



Virginia Register of Regulations

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission of Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date

specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

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.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **23:7 VA.R. 1023-1140 December 11, 2006**, refers to Volume 23, Issue 7, pages 1023 through 1140 of the *Virginia Register* issued on December 11, 2006.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **R. Steven Landes**, Chairman; **John S. Edwards**, Vice Chairman; **Ryan T. McDougle**; **Robert Hurt**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **James F. Almand**; **S. Bernard Goodwyn**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

February 2007 through November 2007

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
INDEX 1 Volume 23		January 2007
23:12	January 31, 2007	February 19, 2007
23:13	February 14, 2007	March 5, 2007
23:14	February 28, 2007	March 19, 2007
INDEX 2 Volume 23		April 2007
23:15	March 14, 2007	April 2, 2007
23:16	March 28, 2007	April 16, 2007
23:17	April 11, 2007	April 30, 2007
23:18	April 25, 2007	May 14, 2007
23:19	May 9, 2007	May 28, 2007
23:20	May 23, 2007	June 11, 2007
INDEX 3 Volume 23		July 2007
23:21	June 6, 2007	June 25, 2007
23:22	June 20, 2007	July 9, 2007
23:23	July 3, 2007 (Tuesday)	July 23, 2007
23:24	July 18, 2007	August 6, 2007
23:25	August 1, 2007	August 20, 2007
23:26	August 15, 2007	September 3, 2007
FINAL INDEX - Volume 23		October 2007
24:1	August 29, 2007	September 17, 2007
24:2	September 12, 2007	October 1, 2007
24:3	September 26, 2007	October 15, 2007
24:4	October 10, 2007	October 29, 2007
24:5	October 24, 2007	November 12, 2007

*Filing deadlines are Wednesdays unless otherwise specified.

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

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2006 VAC Supplement includes final regulations published through *Virginia Register* Volume 22, Issue 22, dated July 10, 2006). Emergency regulations, if any, are listed, followed by the designation “emer,” and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 50-10-10 through 1 VAC 50-10-50	Repealed	22:26 VA.R. 4083	10/4/06
1 VAC 50-10-60 through 1 VAC 50-10-150	Added	22:26 VA.R. 4084-4085	10/4/06
1 VAC 50-20-1	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-5	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-10	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-20	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-30	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-40	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-50	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-60 through 1 VAC 50-20-90	Repealed	22:26 VA.R. 4086-4087	10/4/06
1 VAC 50-20-100	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-110	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-120	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-130	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-140	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-142	Added	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-150 through 1 VAC 50-20-180	Amended	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-190 through 1 VAC 50-20-220	Repealed	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-230	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-240	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-250	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-260	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-270	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-280	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-290	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-300	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-310	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-320	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-330	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-340	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-350	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-360	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-370	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-380	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-382	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-384	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-390	Amended	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-400 through 1 VAC 50-20-530	Repealed	22:26 VA.R. 4091-4093	10/4/06
1 VAC 50-20-540 through 1 VAC 50-20-600	Amended	22:26 VA.R. 4093-4098	10/4/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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1 VAC 50-20-601	Added	22:26 VA.R. 4098	10/4/06
1 VAC 50-20-605	Added	22:26 VA.R. 4099	10/4/06
1 VAC 50-20-610	Amended	22:26 VA.R. 4100	10/4/06
1 VAC 50-20-612	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-614	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-616	Added	22:26 VA.R. 4102	10/4/06
1 VAC 50-20-620 through 1 VAC 50-20-670	Amended	22:26 VA.R. 4102-4105	10/4/06
1 VAC 50-20-680	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-690	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-700	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 55-30-10 through 1 VAC 55-30-90	Added	23:3 VA.R. 334-337	
Title 2. Agriculture			
2 VAC 5-195-10 through 2 VAC 5-195-180	Added	22:25 VA.R 3872-3876	8/21/06
2 VAC 5-210-10	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-20	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-30	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-40	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-41	Added	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-50	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-60	Amended	22:24 VA.R. 3581	7/19/06
2 VAC 5-330-30	Amended	22:24 VA.R. 3587	9/7/06
2 VAC 20-40-10	Amended	22:26 VA.R. 4105	10/5/06
2 VAC 20-40-20	Amended	22:26 VA.R. 4106	10/5/06
2 VAC 20-40-40	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-60	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-65	Added	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-70 through 2 VAC 20-40-110	Amended	22:26 VA.R. 4107-4109	10/5/06
2 VAC 20-40-120	Repealed	22:26 VA.R. 4109	10/5/06
Title 4. Conservation and Natural Resources			
4 VAC 5-36-50	Amended	23:6 VA.R. 845	1/1/07
4 VAC 5-36-60	Amended	23:6 VA.R. 848	1/1/07
4 VAC 5-36-70	Amended	23:6 VA.R. 849	1/1/07
4 VAC 5-36-90 through 4 VAC 5-36-120	Amended	23:6 VA.R. 850-856	1/1/07
4 VAC 5-36-150	Amended	23:6 VA.R. 856	1/1/07
4 VAC 5-36-170	Amended	23:6 VA.R. 857	1/1/07
4 VAC 5-36-200	Amended	23:6 VA.R. 858	1/1/07
4 VAC 5-36-210	Amended	23:6 VA.R. 862	1/1/07
4 VAC 15-20-220	Added	23:9 VA.R. 1382	12/15/06
4 VAC 15-320-40	Amended	23:9 VA.R. 1383	1/15/07
4 VAC 15-360-10	Amended	23:9 VA.R. 1383	1/15/07
4 VAC 20-20-20	Amended	23:4 VA.R. 574	10/1/06
4 VAC 20-20-20	Amended	23:8 VA.R. 1161	11/29/06
4 VAC 20-20-50	Amended	23:4 VA.R. 574	10/1/06
4 VAC 20-20-50	Amended	23:8 VA.R. 1161	11/29/06
4 VAC 20-150-70	Amended	22:23 VA.R. 3277	6/28/06
4 VAC 20-200-10	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-20	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-30	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-40	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-200-50	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-252-10	Amended	23:8 VA.R. 1162	1/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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4 VAC 20-252-20	Amended	23:8 VA.R. 1163	1/1/07
4 VAC 20-252-30	Amended	22:23 VA.R. 3277	7/1/06
4 VAC 20-252-50	Amended	22:23 VA.R. 3278	7/1/06
4 VAC 20-252-115	Added	22:23 VA.R. 3278	7/1/06
4 VAC 20-252-130	Amended	23:8 VA.R. 1163	1/1/07
4 VAC 20-252-135	Amended	23:8 VA.R. 1164	1/1/07
4 VAC 20-252-150	Amended	23:8 VA.R. 1165	1/1/07
4 VAC 20-252-155	Added	23:8 VA.R. 1165	1/1/07
4 VAC 20-252-160	Amended	23:8 VA.R. 1166	1/1/07
4 VAC 20-490-42 emer	Amended	23:8 VA.R. 1168	11/29/06-12/28/06
4 VAC 20-490-42	Amended	23:10 VA.R. 1540	12/21/06
4 VAC 20-566-30	Amended	22:25 VA.R. 3877	8/1/06
4 VAC 20-610-30	Amended	23:4 VA.R. 575	10/1/06
4 VAC 20-610-30	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-610-40	Amended	23:4 VA.R. 576	10/1/06
4 VAC 20-610-60	Amended	23:4 VA.R. 576	10/1/06
4 VAC 20-610-60	Amended	23:11 VA.R. 1662	2/1/07
4 VAC 20-720-20	Amended	23:4 VA.R. 578	10/1/06
4 VAC 20-720-40	Amended	23:4 VA.R. 579	10/1/06
4 VAC 20-720-40 emer	Amended	23:10 VA.R. 1540	1/1/07-1/30/07
4 VAC 20-720-50	Amended	23:4 VA.R. 579	10/1/06
4 VAC 20-720-50 emer	Amended	23:10 VA.R. 1541	1/1/07-1/30/07
4 VAC 20-720-60	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-70	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-75	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-80	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-100	Amended	23:4 VA.R. 581	10/1/06
4 VAC 20-900-10 through 4 VAC 20-900-30	Amended	22:23 VA.R. 3279-3280	7/1/06
4 VAC 20-910-45	Amended	23:6 VA.R. 865	11/1/06
4 VAC 20-910-45	Erratum	23:8 VA.R. 1290	--
4 VAC 20-1090-20	Repealed	23:4 VA.R. 581	10/1/06
4 VAC 20-1090-30	Amended	23:4 VA.R. 582	10/1/06
4 VAC 20-1090-30	Amended	23:11 VA.R. 1663	2/1/07
4 VAC 25-130-816.11	Amended	22:24 VA.R. 3587	9/6/06
4 VAC 25-130-816.64	Amended	22:24 VA.R. 3588	9/6/06
Title 6. Criminal Justice and Corrections			
6 VAC 20-30-10 through 6 VAC 20-30-60	Amended	23:9 VA.R. 1385-1388	2/9/07
6 VAC 20-30-80	Amended	23:9 VA.R. 1388	2/9/07
6 VAC 20-50-10 through 6 VAC 20-50-90	Amended	23:9 VA.R. 1392-1397	7/1/07
6 VAC 20-50-21	Added	23:9 VA.R. 1394	7/1/07
6 VAC 20-50-100	Repealed	23:9 VA.R. 1397	7/1/07
6 VAC 20-50-110	Added	23:9 VA.R. 1397	7/1/07
6 VAC 20-120-80	Amended	22:20 VA.R. 2704	7/12/06
6 VAC 20-190-10 through 6 VAC 20-190-200	Repealed	22:10 VA.R. 1556-1559	2/22/06
6 VAC 20-210-10 through 6 VAC 20-210-110	Repealed	22:10 VA.R. 1561-1562	2/22/06
6 VAC 20-220-20 through 6 VAC 20-220-80	Repealed	22:10 VA.R. 1559-1560	2/22/06
6 VAC 20-240-10 through 6 VAC 20-240-120	Added	22:11 VA.R. 1764-1768	3/8/06
6 VAC 20-260-10 through 6 VAC 20-260-360 emer	Added	22:12 VA.R. 2044-2053	2/20/06-2/19/07
6 VAC 35-10-10 through 6 VAC 35-10-50	Amended	23:1 VA.R. 25-26	10/18/06
6 VAC 35-10-60	Repealed	23:1 VA.R. 26	10/18/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 35-10-70 through 100	Amended	23:1 VA.R. 26-27	10/18/06
6 VAC 35-10-105	Added	23:1 VA.R. 27	10/18/06
6 VAC 35-10-110	Amended	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120 through 6 VAC 35-10-150	Added	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120	Amended	23:1 VA.R. 28	10/18/06
6 VAC 40-10-10 through 6 VAC 40-10-90	Added	22:24 VA.R. 3746-3747	10/25/06
6 VAC 40-50-10 through 6 VAC 40-50-80 emer	Added	22:23 VA.R. 3406-3407	7/1/06-6/30/07
Title 8. Education			
8 VAC 20-21-10 through 8 VAC 20-21-730	Repealed	23:3 VA.R. 337	11/28/06
8 VAC 20-22-10 through 8 VAC 20-22-760	Added	23:3 VA.R. 344-376	11/28/06
8 VAC 20-131-5	Added	22:24 VA.R. 3589	9/7/06
8 VAC 20-131-10	Amended	22:24 VA.R. 3590	9/7/06
8 VAC 20-131-20	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-30	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-40	Repealed	22:24 VA.R. 3592	9/7/06
8 VAC 20-131-50 through 8 VAC 20-131-110	Amended	22:24 VA.R. 3592-3598	9/7/06
8 VAC 20-131-140	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-150	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-160	Repealed	22:24 VA.R. 3599	9/7/06
8 VAC 20-131-170 through 8 VAC 20-131-210	Amended	22:24 VA.R. 3599-3600	9/7/06
8 VAC 20-131-240	Amended	22:24 VA.R. 3600	9/7/06
8 VAC 20-131-260 through 8 VAC 20-131-310	Amended	22:24 VA.R. 3601-3607	9/7/06
8 VAC 20-131-315	Added	22:24 VA.R. 3607	9/7/06
8 VAC 20-131-320	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-325	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-330	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-340	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-350	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131-360	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131, Appendix I	Repealed	22:24 VA.R. 3609	9/7/06
8 VAC 20-521-30	Amended	22:26 VA.R. 4110	10/4/06
8 VAC 20-541-10 through 8 VAC 20-541-60	Repealed	23:3 VA.R. 376	11/29/06
8 VAC 20-542-10 through 8 VAC 20-542-600	Added	23:3 VA.R. 376-434	11/29/06
8 VAC 20-700-10 through 8 VAC 20-700-50	Added	23:10 VA.R. 1541-1543	2/21/07
8 VAC 20-710-10 through 8 VAC 20-710-30	Added	23:10 VA.R. 1543-1544	2/21/07
8 VAC 40-30	Repealed	22:23 VA.R. 3281	8/24/06
8 VAC 40-31-10 through 8 VAC 40-31-320	Added	22:23 VA.R. 3281-3298	8/24/06
8 VAC 103-20-10 through 8 VAC 103-20-50	Added	23:7 VA.R. 1045-1050	12/11/06
Title 9. Environment			
9 VAC 5-20-21	Amended	22:26 VA.R. 4111	10/4/06
9 VAC 5-20-21	Erratum	23:5 VA.R. 791	--
9 VAC 5-20-203	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-204	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-206	Amended	22:26 VA.R. 4114	10/4/06
9 VAC 5-40-250	Amended	23:5 VA.R. 737	12/15/06
9 VAC 5-40-300	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-300	Repealed	23:5 VA.R. 737	12/15/06
9 VAC 5-40-310	Repealed	23:5 VA.R. 738	12/15/06
9 VAC 5-40-311	Repealed	23:5 VA.R. 739	12/15/06
9 VAC 5-40-5060	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-5200	Amended	22:26 VA.R. 4116	10/4/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-5600	Amended	23:1 VA.R. 29	10/18/06
9 VAC 5-40-5610	Amended	23:1 VA.R. 29	10/18/06
9 VAC 5-40-5620	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5630	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5631	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5641	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5641	Erratum	23:5 VA.R. 791	--
9 VAC 5-40-5700	Amended	22:26 VA.R. 4116	10/4/06
9 VAC 5-40-5720	Amended	22:26 VA.R. 4117	10/4/06
9 VAC 5-40-5750	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-6970	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7050	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7120	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7130	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7140	Amended	22:26 VA.R. 4122	10/4/06
9 VAC 5-40-7140	Erratum	23:5 VA.R. 791	--
9 VAC 5-40-7210	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7240	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7250	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7260	Amended	22:26 VA.R. 4125	10/4/06
9 VAC 5-40-7260	Erratum	23:5 VA.R. 791	--
9 VAC 5-40-7270	Amended	22:26 VA.R. 4136	10/4/06
9 VAC 5-40-7300	Amended	22:26 VA.R. 4139	10/4/06
9 VAC 5-40-7330	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7360	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7370 through 9 VAC 5-40-7540	Added	23:5 VA.R. 740-745	12/15/06
9 VAC 5-40-7800	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-40-7880	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-50-250	Amended	22:23 VA.R. 3301	9/1/06
9 VAC 5-50-270	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-50-280	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1100	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1110	Amended	22:23 VA.R. 3303	9/1/06
9 VAC 5-80-1310	Repealed	22:23 VA.R. 3308	9/1/06
9 VAC 5-80-1605	Added	22:23 VA.R. 3309	9/1/06
9 VAC 5-80-1615	Added	22:23 VA.R. 3310	9/1/06
9 VAC 5-80-1625	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1635	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1645	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1655	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1665	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1675	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1685	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1695	Added	22:23 VA.R. 3323	9/1/06
9 VAC 5-80-1700	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1705	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1710	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1715	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1720	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1725	Added	22:23 VA.R. 3324	9/1/06

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9 VAC 5-80-1730	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1735	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1740	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1745	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1750	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1755	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1760	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1765	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1770	Repealed	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1775	Added	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1780	Repealed	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1785	Added	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1790	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1795	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1800	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1805	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1810	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1815	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1820	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1825	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1830	Repealed	22:23 VA.R. 3330	9/1/06
9 VAC 5-80-1835	Added	22:23 VA.R. 3330	9/1/06
9 VAC 5-80-1840	Repealed	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1845	Added	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1850	Repealed	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1855	Added	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1860	Repealed	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1865	Added	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1870 through 9 VAC 5-80-1920	Repealed	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1925	Added	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1930	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1935	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1940	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1945	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1950	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1955	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1960	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1965	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1970	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1975	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1985	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-1995	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-2000 through 9 VAC 5-80-2020	Amended	22:23 VA.R. 3343-3355	9/1/06
9 VAC 5-80-2040 through 9 VAC 5-80-2070	Amended	22:23 VA.R. 3355-3358	9/1/06
9 VAC 5-80-2090	Amended	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2091	Added	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2110 through 9 VAC 5-80-2140	Amended	22:23 VA.R. 3359-3362	9/1/06
9 VAC 5-80-2141 through 9 VAC 5-80-2143	Added	22:23 VA.R. 3362-3366	9/1/06
9 VAC 5-80-2144	Added	22:23 VA.R. 3367	9/1/06
9 VAC 5-80-2180	Amended	22:23 VA.R. 3372	9/1/06
9 VAC 5-80-2200 through 9 VAC 5-80-2240	Amended	22:23 VA.R. 3373-3375	9/1/06

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9 VAC 20-60-18	Amended	22:23 VA.R. 3375	8/23/06
9 VAC 20-85-20	Amended	23:4 VA.R. 584	11/29/06
9 VAC 20-85-30	Amended	23:4 VA.R. 585	11/29/06
9 VAC 20-85-40	Amended	23:4 VA.R. 585	11/29/06
9 VAC 20-85-60 through 9 VAC 20-85-170	Amended	23:4 VA.R. 585-589	11/29/06
9 VAC 20-110-90	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-110-110	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-200-10 through 9 VAC 20-200-70	Added	23:11 VA.R. 1666-1667	3/21/07
9 VAC 25-31-10	Amended	22:24 VA.R. 3610	9/6/06
9 VAC 25-31-30	Amended	22:24 VA.R. 3619	9/6/06
9 VAC 25-31-80	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-100	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-165	Added	22:24 VA.R. 3637	9/6/06
9 VAC 25-31-220	Amended	22:24 VA.R. 3651	9/6/06
9 VAC 25-31-290	Amended	22:24 VA.R. 3656	9/6/06
9 VAC 25-31-770	Amended	22:24 VA.R. 3657	9/6/06
9 VAC 25-31-780	Amended	22:24 VA.R. 3658	9/6/06
9 VAC 25-31-790	Amended	22:24 VA.R. 3662	9/6/06
9 VAC 25-31-800	Amended	22:24 VA.R. 3667	9/6/06
9 VAC 25-31-840	Amended	22:24 VA.R. 3670	9/6/06
9 VAC 25-31-870	Amended	22:24 VA.R. 3677	9/6/06
9 VAC 25-260-5	Amended	23:1 VA.R. 41	*
9 VAC 25-260-30	Amended	22:26 VA.R. 4142	*
9 VAC 25-260-30	Amended	23:1 VA.R. 38	*
9 VAC 25-260-50	Amended	23:1 VA.R. 42	*
9 VAC 25-260-187	Added	23:1 VA.R. 42	*
9 VAC 25-260-310	Amended	23:1 VA.R. 44	*
9 VAC 25-260-480	Amended	23:1 VA.R. 46	*
9 VAC 25-660-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-690-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-720-50	Amended	23:11 VA.R. 1669	3/21/07
9 VAC 25-720-70	Amended	23:6 VA.R. 869	2/26/07
9 VAC 25-720-80	Amended	23:11 VA.R. 1670	3/21/07
9 VAC 25-720-90	Amended	23:11 VA.R. 1671	3/21/07
9 VAC 25-720-100	Amended	23:11 VA.R. 1671	3/21/07
9 VAC 25-820-10 through 9 VAC 25-820-70	Added	23:2 VA.R. 231-251	11/1/06
Title 11. Gaming			
11 VAC 5-20-200	Amended	22:25 VA.R. 3907	11/6/06
11 VAC 5-20-210 through 11 VAC 5-20-520	Repealed	22:25 VA.R. 3907-3914	11/6/06
11 VAC 10-70-20	Amended	22:25 VA.R. 3916	11/4/06
11 VAC 10-70-20	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-30	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-30	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-40	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-40	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-50	Repealed	22:25 VA.R. 3917	11/4/06

* Upon filing notice of EPA approval with the Registrar of Regulations.

