-620. Amendments to articles of organization, operating agreements or certificate of organization; change in managers or members; change in name, address and place of business.

A. A ~~professional limited liability company PLLC~~ holding a certificate of authority to practice in one or in any combination of the professions covered in these regulations shall file with the board, within 30 days of its adoption, a certified true copy of any amendment to the articles of organization, operating agreement or certificate of organization.

B. In the event there is a change of ~~professional limited liability company~~ managers or members ~~of the PLLC~~, whether the change is temporary or permanent and whether it may be caused by death, resignation, or otherwise, the certificate of authority shall be automatically modified to be limited to that professional practice permitted by those pertinent licenses or certificates held by the remaining managers or members of the ~~professional limited liability company PLLC~~ unless an employee of the ~~professional limited liability company PLLC~~ holds the appropriate license or certificate and is competent to render such professional services. Unless otherwise provided, in the event that such change results in noncompliance with the requirements of this chapter and applicable statutes relating to ownership of the membership interests, the certificate of authority shall be automatically suspended until such time as the ~~professional limited liability company PLLC~~ comes into compliance with these regulations. The ~~professional limited liability company PLLC~~ shall notify the board within 30 days of any such change.

No member of the ~~professional limited liability company PLLC~~ may transfer or sell its membership interest in the company, except to the company, or unless at least ~~2/3~~ *two-thirds* of the remaining membership interest is held by individuals or professional business entities duly licensed or otherwise authorized to render the professional services of the company.

C. Any change of name (including assumed names), address, place of business in Virginia, registered agent, or *responsible* person(s) ~~in responsible charge~~ of the profession(s) practiced or offered shall be reported by the registered entity to the board within 30 days of such an occurrence. In addition, any licensed or certified employee responsible for such practice shall notify the board in writing of any changes of his employment status within ~~49~~ 30 days of such change.

18 VAC 10-20-625. Renewal of branch offices. (Repealed.)

~~Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within the 30 days following the expiration date noted on the registration, a reinstatement fee of \$30 will be required in addition to the renewal fee.~~

18 VAC 10-20-630. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$100
Designation for branch office	\$50
Renewal	\$50
Renewal of branch office	\$50
Reinstatement of branch office	\$30
Dishonored check	\$25

18 VAC 10-20-640. Application requirements.

A. In accordance with § 54.1-411 of the Code of Virginia, ~~applicants~~ *any corporation, partnership, limited liability company, or other entity, including but not limited to joint ventures*, shall register with the board on a form approved by the board.

B. If a partnership *or limited partnership*, a ~~certified true~~ copy of the partnership agreement shall be included with the application. The partnership agreement shall state that all professional services of the partnership shall be under the ~~direction and~~ *direct control and personal* of a licensed or certified professional. *The limited partnership application shall also include a copy of the certificate of limited partnership issued by the Virginia State Corporation Commission. If a foreign limited partnership, a certification of registration of the foreign limited partnership issued by the Virginia State Corporation Commission shall be required in lieu of the certificate of limited partnership.*

C. If a corporation, the application shall include ~~certified true~~ copies of the certificate of incorporation issued by the *Virginia State Corporation Commission* articles of incorporation, bylaws and charter, ~~and~~. If a foreign corporation, a certificate of authority issued by the *Virginia State Corporation Commission shall be required in lieu of the certification of incorporation.*

D. If a limited liability company, the application shall include a ~~certified true~~ copy of the certificate of organization issued by the State Corporation Commission, and, if a foreign limited liability company, a certified true copy of the certificate of authority issued by the State Corporation Commission.

E. If professional services are offered or rendered in a branch office, a separate branch office designation form shall be completed for each branch office. *Responsible* persons resident ~~and in responsible charge~~ shall be designated in accordance with this chapter.

F. The name of the business and any assumed, fictitious, trading as, or doing business as names of the firm shall be disclosed on the application.

18 VAC 10-20-650. Registration certification.

The application shall contain an affidavit by an authorized official in the corporation, partnership, sole proprietorship, limited liability company, or other entity unit that the practice of architecture, engineering, land surveying, certified landscape architecture or certified interior design to be done by that entity shall be under the direct control and personal supervision of the licensed or certified full-time employees or licensed or certified resident principals identified in the application as *responsible persons* for the practice. In addition, the licensed or certified employees or principals

responsible for the practice shall sign their names indicating that they are *responsible persons who are resident employees or principals and in responsible charge*, and that they understand and shall comply with all statutes and regulations of the board.

18 VAC 10-20-660. Change of status.

Any changes of status, including but not limited to change in entity, name (including assumed names), address, place of business or *responsible persons in responsible charge of the professions practiced or offered* at each place of business, shall be reported to the board by the registered entity within 30 days of such an occurrence. In addition, any licensed or certified employee responsible for such practice shall notify the board in writing of any changes of his employment status within ~~40~~ 30 days of such change.

In the event there is a change in the ~~licensed or certified employees in responsible charge~~ *responsible person*, whether the change is temporary or permanent and whether it may be caused by death, resignation or otherwise, the registration shall be automatically modified to be limited to that professional practice permitted by the remaining licensed or certified employees, or shall be automatically suspended until such time as the entity comes into compliance with these regulations.

18 VAC 10-20-665. Renewal of branch offices. (Repealed.)

~~Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within the 30 days following the expiration date noted on the registration, a reinstatement fee of \$30 will be required in addition to the renewal fee.~~

18 VAC 10-20-670. Expiration and renewal.

A. Prior to the expiration date shown on the license, certificate or registration, licenses, certificates or registrations shall be renewed for a two-year period upon completion of a renewal application and payment of a fee established by the board. An applicant must certify continued compliance with the Standards of Practice and Conduct as established by the board. Registrations for professional corporations, professional limited liability companies and business entities shall expire on December 31 of each odd-numbered year. *Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within 30 days following the expiration date noted on the registration, a reinstatement fee of \$25 will be required in addition to the renewal fee.* Branch offices may not renew until the main office registration is properly renewed.

B. Failure to receive a renewal notice and application shall not relieve the regulant of the responsibility to renew. If the regulant fails to receive the renewal notice, a copy of the license, certificate or registration may be submitted with the required fee as an application for renewal, accompanied by a signed statement indicating that the applicant continues to comply with the Standards of Practice and Conduct of the board under whose authority the license, certificate or registration is issued.

C. Board discretion to deny renewal. The board may deny renewal of a license, certificate or registration for the same reasons as it may refuse initial licensure, certification or registration or discipline a regulant.

D. If the renewal fee is not received by the board within 30 days following the expiration date noted on the license, certificate or registration, a late renewal fee equal to the regular fee plus \$25 shall be required, unless a reinstatement fee is otherwise noted.

18 VAC 10-20-680. Reinstatement.

A. If the license, certificate or registration has expired for six months or more, but less than five years, the regulant shall be required to submit a ~~new~~ *reinstatement* application, which shall be evaluated by the board to determine if the applicant meets the renewal requirements. In addition, a reinstatement fee equal to the regular renewal fee plus \$100 shall be required.

B. If the license, certificate or registration has expired for five years or more, ~~the regulant will an application for reinstatement shall be required to submit a new application~~, which shall be evaluated by the board to determine if the applicant ~~meets the renewal requirements~~ *remains qualified to be a regulant of the board*, and ~~submit~~ a reinstatement fee equal to the regular renewal fee plus \$250 *shall be submitted*. In addition, the board may require an individual applicant to submit to an examination.

C. Board discretion to deny reinstatement. The board may deny reinstatement of a license, certificate or registration for the same reasons as it may refuse initial licensure, certification or registration or discipline a regulant.

D. The date the renewal application and fee are received in the office of the board shall determine whether a license, certificate or registration shall be renewed without late renewal or reinstatement, or shall be subject to reinstatement application procedures.

E. A license, certificate or registration that is reinstated shall be regarded as having been continuously licensed, certified or registered without interruption. Therefore, the license, certificate or registration holder who is not subject to the licensure for life provisions of § 54.1-405 of the Code of Virginia shall remain under the disciplinary authority of the board during the entire period and shall be accountable for his activities during the period. A license, certificate or registration that is not reinstated and is not subject to the licensure for life provisions of § 54.1-405 of the Code of Virginia shall be regarded as unlicensed, uncertified or unregistered from the expiration date forward. Nothing in this chapter shall divest the board of its authority to discipline a license, certificate or registration holder for a violation of the law or regulation during the period of time for which the regulant was licensed, certified or registered.

18 VAC 10-20-690. Responsibility to the public.

The primary obligation of the professional is to the public. *The professional shall recognize that the health, safety, and welfare of the general public are dependent upon professional judgments, decisions, and practices.* If the professional

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judgment of the ~~regulant~~ *professional* is overruled under circumstances when the ~~safety, health, property safety,~~ and welfare, or any combination thereof, of the public are endangered, the professional shall inform the employer or client of the possible consequences and notify appropriate authorities.

18 VAC 10-20-700. Public statements.

A. The professional shall be truthful in all professional matters. *The professional shall include all relevant and pertinent information in professional reports, statements, or testimony, which shall include the date indicating when such information was current.*

B. When serving as an expert or technical witness, the professional shall express an opinion only when it is based on an adequate knowledge of the facts in the issue ~~and~~, on a background of competence in the subject matter, *and upon honest conviction.* Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the professional shall issue no statements, reports, criticisms, or arguments on matters relating to professional practice which are inspired or paid for by an interested party or parties, unless the regulant has prefaced the comment by disclosing the identities of the party or parties on whose behalf the professional is speaking, and by revealing any self-interest.

C. A professional shall not knowingly make a materially false statement or fail deliberately to disclose a material fact requested in connection with his application for licensure, certification, registration, renewal or reinstatement.

D. A professional shall not knowingly make a materially false statement or fail to deliberately disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure, certification, registration, renewal or reinstatement.

18 VAC 10-20-710. Conflicts of interest.

A. The ~~professional~~ *regulant* shall promptly and fully inform an employer or client of any business association, interest, or circumstance ~~or circumstances~~ which may influence the professional's judgment or the quality of service.

B. The ~~professional~~ *regulant* shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed *to, and agreed to by, all interested parties* in writing ~~to all parties of current interest.~~

C. The ~~professional~~ *regulant* shall neither solicit nor accept financial or other valuable consideration from *material or equipment* suppliers for specifying their products or services.

D. The ~~professional~~ *regulant* shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the ~~professional~~ *regulant* is responsible.

18 VAC 10-20-720. Solicitation of work or employment.

In the course of soliciting work or employment:

1. The regulant shall not ~~bribe~~ *give, solicit, or receive, either directly or indirectly, any gratuity, contribution, or unlawful consideration to influence the award of a contract by a public authority, or that may reasonably be construed as having the effect of intending to influence the awarding of such a contract.* The regulant shall not offer or provide any gift or other valuable consideration in order to secure work. The regulant shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a full-time employee or established commercial or marketing agency retained by them.

2. The regulant shall not falsify or permit misrepresentation of ~~the regulant's work~~ *his* or an associate's academic or professional qualifications *or work*, nor shall the regulant misrepresent the degree of responsibility for prior assignments. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures or past accomplishments of any kind.

18 VAC 10-20-730. Competency for assignments.

A. The professional shall undertake to perform professional assignments only when qualified by education or experience, *or both*, and licensed or certified in the profession involved. Licensed professionals may perform ~~professional~~ assignments related to landscape architecture or interior design provided they do not hold themselves out as certified in either of these professions unless they are so certified by this board. The professional may accept an assignment requiring education or experience outside of the field of the professional's competence, but only to the extent that services are restricted to those phases of the project in which the professional is qualified. All other phases of such project shall be the responsibility of licensed or certified associates, consultants or employees.

B. A professional shall not misrepresent to a prospective or existing client or employer his qualifications and the scope of his responsibility in connection with work for which he is claiming credit.

C. The professional shall adhere to ~~at~~ *the* minimum standards and requirements pertaining to the practice of his own profession, as well as other professions if incidental work is performed.

18 VAC 10-20-740. Professional responsibility.

A. The ~~professional~~ *regulant* shall not knowingly associate in a business venture with, or permit the use of the ~~professional's regulant's name or firm name,~~ by any person or firm ~~where when~~ there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating statutes or any of these regulations.

B. A ~~professional~~ *regulant* who has direct knowledge *or reason to believe* that any individual, ~~including himself,~~ or firm may *have violated or may currently be violating* any of these provisions, or the provisions of Chapters 1 through 4 of Title 54.1 or Chapters 7 and 13 of Title 13.1 of the Code of Virginia, shall immediately inform the ~~secretary of the board~~ in writing and shall cooperate in furnishing any further

information or assistance that may be required *by the board or any of its agents*.

C. The ~~professional~~ *regulant* shall, upon request or demand, produce to the board, or any of its agents, any plan, document, book, record or copy thereof in his *or its* possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board against a ~~licensee or certificate holder~~ *regulant*.

D. A ~~professional~~ *regulant* shall not utilize the design, drawings, *specifications*, or work of another ~~professional~~ *regulant* to, ~~including but not limited to,~~ complete the design, drawings, *specifications*, or work, or to replicate like design, drawings, *specifications*, or work without the knowledge and written consent of the person or organization that owns the design, drawings, *specifications*, or work.

E. A professional who has received permission to modify or otherwise utilize the designs, drawings, *specifications*, or work of another professional pursuant to subsection D of this section may seal that work only after a thorough review of the design, drawings, *specifications*, or work to the extent that full responsibility shall be assumed for all design, drawings, *specifications*, or work.

F. The information contained in recorded plats or surveys may be utilized by another professional without permission. If modifications are made to the plats or surveys, the professional must conduct a thorough review and verification of the work to the extent that full responsibility shall be assumed for any changes or modifications to the plats or surveys.

18 VAC 10-20-750. Good standing in other jurisdictions.

A. A regulant licensed, certified, or registered to practice architecture, engineering, land surveying, landscape architecture or interior design in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or registered, ~~and shall not have had a license, certificate, or registration suspended, revoked or surrendered in connection with a disciplinary action or who has been the subject of discipline in another jurisdiction.~~

B. *A regulant who has received a reprimand, civil penalty, or monetary penalty, or whose license, certificate or registration is revoked, suspended, denied, or surrendered as a result of a disciplinary action by another jurisdiction, shall be subject to discipline by the board if the regulant's action constitutes a violation of the provisions of Chapters 1 (§ 54.1-100 et seq.) through 4 (§ 54.1-400 et seq.) of Title 54.1, or Chapters 7 (§ 13.1-542 et seq.) and 13 (§ 13.1-1100 et seq.) of Title 13.1 of the Code of Virginia, or the regulations adopted by the board.*

C. *A regulant who has received a reprimand, civil penalty, or monetary penalty, or whose license, certificate or registration is revoked, suspended, denied, or surrendered as a result of a disciplinary action by another jurisdiction, must notify the board of such action within 30 days.*

18 VAC 10-20-760. Use of seal.

A. The application of a professional seal shall indicate that the professional has exercised ~~complete direction and direct control and personal supervision~~ over the work to which it is affixed. Therefore, no ~~regulant professional~~ shall affix a name, seal or certification to a plat, design, specification or other work constituting the practice of the professions regulated which has been prepared by an unlicensed or uncertified person ~~or firm~~ unless such work was performed under the ~~direction and direct control and personal supervision~~ of the ~~regulant professional~~ while ~~under the regulant's contract or while employed by the same firm as the regulant~~ *said unlicensed or uncertified person was an employee of the same firm as the professional or was under written contract to the same firm that employs the professional*. If a ~~regulant~~ *the original professional of record is no longer employed by the regulant or is otherwise unable to seal* completed professional work, such work may be sealed by another ~~regulant professional~~, *but only after a thorough review and verification of the work by the professional affixing the professional seal to verify that the work has been accomplished to the same extent that would have been exercised if the work had been done under the ~~complete direction and direct control and personal supervision~~ of the regulant professional affixing the professional seal.*

B. ~~A regulant~~ *An appropriately licensed or certified professional* shall apply a ~~stamp, or a preprinted or electronic~~ seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the ~~regulant professional~~ or someone under his direct control and personal supervision.

1. All seal imprints on the cover or first sheet of final documents shall bear an original signature and date. "Final Documents" are completed documents or copies submitted on a client's behalf for approval by authorities or recordation. In such cases, the cover sheet of the documents or copies shall contain a list of drawings *or plats* included in the set on which a seal, original signature and date shall be affixed for all regulated disciplines. Every page of the submission, other than the cover, may be reproduced from originals which contain the seal, original signature and date by each discipline responsible for the work.

a. An electronic seal, signature and date ~~is~~ *are* permitted to be used in lieu of an original seal, signature and date when the following criteria, and all other requirements of this section, are met:

- (1) It is a unique identification of the professional;
- (2) It is verifiable; *and*
- (3) It is under the professional's direct ~~and sole~~ control;
- (4) ~~It is linked to the document file in such a manner that changes are readily determined and visually displayed if any data contained in the document file was changed subsequent to the electronic seal,~~

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~~signature and date having been affixed to the document; and~~

~~(5) Changes to the document after affixing the electronic seal, signature and date shall cause the electronic seal, signature and date to be removed or altered in such a way as to invalidate the electronic seal, signature and date.~~

b. ~~In addition, once the electronic seal, signature and date is applied to the document, the document shall be in a view only format if the document is to be electronically transmitted. A professional should not seal original documents made of mylar, linen, sepia, or other materials, or that are transmitted electronically, which can be changed by the person or entity with whom the documents are filed, unless the professional accompanies such documents with a signed and sealed letter making the recipient of such documents aware that copies of the original documents as designed by the professional have been retained by the professional and that the professional cannot assume responsibility for any subsequent changes to the reproducible original documents that are not made by the professional or~~

those working under his direct control and personal supervision.

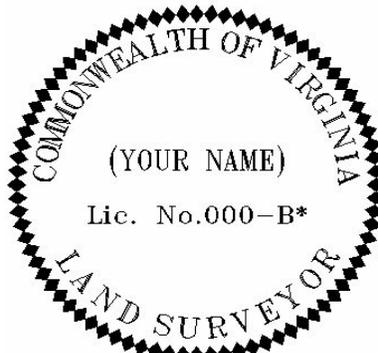
2. Incomplete plans, documents and sketches, whether advance or preliminary copies, shall be so identified on the plan, document or sketch and need not be sealed, signed or dated.

3. All plans, drawings or plats prepared by the ~~regulant~~ *professional* shall bear the ~~regulant's~~ *professional's* name or firm name, address and project name.

4. The seal of each ~~regulant~~ *professional* responsible for each profession shall be used and shall be on each document that was prepared under the ~~regulant's~~ *professional's* direction and for which that professional is responsible. If one of the exemptions found in § 54.1-402 of the Code of Virginia is applicable, a professional licensed or certified by this board shall nevertheless apply his seal to the exempt work.

5. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.

6. The seal shall conform in detail and size to the design illustrated below and shall be two inches in diameter. The designs below may not be shown to scale:



*The number referred to is the last six-digit number as shown on the license or certificate. The number is permanent. Leading zeros contained in the six-digit number may be omitted from the seal.

18 VAC 10-20-770. Organization and styling of practice.

Nothing shall be contained in the name, letterhead or other styling of a professional practice implying a relationship, ability or condition which does not exist. *Professional services that*

the firm is not properly registered to provide may not be included in the name.

An assumed, fictitious or corporate name shall not be misleading as to the identity, responsibility or status of those

practicing thereunder. *Advertisements, signs, letterheads, business cards, directories, or any other form of representation shall avoid any reference to any service that cannot be provided for under a resident responsible person.*

18 VAC 10-20-780. Professional required at each place of business.

Any legal entity or professional maintaining a place of business from which the ~~offering to practice or practice of architecture, entity or professional offers or provides architectural, engineering, land surveying, certified landscape architecture architectural, or certified interior design is to be performed~~ services in Virginia shall name for each profession offered or practiced at each place of business a ~~Virginia professional resident at the place of business and in responsible charge~~ *resident, responsible person*. The named ~~professional resident, responsible person~~ must hold a current *valid* Virginia license or certificate in the profession being offered or practiced.

Each named professional shall exercise ~~supervision and direct control and personal supervision~~ of the work being offered or practiced at the place of business for which he is named. Each named professional shall be ~~in responsible charge of~~ *responsible* for only one location at a time. A named professional may be ~~in responsible charge of~~ *responsible* for more than one location provided that he is resident at the place of business ~~and is in responsible charge~~ during a majority of the hours of operation at each location.

18 VAC 10-20-790. Sanctions.

A. No license, certificate, or registration shall be suspended or revoked, nor shall any regulant be fined unless a majority of the members of the entire board ~~and a majority of the board members of the profession involved~~, who are eligible to vote, vote for the action. The board may suspend or revoke any license, certificate, certificate of authority or registration, or fine any regulant, if the board finds that:

1. The license, certification or registration was obtained or renewed through fraud or misrepresentation;
2. The regulant has been found guilty by the board, or by a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted, pleaded guilty or found guilty, regardless of adjudication or deferred adjudication, of any felony or misdemeanor which, in the judgment of the board, adversely affects the regulant's ability to perform satisfactorily within the regulated discipline. *Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter;*
3. The regulant is guilty of professional incompetence or negligence, or gross negligence;
4. The regulant has abused drugs or alcohol to the extent that professional competence is adversely affected;
5. The regulant violates any standard of practice and conduct, as defined in this chapter; or
6. The regulant violates or induces others to violate any provision of Chapters 1 through 4 of Title 54.1 or Chapters 7 and 13 of Title 13.1 of the Code of Virginia, or any other

statute applicable to the practice of the professions herein regulated, or any provision of this chapter.

B. If evidence is furnished to the board which creates doubt as to the competency of a regulant to perform professional assignments, the board may require the regulant to prove competence by interview, presentation or examination. Failure to appear before the board, pass an examination, or otherwise demonstrate competency to the board shall be grounds for revocation or suspension of the license, certification or registration.

18 VAC 10-20-795. Change of address.

All regulants shall notify the board of any change of address, in writing, within 30 days of making the change. When submitting a change of address, any regulant holding more than one license, certificate or registration shall inform the board of all licenses, certificates or registrations affected by the change. *A physical address is required. A post office box will not be accepted.*

NOTICE: The forms used in administering 18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- ~~Architect Information Sheet, 0401INFO (eff. 10/20/04).~~
- Architect License Application, 0401LIC (rev. 5/4/04 8/5/05).
- Verification of Architect Examination and Licensure Form, 0401ELVF (rev. ~~11/13/00~~ 3/1/02).
- Architect Experience Verification Form, 0401 EXP (rev. ~~10/23/00~~ 3/26/02).
- Architect Client Experience Verification Form, 0401CEXP (rev. ~~5/9/00~~ 3/1/02).
- Architect Degree Verification Form, 0401DEG (rev. ~~5/9/00~~ 3/1/02).
- Architect Reference Form, 0401REF (rev. ~~5/9/00~~ 2/23/05).
- Architect License Reinstatement Application, 0401REI (eff. ~~5/1/04~~ rev. 12/1/04).
- ~~Architect License Renewal Form, 0401REN, (eff. 4/11/05)~~
- ~~Professional Engineer Information Sheet, 0402INFO (eff. 3/29/04).~~
- Professional Engineer License Application, 0402LIC (rev. ~~3/30/04~~ 8/5/05).
- Professional Engineer Reference Form, 0402REF (rev. ~~3/30/04~~ 3/1/02).
- Professional Engineer License Reinstatement Application, 0402REI (eff. ~~3/30/04~~ rev. 12/1/04).

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Professional Engineer and Engineer-in-Training Degree Verification Form, 04EDEG (rev. ~~3/29/04~~ 3/1/02).

Professional Engineer and Engineer-in-Training Experience Verification Form, 04EEXP (rev. ~~3/29/04~~ 2/19/04).

Engineer Verification of Examination and Licensure Form, 04EELVF (rev. ~~3/30/04~~ 3/1/02).

~~Engineer-in-Training Information Sheet, 0420INFO (eff. 9/17/04).~~

Engineer-in-Training Designation Application, 0420DES (rev. ~~9/17/04~~ 12/1/04).

Engineer-in-Training Reference Form, 0420REF (eff. ~~3/29/04~~ rev. 3/1/02).

~~Engineer Examination Scheduling Form, 04EXAM (rev. 9/17/04).~~

Course Requirements for Engineering Technology Program, 0402CREQ (eff. 2/19/03).

Professional Engineer License Renewal Form, 0402REN, (eff. 4/11/05).

~~Land Surveyor Information Sheet, 0403INFO (eff. 11/14/04).~~

Land Surveyor License Application, 0403LIC (rev. ~~11/14/04~~ 8/12/05).

Land Surveyor License Reinstatement Application, 0403REI (eff. ~~6/1/04~~ rev. 12/1/04).

~~Land Surveyor B Information Sheet, 0404INFO (eff. 6/1/04).~~

Land Surveyor B License Application, 0404LIC (rev. ~~6/1/04~~ 12/1/04).

Land Surveyor B License Reinstatement Application, 0404REI (eff. ~~6/1/04~~ rev. 12/1/04).

Land Surveyor and Land Surveyor-in-Training Degree Verification Form, 04LSDEG (eff. ~~6/1/04~~ rev. 3/1/02).

Land Surveyor Verification of Examination and Licensure Form, 04LSELVF (rev. ~~6/1/04~~ 7/21/03).

Land Surveyor & Land Surveyor-in-Training Experience Verification Form, 04LSEXP (rev. ~~11/14/04~~ 4/23/03).

~~Land Surveyor & Land Surveyor-in-Training Supplemental Experience Verification Form, 04SLSEXP (rev. 11/14/04).~~

~~Land Surveyor in-Training Information Sheet, 0430INFO (eff. 6/1/04).~~

Land Surveyor-In-Training Designation Application, 0430DES (rev. ~~6/1/04~~ 12/1/04).

~~Surveyor Examination Scheduling Form, LSEXAM (eff. 11/14/04).~~

Land Surveyor License Renewal Form, 04LSREN, (eff. 4/11/05).

~~Landscape Architect Information Sheet, 0406INFO (eff. 8/21/04).~~

Landscape Architect Certificate Application, 0406CERT (rev. ~~8/21/04~~ 8/5/05).

Verification of Landscape Architect Examination and Certification Form, 0406ELVF (rev. ~~8/21/04~~ 3/1/02).

Landscape Architect Experience Verification Form for Examination and Comity Applicants, 0406EXP (rev. ~~8/21/04~~ 6/23/05).

Landscape Architect Degree Verification Form, 0406DEG (rev. ~~8/21/04~~ 3/1/02).

Landscape Architect Certificate Reinstatement Application, 0406REI (eff. ~~8/21/04~~ rev. 12/1/04).

Landscape Architect Certificate Renewal Form, 0406REN, (eff. 4/11/05).

~~Interior Designer Information Sheet, 0412INFO (eff. 10/25/04).~~

Interior Design Certificate Application, 0412CERT (rev. ~~8/21/04~~ 8/5/05).

Verification of Interior Designer Examination and Certification Form, 0412ELVF (rev. ~~10/25/04~~ 3/1/02).

Interior Designer Degree Verification Form, 0412DEG (rev. ~~8/21/04~~ 3/1/02).

Interior Designer Experience Verification Form, 0412EXP (rev. ~~8/21/04~~ 8/11/05).

Interior Designer Certificate Reinstatement Application, 0412REI (eff. ~~8/21/04~~ rev. 3/1/02).

Interior Design Certificate Renewal Form, 0412REN, (eff. 4/11/05).

Professional Corporation Registration Application, 04PCREG (rev. ~~6/6/00~~ 12/1/04).

Professional Corporation Branch Office Registration Application, 04BRPC (eff. 12/1/04).

Business Entity Registration Application, 04BUSREG, (rev. ~~7/23/04~~ 12/1/04).

Business Entity Branch Office Registration Application, 04BRBUS (eff. 12/1/04).

~~Branch Office Application (rev. 10/1/99).~~

Professional Limited Liability Company Application Form, 04PLCREG (rev. ~~10/1/99~~ 12/1/04).