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11 VAC 10-70-50	Repealed	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-60 through 11 VAC 10-70-90	Amended	22:25 VA.R. 3917-3918	11/4/06
11 VAC 10-70-60	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-70	Amended	22:26 VA.R. 4145	9/4/06-11/3/06
11 VAC 10-70-80	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-90	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-170	Amended	22:25 VA.R. 3918	11/4/06
11 VAC 10-70-170	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-10	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-10	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-30	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-30	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-50	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-50	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-130-10	Amended	23:11 VA.R. 1672	1/10/07
11 VAC 10-130-60	Amended	23:11 VA.R. 1673	1/10/07
Title 12. Health			
12 VAC 5-31-10	Amended	23:6 VA.R. 870	12/13/06
12 VAC 5-31-50	Amended	23:6 VA.R. 876	12/13/06
12 VAC 5-31-60	Amended	23:6 VA.R. 876	12/13/06
12 VAC 5-31-110	Amended	23:6 VA.R. 877	12/13/06
12 VAC 5-31-140	Amended	23:6 VA.R. 877	12/13/06
12 VAC 5-31-190	Amended	23:6 VA.R. 877	12/13/06
12 VAC 5-31-220	Amended	23:6 VA.R. 878	12/13/06
12 VAC 5-31-230	Amended	23:6 VA.R. 878	12/13/06
12 VAC 5-31-1610	Amended	23:5 VA.R. 745	12/13/06
12 VAC 5-31-2000 through 12 VAC 5-31-2260	Repealed	23:6 VA.R. 879-888	12/13/06
12 VAC 5-60-10 through 12 VAC 5-60-260	Repealed	23:5 VA.R. 745	12/13/06
12 VAC 5-371-10	Amended	23:10 VA.R. 1544	3/1/07
12 VAC 5-371-20	Repealed	23:10 VA.R. 1546	3/1/07
12 VAC 5-371-30	Amended	23:10 VA.R. 1547	3/1/07
12 VAC 5-371-40	Amended	23:10 VA.R. 1547	3/1/07
12 VAC 5-371-50	Repealed	23:10 VA.R. 1548	3/1/07
12 VAC 5-371-60	Amended	23:10 VA.R. 1548	3/1/07
12 VAC 5-371-70 through 12 VAC 5-371-130	Amended	23:10 VA.R. 1548-1551	3/1/07
12 VAC 5-371-150	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-160	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-190	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-200	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-371-400	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-371-410	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-410-10	Amended	23:10 VA.R. 1554	3/1/07
12 VAC 5-410-30	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-70	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-80	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-100	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-110	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-130	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-140	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-150	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-180	Amended	23:10 VA.R. 1556	3/1/07

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12 VAC 5-410-210	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-220	Amended	23:10 VA.R. 1557	3/1/07
12 VAC 5-410-270	Amended	23:10 VA.R. 1558	3/1/07
12 VAC 5-410-442	Amended	23:10 VA.R. 1558	3/1/07
12 VAC 5-410-445	Amended	23:10 VA.R. 1559	3/1/07
12 VAC 5-410-650	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-720	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-760	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-1150	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-1170	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 5-410-1350	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 5-410-1380	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 5-480-10 through 12 VAC 5-480-8920	Repealed	22:25 VA.R. 3877	9/20/06
12 VAC 5-481-10 through 12 VAC 5-481-3670	Added	22:25 VA.R. 3877	9/20/06
12 VAC 5-585-70	Amended	23:3 VA.R. 438	11/9/06
12 VAC 5-585-310	Amended	23:9 VA.R. 1406	2/9/07
12 VAC 5-585-460	Amended	23:9 VA.R. 1406	2/9/07
12 VAC 5-585-480	Amended	23:9 VA.R. 1407	2/9/07
12 VAC 5-585-490	Amended	23:9 VA.R. 1408	2/9/07
12 VAC 5-585-510	Amended	23:3 VA.R. 438	11/9/06
12 VAC 5-585-600 through 12 VAC 5-585-630	Amended	23:3 VA.R. 442-450	11/9/06
12 VAC 5-590-10	Amended	22:24 VA.R. 3677	9/6/06
12 VAC 5-590-370	Amended	22:24 VA.R. 3683	9/6/06
12 VAC 5-590-410	Amended	22:24 VA.R. 3708	9/6/06
12 VAC 5-590-440	Amended	22:24 VA.R. 3711	9/6/06
12 VAC 5-590-505	Added	23:1 VA.R. 47	10/18/06
12 VAC 5-590, Appendix N	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 5-590, Appendix O	Erratum	23:7 VA.R. 1112	9/6/06
12 VAC 5-590-545	Amended	22:24 VA.R. 3712	9/6/06
12 VAC 5-590-820	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 30-30-60	Added	23:11 VA.R. 1673	3/7/07
12 VAC 30-40-10	Amended	22:23 VA.R. 3376	8/23/06
12 VAC 30-40-10	Amended	23:11 VA.R. 1674	3/7/07
12 VAC 30-40-290	Amended	22:23 VA.R. 3377	8/23/06
12 VAC 30-40-300	Amended	22:23 VA.R. 3379	8/23/06
12 VAC 30-40-360	Added	22:23 VA.R. 3385	8/23/06
12 VAC 30-50-35	Added	23:11 VA.R. 1675	3/7/07
12 VAC 30-50-75	Added	23:11 VA.R. 1676	3/7/07
12 VAC 30-50-190	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-50-530	Amended	23:11 VA.R. 1676	3/7/07
12 VAC 30-70-221 emer	Amended	22:26 VA.R. 4183	9/4/06-9/3/07
12 VAC 30-70-291	Amended	22:23 VA.R. 3388	8/23/06
12 VAC 30-70-301	Amended	22:25 VA.R. 3921	11/6/06
12 VAC 30-70-425	Amended	22:23 VA.R. 3389	8/23/06
12 VAC 30-70-426	Repealed	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-20	Amended	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-30	Amended	22:23 VA.R. 3393	8/23/06
12 VAC 30-80-75 emer	Added	23:7 VA.R. 1067	11/21/06-11/20/07
12 VAC 30-90-19	Amended	22:23 VA.R. 3395	8/23/06
12 VAC 30-110-90	Amended	22:26 VA.R. 4168	11/20/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-110-370	Amended	22:26 VA.R. 4168	11/20/06
12 VAC 30-110-710	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-110-960	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-120-215	Amended	22:24 VA.R. 3718	9/6/06
12 VAC 30-120-280	Amended	22:26 VA.R. 4170	11/20/06
12 VAC 30-120-290	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-310	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-320	Amended	22:26 VA.R. 4173	11/20/06
12 VAC 30-120-380	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-120-720	Amended	22:24 VA.R. 3721	9/6/06
12 VAC 30-120-920	Amended	22:24 VA.R. 3724	9/6/06
12 VAC 30-141-10	Amended	22:26 VA.R. 4147	10/4/06
12 VAC 30-141-10	Amended	23:7 VA.R. 1083	1/10/07
12 VAC 30-141-40	Amended	22:26 VA.R. 4149	10/4/06
12 VAC 30-141-100	Amended	22:26 VA.R. 4150	10/4/06
12 VAC 30-141-100	Amended	23:7 VA.R. 1085	1/10/07
12 VAC 30-141-120	Amended	23:7 VA.R. 1086	1/10/07
12 VAC 30-141-150	Amended	23:7 VA.R. 1087	1/10/07
12 VAC 30-141-160	Amended	22:26 VA.R. 4151	10/4/06
12 VAC 30-141-170	Repealed	22:26 VA.R. 4152	10/4/06
12 VAC 30-141-175	Added	22:26 VA.R. 4153	10/4/06
12 VAC 30-141-180	Amended	23:7 VA.R. 1088	1/10/07
12 VAC 30-141-200	Amended	22:23 VA.R. 3387	8/23/06
12 VAC 30-141-200	Amended	22:26 VA.R. 4155	10/4/06
12 VAC 30-141-500	Amended	22:16 VA.R. 2385	7/3/06
12 VAC 30-141-500	Amended	22:23 VA.R. 3387	8/23/06
12 VAC 30-141-650	Amended	23:7 VA.R. 1088	1/10/07
12 VAC 30-141-670 through 12 VAC 30-141-880	Added	23:7 VA.R. 1089-1098	1/10/07
12 VAC 30-150-40	Amended	22:25 VA.R. 3924	11/6/06
12 VAC 30-150-50	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-70	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-80	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 30-150-90	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 35-45-10	Amended	23:10 VA.R. 1562	2/21/07
12 VAC 35-45-25	Added	23:10 VA.R. 1565	2/21/07
12 VAC 35-45-70	Amended	23:10 VA.R. 1564	2/21/07
12 VAC 35-45-80	Amended	23:10 VA.R. 1564	2/21/07
12 VAC 35-45-210	Added	23:10 VA.R. 1564	2/21/07
12 VAC 35-105-20	Amended	23:10 VA.R. 1567	2/21/07
12 VAC 35-105-30	Amended	23:10 VA.R. 1575	2/21/07
12 VAC 35-105-115 emer	Added	23:10 VA.R. 1566	1/3/07-1/2/08
12 VAC 35-105-590	Amended	23:10 VA.R. 1575	2/21/07
12 VAC 35-105-660	Amended	23:10 VA.R. 1576	2/21/07
12 VAC 35-115-10 through 12 VAC 35-115-150	Amended	23:1 VA.R. 50-79	10/18/06
12 VAC 35-115-145	Added	23:1 VA.R. 76	10/18/06
12 VAC 35-115-146	Added	23:1 VA.R. 77	10/18/06
12 VAC 35-115-160	Repealed	23:1 VA.R. 79	10/18/06
12 VAC 35-115-170 through 12 VAC 35-115-250	Amended	23:1 VA.R. 79-91	10/18/06
Title 13. Housing			
13 VAC 10-50-10 through 13 VAC 10-50-100	Repealed	23:5 VA.R. 746	11/1/06
13 VAC 10-120-10 through 13 VAC 10-120-80	Amended	23:5 VA.R. 746-748	11/1/06

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Title 14. Insurance			
14 VAC 5-30-10 through 14 VAC 5-30-40	Amended	23:9 VA.R. 1409-1413	4/1/07
14 VAC 5-30-20	Erratum	22:24 VA.R. 3755	--
14 VAC 5-30-50	Repealed	23:9 VA.R. 1413	4/1/07
14 VAC 5-30-51	Added	23:9 VA.R. 1413	4/1/07
14 VAC 5-30-55	Added	23:9 VA.R. 1413	4/1/07
14 VAC 5-30-60 through 14 VAC 5-30-90	Amended	23:9 VA.R. 1414-1416	4/1/07
14 VAC 5-30-80	Erratum	22:24 VA.R. 3755	--
14 VAC 5-30-100 and Exhibit A	Repealed	23:9 VA.R. 1416	4/1/07
14 VAC 5-45-10 through 14 VAC 5-45-50	Added	23:9 VA.R. 1423-1424	4/1/07
14 VAC 5-260 (Forms)	Erratum	22:24 VA.R. 3756	--
14 VAC 5-260-10	Amended	23:2 VA.R. 253	10/2/06
14 VAC 5-260-20	Repealed	23:2 VA.R. 253	10/2/06
14 VAC 5-260-30 through 14 VAC 5-260-60	Amended	23:2 VA.R. 253-257	10/2/06
14 VAC 5-260-80	Amended	23:2 VA.R. 257	10/2/06
14 VAC 5-260-90	Amended	23:2 VA.R. 257	10/2/06
14 VAC 5-260-110	Added	23:2 VA.R. 258	10/2/06
14 VAC 5-321-10	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-20	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-30	Amended	23:10 VA.R. 1578	1/1/07
14 VAC 5-321-70	Added	23:10 VA.R. 1578	1/1/07
14 VAC 5-322-10 through 14 VAC 5-322-50	Added	23:10 VA.R. 1579-1581	1/1/07
Title 16. Labor and Employment			
16 VAC 25-60-10	Amended	22:25 VA.R. 3878	9/21/06
16 VAC 25-60-30	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-40	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-80	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-90	Amended	22:25 VA.R. 3880	9/21/06
16 VAC 25-60-100	Amended	22:25 VA.R. 3881	9/21/06
16 VAC 25-60-120 through 16 VAC 25-60-150	Amended	22:25 VA.R. 3882-3883	9/21/06
16 VAC 25-60-190	Amended	22:25 VA.R. 3883	9/21/06
16 VAC 25-60-260	Amended	22:25 VA.R. 3884	9/21/06
16 VAC 25-60-300	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-320	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-340	Amended	22:25 VA.R. 3886	9/21/06
16 VAC 25-90-1910.95	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.134	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.178	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.266	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.441	Repealed	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1000	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1017	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1018	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1020	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1025	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1027	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1028	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1029	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1030	Amended	22:23 VA.R. 3396	9/1/06

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16 VAC 25-90-1910.1043	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1045	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1047	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1048	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1050	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1051	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1052	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1450	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-100-1915.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.60	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.62	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.754	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1092	Repealed	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1101	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1127	Amended	22:23 VA.R. 3396	9/1/06
Title 18. Professional and Occupational Licensing			
18 VAC 5-10-10 through 18 VAC 5-10-90	Amended	23:11 VA.R. 1678-1680	4/23/07
18 VAC 10-20-10	Amended	23:1 VA.R. 96	2/1/07
18 VAC 10-20-15	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-17	Added	23:1 VA.R. 97	2/1/07
18 VAC 10-20-20	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-25	Added	23:1 VA.R. 98	2/1/07
18 VAC 10-20-30	Repealed	23:1 VA.R. 98	2/1/07
18 VAC 10-20-60	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-35 through 18 VAC 10-20-55	Amended	23:1 VA.R. 98-99	2/1/07
18 VAC 10-20-70	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-75	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-80	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-85	Added	23:1 VA.R. 99	2/1/07
18 VAC 10-20-90 through 18 VAC 10-20-420	Amended	23:1 VA.R. 99-110	2/1/07
18 VAC 10-20-440 through 18 VAC 10-20-560	Amended	23:1 VA.R. 110-113	2/1/07
18 VAC 10-20-565	Repealed	23:1 VA.R. 114	2/1/07
18 VAC 10-20-570 through 18 VAC 10-20-620	Amended	23:1 VA.R. 113-116	2/1/07
18 VAC 10-20-625	Repealed	23:1 VA.R. 116	2/1/07
18 VAC 10-20-630 through 18 VAC 10-20-660	Amended	23:1 VA.R. 116-117	2/1/07
18 VAC 10-20-665	Repealed	23:1 VA.R. 117	2/1/07
18 VAC 10-20-670 through 18 VAC 10-20-795	Amended	23:1 VA.R. 117-122	2/1/07
18 VAC 15-20-20	Amended	23:3 VA.R. 451	12/1/06
18 VAC 15-20-30	Repealed	23:3 VA.R. 453	12/1/06
18 VAC 15-20-31	Added	23:3 VA.R. 454	12/1/06
18 VAC 15-20-32	Added	23:3 VA.R. 454	12/1/06
18 VAC 15-20-33	Added	23:3 VA.R. 457	12/1/06
18 VAC 15-20-33	Erratum	23:5 VA.R. 791	--
18 VAC 15-20-34	Added	23:3 VA.R. 458	12/1/06
18 VAC 15-20-40	Repealed	23:3 VA.R. 459	12/1/06
18 VAC 15-20-50	Repealed	23:3 VA.R. 459	12/1/06
18 VAC 15-20-51	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-52	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-53	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-60	Amended	23:3 VA.R. 460	12/1/06
18 VAC 15-20-70	Amended	23:3 VA.R. 460	12/1/06

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18 VAC 15-20-80 through 18 VAC 15-20-150	Repealed	23:3 VA.R. 461	12/1/06
18 VAC 15-20-250 through 18 VAC 15-20-361	Repealed	23:3 VA.R. 461-463	12/1/06
18 VAC 15-20-400 through 18 VAC 15-20-451	Amended	23:3 VA.R. 464-466	12/1/06
18 VAC 15-20-453	Amended	23:3 VA.R. 466	12/1/06
18 VAC 15-20-456	Amended	23:3 VA.R. 466	12/1/06
18 VAC 15-20-459.6 through 18 VAC 15-20-460	Repealed	23:3 VA.R. 466-468	12/1/06
18 VAC 15-20-461	Added	23:3 VA.R. 468	12/1/06
18 VAC 15-20-462	Added	23:3 VA.R. 468	12/1/06
18 VAC 15-20-463	Added	23:3 VA.R. 469	12/1/06
18 VAC 15-20-464	Added	23:3 VA.R. 469	12/1/06
18 VAC 15-20-470	Amended	23:3 VA.R. 469	12/1/06
18 VAC 15-30-30	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-40	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-50	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-51 through 18 VAC 15-30-54	Added	23:3 VA.R. 472-475	12/1/06
18 VAC 15-30-100 through 18 VAC 15-30-330	Repealed	23:3 VA.R. 475-481	12/1/06
18 VAC 15-30-161 through 18 VAC 15-30-167	Added	23:3 VA.R. 477-479	12/1/06
18 VAC 15-30-332	Added	23:3 VA.R. 481	12/1/06
18 VAC 15-30-334	Added	23:3 VA.R. 481	12/1/06
18 VAC 15-30-420	Amended	23:3 VA.R. 481	12/1/06
18 VAC 15-30-510	Amended	23:3 VA.R. 482	12/1/06
18 VAC 15-30-810	Amended	23:3 VA.R. 483	12/1/06
18 VAC 15-30-820	Amended	23:3 VA.R. 484	12/1/06
18 VAC 25-21-70	Amended	22:26 VA.R. 4155	11/1/06
18 VAC 25-21 (Forms)	Amended	22:26 VA.R. 4155	--
18 VAC 30-20-80 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-170 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-171 emer	Added	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 41-30-10 through 18 VAC 41-30-250	Added	23:1 VA.R. 124-131	11/1/06
18 VAC 41-50-10 through 18 VAC 41-50-420	Added	22:25 VA.R. 3887-3900	10/1/06
18 VAC 45-20-10	Amended	23:9 VA.R. 1425	3/1/07
18 VAC 45-20-20	Amended	23:9 VA.R. 1425	3/1/07
18 VAC 50-22-40 emer	Amended	23:1 VA.R. 131	8/21/06-8/20/07
18 VAC 50-22-50 emer	Amended	23:1 VA.R. 132	8/21/06-8/20/07
18 VAC 50-22-60 emer	Amended	23:1 VA.R. 133	8/21/06-8/20/07
18 VAC 50-22-300 through 18 VAC 50-22-350 emer	Added	23:1 VA.R. 134	8/21/06-8/20/07
18 VAC 60-20-10	Amended	22:23 VA.R. 3397	8/23/06
18 VAC 60-20-20	Amended	22:23 VA.R. 3398	8/23/06
18 VAC 60-20-20	Amended	23:7 VA.R. 1098	1/10/07
18 VAC 60-20-30	Amended	23:7 VA.R. 1099	1/10/07
18 VAC 60-20-71	Added	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-100	Amended	22:24 VA.R. 3749	10/23/06
18 VAC 60-20-105	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-106	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-108	Amended	22:26 VA.R. 4175	11/18/06
18 VAC 60-20-210	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 60-20-230	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 60-20-250	Amended	23:7 VA.R. 1099	1/10/07
18 VAC 60-20 (Forms)	Amended	23:7 VA.R. 1100	1/10/07
18 VAC 65-20-70	Amended	23:7 VA.R. 1102	1/10/07

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18 VAC 65-20-130	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-20-140	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-20-154	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-20 (Forms)	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 70-20-30	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20-50	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20 (Forms)	Amended	22:26 VA.R. 4156	--
18 VAC 76-20-10	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-20	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-30	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-50	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-60	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-70	Added	22:23 VA.R. 3403	8/23/06
18 VAC 85-20-22 emer	Amended	22:26 VA.R. 4187	9/1/06-8/31/07
18 VAC 85-20-122	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 85-20-226 emer	Added	22:26 VA.R. 4188	9/1/06-8/31/07
18 VAC 85-20-235	Amended	23:11 VA.R. 1692	4/21/07
18 VAC 85-20-330	Amended	22:25 VA.R. 3901	9/20/06
18 VAC 85-40-35 emer	Amended	22:26 VA.R. 4189	9/1/06-8/31/07
18 VAC 85-40-35	Amended	23:9 VA.R. 1429	2/7/07
18 VAC 85-40-65	Amended	23:9 VA.R. 1429	2/7/07
18 VAC 85-40-67 emer	Added	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-35 emer	Amended	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-35	Amended	23:9 VA.R. 1429	2/7/07
18 VAC 85-50-61 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-26 emer	Amended	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-26	Amended	23:9 VA.R. 1430	2/7/07
18 VAC 85-80-73 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-80	Amended	23:9 VA.R. 1430	2/7/07
18 VAC 85-101-25 emer	Amended	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-101-25	Amended	23:9 VA.R. 1430	2/7/07
18 VAC 85-101-153 emer	Added	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-110-35 emer	Amended	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 85-110-35	Amended	23:9 VA.R. 1431	2/7/07
18 VAC 85-110-161 emer	Added	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 85-120-100	Amended	23:9 VA.R. 1431	2/7/07
18 VAC 85-120-150	Amended	23:9 VA.R. 1431	2/7/07
18 VAC 85-130-10 through 18 VAC 85-130-170	Added	23:10 VA.R. 1582-1586	2/21/07
18 VAC 90-25-15 through 18 VAC 90-25-80	Amended	23:3 VA.R. 487-492	11/14/06
18 VAC 90-25-71	Added	23:3 VA.R. 491	11/14/06
18 VAC 90-25-72	Added	23:3 VA.R. 491	11/14/06
18 VAC 90-25-81	Added	23:3 VA.R. 492	11/14/06
18 VAC 90-25-100 through 18 VAC 90-25-130	Amended	23:3 VA.R. 492-494	11/14/06
18 VAC 90-30-10 emer	Amended	22:26 VA.R. 4194	9/1/06-8/31/07
18 VAC 90-30-80	Amended	22:26 VA.R. 4177	11/18/06
18 VAC 90-30-120 emer	Amended	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 90-30-121 emer	Added	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 95-20-220	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 95-20-221	Added	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-310	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-330	Amended	22:26 VA.R. 4158	10/4/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-340	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-380	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-390	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 105-20-20	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 110-20-20	Amended	22:15 VA.R. 2321	5/3/06
18 VAC 110-20-20	Erratum	22:16 VA.R. 2399	--
18 VAC 110-20-20	Amended	22:24 VA.R. 3726	9/6/06
18 VAC 110-20-20	Erratum	22:25 VA.R. 3935	--
18 VAC 110-20-20	Amended	23:4 VA.R. 635	11/29/06
18 VAC 110-20-70	Amended	22:24 VA.R. 3751	10/23/06
18 VAC 110-20-630	Amended	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-640	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-660	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-670	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-720	Amended	23:4 VA.R. 634	11/29/06
18 VAC 110-30-15	Amended	23:4 VA.R. 637	11/29/06
18 VAC 110-50-10 through 18 VAC 110-50-150	Added	22:24 VA.R. 3729-3735	9/6/06
18 VAC 110-50-20	Amended	23:4 VA.R. 637	11/29/06
18 VAC 112-20-50	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 112-20-65	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 120-30-100	Amended	23:3 VA.R. 497	12/11/06
18 VAC 155-20-10	Amended	22:26 VA.R. 4160	11/1/06
18 VAC 155-20-110	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-120	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-160	Amended	22:26 VA.R. 4162	11/1/06
18 VAC 155-20-220	Amended	22:26 VA.R. 4163	11/1/06
18 VAC 155-20-280	Amended	22:26 VA.R. 4166	11/1/06
18 VAC 155-20 (Forms)	Amended	22:26 VA.R. 4166	--
18 VAC 160-20-10	Amended	23:1 VA.R. 136	12/1/06
18 VAC 160-20-74	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-76	Amended	22:26 VA.R. 4179	12/1/06
18 VAC 160-20-90	Amended	22:26 VA.R. 4180	12/1/06
18 VAC 160-20-95	Added	23:1 VA.R. 137	12/1/06
18 VAC 160-20-104	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-106	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-109	Amended	23:1 VA.R. 138	12/1/06
18 VAC 160-20-140	Amended	23:1 VA.R. 139	12/1/06
Title 19. Public Safety			
19 VAC 30-20-80	Amended	23:10 VA.R. 1587	3/1/07
Title 20. Public Utilities and Telecommunications			
20 VAC 5-315 (Form)	Amended	23:4 VA.R. 639	--
20 VAC 5-315-10	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-20	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-30	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-40	Amended	23:3 VA.R. 501	9/26/06
20 VAC 5-413-5	Added	23:3 VA.R. 504	12/1/06
20 VAC 5-413-10	Amended	23:3 VA.R. 504	12/1/06
20 VAC 5-413-20	Amended	23:3 VA.R. 505	12/1/06
20 VAC 5-413-25	Added	23:3 VA.R. 505	12/1/06
20 VAC 5-413-30	Amended	23:3 VA.R. 505	12/1/06

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20 VAC 5-413-35	Added	23:3 VA.R. 506	12/1/06
20 VAC 5-413-40	Amended	23:3 VA.R. 506	12/1/06
20 VAC 5-413-50	Added	23:3 VA.R. 506	12/1/06
Title 22. Social Services			
22 VAC 15-10-40	Amended	23:10 VA.R. 1587	3/1/07
22 VAC 15-10-50	Amended	23:10 VA.R. 1587	3/1/07
22 VAC 40-35-10 emer	Amended	22:26 VA.R. 4196	9/1/06-8/31/07
22 VAC 40-35-80 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07
22 VAC 40-35-90 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07
22 VAC 40-35-100 emer	Amended	22:26 VA.R. 4199	9/1/06-8/31/07
22 VAC 40-71	Repealed	23:6 VA.R. 892	12/28/06
22 VAC 40-72-10 through 22 VAC 40-72-1160	Added	23:6 VA.R. 893-952	12/28/06
22 VAC 40-72-789	Erratum	22:26 VA.R. 4207	--
22 VAC 40-72-1060	Erratum	22:26 VA.R. 4207	--
22 VAC 40-80-60	Amended	23:6 VA.R. 952	12/28/06
22 VAC 40-80-120	Amended	23:6 VA.R. 952	12/28/06
22 VAC 40-80-340	Amended	23:6 VA.R. 953	12/28/06
22 VAC 40-80-345	Added	23:6 VA.R. 954	12/28/06
22 VAC 40-80-370	Amended	23:6 VA.R. 955	12/28/06
22 VAC 40-80-430	Amended	23:6 VA.R. 955	12/28/06
22 VAC 40-325-10	Amended	22:25 VA.R. 3901	10/1/06
22 VAC 40-325-20	Amended	22:25 VA.R. 3902	10/1/06
22 VAC 40-740-10	Amended	23:10 VA.R. 1588	3/1/07
22 VAC 40-740-15	Added	23:10 VA.R. 1591	3/1/07
22 VAC 40-740-20	Repealed	23:10 VA.R. 1592	3/1/07
22 VAC 40-740-21	Added	23:10 VA.R. 1592	3/1/07
22 VAC 40-740-30	Repealed	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-31	Added	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-40	Amended	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-50	Amended	23:10 VA.R. 1594	3/1/07
22 VAC 40-740-60	Amended	23:10 VA.R. 1595	3/1/07
22 VAC 40-740-70	Added	23:10 VA.R. 1596	3/1/07
22 VAC 40-740-80	Added	23:10 VA.R. 1596	3/1/07
22 VAC 40-745-10 through 22 VAC 40-745-70	Amended	23:1 VA.R. 140-145	11/1/06
22 VAC 40-745-90	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-100	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-110	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-901-10	Amended	22:25 VA.R. 3903	10/1/06
22 VAC 40-901-40 through 22 VAC 40-901-90	Added	22:25 VA.R. 3903-3905	10/1/06
22 VAC 42-10-10 emer	Amended	23:9 VA.R. 1451	12/28/06-12/27/07
22 VAC 42-10-15 emer	Added	23:9 VA.R. 1455	12/28/06-12/27/07
22 VAC 42-10-30 emer	Amended	23:9 VA.R. 1456	12/28/06-12/27/07
22 VAC 42-10-32 emer	Added	23:9 VA.R. 1456	12/28/06-12/27/07
22 VAC 42-10-35 emer	Amended	23:9 VA.R. 1456	12/28/06-12/27/07
22 VAC 42-10-40 emer	Amended	23:9 VA.R. 1456	12/28/06-12/27/07
22 VAC 42-10-85 emer	Added	23:9 VA.R. 1457	12/28/06-12/27/07
22 VAC 42-10-180 emer	Amended	23:9 VA.R. 1458	12/28/06-12/27/07
22 VAC 42-10-200 through 22 VAC 42-10-230 emer	Amended	23:9 VA.R. 1458-1459	12/28/06-12/27/07
22 VAC 42-10-255 emer	Added	23:9 VA.R. 1459	12/28/06-12/27/07
22 VAC 42-10-260 emer	Amended	23:9 VA.R. 1459	12/28/06-12/27/07
22 VAC 42-10-270 emer	Amended	23:9 VA.R. 1459	12/28/06-12/27/07

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22 VAC 42-10-330 emer	Amended	23:9 VA.R. 1460	12/28/06-12/27/07
22 VAC 42-10-530 emer	Amended	23:9 VA.R. 1460	12/28/06-12/27/07
22 VAC 42-10-570 emer	Amended	23:9 VA.R. 1460	12/28/06-12/27/07
22 VAC 42-10-580 emer	Amended	23:9 VA.R. 1461	12/28/06-12/27/07
22 VAC 42-10-600 emer	Amended	23:9 VA.R. 1461	12/28/06-12/27/07
22 VAC 42-10-690 through 22 VAC 42-10-720 emer	Amended	23:9 VA.R. 1461	12/28/06-12/27/07
22 VAC 42-10-740 emer	Amended	23:9 VA.R. 1463	12/28/06-12/27/07
22 VAC 42-10-750 emer	Amended	23:9 VA.R. 1464	12/28/06-12/27/07
22 VAC 42-10-780 emer	Amended	23:9 VA.R. 1464	12/28/06-12/27/07
22 VAC 42-10-790 emer	Amended	23:9 VA.R. 1465	12/28/06-12/27/07
22 VAC 42-10-800 emer	Amended	23:9 VA.R. 1465	12/28/06-12/27/07
22 VAC 42-10-820 emer	Amended	23:9 VA.R. 1466	12/28/06-12/27/07
22 VAC 42-10-850 emer	Amended	23:9 VA.R. 1466	12/28/06-12/27/07
22 VAC 42-10-870 emer	Amended	23:9 VA.R. 1466	12/28/06-12/27/07
22 VAC 42-10-880 emer	Amended	23:9 VA.R. 1467	12/28/06-12/27/07
22 VAC 42-10-970 emer	Amended	23:9 VA.R. 1467	12/28/06-12/27/07
22 VAC 42-10-980 emer	Repealed	23:9 VA.R. 1469	12/28/06-12/27/07
22 VAC 42-10-990 emer	Repealed	23:9 VA.R. 1469	12/28/06-12/27/07
22 VAC 42-10-1000 emer	Repealed	23:9 VA.R. 1469	12/28/06-12/27/07
Title 23. Taxation			
23 VAC 10-20-40	Repealed	23:8 VA.R. 1196	3/10/07
23 VAC 10-20-50	Repealed	23:8 VA.R. 1196	3/10/07
23 VAC 10-20-70	Repealed	23:8 VA.R. 1196	3/10/07
23 VAC 10-20-100	Repealed	23:8 VA.R. 1197	3/10/07
23 VAC 10-20-120	Repealed	23:8 VA.R. 1197	3/10/07
23 VAC 10-20-150	Repealed	23:8 VA.R. 1197	3/10/07
23 VAC 10-55-10	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-55-20	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-55-30	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-55-60 through 23 VAC 10-55-90	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-60-10	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-60-20	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-60-30	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-60-60 through 23 VAC 10-60-100	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-65-10	Repealed	23:8 VA.R. 1204	3/10/07
23 VAC 10-65-20	Repealed	23:8 VA.R. 1203	3/10/07
23 VAC 10-65-30	Repealed	23:8 VA.R. 1204	3/10/07
23 VAC 10-65-50 through 23 VAC 10-65-100	Repealed	23:8 VA.R. 1204-1205	3/10/07
23 VAC 10-70	Repealed	23:6 VA.R. 956	2/10/07
23 VAC 10-75-10	Repealed	23:8 VA.R. 1206	3/10/07
23 VAC 10-75-30 through 23 VAC 10-75-60	Repealed	23:6 VA.R. 958-959	2/10/07
23 VAC 10-110-10	Repealed	23:8 VA.R. 1208	3/10/07
23 VAC 10-110-50	Repealed	23:8 VA.R. 1208	3/10/07
23 VAC 10-110-100	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-120	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-140	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-150 through 23 VAC 10-110-167	Repealed	23:8 VA.R. 1212-1221	3/10/07
23 VAC 10-110-200	Repealed	23:8 VA.R. 1221	3/10/07
23 VAC 10-110-210	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-260	Repealed	23:8 VA.R. 1210	3/10/07

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23 VAC 10-110-290	Repealed	23:8 VA.R. 1210	3/10/07
23 VAC 10-110-300	Repealed	23:8 VA.R. 1210	3/10/07
23 VAC 10-112-50 through 23 VAC 10-112-90	Repealed	23:6 VA.R. 960-961	2/10/07
23 VAC 10-115-30	Repealed	23:6 VA.R. 962	2/10/07
23 VAC 10-115-120	Repealed	23:6 VA.R. 962	2/10/07
23 VAC 10-115-130	Repealed	23:6 VA.R. 962	2/10/07
23 VAC 10-120-50 through 23 VAC 10-120-67	Repealed	23:8 VA.R. 1223-1232	3/10/07
23 VAC 10-120-85	Repealed	23:8 VA.R. 1238	3/10/07
23 VAC 10-120-87	Repealed	23:8 VA.R. 1239	3/10/07
23 VAC 10-120-290	Repealed	23:8 VA.R. 1232	3/10/07
23 VAC 10-120-340	Repealed	23:8 VA.R. 1239	3/10/07
23 VAC 10-120-360 through 23 VAC 10-120-364	Repealed	23:8 VA.R. 1233-1236	3/10/07
23 VAC 10-120-370	Repealed	23:8 VA.R. 1239	3/10/07
23 VAC 10-120-450	Repealed	23:8 VA.R. 1240	3/10/07
23 VAC 10-130	Repealed	23:8 VA.R. 1240	3/10/07
23 VAC 10-140-20	Repealed	23:6 VA.R. 963	2/10/07
23 VAC 10-140-30	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-80	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-90	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-120	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-140 through 23 VAC 10-140-180	Repealed	23:6 VA.R. 964-965	2/10/07
23 VAC 10-140-210	Repealed	23:6 VA.R. 965	2/10/07
23 VAC 10-140-220	Repealed	23:6 VA.R. 965	2/10/07
23 VAC 10-140-240 through 23 VAC 10-140-270	Repealed	23:6 VA.R. 965	2/10/07
23 VAC 10-210-60	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-110	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-150	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-180	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-200	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-210	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-240	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-260	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-270	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-300	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-330	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-370	Repealed	23:8 VA.R. 1251	3/10/07
23 VAC 10-210-460	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-510	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-520	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-540	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-640	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-710	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-740	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-890	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-950	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1000	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1010	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1040	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1050	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-2000	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-2010	Repealed	23:8 VA.R. 1246	3/10/07

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
23 VAC 10-210-2030	Repealed	23:8 VA.R. 1247	3/10/07
23 VAC 10-210-2034	Repealed	23:8 VA.R. 1247	3/10/07
23 VAC 10-210-2040	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-3020	Repealed	23:8 VA.R. 1253	3/10/07
23 VAC 10-210-4000	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-4030	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-4060	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-4080 through 23 VAC 10-210-5050	Repealed	23:8 VA.R. 1248-1249	3/10/07
23 VAC 10-210-5080	Repealed	23:8 VA.R. 1249	3/10/07
23 VAC 10-210-5090 through 23 VAC 10-210-5094	Repealed	23:8 VA.R. 1255-1257	3/10/07
23 VAC 10-220-80 and 23 VAC 10-220-90	Repealed	23:6 VA.R. 967	2/10/07
23 VAC 10-230-10	Repealed	23:8 VA.R. 1258	3/10/07
23 VAC 10-230-60	Repealed	23:8 VA.R. 1258	3/10/07
23 VAC 10-230-70	Repealed	23:8 VA.R. 1259	3/10/07
23 VAC 10-230-100	Repealed	23:8 VA.R. 1259	3/10/07
23 VAC 10-230-130	Repealed	23:8 VA.R. 1260	3/10/07
23 VAC 10-230-50	Repealed	23:6 VA.R. 968	2/10/07
23 VAC 10-250	Repealed	23:8 VA.R. 1260	3/10/07
23 VAC 10-300-10	Repealed	23:8 VA.R. 1262	3/10/07
23 VAC 10-300-40	Repealed	23:8 VA.R. 1263	3/10/07
23 VAC 10-300-60	Repealed	23:8 VA.R. 1263	3/10/07
23 VAC 10-300-70	Repealed	23:8 VA.R. 1263	3/10/07
23 VAC 10-310-10	Repealed	23:6 VA.R. 970	2/10/07
23 VAC 10-310-40	Repealed	23:6 VA.R. 970	2/10/07
23 VAC 10-330-1 through 23 VAC 10-330-10	Repealed	23:8 VA.R. 1264-1265	3/10/07
23 VAC 10-330-40 through 23 VAC 10-330-130	Repealed	23:8 VA.R. 1265-1267	3/10/07
23 VAC 10-340-10	Repealed	23:8 VA.R. 1268	3/10/07
23 VAC 10-340-50 through 23 VAC 10-340-190	Repealed	23:8 VA.R. 1268-1271	3/10/07
23 VAC 10-350-10 through 23 VAC 10-350-40	Repealed	23:8 VA.R. 1272-1273	3/10/07
23 VAC 10-350-50	Repealed	23:6 VA.R. 971	2/10/07
23 VAC 10-350-60	Repealed	23:6 VA.R. 973	2/10/07
23 VAC 10-350-70	Repealed	23:8 VA.R. 1273	3/10/07
23 VAC 10-350-80	Repealed	23:8 VA.R. 1273	3/10/07
23 VAC 10-350-90	Repealed	23:6 VA.R. 974	2/10/07
23 VAC 10-350-100	Repealed	23:6 VA.R. 974	2/10/07
23 VAC 10-350-110 through 23 VAC 10-350-190	Repealed	23:8 VA.R. 1273-1275	3/10/07
23 VAC 10-360	Repealed	23:6 VA.R. 975	2/10/07
23 VAC 10-370-10	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-30	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-50	Repealed	23:6 VA.R. 977	2/10/07
23 VAC 10-370-60	Repealed	23:6 VA.R. 977	2/10/07
23 VAC 10-370-130	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-140	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-150	Repealed	23:6 VA.R. 977	2/10/07
23 VAC 10-370-160	Repealed	23:8 VA.R. 1278	3/10/07
23 VAC 10-370-170	Repealed	23:8 VA.R. 1278	3/10/07
23 VAC 10-370-190 through 23 VAC 10-370-230	Repealed	23:8 VA.R. 1278-1279	3/10/07
23 VAC 10-380	Repealed	23:8 VA.R. 1279	3/10/07
23 VAC 10-390-10	Repealed	23:6 VA.R. 979	2/10/07
23 VAC 10-390-30	Repealed	23:6 VA.R. 979	2/10/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
23 VAC 10-390-50	Repealed	23:6 VA.R. 979	2/10/07
Title 24. Transportation and Motor Vehicles			
24 VAC 30-271-10	Amended	23:2 VA.R. 259	11/1/06
24 VAC 30-271-20	Amended	23:2 VA.R. 259	11/1/06
24 VAC 30-280-10	Repealed	23:8 VA.R. 1281	12/1/06
24 VAC 30-280-20 through 24 VAC 30-280-70	Amended	23:8 VA.R. 1281-1287	12/1/06
24 VAC 30-280-25	Added	23:8 VA.R. 1282	12/1/06
24 VAC 30-280-65	Added	23:8 VA.R. 1287	12/1/06
24 VAC 30-550	Repealed	22:24 VA.R. 3736	9/6/06
24 VAC 30-551-10 through 24 VAC 30-551-100	Added	22:24 VA.R. 3736-3744	9/6/06
24 VAC 30-600	Repealed	22:24 VA.R. 3736	9/6/06

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PSYCHOLOGY

Agency Decision

Title of Regulation: 18 VAC 125-20. Regulations Governing the Practice of Psychology.

Statutory Authority: § 54.1-3605 of the Code of Virginia.

Name of Petitioner: Teresa C. Simonson.

Nature of Petitioner's Request: To amend regulations to delete the requirement for half of the required hours to be earned in face-to-face educational experiences.

Agency Decision: Request denied.

Statement of Reasons for Decision: The board meeting scheduled for October 19, 2006, was cancelled but the petition for rulemaking was presented at the next meeting on January 9, 2007. There was discussion about this and other suggested changes to regulations for continuing education. To avoid piecemeal revision of CE requirements, the board voted to deny action on this petition but to refer the issue to the Regulatory Review Committee for further consideration.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6603 West Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-7250, or email evelyn.brown@dhp.virginia.gov.

VA.R. Doc. No. R06-274; Filed January 30, 2007, 1:02 p.m.

Agency Decision

Title of Regulation: 18 VAC 125-30. Regulations Governing the Certification of Sex Offender Treatment Providers.

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

Name of Petitioner: James Arndt, Psy.D.

Nature of Petitioner's Request: To amend regulations to ease the supervision requirement for licensed clinical psychologists attempting to become certified as sex offender treatment providers to allow some of the experience of an LCP to be used to satisfy supervised practice requirements.

Agency Decision: Request denied.

Statement of Reasons for Decision: The board meeting scheduled for October 19, 2006, was cancelled but the petition for rulemaking was presented at the next meeting on January 9, 2007. There was discussion about the petition, but the board felt it was lacking the necessary expertise to determine whether the regulation should be amended accordingly. While the petition was denied for the time

being, the board voted to appoint an ad hoc committee, chaired by a board member, to review the supervision regulations for certification.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6603 West Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-7250, or email evelyn.brown@dhp.virginia.gov.

VA.R. Doc. No. R06-318; Filed January 30, 2007, 12:59 p.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled **8 VAC 20-40, Regulations Governing Educational Services for Gifted Students**. The purpose of the proposed action is to allow the Virginia Board of Education to review contemporary research and best practices in the field that have occurred in the last decade and to ensure that Virginia's regulations are consistent with that information.

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

Statutory Authority: § 22.1-16 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 23, 2007.

Contact: Dr. Margaret N. Roberts, Executive Assistant to the Board of Education, 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, or email margaret.roberts@doe.virginia.gov.

VA.R. Doc. No. R07-94; Filed January 3, 2007, 11:20 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled **8 VAC 20-80, Regulations Governing Special Education Programs for Children with Disabilities in Virginia**. The purpose of the proposed action is to ensure compliance with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) and with its federal implementing regulations at 34 CFR Part 300, effective October 13, 2006. Alignment with these federal requirements is required to ensure Virginia's continued eligibility for federal special education funding, which will total \$268.7 million in 2006-2007. The revision process will incorporate requirements of the Code of Virginia and other regulations that apply to the provision of special education in Virginia and strive to clarify areas of ambiguity in the previous regulations.

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

Statutory Authority: §§ 22.1-16 and 22.1-214 of the Code of Virginia; 20 USC § 1400 et seq. and 34 CFR Part 300.

Public comments may be submitted until 5 p.m. on February 23, 2007.

Contact: Melissa Smith, Coordinator of Administrative Services, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-0524 or email melissa.smith@doe.virginia.gov.