Professional Limited Liability Company Branch Office Registration Application, 04BRPLC (eff. 12/1/04).

VA.R. Doc. No. R03-257; Filed August 23, 2005, 11:05 a.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-252. **Pertaining to the Taking of Striped Bass (amending 4 VAC 20-252-90 and 4 VAC 20-252-100).**

Statutory Authority: §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

Effective Date: September 1, 2005.

Agency Contact: Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail debbie.cawthon@mrc.virginia.gov.

Summary:

The amendments establish a possession limit of only one striped bass 34 inches or greater for the Chesapeake Bay fall season and for the Potomac River Tributaries summer/fall season.

4 VAC 20-252-90. Bay fall striped bass recreational fishery.

A. The open season for the bay fall striped bass recreational fishery shall be October 4 through December 31, inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 18 inches total length.

D. The maximum size limit for this fishery shall be 28 inches total length; ~~however, the maximum size limit shall only apply to one fish of the possession limit~~, *except as provided in subsection F of this section.*

E. The possession limit for this fishery shall be two fish per person.

F. The possession limit described in subsection E of this section may consist of only one striped bass 34 inches or greater.

4 VAC 20-252-100. Potomac River tributaries summer/fall striped bass recreational fishery.

A. The open season for the Potomac River tributaries fall striped bass fishery shall correspond to the open fall season as established by the Potomac River Fisheries Commission for the mainstem Potomac River.

B. The area open for this fishery shall be the Potomac River tributaries.

C. The minimum size limit for this fishery shall be 18 inches total length.

D. The maximum size limit for this fishery shall be 28 inches total length; ~~however, the maximum size limit shall only apply to one fish of the possession limit~~, *except as provided in subsection F of this section.*

E. The possession limit for this fishery shall be two fish per person.

F. The possession limit described in subsection E of this section may consist of only one striped bass 34 inches or greater.

VA.R. Doc. No. R06-04; Filed August 26, 2005, 2:43 p.m.

* * * * *

Title of Regulation: 4 VAC 20-566. **Pertaining to the Hampton Roads Shellfish Relay Area (adding 4 VAC 20-566-10 through 4 VAC 20-266-50).**

Statutory Authority: §§ 28.2-201 and 28.2-816 of the Code of Virginia.

Effective Date: September 15, 2005.

Agency Contact: Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail debbie.cawthon@mrc.virginia.gov.

Summary:

This regulation extends the open harvest season for the Hampton Roads Shellfish Relay Area through September 30, 2005.

**CHAPTER 566.
PERTAINING TO THE HAMPTON ROADS SHELLFISH
RELAY AREA.**

4 VAC 20-566-10. Purpose.

The provisions of this regulation are in response to increased pressure on the hard clam resource by patent tongs in clean clam areas during the month of August.

Final Regulations

4 VAC 20-566-20. Hampton Roads Shellfish Relay Area.

The Hampton Roads Shellfish Relay Area shall consist of all condemned clamming grounds bounded by a line beginning at the upstream side of the large fishing pier on the southeast side of Old Point Comfort; thence upstream along the shoreline to Newport News Creek; thence to the southeast corner of the Monitor Merrimac Bridge Tunnel island along the downstream side, thence to FI R "12"; thence to the northeast corner of the Fan Building on the southern island of the bridge tunnel; thence southerly along the downstream side of the bridge tunnel to the south line of Public Ground Number 1, Nansemond County; then easterly along the Public Ground to Craney Island Disposal Area; thence clockwise around the boundaries of the disposal area to its intersection with the shore; thence along the shore to the northeast corner of Craney Island; thence through navigational aid FI G "21" to the point where it intersects a line drawn from the shoreward end of pier number 6 at Lamberts Point to the southeast corner of Tanner Point; thence along the shore to the point of intersection with the rippapped shoreline of the Hampton Roads Bridge-Tunnel island at Fort Wool; thence easterly around this island to its easternmost point; thence north northwesterly to the intersection of the shoreline and the upstream side of the large fishing pier on the east side of Old Point Comfort at the point of beginning.

4 VAC 20-566-30. Harvest season.

A. The open harvest season for the Hampton Roads Shellfish Relay Area, as specified by § 28.2-816 of the Code of Virginia, shall be extended through September 30, 2005. Harvest of hard clams in the Hampton Roads Shellfish Relay Area shall only occur on Mondays through Fridays during the 2005 open harvest season. Thereafter, the Hampton Roads Shellfish Relay Area shall be managed by the authority promulgated in § 28.2-816 of the Code of Virginia.

B. It shall be unlawful to harvest hard clams from the Hampton Roads Shellfish Relay Area, except as provided in subsection A of this section.

4 VAC 20-566-40. Harvest restrictions.

A. It shall be unlawful for any person to possess any hard clam that can be passed through a 1-3/8-inch inside diameter culling ring.

B. For the possession limit described in subsection A of this section, there shall be a 2.0% tolerance of hard clams, by number, in each bag or container.

C. It shall be unlawful for any person to possess any hard clam that cannot be passed through a 2-7/8-inch inside diameter culling ring.

D. For the possession limit described in subsection C of this section, there shall be a 10% tolerance of hard clams, by number, in each bag or container.

E. It shall be unlawful for any person to harvest clams from the Hampton Roads Shellfish Relay Area before sunrise or after 5 p.m.

4 VAC 20-566-50. Penalty.

A. As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second, or subsequent violation of any provision of this regulation committed by the same person within 12 months of a prior violation, is a Class 1 misdemeanor.

B. The Marine Resources Commission may revoke the relay permit of any person convicted of a violation of this regulation.

VA.R. Doc. No. R06-05; Filed August 26, 2005, 2:45 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Title of Regulation: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic (amending 18 VAC 85-20-30, 18 VAC 85-20-40, 18 VAC 85-20-50, 18 VAC 85-20-80, 18 VAC 85-20-90, 18 VAC 85-20-100, 18 VAC 85-20-105; adding 18 VAC 85-20-25, 18 VAC 85-20-26, 18 VAC 85-20-27, 18 VAC 85-20-28 and 18 VAC 85-20-29).**

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

Effective Date: October 19, 2005.

Agency Contact: William L. Harp, M.D., Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

Summary:

The amendments expand the current regulations on professional conduct to include standards for treating and prescribing for self and family; maintenance, retention and release of patient records; patient confidentiality; practitioner-patient communication and termination of that relationship; and practitioner responsibilities. In addition, substantive amendments are proposed for advertising ethics, the recommendation for vitamins and minerals, pharmacotherapy for weight loss, and sexual contact.

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.

PART II.

STANDARDS OF PROFESSIONAL CONDUCT.

18 VAC 85-20-25. Treating and prescribing for self or family.

A. Treating or prescribing shall be based on a bona fide practitioner-patient relationship, and prescribing shall meet the criteria set forth in § 54.1-3303 of the Code of Virginia.

B. A practitioner shall not prescribe a controlled substance to himself or a family member, other than Schedule VI as defined in § 54.1-3455 of the Code of Virginia, unless the prescribing occurs in an emergency situation or in isolated settings where there is no other qualified practitioner available to the patient, or it is for a single episode of an acute illness through one prescribed course of medication.

C. When treating or prescribing for self or family, the practitioner shall maintain a patient record documenting compliance with statutory criteria for a bona fide practitioner-patient relationship.

18 VAC 85-20-26. Patient records.

A. Practitioners shall comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records.

B. Practitioners shall provide patient records to another practitioner or to the patient or his [authorized personal] representative in a timely manner in accordance with provisions of § 32.1-127.1:03 of the Code of Virginia.

C. Practitioners shall properly manage patient records and shall maintain timely, accurate, legible and complete patient records.

D. Practitioners shall maintain a patient record for a minimum of six years following the last patient encounter with the following exceptions:

1. Records of a minor child, including immunizations, [which] shall be maintained until the child reaches the age of 18 or [the age of emancipation, whichever comes first, except the becomes emancipated, with a] minimum time for record retention [shall be of] six years [from the last patient encounter] regardless of the age of the child [at the last patient encounter];

2. Records that have previously been transferred to another practitioner or health care provider or provided to the patient or his [legally authorized personal] representative; or

3. Records that are required by contractual obligation or federal law to be maintained for a longer period of time.

E. From [insert effective date of regulations] October 19, 2005,] practitioners shall post information or in some manner inform all patients concerning the time frame for record retention and destruction. Patient records shall only be destroyed in a manner that protects patient confidentiality, such as by incineration or shredding.

F. When a practitioner is closing, selling or relocating his practice, he shall meet the requirements of § 54.1-2405 of the Code of Virginia for giving notice that copies of records can be sent to any like-regulated provider of the patient's choice or provided to the patient.

18 VAC 85-20-27. Confidentiality.

A practitioner shall not willfully or negligently breach the confidentiality between a practitioner and a patient. A breach of [confidence confidentiality] that is required [or permitted] by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

18 VAC 85-20-28. Practitioner-patient communication; termination of relationship.

A. Communication with patients.

1. Except as provided in § 32.1-127.1:03 F of the Code of Virginia, a practitioner shall accurately inform [patients a patient] or [their his] legally authorized representative of [any his] medical diagnoses, prognosis and prescribed treatment or plan of care. A practitioner shall not deliberately make a false or misleading statement regarding the practitioner's skill or the efficacy or value of a medication, treatment, or procedure prescribed or directed by the practitioner in the treatment of any disease or condition.

2. [Practitioners A practitioner] shall present information relating to the patient's care to a patient or his legally authorized representative in understandable terms and encourage participation in the decisions regarding the patient's care.

3. Before surgery or any invasive procedure is performed, informed consent shall be obtained from the patient in accordance with the policies of the health care entity. Practitioners shall inform patients of the risks, benefits, and alternatives of the recommended surgery or invasive procedure that a reasonably prudent practitioner [practicing] in [similar practice in] Virginia [in the same or a similar specialty] would tell a patient.

a. In the instance of a minor or a patient who is incapable of making an informed decision on his own behalf or is incapable of communicating such a decision due to a physical or mental disorder, the legally authorized person available to give consent shall be informed and the consent documented.

b. An exception to the requirement for consent prior to performance of surgery or an invasive procedure may be made in an emergency situation when a delay in obtaining consent would likely result in imminent harm to the patient.

c. For the purposes of this provision, "invasive procedure" means any diagnostic or therapeutic procedure performed on a patient that is not part of routine, general care and for which the usual practice within the health care entity is to document specific informed consent from the patient or surrogate decision maker prior to proceeding.

4. Practitioners shall adhere to requirements of § 32.1-162.18 of the Code of Virginia for obtaining informed consent from patients prior to involving them as subjects in human research [that affects their care] with the exception of retrospective chart reviews].

B. Termination of the practitioner/patient relationship.

1. The practitioner or the patient may terminate the relationship. In either case, the practitioner shall make a copy of the patient record available, except in situations where denial of access is allowed by law.

2. Except as provided in § 54.1-2962.2 of the Code of Virginia, a practitioner shall not terminate the relationship or

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make his services unavailable without documented notice to the patient that allows for a reasonable time to obtain the services of another practitioner.

18 VAC 85-20-29. Practitioner responsibility.

A. A practitioner shall not:

1. Knowingly allow subordinates to jeopardize patient safety or provide patient care outside of the subordinate's scope of practice or area of responsibility. Practitioners shall delegate patient care only to subordinates who are properly trained and supervised;

2. Engage in an egregious pattern of disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; or

3. Exploit the practitioner/patient relationship for personal gain.

B. Advocating for patient safety or improvement in patient care within a health care entity shall not constitute disruptive behavior provided the practitioner does not engage in behavior prohibited in subdivision A 2 of this section.

18 VAC 85-20-30. Advertising ethics.

A. Any statement specifying a fee, whether standard, discounted or free, for professional services which does not include the cost of all related procedures, services and products which, to a substantial likelihood, will be necessary for the completion of the advertised service as it would be understood by an ordinarily prudent person shall be deemed to be deceptive or misleading, or both. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of prices for specifically described services shall not be deemed to be deceptive or misleading.

B. Advertising a discounted or free service, examination, or treatment and charging for any additional service, examination, or treatment which that is performed as a result of and within 72 hours of the initial office visit in response to such advertisement is unprofessional conduct unless such professional services rendered are as a result of a bonafide emergency. This provision may not be waived by agreement of the patient and the practitioner.

C. Advertisements of discounts shall disclose the full fee that has been discounted. The practitioner shall maintain documented evidence to substantiate the discounted fees and shall make such information available to a consumer upon request.

D. A licensee [~~or certificate holder's authorization of or use in any advertising for his practice of the term "board certified" or any similar words or phrase calculated to convey the same meaning shall constitute misleading or deceptive advertising under § 54.1-2915 of the Code of Virginia, unless the licensee or certificate holder discloses the complete name of the specialty board which conferred the aforementioned certification shall disclose the complete name of the specialty board that conferred the certification when using or authorizing the use of the term "board certified" or any similar~~

~~words or phrase calculated to convey the same meaning in any advertising for his practice].~~

E. ~~It shall be considered unprofessional conduct for a licensee of the board to publish an advertisement which shall not advertise information that is false, misleading, or deceptive. For an advertisement for a single practitioner, it shall be presumed that the practitioner is responsible and accountable for the validity and truthfulness of its content. For an advertisement for a practice in which there is more than one practitioner, the name of the practitioner or practitioners responsible and accountable for the content of the advertisement shall be documented and maintained by the practice for at least two years.~~

18 VAC 85-20-40. Vitamins, minerals and food supplements.

A. ~~The use or recommendations recommendation or direction for the use of vitamins, minerals or food supplements and the rationale for that use or recommendation shall be documented by the practitioner. The rationale for said use must be therapeutically proven and not experimental recommendation or direction shall be based upon a reasonable expectation that such use will result in a favorable patient outcome, including preventive practices, and that a greater benefit will be achieved than that which can be expected without such use.~~

B. Vitamins, minerals, or food supplements, or a combination of the three, shall not be sold, dispensed, recommended, prescribed, or suggested in toxic doses that would be contraindicated based on the individual patient's overall medical condition and medications.

C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.

18 VAC 85-20-50. Anabolic steroids.

~~It shall be considered unprofessional conduct for a licensee of the board to~~ A practitioner shall not sell, prescribe, or administer anabolic steroids to any patient for other than accepted therapeutic purposes.

18 VAC 85-20-80. Solicitation or remuneration in exchange for referral.

~~It shall be unprofessional conduct for a licensee of the board to~~ A practitioner shall not knowingly and willfully solicit or receive any remuneration, directly or indirectly, in return for referring an individual to a facility or institution as defined in § 37.1-179 of the Code of Virginia, or hospital as defined in § 32.1-123 of the Code of Virginia.

Remuneration shall be defined as compensation, received in cash or in kind, but shall not include any payments, business arrangements, or payment practices allowed by Title 42, USC § 1320a-7b(b) of the United States Code, as amended, or any regulations promulgated thereto.

18 VAC 85-20-90. Pharmacotherapy for weight loss.

A. ~~It shall be unprofessional conduct for a physician to~~ A practitioner shall not prescribe amphetamine, Schedule II, for the purpose of weight reduction or control.

~~B. It shall be unprofessional conduct for a physician to A practitioner shall not prescribe anorectic drugs controlled substances, Schedules III through VI, for the purpose of weight reduction or control in the treatment of obesity, unless the following conditions are met:~~

~~1. A comprehensive An appropriate history, and physical examination, and interpreted electrocardiogram are performed and recorded at the time of initiation of treatment pharmacotherapy for obesity by the prescribing physician, and the physician reviews the results of laboratory work, as indicated, including testing for thyroid function;~~

~~2. If the drug to be prescribed could adversely affect cardiac function, the physician shall review the results of an electrocardiogram performed and interpreted within 90 days of initial prescribing for treatment of obesity;~~

~~2- 3. A diet and exercise program for weight loss is prescribed and recorded;~~

~~3- 4. The patient is weighed at least once a month seen within the first 30 days following initiation of pharmacotherapy for weight loss by the prescribing physician or a licensed practitioner with prescriptive authority working under the supervision of the prescribing physician, at which time a recording shall be made of blood pressure, pulse, and any other tests as may be necessary for monitoring potential adverse effects of drug therapy;~~

~~4. No more than a 30-day supply of such drugs shall be prescribed or dispensed at any one time;~~

~~5. No such drugs shall be prescribed or dispensed for more than 90 days unless the patient:~~

~~a. Has a recorded weight loss of at least 12 pounds in the first 90 days of therapy;~~

~~b- 5. The treating physician shall direct the follow-up care, including the intervals for patient visits and the continuation of or any subsequent changes in pharmacotherapy. Continuation of prescribing for treatment of obesity shall occur only if the patient has continued progress toward achieving or maintaining a target weight; and e- has no significant adverse effects from the prescribed program.~~

~~C. It shall be unprofessional conduct for a physician to prescribe amphetamine like substances for use as an anorectic agent in children under 12 years of age.~~

18 VAC 85-20-100. Sexual contact with patients.

A. For purposes of § 54.1-2915 A [7 12] and A 19 of the Code of Virginia and this section, sexual contact between a practitioner and a patient includes, but is not limited to, sexual behavior or involvement with a patient including verbal or physical behavior which that:

1. May reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both; or

2. May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs in the professional setting or outside of it.

B. Sexual contact with a patient.

1. The determination of when a person is a patient for purposes of § 54.1-2915 A 19 of the Code of Virginia is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. A person is presumed to remain a patient until the patient-practitioner relationship is terminated.

2. The consent to, initiation of, or participation in sexual behavior or involvement with a practitioner by a patient does not change the nature of the conduct nor negate the statutory prohibition.

~~C. A patient's consent to, initiation of, or participation in sexual behavior or involvement with a practitioner does not change the nature of the conduct nor lift the statutory prohibition.~~ Sexual contact between a practitioner and a former patient after termination of the practitioner-patient relationship may still constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence of emotions derived from the professional relationship.

~~D. Sexual contact between a practitioner and a key third party shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care. For purposes of this section, key third party of a patient means spouse or partner, parent or child, guardian, or legal representative of the patient.~~

~~E. Sexual contact between a medical supervisor and a medical trainee shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care.~~

18 VAC 85-20-105. Refusal to provide information.

~~It shall be considered unprofessional conduct for a licensee to A practitioner shall not willfully refuse to provide information or records as requested or required by the board or its representative pursuant to an investigation or to the enforcement of a statute or regulation.~~

NOTICE: The forms used in administering 18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic, are not being published due to the number of forms; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Instructions for Completing Application to Practice Medicine for Graduates of Approved Institutions (rev. 7/03).

Instructions for Completing an Application to Practice Medicine for Graduates of Nonapproved Institutions (rev. 7/03).

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Instructions for Completing PMLEXIS Examination/License Application (rev. 7/03).

Information for Completing Chiropractic Endorsement Application (rev. 7/03).

Instructions for Completing Podiatry Endorsement Application (rev. 7/03).

Instructions for Completing Osteopathic Medicine Licensure Application (rev. 7/03).

Form A, Claims History Sheet (rev. 12/02).

Form B, Activity Questionnaire (rev. 12/02).

Form C, Clearance from Other State Boards (rev. 12/02).

Form E, Disciplinary Inquiry (rev. 12/02).

Application for a License to Practice Medicine and Surgery (rev. 7/03).

Application for a License to Practice Osteopathic Medicine (rev. 7/03).

Application for a License to Practice Podiatry (rev. 7/03).

Application for a License to Practice Chiropractic (rev. 7/03).

Form H, Virginia Request for Podiatry Disciplinary Action (rev. 4/03 4/04).

Form I, National Board of Podiatric Medical Examiners Request for Scores on Part I and II (rev. 1/03).

Requirements and Instructions for an Intern/Resident License (rev. 3/04).

Intern/Resident, Form A, Memorandum from Associate Dean of Graduate Medical Education (rev. 3/04).

Intern/Resident, Form B, Certificate of Professional Education (rev. 3/04).

Application for a Temporary License for Intern/Resident Training Program (rev. 3/04).

Form G, Intern Resident, Request for Status Report of ECFMG Certification (eff. 3/04).

Form H, Report of Clinical Rotations (rev. 12/02).

Transfer Request, Intern Resident (eff. 3/04).

Instructions for Completing an Application for a Limited License to Practice Medicine as a Full-time Faculty Member or as a Full-time Fellow Foreign Medical Graduates Pursuant to 54.1-2936 (rev. 3/03 3/04).

Application for a Limited License to Practice Medicine as a Full-time Faculty Member or as a Full-time Fellow Foreign Medical Graduates Pursuant to 54.1-2936 (rev. 2/03 3/04).

Form G, Request for Status Report of Educational Commission for Foreign Medical Graduates Certification (rev. 12/02 3/04).

Form L, Certificate of Professional Education (rev. 12/02 9/04).

Continued Competency Activity and Assessment Form (rev. 4/00).

Instructions for Reinstatement of Medicine and Surgery Licensure Application (rev. 7/03 3/04).

Application for Reinstatement of License to Practice Medicine (rev. 7/03 3/04).

Form A, MD Reinstatement, Claims History Sheet (rev. 4/03 3/04).

Form B, MD Reinstatement, Activity Questionnaire Form (rev. 4/03 3/04).

Form C, MD Reinstatement, State Questionnaire Form (rev. 4/03 2/04).

MD Reinstatement, Disciplinary Inquiries to Federation of State Medical Boards (rev. 4/03 3/04).

Instructions for Reinstatement of Osteopathy Medicine Licensure Application (rev. 7/03 2/04).

Application for Reinstatement of License to Practice ~~Osteopathy~~ Osteopathic Medicine (rev. 7/03 3/04).

Form A, Osteopathy Reinstatement, Claims History (rev. 3/03 3/04).

Instructions for Reinstatement of Chiropractic Licensure Application (rev. 7/03 2/04).

Application for Reinstatement of License to Practice as a Chiropractor (rev. 7/03 3/04).

Instructions for Reinstatement of Podiatry Licensure Application (rev. 7/03 3/04).

Application for Reinstatement of License to Practice Podiatry (rev. 7/03 3/04).

Application for Reinstatement of License to Practice Medicine/Osteopathy After Petition for Reinstatement Denied or License Revoked (rev. 3/03).

Application for Reinstatement of License to Practice Medicine/Osteopathy (rev. 2/03).

Application for Reinstatement of License to Practice Chiropractic (rev. 3/03).

Renewal Notice and Application, 0101 Medicine and Surgery (rev. 7/03).

Renewal Notice and Application, 0102 Osteopathy and Surgery (rev. 7/03).

Renewal Notice and Application, 0103 Podiatry (rev. 7/03).

Renewal Notice and Application, 0104 Chiropractic (rev. 7/03).

Renewal Notice and Application, 0108 Naturopath (rev. 12/02).

Renewal Notice and Application, 0109 University and Limited License (rev. 12/02).

Renewal Notice and Application, 0116 Interns and Residents (rev. 12/02).

Application for Registration for Volunteer Practice (eff. 12/02).

Sponsor Certification for Volunteer Registration (eff. 1/03).
Guidelines for Completing the Practitioner Profile Questionnaire (rev. 12/02).
Practitioner's Help Section (rev. 11/02).
Practitioner Questionnaire (rev. 11/02).

VA.R. Doc. No. R03-263; Filed August 31, 2005, 9:46 a.m.

Title of Regulation: 18 VAC 85-40. Regulations Governing the Practice of Respiratory Care Practitioners (adding 18 VAC 85-40-85 through 18 VAC 85-40-91).

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

Effective Date: October 19, 2005.

Agency Contact: William L. Harp, M.D., Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

Summary:

The amendments establish standards for professional conduct including maintenance, retention and release of patient records; patient confidentiality; practitioner-patient communication and termination of that relationship; solicitation or remuneration for referrals; sexual contact; and practitioner responsibilities.

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.

PART V.
STANDARDS OF PROFESSIONAL CONDUCT.

18 VAC 85-40-85. Confidentiality.

A practitioner shall not willfully or negligently breach the confidentiality between a practitioner and a patient. A breach of [~~confidence~~ confidentiality] that is required [or permitted] by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

18 VAC 85-40-86. Patient records.

A. Practitioners shall comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records.

B. Practitioners shall provide patient records to another practitioner or to the patient or his [~~authorized~~ personal] representative in a timely manner in accordance with provisions of § 32.1-127.1:03 of the Code of Virginia.

C. Practitioners shall properly manage and keep timely, accurate, legible and complete patient records.

D. Practitioners who are employed by a health care institution or other entity in which the individual practitioner does not own or maintain his own records shall maintain patient records in

accordance with the policies and procedures of the employing entity.

E. Practitioners who are self-employed or employed by an entity in which the individual practitioner owns and is responsible for patient records shall:

1. Maintain a patient record for a minimum of six years following the last patient encounter with the following exceptions:

a. Records of a minor child, including immunizations, [~~which~~] shall be maintained until the child reaches the age of 18 or [~~the age of emancipation, whichever comes first, except the~~ becomes emancipated, with a] minimum time for record retention [~~shall be of~~] six years [~~from the last patient encounter~~] regardless of the age of the child [~~at the last patient encounter~~];

b. Records that have previously been transferred to another practitioner or health care provider or provided to the patient [or his personal representative];

c. Records that are required by contractual obligation or federal law [may need] to be maintained for a longer period of time.

2. From [~~(insert effective date of regulations)~~] October 19, 2005], post information or in some manner inform all patients concerning the time frame for record retention and destruction. Patient records shall only be destroyed in a manner that protects patient confidentiality, such as by incineration or shredding.

3. When closing, selling or relocating his practice, meet the requirements of § 54.1-2405 of the Code of Virginia for giving notice that copies of records can be sent to any like-regulated provider of the patient's choice or provided to the patient.

18 VAC 85-40-87. Practitioner-patient communication; termination of relationship.

A. Communication with patients.

1. Except as provided in § 32.1-127.1:03 F of the Code of Virginia, a practitioner shall accurately present information to a patient or his legally authorized representative in [understandable] terms [~~that are understandable~~] and encourage participation in decisions regarding the patient's care.

2. A practitioner shall not deliberately make a false or misleading statement regarding the practitioner's skill or the efficacy or value of a medication, treatment, or procedure provided or directed by the practitioner in the treatment of any disease or condition.

3. Before an invasive procedure is performed, informed consent shall be obtained from the patient in accordance with the policies of the health care entity. Practitioners shall inform patients of the risks, benefits, and alternatives of the recommended procedure that a reasonably prudent practitioner practicing respiratory care in Virginia would tell a patient.

a. In the instance of a minor or a patient who is incapable of making an informed decision on his own behalf or is

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incapable of communicating such a decision due to a physical or mental disorder, the legally authorized person available to give consent shall be informed and the consent documented.

b. An exception to the requirement for consent prior to performance of an invasive procedure may be made in an emergency situation when a delay in obtaining consent would likely result in imminent harm to the patient.

c. For the purposes of this provision, "invasive procedure" means any diagnostic or therapeutic procedure performed on a patient that is not part of routine, general care and for which the usual practice within the health care entity is to document specific informed consent from the patient or surrogate decision maker prior to proceeding.

4. Practitioners shall adhere to requirements of § 32.1-162.18 of the Code of Virginia for obtaining informed consent from patients prior to involving them as subjects in human research [~~that affects their care~~ with the exception of retrospective chart reviews].

B. Termination of the practitioner/patient relationship.

1. The practitioner or the patient may terminate the relationship. In either case, the practitioner shall make the patient record available, except in situations where denial of access is allowed by law.

2. A practitioner shall not terminate the relationship or make his services unavailable without documented notice to the patient that allows for a reasonable time to obtain the services of another practitioner.

18 VAC 85-40-88. Practitioner responsibility.

A. A practitioner shall not:

1. Perform procedures or techniques that are outside the scope of his practice or for which he is not trained and individually competent;

2. Knowingly allow subordinates to jeopardize patient safety or provide patient care outside of the subordinate's scope of practice or area of responsibility. Practitioners shall delegate patient care only to subordinates who are properly trained and supervised;

3. Engage in an egregious pattern of disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; or

4. Exploit the practitioner/patient relationship for personal gain.

B. Advocating for patient safety or improvement in patient care within a health care entity shall not constitute disruptive behavior provided the practitioner does not engage in behavior prohibited in subdivision A 3 of this section.

18 VAC 85-40-89. Solicitation or remuneration in exchange for referral.

A practitioner shall not knowingly and willfully solicit or receive any remuneration, directly or indirectly, in return for referring

an individual to a facility or institution as defined in § 37.1-179 of the Code of Virginia or hospital as defined in § 32.1-123 of the Code of Virginia.

Remuneration shall be defined as compensation, received in cash or in kind, but shall not include any payments, business arrangements, or payment practices allowed by 42 USC § 1320 a-7b(b), as amended, or any regulations promulgated thereto.

18 VAC 85-40-90. Sexual contact.

A. For purposes of § [~~54.1-2914 A 7 and A 14~~ 54.1-2915 A 12 and A 19] of the Code of Virginia and this section, sexual contact includes, but is not limited to, sexual behavior or verbal or physical behavior that:

1. May reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both; or

2. May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs in the professional setting or outside of it.

B. Sexual contact with a patient.

1. The determination of when a person is a patient for purposes of § [~~54.1-2914 A 14~~ 54.1-2915 A 19] of the Code of Virginia is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. A person is presumed to remain a patient until the patient-practitioner relationship is terminated.

2. The consent to, initiation of, or participation in sexual behavior or involvement with a practitioner by a patient does not change the nature of the conduct nor negate the statutory prohibition.

C. Sexual contact between a practitioner and a former patient after termination of the practitioner-patient relationship may still constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence of emotions derived from the professional relationship.

D. Sexual contact between a practitioner and a key third party shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care. For purposes of this section, key third party of a patient means spouse or partner, parent or child, guardian, or legal representative of the patient.

E. Sexual contact between a supervisor and a trainee shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care.

18 VAC 85-40-91. Refusal to provide information.

A practitioner shall not willfully refuse to provide information or records as requested or required by the board or its representative pursuant to an investigation or to the enforcement of a statute or regulation.

NOTICE: The forms used in administering 18 VAC 85-40, Regulations Governing the Practice of Respiratory Care Practitioners, are not being published due to the number of forms; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- Instructions for Completing a Respiratory Care Practitioner Application (rev. 44/02 6/04).
- Application for a License to Practice as a Respiratory Care Practitioner (rev. 44/02 6/04).
- Instructions for Completing Reinstatement Application for of Respiratory Care Practitioner License (eff. 40/04 rev. 3/04).
- Application for Reinstatement as a of License to Practice Respiratory Care Practitioner (eff. 3/03 rev. 3/04).
- Form A, Claims History Sheet (rev. 44/02 6/04).
- Form B, Activity Questionnaire (rev. 44/02 6/04).
- Form C, Clearance from Other State Boards (rev. 44/02 3/03).
- Form L, Certificate of Professional Education (rev. 44/02 9/04).
- Verification of Certification Request Form (NBRTC) (rev. 44/02 6/04).
- Renewal Notice and Application, 0117 Respiratory Care (rev. 2/03).
- Application for Registration for Volunteer Practice (eff. 12/02).
- Sponsor Certification for Volunteer Registration (eff. 1/03).

VA.R. Doc. No. R03-263; Filed August 31, 2005, 9:47 a.m.

Title of Regulation: 18 VAC 85-50. Regulations Governing the Practice of Physician Assistants (adding 18 VAC 85-50-175 through 18 VAC 85-50-184).

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

Effective Date: October 19, 2005.

Agency Contact: William L. Harp, M.D., Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

Summary:

The amendments establish standards for professional conduct for physician assistants including prescribing for self or family; maintenance, retention and release of patient records; patient confidentiality; practitioner-patient communication and termination of that relationship; solicitation or remuneration for referrals; sexual contact; and practitioner responsibilities.

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

PART VI.
STANDARDS OF PROFESSIONAL CONDUCT.

18 VAC 85-50-175. Confidentiality.

A practitioner shall not willfully or negligently breach the confidentiality between a practitioner and a patient. A breach of [~~confidenece~~ confidentiality] that is required [or permitted] by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

18 VAC 85-50-176. Treating and prescribing for self or family.

A. Treating or prescribing shall be based on a bona fide practitioner-patient relationship, and prescribing shall meet the criteria set forth in § 54.1-3303 of the Code of Virginia.

B. A practitioner shall not prescribe a controlled substance to himself or a family member, other than Schedule VI as defined in § 54.1-3455 of the Code of Virginia, unless the prescribing occurs in an emergency situation or in isolated settings where there is no other qualified practitioner available to the patient, or it is for a single episode of an acute illness through one prescribed course of medication.

C. When treating or prescribing for self or family, the practitioner shall maintain a patient record documenting compliance with statutory criteria for a bona fide practitioner-patient relationship.

18 VAC 85-50-177. Patient records.

A. Practitioners shall comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records.

B. Practitioners shall properly manage patient records and shall maintain timely, accurate, legible and complete records.

C. Practitioners shall provide patient records to another practitioner or to the patient or his [~~authorized~~ personal] representative in a timely manner and in accordance with provisions of § 32.1-127.1:03 of the Code of Virginia.

18 VAC 85-50-178. Practitioner-patient communication.

A. Except as provided in § 32.1-127.1:03 F of the Code of Virginia, a practitioner shall accurately inform [~~patients~~ a patient] or [~~their~~ his] legally authorized representative of [~~any~~ his] medical diagnoses, prognosis and prescribed treatments or plans of care. A practitioner shall not deliberately make a false or misleading statement regarding the practitioner's skill or the efficacy or value of a medication,

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treatment, or procedure prescribed or directed by the practitioner in the treatment of any disease or condition.

B. ~~[Practitioners]~~ A practitioner shall present information relating to the patient's care to a patient or his legally authorized representative in understandable terms and encourage participation in the decisions regarding the patient's care and shall refer to or consult with other health care professionals if so indicated.

C. Before surgery or any invasive procedure is performed, informed consent shall be obtained from the patient in accordance with the policies of the health care entity. Practitioners shall inform patients of the risks, benefits, and alternatives of the recommended surgery or invasive procedure that a reasonably prudent practitioner ~~[practicing]~~ in ~~[similar practice in]~~ Virginia ~~[in the same or a similar specialty]~~ would tell a patient.

1. In the instance of a minor or a patient who is incapable of making an informed decision on his own behalf or is incapable of communicating such a decision due to a physical or mental disorder, the legally authorized person available to give consent shall be informed and the consent documented.

2. An exception to the requirement for consent prior to performance of surgery or an invasive procedure may be made in an emergency situation when a delay in obtaining consent would likely result in imminent harm to the patient.

3. For the purposes of this provision, "invasive procedure" means any diagnostic or therapeutic procedure performed on a patient that is not part of routine, general care and for which the usual practice within the health care entity is to document specific informed consent from the patient or surrogate decision maker prior to proceeding.

18 VAC 85-50-179. Practitioner responsibility.

A. A practitioner shall not:

1. Perform procedures or techniques that are outside the scope of his practice or for which he is not trained and individually competent;

2. Knowingly allow subordinates to jeopardize patient safety or provide patient care outside of the subordinate's scope of practice or area of responsibility. Practitioners shall delegate patient care only to subordinates who are properly trained and supervised;

3. Engage in an egregious pattern of disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; or

4. Exploit the practitioner/patient relationship for personal gain.

B. Advocating for patient safety or improvement in patient care within a health care entity shall not constitute disruptive behavior provided the practitioner does not engage in behavior prohibited in subdivision A 3 of this section.

18 VAC 85-50-180. Vitamins, minerals and food supplements.

A. The recommendation or direction for the use of vitamins, minerals or food supplements and the rationale for that recommendation shall be documented by the practitioner. The recommendation or direction shall be based upon a reasonable expectation that such use will result in a favorable patient outcome, including preventive practices, and that a greater benefit will be achieved than that which can be expected without such use.

B. Vitamins, minerals, or food supplements, or a combination of the three, shall not be sold, dispensed, recommended, prescribed, or suggested in doses that would be contraindicated based on the individual patient's overall medical condition and medications.

C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.

18 VAC 85-50-181. Pharmacotherapy for weight loss.

A. A practitioner shall not prescribe amphetamine, Schedule II, for the purpose of weight reduction or control.

B. A practitioner shall not prescribe controlled substances, Schedules III through VI, for the purpose of weight reduction or control in the treatment of obesity, unless the following conditions are met:

1. An appropriate history and physical examination are performed and recorded at the time of initiation of pharmacotherapy for obesity by the prescribing physician, and the physician reviews the results of laboratory work, as indicated, including testing for thyroid function;

2. If the drug to be prescribed could adversely affect cardiac function, the physician shall review the results of an electrocardiogram performed and interpreted within 90 days of initial prescribing for treatment of obesity;

3. A diet and exercise program for weight loss is prescribed and recorded;

4. The patient is seen within the first 30 days following initiation of pharmacotherapy for weight loss, by the prescribing physician or a licensed practitioner with prescriptive authority working under the supervision of the prescribing physician, at which time a recording shall be made of blood pressure, pulse, and any other tests as may be necessary for monitoring potential adverse effects of drug therapy; and

5. The treating physician shall direct the follow-up care, including the intervals for patient visits and the continuation of or any subsequent changes in pharmacotherapy. Continuation of prescribing for treatment of obesity shall occur only if the patient has continued progress toward achieving or maintaining a target weight and has no significant adverse effects from the prescribed program.

18 VAC 85-50-182. Anabolic steroids.

A physician assistant shall not prescribe or administer anabolic steroids to any patient for other than accepted therapeutic purposes.

18 VAC 85-50-183. Sexual contact.

A. For purposes of § [~~54.1-2914 A 7 and A 14~~ 54.1-2915 A 12 and A 19] of the Code of Virginia and this section, sexual contact includes, but is not limited to, sexual behavior or verbal or physical behavior that:

- 1. May reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both; or
- 2. May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs in the professional setting or outside of it.

B. Sexual contact with a patient.

- 1. The determination of when a person is a patient for purposes of § [~~54.1-2914 A 14~~ 54.1-2915 A 19] of the Code of Virginia is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. A person is presumed to remain a patient until the patient-practitioner relationship is terminated.
- 2. The consent to, initiation of, or participation in sexual behavior or involvement with a practitioner by a patient does not change the nature of the conduct nor negate the statutory prohibition.

C. Sexual contact between a practitioner and a former patient after termination of the practitioner-patient relationship may still constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence of emotions derived from the professional relationship.

D. Sexual contact between a practitioner and a key third party shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care. For purposes of this section, key third party of a patient means spouse or partner, parent or child, guardian, or legal representative of the patient.

E. Sexual contact between a supervisor and a trainee shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care.

18 VAC 85-50-184. Refusal to provide information.

A practitioner shall not willfully refuse to provide information or records as requested or required by the board or its representative pursuant to an investigation or to the enforcement of a statute or regulation.

NOTICE: The forms used in administering 18 VAC 85-50, Regulations Governing the Practice of Physician Assistants, are not being published due to the number of forms; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- Instructions for Completing a Physician Assistant Licensure Application (rev. ~~7/04~~ 2/04).
- Application for a ~~License to Practice~~ Licensure as a Physician Assistant (rev. ~~3/03~~ 7/03).
- Form #B, Activity Questionnaire (rev. 3/03).
- Form #C, Clearance from Other State Boards (rev. 3/03).
- Form #L, Certificate of Physician Assistant Education (eff. ~~3/03~~ 9/04).
- Form #2, Physician Assistant Invasive Procedures Protocol (rev. 3/03).
- Renewal Notice and Application, 0110 Physician Assistant (rev. 12/02).
- Instructions for ~~Subsequent Employment to Completing a Practice Application~~ as a Physician Assistant (rev. ~~8/04~~ 9/04).
- Application for ~~Employment~~ to Practice as a Physician Assistant (rev. ~~3/03~~ 6/04).
- Request for Prescriptive Authority from the PA (rev. ~~4/03~~ 4/04).
- Alternate Supervisors Signature Form (rev. 3/03).
- Form #1-A, Addendum to Protocol of Physician Assistant Duties (rev. 3/03).
- Application for Registration for Volunteer Practice (eff. 12/02).
- Sponsor Certification for Volunteer Registration (eff. 1/03).
- Physician Assistant Volunteer License Application (eff. 3/03).

VA.R. Doc. No. R03-263; Filed August 31, 2005, 9:47 a.m.

* * * * *

Title of Regulation: 18 VAC 85-80. Regulations Governing the Licensure of Occupational Therapists (adding 18 VAC 85-80-120 through 18 VAC 85-80-125).

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

Effective Date: October 19, 2005.

Agency Contact: William L. Harp, M.D., Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

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Summary:

The amendments establish standards for professional conduct including maintenance, retention and release of patient records; patient confidentiality; practitioner-patient communication and termination of that relationship; sexual contact; and practitioner responsibilities.

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

PART V. STANDARDS OF PROFESSIONAL CONDUCT.

18 VAC 85-80-120. Confidentiality.

A practitioner shall not willfully or negligently breach the confidentiality between a practitioner and a patient. A breach of [~~confidence~~ confidentiality] that is required [or permitted] by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

18 VAC 85-80-121. Patient records.

A. Practitioners shall comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records.

B. Practitioners shall provide patient records to another practitioner or to the patient or his [~~authorized personal~~] representative in a timely manner and in accordance with provisions of § 32.1-127.1:03 of the Code of Virginia.

C. Practitioners shall properly manage and keep timely, accurate, legible and complete patient records.

D. Practitioners who are employed by a health care institution, school system or other entity in which the individual practitioner does not own or maintain his own records shall maintain patient records in accordance with the policies and procedures of the employing entity.

E. Practitioners who are self-employed or employed by an entity in which the individual practitioner does own and is responsible for patient records shall:

1. Maintain a patient record for a minimum of six years following the last patient encounter with the following exceptions:

a. Records of a minor child, including immunizations, shall be maintained until the child reaches the age of 18 or [~~the age of emancipation, whichever comes first, except the~~] becomes emancipated, with a [] minimum time for record retention [~~shall be of~~] six years [from the last patient encounter] regardless of the age of the child [~~at the last patient encounter~~];

b. Records that have previously been transferred to another practitioner or health care provider or provided to the patient [or his personal representative]; or

c. Records that are required by contractual obligation or federal law [may need] to be maintained for a longer period of time.

2. From [~~insert effective date of regulations~~] October 19, 2005], post information or in some manner inform all

patients concerning the time frame for record retention and destruction. Patient records shall only be destroyed in a manner that protects patient confidentiality, such as by incineration or shredding.

F. When a practitioner is closing, selling or relocating his practice, he shall meet the requirements of § 54.1-2405 of the Code of Virginia for giving notice that copies of records can be sent to any like-regulated provider of the patient's choice or provided to the patient.

18 VAC 85-80-122. Practitioner-patient communication; termination of relationship.

A. Communication with patients.

1. Except as provided in § 32.1-127.1:03 F of the Code of Virginia, a practitioner shall accurately present information to a patient or his legally authorized representative in [understandable] terms [~~that are understandable~~] and encourage participation in decisions regarding the patient's care.

2. A practitioner shall not deliberately make a false or misleading statement regarding the practitioner's skill or the efficacy or value of a treatment or procedure provided or directed by the practitioner in the treatment of any disease or condition.

3. Practitioners shall adhere to requirements of § 32.1-162.18 of the Code of Virginia for obtaining informed consent from patients prior to involving them as subjects in human research [~~that affects their care~~ with the exception of retrospective chart reviews].

B. Termination of the practitioner/patient relationship.

1. The practitioner or the patient may terminate the relationship. In either case, the practitioner shall make the patient record available, except in situations where denial of access is allowed by law.

2. A practitioner shall not terminate the relationship or make his services unavailable without documented notice to the patient that allows for a reasonable time to obtain the services of another practitioner.

18 VAC 85-80-123. Practitioner responsibility.

A. A practitioner shall not:

1. Perform procedures or techniques that are outside the scope of his practice or for which he is not trained and individually competent;

2. Knowingly allow subordinates to jeopardize patient safety or provide patient care outside of the subordinate's scope of practice or their area of responsibility. Practitioners shall delegate patient care only to subordinates who are properly trained and supervised;

3. Engage in an egregious pattern of disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; or

4. Exploit the practitioner/patient relationship for personal gain.

B. Advocating for patient safety or improvement in patient care within a health care entity shall not constitute disruptive behavior provided the practitioner does not engage in behavior prohibited in subdivision A 3 of this section.

18 VAC 85-80-124. Sexual contact.

A. For purposes of § [~~54.1-2914 A 7 and A 14~~ 54.1-2915 A 12 and A 19] of the Code of Virginia and this section, sexual contact includes, but is not limited to, sexual behavior or verbal or physical behavior that:

1. May reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both; or
2. May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs in the professional setting or outside of it.

B. Sexual contact with a patient.

1. The determination of when a person is a patient for purposes of § [~~54.1-2914 A 14~~ 54.1-2915 A 19] of the Code of Virginia is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. A person is presumed to remain a patient until the patient-practitioner relationship is terminated.

2. The consent to, initiation of, or participation in sexual behavior or involvement with a practitioner by a patient does not change the nature of the conduct nor negate the statutory prohibition.

C. Sexual contact between a practitioner and a former patient after termination of the practitioner-patient relationship may still constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence of emotions derived from the professional relationship.

D. Sexual contact between a practitioner and a key third party shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care. For purposes of this section, key third party of a patient means spouse or partner, parent or child, guardian, or legal representative of the patient.

E. Sexual contact between a supervisor and a trainee shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care.

18 VAC 85-80-125. Refusal to provide information.

A practitioner shall not willfully refuse to provide information or records as requested or required by the board or its representative pursuant to an investigation or to the enforcement of a statute or regulation.

NOTICE: The forms used in administering 18 VAC 85-80, Regulations Governing the Licensure of Occupational Therapists, are not being published due to the number of forms; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- Instructions for Completing an Occupational Therapist Licensure Application (rev. 3/03).
- Application for a License to Practice as an Occupational Therapist (rev. 3/03).
- Form A, Claims History Sheet (rev. 3/03).
- Form B, Activity Questionnaire (rev. 3/03).
- Form C, Clearance from Other State Boards (rev. 3/03).
- Form L, Certificate of Professional Education (rev. ~~3/03~~ 9/04).
- Board Approved Practice, Occupational Therapist Traineeship (rev. 3/03).
- Instructions for Completing Reinstatement of ~~Licensure Application for Occupational Therapy Licensure~~ (rev. ~~4/03~~ 3/04).
- Application for Reinstatement ~~as an~~ of Licensure to Practice Occupational ~~Therapist Therapy~~ (rev. ~~3/03~~ 3/04).
- Instructions for Supervised Practice, Occupational Therapy Reinstatement (rev. ~~3/03~~ 3/04).
- Supervised Practice Application, Occupational Therapy Reinstatement (rev. ~~3/03~~ 3/04).
- Report of Supervised Practice for Reinstatement, Form #B (rev. ~~3/03~~ 3/04).
- Renewal Notice and Application (rev. 11/02).
- Continued Competency Activity and Assessment Form (rev. 9/00).
- Application for Registration for Volunteer Practice (eff. 12/02).
- Sponsor Certification for Volunteer Registration (eff. 1/03).

VA.R. Doc. No. R03-263; Filed August 31, 2005, 9:47 a.m.

Title of Regulation: 18 VAC 85-101. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited (adding 18 VAC 85-101-161 through 18 VAC 85-101-166).

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

Effective Date: October 19, 2005.

Agency Contact: William L. Harp, M.D., Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-

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9908, FAX (804) 662-9943, or e-mail
william.harp@dhp.virginia.gov.

Summary:

The amendments establish standards for professional conduct including maintenance of patient records; patient confidentiality; practitioner-patient communication; sexual contact; and practitioner responsibilities.

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

PART VII.

STANDARDS OF PROFESSIONAL CONDUCT.

18 VAC 85-101-161. Confidentiality.

A practitioner shall not willfully or negligently breach the confidentiality between a practitioner and a patient. A breach of [~~confidenece~~ confidentiality] that is required [or permitted] by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

18 VAC 85-101-162. Patient records.

A. Practitioners shall comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records.

B. Practitioners shall properly manage patient records and shall maintain timely, accurate, legible and complete records.

C. Practitioners shall maintain a patient record in accordance with policies and procedures of the employing institution or entity.

18 VAC 85-101-163. Practitioner-patient communication.

A. Except as provided in § 32.1-127.1:03 F of the Code of Virginia, a practitioner shall accurately present information to a patient or his legally authorized representative in [understandable] terms [~~that are understandable~~] and encourage participation in decisions regarding the patient's care.

B. A practitioner shall not deliberately make a false or misleading statement regarding the practitioner's skill or the efficacy or value of a medication, treatment, or procedure prescribed or directed by the practitioner in the treatment of any disease or condition.

C. A practitioner shall refer to or consult with other health care professionals, if so indicated.

D. Practitioners shall adhere to requirements of § 32.1-162.18 of the Code of Virginia for obtaining informed consent from patients prior to involving them as subjects in human research [~~that affects their care with the exception of retrospective chart reviews~~].

18 VAC 85-101-164. Practitioner responsibility.

A. A practitioner shall not:

1. Perform procedures or techniques or provide interpretations that are outside the scope of his practice or for which he is not trained and individually competent;

2. Knowingly allow subordinates to jeopardize patient safety or provide patient care outside of the subordinate's scope of practice or their area of responsibility. Practitioners shall delegate patient care only to subordinates who are properly trained and supervised;

3. Engage in an egregious pattern of disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; or

4. Exploit the practitioner/patient relationship for personal gain.

B. Advocating for patient safety or improvement in patient care within a health care entity shall not constitute disruptive behavior provided the practitioner does not engage in behavior prohibited in subdivision A 3 of this section.

18 VAC 85-101-165. Sexual contact.

A. For purposes of § [~~54.1-2014 A 7 and A 14~~ 54.1-2915 A 12 and A 19] of the Code of Virginia and this section, sexual contact includes, but is not limited to, sexual behavior or verbal or physical behavior which:

1. May reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both; or

2. May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs in the professional setting or outside of it.

B. Sexual contact with a patient.

1. The determination of when a person is a patient for purposes of § [~~54.1-2014 A 14~~ 54.1-2915 A 19] of the Code of Virginia is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. A person is presumed to remain a patient until the patient-practitioner relationship is terminated.

2. The consent to, initiation of, or participation in sexual behavior or involvement with a practitioner by a patient does not change the nature of the conduct nor negate the statutory prohibition.

C. Sexual contact between a practitioner and a former patient. Sexual contact between a practitioner and a former patient after termination of the practitioner-patient relationship may still constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence of emotions derived from the professional relationship.

D. Sexual contact between a practitioner and a key third party shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care. For purposes of this section, key third party of a patient shall mean: spouse or partner, parent or child, guardian, or legal representative of the patient.

E. Sexual contact between a practitioner and a supervisor and a trainee shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care.

18 VAC 85-101-166. Refusal to provide information.

A practitioner shall not willfully refuse to provide information or records as requested or required by the board or its representative pursuant to an investigation or to the enforcement of a statute or regulation.

NOTICE: The forms used in administering 18 VAC 85-101, Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited, are not being published due to the number of forms; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Instructions for Completing an Application for Licensure as a Radiologic Technologist By Examination/Endorsement (rev. ~~44/02~~ 6/04).

Application for a License as a Radiologic Technologist (rev. ~~44/02~~ 6/04).

Form A, Claims History Sheet (rev. ~~44/02~~ 6/04).

Form B, Activity Questionnaire (rev. ~~44/02~~ 6/04).

Form C, Clearance from Other States (rev. ~~44/02~~ 6/04).

Form E, Certification Request from ARRT (rev. ~~44/02~~ 6/04).

Form F, Traineeship Application (rev. ~~44/02~~ 6/04).

Form L, Certificate of Radiologic Technology Education (eff. ~~44/02~~ 6/04).

Instructions for Completing an Application for Licensure as a Radiologic Technologist-Limited (rev. ~~2/03~~ 6/04).

Application for a License to Practice as a Radiologic Technologist Technology-Limited (rev. ~~3/03~~ 6/04).

Form #1 ~~(a) and (b)~~ T/A (1) and T/A (2), Radiologic Technologist-Limited Training Application for Abdomen/Pelvis pursuant to Virginia Regulations 18 VAC 85-101-60 B (3) (rev. ~~3/03~~ 6/04).

Form #2 ~~(a) and (b)~~ T/C (1) and T/C (2), Radiologic Technologist-Limited Clinical Training Application (rev. ~~3/03~~ 6/04).

Form T/E, Radiologic Technologist-Limited Traineeship Application (rev. 6/04).

Instructions for Completing Reinstatement of Radiologic Technology Licensure (rev. ~~4/03~~ 4/04).

Application for Reinstatement as a of License to Practice Radiologic Technologist (eff. ~~3/03~~ 4/04).

Instructions for Completing Reinstatement of Radiologic Technologist-Limited Licensure (rev. ~~4/03~~ 4/04).

Application for Reinstatement as a of License to Practice Radiologic Technologist-Limited (eff. ~~3/03~~ 4/04).

License Renewal Notice and Application, 0120 Radiologic Technologist (rev. 11/02).

License Renewal Notice and Application, 0122 Limited Radiologic Technologist (eff. 11/02).

Application for Registration for Volunteer Practice (eff. 12/02).

Sponsor Certification for Volunteer Registration (eff. 1/03).

VA.R. Doc. No. R03-263; Filed August 31, 2005, 9:48 a.m.

Title of Regulation: 18 VAC 85-110. Regulations Governing the Practice of Licensed Acupuncturists (adding 18 VAC 85-110-175 through 18 VAC 85-110-183).

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

Effective Date: October 19, 2005.

Agency Contact: William L. Harp, M.D., Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

Summary:

The amendments establish standards for professional conduct for licensed acupuncturists including maintenance, retention and release of patient records; patient confidentiality; practitioner-patient communication and termination of that relationship; advertising ethics; recommendations for vitamins, minerals and food supplements; solicitation or remuneration for referrals; sexual contact; and practitioner responsibilities.

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

PART V.
STANDARDS OF PROFESSIONAL CONDUCT.

18 VAC 85-110-175. Confidentiality.

A practitioner shall not willfully or negligently breach the confidentiality between a practitioner and a patient. A breach of [~~confidenece~~ confidentiality] that is required [or permitted] by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

18 VAC 85-110-176. Patient records.

A. Practitioners shall comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records.

B. Practitioners shall provide patient records to another practitioner or to the patient or his [~~authorized~~ authorized] representative in a timely manner and in accordance with provisions of § 32.1-127.1:03 of the Code of Virginia.

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C. Practitioners shall properly manage patient records and shall maintain timely, accurate, legible and complete patient records.

D. Practitioners shall maintain a patient record for a minimum of six years following the last patient encounter with the following exceptions:

1. Records of a minor child, including immunizations, [~~which~~] shall be maintained until the child reaches the age of 18 or [~~the age of emancipation, whichever comes first except the~~ becomes emancipated, with a] minimum time for record retention [~~shall be of~~] six years [~~from the last patient encounter~~] regardless of the age of the child [~~at the last patient encounter~~];

2. Records that have previously been transferred to another practitioner or health care provider or provided to the patient [or his personal representative]; or

3. Records that are required by contractual obligation or federal law [may need] to be maintained for a longer period of time.

E. From [~~insert effective date of regulations~~] October 19, 2005,] practitioners shall post information or in some manner inform all patients concerning the time frame for record retention and destruction. Patient records shall only be destroyed in a manner that protects patient confidentiality, such as by incineration or shredding.

F. When a practitioner is closing, selling or relocating his practice, he shall meet the requirements of § 54.1-2405 of the Code of Virginia for giving notice that copies of records can be sent to any like-regulated provider of the patient's choice or provided to the patient.