VA.R. Doc. No. R07-95; Filed January 3, 2007, 11:19 a.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the state's antidegradation policy part of the Water Quality Standards by designating the Hazel River within Rappahannock County from its headwaters downstream to the Shenandoah National Park boundary and that portion of the Hazel River within Culpeper County from its first crossing of the Rappahannock County and Culpeper County boundary line downstream to its confluence with the Rappahannock River as exceptional state waters.

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; Clean Water Act (33 USC § 1251 et seq.); 40 CFR Part 131.

Public comments may be submitted until 5 p.m. on April 2, 2007.

Contact: David C. Whitehurst, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4121, FAX (804) 698-4116, or email dcwhitehurst@deq.virginia.gov.

VA.R. Doc. No. R07-138; Filed January 24, 2007, 10:47 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled **12 VAC 5-90, Regulations for Disease Reporting and Control**. The purpose of the proposed action is to identify the process acute care hospitals shall use in reporting certain healthcare associated infections to the Virginia Department of Health.

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

Statutory Authority: §§ 32.1-12 and 32.1-35.1 of the Code of Virginia.

Public comments may be submitted until March 7, 2007.

Contact: Mary Beth White-Comstock, Nurse Epidemiologist, Division of Surveillance and Investigation, Department of Health, P.O. Box 2448, Suite 516E, Richmond, VA 23218, telephone (804) 864-8141, FAX (804) 864-8129 or email mb.white-comstock@vdh.virginia.gov.

VA.R. Doc. No. R07-116; Filed January 16, 2007, 12:36 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled **12 VAC 5-490, Virginia Radiation Protection Regulations: Fee Schedule**. The purpose of the proposed action is to amend existing regulations to include additional types of X-ray machines in the inspection fee schedule, increase the registration fees for X-ray machines and adopt new fees for licensing and inspecting radioactive materials facilities.

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

Statutory Authority: § 32.1-229.1 of the Code of Virginia.

Public comments may be submitted until March 7, 2007.

Contact: Leslie P. Foldesi, Director, Radiological Health, Department of Health, 109 Governor St., Room 732, Richmond, VA 23219, telephone (804) 864-8151, FAX (804) 864-8155, toll-free (800) 468-0138 or email les.foldesi@vdh.virginia.gov.

VA.R. Doc. No. R07-114; Filed January 16, 2007, 9:46 a.m.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider amending regulations entitled **12 VAC 35-105, Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services**. The purpose of the proposed action is add provisions for issuing an order of summary suspension of the license.

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

Statutory Authority: § 37.2-203 of the Code of Virginia and Chapter 168 of the 2006 Acts of Assembly.

Public comments may be submitted until 5 p.m. on February 21, 2007.

Contact: Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, 1220 Bank St., P.O. Box 1797, Richmond, VA 23218, telephone (804) 371-6885, FAX (804) 692-0066 or email leslie.anderson@co.dmhmrzas.virginia.gov.

VA.R. Doc. No. R07-93; Filed January 3, 2007, 10:31 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider amending regulations entitled **12 VAC 35-200, Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities**. The purpose of the proposed action is to revise the regulations to clarify, update and respond to changes in practice related to admissions to state mental retardation facilities.

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

Statutory Authority: §§ 37.2-203 and 37.2-807 of the Code of Virginia.

Public comments may be submitted until March 20, 2007.

Contact: Cynthia Smith, Office of Mental Retardation Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-0946, FAX (804) 692-0077 or email cynthia.smith@co.dmhmrzas.virginia.gov.

VA.R. Doc. No. R07-134; Filed January 19, 2007, 11:39 a.m.

Notices of Intended Regulatory Action

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TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled **13 VAC 5-21, Virginia Certification Standards**. The purpose of the proposed action is to update the regulation to incorporate the latest editions of nationally recognized model building codes and standards produced by the International Code Council (ICC).

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

Statutory Authority: § 36-137 of the Code of Virginia.

Public comments may be submitted until March 7, 2007.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or email steve.calhoun@dhcd.virginia.gov.

VA.R. Doc. No. R07-122; Filed January 17, 2007, 10 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled **13 VAC 5-31, Virginia Amusement Device Regulations**. The purpose of the proposed action is to update the regulation to incorporate the latest editions of nationally recognized model building codes and standards produced by the International Code Council (ICC).

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

Statutory Authority: § 36-98.3 of the Code of Virginia.

Public comments may be submitted until March 7, 2007.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or email steve.calhoun@dhcd.virginia.gov.

VA.R. Doc. No. R07-123; Filed January 17, 2007, 10:01 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 Housing and Community Development intends to consider amending regulations entitled **13 VAC 5-51, Virginia Statewide Fire Prevention Code**. The purpose of the proposed action is to update the regulation to incorporate the latest edition of the applicable nationally recognized model fire code. Since the national code is so comprehensive in its scope, the agency will accept comment on all provisions of the regulations to ensure its compatibility with the model code.

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

Statutory Authority: § 27-97 of the Code of Virginia.

Public comments may be submitted until March 7, 2007.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or email steve.calhoun@dhcd.virginia.gov.

VA.R. Doc. No. R07-124; Filed January 17, 2007, 10:01 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 Housing and Community Development intends to consider amending regulations entitled **13 VAC 5-63, Virginia Statewide Building Code**. The purpose of the proposed action is to update the regulation to incorporate the latest editions of nationally recognized model building codes and standards produced by the International Code Council (ICC).

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

Statutory Authority: § 36-98 of the Code of Virginia.

Public comments may be submitted until March 7, 2007.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or email steve.calhoun@dhcd.virginia.gov.

VA.R. Doc. No. R07-125; Filed January 17, 2007, 10:01 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 Housing and Community Development intends to consider amending regulations entitled **13 VAC 5-91, Virginia Industrialized Building Safety Regulations**. The purpose of the proposed action is to update the regulation to incorporate the latest edition of the

Notices of Intended Regulatory Action

nationally recognized model building codes and standards. Since the national codes are so comprehensive in scope, the agency will accept comment on all provisions of the regulations to ensure compatibility with the model code.

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

Statutory Authority: § 36-73 of the Code of Virginia.

Public comments may be submitted until March 7, 2007.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or email steve.calhoun@dhcd.virginia.gov.

VA.R. Doc. No. R07-126; Filed January 17, 2007, 10:01 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 Housing and Community Development intends to consider amending regulations entitled **13 VAC 5-95, Virginia Manufactured Home Safety Regulations**. The purpose of the proposed action is to update the regulation to incorporate the latest editions of nationally recognized model building codes and standards produced by the International Code Council (ICC).

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

Statutory Authority: § 36-85.7 of the Code of Virginia.

Public comments may be submitted until March 7, 2007.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or email steve.calhoun@dhcd.virginia.gov.

VA.R. Doc. No. R07-127; Filed January 17, 2007, 10:01 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

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

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and

Landscape Architects intends to consider amending regulations entitled **18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations**. The purpose of the proposed action is to develop regulations to implement a mandatory continuing education program as required by HB 1054 from the 2006 General Assembly session. Other changes that may be necessary may also be considered.

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

Statutory Authority: §§ 54.1-404 and 54.1-404.2 of the Code of Virginia.

Public comments may be submitted until March 21, 2007.

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, email apelscidla@dpor.virginia.gov.

VA.R. Doc. No. R07-135; Filed January 23, 2007, 11:15 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 for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to consider amending regulations entitled **18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations**. The purpose of the proposed action is to amend the regulation to permit architect license applicants who are applying via examination to begin taking divisions of the Architect Registration Examination (ARE) prior to completing the Intern Development Program (IDP). Currently, the board's regulation requires an architect examination applicant to complete the IDP prior to becoming eligible to take the ARE. Other changes that may be necessary may also be considered.

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

Statutory Authority: § 54.1-404 of the Code of Virginia.

Public comments may be submitted until March 21, 2007.

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) 367-0795, email apelscidla@dpor.virginia.gov.

VA.R. Doc. No. R07-136; Filed January 23, 2007, 11:15 a.m.

Notices of Intended Regulatory Action

BOARD OF COUNSELING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Counseling intends to consider amending regulations entitled **18 VAC 115-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update the board's public participation guidelines.

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

Statutory Authority: §§ 2.2-4007 and 54.2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 21, 2007.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9133, FAX (804) 662-9943 or email evelyn.brown@dhp.virginia.gov.

VA.R. Doc. No. R07-99; Filed January 3, 2007, 10:45 a.m.

BOARD 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 Board of Health Professions intends to consider amending regulations entitled **18 VAC 75-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update the regulation on public participation in the regulatory process.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 21, 2007.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-9943 or email elizabeth.carter@dhp.virginia.gov.

VA.R. Doc. No. R07-96; Filed January 3, 2007, 10:45 a.m.

BOARD OF LONG-TERM CARE ADMINISTRATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Long-Term Care Administrators intends to consider amending regulations

entitled **18 VAC 95-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update the regulation on public participation in rulemaking.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 21, 2007.

Contact: Lisa Hahn, Executive Director, Board of Long-Term Care Administrators, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, FAX (804) 662-9943 or email lisa.hahn@dhp.virginia.gov.

VA.R. Doc. No. R07-97; Filed January 3, 2007, 10:46 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 85-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update regulations as recommended by periodic review.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on March 7, 2007.

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 email william.harp@dhp.virginia.gov.

VA.R. Doc. No. R07-117; Filed January 16, 2007, 12:49 p.m.

BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled **18 VAC 90-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update the regulation on public participation in the regulatory process.

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

Notices of Intended Regulatory Action

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 21, 2007.

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) 662-9943, (804) 662-7197/TTY ☎, or email jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R07-98; Filed January 3, 2007, 10:45 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 Nursing intends to consider amending regulations entitled **18 VAC 90-40, Regulations for Prescriptive Authority for Nurse Practitioners**. The purpose of the proposed action is to establish standards for the management of chronic pain, consistent with proposed standards for medicine.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2957.01 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on March 7, 2007.

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) 662-9943, or email jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R07-118; Filed January 3, 2007, 12:49 p.m.

BOARDS OF NURSING AND MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to enact changes relating to inactive licensure for registered nurses.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2957.01 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on March 7, 2007.

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) 662-9943, or email jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R07-129; Filed January 17, 2007, 12:12 p.m.

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update the board's public participation guidelines pursuant to a periodic review.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on March 7, 2007.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313 or email elizabeth.russell@dhp.virginia.gov.

VA.R. Doc. No. R07-119; Filed January 16, 2007, 12:49 p.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 consolidate two previous notices of intended regulatory action on practice standards and the examination requirement with a change to allow group supervision in post-graduate training.

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 5 p.m. on March 7, 2007.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-9943 or email evelyn.brown@dhp.virginia.gov.

VA.R. Doc. No. R07-120; Filed January 16, 2007, 12:49 p.m.

Notices of Intended Regulatory Action

BOARD OF VETERINARY 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 Veterinary Medicine intends to consider amending regulations entitled **18 VAC 150-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update the board's public participation guidelines.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 21, 2007.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-9943 or email elizabeth.carter@dhp.virginia.gov.

VA.R. Doc. No. R07-100; Filed January 3, 2007, 10:45 a.m.

TITLE 22. SOCIAL SERVICES

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department for the Blind and Vision Impaired has WITHDRAWN the Notice of Intended Regulatory Action to consider repealing **22 VAC 45-50, Regulations Governing Provisions of Services in Vocational Rehabilitation** and promulgating **22 VAC 45-51, Regulations Governing Provisions of Services in Vocational Rehabilitation**, which was published in 22:22 VA.R. 2979 July 10, 2006.

Contact: Joseph A. Bowman, Commissioner, Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, VA 23227.

VA.R. Doc. No. R06-263; Filed January 18, 2007, 4:12 p.m.

TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to consider amending regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to provide clarification concerning charges for running an advertisement through electronic media such as the Internet and mass communication electronic databases.

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

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 22, 2007.

Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

VA.R. Doc. No. R07-102; Filed January 3, 2007, 10:21 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 Taxation intends to consider amending regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to provide clarification concerning the taxability of an advertising business's resale of tangible personal property in connection with a nonadvertising campaign.

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

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 22, 2007.

Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

VA.R. Doc. No. R07-104; Filed January 3, 2007, 10:21 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 Taxation intends to consider amending regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to add definitions, address laser and traditional printers, and identify taxable and exempt sales and services.

Notices of Intended Regulatory Action

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

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 22, 2007.

Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

VA.R. Doc. No. R07-101; Filed January 3, 2007, 10:21 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 Taxation intends to consider amending regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to provide clarification on the taxability of certain purchases made for the purpose of in-house advertising.

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

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 22, 2007.

Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

VA.R. Doc. No. R07-103; Filed January 3, 2007, 10:21 a.m.



REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed 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.

Final Regulation

Title of Regulation: **4 VAC 20-70. Pertaining to the Harvesting of Clams (amending 4 VAC 20-70-100).**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: February 1, 2007.

Agency Contact: Brandy L. Battle, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or email brandy.battle@mrc.virginia.gov.

Summary:

The amendment allows hard clams in excess of 250 on board a crab dredge vessel on the seaside of Accomack and Northampton counties provided the person in charge of the vessel has the required license and permit for harvesting hard clams.

4 VAC 20-70-100. Crab dredge boat not to take clams.

A. It shall be unlawful for any person in charge of any boat licensed to catch crabs with a dredge to have or allow on board any clams in excess of 250, except as provided in subsection B of this section.

B. Any person in charge of any boat licensed to catch crabs with a dredge shall be allowed to have or allow on board any hard clams in excess of 250 on the seaside of Accomack and Northampton counties provided he has the license and permit required to take hard clams.

VA.R. Doc. No. R07-142; Filed January 31, 2007, 9:36 a.m.

Final Regulation

Title of Regulation: **4 VAC 20-510. Pertaining to Amberjack and Cobia (amending 4 VAC 20-510-10 and 4 VAC 20-510-20; adding 4 VAC 20-510-33, 4 VAC 20-510-35, and 4 VAC 20-510-37).**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: February 1, 2007.

Agency Contact: Brandy L. Battle, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or email brandy.battle@mrc.virginia.gov.

Summary:

The amendments (i) prevent cobia raised in an aquaculture facility from being placed into Virginia waters, (ii) clarify the exceptions to possession limits of amberjack and cobia, (iii) establish a cobia aquaculture permit and application process, (iv) clarify the proper way to package and label cobia for the consumer market, (v) describe importation of cobia in Virginia, and (vi) specify the requirements for the release of live fish in Virginia waters.

4 VAC 20-510-10. Purpose.

The purpose of this chapter is to control the harvest, protect the spawning stocks, minimize the possibility of recruitment failure and to increase yield in the amberjack and cobia fisheries. The provisions pertaining to aquaculture serve to prevent cobia raised in an aquaculture facility from being placed into Virginia waters and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this chapter. This chapter is designed to ensure that Virginia is consistent with federal and interstate management measures pertaining to these species.

4 VAC 20-510-20. Possession limits.

A. It shall be unlawful for any person fishing recreationally to possess more than two amberjack or more than one cobia at any time. Any amberjack or cobia caught after the possession limit has been reached shall be returned to the water immediately. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by one for cobia or two for amberjack. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

B. It shall be unlawful for any person fishing commercially to possess more than two amberjack or more than two cobia at any time. Any amberjack or cobia caught after the possession limit has been reached shall be returned to the water immediately. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by two. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

~~C. Nothing in this section shall affect the possession of amberjack or cobia by licensed seafood buyers or wholesale and retail seafood establishments when operating in their capacity as a buyer or wholesaler or retailer.~~

4 VAC 20-510-33. Exceptions to possession limits and minimum size limits.

A. Nothing in 4 VAC 20-510-20 shall limit the possession of amberjack or cobia by licensed seafood buyers or wholesale and retail seafood establishments when operating in their capacity as buyer, wholesaler or retailer.

B. Nothing in 4 VAC 20-510-20 and 4 VAC 20-510-30 shall limit the possession of cobia by an aquaculture facility that is permitted in accordance with the provisions of 4 VAC 20-510-40.

C. Any person employed by a permitted cobia aquaculture facility for the purpose of harvesting cobia as broodstock for the aquaculture facility shall be exempt from the provisions of 4 VAC 20-510-20 and 4 VAC 20-510-30 provided that person possesses a scientific collection permit issued by the commissioner.

4 VAC 20-510-35. Aquaculture of cobia; permit required.

A. Any person operating an aquaculture facility in which cobia that exceed the possession limit or are of sublegal size will be cultured, possessed, offered for sale or sold shall first obtain a permit from the commissioner for the facility. That permit shall exempt the facility from the possession requirements described in 4 VAC 20-510-20 and authorize the possession, culturing and sale of sublegal size cobia.

B. The application for a cobia aquaculture permit shall list the name and address of the applicant, the type and location of the facility, and an estimate of production capacity. An aquaculture permit shall be valid for 10 years from the date of issue and may be renewed by the commissioner provided the permittee has complied with all of the provisions of this chapter. The issuance and continuation of any person's cobia aquaculture permit are contingent on that designated facility being open for inspection by the Marine Resources Commission for the purposes of determining compliance with this regulation. An aquaculture permit is not transferable.

4 VAC 20-510-37. Sale, records, importation, release.

A. All cobia produced by an aquaculture facility permitted under this section shall be packaged prior to sale with a printed label indicating the product is of aquaculture origin. When packaged and labeled according to these requirements, such fish may be transported and sold at retail or wholesale or for commercial distribution through normal channels of trade until reaching the consumer.

B. Cobia that measure less than the lawful minimum size described in 4 VAC 20-510-30 but are the product of a permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labeled in accordance with the provisions contained in subsection A of this section.

C. Release of live fish. Under no circumstance shall any cobia produced by an aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commissioner and having received written permission from the commissioner.

VA.R. Doc. No. R07-143; Filed January 31, 2007, 9:37 a.m.

Emergency Regulation

Title of Regulation: 4 VAC 20-530. Pertaining to American Shad (amending 4 VAC 20-530-10, 4 VAC 20-530-20, 4 VAC 20-530-31 and 4 VAC 20-530-32).

Statutory Authority: § 28.2-210 of the Code of Virginia.

Effective Dates: February 1, 2007, through March 1, 2007.

Agency Contact: Brandy L. Battle, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or email brandy.battle@mrc.virginia.gov.

Summary:

This emergency chapter establishes a moratorium on the harvest of American shad and provides for a limited bycatch of American shad during the 2007 fishing season.

4 VAC 20-530-10. Purpose.

The purposes of this emergency chapter are to rebuild the Virginia stocks of American Shad and to comply with the requirements for ocean intercept commercial fisheries as specified by the Interstate Fishery Management Plan for Shad and River Herring.

4 VAC 20-530-20. Definitions.

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

Regulations

"Bycatch area" means those tidal waters of (i) the James River, from the James River Bridge upstream to a line connecting Dancing Point and New Sunken Meadow Creek; (ii) the York River, from the George P. Coleman Bridge upstream to the Rt. 33 Eltham and Lord Delaware bridges at West Point; and (iii) the Rappahannock River, from the Norris Bridge upstream to the Rt. 360 Downing Bridge at Tappahannock.

"Chesapeake Bay" means all Virginia tidal waters west of the Colregs Demarcation Line that connect the Cape Henry Lighthouse in Virginia Beach to the Cape Charles Lighthouse on Smith Island.

"Coastal area" means all Virginia tidal waters east of the Colregs Demarcation Line that connect the Cape Henry Lighthouse in Virginia Beach to the Cape Charles Lighthouse on Smith Island.

"Spawning Reaches Bycatch Area" means those tidal waters of (i) the James River, from a line connecting Dancing Point and New Sunken Meadow Creek, upstream to the 14th Street Bridge in Richmond; (ii) the York River and its tributaries, from the Rt. 33 Eltham and Lord Delaware bridges at West Point, upstream in the Pamunkey River to a line connecting Liberty Hall and the opposite shore and upstream in the Mattaponi River to the Route 360 Bridge at Aylett; and (iii) the Rappahannock River, from the Rt. 360 Downing Bridge at Tappahannock, upstream to the Route 1 Falmouth Bridge.

4 VAC 20-530-31. Bycatch fishery.

A. Any registered commercial fisherman meeting the conditions described in this subsection shall be eligible to participate in the American shad bycatch fishery in 2007:

1. The registered commercial fisherman shall apply for a VMRC American Shad Bycatch Permit and possess that permit while fishing, landing, or selling his catch of American shad.

2. The registered commercial fisherman shall complete the VMRC American Shad Bycatch Survey form to describe his pending fishing activity.

B. It shall be unlawful for any person to possess aboard a vessel more than 10 American shad. When more than one registered and permitted fisherman is fishing on the same vessel, it shall be unlawful to possess more than 10 American shad aboard that vessel.

C. It shall be unlawful for any person to possess aboard a vessel or land any American shad, unless that person possesses at least an equal number of fish of only the following food-grade species: spot, croaker, bluefish, catfish, striped bass or white perch.

D. Possession of American shad by any person permitted in accordance with this section shall be lawful only when those American shad were harvested from the bycatch area.

Possession of any American shad harvested in Virginia waters that are outside of the bycatch area shall constitute a violation of this regulation, except as described in 4 VAC 20-530-32.

E. American shad harvested only as bycatch by anchored gill nets and staked gill nets may be possessed or retained for sale in accordance with the provisions of this regulation. It shall be unlawful for any person to harvest, land or possess any American shad taken by any commercial gear, except anchored gill net or staked gill net, or any recreational gear.

F. Every fisherman permitted for the American shad bycatch fishery shall contact the commission's interactive voice response system once weekly to report the following for the preceding weekly period: name, registration number, number of fishing trips taken, water body fished, number of nets set, number of American shad caught and number retained.

4 VAC 20-530-32. Spawning Reaches Bycatch Area fishery.

A. Any registered commercial fisherman meeting the conditions described in this section shall be eligible to participate in the American shad bycatch fishery in the Spawning Reaches Bycatch Area, in 2007 as described in 4 VAC 20-530-20:

1. The registered commercial fisherman shall have reported harvests of striped bass from the Spawning Reaches Bycatch Area during the months of February or March in at least five years during the 1996 through 2005 period.

2. The registered commercial fisherman shall apply for a VMRC American Shad Spawning Reaches Bycatch Permit and possess that permit while fishing, landing, or selling his bycatch of American shad.

3. The registered commercial fisherman shall complete the VMRC American Shad Spawning Reaches Bycatch Survey Form to describe his pending fishing activity.

B. Except as described in subsection C of this section, it shall be unlawful for any person to possess aboard a vessel more than five American shad in any one day. When more than one registered and permitted fisherman is fishing on the same vessel, it shall be unlawful to possess more than five American shad aboard that vessel in any one day, except as described in subsection C of this section.

C. In any one day it shall be unlawful for any person permitted to harvest American shad as bycatch from the Spawning Reaches Bycatch Area to possess aboard a vessel or land any American shad if that person takes, harvests or possesses any American shad from the bycatch area described in 4 VAC 20-530-20 during that same day.

D. It shall be unlawful for any person to possess aboard a vessel or land any American shad from the Spawning Reaches Bycatch Area unless that person possesses at least an

equal number of fish of only the following food-grade species: spot, croaker, bluefish, catfish, striped bass or white perch.

E. Possession of American shad by any person permitted in accordance with this section shall be lawful only when those American shad were harvested from the Spawning Reaches Bycatch Area, except as provided in 4 VAC 20-530-31 and subsection C of this section.

F. American shad harvested only as bycatch by anchored gill nets and staked gill nets may be possessed or retained for sale in accordance with the provisions of this regulation. It shall be unlawful for any person to harvest, land or possess any American shad taken by any commercial gear, except anchored gill net or staked gill net or any recreational gear.

G. Every fisherman permitted for the bycatch of American shad from the Spawning Reaches Bycatch Area shall contact the commission's interactive voice response system once weekly to report the following for the preceding weekly period: name, registration number, number of fishing trips taken, water body fished, number of nets set, number of American shad caught, and number retained.

VA.R. Doc. No. R07-144; Filed January 31, 2007, 9:38 a.m.

Emergency Regulation

Title of Regulation: **4 VAC 20-950. Pertaining to Black Sea Bass (amending 4 VAC 20-950-40, 4 VAC 20-950-47, 4 VAC 20-950-48.2).**

Statutory Authority: § 28.2-210 of the Code of Virginia.

Effective Dates: February 1, 2007 through March 1, 2007.

Agency Contact: Brandy L. Battle, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or email brandy.battle@mrc.virginia.gov.

Preamble:

The amendments (i) modify the construction requirements for fish pots used to harvest black sea bass, (ii) establish the 2007 commercial black sea bass directed fishery quota as 412,470 pounds and bycatch fishery quota as 45,830 pounds, and (iii) change the alternate vessel authorization extension to 60 days.

4 VAC 20-950-40. Gear restrictions.

It shall be unlawful for any person to place, set, or fish any fish pot in Virginia tidal waters for the purposes of harvesting black sea bass or to possess or to land in Virginia black sea bass harvested by fish pots which are not constructed as follows:

1. With ~~an two~~ escape ~~vent~~ vents of ~~2-3/8~~ 2-1/2 inches diameter circular dimension, 2 inches square dimension, or 1-3/8 inches by 5-3/4 inches rectangular dimension.
2. With hinges or fasteners on one side panel or door made of the following materials:
 - a. Untreated hemp, jute, or cotton string of 3/16 inches or less diameter;
 - b. Magnesium alloy, timed float releases (pop-up devices), or similar magnesium alloy fasteners; or
 - c. Ungalvanized or uncoated iron wire of 0.094 inches or less in diameter.

4 VAC 20-950-47. Commercial harvest quotas.

A. The ~~2006 directed~~ 2007 commercial fishery black sea bass ~~directed fishery~~ quota is ~~631,380~~ 412,470 pounds. When it has been announced that the directed fishery quota has been projected as reached and the directed fishery has been closed, it shall be unlawful for any directed commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass.

B. The ~~2006 bycatch~~ 2007 commercial fishery black sea bass ~~bycatch fishery~~ quota is ~~418,082~~ 45,830 pounds. When it has been announced that the bycatch fishery quota has been projected as reached and the bycatch fishery has been closed, it shall be unlawful for any bycatch commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass. In the event the bycatch fishery quota is exceeded, the amount the quota overage shall be deducted from the following year's bycatch fishing quota.

4 VAC 20-950-48.2. Alternate vessel authorization requirements.

A. Any person possessing a directed fishery permit may authorize an alternate vessel to harvest, possess and land any portion of his individual fishery quota, provided the following conditions are met:

1. The directed fishery permit holder has submitted a completed and notarized alternate vessel authorization form to the commission.
2. The alternate vessel named on the authorization form holds a federal Black Sea Bass Moratorium Permit and either a Virginia Seafood Landing License or the alternate vessel's owner and operator holds a Commercial Fisherman Registration License.
3. The alternate vessel authorization has been accepted and approved by the commissioner.
4. The alternate vessel maintains copies of the alternate vessel authorization form and the permit of the directed fishery quota owner at all times while serving as the alternate vessel.

Regulations

B. No authorization for an alternate vessel to land black sea bass shall extend for more than ~~30~~ 60 days from the date the commissioner approves the authorization. After ~~30~~ 60 days, any unused portion of quota authorized for the alternate vessel shall revert to its directed fishery permit holder.

VA.R. Doc. No. R07-145; Filed January 31, 2007, 9:39 a.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Fast-Track Regulation

Title of Regulation: **8 VAC 20-350. Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits (repealing 8 VAC 20-350-10 through 8 VAC 20-350-660).**

Statutory Authority: §§ 22.1-16, 22.1-321 and 22.1-327 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on April 23, 2007.

(See Calendar of Events section for additional information)

Effective Date: May 8, 2007.

Agency Contact: Dr. Margaret N. Roberts, Office of Policy and Communications, Department of Education, Post Office Box 2120, 101 N. 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, or email margaret.roberts@doe.virginia.gov.

Basis: Section 22.1-16 of the Code of Virginia vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1 of the Code of Virginia.

Purpose: This regulation governs private career schools. The management of these proprietary schools was transferred to the State Council of Higher Education for Virginia (SCHEV) by the 2004 Session of the General Assembly via House Bill 637.

In accordance with that legislation, the Virginia Board of Education's regulations remained in effect until SCHEV could promulgate regulations to govern those schools. SCHEV promulgated the Regulations Governing Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates, 8 VAC 40-31, and they became effective on August 24, 2006. As of that date, the Board of Education's regulations concerning the private career schools were no longer in effect.

Private day schools for students with disabilities were also governed by the Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits. In 2004, the Board of Education promulgated Regulations Governing the Operation of Private Day Schools for Students with Disabilities, 8 VAC 20-670, to govern those schools. These regulations became effective on September 10, 2004.

Therefore, these regulations have been replaced by two new regulations and must be repealed.

Rationale for Using Fast-Track Process: The fast track process is applicable because the repeal of this regulation is noncontroversial.

Substance: There are no substantive changes. The regulation is being repealed.

Issues: The advantage to the Board of Education is the repeal of a regulation that is no longer in effect. The advantage to the public is the elimination of the confusion created by having two sets of regulations purporting to govern the same schools. There are no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Board of Education (board) proposes to repeal these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. These regulations governed proprietary career schools and private day schools for students with disabilities. The regulatory authority over proprietary career schools was transferred to the State Council of Higher Education for Virginia (SCHEV) by the 2004 Session of the General Assembly via House Bill 637. SCHEV promulgated regulations to govern proprietary career schools that became effective on August 24, 2006. As of that date the portion of these regulations that specify governance of proprietary career schools became nullified. Repealing those regulatory sections will be beneficial in that the repeal will eliminate the potential for the public to be misled into thinking that these specific rules still apply.

The board promulgated new regulations governing private day schools for students with disabilities, 18 VAC 20-670, Regulations Governing the Operation of Private Day Schools for Students with Disabilities, which became effective September 10, 2004.¹ In practice the board and the Department of Education have applied the rules specified in

¹ A Department of Planning and Budget Economic Impact Analysis report dated January 13, 2003 addresses the effects of the proposed changes in regulation of private day schools for students with disabilities due to the differences in language in 18 VAC 20-670 versus 18 VAC 20-350.

18 VAC 20-670, and not the rules specified within 18 VAC 20-350. Thus, repealing 18 VAC 20-350 will be beneficial in that the repeal will eliminate the potential for the public to be misled into thinking that the regulations in 18 VAC 20-350 still apply.

Businesses and Entities Affected. The proposed repeal of these regulations is unlikely to significantly affect businesses or other entities.

Localities Particularly Affected. These regulations do not disproportionately affect specific Virginia localities.

Projected Impact on Employment. The proposed repeal of these regulations is unlikely to affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations is unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations is unlikely to significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations is unlikely to significantly affect small businesses.

Legal Mandate. 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 36 (06). 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency agrees with the economic impact analysis done by DPB. The agency will

continue to examine the economic and administrative impact of the regulations as they progress through the Administrative Process Act process.

Summary:

This regulation governs two different types of schools: private career schools and private day schools for students with disabilities. The private career schools have been transferred to the State Council of Higher Education for Virginia. That agency promulgated regulations to govern the private career schools and they became effective on August 24, 2006. The private day schools for students with disabilities remain under the purview of the Department of Education. New regulations were promulgated governing those schools and they became effective on September 10, 2004. Therefore, this regulation is being repealed.

VA.R. Doc. No. R07-141; Filed January 31, 2007, 11:03 a.m.



TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Fast-Track Regulation

Titles of Regulation: 9 VAC 25-720. Water Quality Management Planning Regulation (amending 9 VAC 25-720-60).

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC § 1313 of the federal Clean Water Act.

Public Hearing Date: April 3, 2007 - 1 p.m.

Public comments may be submitted until 5 p.m. on April 20, 2007.

(See Calendar of Events section for additional information)

Effective Date: May 21, 2007.

Agency Contact: John Kennedy, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4312, FAX (804) 698-4116, or email jmkennedy@deq.virginia.gov.

Basis: Section 62.1-44.15 of the Code of Virginia is the source of legal authority identified to promulgate these amendments.

The scope and purpose of the State Water Control Law is to protect and to restore the quality of state waters, to safeguard the clean waters from pollution, to prevent and to reduce pollution and to promote water conservation. The State Water Control Law at § 62.1-44.15 (10) of the Code of Virginia mandates the board to adopt such regulations as it deems necessary to enforce the general water quality

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management program of the board in all or part of the Commonwealth. In addition, § 62.1-44.15 (14) requires the board to establish requirements for the treatment of sewage, industrial wastes and other wastes that are consistent with the purposes of this chapter. The specific effluent limits needed to meet the water quality goals are discretionary.

The correlation between the proposed regulatory action and the legal authority identified above is that the amendments being considered are modifications of the current requirements for the treatment of wastewater that will contribute to the attainment of the Virginia Water Quality Standards.

Purpose: The purpose of this rulemaking is to amend the total phosphorus waste load allocation for the Tyson Foods-Glen Allen Facility (VA0004031) under the Water Quality Management Planning (WQMP) Regulation, 9 VAC 25-720. This action is being proposed to make the WQMP allocation figure consistent with the phosphorus waste load allocated to this plant under a Total Maximum Daily Load (TMDL) study of the Chickahominy River, a tributary of the James River.

Achievement of the point source effluent limitations governed by the proposed amendments will aid in compliance with Virginia's new tidal water quality standards and are reasonably expected to contribute to the attainment or maintenance of such water quality. The proposed amendments will meet the board's responsibility to protect state waters by adopting regulations that are technically correct, necessary and reasonable.

Rationale for Using Fast-Track Process: The proposed amendments are expected to be noncontroversial, and therefore justify using the fast-track process. The nutrient waste load allocations assigned to significant dischargers under amendments to the Water Quality Management Planning (WQMP) Regulation, 9 VAC 25-720, adopted by the board in 2005 used a consistent approach of coupling full design flow with stringent nutrient reduction technology. Making the Tyson Foods-Glen Allen facility's total phosphorus waste load allocation figure consistent under the Chickahominy TMDL study and the WQMP regulation is protective of water quality in both the nearby receiving stream and the tidal James River downstream. The TMDL study concluded that a total phosphorus waste load allocation for Tyson Foods of 409 lbs/yr was protective of local receiving waters, and the proposed 83 lb/yr increase in the WQMP Regulation is insignificant in the context of the entire James River Basin's phosphorus waste load allocation of 1.35 million lbs/yr. The computer modeling used to simulate water quality conditions resulting from the board-adopted total nutrient waste load allocations in the James is not sensitive enough to respond to this extremely small loading change, and would predict virtually the same acceptable compliance with the new tidal water quality standards.

Substance: In 9 VAC 25-720-60 C, for the Tyson Foods-Glen Allen facility (VA0004031), the total phosphorus (TP) waste load allocation figure is revised from 326 to 409 pounds per year. Also revised is the total basin TP waste load allocation figure from 1,354,292 to 1,354,375 pounds per year.

Issues: The public will benefit as these amendments will result in the discharge of reduced amounts of nutrients in the Chesapeake Bay watershed compared to current levels. This, in turn, will aid in water quality restoration in the bay and its tributary rivers, and assist in meeting the water quality standards necessary for protection of the living resources that inhabit the bay. Tyson Foods-Glen Allen will benefit, being able to proceed with plans to invest approximately \$3.5 million over the next four years for wastewater facility upgrades to meet total nitrogen and total phosphorus discharge limits, using current design plans and avoiding delays in the compliance schedule. There is no disadvantage to the agency or the Commonwealth that will result from the adoption of these amendments.

Requirements More Restrictive than Federal: Notification was sent February 18, 2005, to the appropriate General Assembly committees in accordance with § 62.1-44.15 (10) of the Code of Virginia describing provisions of the nutrient discharge control regulations, finally adopted by the board in late 2005, which may be more restrictive than applicable federal requirements along with the reason why those provisions were needed. Because EPA has no specific regulation that establishes nutrient effluent limits in permits, some might view the proposals as more stringent than federal requirements and for this reason the General Assembly was notified during the original rulemaking to ensure the intent of the code was met. The proposed amendment has the effect of slightly increasing the phosphorus waste load allocation for the Tyson Foods-Glen Allen facility.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation: The State Water Control Board proposes to amend the Water Quality Management Planning (WQMP) Regulation so that the total phosphorus waste load allocation figure is consistent with the total maximum daily load (TMDL) study and the discharge limitation in the Virginia Pollution Discharge Elimination System (VPDES) permit issued to Tyson Foods (Glen Allen facility).

Result of Analysis. The benefits likely exceed the costs for this proposed regulatory change.

Estimated Economic Impact. In November 2005, the Department of Environmental Quality (DEQ) reissued a discharge permit for Tyson Foods' Glen Allen, VA processing plant. The total phosphorus limit allowed by this permit, and recommended by the TMDL study, is 409 lbs. per year. Coincidentally, at the time DEQ issued this discharge

permit, total phosphorus waste load allocation contained in this regulation (9 VAC 25-720) was in the process of being finalized. Because the WQMP Regulation's allowable total phosphorus limit (expressed in lbs per year) was calculated using slightly different assumptions than used to calculate allowable phosphorus discharge under the TMDL study for Tyson Food's permit, Tyson Foods' phosphorus allowance was listed in the WMQP Regulation as 326 lbs per year.

DEQ proposes to re-amend the WQMP Regulation so that it is consistent with Tyson Food's discharge permit. DEQ reports that the permit issued to Tyson Foods allows discharge levels that are stringent enough to protect James River basin water quality; therefore this regulatory change will not have an adverse impact on the public use of affected waterways. This proposed regulatory change will benefit the citizens of the Commonwealth, and Tyson Foods particularly, by removing an inconsistency in public documents (Virginia Administrative Code and discharge permits accessible by the public) that might cause confusion. Absent this regulatory action, and because the more restrictive allowance would have applied, Tyson Foods would have had to either secure total phosphorus credits for the difference in their permitted discharge level and the discharge allotted to them by the current WMPQ Regulation (409 lbs/yr-326 lbs/yr =83 lbs/yr) or upgrade their plant so that these total phosphorus credits would be unnecessary. This proposed regulatory action will save Tyson Foods the cost of buying those total phosphorus credits (or upgrading their plant). Since it is probable that Tyson Foods would have increased the price of their product to help defray the additional cost incurred, this proposed regulation will likely also help keep poultry prices down for consumers.

Businesses and Entities Affected. Tyson Foods and its 580 employees will be affected by this proposed regulatory change.

Localities Particularly Affected. Henrico County, where the Tyson Foods processing plant is located, will be particularly affected by this proposed regulatory action.

Projected Impact on Employment. This proposed regulatory change will likely keep employment levels at the Tyson Foods' plant at their present levels. If this regulatory action were not promulgated, employment at Tyson Foods could potentially decrease.

Effects on the Use and Value of Private Property. This proposed regulatory change will likely stop Tyson Foods' costs from increasing by either 1) the value of total phosphorus credits that they would have had to buy in order to discharge the amount of phosphorus allowed by their permit or by 2) the cost of upgrades to their processing plant that would have rendered additional total phosphorus credits unnecessary. Absent this regulatory change, Tyson Foods' profits would have likely decreased by the price of the needed

total phosphorus credits (or plant upgrades) minus the portion of that cost that they may have been able to pass on to their customers. A market for nutrient credits is just being established so no estimates are available for the cost Tyson would have incurred to discharge 409 lbs of phosphorus per year. Tyson Foods estimates, however, that plant upgrades would have cost millions of dollars.

Small Businesses: Costs and Other Effects. No small businesses in the Commonwealth will be affected by this proposed regulatory change.

Small Businesses: Alternative Method that Minimizes Adverse Impact. No small businesses in the Commonwealth will be affected by this proposed regulatory change.

Legal Mandate. 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. Further, if the proposed regulation has adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency 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 revises the total phosphorus waste load allocation for the Tyson Foods-Glen Allen Facility (VA0004031) located in the James basin.

In November 2005, the Tyson Foods-Glen Allen facility's discharge permit (VA0004031) was reissued with a total phosphorus (TP) limit of 409 lbs/yr, based on a Total Maximum Daily Load (TMDL) study. TMDL waste load

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allocations are calculated using a combination of design flow in million gallons per day, effluent concentration in mg/L, and number of days discharging per year. The TMDL allocation was determined in relation to the sustainable phosphorus levels in the nearby receiving stream that would be protective of water quality. Coincidentally at this time, the TP waste load allocation under 9 VAC 25-720 was being finalized, with an underlying assumption that the TMDL requirement would also serve as the WQMP allocation. In other words, the WQMP allocation associated with the total James basin nutrient loads would not be more stringent than what was necessary to protect local water quality. It is now apparent that the WQMP allocation (TP = 326 lbs/yr) used a differing assumption for the design flow figure, which is affected by the fact that the facility is operated fewer than seven days per week, but the allocation is expressed in pounds per year. The design flow and TP concentration bases for the TMDL and WQMP waste load allocations have been reviewed and made consistent, with the result being an identical figure of 409 lbs/yr for both discharge limitations.

9 VAC 25-720-60. James River Basin.

EDITOR'S NOTE: No changes are proposed to subsections A and B; therefore, the text of those subsections is not set out.

C. Nitrogen and phosphorus waste load allocations to restore the Chesapeake Bay and its tidal rivers.

The following table presents nitrogen and phosphorus waste load allocations for the identified significant dischargers and the total nitrogen and total phosphorus waste load allocations for the local facilities.