18 VAC 85-110-177. Practitioner-patient communication; termination of relationship.

A. Communication with patients.

1. Except as provided in § 32.1-127.1:03 F of the Code of Virginia, a practitioner shall accurately inform [~~patients~~ a patient] or [~~their~~ his] legally authorized representative of [~~any~~ his] professional assessment and prescribed treatment or plan of care. A practitioner shall not deliberately make a false or misleading statement regarding the practitioner's skill or the efficacy or value of a treatment, or procedure prescribed or directed by the practitioner in the treatment of any disease or condition.

2. [~~Practitioners~~ A practitioner] shall present information to a patient or his legally authorized representative in understandable terms and encourage participation in the decisions regarding the patient's care.

3. Before any acupuncture treatment or procedure is performed, informed consent shall be obtained from the patient. Practitioners shall inform patients of the risks, benefits, and alternatives of the recommended treatment that a reasonably prudent licensed acupuncturist practicing in Virginia would tell a patient. In the instance of a minor or a patient who is incapable of making an informed decision on his own behalf or is incapable of communicating such a decision due to a physical or mental disorder, the legally

authorized person available to give consent shall be informed and the consent documented.

B. Termination of the practitioner/patient relationship.

1. The practitioner or the patient may terminate the relationship. In either case, the practitioner shall make a copy of the patient record available, except in situations where denial of access is allowed by law.

2. A practitioner shall not terminate the relationship or make his services unavailable without documented notice to the patient that allows for a reasonable time to obtain the services of another practitioner.

18 VAC 85-110-178. Practitioner responsibility.

A. A practitioner shall not:

1. Perform procedures or techniques that are outside the scope of his practice or for which he is not trained and individually competent;

2. Knowingly allow subordinates to jeopardize patient safety or provide patient care outside of the subordinate's scope of practice or area of responsibility. Practitioners shall delegate patient care only to subordinates who are properly trained and supervised;

3. Engage in an egregious pattern of disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; or

4. Exploit the practitioner/patient relationship for personal gain.

B. Advocating for patient safety or improvement in patient care within a health care entity shall not constitute disruptive behavior provided the practitioner does not engage in behavior prohibited in subdivision A 2 of this section.

18 VAC 85-110-179. Advertising ethics.

A. Any statement specifying a fee, whether standard, discounted or free, for professional services which does not include the cost of all related procedures, services and products which, to a substantial likelihood, will be necessary for the completion of the advertised service as it would be understood by an ordinarily prudent person shall be deemed to be deceptive or misleading, or both. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of prices for specifically described services shall not be deemed to be deceptive or misleading.

B. Advertising a discounted or free service, examination, or treatment and charging for any additional service, examination, or treatment that is performed as a result of and within 72 hours of the initial office visit in response to such advertisement is unprofessional conduct unless such professional services rendered are as a result of a bonafide emergency. This provision may not be waived by agreement of the patient and the practitioner.

C. Advertisements of discounts shall disclose the full fee that has been discounted. The practitioner shall maintain documented evidence to substantiate the discounted fees and

shall make such information available to a consumer upon request.

~~D. A licensee's authorization of or use in any advertising for his practice of the term "board certified" or any similar words or phrase calculated to convey the same meaning shall constitute misleading or deceptive advertising under § 54.1-2914 of the Code of Virginia, unless the licensee discloses the complete name of the specialty board which conferred the aforementioned certification. A licensee shall disclose the complete name of the specialty board that conferred the certification when using or authorizing the use of the term "board certified" or any similar words or phrase calculated to convey the same meaning in any advertising for his practice.]~~

E. A licensee of the board shall not advertise information that is false, misleading, or deceptive. For an advertisement for a single practitioner, it shall be presumed that the practitioner is responsible and accountable for the validity and truthfulness of its content. For an advertisement for a practice in which there is more than one practitioner, the name of the practitioner or practitioners responsible and accountable for the content of the advertisement shall be documented and maintained by the practice for at least two years.

18 VAC 85-110-180. Vitamins, minerals and food supplements.

A. The recommendation or direction for the use of vitamins, minerals or food supplements and the rationale for that recommendation shall be documented by the practitioner. The recommendation or direction shall be based upon a reasonable expectation that such use will result in a favorable patient outcome, including preventive practices, and that a greater benefit will be achieved than that which can be expected without such use.

B. Vitamins, minerals, or food supplements, or a combination of the three, shall not be sold, dispensed, recommended, prescribed, or suggested in doses that would be contraindicated based on the individual patient's overall medical condition and medications.

C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.

18 VAC 85-110-181. Solicitation or remuneration in exchange for referral.

A practitioner shall not knowingly and willfully solicit or receive any remuneration, directly or indirectly, in return for referring an individual to a facility or institution as defined in § 37.1-179 of the Code of Virginia or hospital as defined in § 32.1-123 of the Code of Virginia.

Remuneration shall be defined as compensation, received in cash or in kind, but shall not include any payments, business arrangements, or payment practices allowed by 42 USC § 1320a-7b(b), as amended, or any regulations promulgated thereto.

18 VAC 85-110-182. Sexual contact.

A. For purposes of § [~~54.1-2914 A 7 and A 14~~ 54.1-2915 A 12 and A 19] of the Code of Virginia and this section, sexual

contact includes, but is not limited to, sexual behavior or verbal or physical behavior that:

1. May reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both; or
2. May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs in the professional setting or outside of it.

B. Sexual contact with a patient.

1. The determination of when a person is a patient for purposes of § [~~54.1-2914 A 14~~ 54.1-2915 A 19] of the Code of Virginia is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. A person is presumed to remain a patient until the patient-practitioner relationship is terminated.

2. The consent to, initiation of, or participation in sexual behavior or involvement with a practitioner by a patient does not change the nature of the conduct nor negate the statutory prohibition.

C. Sexual contact between a practitioner and a former patient after termination of the practitioner-patient relationship may still constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence of emotions derived from the professional relationship.

D. Sexual contact between a practitioner and a key third party shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care. For purposes of this section, key third party of a patient means spouse or partner, parent or child, guardian, or legal representative of the patient.

E. Sexual contact between a supervisor and a trainee shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care.

18 VAC 85-110-183. Refusal to provide information.

A practitioner shall not willfully refuse to provide information or records as requested or required by the board or its representative pursuant to an investigation or to the enforcement of a statute or regulation.

NOTICE: The forms used in administering 18 VAC 85-110, Regulations Governing the Practice of Licensed Acupuncturists, are not being published due to the number of forms; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

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FORMS

Instructions for Completing ~~the an~~ Application for ~~Licensed a License to Practice as an~~ Acupuncturist ~~for~~ Graduates of Approved Institutions or Programs in the United States (rev. 4/2/02 4/04).

Instructions for Completing ~~the an~~ Application for ~~Licensed a License to Practice as an~~ Acupuncturist ~~for~~ Graduates of Nonapproved Educational Programs (rev. 4/2/02 3/04).

Application for a License to Practice as an Acupuncturist (rev. 12/02).

Form A, Claims History Sheet (rev. 4/2/02 3/04).

Form B, Activity Questionnaire (rev. 4/2/02 3/04).

Form C, Clearance from Other State Boards (rev. 4/2/02 3/04).

Form L, Certification of Professional Education (rev. 4/2/02 9/04).

Verification of NCCAOM Certification (rev. 4/2/02 3/04).

Renewal Notice and Application, 0121 Licensed Acupuncturist (rev. 12/02).

Recommendation for Examination by a Physician (eff. 12/01).

Application for Registration for Volunteer Practice (eff. 12/02).

Sponsor Certification for Volunteer Registration (eff. 1/03).

VA.R. Doc. No. R03-263; Filed August 31, 2005, 9:48 a.m.

Title of Regulation: **18 VAC 85-120. Regulations Governing the Licensure of Athletic Trainers (adding 18 VAC 85-120-155 through 18 VAC 85-120-162).**

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

Effective Date: October 19, 2005.

Agency Contact: William L. Harp, M.D., Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

Summary:

The amendments establish standards for professional conduct for athletic trainers including maintenance, retention and release of patient records; patient confidentiality; practitioner-patient communication and termination of that relationship; recommendations for use of vitamins and minerals; anabolic steroids; sexual contact; and practitioner responsibilities.

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

PART VI.

STANDARDS OF PROFESSIONAL CONDUCT.

18 VAC 85-120-155. Confidentiality.

A practitioner shall not willfully or negligently breach the confidentiality between a practitioner and a patient. A breach of [~~confidence~~ confidentiality] that is required [or permitted] by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

18 VAC 85-120-156. Patient records.

A. Practitioners shall comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records.

B. Practitioners shall provide patient records to another practitioner or to the patient or his [~~authorized~~ personal] representative in a timely manner and in accordance with provisions of § 32.1-127.1:03 of the Code of Virginia.

C. Practitioners shall properly manage patient records and keep timely, accurate, legible and complete patient records.

D. Practitioners who are employed by a health care institution, school system or other entity in which the individual practitioner does not own or maintain his own records shall maintain patient records in accordance with the policies and procedures of the employing entity.

E. Practitioners who are self-employed or employed by an entity in which the individual practitioner does own and is responsible for patient records shall:

1. Maintain a patient record for a minimum of six years following the last patient encounter with the following exceptions:

a. Records of a minor child, including immunizations, [~~which~~] shall be maintained until the child reaches the age of 18 or [~~the age of emancipation, whichever comes first, except the~~ becomes emancipated, with a] minimum time for record retention [~~shall be~~ of] six years [~~from the last patient encounter~~] regardless of the age of the child [~~at the last patient encounter~~];

b. Records that have previously been transferred to another practitioner or health care provider or provided to the patient [or his personal representative]; or

c. Records that are required by contractual obligation or federal law [may need] to be maintained for a longer period of time.

F. From [~~(insert effective date of regulations)~~] October 19, 2005,] athletic trainers who maintain their own patient records shall post information or in some manner inform all patients concerning the time frame for record retention and destruction. Patient records shall only be destroyed in a manner that protects patient confidentiality, such as by incineration or shredding.

G. When a practitioner is closing, selling or relocating his practice, he shall meet the requirements of § 54.1-2405 of the Code of Virginia for giving notice that copies of records can be sent to any like-regulated provider of the patient's choice or provided to the patient.

18 VAC 85-120-157. Practitioner-patient communication.

A. Except as provided in § 32.1-127.1:03 F of the Code of Virginia, a practitioner shall accurately present information to a patient or his legally authorized representative in [understandable] terms [~~that are understandable~~] and encourage participation in decisions regarding the patient's care.

B. A practitioner shall not deliberately make a false or misleading statement regarding the practitioner's skill or the efficacy or value of a medication, treatment, or procedure provided or directed by the practitioner in the treatment of any disease or condition.

C. Practitioners shall adhere to requirements of § 32.1-162.18 of the Code of Virginia for obtaining informed consent from patients prior to involving them as subjects in human research [~~that affects their care with the exception of retrospective chart reviews~~].

18 VAC 85-120-158. Practitioner responsibility.

A. A practitioner shall not:

1. Perform procedures or techniques that are outside the scope of his practice or for which he is not trained and individually competent;
2. Knowingly allow subordinates to jeopardize patient safety or provide patient care outside of the subordinate's scope of practice or area of responsibility. Practitioners shall delegate patient care only to subordinates who are properly trained and supervised;
3. Engage in an egregious pattern of disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; or
4. Exploit the practitioner/patient relationship for personal gain.

B. Advocating for patient safety or improvement in patient care within a health care entity shall not constitute disruptive behavior provided the practitioner does not engage in behavior prohibited in subdivision A 3 of this section.

18 VAC 85-120-159. Vitamins, minerals and food supplements.

A. The recommendation or direction for the use of vitamins, minerals or food supplements and the rationale for that recommendation shall be documented by the practitioner. The recommendation or direction shall be based upon a reasonable expectation that such use will result in a favorable patient outcome, including preventive practices, and that a greater benefit will be achieved than that which can be expected without such use.

B. Vitamins, minerals, or food supplements, or a combination of the three, shall not be sold, dispensed, recommended, prescribed, or suggested in doses that would be contraindicated based on the individual patient's overall medical condition and medications.

C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.

18 VAC85-120-160 Anabolic steroids.

An athletic trainer shall not sell, dispense, or administer anabolic steroids to any patient.

18 VAC 85-120-161. Sexual contact.

A. For purposes of § [~~54.1-2914 A 7 and A 14~~ 54.1-2915 A 12 and A 19] of the Code of Virginia and this section, sexual contact includes, but is not limited to, sexual behavior or verbal or physical behavior that:

1. May reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both; or
2. May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs in the professional setting or outside of it.

B. Sexual contact with a patient.

1. The determination of when a person is a patient for purposes of § [~~54.1-2914 A 14~~ 54.1-2915 A 19] of the Code of Virginia is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. A person is presumed to remain a patient until the patient-practitioner relationship is terminated.
2. The consent to, initiation of, or participation in sexual behavior or involvement with a practitioner by a patient does not change the nature of the conduct nor negate the statutory prohibition.

C. Sexual contact between a practitioner and a former patient after termination of the practitioner-patient relationship may still constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence of emotions derived from the professional relationship.

D. Sexual contact between a practitioner and a key third party shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care. For purposes of this section, key third party of a patient means spouse or partner, parent or child, guardian, or legal representative of the patient.

E. Sexual contact between a supervisor and a trainee shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care.

18 VAC 85-120-162. Refusal to provide information.

A practitioner shall not willfully refuse to provide information or records as requested or required by the board or its

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representative pursuant to an investigation or to the enforcement of a statute or regulation.

NOTICE: The forms used in administering 18 VAC 85-120, Regulations Governing the Licensure of Athletic Trainers, are not being published due to the number of forms; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Instructions for Completing an Athletic Trainer Licensure Application (rev. 5/04).

Application for a License to Practice as an Athletic Trainer (rev. 5/04).

Form A, Claims History (rev. 5/04).

Form B, Activity Questionnaire (rev. 5/04).

Form C, Clearance from Other State Boards (rev. 5/04).

Form L, Certificate of Professional Education (rev. ~~5/04~~ 9/04).

Provisional License to Practice as an Athletic Trainer Pursuant to 18 VAC 85-120-80 (rev. 5/04).

Renewal Notice (eff. 5/04).

License Renewal Notice and Application (rev. 5/04).

Application for Registration for Volunteer Practice (eff. 12/02).

Sponsor Certification for Volunteer Registration (eff. 1/03).

VA.R. Doc. No. R03-263; Filed August 31, 2005, 9:48 a.m.

BOARD OF PHYSICAL THERAPY

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 7 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants. The Board of Physical Therapy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 112-20. Regulations Governing the Practice of Physical Therapy (amending 18 VAC 112-20-135 and 18 VAC 112-20-150; repealing 18 VAC 112-20-151).

Statutory Authority: §§ 54.1-2400, 54.1-3474 and 54.1-3480.1 of the Code of Virginia.

Effective Date: October 19, 2005.

Agency Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523 or e-mail elizabeth.young@dhp.virginia.gov.

Summary:

In order to reduce an accumulated surplus in the budget of the Board of Physical Therapy, a one-time reduction in renewal fees has been adopted. The renewal fee for physical therapists will be reduced for the biennial renewal from \$135 to \$60, and the renewal fee for physical therapist assistants will be reduced from \$70 to \$30. Fees for inactive licensure (which are approximately one-half the active renewal fee) are reduced correspondingly. The application fee for physical therapist assistants is being permanently reduced from \$105 to \$100.

The board is also amending the renewal deadline from biennially in the licensee's birth month to biennially on December 31 of even years in order to simplify the renewal process and the performance of audits for continuing education compliance. The amendment will result in a benefit for licensees of one to 11 months delay in the time for paying the renewal fee (i.e., a licensee whose birth month is January would, in effect, have a free license until the renewal fee is due by December 31, 2006).

18 VAC 112-20-135. Inactive license.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee of \$70 for a physical therapist and \$35 for a physical therapist assistant, be issued an inactive license. From January 31, 2002, to January 1, 2004, 2006, through December 31, 2006, the inactive renewal fee shall be \$30 for a physical therapist and \$15 for a physical therapist assistant.

1. The holder of an inactive license shall not be required to meet active practice requirements.

2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.

B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated; and

2. Providing proof of:

a. Active practice hours in another jurisdiction equal to those required for renewal of an active license in Virginia for the period in which the license has been inactive. If the inactive licensee does not meet the requirement for active practice, the license may be reactivated by meeting the traineeship requirements prescribed in 18 VAC 112-20-140; and

b. Completion of the number of continuing competency hours required for the period in which the license has been inactive, not to exceed four years.

18 VAC 112-20-150. Fees in effect on January 1, 2004, and thereafter.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Licensure by examination.

1. The application fee shall be \$140 for a physical therapist and ~~\$105~~ \$100 for a physical therapist assistant.

2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement shall be \$140 for a physical therapist and ~~\$105~~ \$100 for a physical therapist assistant.

D. Licensure renewal and reinstatement.

1. The fee for active license renewal for a physical therapist shall be \$135 and for a physical therapist assistant shall be \$70 and shall be due in the licensee's birth month by December 31 in each even-numbered year. *From January 1, 2006, through December 31, 2006, the fee for active license renewal fee shall be \$60 for a physical therapist and \$30 for a physical therapist assistant.*

2. A fee of \$25 for a physical therapist assistant and \$50 for a physical therapist for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.

3. The fee for reinstatement of a license that has expired for two or more years shall be \$180 for a physical therapist and \$120 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.

E. Other fees.

1. The fee for an application for reinstatement of a license that has been revoked shall be \$1,000.

2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.

3. The fee for a returned check shall be \$25.

4. The fee for a letter of good standing/verification to another jurisdiction shall be \$10.

18 VAC 112-20-151. Fees in effect through December 31, 2003. (Repealed).

~~A. Unless otherwise provided, fees listed in this section shall not be refundable.~~

~~B. Licensure by examination.~~

~~1. The application fee shall be \$100 for a physical therapist and \$60 for a physical therapist assistant.~~

~~2. The fees for taking all required examinations shall be paid directly to the examination services.~~

~~C. Licensure by endorsement. The fee for licensure by endorsement shall be \$100 for a physical therapist and \$60 for a physical therapist assistant.~~

~~D. Licensure renewal and reinstatement.~~

~~1. The fee for active license renewal for a physical therapist shall be \$60 and for a physical therapist assistant shall be \$30 and shall be due in the licensee's birth month, in each even-numbered year.~~

~~2. A fee of \$10 for a physical therapist assistant and \$20 for a physical therapist for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.~~

~~3. The fee for reinstatement of a license that has expired for two or more years shall be \$105 for a physical therapist and \$60 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.~~

~~E. Other fees.~~

~~1. The fee for an application for reinstatement of a license that has been revoked shall be \$1,000.~~

~~2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.~~

~~3. The fee for a returned check shall be \$25.~~

~~4. The fee for a letter of good standing/verification to another jurisdiction shall be \$10.~~

NOTICE: The forms used in administering 18 VAC 112-20, Regulations Governing the Practice of Physical Therapy, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Application for Licensure by Examination to Practice Physical Therapy (rev. 7/04).

Application for Licensure by Endorsement to Practice Physical Therapy (rev. 7/04).

Application for Reinstatement of Licensure to Practice Physical Therapy (rev. 7/04).

Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an Approved Program) (rev. 7/04 8/05).

Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a Nonapproved Program) (rev. 7/04 8/05).

Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an Approved Program) (rev. 7/04 8/05).

Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a Nonapproved Program) (rev. 7/04 8/05).

Instructions for Completing Reinstatement of Licensure Application for Physical Therapist/Physical Therapist Assistant (rev. 7/04).

Score Transfer Request Application (rev. 5/03).

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Traineeship Application, Statement of Authorization (rev. 7/04).

Traineeship Application, Statement of Authorization (1,000-hour traineeship) (rev. 7/04).

Traineeship Application, Statement of Authorization, Relicensure (480-hour traineeship) (rev. 7/04).

Form #A, Claims History Sheet (rev. 7/04).

Form #B, Employment/Practice Verification of Physical Therapy (rev. 7/04).

Form #C, Verification of State Licensure (rev. 7/04).

Form #L, Certificate of Physical Therapy Education (rev. 7/04).

Renewal Notice and Application (rev. 7/04).

Continued Competency and Assessment Form (rev. 7/04).

VA.R. Doc. No. R06-02; Filed August 23, 2005, 3:41 p.m.



FAST-TRACK REGULATIONS

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.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: 9 VAC 20-80. Solid Waste Management Regulations (amending 9 VAC 20-80-790).

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

Public Hearing Date: October 11, 2005 - 1 p.m.

Public comments may be submitted until November 18, 2005.

(See Calendar of Events section for additional information)

Effective Date: December 19, 2005.

Agency Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327, or e-mail mjdieter@deq.virginia.gov.

Basis: 40 CFR Part 258 provides the federal authority for the criteria for municipal solid waste landfills.

Section 10.1-1402 of the Virginia Waste Management Act authorizes the Waste Management Board to supervise and control waste management activities in the Commonwealth and to promulgate regulations necessary to carry out its powers and duties.

Purpose: Currently the department prepares the radio advertisement as required in 9 VAC 20-80-790 B 3 c. The Solid Waste Management Permit Application Fees and Annual Fees regulation (9 VAC 20-90-70C) requires the applicant for a variance to arrange for and bear the cost of the radio broadcast.

The radio broadcast is not required in the Code of Virginia. Other advertising methods are more effective than radio advertisement. Many radio stations will not run this type of advertising other than as a public service announcement. As such the stations will not guarantee that the radio advertisement will be run at a specific time and will not certify that the advertisement has been run. Many times, it is not clear which radio station would provide the most effective advertisement in a given area. This results in the radio broadcast placing an unnecessary burden on the regulated community and the department.

Print advertisement and announcements on the department's website are more effective methods to advertise variances to the regulations and are consistent with the advertising done for the processing of permits, licenses, or variances in other media. Under the solid waste regulations, the variance process is the only one that requires a radio advertisement.

During the past year DEQ has been working with the regulated community to develop more effective methods of

public involvement. DEQ is working with citizen groups to provide information on a project sooner in the permitting process, work more directly with citizen groups, and facilitate the disbursement of information about upcoming projects to the general public. DEQ will continue to work to improve public involvement in DEQ decision making.

Substance: The requirement for a radio broadcast will be removed from 9 VAC 20-80-790 B 3 c.

Issues: The radio advertisement is only used for variance applications. The department has no control when an advertisement will be run. A radio station will typically run an advertisement at a time when it will not interfere with their normal programming at a time when few citizens will be in a position to benefit from the announcement. The regulations will still require variances to be advertised using print advertising in the locality of the activity. DEQ is working with citizen groups to provide more effective public involvement for all media.

The advantage to the Commonwealth is to remove a burdensome requirement that is not specifically required in the Code of Virginia. Other types of advertising are more effective.

Rationale for Using Fast-Track Process: A radio broadcast is not an effective method of advertising a variance to the regulations. The radio advertisement is an unnecessary burden for both the applicant and the department. The fast-track process will expedite the elimination of the requirement without being part of another extensive revision of the regulations.

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 Virginia Waste Management Board (board) proposes to eliminate the regulatory provision that requires radio advertisement of tentative decisions to grant or deny applications for variance from solid waste management regulations.

Estimated economic impact. Current regulation requires that entities applying for variance from solid waste management regulation arrange for, and bear the cost of, a radio advertisement announcing the tentative outcome of their

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application. The board proposes to eliminate this requirement because:

- Neither federal nor state code contains any provision that would mandate radio advertisement of variance decisions.
- Many radio stations refuse to run these advertisements except as public service announcements with no guarantees as to when they will run and no certification that they have run.
- Advertisements in local newspapers are more easily tracked, are more likely to reach a wider portion of the public and will still be required. In addition, the Department of Environmental Quality (DEQ) maintains a website where the public can read about all regulatory actions including those involving applications for variance. DEQ also maintains an email list to inform the public of regulatory actions.

It is worth noting that this proposed change is technical and does not affect the environmental standards that must be maintained under current regulation nor does it eliminate the requirement that the public receive notification of variance applications. There is no indication that the public will be harmed by the proposed regulatory change as there is no indication that these ads were even minimally useful as a method of information propagation. DEQ staff report that they have never received any public comments about variance applications because of radio advertisement. As noted above, the more effective means of informing the public will still be employed.

Radio advertisement adds between \$15 and \$250 to the accounting cost of obtaining a variance. In addition, affected businesses and individuals must spend their time and energy, both of which have economic value, booking ad time. Eliminating the requirement for radio advertisement will make the variance process less costly and burdensome for the regulated community.

Businesses and entities affected. The proposed regulation will affect all businesses and entities who submit applications for variance from solid waste management regulation. Approximately 25 applications per year are processed by DEQ.

Localities particularly affected. All localities in Virginia will be affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not likely to have a discernable effect on employment in Virginia. While there will be an economic benefit for variance seekers who will no longer have to spend their time and money arranging radio advertisement; that benefit, \$15 plus to \$250 plus¹ for each variance application, is too small to affect employment.

Effects on the use and value of private property. The proposed regulation changes the variance process in a very

minimal, albeit worthwhile, way. Insofar as costs associated with applying for a variance are reduced, the value of the business making the application will increase.

Small businesses: reporting, recordkeeping, & administrative costs. The proposed regulation will eliminate administrative costs associated with finding and paying for radio advertisement during the variance process. These costs are comprised of the advertisement air time, which can range between \$15 and \$250, and the value attached to time spent booking the ad and verifying that it has run.

Small businesses: alternative method that minimizes adverse impact. The proposed regulation decreases rather than increases the compliance burden for the regulated community.

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

Summary:

The proposed amendment removes the requirement to conduct a radio advertisement of a tentative decision to grant or deny a variance petition from solid waste management regulations.

9 VAC 20-80-790. Administrative procedures.

A. Submission of petition.

1. General petitioning requirements. All petitions submitted to the director shall include:

- a. The petitioner's name and address;
- b. A statement of petitioner's interest in the proposed action;
- c. A description of desired action and a citation to the regulation from which a variance is requested;
- d. A description of need and justification for the proposed action;
- e. The duration of the variance, if applicable;
- f. The potential impact of the variance on public health or the environment;
- g. Other information believed by the applicant to be pertinent; and
- h. The following statements signed by the petitioner or his authorized representative:

"I certify that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

i. In accordance with the provisions of § 10.1-1408.1 B of the Code of Virginia, no application for a variance allowing a category 2 landfill to expand or increase

¹ The plus here represents value associated with time spent arranging for radio advertisement as well as time spent trying to verify that that advertisement has run.

capacity shall be allowed without providing local government certification and disclosure information in accordance with the provisions of 9 VAC 20-80-500.

2. Additional requirements for petitions under 9 VAC 20-80-740. In addition to the general information required of all petitioners under subdivision 1 of this subsection:

a. To be successful the petitioner shall address the applicable standards and criteria listed in 9 VAC 20-80-740 C.

b. For petitions submitted under 9 VAC 20-80-740 B 4 the following additional information is required:

(1) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the petition;

(2) A description of the methodologies and equipment used to obtain representative samples and analyses, to include:

(a) The name and address of the laboratory facility performing the sampling on tests of the waste, if different from that of the petitioner;

(b) The qualifications of the persons sampling and testing the wastes;

(c) The dates of sampling and testing;

(d) A description of sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of samples; and

(e) A description of the tests performed and the results obtained.

(3) The description of the reclamation processes.

3. Additional requirements for petitions under 9 VAC 20-80-750. In addition to the general information required of all petitioners under subdivision 1 of this subsection, the petitioner shall submit:

a. An explanation of the applicant's particular situation which prevents the facility from achieving compliance with the cited regulation;

b. Other information as may be required by the department.

B. Petition processing.

1. After receiving a petition that includes the information required in subsection A of this section, the director will determine whether the information received is sufficient to render the decision. If the information is deemed to be insufficient, the director will specify additional information needed and request that it be furnished.

2. The petitioner may submit the additional information requested, or may attempt to show that no reasonable basis exists for the request for additional information. If the director agrees that no reasonable basis exists for the request for additional information, he will act in accordance with subdivision 3 of this subsection. If the director continues to believe that a reasonable basis exists to

require the submission of such information, he will proceed with the denial action in accordance with the Virginia Administrative Process Act.