Virginia Water-body ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Waste Load Allocation (lbs/yr)	Total Phosphorus (TP) Waste Load Allocation (lbs/yr)
I37R	Buena Vista STP	VA0020991	41,115	3,426
I09R	Clifton Forge STP	VA0022772	36,547	3,046
I09R	Covington STP	VA0025542	54,820	4,568
H02R	Georgia Pacific	VA0003026	122,489	49,658
I37R	Lees Carpets	VA0004677	30,456	12,182
I35R	Lexington-Rockbridge WQCF	VA0088161	54,820	4,568
I09R	Low Moor STP	VA0027979	9,137	761
I09R	Lower Jackson River STP	VA0090671	27,410	2,284
I04R	MeadWestvaco	VA0003646	394,400	159,892
H12R	Amherst STP	VA0031321	10,964	914
H05R	BWX Technologies Inc.	VA0003697	187,000	1,523
H05R	Greif Inc.	VA0006408	73,246	29,694
H31R	Lake Monticello STP	VA0024945	18,182	1,515
H05R	Lynchburg STP (1)	VA0024970	536,019	33,501
H28R	Moore's Creek Regional STP	VA0025518	274,100	22,842
H38R	Powhatan CC STP	VA0020699	8,588	716
J11R	Crewe WWTP	VA0020303	9,137	761
J01R	Farmville WWTP	VA0083135	43,856	3,655
G02E	R. J. Reynolds	VA0002780	25,583	1,919
G01E	E I du Pont - Spruance	VA0004669	201,080	7,816
G01E	Falling Creek WWTP	VA0024996	153,801	15,380
G01E	Henrico County WWTP	VA0063690	1,142,085	114,209
G03E	Honeywell - Hopewell	VA0005291	1,090,798	51,592
G03R	Hopewell WWTP	VA0066630	1,827,336	76,139
G15E	HRSD - Boat Harbor STP	VA0081256	740,000	76,139
G11E	HRSD - James River STP	VA0081272	1,250,000	60,911
G10E	HRSD - Williamsburg STP	VA0081302	800,000	68,525
G02E	Philip Morris - Park 500	VA0026557	139,724	2,650
G01E	Proctors Creek WWTP	VA0060194	411,151	41,115
G01E	Richmond WWTP (1)	VA0063177	1,096,402	68,525

G02E	Dominion-Chesterfield (2)	VA0004146	352,036	210
J15R	South Central WW Authority	VA0025437	350,239	35,024
G07R	Chickahominy WWTP	VA0088480	6,167	123
G05R	Tyson Foods – Glen Allen	VA0004031	19,552	326 409
G11E	HRSD – Nansemond STP	VA0081299	750,000	91,367
G15E	HRSD – Army Base STP	VA0081230	610,000	54,820
G15E	HRSD – VIP WWTP	VA0081281	750,000	121,822
G15E	JH Miles & Company	VA0003263	153,500	21,500
C07E	HRSD – Ches.-Elizabeth STP	VA0081264	1,100,000	108,674
	TOTALS		14,901,739	1,354,292 1,354,375

NOTES: (1) Waste load allocations for localities served by combined sewers are based on dry weather design flow capacity. During wet weather flow events the discharge shall achieve a TN concentration of 8.0 mg/l and a TP concentration of 1.0 mg/l.

(2) Waste load allocations are “net” loads, based on the portion of the nutrient discharge introduced by the facility’s process waste streams, and not originating in raw water intake.

VA.R. Doc. No. R06-290; Filed January 24, 2007, 10:47 a.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Final Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 30-130. Amount, Duration and Scope of Selected Services (amending 12 VAC 30-130-900, 12 VAC 30-130-910 and 12 VAC 30-130-930).

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

Effective Date: March 21, 2007.

Agency Contact: Catherine Hancock, Policy and Research Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4272, FAX (804) 786-1680, or email catherine.hancock@dmas.virginia.gov.

Summary:

The Deficit Reduction Act of 2005, Section 6052, states that case management services may not include direct services to clients. The Deficit Reduction Act also prohibits Medicaid reimbursement for case management services for which a third party is liable for payment, including medical, social, educational, or other program services. These final exempt changes eliminate references to direct services and services that can be reimbursed by other programs. The agency had no discretion in making these changes, which will ensure compliance with the Deficit Reduction Act of 2005.

12 VAC 30-130-900. Definitions.

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

"Case management" means an activity, ~~including casework,~~ that assists Medicaid eligibles in gaining and coordinating access to necessary care and services appropriate to his needs.

~~"Casework" means both direct treatment with an individual or several individuals, and intervention in the situation on the client's behalf. The objectives of casework include meeting the client's needs, helping the client deal with the problem with which he is confronted, strengthening the client's capacity to function productively, lessening distress, and enhancing opportunities and capacities for fulfillment.~~

"Child" means any individual less than 18 years of age or under 21 if placed by a local department of social services or through referral from a Family Assessment and Planning Team.

"Child's family" means the birth or adoptive parent or parents, legal guardian or guardians, or family to whom the child may return.

"Child placing agency," "agency" or "agencies" means any person who places children in foster homes, adoptive homes, child-caring institutions or independent living arrangements in response to §§ 63.1-204, 63.1-205, and 63.1-219.28 of the Code of Virginia or a local board of public welfare or social services that places children in foster homes or adoptive homes pursuant to §§ 63.1-56, 63.1-204, and 63.1-219.28 of the Code of Virginia. Officers, employees, or agents of the

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Commonwealth, or of any county, city, or town, acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed if authorized by the Code of Virginia to provide the services of a child-placing agency.

"Client" means Medicaid-eligible and enrolled individual.

"Community Planning and Management Team" means a team described in § 2.1-750 of the Code of Virginia.

"Comprehensive Services Act" means § 2.1-745 et seq. of the Code of Virginia.

"Department" or "DMAS" means the Department of Medical Assistance Services.

"Family Assessment and Planning Team" means a team described in §§ 2.1-753, 2.1-754, and 2.1-755 of the Code of Virginia.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board or the public agency designated by the community policy and management team where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or child-placing agency.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child under age 21 who is abused or neglected as defined, except for age, in § 63.1-248.2 of the Code of Virginia or in need of services as defined in § 16.1-228 of the Code of Virginia and to his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or the public agency designated by the community policy and management team and the parents or guardians, and (iii) has been committed or entrusted to a local board of social services or child-placing agency.

"Foster home" means the place of residence of any individual or individuals approved by a local department of social services or licensed child placing agency in which any child other than a child by birth or adoption resides as a member of the household.

"Initial plan of care" means a written plan that delineates the services that are to be provided to the child at admission.

"Records" means the written information assembled in a file relating to the agency, staff, volunteers, the child, the child's birth family, the child's foster family, the child's treatment foster family, and the child's adoptive family.

"Treatment" is the coordinated provision of services and use of professionally developed and supervised interventions

designed to produce a planned outcome in a person's behavior, attitude, emotional functioning or general condition.

"Treatment and service plan" means a written comprehensive plan of care, based on an assessment of the medical, psychological, social, behavioral and developmental aspects of the child's situation, containing measurable goals, procedures and interventions for achieving them, and a process for assessing the results. The treatment plan must state the treatment objectives; prescribe an integrated program of therapies, activities, and experiences designed to meet the objectives; and must include coordination with related community services to ensure continuity of care with the child's family, school and community.

"Treatment foster care (TFC)" means a community-based program where services are designed to address the special needs of children. Services to the children are delivered primarily by treatment foster parents who are trained, supervised, and supported by agency staff. Treatment is primarily foster family based and is planned and delivered by a treatment team.

Treatment foster care focuses on a continuity of services, is goal-directed, and results oriented, and emphasizes permanency planning for the child in care.

"Treatment team" means the group that may consist of the child, professional agency staff, other professionals, the child's family members (where appropriate), and the child-placing agency and treatment foster parents who provide mutual support, evaluate treatment, and design, implement and revise the treatment and service plan.

12 VAC 30-130-910. Targeted case management for foster care children in treatment foster care covered services.

Service description. Case management is a component of treatment foster care (TFC) through which a case manager ~~or caseworker provides treatment planning, treatment services,~~ monitors the treatment plan and links the child to other community resources as necessary to address the special identified needs of the child. Services to the children shall be delivered primarily by treatment foster parents who are trained, supervised and supported by professional child-placing agency staff. TFC case management focuses on a continuity of services, is goal directed, and results oriented, ~~and emphasizes permanency planning for the child in care.~~ Services shall not include room and board. The following activities are considered covered services related to TFC case management services-:

1. ~~Placement activities, which may include, but are not restricted to, care~~ Care planning, ~~placement~~ monitoring of the plan of care, and discharge planning;
2. Case management ~~and casework services;~~ and

3. ~~Supervision of foster parents to evaluate~~ Evaluation of the effectiveness of the child's plan of treatment.

12 VAC 30-130-930. Organization and administration requirements.

A. These standards shall be met by any enrolled provider signing an agreement with DMAS to provide case management services to children in treatment foster care.

B. A Medicaid enrolled treatment foster care case management provider must be licensed by the Department of Social Services (DSS) as a child-placing agency with treatment foster care as defined in this part or shall be certified by DSS as designated by DMAS to meet all the requirements of this part. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed but shall be required to be certified to meet all the requirements of this part by the DSS.

C. Treatment and service plans in treatment foster care.

1. The treatment foster care case management provider shall prepare and implement an individualized treatment and service plan for each child in its care. When available, the parents shall be consulted unless parental rights have been terminated. If the parents cannot be consulted, the agency shall document the reason in the child's record.

2. When the treatment foster care case management provider holds custody of the child, a service plan shall be filed with the court within 60 days after the agency receives custody unless the court grants an additional 60 days, or the child is returned home or placed for adoption within 60 days. Providers with legal custody of the child shall follow the requirements of §§ 16.1-281 and 16.1-282 of the Code of Virginia.

3. The permanency planning goals and the requirements and procedures in the Department of Social Services Service Programs Manual, Volume VII, Section III, Chapter B, "Preparing the Initial Service Plan" may be consulted.

4. The initial plan of care for services to the child must be developed within two weeks of placement.

5. Comprehensive treatment and service plan. The case manager and other designated child-placing agency staff shall develop and implement for each child in care an individualized comprehensive treatment and service plan within the first 45 days of placement that shall include:

- a. A comprehensive assessment of the child's emotional, behavioral, educational, nutritional, and medical needs;
- b. The treatment goals and objectives including the child's specific problems, behaviors and skills to be

addressed, the criteria for achievement and target dates for each goal and objective;

c. The treatment foster care case management provider's program of therapies, activities and services, including the specific methods of intervention and strategies designed to meet the above goals and objectives, and describing how the provider is working with related community resources, including the child's primary care physician, to provide a continuity of care;

d. The ~~permanency planning discharge~~ goals and objectives, services to be provided for their achievement, and plans for reunification of the child and the child's family, where appropriate. Unless specifically prohibited by court order, foster children shall have access to regular contact with their families.

e. The target date for discharge from ~~the program~~ treatment foster care case management;

f. For children age 16 and over, the plan shall include a description of the programs and services that will help the child transition from foster care to independent living; and

g. The dated signature of the case manager and the identity of all members of the treatment team that participated in the plan's development.

6. The case manager shall include and work with the child, the custodial agency, the treatment foster parents and the parents, where appropriate, in the development of the treatment and service plan and a copy shall be provided to the custodial agency. A copy shall be provided to the treatment foster parents as long as confidential information about the child's birth family is not revealed. A copy shall be provided to the parents, if appropriate, as long as confidential information about the treatment foster parents is not revealed. If any of these parties do not participate in the development of the treatment and service plan, the case manager shall document the reasons in the child's record.

7. The case manager shall provide ~~supervision, training,~~ support and guidance to foster families in implementing the treatment and service plan for the child.

~~8. The case manager shall arrange for and encourage contact and visitation between the foster child, his family and others as specified in the treatment and service plan.~~

D. Progress report and ongoing services plans.

1. The case manager shall complete written progress reports beginning 90 days after the date of the child's placement and every 90 days thereafter.

2. The progress report shall specify the time period covered and include:

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a. Progress on the child's specific problems and behaviors and any changes in the methods of intervention and strategies to be implemented:

(1) Description of the treatment goals and objectives met, goals and objectives to be continued or added, the criteria for achievement and target dates for each goal and objective;

(2) Description of the therapies, activities, and services provided during the previous 90 days toward the treatment goals and objectives; and

(3) Any changes needed for the next 90 days;

b. Services provided during the last 90 days towards the ~~permanency planning discharge~~ goals, ~~including plans for reunification of the child and family or placement with relatives~~, any changes in these goals, the criteria for achievement and target dates for each goal and objective, and services to be provided during the next 90 days;

c. The child's assessment of his progress and his description of services needed, where appropriate;

d. Contacts between the child and the child's family, where appropriate;

e. Medical needs, specifying medical treatment provided and still needed and medications provided;

f. An update to the discharge plans, including the projected discharge date; and

g. A description of the programs and services provided to children ages 16 and older to help the child transition from foster care to independent living, where appropriate.

3. Annually, the progress report shall address the above requirements as well as evaluate and update the comprehensive treatment and service plan for the upcoming year.

4. The case manager shall date and sign each progress report.

5. The case manager shall include each child who has the ability to understand in the preparation of the child's treatment and service plans and progress reports or document the reasons this was not possible. The child's comments shall be recorded in the report.

6. The case manager shall include and work with the child, the treatment foster parents, the custodial agency and the parents, where appropriate, in the development of the progress report. A copy shall be provided to the placing agency worker and, if appropriate, to the treatment foster parents.

E. Contacts with child.

1. There shall be face-to-face contact between the case manager and the child, based upon the child's treatment and service plan and as often as necessary to ensure that the child is receiving safe and effective services.

2. Face-to-face contacts shall be no less than twice a month, one of which shall be in the foster home. One of the contacts shall include the child and at least one treatment foster parent and shall assess the relationship between the child and the treatment foster parents.

3. The contacts shall assess the child's progress, provide training and guidance to the treatment foster parents, monitor service delivery, and allow the child to communicate concerns.

4. A description of all contacts shall be documented in the narrative.

5. Children who are able to communicate shall be interviewed privately at least once a month.

6. Unless specifically prohibited by court or custodial agency, foster children shall have access to regular contact with their families as described in the treatment and service plan.

7. The case manager shall work actively to support and enhance child/family relationships and work directly with the child's family toward ~~reunification~~ discharge as specified in the treatment and service plan.

8. The case manager shall record all medications prescribed for each child and all reported side effects or adverse reactions.

F. Professional clinical or consultative services. In consultation with the custodial agency, the case manager or caseworker shall provide or arrange for a child to receive psychiatric, psychological, and other clinical services if the need for them has been recommended or identified.

G. Narratives in the child's record. Narratives shall be in chronological order and current within 30 days. Narratives shall include areas specified in this part and shall cover:

1. Treatment and services provided;

2. All contacts related to the child;

3. Visitation between the child and the child's family; and

4. Other significant events.

H. Treatment teams in treatment foster care.

1. The treatment foster care case management provider shall ensure that a professional staff person provides leadership to the treatment team that includes:

a. Managing team decision making regarding the care and treatment of the child and services to the child's family;

b. Providing information and training as needed to treatment team members; and

c. Involving the child and the child's family in treatment team meetings, plans, and decisions, and keeping them informed of the child's progress, whenever possible.

2. Treatment team members shall consult as often as necessary, but at least on a quarterly basis.

VA.R. Doc. No. R07-146; Filed January 31, 2007, 11:38 a.m.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Final Regulations

Titles of Regulations: **13 VAC 5-111. Enterprise Zone Program Regulation (repealing 13 VAC 5-111-10 through 13 VAC 5-111-40).**

13 VAC 5-112. Enterprise Zone Grant Program Regulation (adding 13 VAC 5-112-10 through 13 VAC 5-112-560).

Statutory Authority: § 59.1-541 of the Code of Virginia.

Effective Date: March 21, 2007.

Agency Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 North Second Street, Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090, or email steve.calhoun@dhcd.virginia.gov.

Summary:

The new regulation establishes the processes and procedures for the provision of the new Real Property Investment Grants and the new Job Creation Grants and establishes new enterprise zone administration processes and procedures as provided for in Chapter 49 (§§ 59.1-538 through 59.1-549) of Title 59.1 of the Code of Virginia.

The regulation also establishes the process and procedures for providing the Enterprise Zone Business Tax Credit, Enterprise Zone Real Property Investment Tax Credit and the Job Grants as provided for by amendments to §§ 59.1-279, 59.1-280, 59.1-280.1, 59.1-282.1 and 59.1-282.2 of the Code of Virginia.

The substantive changes made to the proposed regulations (i) allow for the acceptance of late grant applications, (ii) elaborate on the grant application submittal process, and (iii) expand the types of documentation the department will

accept to show project completion for the Real Property Investment grant.

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

[CHAPTER 112.
ENTERPRISE ZONE GRANT PROGRAM
REGULATION.]

PART I.
DEFINITIONS [AND PURPOSE].

13 VAC 5-112-10. Definitions.

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

"Agreed-upon procedures engagement" means an engagement between an independent certified public accountant licensed by the Commonwealth and the business or zone investor seeking to qualify for Enterprise Zone incentive grants [pursuant to § 59.1-549 of the Code of Virginia] whereby the independent certified public accountant, using procedures specified by the department, will test and report on the assertion of the business or zone investor as to their qualification to receive the Enterprise Zone incentive.

"Assumption or acquisition" means, in connection with a trade or business, that the inventory, accounts receivable, liabilities, customer list and good will of an existing Virginia company has been assumed or acquired by another taxpayer, regardless of a change in federal identification number or employees.

"Average number of permanent full-time employees" means the number of permanent full-time employees during each payroll period of a business firm's taxable year divided by the number of payroll periods. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20:

1. In calculating the average number of permanent full-time employees, a business firm may count only those permanent full-time employees who worked at least half of their normal workdays during the payroll period. Paid leave time may be counted as work time.

2. For a business firm that uses different payroll periods for different classes of employees, the average number of permanent full-time employees of the firm shall be defined as the sum of the average number of permanent full-time employees for each class of employee.

"Base taxable year" means either of two taxable years immediately preceding the first year of qualification, at the choice of the business firm. This definition applies only for

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the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Base year" means either of the two calendar years immediately preceding a qualified business firm's first year of grant eligibility, at the choice of the business firm.

"Building" means any construction meeting the common ordinarily accepted meaning of the term (building, a usually roofed and walled structure built for permanent use) where (i) areas separated by interior floors or other horizontal assemblies and (ii) areas separated by fire walls or vertical assemblies shall not be construed to constitute separate buildings, irrespective of having separate addresses, ownership or tax assessment configurations, unless there is a property line contiguous with the fire wall or vertical assembly.

"Business firm" means any corporation, partnership, electing small business (subchapter S) corporation, limited liability company, or sole proprietorship authorized to do business in the Commonwealth of Virginia [~~as well as~~. This shall also include] business and professional organizations and associations whose classification falls under sectors 813910 and 813920 of the North American Industry Classification Systems [~~provided they are not considered local service~~ and that generate the majority of their revenue from customers outside the Commonwealth].

"Capital lease" means a lease that meets one or more of the following criteria and as such is classified as a purchase by the lessee: the lease term is greater than 75% of the property's estimated economic life; the lease contains an option to purchase the property for less than fair market value; ownership of the property is transferred to the lessee at the end of the lease term; or the present value of the lease payments exceed 90% of the fair market value of the property.

"Common control" means those firms as defined by Internal Revenue Code § 52(b).

["~~Conduct of same trade or business" means the operations of a single company or related companies or companies under common control.~~]

"Department" means the Department of Housing and Community Development.

"Enterprise zone incentive grant" or "grant" means a grant provided for creating permanent full-time positions pursuant to § 59.1-282.1 of the Code of Virginia. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-200.

"Establishment" means a single physical location where business is conducted or where services or industrial operations are performed.

1. A central administrative office is an establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same firm.

2. An auxiliary unit is an establishment primarily engaged in performing supporting services to other establishments of the same firm. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-110.

"Existing business firm" means one that was actively engaged in the conduct of trade or business in an area prior to such an area being designated as an enterprise zone or that was engaged in the conduct of trade or business in the Commonwealth and relocates to begin operation of a trade or business within an enterprise zone. An existing business firm is also one that was not previously conducted in the Commonwealth by such taxpayer who acquires or assumes a trade or business and continues its operations. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Expansion" means an increase in square footage or the footprint of an existing nonresidential building via a shared wall, or enlargement of an existing room or floor plan. Pursuant to real property investment grants this shall include mixed-use buildings.

"Facility" means a complex of buildings, co-located at a single physical location within an enterprise zone, all of which are necessary to facilitate the conduct of the same trade or business. This definition applies to new construction, as well as to the rehabilitation and expansion of existing structures.

"Federal minimum wage" means the minimum wage standard as currently defined by the United States Department of Labor in the Fair Labor Standards Act, 29 USC § 201 et seq. Such definition applies to permanent full-time employees paid on an hourly or wage basis.

"Food and beverage service" means a business whose classification falls under subsector 722 Food Services and Drinking Places of North American Industry Classification System.

"Full month" means the number of days that a permanent full-time position must be filled in order to count in the calculation of the grant amount under 13 VAC 5-112-200 and 13 VAC 5-112-260. A full month is calculated by dividing the total number of days in calendar year by 12. A full month for the purpose of calculating job creation grants is equivalent to 30.416666 days.

"Grant-eligible position" means a new permanent full-time position created above the threshold number at an eligible business firm. Positions in retail, [~~local~~ personal] service or

food and beverage service shall not be considered grant-eligible positions.

"Grant year" means the calendar year for which a business firm applies for an enterprise zone incentive grant pursuant to § 59.1-282.1 of the Code of Virginia. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-200.

"Health benefits" means that at a minimum medical insurance is offered to employees and the employer shall offer to pay at least 50% of the cost of the premium at the time of employment and annually thereafter.

"Household" means all the persons who occupy a single housing unit. Occupants may be a single family, one person living alone, two or more families living together, or any group of related or unrelated persons who share living arrangements. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Household income" means all income actually received by all household members over the age of 16 from the following sources. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20:

1. Gross wages, salaries, tips, commissions, etc. (before deductions);
2. Net self-employment income (gross receipts minus operating expenses);
3. Interest and dividend earnings; and
4. Other money income received from net rents, Old Age and Survivors Insurance, social security benefits, pensions, alimony, child support, and periodic income from insurance policy annuities and other sources.

The following types of income are excluded from household income:

1. Noncash benefits such as food stamps and housing assistance;
2. Public assistance payments;
3. Disability payments;
4. Unemployment and employment training benefits;
5. Capital gains and losses; and
6. One-time unearned income.

When computing household income, income of a household member shall be counted for the portion of the income determination period that the person was actually a part of the household.