3. After the petition is deemed complete:

a. The director will make a tentative decision to grant or deny the petition;

b. In case that petition may be tentatively denied, the director will offer the petitioner the opportunity to withdraw the petition, submit additional information, or request the director to proceed with the evaluation;

c. Unless the petition is withdrawn, the director will issue a draft notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement ~~and radio broadcast~~ in the locality where the applicant is located. The director will accept comment on the tentative decision for 30 days.

d. Upon a written request of any interested person, the director may, at his discretion, hold an informal fact finding meeting described in Article 3 (§ 2.2-4019 et seq.) of the Virginia Administrative Process Act. A person requesting a hearing shall state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold such a meeting.

e. After evaluating all public comments the director will, within 15 days after the expiration of the comment period:

(1) Notify the applicant of the final decision; and

(2) Notify all persons who commented on the tentative decision.

C. Petition resolution.

1. In the case of a denial, the petitioner has a right to request a formal hearing to challenge the rejection.

2. If the director grants a variance request, the notice to the petitioner shall provide that the variance may be terminated upon a finding by the director that the petitioner has failed to comply with any variance requirements.

VA.R. Doc. No. R06-03; Filed August 31, 2005, 10:49 a.m.



EMERGENCY REGULATIONS

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Title of Regulation: 18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-10, 18 VAC 60-20-20, 18 VAC 60-20-105, 18 VAC 60-20-106, 18 VAC 60-20-210, and 18 VAC 60-20-230; adding 18 VAC 60-20-71).

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

Effective Dates: September 1, 2005, through August 31, 2006.

Agency Contact: Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, or e-mail sandra.reen@dhp.virginia.gov.

Preamble:

The adoption of an emergency regulation by the Board of Dentistry is required to comply with amendments to Chapter 27 of Title 54.1 and the third enactment clause of HB 2368 and SB 1127 enacted by the 2005 General Assembly which requires: "That the Board of Dentistry shall promulgate regulations to implement provisions of this act within 280 days of its enactment." Chapters 587 and 505 were enacted on March 22, 2005, the day HB 2368 and SB 1127 were signed by the Governor.

The amended regulations will (i) establish requirements for licensure by credentials for dentists consistent with new provisions in the Dental Practice Act; (ii) extend the voluntary practice license to include dentists and hygienists who held an unrestricted license in Virginia at the time it expired or became inactive and eliminate the supervision requirement for dentists out of practice less than five years; and (iii) clarify certain terms and rules for consistency.

18 VAC 60-20-10. Definitions.

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

"ADA" means the American Dental Association.

"Advertising" means a representation or other notice given to the public or members thereof, directly or indirectly, by a dentist on behalf of himself, his facility, his partner or associate, or any dentist affiliated with the dentist or his facility by any means or method for the purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures or products, or to promote continued or increased use of such dental methods, treatments, operations, procedures or products.

"Analgesia" means the diminution or elimination of pain in the conscious patient.

"Anxiolysis" means the diminution or elimination of anxiety through the use of pharmacological agents in a dosage that does not cause depression of consciousness.

~~"Approved schools" means those dental or dental hygiene programs currently accredited by the Commission on Dental Accreditation of the American Dental Association.~~

"Conscious sedation" means a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands, produced by pharmacological or nonpharmacological methods, including inhalation, parenteral, transdermal or enteral, or a combination thereof.

"Deep sedation/general anesthesia" means an induced state of depressed consciousness or unconsciousness accompanied by a complete or partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or respond purposefully to physical stimulation or verbal command and is produced by a pharmacological or nonpharmacological method or a combination thereof.

"Dental assistant" means any unlicensed person under the supervision of a dentist who renders assistance for services provided to the patient as authorized under this chapter but shall not include an individual serving in purely a secretarial or clerical capacity.

"Direction" means the dentist ~~evaluates~~ examines the patient and is present for observation, advice, and control over the performance of dental services.

"Enteral" is any technique of administration in which the agent is absorbed through the gastrointestinal tract or oral mucosa (i.e., oral, rectal, sublingual).

"General supervision" means that the dentist has ~~evaluated~~ examined the patient and issued a written order for the specific, authorized services to be provided by a dental hygienist when the dentist is not present in the facility while the services are being provided.

"Inhalation" is a technique of administration in which a gaseous or volatile agent, including nitrous oxide, is introduced into the pulmonary tree and whose primary effect is due to absorption through the pulmonary bed.

"Inhalation analgesia" means the inhalation of nitrous oxide and oxygen to produce a state of reduced sensibility to pain without the loss of consciousness.

"Local anesthesia" means the loss of sensation or pain in the oral cavity or the maxillofacial or adjacent and associated structures generally produced by a topically applied or injected agent without depressing the level of consciousness.

"Parenteral" means a technique of administration in which the drug bypasses the gastrointestinal tract (i.e., intramuscular, intravenous, intranasal, submuscular, subcutaneous, or intraocular).

"Radiographs" means intraoral and extraoral x-rays of the hard and soft tissues to be used for purposes of diagnosis.

18 VAC 60-20-20. License renewal and reinstatement.

A. Renewal fees. Every person holding an active or inactive license, ~~or a full-time faculty license, or a restricted volunteer license to practice dentistry or dental hygiene~~ shall, on or before March 31, renew his license. Every person holding a teacher's license, temporary resident's license, a *restricted volunteer license to practice dentistry or dental hygiene* or a temporary permit to practice dentistry or dental hygiene shall, on or before June 30, ~~renew~~ request renewal of his license.

1. The fee for renewal of an active license or permit to practice or teach dentistry shall be \$150, and the fee for renewal of an active license or permit to practice or teach dental hygiene shall be \$50.
2. The fee for renewal of an inactive license shall be \$75 for dentists and \$25 for dental hygienists.
3. The fee for renewal of a restricted volunteer license shall be \$15.
4. The application fee for a temporary resident's license shall be \$55. The annual renewal fee shall be \$35 a year. An additional fee for late renewal of licensure shall be \$15.

B. Late fees. Any person who does not return the completed form and fee by the deadline required in subsection A of this section shall be required to pay an additional late fee of \$50 for dentists and \$20 for dental hygienists. The board shall renew a license if the renewal form, renewal fee, and late fee are received within one year of the deadline required in subsection A of this section.

C. Reinstatement fees and procedures. The license of any person who does not return the completed renewal form and fees by the deadline required in subsection A of this section shall automatically expire and become invalid and his practice of dentistry/dental hygiene shall be illegal.

1. Any person whose license has expired for more than one year and who wishes to reinstate such license shall submit to the board a reinstatement application, the renewal fee and the reinstatement fee of \$225 for dentists and \$135 for dental hygienists.
2. *With the exception of practice with a restricted volunteer license as provided in §§ 54.1-2712.1 and 54.1-2726.1 of the Code of Virginia*, practicing in Virginia with an expired license may subject the licensee to disciplinary action ~~and additional fines~~ by the board.
3. The executive director may reinstate such expired license provided that the applicant can demonstrate continuing competence, that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and 18 VAC 60-20-170 to deny said reinstatement, and that the applicant has paid the unpaid renewal fee, the reinstatement fee and any fines or assessments. Evidence of continuing competence shall include hours of continuing education as required by subsection H of 18 VAC 60-20-50 and may also include evidence of active practice in another state or in federal service or current specialty board certification.

D. Reinstatement of a license previously revoked or indefinitely suspended. Any person whose license has been

revoked shall submit to the board for its approval a reinstatement application and fee of \$750 for dentists and \$500 for dental hygienists. Any person whose license has been indefinitely suspended shall submit to the board for its approval a reinstatement application and fee of \$350 for dentists and \$250 for dental hygienists.

18 VAC 60-20-71. Licensure by credentials for dentists.

In accordance with § 54.1-2709 of the Code of Virginia, an applicant for licensure by credentials shall:

1. *Be of good moral character and not have committed any act which would constitute a violation of § 54.1-2706 of the Code of Virginia;*
2. *Be a graduate of a dental program, school or college, or dental department of a university or college currently accredited by the Commission on Dental Accreditation of the American Dental Association.*
3. *Have passed Part I and Part II of the examination given by the Joint Commission on National Dental Examinations;*
4. *Have successfully completed a clinical examination acceptable to the board and have not failed a clinical examination required by the board in the five years immediately preceding his application;*
5. *Hold a current, unrestricted license to practice dentistry in another jurisdiction in the United States and is certified to be in good standing by each jurisdiction in which he currently holds or has held a license; and*
6. *Have been in continuous clinical practice for five out of the six years immediately preceding application for licensure pursuant to this section. Active patient care in the dental corps of the United States Armed Forces, volunteer practice in a public health clinic, or practice in an intern or residency program may be accepted by the board to satisfy this requirement. One year of clinical practice shall consist of a minimum of 600 hours of practice in a calendar year as attested by the applicant.*

18 VAC 60-20-105. Inactive license.

A. Any dentist or dental hygienist who holds a current, unrestricted license in Virginia may, upon a request on the renewal application and submission of the required fee, be issued an inactive license. *With the exception of practice with a restricted volunteer license as provided in §§ 54.1-2712.1 and 54.1-2726.1 of the Code of Virginia*, the holder of an inactive license shall not be entitled to perform any act requiring a license to practice dentistry or dental hygiene in Virginia.

B. An inactive license may be reactivated upon submission of the required application, payment of the current renewal fee, and documentation of having completed continuing education hours equal to the requirement for the number of years in which the license has been inactive, not to exceed a total of 45 hours. Of the required hours, at least 15 must be earned in the most recent 12 months and the remainder within the 36 months immediately preceding the application for activation. The board reserves the right to deny a request for reactivation to

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any licensee who has been determined to have committed an act in violation of § 54.1-2706 of the Code of Virginia.

18 VAC 60-20-106. Registration for Voluntary practice by out-of-state licensees.

A. Restricted volunteer license.

1. In accordance with § 54.1-2712.1 or 54.1-2726.1, the board may issue a restricted volunteer license to a dentist or a dental hygienist who:

- a. Held an unrestricted license in Virginia or another state as a licensee in good standing at the time the license expired or became inactive;
- b. Is volunteering for a public health or community free clinic that provides dental services to populations of underserved people;
- c. Has fulfilled the board's requirement related to knowledge of the laws and regulations governing the practice of dentistry in Virginia;
- d. Has not failed a clinical examination within the past five years; and
- e. Has had at least five years of clinical practice.

2. A person holding a restricted volunteer license under this section shall:

- a. Only practice in public health or community free clinics that provide dental services to underserved populations;
- b. Only treat patients who have been screened by the approved clinic and are eligible for treatment;
- c. Attest on a form provided by the board that he will not receive remuneration directly or indirectly for providing dental services; and
- d. Not be required to complete continuing education in order to renew such a license.

3. The restricted volunteer license shall specify whether supervision is required, and if not, the date by which it will be required. If a dentist with a restricted volunteer license issued under this section has not held an active, unrestricted license and been engaged in active practice within the past five years, he shall only practice dentistry and perform dental procedures if a dentist with an unrestricted Virginia license, volunteering at the clinic, reviews the quality of care rendered by the dentist with the restricted volunteer license at least every 30 days. If supervision is required, the supervising dentist shall directly observe patient care being provided by the restricted volunteer dentist and review all patient charts at least quarterly. Such supervision shall be noted in patient charts and maintained in accordance with 18 VAC 60-20-15.

4. A dental hygienist with a restricted volunteer license shall be sponsored by and practice only under the direction of a dentist who holds an unrestricted license in Virginia.

5. A restricted voluntary license granted pursuant to this section shall expire on June 30 of the second year after its

issuance, or shall terminate when the supervising dentist withdraws his sponsorship.

6. A dentist or dental hygienist holding a restricted volunteer license issued pursuant to this section is subject to the provisions of this chapter and the disciplinary regulations which apply to all licensees practicing in Virginia.

B. Registration for voluntary practice by out-of-state licensees.

Any dentist or dental hygienist who does not hold a license to practice in Virginia and who seeks registration to practice on a voluntary basis under the auspices of a publicly supported, all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people shall:

1. File a complete application for registration on a form provided by the board at least 15 days prior to engaging in such practice;
2. Provide a complete record of professional licensure in each state in which he has held a license and a copy of any current license;
3. Provide the name of the nonprofit organization, the dates and location of the voluntary provision of services;
4. Pay a registration fee of \$10; and
5. Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with provisions of subdivision 5 of § 54.1-2701 of the Code of Virginia.

18 VAC 60-20-210. Requirements for direction and general supervision.

A. In all instances, a licensed dentist assumes ultimate responsibility for determining, on the basis of his diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to qualified personnel in accordance with this chapter and the Code of Virginia.

B. Dental hygienists shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency or when volunteering services as provided in 18 VAC 60-20-200. Persons acting within the scope of a license issued to them by the board under § 54.1-2725 of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § 54.1-2722 of the Code of Virginia providing oral health education and preliminary dental screenings in any setting are exempt from this section.

C. Duties delegated to a dental hygienist under direction shall only be performed when the dentist is present in the facility and available to evaluate examines the patient during the time services are being provided.

D. Duties that are delegated to a dental hygienist under general supervision shall only be performed if the following requirements are met:

1. The treatment to be provided shall be ordered by a dentist licensed in Virginia and shall be entered in writing in the record. The services noted on the original order shall be rendered within a specific time period, not to exceed seven months from the date the dentist last examined the patient. Upon expiration of the order, the dentist shall have

~~evaluated~~ examined the patient before writing a new order for treatment.

2. The dental hygienist shall consent in writing to providing services under general supervision.

3. The patient or a responsible adult shall be informed prior to the appointment that no dentist will be present, that no anesthesia can be administered, and that only those services prescribed by the dentist will be provided.

4. Written basic emergency procedures shall be established and in place, and the hygienist shall be capable of implementing those procedures.

E. General supervision shall not preclude the use of direction when, in the professional judgment of the dentist, such direction is necessary to meet the individual needs of the patient.

18 VAC 60-20-230. Delegation to dental assistants.

A. Duties appropriate to the training and experience of the dental assistant and the practice of the supervising dentist may be delegated to a dental assistant under the direction *or under general supervision* required in 18 VAC 60-20-210, with the exception of those listed as nondelegable in 18 VAC 60-20-190 and those which may only be delegated to dental hygienists as listed in 18 VAC 60-20-220.

B. Duties delegated to a dental assistant under general supervision shall be under the direction of the dental hygienist who supervises the implementation of the dentist's orders by examining the patient, observing the services rendered by an assistant and being available for consultation on patient care.

/s/ Mark R. Warner
Governor
August 5, 2005

NOTICE: The forms used in administering 18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

~~Outline and Explanation of Documentation Required for Dental Licensure by Exam, Teacher's License, Restricted License, Full Time Faculty License, and Temporary Permit Application Requirements for Dentists~~ (rev. 42/02 8/05).

Application for Licensure to Practice Dentistry (rev. 42/02 8/05).

Application for Restricted Volunteer Licensure to Practice Dentistry and Dental Hygiene (eff. 7/98).

Requirements and Instructions for a Temporary Resident's License to Persons Enrolled in Advanced Dental Education Programs (eff. 7/04).

Application for Temporary Resident's License (eff. 7/04).

Form A, Certification of Dental School for Temporary Resident's License (eff. 7/04).

Form B, Certification from Dean of Dental School or Director of Accredited Graduate Program, Temporary Resident's License (eff. 7/04).

Form C, Certification of Dental Licensure, Temporary Resident's License (eff. 7/04).

Form D, Chronology, Temporary Resident's License (eff. 7/04).

Form A, Certification of Dental/Dental Hygiene School (rev. 42/02 8/05).

Form AA, Sponsor Certification for Dental/Dental Hygiene Volunteer License (eff. 7/98).

Form B, Chronology (rev. 42/02 8/05).

Form C, Certification of Dental/Dental Hygiene Boards (rev. 42/02 8/05).

Outline and Explanation of Documentation Required for Dental Hygiene Licensure by Exam, Teacher's License, Dental Hygiene by Endorsement, and Dental Hygiene Temporary Permit (rev. 12/02).

Application for Licensure to Practice Dental Hygiene (rev. 12/02).

Instructions for Reinstatement (rev. 12/02).

Reinstatement Application for Dental/Dental Hygiene Licensure (rev. 12/02).

Radiology Information for Dental Assistants (rev. 7/97).

Renewal Notice and Application, 0401 Dentist (rev. 12/02).

Renewal Notice and Application, 0402 Dental Hygienist (rev. 12/02).

Renewal Notice and Application, 0404 Dental Teacher (rev. 12/02).

Renewal Notice and Application, 0406 Dental Hygiene Teacher (rev. 12/02).

Renewal Notice and Application, 0411 Full-time Faculty (rev. 12/02).

Renewal Notice and Application, 0438 Cosmetic Procedure Certification (rev. 12/02).

Renewal Notice and Application, 0439 Oral and Maxillofacial (rev. 12/02).

Application for Certification to Perform Cosmetic Procedures (rev. 12/02).

Rhinoplasty/similar Procedures (rev. 7/02).

Bletharoplasty/similar Procedures (rev. 7/02).

Rhytidectomy/similar Procedures (rev. 7/02).

Submental liposuction/similar Procedures (rev. 7/02).

Browlift/either open or endoscopic technique/similar Procedures (rev. 7/02).

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Otoplasty/similar Procedures (7/02).

Laser Resurfacing or Dermabrasion/similar Procedures (rev. 7/02).

Platysmal muscle plication/similar Procedures (rev. 7/02).

Application Review Worksheet (rev. 7/02).

Practitioner Questionnaire (rev. 12/02).

Oral and Maxillofacial Surgeon Registration of Practice (rev. 12/02).

Application for Registration for Volunteer Practice (eff. 12/02).

Sponsor Certification for Volunteer Registration (eff. 1/03).

VA.R. Doc. No. R06-01; Filed August 23, 2005, 3:42 p.m.



GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Virginia Coastal Resources Management Program

Public Notice of Updates to the Enforceable Policies of the Program for which Federal Consistency will Apply

Notice of intended action: This public notice is to inform interested parties of the Virginia Coastal Resources Management Program's intention to update the enforceable policies incorporated into the program and to invite the public to comment on this change.

Purpose of the notice: The Coastal Zone Management Act (15 CFR § 923.84) requires state Coastal Zone Management Programs to formally incorporate changes made to the laws and policies that are used for federal consistency. The changes discussed here are considered to be routine program changes, and therefore do not significantly affect the (i) uses subject to management, (ii) special management areas, (iii) boundaries, (iv) authorities and organization, or (v) coordination, public involvement and national interest components of the Virginia Coastal Resources Management Program. Upon concurrence by the National Oceanic and Atmospheric Administration, the policies discussed below will be incorporated into the program.

A summary of the updates to the Virginia Coastal Resources Management Program is as follows:

(1) Executive Order 23 (2002) - The Virginia Coastal Resources Management Program (VCP) was established in 1986 through Executive Order 13. The order outlines the Virginia Coastal Program's policy goals, the agencies responsible for implementing and enforcing the program as well as the conflict resolution process. In 2002, a revised Executive Order 23 was signed that clarifies and consolidates the program's goals. This program change will replace the Executive Order currently authorizing the program with Executive Order 23 (2002).

(2) Chesapeake Bay Preservation Area Designation and Management Regulations, Virginia Administrative Code (9 VAC 10-20) - The Commonwealth of Virginia has revised the Commonwealth's enforceable policies in the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20. The previous Chesapeake Bay Preservation Area Designation and Management Regulations were incorporated into Virginia's Coastal Resources Management Program on May 29, 2000. By publication in the Virginia Register Volume 18, Issue 9 (Jan. 14, 2002), effective March 1, 2002, Virginia made revisions to the regulations. This program change incorporates the new regulations into program.

(3) Chesapeake Bay Preservation Act, § 10.1-2100 et seq. of the Code of Virginia. In 2005, an amendment to the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq. of the Code of Virginia) was adopted that eliminates the Chesapeake Bay Local Assistance Department and transfers responsibility for administration of the Act to the

Department of Conservation and Recreation. The Chesapeake Bay Local Assistance Board continues as the policy board for administration of the Preservation Act. This program change updates the department name referred to in the Act.

Public comment period: September 19, 2005 - October 11, 2005.

How to comment: Comments on these proposed changes should be submitted in writing directly to the National Oceanic and Atmospheric Administration by October 11, 2005, at the following address: Mr. Bill O'Beirne, Coastal Programs Division/OCRM, SSMC4, N/ORM3, Room 11110, 1305 East West Highway, Silver Spring, MD 20910, telephone (301) 713-3155 Ext. 160.

To review documents: The text of these changes as well as an analysis of their implication to the Virginia Coastal Resources Management Program is available on the Virginia Coastal Resources Management Program's website at www.deq.virginia.gov/coastal beginning September 19, 2005.

If you require paper copies of any of these documents, please contact the Virginia Coastal Resources Management Program through Rachel Bullene at (804) 698-4122.

Notice of Periodic Review of Regulations

The Department of Environmental Quality will conduct a periodic review of Regulations for the Certification of Recycling Machinery and Equipment for Local Tax Exemption Purposes, 9 VAC 15-30. The purpose of the review is to determine whether the regulations should be terminated, amended or retained in their current form. The review of the regulations will be guided by the principles listed in Executive Order Number 21 (2002) and § 2.2-4007.1 of the Code of Virginia.

The department and the board are seeking public comments on the review of any issue relating to the regulations including whether (i) the regulations are effective in achieving their goals; (ii) the regulations are essential to protect the health, safety or welfare of citizens or for the economical performance of important governmental functions; (iii) there are available alternatives for achieving the purpose of the regulations; (iv) there are less burdensome and less intrusive alternatives for achieving the purpose of the regulations; and (v) the regulations are clearly written and easily understandable by the affected persons. In addition, the department and the board are seeking public comments on ways to minimize the economic impact on small businesses in a manner consistent with the purpose of the regulations.

The purpose of the regulations currently being reviewed is to provide the procedures and rules by which § 58.1-3661 of the Code of Virginia may be administered. The statute specifies that recycling machinery and equipment certified by the Department of Environmental Quality may be eligible for a local property tax exemption. This section allows the governing body of any county, city or town to exempt or partially exempt qualifying machinery or equipment from local taxation. These regulations are designed to protect public

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health and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth and to provide the necessary procedures and rules by which the statute may be administered. To view the full text of the regulation, go to: <http://leg1.state.va.us/000/reg/TOC.HTM#T0009>.

Comments on the above regulation are welcome and will be accepted until October 10, 2005. Comments should be sent to Robert G. Wickline, P.O. Box 10009, Richmond, VA 23240-0009 (deliveries can be made to 629 East Main Street, Richmond, Virginia), telephone (804) 698-4213, FAX (804) 698-4237, or e-mail rgwickline@deq.virginia.gov. Note: Please include full name and mailing address when providing public comment.

Total Maximum Daily Load (TMDL) for Dodd Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of an Implementation Plan (IP) for a bacteria total maximum daily load (TMDL) on Dodd Creek in Floyd County. The Dodd Creek TMDL was approved by EPA in December 2002. TMDL study reports can be found at the DEQ website <http://www.deq.virginia.gov/tmdl/apptmdls>.

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an IP for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits and environmental impacts.

The first public meeting on the development of the IP for Dodd Creek will be held on Thursday, October 6, 2005, from 7 p.m. to 9 p.m. in the Floyd County High School library located at 721 Baker Street SW (VA 1003) in Floyd, Virginia.

The public comment period will end on November 6, 2005. A fact sheet on the development of an IP for the Dodd Creek TMDL is available upon request. Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Theresa Carter, Department of Conservation and Recreation, 252 W. Main Street, Suite 3, Abingdon, VA 24210, telephone (276) 676-5418, FAX (276) 676-5527, or e-mail theresa.carter@dcr.virginia.gov.

Total Maximum Daily Load (TMDL) for Mill Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of an implementation plan (IP) for a bacteria total maximum daily load (TMDL) on Mill Creek in Montgomery County. The Mill Creek TMDL was approved by EPA in June 2002. TMDL study reports can be found at the DEQ website at <http://www.deq.virginia.gov/tmdl/apptmdls>.

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an IP for approved TMDLs. The IP should provide measurable goals and the date of expected

achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits and environmental impacts.

The first public meeting on the development of the IP for Mill Creek will be held on Tuesday, October 4, 2005, from 7 p.m. to 9 p.m. in the Auburn High School auditorium at 4069 Riner Road (State Route 8) in Riner, Virginia.

The public comment period will end on November 4, 2005. A fact sheet on the development of an IP for the Mill Creek TMDL is available upon request. Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Theresa Carter, Department of Conservation and Recreation, 252 W. Main Street, Suite 3, Abingdon, VA 24210, telephone (276) 676-5418, FAX (276) 676-5527, or e-mail theresa.carter@dcr.virginia.gov.

DEPARTMENT OF HEALTH

Drinking Water State Revolving Fund Program - Intended Use Plan for FY 2006

Waterworks Owner and Other Interested Parties:

The Virginia Department of Health (VDH) received numerous loan requests and set-aside suggestions following our announcement in January 2005, of funds available from the Drinking Water State Revolving Fund Program. Through the Safe Drinking Water Act, Congress authorizes capitalization grants to the states but authorization has not been finalized.

The VDH's Office of Drinking Water has prepared a draft intended use plan (IUP) using information submitted via the loan requests and set-aside suggestions. This IUP is for your review and comment. The document dated January 10, 2005, and entitled "Virginia Drinking Water State Revolving Fund Program - Program Design Manual" is a part of the Intended Use Plan. This document was mailed in our January announcement and is available on our website at www.vdh.virginia.gov/dw.

As previously announced in January, the VDH will hold a public meeting. The meeting will be on Wednesday, October 5, 2005, from 10:30 a.m. until 11:30 a.m. at the Virginia Housing Development Authority in Richmond, Virginia. Comments from the public are to be postmarked by Friday, October 7, 2005.

If you plan to attend, please contact Theresa Hewlett at (804) 864-7501 by the close of business on September 28, 2005, so that we may properly plan the meeting.

Please direct your requests for information and forward written comments to Thomas B. Gray, P.E., Virginia Department of Health, Financial and Construction Assistance Programs, Office of Drinking Water, James Madison Building, 109 Governor Street, Room 632, Richmond VA 23219, telephone (804) 864-7501, FAX (804) 864-7521.

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 August 23, 2005. 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.

Final Rules for Game Operation:

Director's Order Number Fifty-Six (05)

Virginia's Instant Game Lottery 289; "Money Jar" (effective 8/12/05)

Director's Order Number Fifty-Eight (05)

Virginia's Instant Game Lottery 680; "The Apprentice" (effective 8/18/05)

STATE WATER CONTROL BOARD

Proposed Consent Special Order for Town of Appomattox

Purpose of notice: To invite citizens to comment on a proposed consent order for the Town of Appomattox, Virginia, wastewater treatment plant.

Public comment period: September 19, 2005, to October 19, 2005.

Consent order description: The State Water Control Board proposes to issue a consent order to the Town of Appomattox to address violations of its Virginia Pollutant Discharge Elimination Permit, number VA0020249, for exceeding the total recoverable copper effluent limit.

How to comment: DEQ accepts comments from the public by e-mail, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by close of business on the final day of the public comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at www.deq.state.va.us/enforcement/notices.html.

Contact for public comments, document requests and additional information: Harry F. Waggoner, South Central Regional Office, Lynchburg, VA 24502, telephone (434) 582-5120 ext. 6037, FAX (434) 582-5125, or e-mail hfwaggoner@deq.virginia.gov.

Proposed Consent Special Order for Boone Homes, Inc. of Roanoke

Citizens may comment on a proposed consent order for a facility in Roanoke County, Virginia.

Public comment period: September 19, 2005, to October 18, 2005.

Purpose of notice: To invite the public to comment on a proposed consent order.

A consent order is issued to a business owner or other responsible party to perform specific actions that will bring the entity into compliance with the relevant law and regulations. It is developed cooperatively with the facility and entered into by mutual agreement.

Project description: The State Water Control Board proposes to issue a consent order to Boone Homes Inc., of Roanoke to address violations of the Virginia regulations. The location of the facility where the violation occurred is the Stone Manor subdivision in Roanoke County. The consent order describes a settlement to resolve construction in a perennial stream without a permit. It requires payment of a civil charge and mitigation of impacts to the stream.

How a decision is made: After public comments have been considered, the State Water Control Board will make a final decision.

How to comment: DEQ accepts comments from the public by e-mail, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period.

To review the consent order: The public may review the proposed consent order at the DEQ West Central Regional Office every work day by appointment or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information: Robert Steele, Department of Environmental Quality, West Central Regional Office, Roanoke, VA 24019, telephone (540) 562-6777, FAX (540) 562-6725, or e-mail rpsteele@deq.virginia.gov.

Proposed Consent Special Order for Country Oaks, LLC

Purpose of notice: To invite citizens to comment on a proposed consent order for Country Oaks, LLC, mobile home park wastewater treatment lagoon located near Danville, Virginia.

Public comment period: September 19, 2005, to October 19, 2005.

Consent order description: The State Water Control Board proposes to issue a consent order to Country Oaks, LLC, for violations of its Virginia Pollutant Discharge Elimination Permit, number VA0074586. The order resolves numerous violations of the permit, and principally addresses violations of a prior order of the Water Control Board and inadequate disinfection of the wastewater.

How to comment: DEQ accepts comments from the public by e-mail, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by close of business on the final day of the public comment period. The public may review the proposed consent order at the DEQ office named below, or on

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the DEQ website at
www.deq.state.va.us/enforcement/notices.html.

Contact for public comments, document requests and additional information: Harry F. Waggoner, South Central Regional Office, Lynchburg, VA 24502, telephone (434) 582-5120 ext. 6037, FAX (434) 582-5125, or e-mail hfwaggoner@deq.virginia.gov.

Title of Regulation: **20 VAC 5-427. Rules for Local Exchange Telecommunications Company Service Quality Standards.**

Publication: 21:24 VA.R. 3364-3384 August 8, 2005.

Corrections to Revised Proposed Regulation:

Page 3372, 20 VAC 5-427-10, definition of "*Customer*," line 4, after "~~provided by a LEC~~" reinsert "*that are*"

Page 3375, 20 VAC 5-427-100, subdivision 1, line 1, after "*immediate*" insert "[*direct*]"

Page 3376, 20 VAC 5-427-110, subdivision 1, line 1, after "*changed*" insert "[*telephone*]"; line 2, after "*former*" insert "[*telephone*]"; and line 4, after "*current*" insert "[*printed*]"

Page 3381, 20 VAC 5-427-130, subsection L, line 7, change "*services*" to "*service*"

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

BOARD OF MEDICINE

Title of Regulation: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic.**

Publication: 21:25 VA.R. 3551 August 22, 2005.

Correction to Fast-Track Regulation (Notice of Objection to Fast-Track Rulemaking):

In the Title of Regulation, change "(amending 18 VAC 85-20-10)" to "(amending 18 VAC 85-20-330)"

ERRATA

STATE CORPORATION COMMISSION

Title of Regulation: **14 VAC 5-170. Rules Governing Minimum Standards for Medicare Supplement Policies.**

Publication: 21:25 VA.R. 3475-3548 August 22, 2005.

Correction to Final Regulation:

Page 3495, 14 VAC 5-170-150, in the Outline of Medicare Supplement Coverage chart, the second sentence of the footnote should read:

These high deductible plans pay the same [~~or offer the same~~] benefits as Plans F and J after one has paid a calendar year ~~\$1,620~~ 1,730 deductible.

CALENDAR OF EVENTS

Symbol Key

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

♿ Location accessible to persons with disabilities

☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

786-3538, FAX (804) 371-2945, e-mail
roy.seward@vdacs.virginia.gov

BOARD OF ACCOUNTANCY

September 23, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Suite 378 Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting of the Enforcement Committee to discuss open enforcement cases.

Contact: Jean Grant, Enforcement Coordinator/Investigator, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0725, FAX (804) 367-2174, (804) 367-9753/TTY ☎, e-mail jean.grant@boa.virginia.gov.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

September 23, 2005 - 9 a.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.♿

A meeting to discuss issues related to Virginia agriculture and consumer services. Three regulations will be discussed: 2 VAC 5-70, Health Requirements Governing the Control of Equine Infectious Anemia in Virginia; 2 VAC 5-580, Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores; and 2 VAC 5-585, Retail Food Establishment Regulation. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804)

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Horse Industry Board

September 29, 2005 - 10 a.m. -- Open Meeting
Virginia Department of Forestry, 900 Natural Resources Drive, 2nd Floor Meeting Room, Charlottesville, Virginia.♿

A meeting to (i) review the minutes of the last meeting, (ii) review the end of the year budget for 2004-2005, and (iii) discuss marketing and promotional projects for 2005-2006. 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 Andrea S. Heid 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, e-mail andrea.heid@vdacs.virginia.gov.

Virginia Wine Board

† October 4, 2005 - 1 p.m. -- Open Meeting
Virginia Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia.♿

A meeting to (i) approve the minutes of the last meeting held on June 29, 2005; (ii) review the board's financial statement; and (iii) discuss old business arising from the last meeting and any new business to come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact David

Calendar of Events

Robishaw at least five days before the meeting date so that suitable arrangements can be made.

Contact: David Robishaw, Board Secretary, Virginia Wine Board, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156, e-mail david.robishaw@vdacs.virginia.gov.

STATE AIR POLLUTION CONTROL BOARD

September 22, 2005 - 9:30 a.m. -- Open Meeting

September 29, 2005 - 9:30 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting of the Clean Air Mercury Rule Advisory Committee.

Contact: Mary E. Major, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, e-mail memajor@deq.virginia.gov.

September 22, 2005 - 1 p.m. -- Open Meeting

September 29, 2005 - 1 p.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting of the Clean Air Interstate Rule Advisory Committee.

Contact: Mary E. Major, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, e-mail memajor@deq.virginia.gov.

September 26, 2005 - 10 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting. The meeting start time is tentative.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cberndt@deq.virginia.gov.

State Advisory Board on Air Pollution

September 27, 2005 - 10 a.m. -- Open Meeting

October 26, 2005 - 10 a.m. -- Open Meeting

November 16, 2005 - 10 a.m. -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A regular meeting.

Contact: Janet Wynne, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4140, e-mail jtwnne@deq.virginia.gov.

Small Business Environmental Compliance Advisory Board

September 28, 2005 - 10 a.m. -- Open Meeting

Location to be announced.

A regular meeting. A location has not been determined and the time is tentative.

Contact: Richard Rasmussen, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4394, FAX (804) 698-4264, e-mail rgrasmussen@deq.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL BOARD

September 26, 2005 - 9 a.m. -- Open Meeting

October 11, 2005 - 9 a.m. -- Open Meeting

October 24, 2005 - 9 a.m. -- Open Meeting

November 7, 2005 - 9 a.m. -- Open Meeting

November 21, 2005 - 9 a.m. -- Open Meeting

December 5, 2005 - 9 a.m. -- Open Meeting

† December 19, 2005 - 9 a.m. -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

An executive staff meeting to receive and discuss reports and activities from staff members and to discuss other matters not yet determined.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY , e-mail curtis.coleburn@abc.virginia.gov.

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

September 20, 2005 - 10 a.m. -- Open Meeting

† December 13, 2005 - 10 a.m. -- Open Meeting

Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Cecily Slasor, I and R Specialist, Alzheimer's Disease and Related Disorders Commission, 1610 Forest Ave., Ste. 100, Richmond, VA 23229, telephone (804) 662-9338, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail cecily.slasor@vda.virginia.gov.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

October 26, 2005 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Architects Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for 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.virginia.gov.

October 31, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Professional Engineers Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelscidla@dpor.virginia.gov.

November 3, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Landscape Architects Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelscidla@dpor.virginia.gov.

November 8, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Land Surveyors Section to conduct board business. The meeting is open to the public; however, a

portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelscidla@dpor.virginia.gov.

November 10, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Interior Designers Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelscidla@dpor.virginia.gov.

† December 8, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct any and all board business. 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 (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail apelscidla@dpor.virginia.gov.

† December 8, 2005 - 9 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

† December 8, 2005 - 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 for Architects, Professional

Calendar of Events

Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to amend regulations entitled **18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations**. The purpose of the proposed action is to make general clarifying changes to the regulation as well as clarifying the requirements relating to "responsible charge" and "direct control and personal supervision." Any other changes that may be necessary may also be considered.

Statutory Authority: §§ 54.1-201, 54.1-404 and 54.1-411 of the Code of Virginia.

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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail apelscidla@dpor.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD

October 7, 2005 - 10 a.m. -- Open Meeting

November 4, 2005 - 10 a.m. -- Open Meeting

December 2, 2005 - 10 a.m. -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. Art and Architectural Review Board submittal forms and submittal instructions can be downloaded by visiting the DGS Forms Center at www.dgs.state.va.us. Request form #DGS-30-905 or submittal instructions #DGS-30-906. The deadline for submitting project datasheets and other required information is two weeks prior to the meeting date.

Contact: Richard L. Ford, AIA Chairman, Art and Architectural Review Board, 101 Shockoe Slip, 3rd Floor, Richmond, VA 23219, telephone (804) 648-5040, FAX (804) 225-0329, (804) 786-6152/TTY , or e-mail rford@comarchs.com.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

November 2, 2005 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: David E. Dick, 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 alhi@dpor.virginia.gov.

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

† September 29, 2005 - 10 a.m. -- Open Meeting

Assistive Technology Loan Fund Authority, 1602 Rolling Hills Drive, Suite 107, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly business meeting of the Board of Directors. The public is invited and may make comments in the public comments section of the program. The board will meet in closed session to review confidential loan information.

Contact: Christy Crowther, Assistive Technology Loan Fund Authority, 1602 Rolling Hills Dr., Suite 107, Richmond, VA, telephone (804) 662-9000, FAX (804) 662-9533, toll-free (866) 835-5976, (804) 662-9000/TTY , e-mail atifa@atifa.org.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

† September 20, 2005 - 9:30 a.m. -- Open Meeting

Henrico Training Center, 7701 East Parham Road, Room 2030, Richmond, Virginia.

NOTE: CHANGE IN MEETING DATE AND TIME

† November 14, 2005 - 6 p.m. -- Open Meeting

General Assembly Building, 910 Capitol Street, House Room D, Richmond, Virginia.

A regular meeting.

Contact: Kim McGaughey, Executive Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Richmond, VA 23229, telephone (804) 662-9830, FAX (804) 662-9831.

AUCTIONEERS BOARD

October 6, 2005 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail auctioneers@dpor.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

November 10, 2005 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

A regular board 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) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.

BOARD FOR BARBERS AND COSMETOLOGY

October 17, 2005 - 10 a.m. -- CANCELED
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

October 21, 2005 - 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 for Barbers and Cosmetology intends to adopt regulations entitled **18 VAC 41-50, Tattooing Regulations**. The purpose of the proposed regulations is to promulgate regulations governing the licensure and practice of tattooing as mandated by Chapter 869 of the 2002 Acts of Assembly.

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

Contact: William H. Ferguson II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295 or e-mail william.ferguson@dpor.virginia.gov.

October 31, 2005 - 9 a.m. -- CANCELED
December 5, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Conference Room 4W,
Richmond, Virginia. 

A meeting to conduct general business and consider regulatory issues as may be presented. A portion of the meeting may be held in closed session. A public comment period will be held at the beginning of the meeting. 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 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 barbercosmo@dpor.virginia.gov.

BOARD FOR THE BLIND AND VISION IMPAIRED

October 11, 2005 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, Administrative Headquarters Building, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review information regarding Department for the Blind and Vision Impaired activities and operations, review expenditures from board endowment fund, and discuss other issues raised for the board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail kathy.proffitt@dbvi.virginia.gov.

BOARD FOR BRANCH PILOTS

November 1, 2005 - 10 a.m. -- Open Meeting
† December 12, 2005 - 9 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail branchpilots@dpor.virginia.gov.

DEPARTMENT OF BUSINESS ASSISTANCE

Small Business Advisory Board

September 19, 2005 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street,
3rd Floor Board Room, Richmond, Virginia. 

A regular meeting.

Contact: Vernita Boone, Administrative Assistant, Department of Business Assistance, 707 E. Main St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-8230, FAX (804) 371-2142, toll-free (866) 248-8814, e-mail vernita.boone@dba.virginia.gov.

CEMETERY BOARD

† September 29, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

Calendar of Events

An informal fact-finding conference.

Contact: Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail cemetery@dpor.virginia.gov.

October 19, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4 West Conference Room, Richmond, Virginia. ♿

A meeting to discuss board business.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

September 19, 2005 - 10 a.m. -- Open Meeting
York Hall, 310 Main Street, Yorktown, Virginia.

December 5, 2005 - 10 a.m. -- Open Meeting
Location to be announced.

A regular business meeting and review of local programs.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

October 25, 2005 - 10 a.m. -- Open Meeting
Department of Conservation and Recreation, James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

The Northern Area Review Committee will conduct general business, including review of local Chesapeake Bay Preservation Area programs for the northern area.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

October 25, 2005 - 2 p.m. -- Open Meeting
Department of Conservation and Recreation, James Monroe Building, 101 North 14th St., 17th Floor Conference Room, Richmond, Virginia.

The Southern Area Review Committee will conduct general business, including review of local Chesapeake Bay Preservation Area programs for the southern area.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

STATE CHILD FATALITY REVIEW TEAM

November 18, 2005 - 10 a.m. -- Open Meeting
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. ♿

The business portion of the meeting is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

Contact: Virginia Powell, Coordinator, Department of Health, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail angela.myrick@vdh.virginia.gov.

VIRGINIA COLLEGE SAVINGS PLAN

† **September 22, 2005 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Investment Advisory Committee.

Contact: Nicole Douglas, Executive Assistant, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 5th Floor, Richmond, VA, telephone (804) 786-3574, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY ☎, e-mail vcspinfo@virginia529.com.

† **September 30, 2005 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Compensation Committee.

Contact: Nicole Douglas, Executive Assistant, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 5th Floor, Richmond, VA, telephone (804) 786-3574, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY ☎, e-mail vcspinfo@virginia529.com.

† **September 30, 2005 - 10:30 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Audit and Actuarial Committee.

Contact: Nicole Douglas, Executive Assistant, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 5th Floor, Richmond, VA, telephone (804) 786-3574, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY ☎, e-mail vcspinfo@virginia529.com.

October 6, 2005 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 5th Floor, Virginia College Savings Plan Board Room, Richmond, Virginia. ♿

A regular meeting of the Board of Directors.

Contact: Nicole Douglas, Executive Assistant, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 5th Floor, Richmond, VA, telephone (804) 786-3574, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY ☎, e-mail vcspinfo@virginia529.com.

STATE BOARD FOR COMMUNITY COLLEGES

November 16, 2005 - 1:30 pm. -- Open Meeting
Virginia Community College System, James Monroe Building,
101 North 14th Street, Richmond, Virginia.  (Interpreter for
the deaf provided upon request)

Meetings of the Academic Committee, Student Affairs and
Workforce Development Committee, and Budget and
Finance Committee begin at 1:30 p.m. The Facilities
Committee and the Audit Committee will meet at 3 p.m. The
Personnel Committee will meet at 3:30 p.m. The Executive
Committee will meet at 5 p.m.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia
Community College System, 101 N. 14th St., Richmond, VA
23219, telephone (804) 819-4961, FAX (804) 819-4768, (804)
371-8504/TTY 

November 17, 2005 - 9 a.m. -- Open Meeting
Danville Community College, 1008 South Main Street,
Danville, Virginia. 

A meeting of the full board. 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, Virginia
Community College System, 101 N. 14th St., 15th Floor,
Richmond, VA 23219, telephone (804) 819-4961, FAX (804)
819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD

September 21, 2005 - 11 a.m. -- Open Meeting
830 East Main Street, 2nd Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy P. Waddell, Compensation Board, P.O. Box
710, Richmond, VA 23218, telephone (804) 786-0786, FAX
(804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

BOARD OF CONSERVATION AND RECREATION

† **September 20, 2005 - 10 a.m.** -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street,
Richmond, Virginia.

A regular business meeting.

Contact: David C. Dowling, Policy, Planning, and Budget
Director, Department of Conservation and Recreation, 203
Governor St., Suite 302, Richmond, VA 23219, telephone
(804) 786-2291, FAX (804) 786-6141, e-mail
david.dowling@dcr.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

September 20, 2005 - 7 p.m. -- Open Meeting
Powhatan Village Center, Route 13, Auditorium, Powhatan,
Virginia.

A meeting of the Powhatan State Park Master Plan
Advisory Committee to hear public input on the proposed
master plan for the park.

Contact: Robert S. Munson, Planning Bureau Manager,
Department of Conservation and Recreation, 203 Governor
St., Suite 326, Richmond, VA 23219, telephone (804) 786-
6140, FAX (804) 786-6141, e-mail
robert.munson@dcr.virginia.gov.

† **October 3, 2005 - 3 p.m.** -- Open Meeting
† **October 3, 2005 - 7 p.m.** -- Open Meeting
New River Valley Planning District Commission Office (PD4),
6580 Valley Center Drive, Radford, Virginia.

† **October 4, 2005 - 3 p.m.** -- Open Meeting
† **October 4, 2005 - 7 p.m.** -- Open Meeting
Middle Peninsula Planning District Commission Office (PD18),
125 Bowdeb Street, Saluda, Virginia.

† **October 4, 2005 - 3 p.m.** -- Open Meeting
† **October 4, 2005 - 7 p.m.** -- Open Meeting
Mount Rogers Planning District Commission Office (PD4),
1021 Terrace Drive, Marion, Virginia.

† **October 5, 2005 - 3 p.m.** -- Open Meeting
† **October 5, 2005 - 7 p.m.** -- Open Meeting
Cumberland Plateau Planning District Commission Office
(PD2), 950 Clydesway Road, Lebanon, Virginia.

† **October 5, 2005 - 3 p.m.** -- Open Meeting
† **October 5, 2005 - 7 p.m.** -- Open Meeting
Richmond Regional District Planning Commission Office
(PD15), 2104 West Laburnum Avenue, Suite 101, Richmond,
Virginia.

† **October 6, 2005 - 3 p.m.** -- Open Meeting
† **October 6, 2005 - 7 p.m.** -- Open Meeting
Lenowisco Planning District Commission Office Office (PD1),
Natural Tunnel State Park, Cove Ridge Center, Duffield,
Virginia.

† **October 6, 2005 - 3 p.m.** -- Open Meeting
† **October 6, 2005 - 7 p.m.** -- Open Meeting
Northern Neck Planning District Commission Office (PD17),
457 Main Street, Warsaw, Virginia.

† **November 11, 2005 - 3 p.m.** -- Open Meeting
† **November 11, 2005 - 7 p.m.** -- Open Meeting
RADCO Planning District Commission Office (PD16), 3304
Bourbon Street, Fredericksburg, Virginia.

A 2007 Virginia Outdoors Plan citizen input meeting. State
planners from the Virginia Department of Conservation and
Recreation are developing Virginia's comprehensive plan
for the acquisition, development and management of
outdoor recreation and open space resources. Virginia has
produced a Virginia Outdoors Plan every five years since
1966; this will be the 9th edition. At 21 meetings across the
state, DCR staff will inform citizens of the progress of

Calendar of Events

developing the 2007 Virginia Outdoors Plan and provide opportunity for citizen input on issues of interest. DCR is accepting written comments on the update of the 2007 Virginia Outdoors Plan at VOP Comments, DCR, 203 Governor Street, Suite 326, Richmond, VA 23219. Comments will also be accepted via e-mail at vop@virginia.dcr.gov

Contact: Robert Munson, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail robert.munson@dcr.virginia.gov.

October 13, 2005 - Noon -- Open Meeting

November 10, 2005 - Noon -- Open Meeting

† **December 8, 2005 - Noon** -- Open Meeting

Richmond City Hall, 5th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Falls of the James River Scenic Advisory Committee to discuss river issues.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

December 1, 2005 - 10 a.m. -- Open Meeting
Location to be announced.

A regular business meeting of the Virginia Land Conservation Foundation to review and approve grant applications.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

Virginia Soil and Water Conservation Board

November 17, 2005 - 9:30 a.m. -- Open Meeting
Location to be determined.

A regular business meeting to discuss soil and water, stormwater management and dam safety issues.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

BOARD FOR CONTRACTORS

September 20, 2005 - 1 p.m. -- Open Meeting

September 27, 2005 - 9 a.m. -- Open Meeting

October 4, 2005 - 9 a.m. -- Open Meeting

October 6, 2005 - 9 a.m. -- Open Meeting

October 18, 2005 - 9 a.m. -- Open Meeting

† **October 18, 2005 - 2 p.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

Informal fact-finding conferences.

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.virginia.gov.

September 20, 2005 - 9 a.m. -- Open Meeting

October 18, 2005 - 9 a.m. -- Open Meeting

November 16, 2005 - 9 a.m. -- Open Meeting

† **December 13, 2005 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A regular meeting to address policy and procedural issues and review and render 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. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: 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.virginia.gov.

November 16, 2005 - 10 a.m. -- CANCELED

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Tradesman Education Committee to conduct committee business has been canceled. 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.virginia.gov.

BOARD OF CORRECTIONS

September 20, 2005 - 10 a.m. -- Open Meeting

November 15, 2005 - 10 a.m. -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting of the Liaison Committee to discuss correctional matters of interest to the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail barbara.woodhouse@vadoc.virginia.gov.

September 20, 2005 - 1 p.m. -- Open Meeting
November 15, 2005 - 1 p.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor,
Room 3054, Richmond, Virginia. 

A meeting of the Correctional Services/Policy and Regulations Committee 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 Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail barbara.woodhouse@vadoc.virginia.gov.

September 21, 2005 - 9:30 a.m. -- Open Meeting
November 16, 2005 - 9:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail barbara.woodhouse@vadoc.virginia.gov.

September 21, 2005 - 10 a.m. -- Open Meeting
November 16, 2005 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A regular meeting of the full board to review and discuss all matters considered by board committees that require action by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail barbara.woodhouse@vadoc.virginia.gov.

BOARD OF COUNSELING

November 3, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. 

A meeting of the Credentials Review Committee to review the files of applicants to determine if they have met the requirements for licensure.

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.virginia.gov.

November 4, 2005 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A quarterly meeting to conduct board business.

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.virginia.gov.

CRIMINAL JUSTICE SERVICES BOARD

† **December 8, 2005 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A meeting of the Committee on Training.

Contact: Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, e-mail lbaker@dcjs.state.va.us.

† **December 8, 2005 - 11 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A meeting to conduct general business.

Contact: Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, e-mail lbaker@dcjs.state.va.us.

BOARD OF DENTISTRY

† **December 9, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting to discuss business issues. There will be a public comment period at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra.reen@dhp.virginia.gov.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

October 20, 2005 - 11 a.m. -- Open Meeting
November 17, 2005 - 11 a.m. -- Open Meeting
Department of General Services, Eighth Street Office Building, 805 East Broad Street, 3rd Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

† **December 15, 2005 - 11 a.m.** -- Open Meeting
202 North 9th Street, Room 412, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction-management-type contracts. Contact the Division of Engineering and Building to confirm the meeting.

Contact: Rhonda M. Bishton, Administrative Assistant, Department of General Services, 805 E. Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX

Calendar of Events

(804) 371-7934, (804) 786-6152/TTY, or e-mail rhonda.bishton@dgs.virginia.gov.

BOARD OF EDUCATION

September 21, 2005 - 9 a.m. -- Open Meeting

October 26, 2005 - 9 a.m. -- Open Meeting

November 30, 2005 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Main Lobby Level, Conference Rooms C and D, Richmond, Virginia.

A regular business meeting of the board. 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 who wish to speak or who require the services of an interpreter for the deaf should contact the agency at least 72 hours in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail margaret.roberts@doe.virginia.gov.

September 21, 2005 - 11 a.m. -- Public Hearing

James Monroe Building, 101 North 14th Street, Main Lobby Level, Conference Rooms D and E, Richmond, Virginia.

October 11, 2005 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to adopt regulations entitled **8 VAC 20-660, Regulations Governing Reenrollment Plans**. The General Assembly established the requirements for regulations in response to a study regarding the transfer of students between public schools, detention homes and juvenile correctional centers. This study recommended establishment of a reenrollment plan to share information about the student's public and correctional education and to facilitate the student's reenrollment in public schools upon release from commitment.

Statutory Authority: §§ 16.1-293, 22.1-17.1 and 22.1-343 of the Code of Virginia.

Contact: Dr. Cynthia Cave, Director of Student Services, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2818, FAX (804) 225-2524 or e-mail ccave@mail.vak12ed.edu.

DEPARTMENT OF EMERGENCY MANAGEMENT

State Hazardous Materials Emergency Response Advisory Council

September 22, 2005 - 1 p.m. -- Open Meeting

Sheraton - Oceanfront Hotel, 36th Street and Atlantic, Virginia Beach, Virginia.

A meeting of the Training Committee regarding hazardous materials training curriculum.

Contact: Ronald R. Hargrave, Training Director, Department of Emergency Management, 10501 Trade Court, Richmond, VA 23236, telephone (804) 897-6500.

DEPARTMENT OF ENVIRONMENTAL QUALITY

September 20, 2005 - 9 a.m. -- CANCELED

† **November 15, 2005 - 9 a.m.** -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A regular meeting of the Ground Water Protection Steering Committee.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4116, e-mail mamassie@deq.virginia.gov.

September 21, 2005 - 7 p.m. -- Public Hearing

Mary Bethune Office Complex, 1030 Cowford Road, Public Meeting Room, Halifax, Virginia.

A public hearing on a draft permit modification for the Halifax County Landfill that would allow implementation of a groundwater corrective action plan. The public comment period closes on October 6, 2005.

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

September 22, 2005 - 7 p.m. -- Open Meeting

Bristol Chamber of Commerce, 20 Volunteer Parkway, Board Room, Bristol, Virginia.

The first public meeting on the development of the implementation plan for bacteria TMDLs for Little Creek and Beaver Creek in Washington County and the City of Bristol. The public notice appears in the September 5, 2005, issue of the Virginia Register and the comment period begins on September 22, 2005, and ends on October 22, 2005.

Contact: Theresa Carter, Department of Conservation and Recreation, 252 W. Main St., Suite 3, Abingdon, VA 24210, telephone (276) 676-5418, FAX (276) 676-5527, e-mail theresa.carter@dcr.virginia.gov.

† **September 30, 2005 - 10 a.m.** -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting of the Mercury Advisory Committee established to help investigate elevated levels of mercury in fish in some

rivers in eastern Virginia. In 2002, fish consumption advisories were issued for the Blackwater River, Dragon Run/Piankatank River and the Great Dismal Swamp due to elevated levels of mercury detected in some species of fish. There are no suspected significant direct discharges of mercury in these water bodies. In 2004, additional fish samples were collected from these water bodies to better characterize the extent of the elevated mercury levels in fish found in them. The committee will discuss the 2004 fish data.

Contact: Alex Barron, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4119, FAX (804) 698-4116, e-mail ambarron@deq.virginia.gov.

† **October 4, 2005 - 7 p.m.** -- Open Meeting
Auburn High School Auditorium, 4069 Riner Road, Riner, Virginia. ♿

The first public meeting on the development of the implementation plan for the bacteria TMDL on Mill Creek in Montgomery County. The public notice appears in the Virginia Register on September 19, 2005. The public comment period begins on October 4, 2005, and ends on November 4, 2005.

Contact: Theresa Carter, Department of Conservation and Recreation, 252 W. Main St., Suite 3, Abingdon, VA 24210, telephone (276) 676-5418, FAX (276) 676-5527, e-mail theresa.carter@dcr.virginia.gov.