"Household size" means the largest number of household members during the income determination period. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Housing unit" means a house, apartment, group of rooms, or single room that is occupied or intended for occupancy as separate living quarters. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Income determination period" means the 12 months immediately preceding the month in which the person was hired. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Independent certified public accountant" means a public accountant certified and licensed by the Commonwealth of Virginia who is not an employee of the business firm seeking to qualify for state tax incentives and grants under this program.

"Job creation grant" means a grant provided under § 59.1-547 of the Code of Virginia.

"Jurisdiction" means the city or county which made the application to have an enterprise zone. In the case of a joint application, it means all parties making the application. Pursuant to enterprise zone designations made prior to July 1, 2005, this shall include towns.

"Large qualified business firm" means a qualified business firm making qualified zone investments in excess of \$15 million when such zone investments result in the creation of at least 50 permanent full-time positions. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Large qualified zone resident" means a qualified zone resident making qualified zone investments in excess of \$100 million when such qualified zone investments result in the creation of at least 200 permanent full-time positions. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-110.

["~~Local service" means a business that provides services primarily within the city or county in which the business is located. A service business where the majority of sales, or in the case of certain businesses, memberships, come from outside the city or county in which the business is located would not be considered a local service business and would be eligible to qualify for job creation grants pursuant to § 59.1-547 of the Code of Virginia. Pursuant to enterprise zone designations made prior to July 1, 2005, this shall include towns.]~~

"Local zone administrator" means the chief executive of the city or county, in which an enterprise zone is located, or his

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designee. Pursuant to enterprise zone designations made prior to July 1, 2005, this shall include towns.

"Low-income" means household income was less than or equal to 80% of area median household income during the income determination period. Persons who meet the definition of both low-income and zone resident may not be counted as both for purposes of meeting employment requirements for the general tax credit. Instead, qualifying business firms must claim these persons as either low-income or zone resident. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Median household income" means the dollar amount, adjusted for household size, as determined annually by the department for the city or county in which the zone is located. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Mixed use" means a building incorporating residential uses in which a minimum of 30% of the useable floor space will be devoted to commercial, office or industrial use. Buildings where less than 30% of the useable floor space is devoted to commercial, office or industrial use shall be considered primarily residential in nature and shall not be eligible for a grant under [~~13 VAC 5-112-110~~ 13 VAC 5-112-330]. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-330.

"Net loss" applies to firms that relocate or expand operations and means (i) after relocating into a zone, a business firm's gross permanent employment is less than it was before locating into the zone, or (ii) after a business firm locates or expands within a zone, its gross employment at its nonzone location or locations is less than it was before the zone location occurred.

"New business" means a business not previously conducted in the Commonwealth by such taxpayer and that begins operation in an enterprise zone after the zone was designated. A new business is also one created by the establishment of a new facility and new permanent full-time employment by an existing business firm in an enterprise zone and does not result in a net loss of permanent full-time employment outside the zone. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"New construction" means a single, nonresidential facility built on previously undeveloped land of a nonresidential structure built on the site/parcel of a previously razed structure with no remnants of the prior structure or physical connection to existing structures or outbuildings on the property. Pursuant to real property investment grants this shall include mixed-use buildings.

"Number of eligible permanent full-time positions" means the amount by which the number of permanent full-time positions at a business firm in a grant year exceeds the threshold number. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-200 and 13 VAC 5-112-260.

"Payroll period" means the period of time for which a business firm normally pays its employees.

"Permanent full-time employee" means a person employed by a business firm who is normally scheduled to work either (i) a minimum of 35 hours per week for the entire normal year of the business firm's operations, which normal year must consist of at least 48 weeks, (ii) a minimum of 35 hours per week for a portion of the taxable year in which the employee was initially hired for, or transferred to the business firm, or (iii) a minimum of 1,680 hours per year if the standard fringe benefits are paid by the business firm for the employee. Permanent full-time employee also means two or more individuals who together share the same job position and together work the normal number of hours a week as required by the business firm for that one position. Seasonal, temporary, leased or contract labor employees or employees shifted from an existing location in the Commonwealth to a business firm location within an enterprise zone shall not qualify as permanent full-time employees. This definition only applies to business firms for the purpose of qualifying for enterprise zone incentives pursuant to 13 VAC 5-112-20.

"Permanent full-time position" (for purposes of qualifying for grants pursuant to § 59.1-282.1 of the Code of Virginia) means a job of indefinite duration at a business firm located in an enterprise zone, requiring the employee to report to work within the enterprise zone, and requiring either (i) a minimum of 35 hours of an employee's time a week for the entire normal year of the business firm's operations, which normal year must consist of at least 48 weeks, (ii) a minimum of 35 hours of an employee's time a week for a portion of the taxable year in which the employee was initially hired for, or transferred to the business firm or (iii) a minimum of 1,680 hours per year if the standard fringe benefits are paid by the business firm for the employee. Seasonal, temporary, leased or contract labor positions, or a position created when a job function is shifted from an existing location in this Commonwealth to a business firm located within an enterprise zone shall not qualify as permanent full-time positions. This definition only applies for the purpose of qualifying for job grants pursuant to 13 VAC 5-112-200.

"Permanent full-time position" (for the purpose of qualifying for grants pursuant to § 59.1-547 of the Code of Virginia) means a job of indefinite duration at a business firm located within an enterprise zone requiring the employee to report to work within the enterprise zone; and requiring (i) a minimum of 35 hours of an employee's time per week for the entire normal year of the business firm's operation, which "normal

year" must consist of at least 48 weeks, (ii) a minimum of 35 hours of an employee's time per week for the portion of the calendar year in which the employee was initially hired for or transferred to the business firm, or (iii) a minimum of 1,680 hours per year. Such position shall not include (a) seasonal, temporary or contract positions, (b) a position created when a job function is shifted from an existing location in the Commonwealth to a business firm located with an enterprise zone, (c) any position that previously existed in the Commonwealth, or (d) positions created by a business that is simultaneously closing facilities in other areas of the Commonwealth.

["Personal service" means such positions classified under NAICS 812.]

"Placed in service" means [~~(i)~~] the final certificate of occupancy has been issued [or the final building inspection has been approved] by the local jurisdiction for real property improvements or real property investments [, or in cases where a project does not require permits, the licensed third party inspector's report that the project was complete]; or [~~(ii)~~ pursuant to 13 VAC 5-112-110] the first moment that machinery becomes operational and is used in the manufacturing of a product for consumption; or [~~(iii)~~] in the case of tools and equipment [~~it means,~~] the first moment they are used in the performance of duty or service.

"Qualification year" the calendar year for which a qualified business firm or qualified zone investor is applying for a grant pursuant to 13 VAC 5-112-260.

"Qualified business firm" means a business firm meeting the business firm requirements in 13 VAC 5-112-20 or 13 VAC 5-112-260 and designated a qualified business firm by the department.

"Qualified real property investment" (for purposes of qualifying for a real property investment grant) means the amount properly chargeable to a capital account for improvements to rehabilitate, expand or construct depreciable real property placed in service during the calendar year within an enterprise zone provided that the total amount of such improvements equals or exceeds (i) \$50,000 with respect to a single building or a facility in the case of rehabilitation or expansion or (ii) \$250,000 with respect to a single building or a facility in the case of new construction. Qualified real property investments include expenditures associated with (a) any exterior, interior, structural, mechanical or electrical improvements necessary to construct, expand or rehabilitate a building for commercial, industrial or mixed use; (b) excavations; (c) grading and paving; (d) installing driveways; and (e) landscaping or land improvements. Qualified real property investments shall include, but not be limited to, costs associated with demolition, carpentry, sheetrock, plaster, painting, ceilings, fixtures, doors, windows, fire suppression

systems, roofing, flashing, exterior repair, cleaning and cleanup.

Qualified real property investment shall not include:

1. The cost of acquiring any real property or building.
2. Other acquisition costs including (i) the cost of furnishings; (ii) any expenditure associated with appraisal, architectural, engineering, surveying, and interior design fees; (iii) loan fees, points, or capitalized interest; (iv) legal, accounting, realtor, sales and marketing, or other professional fees; (v) closing costs, permits, user fees, zoning fees, impact fees, and inspection fees; (vi) bids, insurance, signage, utilities, bonding, copying, rent loss, or temporary facilities incurred during construction; (vii) utility connection or access fees; (viii) outbuildings; (ix) the cost of any well or septic or sewer system; and (x) roads.
3. The basis of any property (i) for which a grant under this section was previously provided; (ii) for which a tax credit under § 59.1-280.1 of the Code of Virginia was previously granted; (iii) that was previously placed in service in Virginia by the qualified zone investor, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b); or (iv) that was previously in service in Virginia and has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person from whom it was acquired or Internal Revenue Code § 1014(a).

"Qualified zone improvements" (for purposes of qualifying for an Investment Tax Credit) means the amount properly chargeable to a capital account for improvements to rehabilitate or expand depreciable nonresidential real property placed in service during the taxable year within an enterprise zone, provided that the total amount of such improvements equals or exceeds (i) \$50,000 and (ii) the assessed value of the original facility immediately prior to the rehabilitation or expansion. Qualified zone improvements include expenditures associated with any exterior, structural, mechanical, or electrical improvements necessary to construct, expand or rehabilitate a building for commercial or industrial use.

1. Qualified zone improvements include, but are not limited to, the costs associated with excavation, grading, paving, driveways, roads, sidewalks, landscaping or other land improvements, demolition, carpentry, sheetrock, plaster, painting, ceilings, fixtures, doors, windows, fire suppression systems, roofing and flashing, exterior repair, cleaning and clean-up.
2. Qualified zone improvements do not include (i) the cost of furnishings; (ii) any expenditure associated with

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appraisal, architectural, engineering and interior design fees; (iii) loan fees, points or capitalized interest; (iv) legal, accounting, realtor, sales and marketing or other professional fees; (v) closing costs, permits, user fees, zoning fees, impact fees, inspection fees; (vi) bids insurance, signage, utilities, bonding, copying, rent loss, or temporary facilities incurred during construction; (vii) utility hook-up or access fees; (viii) outbuildings; (ix) the cost of any well, septic, or sewer system; or (x) cost of acquiring land or an existing building.

3. In the case of new nonresidential construction, qualified zone improvements also do not include land, land improvements, paving, grading, driveway, and interest. This definition applies only for the purposes of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-110.

"Qualified zone investment" means the sum of qualified zone improvements and the cost of machinery, tools and equipment used in manufacturing tangible personal property and placed in service on or after July 1, 1995. Machinery, equipment, tools, and real property that are leased through a capital lease and that are being depreciated by the lessee or that are transferred from out-of-state to a zone location by a business firm may be included as qualified zone investment. Such leased or transferred machinery, equipment, tools, and real property shall be valued using the depreciable basis for federal income tax purposes. Machinery, tools and equipment shall not include the basis of any property: (i) for which a credit was previously granted under § 59.1-280.1 of the Code of Virginia; (ii) that was previously placed in service in Virginia by the taxpayer, a related party, as defined by Internal Revenue Code § 267(b), or a trade or business under common control, as defined by Internal Revenue Code § 52(b); or (iii) that was previously in service in Virginia and has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person whom acquired it, or Internal Revenue Code § 1014(a). This definition applies only for the purposes of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-110.

"Qualified zone investor" means an owner or tenant of real property located within an enterprise zone who expands, rehabilitates or constructs such real property for commercial, industrial or mixed use. In the case of a tenant, the amounts of qualified zone investment specified in this section shall relate to the proportion of the property for which the tenant holds a valid lease. Units of local, state and federal government or political subdivisions shall not be considered qualified zone investors.

"Qualified zone resident" means an owner or tenant of nonresidential real property located in an enterprise zone who expands or rehabilitates such real property to facilitate the conduct of a trade or business by such owner or tenant within

the enterprise zone. In the case of a partnership, limited liability company or S corporation, the term "qualified zone resident" means the partnership, limited liability company or S corporation. This definition applies only for the purposes of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-110.

"Real property investment grant" means a grant made under § 59.1-548 of the Code of Virginia. This definition applies only for the purposes of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-330.

"Redetermined base year" means the base year for calculation of the number of eligible permanent full-time positions in a second or subsequent three-year grant period. If a second or subsequent three-year grant period is requested within two years after the previous three-year period, the redetermined base year will be the last grant year. The calculation of the redetermined base year employment will be determined by the number of positions in the preceding base year, plus the number of threshold positions, plus the number of permanent full-time positions receiving grants in the final year of the previous grant period. If a business firm applies for subsequent three-year periods beyond the two years immediately following the completion of a three-year grant period, the firm shall use one of the two preceding calendar years as the base year, at the choice of the business firm. This definition applies only for the purposes of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-200.

"Rehabilitation" means the alteration or renovation of all or part of an existing nonresidential building without an increase in square footage. Pursuant to real property investment grants this shall include mixed-use buildings.

"Regular basis" means at least once a month. This definition applies only for the purposes of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-260.

"Related party" means those as defined by Internal Revenue Code § 267(b).

"Report to work" means that the employee filling a permanent full-time position reports to the business' zone establishment on a regular basis.

"Retail" means a business whose classification falls under sectors 44-45 Retail Trade of North American Industry Classification System.

["Same trade or business" means the operations of a single company or related companies or companies under common control.]

"Seasonal employee" means any employee who normally works on a full-time basis and whose customary annual employment is less than nine months. For example, individuals hired by a CPA firm during the tax return season

in order to process returns and who work full-time over a three month period are seasonal employees.

"Small qualified business firm" means any qualified business firm other than a large qualified business firm. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20.

"Small qualified zone resident" means any qualified zone resident other than a large qualified zone resident. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-350 C.

"Subsequent base year" means the base year for calculating the number of grant-eligible positions in a second or subsequent five consecutive calendar year grant period. If a second or subsequent five-year grant period is requested within two years after the previous five-year grant period, the subsequent base year will be the last grant year. The calculation of this subsequent base year employment will be determined by the number of permanent full-time positions in the preceding base year, plus the number of threshold positions, plus the number of grant-eligible positions in the final year of the previous grant period. If a business firm applies for subsequent five consecutive calendar-year grant periods beyond the two years immediately following the completion of the previous five-year grant period, the business firm shall use one of the two preceding calendar years as subsequent base year, at the choice of the business firm.

"Tax due" means the amount of tax liability as determined by the Department of Taxation or the State Corporation Commission. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20 and 13 VAC 5-112-110.

"Tax year" means the year in which the assessment is made. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-110.

"Taxable year" means the year in which the tax due on state taxable income, state taxable gross receipts or state taxable net capital is accrued. This definition applies only for the purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20 and 13 VAC 5-112-110.

"Threshold number" means 110% of the number of permanent full-time positions in the base year for the first three-year period in which a business firm is eligible for an enterprise zone incentive grant. For a second and any subsequent three-year period of eligibility, the threshold means 120% of the number of permanent full-time positions in the applicable base year as redetermined for the subsequent three-year period. If such number would include a fraction, the threshold number shall be the next highest integer. Where there are no permanent full-time positions in the base year, the threshold will be zero. This definition applies only for the

purpose of qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-200.

"Threshold number" means an increase of four permanent full-time positions over the number of permanent full-time positions in the base year or subsequent base year.

"Transferred employee" means an employee of a firm in the Commonwealth that is relocated to an enterprise zone facility owned or operated by that firm.

"Useable floor space" means all space in a building finished as appropriate to the use(s) of the building as represented in measured drawings. Unfinished basements, attics, and parking garages would not constitute useable floor space. Finished common areas such as stairwells and elevator shafts should be apportioned appropriately based on the majority use (51%) of that floor(s).

"Wage rate" means the hourly wage paid to an employee inclusive of shift premiums and commissions. In the case of salaried employees, the hourly wage rate shall be determined by dividing the annual salary, inclusive of shift premiums and commissions, by 1,680 hours. Bonuses, overtime and tips are not to be included in the determination of wage rate.

"Zone" means an enterprise zone declared by the Governor to be eligible for the benefits of this program.

"Zone real property investment tax credit" means a credit provided to a large qualified zone resident pursuant to § 59.1-280.1 J of the Code of Virginia. This definition applies only for qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-110.

"Zone resident" means a person whose principal place of residency is within the boundaries of any enterprise zone. Persons who meet the definition of both low-income and zone resident may not be counted as both for purposes of meeting employment requirements for the general tax credit. Instead, qualifying business firms must claim these persons as either low-income or zone resident. Zone residency must be verified annually. This definition applies only for qualifying for Enterprise Zone incentives pursuant to 13 VAC 5-112-20 and 13 VAC 5-112-200.

PART II.

PROCEDURES FOR QUALIFYING FOR GENERAL TAX CREDIT.

13 VAC 5-112-20. Effective dates.

Beginning on July 1, 2005, small qualified and large qualified business firms shall be allowed a credit against taxes imposed by Articles 2 (Individuals; § 58.1-320 et seq.) and 10 (Corporations; § 58.1-400 et seq.) of Chapter 3; Chapter 12 (Bank Franchise; § 58.1-1200 et seq.) [;] Article 1 (Insurance Companies; § 58.1-2500 et seq.) of Chapter 25 or Article 2 (Telegraph, Telephone, Water, Heat, Light, Power

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and Pipeline Companies; § 58.1-2620 et seq.) of Chapter 26 of Title 58.1 of the Code of Virginia as provided in this regulation for up to 10 consecutive years in an amount equaling up to 80% of the tax due the first tax year, and up to 60% of the tax due for the second through tenth tax years.

The provisions of this section shall apply only as follows:

1. To those qualified business firms that have initiated use of enterprise zone tax credits pursuant to § 59.1-280 of the Code of Virginia on or before July 1, 2005;

2. To those small qualified business firms and large qualified business firms that have signed agreements with the Commonwealth regarding the use of enterprise zone tax credits in accordance with § 59.1-280 of the Code of Virginia on or before July 1, 2005; provided that in the case of small qualified business firms, the signed agreements must be based on proposals developed by the Commonwealth prior to November 1, 2004.

13 VAC 5-112-30. Computation of credit.

A. The amount of credit allowed shall be subject to the limitations provided by 13 VAC 5-112-20. An unused tax credit may not be applied to future years. Any credit not useable for the taxable year the credit was allowed shall not be carried back to a preceding taxable year. The credit is not refundable.

B. If, due to adjustments, the amount of actual tax liability as reported on the application changes, the amount of credit that the qualified business firm will be eligible to receive will not exceed the amount of credit authorized by the department. However, if, as a result of adjustments, the tax liability decreases from the amount stated on the application, the qualified business firm will receive a lower credit amount based on the new tax liability in accordance with the percentage amounts specified in 13 VAC 5-112-20.

C. For large qualified business firms, the percentage amounts of the income tax credits available to such qualified business firms under this section will have been determined by agreement between the department and the qualified business firm. The negotiated percentage amount shall not exceed the percentages specified by 13 VAC 5-112-30.

D. Tax credits provided for in this section shall only apply to taxable income of a qualified business firm attributable to the conduct of business within the enterprise zone. Any qualified business firm having taxable income from business activity both within and without the enterprise zone, shall allocate and apportion its Virginia taxable income attributable to the conduct of business as follows:

1. The portion of a qualified business firm's Virginia taxable income allocated and apportioned to business activities within an enterprise zone shall be determined by multiplying its Virginia taxable income by a fraction, the

numerator of which is the sum of the property factor and the payroll factor, and the denominator of which is two.

a. The property factor is a fraction. The numerator is the average value of real and tangible personal property of the business firm that is used in the enterprise zone. The denominator is the average value of real and tangible personal property of the business firm used everywhere in the Commonwealth.

b. The payroll factor is a fraction. The numerator is the total amount paid or accrued within the enterprise zone during the taxable period by the business firm for compensation. The denominator is the total compensation paid or accrued everywhere in the Commonwealth during the taxable period by the business firm for compensation.

2. The property factor and the payroll factor shall be determined in accordance with the procedures established in §§ 58.1-409 through 58.1-413 of the Code of Virginia for determining the Virginia taxable income of a corporation having income from business activities that is taxable both within and without the Commonwealth, mutatis mutandis.

3. If a qualified business firm believes that the method of allocation and apportionment hereinbefore prescribed as administered has operated or will operate to allocate or apportion to an enterprise zone a lesser portion of its Virginia taxable income that is reasonably attributable to a business conducted within the enterprise zone, it shall be entitled to file with the Department of Taxation a statement of its objections and of such alternative method of allocation or apportionment as it believes to be appropriate under the circumstances with such detail and proof and within such time as the Department of Taxation may reasonable prescribe. If the Department of Taxation concludes that the method of allocation or apportionment employed is in fact inequitable or inapplicable, it shall redetermine the taxable income by such other method of allocation or apportionment as best seems calculated to assign to an enterprise zone the portion of the qualified business firm's Virginia taxable income reasonably attributable to business conducted within the enterprise zone.

E. In the event that taxpayer requests exceed the Commonwealth's annual fiscal limitation, each taxpayer shall be granted a pro rata amount as determined by the department. The amount of such prorated credit shall be determined by applying a fraction, the numerator of which shall be the gross credits requested by the taxpayer for such year, and the denominator of which shall be the total gross credits requested by all taxpayers for such year, to the Commonwealth's annual financial limitation. The credit that may be requested each year shall be subject to the limitations provided by 13 VAC 5-112-40 and 13 VAC 5-112-130.

13 VAC 5-112-40. Annual fiscal limitations.

A. The total amount of tax credits awarded to small and large qualified business firms under this section and qualified large zone residents in 13 VAC 5-112-110 shall not exceed \$7.5 million annually until the end of fiscal year 2019 as provided for in §§ 59.1-280 and 59.1-280.1 of the Code of Virginia.