† **October 6, 2005 - 7 p.m.** -- Open Meeting
Floyd County High School Library, 721 Baker Street, SW, Floyd, Virginia. ♿

The first public meeting on the development of the TMDL implementation plan for Dodd Creek located in Floyd County. The public notice appears in the Virginia Register of Regulations on September 19, 2005. The public comment period begins on October 6, 2005, and ends on November 6, 2005.

Contact: Theresa Carter, Department of Conservation and Recreation, 252 W. Main St., Suite 3, Abingdon, VA 24210, telephone (276) 676-5418, FAX (276) 676-5527, e-mail theresa.carter@dcr.virginia.gov.

Litter Control and Recycling Fund Advisory Board

October 12, 2005 - 10:30 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A regular meeting.

Contact: G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, e-mail gscoe@deq.virginia.gov.

BOARD OF FORESTRY

September 26, 2005 - 8:30 a.m. -- Open Meeting
Virginia Tech, Cheatham Hall, Blacksburg, Virginia. ♿
(Interpreter for the deaf provided upon request)

A business meeting.

Contact: Donna S. Hoy, Administrative Staff Specialist, Board of Forestry, 900 Natural Resources Dr., Charlottesville, VA 22903, telephone (434) 220-9045, FAX (434) 977-7749, e-mail donna.hoy@dof.virginia.gov.

Reforestation of Timberlands Board

September 27, 2005 - 10 a.m. -- Open Meeting
11301 Pocahontas Trail, Providence Forge, Virginia.

A meeting to review and discuss the 2004-05 program year. The group will be briefed on the progress of sign-ups in the current year. The afternoon session will be in the field and focus on genetics and the tree improvement program.

Contact: Dean Cumbia, Staff Forester, Reforestation of Timberlands Board, 900 Natural Resources Dr., Charlottesville VA 22903, telephone (434) 220-9042, FAX (434) 296-2369, e-mail becky.woodson@dof.virginia.gov.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

September 27, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Legislative/Regulatory Committee to discuss the rules and regulations that pertain to the practice of funeral service.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail elizabeth.young@dhp.virginia.gov.

† **September 27, 2005 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ♿

A formal administrative hearing to hear possible violations of the laws and regulations governing the practice of funeral service.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail elizabeth.young@dhp.virginia.gov.

† **September 28, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. ♿

The Special Conference Committee or an agency subordinate of the Board of Funeral Directors and

Calendar of Events

Embalmers will meet to hear possible violations of the laws and regulations that govern the practice of funeral service.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.virginia.gov.

CHARITABLE GAMING BOARD

† **December 6, 2005 - 10 a.m.** -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Discovery Room, Richmond, Virginia. 📍

A regular quarterly meeting.

Contact: Clyde E. Cristman, Director, Charitable Gaming Board, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-1681, FAX (804) 786-1079, e-mail clyde.cristman@dcp.virginia.gov.

BOARD FOR GEOLOGY

October 12, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 📍

A meeting to conduct board business.

Contact: David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail geology@dpor.virginia.gov.

STATE BOARD OF HEALTH

October 21, 2005 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled **12 VAC 5-410, Regulations for the Licensure of Hospitals in Virginia**. The purpose of the proposed action is to require a registered nurse, qualified by education and experience in perioperative nursing, to be present as a circulating nurse in each operating room during surgical procedures conducted in inpatient hospitals and outpatient surgical centers. This amendment is the result of a petition for rulemaking received from the Virginia Council of Perioperative Nurses.

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

Contact: Carrie Eddy, Senior Policy Analyst, Center for Quality Health Care Services, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail carrie.eddy@vdh.virginia.gov.

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November 4, 2005 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled **12 VAC 5-90, Regulations Governing Disease Reporting and Control**. The purpose of the proposed action is to (i) establish isolation and quarantine requirements, (ii) insert and clarify definitions, (iii) clarify the reportable disease list, (iv) update the conditions that are reportable by laboratories and to the tests used to confirm those conditions, (v) revise information to be included on a disease report, and (vi) update tuberculosis reporting and control requirements.

Statutory Authority: §§ 32.1-12 and 32.1-35 of the Code of Virginia.

Contact: Diane Woolard, Ph.D., Director, Division of Surveillance and Investigation, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-8141, FAX (804) 864-8139 or e-mail diane.woolard@vdh.virginia.gov.

DEPARTMENT OF HEALTH

† **September 22, 2005 - 10 a.m.** -- Open Meeting
Henrico Doctor's Hospital, Parham Campus, Richmond, Virginia. 📍

A meeting of the Statewide Comprehensive Plan Advisory Committee. Contact Ben Alonso for directions.

Contact: Ben Alonso, Health Care Planner, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-8022, e-mail ben.alonso@vdh.virginia.gov.

September 27, 2005 - 9 a.m. -- Open Meeting
Madison Building, 109 Governor Street, 5th Floor Conference Room, Richmond, Virginia.

A meeting of the Authorized Onsite Soil Evaluator Regulations Advisory Committee to make recommendations to the commissioner regarding AOSE/PE policies, procedures and programs.

Contact: Donna Tiller, Executive Secretary, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7470, FAX (804) 864-7475, e-mail donna.tiller@vdh.virginia.gov.

October 21, 2005 - 10 a.m. -- Open Meeting
† **December 9, 2005 - 10 a.m.** -- Open Meeting
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia. 📍 (Interpreter for the deaf provided upon request)

A meeting of the Virginia Early Hearing Detection and Intervention Program Advisory Committee to assist the Virginia Department of Health in the implementation of the Virginia Early Hearing Detection and Intervention Program. The advisory committee meets four times a year.

Contact: Pat T. Dewey, Program Manager, Department of Health, 109 Governor St., 8th Floor, Richmond, VA 23219, telephone (804) 864-7713, FAX (804) 864-7721, toll-free (866) 493-1090, (800) 828-1120/TTY ☎, e-mail pat.dewey@vdh.virginia.gov.

† **December 14, 2005 - 1:30 p.m.** -- Open Meeting
Madison Building, 109 Governor Street, Richmond, Virginia. ♿

A meeting of the Newborn Screening Regulations Advisory Group to allow and invite public participation in the development of proposed regulations.

Contact: Nancy Ford, Pediatric Screening and Genetic Services, Department of Health, 109 Governor St., 8th Floor, Richmond, VA 23219, telephone (804) 864-7691, FAX (804) 864-7022, e-mail nancy.ford@vdh.virginia.gov.

Hemophilia Advisory Board

September 23, 2005 - 10 a.m. -- Open Meeting
State Corporation Commission Building, 1300 E. Main Street, Richmond, Virginia.

Discussion of hemophilia-related issues, statistics and reports. Other matters are not yet determined.

Contact: Jan Kuhn, Program Nurse Manager, or Tamara Quarles, Program Specialist, Department of Health, P.O. Box 980461, telephone (804) 827-3306, FAX (804) 692-0291, toll-free (866) 228-2516, e-mail jgkuhn@mail2.vcu.edu or tsquarles@vcu.edu.

BOARD OF HEALTH PROFESSIONS

October 21, 2005 - 9 a.m. -- Open Meeting
† **December 16, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 3, Richmond, Virginia. ♿

A meeting of the Health Practitioners' Intervention Program Committee.

Contact: Peggy W. Call, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail peggy.call@dhp.virginia.gov.

BOARD FOR HEARING AID SPECIALISTS

November 7, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation
3600 West Broad Street, 4th Floor 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 conducted in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.virginia.gov.

VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Information Technology Investment Board

October 5, 2005 - 1 p.m. -- Open Meeting
Virginia Information Technologies Agency Operations Center, 110 South 7th Street, 4th Floor Auditorium, Richmond, Virginia. ♿

A regular meeting.

Contact: Jennifer W. Hunter, Interim IT Investment Board Executive Director, Virginia Information Technologies Agency, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 343-9012, FAX (804) 343-9015, e-mail jenny.hunter@vita.virginia.gov.

E-911 Wireless Services Board

November 9, 2005 - 9 a.m. -- Open Meeting
110 South 7th Street, 1st Floor, Telecommunications Conference Room, Suite 100, Richmond, Virginia.

A subcommittee meeting. 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 St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-0015, FAX (804) 371-2277, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.

November 9, 2005 - 10 a.m. -- Open Meeting
110 South 7th Street, 4th Floor Auditorium, Richmond, Virginia.

A regular board meeting.

Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-0015, FAX (804) 371-2277, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.

JAMESTOWN-YORKTOWN FOUNDATION

NOTE: CHANGE IN MEETING DATE

October 12, 2005 - Noon -- Open Meeting
† **December 9, 2005 - 2 p.m.** -- Open Meeting
Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the Executive Committee of the Jamestown 2007 Steering Committee. Call contact below for specific meeting location.

Contact: Judith Leonard, Administrative Office Manager, Jamestown-Yorktown Foundation, 410 W. Francis St.,

Calendar of Events

Williamsburg, VA 23185, telephone (757) 253-4253, FAX (757) 253-4950, (757) 253-5110/TTY ☎, e-mail judith.leonard@jyf.virginia.gov.

November 21, 2005 - 10 a.m. -- Open Meeting

November 22, 2005 - 8 a.m. -- Open Meeting

Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A semiannual two-day meeting of the Board of Trustees and the board's standing committees. Time listed above is approximate as a detailed schedule is yet to be determined. Opportunity for public comment will be included on the November 22 business meeting agenda.

Contact: Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-7285, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-5110/TTY ☎, e-mail laura.bailey@jyf.virginia.gov.

BOARD OF JUVENILE JUSTICE

November 9, 2005 - 10 a.m. -- Public Hearing

Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, Virginia.

November 25, 2005 - 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 Juvenile Justice intends to amend regulations entitled **6 VAC 35-10, Public Participation Guidelines**. The purpose of the proposed action is to update the regulation to reflect technological and statutory changes since the original regulation was adopted in 1991.

Statutory Authority: §§ 2.2-4007 and 66-3 of the Code of Virginia.

Public comments may be submitted until November 25, 2005, to Patricia Rollston, P.O. Box 1110, Richmond, VA 23219-1110.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23219-1110, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail don.carignan@djj.virginia.gov.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

NOTE: CHANGE IN MEETING DATE

September 14, 2005 - 10 a.m. -- Open Meeting

J. Sargeant Reynolds Community College, North Run Business Park, 1630 East Parham Road, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general business.

Contact: Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St.,

Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

† **December 8, 2005 - 10 a.m.** -- Open Meeting

Location to be announced. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to discuss general business.

Contact: Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

STATE LIBRARY BOARD

September 19, 2005 - 8:15 a.m. -- Open Meeting

November 14, 2005 - 8:15 a.m. -- Open Meeting

The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

8:15 a.m. - Public Library Development Committee, Orientation Room

Publications and Educational Services Committee, Conference Room B

Records Management Committee, Conference Room C

9:30 a.m. - Archival and Information Services Committee, Orientation Room

Collection Management Services Committee, Conference Room B

Legislative and Finance Committee, Conference Room C

10:30 a.m. - Library Board, Conference Room, 2M

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

BOARD OF LONG-TERM CARE ADMINISTRATORS

September 27, 2005 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Nominating Committee to decide on nominations for officers of the Board of Long-Term Care Administrators. There will be a public comment period at the beginning of the meeting.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7457, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail cheri.emma-leigh@dhp.virginia.gov.

September 27, 2005 - 9:30 a.m. -- Open Meeting
November 29, 2005 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. ☎

The board will meet to discuss general business matters and receive information from the Long-Term Care Administrators Task Force. There will be a 15-minute public comment period during the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra.reen@dhp.virginia.gov.

September 27, 2005 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. ☎

The board will hold a formal hearing. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7457, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail cheri.emma-leigh@dhp.virginia.gov.

October 12, 2005 - 9:30 a.m. -- CANCELED
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. ☎

A meeting to discuss general board business is canceled.

Contact: Sandra Reen, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra.reen@dhp.virginia.gov.

October 27, 2005 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. ☎

The LTCA Task Force will meet to discuss development of regulations. There will be a public comment period during the first 15 minutes of the meeting.

Contact: Sandra Reen, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra.reen@dhp.virginia.gov.

MARINE RESOURCES COMMISSION

September 27, 2005 - 9:30 a.m. -- Open Meeting
† **October 25, 2005 - 9:30 a.m.** -- Open Meeting
† **November 22, 2005 - 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 Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2215, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail jane.mccroskey@mrc.virginia.gov.

BOARD OF MEDICAL ASSISTANCE SERVICES

† **December 13, 2005 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor Conference Room, Richmond, Virginia. ☎

A routine quarterly meeting required in the BMAS bylaws.

Contact: Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail nancy.malczewski@dmas.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

September 21, 2005 - 1 p.m. -- Open Meeting
November 16, 2005 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor, Boardroom, Richmond, Virginia.

A meeting of the Medicaid Transportation Advisory Committee to discuss issues and concerns about Medicaid transportation issues with the committee and the community.

Contact: Bob Knox, Transportation Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854, FAX (804) 786-5799, (800) 343-0634/TTY ☎, e-mail bob.knox@dmas.virginia.gov.

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September 23, 2005 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-80, Methods and Standards for Establishing Payment Rates: Other Types of Care**. The purpose of the proposed action is to establish a new payment methodology for generic drugs and brand-name drugs that are priced as generics that is based on Wholesale Average Cost (WAC). This methodology will permit the weekly review of marketplace prices for drugs and revisions of DMAS' prices.

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

Contact: Katina Goodwyn, Pharmacy Contract Manager, Division of Healthcare Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0428, FAX (804) 786-1680 or e-mail katina.goodwyn@dmas.virginia.gov.

Calendar of Events

November 10, 2005 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. 

A meeting of the Drug Utilization Review Board to discuss issues and concerns about Medicaid pharmacy issues with the committee and the community.

Contact: Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2873, FAX (804) 786-5799, (800) 343-0634/TTY , e-mail rachel.cain@dmas.virginia.gov.

November 15, 2005 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Boardroom, Richmond, Virginia. 

A meeting of the Pharmacy Liaison to discuss issues and concerns about Medicaid pharmacy issues with the committee and the community.

Contact: Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2873, FAX (804) 786-5799, (800) 343-0634/TTY , e-mail rachel.cain@dmas.virginia.gov.

BOARD OF MEDICINE

September 21, 2005 - 9 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **September 27, 2005 - 9 a.m.** -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

† **October 4, 2005 - 9 a.m.** -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. 

October 12, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A Special Conference Committee will convene an informal conference to inquire into allegations that certain practitioners of medicine or the other healing arts may have violated certain laws and regulations governing the practice of medicine. Further, the committee may review cases with board staff for case disposition, including consideration of consent orders for settlement. The committee will meet in open and closed session pursuant to the Code of Virginia. Public comment will not be received.

Contact: Renee S. Dixson, Discipline Case Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail renee.dixson@dhp.virginia.gov.

November 17, 2005 - 8 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A meeting 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.virginia.gov.

† **December 16, 2005 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A meeting of the Legislative Committee to consider regulatory 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.virginia.gov.

Advisory Board on Acupuncture

November 30, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of acupuncture. 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.virginia.gov.

Advisory Board on Athletic Training

December 1, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulation of athletic training. 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.virginia.gov.

Advisory Board on Occupational Therapy

November 29, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to 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.virginia.gov.

Advisory Board on Physician Assistants

December 1, 2005 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulation of physician assistants. 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.virginia.gov.

Advisory Board on Radiologic Technology

November 30, 2005 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulation of radiologic technologists and radiologic technologist-limited. 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.virginia.gov.

Advisory Board on Respiratory Care

November 29, 2005 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulation of respiratory care. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.virginia.gov.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **September 27, 2005 - 10 a.m.** -- Public Hearing
Jefferson Building, 1220 Bank Street, 8th Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the Virginia Substance Abuse Prevention and Treatment Block Grant Application for federal Fiscal Year 2006. Copies of the application are available for review at the Office of Substance Abuse Services, Room 818, Jefferson Building and at each community services board office. Comments may be made at the hearing or in writing by no later than September 27, 2005, to the Office of the Commissioner, DMHMRSAS, P.O. Box 1797, Richmond, VA 23218, Attention Mellie Randall. Any person wishing to make a presentation at the hearing should contact Mellie Randall at the indicated address. Copies of oral presentations should be filed at the time of the hearing.

Contact: Mellie Randall, Department of Mental Health, Mental Retardation and Substance Abuse Services, DMHMRSAS, P.O. Box 1797, Richmond, VA 23218, telephone (804) 371-2135, FAX (804) 786-4320, (804) 371-8977/TTY , e-mail mellie.randall@co.dhmrsas.virginia.gov.

STATE MILK COMMISSION

† **December 15, 2005 - 10:45 a.m.** -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Room 2063, Charlottesville, 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 meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Washington Bldg., 1100 Bank St., Suite 1019, Richmond, VA 23218, telephone (804) 786-2013, FAX (804) 786-3779, e-mail edward.wilson@vdacs.virginia.gov.

DEPARTMENT OF MINES, MINERALS AND ENERGY

October 5, 2005 - 9 a.m. -- Open Meeting
Oxbow Center, 16620 East Riverside Drive, St. Paul, Virginia.  (Interpreter for the deaf provided upon request)

At 9 a.m. the Regulatory Work Group of the Division of Mined Land Reclamation will meet regarding the final rule for monitoring of blasting within 1,000 feet of an occupied dwelling, permit markers, Office of Surface Mining proposed revegetation rule, Virginia revegetation standards, and proposed rule for stream restoration.

Calendar of Events

At 1 p.m. the permit Streamline Standardization Group will meet regarding electronic permitting, digital professional engineer certification and signature, ground control plans, anniversary reports, roads, black water, reforestation, issue with acid mine drainage bonding in Tennessee, and fly rock notification requirement. Public comments will be received as the last item of the meeting. Special accommodations for the disabled will be made available upon request. Anyone needing special accommodations should contact the Department of Mines, Minerals and Energy at least seven days prior to the meeting or hearing date.

Contact: Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, 3405 Mountain Empire Rd., P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8156, FAX (276) 523-8163, (800) 828-1120/TTY ☎, e-mail les.vincent@dmme.virginia.gov.

Virginia Gas and Oil Board

† **September 20, 2005 - 9 a.m.** -- Open Meeting
Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, Virginia. ♿
(Interpreter for the deaf provided upon request)

A general meeting of the board. In addition to general board business, the following will also be discussed: petitions for pooling, well location exception, testimony correction, and disbursement of funds. Special accommodations for the disabled will be made available at the hearing on request. Contact the DMME Division of Gas and Oil at 276-676-5423 or call the Virginia Relay Center TTY/TDD 1-800-828-1120 or 1140 by September 13, 2005.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, Division of Gas and Oil, 230 Charwood Dr., Abingdon, VA 24210, telephone (276) 676-5426, FAX (276) 676-5459, (800) 828-1120/TTY ☎, e-mail bob.wilson@dmme.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

† **September 19, 2005 - 9:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, Main Lobby Conference Room, Richmond, Virginia. ♿

A meeting for staff to update the Expansion Oversight Committee in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, toll-free (800) 943-8632, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

September 21, 2005 - 1 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, Richmond, Virginia. ♿

The following committees will meet for staff updates:
9 a.m. - Museum Expansion (most of the meeting will be held in closed session) - CEO Parlor

11:15 a.m. - Art Acquisitions (most of the meeting will be held in closed session) - Library
1 p.m. - Artistic Oversight - CEO Parlor
3:30 p.m. - Government Affairs - 2nd Floor Meeting Room

Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

September 22, 2005 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, 2nd Floor Meeting Room, Richmond, Virginia. ♿

A meeting of the Fiscal Oversight Committee for staff to update the committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

September 22, 2005 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, CEO Parlor, Richmond, Virginia. ♿

A meeting for staff to update the board. Part of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

October 6, 2005 - 8 a.m. -- Open Meeting

November 1, 2005 - 8 a.m. -- Open Meeting

† **December 6, 2005 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, Main Lobby Conference 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, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

September 19, 2005 - 9 a.m. -- Open Meeting

September 21, 2005 - 9 a.m. -- Open Meeting

September 22, 2005 - 9 a.m. -- Open Meeting

November 14, 2005 - 9 a.m. -- Open Meeting

November 16, 2005 - 9 a.m. -- Open Meeting

November 17, 2005 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

A panel of the board will conduct formal hearings 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.virginia.gov.

September 20, 2005 - 9 a.m. -- Open Meeting
November 15, 2005 - 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 discipline 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.virginia.gov.

October 4, 2005 - 9 a.m. -- Open Meeting
October 11, 2005 - 9 a.m. -- Open Meeting
October 17, 2005 - 9 a.m. -- Open Meeting
October 18, 2005 - 9 a.m. -- Open Meeting
October 20, 2005 - 9 a.m. -- Open Meeting
October 25, 2005 - 9 a.m. -- Open Meeting
December 5, 2005 - 9 a.m. -- Open Meeting
† December 6, 2005 - 9 a.m. -- Open Meeting
† December 13, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A Special Conference Committee comprised of two or three members of the Virginia Board of Nursing or agency subordinate will conduct informal conferences with licensees and certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.virginia.gov.

JOINT BOARDS OF NURSING AND MEDICINE

October 19, 2005 - 9 a.m. -- Open Meeting
† December 7, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ♿

A meeting of the Joint Boards of Nursing and Medicine.

Contact: Jay P. Douglas, RN, MSM, CSAC, 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.virginia.gov.

OLD DOMINION UNIVERSITY

October 24, 2005 - 3 p.m. -- Open Meeting
November 15, 2005 - 3 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia. ♿

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

† December 16, 2005 - 1 p.m. -- Open Meeting
Dominion University, Webb University Center, Old Norfolk, Virginia. ♿

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

OLMSTEAD OVERSIGHT ADVISORY COMMITTEE

October 13, 2005 - 11 a.m. -- CANCELED
Virginia Housing Development Authority, 621 South Belvedere Street, Richmond, Virginia.

A regular meeting.

Contact: Brandon Leonard, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 371-0829, e-mail brandon.leonard@governor.virginia.gov.

BOARD FOR OPTICIANS

NOTE: CHANGE IN MEETING DATE
November 9, 2005 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230-4917,

Calendar of Events

telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.virginia.gov.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

December 1, 2005 - 10 a.m. -- Open Meeting
Location to be announced. ♿

An Executive Committee meeting.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY ☎, e-mail sandra.smalls@vbpd.virginia.gov.

December 2, 2005 - 9 a.m. -- Open Meeting
Location to be announced.

A quarterly board meeting.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY ☎, e-mail sandra.smalls@vbpd.virginia.gov.

PESTICIDE CONTROL BOARD

October 20, 2005 - 9 a.m. -- Public Hearing
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia.

November 30, 2005 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Pesticide Control Board intends to amend regulations entitled **2 VAC 20-51, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act**. The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to (i) help reduce fraudulent examination activities by eliminating proctoring by private individuals; (ii) more clearly define application and training requirements; (iii) establish applicator categories in areas where needed for industry; (iv) meet EPA requirements; (v) establish recordkeeping requirements for not-for-hire pesticide applicators, as means of ensuring that all pesticides are stored and used safely; and (vi) amend the regulation for housekeeping purposes.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Contact: W. Wayne Surles, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558, FAX (804) 371-8598, toll-free 1-800-552-9963 or e-mail wayne.surles@vdacs.virginia.gov.

BOARD OF PHARMACY

† **September 19, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia 23230 ♿

A continuation of the meeting held on August 18, 2005. The committee will further discuss amending regulations entitled 18 VAC 110-50, Regulations Governing Wholesale Distributors, Manufacturers and Warehouse, to add a requirement for a pedigree system in wholesale distribution of prescription drugs. Public comment will be received.

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 scotti.russell@dhp.virginia.gov.

† **September 20, 2005 - 9 a.m.** -- Open Meeting

† **October 14, 2004 - 9 a.m.** -- Open Meeting

† **October 25, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

December 1, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A meeting to consider 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 scotti.russell@dhp.virginia.gov.

BOARD OF PHYSICAL THERAPY

October 28, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A regular business meeting.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.virginia.gov.

POLYGRAPH EXAMINERS ADVISORY BOARD

December 1, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail kevin.hoeft@dpor.virginia.gov.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

September 19, 2005 - 10 a.m. -- Open Meeting
November 14, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A quarterly board meeting.

Contact: Judith A. Spiller, Executive Secretary, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY , e-mail judy.spiller@dpor.virginia.gov.

BOARD OF PSYCHOLOGY

October 11, 2005 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

A business meeting to include reports from standing committees and any regulatory and disciplinary 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 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.virginia.gov.

October 17, 2005 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

An 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.virginia.gov.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

September 29, 2005 - 10 a.m. -- Open Meeting
† December 8, 2005 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia. 

An advisory board meeting.

Contact: Janet Dingle Brown, Esq., Public Guardianship Coordinator and Legal Services Developer, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail janet.brown@vda.virginia.gov.

REAL ESTATE APPRAISER BOARD

† September 26, 2005 - 10 a.m. -- Open Meeting
† October 6, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

Informal fact-finding conferences.

Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY , e-mail reappraisers@dpor.virginia.gov.

November 1, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4 West Conference Room,
Richmond, Virginia. 

A meeting to discuss board business.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail karen.oneal@dpor.virginia.gov.

REAL ESTATE BOARD

† September 21, 2005 - 10 a.m. -- Open Meeting
September 29, 2005 - 9 a.m. -- Open Meeting
† October 6, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

Informal fact-finding conferences.

Contact: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone

Calendar of Events

(804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail reboard@dpor.virginia.gov.

† **September 21, 2005 - 1 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A joint meeting of the Real Estate Board and Fair Housing Education Committee to discuss education issues.

Contact: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail reboard@dpor.virginia.gov.

† **November 17, 2005 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4 West Conference Room,
Richmond, Virginia. ♿

A meeting to discuss board business.

Contact: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail reboard@dpor.virginia.gov.

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **September 21, 2005 - 10 a.m.** -- Public Hearing
South Boston Town Council Chambers, 502 Yancy Street,
South Boston, Virginia.

A regular meeting. The meeting will include a public hearing and conclude with a meeting of the Recycling Rate Subcommittee of the Council. All activities will conclude no later than 1 p.m. The primary purpose of the public hearing is to obtain comments from Southside Virginia localities, waste management authorities and other interested parties on (i) what, if any, changes are recommended in Virginia's 25% recycling rate mandate (including the statutes and regulations implementing that mandate) and (ii) ways in which the VRMDC and state could assist localities and waste management authorities in meeting the state recycling mandate. The VRMDC is traveling to Southside Virginia in an effort to make it easier for localities, waste management authorities and members of the public from that region of the state to submit their views and the submission of comments at the meeting is encouraged.

Contact: Philip F. Abraham, The Vectre Corporation, 411 East Franklin St., Suite 602, Richmond, VA 23219, telephone (804) 644-6600, FAX (804) 644-6628, e-mail pabraham@vectercorp.com.

DEPARTMENT OF REHABILITATIVE SERVICES

† **October 12, 2005 - 3 p.m.** -- Public Hearing
Augusta County Government Center, 18 Government Center Lane, Verona, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **October 20, 2005 - 3 p.m.** -- Public Hearing
Fairfax DRS Office, 11150 Fairfax Boulevard, Suite 300, Fairfax, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **October 27, 2005 - 3 p.m.** -- Public Hearing
Roanoke DRS Office, 3433 Brambleton Avenue, SW, Roanoke, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **November 3, 2005 - 3 p.m.** -- Public Hearing
Virginia Beach Central Library, 4100 Virginia Beach Boulevard, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

Public hearings to obtain comment regarding the Department of Rehabilitative Services State Plan for vocational rehabilitation services.

Contact: Susan Burns, Training and Development Coordinator, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7613, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 552-5019/TTY ☎, e-mail susan.burns@drs.virginia.gov.

Commonwealth Neurotrauma Initiative Trust Fund Advisory Board

September 30, 2005 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Room 101, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Kristie Chamberlain, CNI Program Administrator, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, e-mail kristie.chamberlain@drs.virginia.gov.

VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

NOTE: CHANGE IN MEETING TIME

September 20, 2005 - 12:30 p.m. -- Open Meeting
Greater Richmond Convention Center, 403 North 3rd Street, Richmond, Virginia.

E-mail Nancy Vorona for information and to participate in the meeting.

Contact: Nancy Vorona, VP Research Investment, CIT, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, e-mail nvorona@cit.org.

November 15, 2005 - 1 p.m. -- Open Meeting
NASA Langley Research Center/National Institute of Aerospace, Hampton, Virginia.

Tour at 10 a.m. Meeting will follow at 1 p.m. Lunch will be provided.

Contact: Nancy Vorona, VP Research Investment, CIT, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, e-mail nvorona@cit.org.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

NOTE: CHANGE IN MEETING LOCATION

October 19, 2005 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Susan Sherertz, Secretary to the Board, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7475, e-mail susan.sherertz@vdh.virginia.gov.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

September 21, 2005 - Noon -- Open Meeting
707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. ♿

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. The meeting time is subject to change depending upon the board's agenda.

Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, e-mail scott.parsons@dba.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

September 29, 2005 - 9 a.m. -- Open Meeting
September 30, 2005 - 9 a.m. -- Open Meeting
Capital One Town Center, Capital One Drive, Innsbrook, Glen Allen, Virginia.

A board retreat/workshop.

Contact: Pat Rengnerth, Board Liaison, State Board of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY ♿, e-mail patricia.rengnerth@dss.virginia.gov.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

October 12, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business. The meeting is open to the public; however a portion of the board's business may be discussed in closed session. 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 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.virginia.gov.

COMMONWEALTH TRANSPORTATION BOARD

NOTE: CHANGE IN MEETING DATE

September 21, 2005 - 6 p.m. -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION

Prince William County, 15941 Donald Curtis Drive, Ferlazzo Auditorium, Woodbridge, Virginia. ♿

The third meeting of the I-95/395 PPTA Advisory Panel to consider two proposals for improvements to the I-95/395 corridor. Proceedings will be televised over the county's cable network. Public comments will be received.

Contact: Robert L. Trachy, Jr., Project Manager, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4263, e-mail larry.trachy@vdot.virginia.gov.

October 11, 2005 - 7 p.m. -- Open Meeting
1200 Government Center Parkway, Fairfax County Board of Supervisors Meeting Room, Fairfax, Virginia. ♿

The final meeting of the I-95/395 PPTA Advisory Panel to consider two proposals for improvements to the I-95/395 corridor. Public comment will not be received. Proceedings will be televised over the county's cable network.

Contact: Robert L. Trachy, Jr., Project Manager, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4263, FAX (804) 225-4700, or e-mail larry.trachy@vdot.virginia.gov.

† **October 19, 2005 - 2 p.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ♿

A work session.

Contact: Carol Mathis, Administrative Staff Assistant, Commonwealth Transportation Board, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2701, e-mail carol.mathis@vdot.virginia.gov.

Calendar of Events

† **October 20, 2005 - 9 a.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street,
Auditorium, Richmond, Virginia. 

A regularly scheduled meeting to transact board business, such as permits, additions/deletions to the highway system, and other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups will be asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Carol A. Mathis, Administrative Staff Assistant, Commonwealth Transportation Board, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2701, e-mail carol.mathis@vdot.virginia.gov.

TREASURY BOARD

September 21, 2005 - 9 a.m. -- Open Meeting
October 19, 2005 - 9 a.m. -- Open Meeting
November 16, 2005 - 9 a.m. -- Open Meeting
† **December 14, 2005 - 9 a.m.** -- Open Meeting
Department of the Treasury, 101 North 14th Street, 3rd Floor,
Treasury Board Room, Richmond, Virginia. 

A regular meeting.

Contact: Melissa Mayes, Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 786-0833, e-mail melissa.mayes@trs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

Board of Veterans Services

September 19, 2005 - 11 a.m. -- Open Meeting
Location to be announced; Richmond, Virginia. 

A regular meeting.

Contact: Steve Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0294, e-mail steven.combs@dvs.virginia.gov.

BOARD OF VETERINARY MEDICINE

September 23, 2005 - 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 Veterinary Medicine intends to amend regulations entitled **18 VAC 150-20, Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed action is to require

a notice on a rabies certificate stating the 28-day waiting period for effectiveness.

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

Public comments may be submitted until September 23, 2005, to Elizabeth Carter, Ph.D., Executive Director, Board of Veterinary Medicine, 6603 West Broad Street, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

COUNCIL ON VIRGINIA'S FUTURE

† **December 16, 2005 - Noon** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. 

A regular meeting.

Contact: Carole Noe, Executive Assistant, 700 E. Franklin St., Suite 700, Richmond, VA 23219, telephone (804) 371-2346, e-mail cnoe@virginia.edu.

VIRGINIA WASTE MANAGEMENT BOARD

† **October 11, 2005 - 1 p.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. 

A public meeting on the fast-track amendments to the Solid Waste Management Regulations concerning radio advertisements. The fast-track amendments appear in the Virginia Register of Regulations on September 19, 2005. The comment period begins on September 19, 2005, and ends on November 18, 2005. The amendments will become effective on December 19, 2005.

Contact: Michael Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327, e-mail mjdieter@deq.virginia.gov.

† **October 24, 2005 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. 

A public meeting to receive comments on the notice of intent to amend the Solid Waste Management Regulations (amendments 2, 5 and 6). The notice of intent appears in the Virginia Register of Regulations on September 19, 2005. The comment period begins on September 19, 2005, and closes on November 4, 2005.

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327, e-mail mjdieter@deq.virginia.gov.

† **October 24, 2005 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. 

A public meeting to receive comments on the notice of intent to consider amending the Vegetative Waste Management and Yard Waste Composting Regulations. The notice of intent appears in the Virginia Register of Regulations on September 19, 2005. The public comment period begins on September 19, 2005, and ends on November 4, 2005.

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327, e-mail mjdieter@deq.virginia.gov.

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† **November 18, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled **9 VAC 20-80, Solid Waste Management Regulations**. The purpose of the proposed action is to remove the requirement for radio advertisement of a tentative decision to grant or deny a variance petition under the solid waste management regulations.

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

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327, e-mail mjdieter@deq.virginia.gov.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

September 28, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. 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 Americans with Disabilities Act.

Contact: David E. Dick, Executive Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0219, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail wastemgt@dpor.virginia.gov.

STATE WATER CONTROL BOARD

September 19, 2005 - 9:30 a.m. -- Open Meeting
† **October 18, 2005 - 9:30 a.m.** -- Open Meeting
† **November 9, 2005 - 9:30 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee assisting in the development of a General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia.

Contact: Kyle Winter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4182, FAX (804) 698-4032, e-mail kiwinter@deq.virginia.gov.

NOTE: CHANGE IN MEETING TIME

† **September 30, 2005 - 9:30 a.m.** -- Open Meeting
October 14, 2005 - 10 a.m. -- Open Meeting
October 28, 2005 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia.

A meeting of the advisory committee assisting the department in the development of a proposal to allow for the renewal of the Virginia Water Protection General Permit Regulation and allow revisions regarding administrative procedures; permit and application requirements; definitions and terminology; compensatory mitigation; permit usage thresholds; permit conditions; and typographical and grammatical errors. The Notice of Intent appears in the Virginia Register on September 5, 2005.

Contact: Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4032, e-mail cmharold@deq.virginia.gov.

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September 23, 2005 - 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 25-115, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities**. The purpose of the proposed action is to reissue and amend, as necessary, the general VPDES permit which establishes limitations and monitoring requirements for point source discharges from seafood processing facilities.

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.virginia.gov.

Calendar of Events

September 23, 2005 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-193, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants**. The purpose of the proposed action is to amend the existing general VPDES permit to include appropriate and necessary permitting requirements for discharges of wastewater from concrete product facilities.

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

Contact: Burton 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.virginia.gov.

September 23, 2005 - 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 25-810, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Coin-Operated Laundry**. The purpose of the proposed action is to establish appropriate and necessary permitting requirements for discharges of wastewater from coin-operated laundries.

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

Contact: George E. Cosby, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067, FAX (804) 698-4032 or e-mail gecosby@deq.virginia.gov.

September 27, 2005 - 9:30 a.m. -- Open Meeting

September 28, 2005 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular board meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.virginia.gov.

† October 24, 2005 - 1 p.m. -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A public meeting to receive comments on the notice of intent to adopt a general Virginia pollution abatement permit for Industrial and Other Nonirrigation Reuses of Reclaimed Water. The notice of intent appears in the Virginia Register of Regulations on September 19, 2005. The public comment period begins on September 19, 2005 and ends on October 28, 2005.

Contact: Valerie Rourke, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4158, FAX (804) 698-4116, e-mail varourke@deq.virginia.gov.

† October 24, 2005 - 1 p.m. -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A public meeting to receive comments on the notice of intent to adopt a general Virginia pollution abatement permit for irrigation reuse of level B wastewater. The notice of intent appears in the Virginia Register of Regulations on September 19, 2005. The public comment period begins on September 19, 2005 and ends on October 28, 2005.

Contact: Valerie Rourke, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4158, FAX (804) 698-4116, e-mail varourke@deq.virginia.gov.

† October 24, 2005 - 1 p.m. -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A public meeting to receive comments on the notice of intent to adopt a general Virginia pollution abatement permit for irrigation reuse of level A reclaimed water. The notice of intent appears in the Virginia Register on September 19, 2005. The comment period begins on September 19, 2005, and ends on October 28, 2005.

Contact: Valerie Rourke, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4158, FAX (804) 698-4116, e-mail varourke@deq.virginia.gov.

† October 24, 2005 - 1 p.m. -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A public meeting to receive comments on a notice of intent to adopt a regulation for wastewater reclamation and reuse. The notice of intent appears in the Virginia Register of Regulations on September 19, 2005. The comment period begins on September 19, 2005, and ends on October 28, 2005.

Contact: Valerie Rourke, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4158, e-mail varourke@deq.virginia.gov.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† October 5, 2005 - 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.

† **December 7, 2005 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. 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 Americans with Disabilities Act.

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.virginia.gov.

INDEPENDENT

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

September 19, 2005 - 4 p.m. -- Open Meeting
1910 Byrd Avenue, Suite 5, Richmond, Virginia ♿ (Interpreter for the deaf provided upon request)

A meeting of the Policy Committee. Public comment is welcome and will be received beginning at 4 p.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant, at 1-800-552-3962 (Voice/TTY) or via e-mail at lisa.shehi@vopa.virginia.gov no later than September 2, 2005. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. Please visit the Virginia Office for Protection and Advocacy website at www.vopa.state.va.us for directions. For further information please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi, no later than September 2, 2005.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail lisa.shehi@vopa.virginia.gov.

Board for Protection and Advocacy

September 20, 2005 - 9 a.m. -- Open Meeting
Virginia Office for Protection and Advocacy, Byrd Building,
1910 Byrd Avenue, Suite 5, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Public comment is welcomed and will be accepted at the start of the meeting. If you wish to provide public comment

via telephone, or if interpreter services or other accommodations are required, please contact Lisa Shehi no later than Tuesday, July 5, 2005.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail lisa.shehi@vopa.virginia.gov.

Disabilities Advisory Council

October 12, 2005 - 10 a.m. -- Open Meeting
Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Disabilities Advisory Council. Public comment will be received at 10 a.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via e-mail at lisa.shehi@vopa.virginia.gov no later than September 28, 2005. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. Directions and further information are available by contacting Ms. Shehi. If interpreter services or other accommodations are required please contact Ms. Shehi no later than September 28, 2005.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7413, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail lisa.shehi@vopa.virginia.gov.

PAIMI Advisory Council

November 3, 2005 - 10 a.m. -- Open Meeting
Albemarle County Office Building, 1600 5th Street, Meeting Room B, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

Public comment is welcome and will be received at the beginning of the meeting. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant, at 1-800-552-3962 (Voice/TTY) or via e-mail at lisa.shehi@vopa.virginia.gov no later than October 20, 2005. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. Please visit the Virginia Office for Protection and Advocacy website at www.vopa.state.va.us for directions. For further information, please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi, no later than October 20, 2005.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 662-7213, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail lisa.shehi@vopa.virginia.gov.

Calendar of Events

VIRGINIA RETIREMENT SYSTEM

September 23, 2005 - 10 a.m. -- Open Meeting
† December 14, 2005 - 3 p.m. -- Open Meeting
Virginia Retirement System Investment Department, 1111 East Main St., 3rd Floor, Richmond, Virginia. 

A special meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Executive Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6675, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail phhenderson@vrs.state.va.us.

October 12, 2005 - 1 p.m. -- Open Meeting
November 9, 2005 - 9 a.m. -- Open Meeting
November 17, 2005 - 9 a.m. -- Open Meeting
† December 15, 2005 - 9 a.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Board of Trustees. 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 , or e-mail lking@vrs.state.va.us.

October 12, 2005 - 10 a.m. -- Open Meeting
November 8, 2005 - 1 p.m. -- Open Meeting
November 16, 2005 - 2:30 p.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Benefits and Actuarial 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 , or e-mail lking@vrs.state.va.us.

November 8, 2005 - 3:30 p.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular 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 St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , or e-mail lking@vrs.state.va.us.

November 15, 2005 - Noon -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.

Contact: 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.

November 16, 2005 - 11 a.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

Meetings of the following committees:

11 a.m. - Investment Advisory
4 p.m. - Administration and Personnel

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.

LEGISLATIVE

JOINT SUBCOMMITTEE PLANNING AND COORDINATING THE 200TH ANNIVERSARY CELEBRATION OF THE BIRTH OF ROBERT E. LEE

September 27, 2005 - 2 p.m. -- Open Meeting
Washington and Lee University, Elrod Commons, Chavis Room, Lexington, Virginia. 

A meeting to include a tour of the colonnade and Lee Chapel, lunch and a work session. For questions regarding the meeting agenda, contact Lisa Wallmeyer, Division of Legislative Services, (804) 786-3591.

Contact: William L. Owen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

VIRGINIA CODE COMMISSION

September 21, 2005 - 10 a.m. -- Open Meeting
October 19, 2005 - 10 a.m. -- Open Meeting
November 16, 2005 - 10 a.m. -- Open Meeting
December 21, 2005 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 

A meeting to continue work on the 2007 Code of Virginia reorganization project and the Title 3.1 recodification.

Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

DISABILITY COMMISSION

September 21, 2005 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

November 16, 2005 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Amy Marschean, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should telephone Senate Committee Operations at (804) 698-7450, (804) 698-7419/TTY, or write to Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, at least seven days prior to the meeting.

Contact: Patty Lung, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

JOINT SUBCOMMITTEE STUDYING PUBLIC FUNDING OF HIGHER EDUCATION IN VIRGINIA

† **October 17, 2005 - 2 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Amy Sebring at (804) 698-7480 or Tony Maggio at (804) 698-1590. Individuals requiring interpreter services or other accommodations should telephone Senate Committee Operations at (804) 698-7450, (804) 698-7419/TTY, or write to Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, at least seven days prior to the meeting.

Contact: Patty Lung, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

HOUSE AND SENATE SUBCOMMITTEES ON LAND CONSERVATION TAX CREDIT

November 10, 2005 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Joan Putney, Division of Legislative Services, (804) 786-3591.

Contact: William L. Owen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT SUBCOMMITTEE STUDYING MEDICAL, ETHICAL, AND SCIENTIFIC ISSUES RELATING TO STEM CELL RESEARCH

September 21, 2005 - 10 a.m. -- Open Meeting
November 15, 2005 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Norma Szakal or Amy Marschean, Division of Legislative Services, (804) 786-3591.

Contact: Barbara L. Regen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT SUBCOMMITTEE TO EXAMINE THE COST AND FEASIBILITY OF RELOCATING THE MUSEUM AND WHITE HOUSE OF THE CONFEDERACY

September 26, 2005 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

November 21, 2005 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Robie Ingram or Bryan Stogdale, Division of Legislative Services, (804) 786-3591.

Contact: Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

October 4, 2005 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 5th Floor Conference Room, Richmond, Virginia. ♿

A meeting of the Intellectual Property Advisory Committee.

Contact: Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail lwallmeyer@leg.state.va.us.

October 11, 2005 - 2 p.m. -- Open Meeting
November 15, 2005 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A meeting of the JCOTS Integrated Government Advisory Committee.

Contact: Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail lwallmeyer@leg.state.va.us.

Calendar of Events

October 12, 2005 - 2 p.m. -- Open Meeting

November 16, 2005 - 2 pm. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A meeting of the JCOTS Privacy Advisory Committee.

Contact: Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail lwallmeyer@leg.state.va.us.

October 18, 2005 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A meeting of the JCOTS Emerging Technology Issues Advisory Committee.

Contact: Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail lwallmeyer@leg.state.va.us.

October 19, 2005 - 1 p.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A meeting of the JCOTS Nanotechnology Advisory Committee.

Contact: Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail lwallmeyer@leg.state.va.us.

December 1, 2005 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

The final meeting for 2005.

Contact: Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail lwallmeyer@leg.state.va.us.

JOINT SUBCOMMITTEE STUDYING CLEANUP OF VIRGINIA'S POLLUTED WATERS

† **September 29, 2005 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Marty Farber, David Rosenberg or Mark Vucci, Division of Legislative Services, (804) 786-3591.

Contact: Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT SUBCOMMITTEE STUDYING THE VOTING EQUIPMENT CERTIFICATION PROCESS

November 21, 2005 - 1 p.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Mary Spain or Jack Austin, Division of Legislative Services, (804) 786-3591.

Contact: Barbara L. Regen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT SUBCOMMITTEE STUDYING WORKFORCE DEVELOPMENT TRAINING RESOURCES

September 21, 2005 - 10 a.m. -- Open Meeting

November 15, 2005 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Frank Munyan, Division of Legislative Services, (804) 786-3591.

Contact: Lois V. Johnson, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

CHRONOLOGICAL LIST

OPEN MEETINGS

September 19

Business Assistance, Department of
- Small Business Advisory Board
Chesapeake Bay Local Assistance Board
Library Board, State
† Museum of Fine Arts, Virginia
Nursing, Board of
† Pharmacy, Board of
Professional and Occupational Regulation, Board for
Protection and Advocacy, Virginia Office for
Veterans Services, Department of
- Board of Veterans Services
Water Control Board, State

September 20

Alzheimer's Disease and Related Disorders Commission
† At-Risk Youth and Families, Comprehensive Services for
Conservation and Recreation, Department of
- Board of Conservation and Recreation
- Powhatan State Park Master Plan Advisory Committee
Contractors, Board for
Corrections, Board of
† Mines, Minerals and Energy, Department of
- Virginia Gas and Oil Board
Nursing, Board of
† Pharmacy, Board of
Protection and Advocacy, Virginia Office for
- Board for Protection and Advocacy
Research and Technology Advisory Commission, Virginia

September 21

Code Commission, Virginia
Compensation Board
Corrections, Board of
Disability Commission
Education, Board of
Medical Assistance Services, Department of
Medicine, Board of
Museum of Fine Arts, Virginia
Nursing, Board of
† Real Estate Board
† Recycling Markets Development Council, Virginia
Small Business Financing Authority, Virginia
Stem Cell Research, Joint Subcommittee Studying Medical,
Ethical and Scientific Issues Relating to
Transportation Board, Commonwealth
Treasury Board
Workforce Development Training Resources, Joint
Subcommittee Studying

September 22

Air Pollution Control Board, State
† College Savings Plan, Virginia
Emergency Management, Department of
Environmental Quality, Department of
† Health, Department of
† Higher Education Tuition Trust Fund, Virginia
Museum of Fine Arts, Virginia
Nursing, Board of

September 23

Accountancy, Board of
Agriculture and Consumer Services, Board of
Health, Department of
- Hemophilia Advisory Board
Retirement System, Virginia

September 26

Air Pollution Control Board, State
Alcoholic Beverage Control Board
Forestry, Board of
Museum and White House of the Confederacy, Joint
Subcommittee to Examine the Cost and Feasibility of
Relocating the
† Real Estate Appraiser Board

September 27

Air Pollution Control Board, State
Birth of Robert E. Lee, Joint Subcommittee Planning and
Coordinating the 200th Anniversary Celebration of the
Contractors, Board for
Forestry, Board of
- Reforestation of Timberlands Board
† Funeral Directors and Embalmers, Board of
Health, Department of
Marine Resources Commission
† Medicine, Board of
Nursing Home Administrators, Board of
Water Control Board, State

September 28

Air Pollution Control Board, State
- Small Business Environmental Compliance Advisory
Board
† Funeral Directors and Embalmers, Board of
Waste Management Facility Operators, Board for
Water Control Board, State

September 29

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
Air Pollution Control Board, State
† Assistive Technology Loan Fund Authority
† Cemetery Board
Public Guardian and Conservator Advisory Board, Virginia
Real Estate Board
Social Services, State Board of
† Virginia's Polluted Waters, Joint Subcommittee Studying
Cleanup of

September 30

† College Savings Plan, Virginia
† Environmental Quality, Department of
† Higher Education Tuition Trust Fund, Virginia
Rehabilitative Services, Department of
- Commonwealth Neurotrauma Initiative Trust Fund
Advisory Board
Social Services, State Board of
† Water Control Board, State

October 3

† Conservation and Recreation, Department of

October 4

† Agriculture and Consumer Services, Department of
- Virginia Wine Board
† Conservation and Recreation, Department of
Contractors, Board for
† Environmental Quality, Department of
† Medicine, Board of
Nursing, Board of
Technology and Science, Joint Commission on

October 5

† Conservation and Recreation, Department of
Information Technology Agency, Virginia
- Information Technology Investment Board
Mines, Minerals and Energy, Department of
† Waterworks and Wastewater Works Operators, Board for

October 6

Auctioneers Board
College Savings Plan, Virginia
† Conservation and Recreation, Department of
Contractors, Board for
† Environmental Quality, Department of
† Higher Education Tuition Trust Fund, Virginia
Museum of Fine Arts, Virginia
† Real Estate Appraiser Board
† Real Estate Board

October 7

Art and Architectural Review Board

October 11

Alcoholic Beverage Control Board
Blind and Vision Impaired, Board for the
Nursing, Board of
Psychology, Board of
Technology and Science, Joint Commission on
Transportation Board, Commonwealth
† Waste Management Board, Virginia

October 12

Environmental Quality, Department of
- Litter Control and Recycling Fund Advisory Board
Geology, Board for
Jamestown-Yorktown Foundation

Calendar of Events

Medicine, Board of
Protection and Advocacy, Virginia Office for
Retirement System, Virginia
Soil Scientists and Wetland Professionals, Board for
Technology and Science, Joint Commission on

October 13
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Committee

October 14
† Pharmacy, Board of
Water Control Board, State

October 17
† Higher Education in Virginia, Joint Subcommittee
Studying Public Funding of
Nursing, Board of
Psychology, Board of

October 18
† Contractors, Board for
Nursing, Board of
Technology and Science, Joint Commission on
† Water Control Board, State

October 19
Cemetery Board
Code Commission, Virginia
Nursing and Medicine, Joint Boards of
Sewage Handling and Disposal Appeal Review Board
Technology and Science, Joint Commission on
† Transportation Board, Commonwealth
Treasury Board

October 20
Design-Build/Construction Management Review Board
Nursing, Board of
† Transportation Board, Commonwealth

October 21
Health, Department of
Health Professions, Department of
- Health Practitioners Intervention Program Committee

October 24
Alcoholic Beverage Control Board
Old Dominion University
† Waste Management Board, Virginia
† Water Control Board, State

October 25
Chesapeake Bay Local Assistance Board
† Marine Resources Commission
Nursing, Board of
† Pharmacy, Board of

October 26
Air Pollution Control Board, State
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Education, Board of

October 27
Nursing Home Administrators, Board of

October 28
Physical Therapy, Board of
Water Control Board, State

October 31
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

November 1
Branch Pilots, Board for
Museum of Fine Arts, Virginia
Real Estate Appraiser Board

November 2
Asbestos, Lead, and Home Inspectors, Virginia Board for

November 3
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Counseling, Board of
Protection and Advocacy, Virginia Office for

November 4
Art and Architectural Review Board
Counseling, Board of

November 7
Alcoholic Beverage Control Board
Hearing Aid Specialists, Board for

November 8
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Retirement System, Virginia

November 9
Information Technologies Agency, Virginia
- E-911 Wireless Services Board
† Opticians, Board for
Retirement System, Virginia
† Water Control Board, State

November 10
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Audiology and Speech-Language Pathology, Board of
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Land Conservation Tax Credit, House and Senate
Subcommittees
Medical Assistance Services, Department of
- Drug Utilization Review Board

November 11
† Conservation and Recreation, Department of

November 14
† At-Risk Youth and Families, Comprehensive Services for
Library Board, State
Nursing, Board of
Professional and Occupational Regulation, Board for

November 15
Corrections, Board of
† Environmental Quality, Department of
Medical Assistance Services, Department of
Nursing, Board of
Old Dominion University
Research and Technology Advisory Commission, Virginia
Retirement System, Virginia
Stem Cell Research, Joint Subcommittee Studying Medical,
Ethical and Scientific Issues Relating to
Technology and Science, Joint Commission on
Workforce Development Training Resources, Joint
Subcommittee Studying

November 16
Air Pollution Control Board, State

Code Commission, Virginia
Community Colleges, State Board for
Contractors, Board for
Corrections, Board of
Disability Commission
Medical Assistance Services, Department of
Nursing, Board of
Retirement System, Virginia
Technology and Science, Joint Commission on
Treasury Board

November 17

Community Colleges, State Board for
Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
Design-Build/Construction Management Review Board
Medicine, Board of
Nursing, Board of
Real Estate Board
Retirement System, Virginia

November 18

Child Fatality Review Team, State

November 21

Alcoholic Beverage Control Board
Jamestown-Yorktown Foundation
Museum and White House of the Confederacy, Joint
Subcommittee to Examine the Cost and Feasibility of
Relocating the
Voting Equipment Certification Process, Joint
Subcommittee Studying the

November 22

Jamestown-Yorktown Foundation
† Marine Resources Commission

November 29

Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care
Nursing Home Administrators, Board of

November 30

Education, Board of
Medicine, Board of
- Advisory Board on Acupuncture
- Advisory Board on Radiologic Technology

December 1

Conservation and Recreation, Department of
Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants
People with Disabilities, Board for
Pharmacy, Board of
Polygraph Examiners Advisory Board
Technology and Science, Joint Commission on

December 2

Art and Architectural Review Board
People with Disabilities, Board for

December 5

Alcoholic Beverage Control Board, State
Barbers and Cosmetology, Board for
Chesapeake Bay Local Assistance Board
Nursing, Board of

December 6

† Gaming Board, Charitable
† Museum of Fine Arts, Virginia

† Nursing, Board of

December 7

† Nursing and Medicine, Joint Boards of
† Waterworks and Wastewater Works Operators, Board for

December 8

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Criminal Justice Services Board
† Labor and Industry, Department of
† Public Guardian and Conservator Advisory Board

December 9

† Dentistry, Board of
† Health, Department of
† Jamestown-Yorktown Foundation

December 12

† Branch Pilots, Board for

December 13

† Alzheimer's Disease and Related Disorders Commission
† Contractors, Board for
† Medical Assistance Services, Board of
† Nursing, Board of

December 14

† Health, Department of
† Retirement System, Virginia
† Treasury Board

December 15

† Design-Build/Construction Management Review Board
† Milk Commission, State
† Retirement System, Virginia

December 16

† Health Professions, Department of
† Medicine, Board of
† Old Dominion University
† Virginia's Future, Council on

December 19

† Alcoholic Beverage Control Board

December 21

Code Commission, Virginia

PUBLIC HEARINGS

September 21

Education, Board of
Environmental Quality, Department of

September 27

† Mental Health, Mental Retardation and Substance Abuse
Services, Department of

October

† Rehabilitative Services, Department of

October 20

Pesticide Control Board
† Rehabilitative Services, Department of

October 27

† Rehabilitative Services, Department of

November 3

† Rehabilitative Services, Department of

November 9

Juvenile Justice, Board of

Calendar of Events

December 8

† Alzheimer's Disease and Related Disorders Commission