B. Upon receiving applications for tax credits under this section and 13 VAC-5-112-110, the department shall determine the amount of the tax credit to be allocated to each eligible business firm. In the event that the amount of tax credits to which all applicants qualifying under this section and 13 VAC-5-112-110 are eligible, exceeds \$7.5 million annually, the tax credits shall be apportioned among eligible applicants pro rata, based upon the amount of the tax credits to which an applicant is eligible and the amount of tax credits available for allocation.

13 VAC 5-112-50. Qualified business.

Qualification for the credit can occur by satisfying the criteria in subdivisions 1 through 3 of this section. Any business firm may be designated a qualified business for the purpose of this credit if:

1. A business firm establishes within an enterprise zone a trade or business not previously conducted in the Commonwealth of Virginia by such taxpayer, and at least 25% or more (except for businesses qualifying prior to July 1, 1997, when it shall be at least 40% or more) of the permanent full-time employees employed at the business firm's establishment or establishments located within the enterprise zone must either have incomes below 80% of the median income for the jurisdiction prior to employment or be zone residents. Zone residency will be subject to annual verification, while low-income status verification is only required upon initial employment. A new business is also one created by the establishment of a new facility and new permanent full-time employment by an existing business firm in an enterprise zone and does not result in a net loss of permanent full-time employment outside the zone.

2. A business firm is actively engaged in the conduct of a trade or business in the Commonwealth of Virginia, and increases the average number of permanent full-time employees employed at the business firm's establishment or establishments located within the enterprise zone by at least 10% over base taxable years' employment with no less than 25% (except for businesses qualifying prior to July 1, 1997, when it shall be no less than 40%) of such increase being employees who have incomes below 80% of the median income for the jurisdiction prior to employment or are zone residents. In the event that a company has activities both inside and outside the enterprise zone, the business firm may not aggregate activity from outside the zone for calculation of employment increase. Other employment

positions that shall not be used in the calculation of the 10% employment increase are referred to in subdivision 3 of this section and 13 VAC 5-112-90.

3. A business firm is actively engaged in the conduct of a trade or business in the Commonwealth and relocates to begin operation of a trade or business within an enterprise zone and increases the average number of permanent full-time employees by at least 10% over the base taxable years' employment with no less than 25% or more (except for businesses qualifying prior to July 1, 1997, when it shall be at least 40% or more) of such increase being employees who have incomes below 80% of the median income for the jurisdiction prior to employment or are zone residents. Current employees of the business firm that are transferred directly to the enterprise zone facility from another site within the state resulting in a net loss of employment at that site shall not be included in calculating the increase in the average number of permanent full-time employees by the business firm within the enterprise zone.

4. If a business firm is actively engaged in the conduct of a trade or business in the Commonwealth and its operations continue following its assumption or acquisition by another entity, the resulting entity must meet the requirements for qualification described in subdivision 3 of this section and 13 VAC 5-112-90.

5. A business firm located within a locality's enterprise zone or zones that moves to another location within that locality's enterprise zone or zones must meet the requirements for qualification described in subdivisions 1, 2, or 3 of this section and 13 VAC 5-112-90.

6. A business firm moving from one locality's enterprise zone to another locality's enterprise zone prior to being qualified shall be subject to the requirements described in subdivision 3 of this section and 13 VAC 5-112-90.

7. A business firm that has already qualified for enterprise zone incentives and moves from one locality's enterprise zone into another locality's enterprise zone shall no longer be qualified unless the firm increases its permanent full-time employment by an additional 10% over the last year of qualification.

8. Large qualified business firms must meet the terms of their documented negotiation agreement with the Department pursuant to subdivision 2 of 13 VAC 5-112-20, prior to seeking initial qualification under this section.

9. The business firm must certify annually to the department on prescribed form or forms, and other documentation as required by the department, that the firm has met the criteria for qualification prescribed in subdivisions 1 through 7 of this section. The form or forms referred to in this subdivision must be prepared by an independent certified public accountant licensed by the

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Commonwealth and shall serve as prima facie evidence that the business firm met the definition of a qualified business but the evidence of eligibility shall be subject to rebuttal. The department or the Department of Taxation or State Corporation Commission, as applicable, may at its discretion require any business firm to provide supplemental information regarding the firm's eligibility (i) as a qualified business firm or (ii) for a tax credit claimed pursuant to 13 VAC 5-112-20.

13 VAC 5-112-60. Qualification in zones whose designation period is ending.

A. Small qualified business firms located in a zone whose designation period is ending that have qualified under 13 VAC 5-112-20 by or before the zone expiration date may receive the remainder of their incentive period provided they continue to qualify under 13 VAC 5-112-20. Tax credits are not authorized beyond the end of fiscal year 2019 as specified in § 59.1-280 I of the Code of Virginia.

B. Large qualified business firms located in a zone whose designation period is ending that have qualified under 13 VAC 5-112-20 by or before the zone expiration date may receive the remainder of their incentive period provided they continue to qualify under 13 VAC 5-112-20. The incentive period shall be for 10 consecutive years or until the negotiated credit amount is reached, whichever is sooner. Tax credits are not authorized beyond the end of fiscal year 2019 as specified in § 59.1-280 I of the Code of Virginia.

13 VAC 5-112-70. Application submittal and processing.

A. For tax years that end on or before December 31, or for businesses with tax years in accordance with § 441(f) of the Internal Revenue Code on or before January 7 of the subsequent year, applications requesting a general tax credit shall be submitted to the department by no later than May 1 of the subsequent calendar year. [At a minimum, these If the May 1 due date falls on a weekend or holiday, applications are due the next business day. These] applications must be signed by an independent certified public accountant licensed by the Commonwealth.

B. Beginning with tax years ending in 2005, any business firm that is eligible to qualify for tax credits under this section pursuant to 13 VAC 5-112-20 may amend past tax returns in order to qualify for and receive general tax credits. Such business firms shall submit an application requesting general tax credits to the department by no later than May 1 of any of three subsequent calendar years immediately following the year the business firm is requesting the credit provided that there is an outstanding credit balance remaining for that particular tax year. These requests will be handled on a first-come, first-serve basis. Business firms may not amend past tax returns in order to become initially eligible for tax credits under this section pursuant to 13 VAC 5-112-20.

C. The department shall review all applications for completeness and notify business firms of any errors no later than June 1. Business firms must respond to any unresolved issues by no later than June 15. If the department does not meet its June 1 date for notification, then businesses must respond to any unresolved issues within 10 calendar days of the actual notification.

D. The department shall notify all applicants by June 30 as to the amount of applicable general credit it may claim for the taxable year the request was made.

E. Applications must be made on forms prescribed by the department, and either hand-delivered by the date specified in this section or sent by certified mail with a return receipt requested and post marked no later than the date specified in this section.

F. Applicants may only apply for credits that they are otherwise eligible to claim for such taxable year, subject to the limitations provided by 13 VAC 5-112-40 and 13 VAC 5-112-130.

13 VAC 5-112-80. Certification to Tax Commissioner in accordance with § 59.1-280 A of the Code of Virginia.

A. The department shall certify to the Commissioner of the Virginia Department of Taxation, or in the case of public service companies to the Director of Public Service Taxation for the State Corporation Commission, the applicability of the tax credits requested by the firm; and forward the certification to the firm. A copy should be retained for the firm's records. The firm shall file the original with the applicable state tax return or returns. If the firm is not eligible for qualification, the department shall notify the firm that it fails to qualify for state tax incentives under this part.

B. Submission of state tax returns. A business firm, upon receipt from the department of the certificate of its qualification to receive state tax incentives, may file the applicable state tax returns. In order for the Virginia Department of Taxation or the State Corporation Commission to grant the incentive or incentives requested, the appropriate copy of the certificate of qualification must be attached to the firm's tax return.

When a partnership or small business corporation electing to be taxed under Subchapter S of the federal Internal Revenue Code requests a credit or credits against state individual income tax on behalf of its partners or shareholders, each partner or shareholder must attach to its state individual income tax return a photocopy of the appropriate certificate of qualification received by the firm.

C. Denial of tax credit. Any certification by the department pursuant to this section shall not impair the authority of the Department of Taxation or State Corporation Commission to deny in whole or in part any claimed tax credit if the Department of Taxation or State Corporation Commission

determines that the qualified business firm is not entitled to such tax credit.

13 VAC 5-112-90. Anti-churning.

A. A permanent full-time employee shall not include any employee:

1. For which a credit under this chapter was previously earned by a related party, as defined by the Internal Revenue Code § 267(b) or a trade or business under common control;
2. Who was previously employed in the same job function in Virginia by a related party, or a trade or business under common control;
3. Whose job function was previously performed at a different location in Virginia by an employee of the taxpayer, a related party, or a trade or business under common control;
4. Whose previous job function previously qualified for a credit in connection with a different enterprise zone locality on behalf of the taxpayer, a related party, or a trade or business under common control;
5. Whose job function counted for purposes of determining a 10% increase by an existing business firm and credited in an earlier taxable year on behalf of the taxpayer, a related party, or a trade or business under common control; or
6. Whose job function was filled in the Commonwealth and the trade or business where this job function was located was acquired or assumed by another taxpayer.

B. A new permanent full-time position that otherwise qualifies for the credit will not be disqualified for purposes of the credit where the employer chooses to use more than one individual to fill the position. This exception is limited to those situations where no more than two employees are used to fill a position, such employees are eligible for essentially the same benefits as full-time employees, and each employee works at least 20 hours per week for at least 48 weeks per year.

13 VAC 5-112-100. Pass-through entities.

The amount of any credit attributable to a partnership, S corporation, or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively. The credit will be allocated in the manner in which income is allocated for federal income tax purposes.

PART III.

PROCEDURES FOR QUALIFYING FOR ZONE REAL PROPERTY INVESTMENT TAX CREDIT.

13 VAC 5-112-110. Effective dates.

Beginning on July 1, 2005, a qualified large zone resident shall be allowed a real property investment tax credit against taxes imposed by Articles 2 (Individuals; § 58.1-320 et seq.) and 10 (Corporations; § 58.1-400 et seq.) of Chapter 3; Chapter 12 (Bank Franchise; § 58.1-1200 et seq.); Article 1 (Insurance Companies; § 58.1-2500 et seq.) of Chapter 25, or Article 2 (Telegraph, Telephone, Water, Heat, Light, Power and Pipeline Companies; § 58.1-2620 et seq.) of Chapter 26 of Title 58.1 of the Code of Virginia, as provided in this chapter.

The provisions of this section shall apply only as follows:

1. To those large qualified zone residents that have initiated use of enterprise zone tax credits pursuant to § 59.1-280.1 of the Code of Virginia on or before July 1, 2005;
2. To those large qualified zone residents that have signed agreements with the Commonwealth regarding the use of enterprise zone tax credits in accordance with § 59.1-280.1 of the Code of Virginia on or before July 1, 2005.

13 VAC 5-112-120. Computation of credit.

A. A large qualified zone resident shall be eligible for a credit in an amount of up to 5.0% of the qualified zone investments. The zone real property investment tax credit provided by this subsection shall not exceed the tax imposed for such taxable year, but any tax credit not usable for the taxable year generated may be carried over until the full amount of such credit has been utilized. However, this incentive period shall not last beyond 2019 as specified in § 59.1-280 I of the Code of Virginia.

B. The percentage amount of the zone real property investment tax credit granted to a large qualified zone resident must have been determined by agreement between the department and the large qualified zone resident, provided such percentage amount does not exceed 5.0%.

C. The percentage amounts of the business income tax credit provided in 13 VAC 5-112-30 C that may be granted to a large qualified business firm are also subject to agreement between the department in the event that a large qualified zone resident is also a large qualified business firm, provided such percentage amounts shall not exceed the percentage amounts otherwise provided in 13 VAC 5-112-30 C.

D. Qualified zone improvements shall not include the basis of any property: (i) for which a credit under this section was previously granted; (ii) that was previously placed in service in Virginia by the taxpayer, a related party, or a trade or business under common control; or (iii) that was previously

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in service in Virginia and has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person from whom acquired, or § 1014(a) of the Internal Revenue Code.

13 VAC 5-112-130. Annual fiscal limitations.

A. The total amount of tax credits awarded to small and large qualified business firms in 13 VAC 5-112-20 and qualified large zone residents under this section shall not exceed \$7.5 million annually until the end of fiscal year 2019 as provided for in §§ 59.1-280 and 59.1-280.1 of the Code of Virginia.

B. Upon receiving applications for tax credits under this section and 13 VAC-5-112-20, the department shall determine the amount of the tax credit to be allocated to each eligible business firm. In the event that the amount of tax credits to which all applicants qualifying under §§ 59.1-280 and 59.1-280.1 of the Code of Virginia are eligible, exceeds \$7.5 million annually, the tax credits shall be apportioned among eligible applicants pro rata, based upon the amount of the tax credits to which an applicant is eligible and the amount of tax credits available for allocation.

13 VAC 5-112-140. Eligibility.

A. The use of zone real property investment tax credits may be initiated in accordance with 13 VAC 5-112-120 C once the job creation and investment identified in the negotiation have been completed.

B. The business firm must certify to the department on the prescribed form or forms, and other documents as prescribed by the department, that the firm has met the criteria for qualification prescribed in this section. The form or forms referred to in this subsection must be prepared by an independent certified public accountant licensed by the Commonwealth and shall serve as prima facie evidence that the business firm met the qualifications, but the evidence of eligibility shall be subject to rebuttal. The department or the Department of Taxation or State Corporation Commission, as applicable, may at its discretion require any business firm to provide supplemental information regarding the firm's eligibility (i) as a qualified business firm or (ii) for a tax credit claimed pursuant to 13 VAC 5-112-120 A.

13 VAC 5-112-150. Qualification in zones whose designation period is ending.

Large qualified zone residents located in a zone whose designation period is ending that have a documented negotiation agreement with the department and that have qualified by or before that the zone expiration date may continue receive the tax credits until the negotiated tax credit amount is reached, provided they continue to qualify under 13 VAC 5-112-110. This incentive period shall not last beyond 2019 as specified in § 59.1-280 I of the Code of Virginia.

13 VAC 5-112-160. Anti-churning.

The following shall not be included in the calculation of permanent full-time positions:

1. An employee for whom a credit under this chapter was previously earned by a related party, as defined by the Internal Revenue Code § 267(b) or a trade or business under common control;
2. A position in which an employee filling that position was previously employed in the same job function in Virginia by a related party, or a trade or business under common control;
3. A job function that was previously performed at a different location in Virginia by an employee of the taxpayer, a related party, or a trade or business under common control;
4. A position that previously qualified for a credit in connection with a different enterprise zone locality on behalf of the taxpayer, a related party, or a trade or business under common control; or
5. A position that was filled in the Commonwealth of Virginia and the trade or business where that position was located was purchased by another taxpayer.

13 VAC 5-112-170. Pass through entities.

The amount of any credit attributable to a partnership, S corporation, or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively. The credit will be allocated in the manner in which income is allocated for federal income tax purposes.

13 VAC 5-112-180. Application submittal and processing.

A. For tax years that end on or before December 31, or for businesses with tax years in accordance with § 441(f) of the Internal Revenue Code on or before January 7 of the subsequent year, applications requesting zone real property investment tax credits shall be submitted to the department by no later than May 1 of the subsequent calendar year. [~~At a minimum, these~~ If the May 1 due date falls on a weekend or holiday, applications are due the next business day. These] applications must be signed by independent certified public accountant licensed by the Commonwealth.

B. The department shall review all applications for completeness and notify business firms of any errors by no later than June 1. Business firms must respond to any unresolved issues by no later than June 15. If the department does not meet its June 1 date for notification, then businesses must respond to any unresolved issues within 10 calendar days of the actual notification. The department shall notify all applicants by June 30 as to the amount of applicable credit [~~or refund~~] it is eligible for in the taxable year the request was made.

C. Applications must be made on forms prescribed by the department, and either hand-delivered by the date specified in this section or sent by certified mail with a return receipt requested and postmarked no later than the date specified in this section.

D. Applicants may only apply for credits that they are otherwise eligible to claim for such taxable year, subject to the limitations provided by 13 VAC 5-112-40 and 13 VAC 5-112-130.

13 VAC 5-112-190. Certification to Tax Commissioner in accordance with § 59.1-280 B of the Code of Virginia.

A. The department shall certify to the Commissioner of the Virginia Department of Taxation, or in the case of public service companies to the Director of Public Service Taxation for the State Corporation Commission, the applicability of the tax credits requested by the firm; and forward the certification to the firm, which should make a copy for [~~it's~~ its] records and file original with the applicable state tax return or returns or notify the firm that it fails to qualify for state tax incentives under Part II (13 VAC 5-112-20 et seq.) [of this chapter].

B. Submission of state tax returns. A business firm, upon receipt from the department of the certificate of its qualification to receive state tax incentives, may file the applicable state tax returns. In order for the Virginia Department of Taxation or the State Corporation Commission to grant the incentive or incentives requested, the appropriate copy of the certificate of qualification must be attached to the firm's tax return.

When a partnership or small business corporation electing to be taxed under Subchapter S of the federal Internal Revenue Code requests a credit or credits against state individual income tax on behalf of its partners or shareholders, each partner or shareholder must attach to its state individual income tax return a photocopy of the appropriate certificate of qualification received by the firm.

C. Any certification by the department pursuant to this section shall not impair the authority of the Department of Taxation or State Corporation Commission to deny in whole or in part any claimed tax credit if the Department of Taxation or State Corporation Commission determines that the qualified business firm is not entitled to such tax credit. The Department of Taxation or the State Corporation Commission shall notify the department in writing upon determining that a business firm is ineligible for such a tax credit.

**PART IV.
PROCEDURES FOR QUALIFYING FOR ZONE
INCENTIVE GRANTS.**

13 VAC 5-112-200. Effective dates.

Beginning on July 1, 2005, a business firm shall be eligible to receive enterprise zone incentive grants for the creation of new permanent full-time positions. This section shall apply only to those businesses that have initiated use of three-year grant period for creating permanent full-time positions pursuant to §§ 59.1-282.1 and 59.1-282.2 of the Code of Virginia on or before July 1, 2005. This part shall govern those businesses only for the duration of such three-year grant period. Businesses may not begin any three-year grant periods after July 1, 2005.

13 VAC 5-112-210. Computation of grant amount.

A. For any eligible business firm, the amount of any grant earned shall be equal to (i) \$1,000 multiplied by the number of eligible permanent full-time positions filled by employees whose permanent place of residence is within the enterprise zone, and (ii) \$500 multiplied by the number of eligible permanent full-time positions filled by employees whose permanent place of residence is outside the enterprise zone.

1. The number of eligible permanent full-time positions filled by employees whose permanent place of residence is within the enterprise zone shall be determined for any grant year by multiplying the number of eligible permanent full-time positions by a fraction, the numerator of which shall be the number of employees hired for permanent full-time positions from January 1 of the applicable base year through December 31 of the grant year whose permanent place of residence is within the enterprise zone, and the denominator of which shall be the total number of employees hired for permanent full-time positions by the business firm during the same period. Zone residency is subject to annual verification and if an employee moves outside the zone his permanent place of residence cannot be considered within the enterprise zone for the remaining grant period.

2. The number of eligible permanent full-time positions filled by employees whose permanent place of residence is outside the enterprise zone shall be determined for any grant year by subtracting the number of eligible positions filled by employees whose permanent place of residence is within the enterprise zone, as determined in subdivision 1 of this subsection, from the number of eligible positions.

B. The amount of the grant for which a business firm is eligible with respect to any employee who is employed in an eligible position for less than 12 full months during the grant year will be determined by multiplying the grant amount by a fraction, the numerator of which is the number of full months

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that the employee worked for the business firm during the grant year, and the denominator of which is 12.

C. The maximum grant that may be earned by a business firm in one grant year is limited to \$100,000. Each member of an affiliated group of corporations shall be eligible to receive up to a maximum grant of \$100,000 in a single grant year.

13 VAC 5-112-220. Eligibility.

A. A business firm shall be eligible to receive job grants for three consecutive calendar years beginning with the first year of grant eligibility. Business firms in their first three-year period shall demonstrate that they have increased the business firm's enterprise zone permanent full-time positions by 10% over the base year. Permanent full-time positions created during the second or third year of the grant period are eligible for additional grant funding over the previous year level at the option of the business firm, but only during the three-year grant period.

B. Business firms in their second or any subsequent three-year period of grant eligibility must demonstrate that it has increased employment by 20% over a redetermined base year.

13 VAC 5-112-230. Application submittal and processing.

A. The amount of the grant for which a business firm is eligible in any year shall not include amounts for the number of eligible positions in any year other than the preceding calendar year, except as provided for in § 59.1-282.2 of the Code of Virginia.

B. In order to claim the grant an application must be submitted to the local zone administrator by March 31 of the year following the grant year. Applications for grants shall be made on form or forms as prescribed by the department and may include other documentation as requested by the local zone administrator or department. The form or forms referred to in this subsection must be prepared by an independent certified public accountant licensed by the Commonwealth and shall serve as prima facie evidence that the business firm met the eligibility requirements. [~~At a minimum, these~~ These] applications must be signed by an independent certified public accountant licensed by the Commonwealth.

C. The local zone administrator shall review applications and determine the completeness of each application and the requested documentation, and forward applications for grants to the department by no later than April 30 of the year following the grant year. Applications forwarded to the department by the local zone administrator must be either hand-delivered by the date specified in this section or sent by certified mail with a return receipt requested and postmarked no later than the date specified in this section. [If the April 30 due date falls on a weekend or holiday, applications are due the next business day.]

D. The department shall review all applications for completeness and notify business firms of any errors no later than June 1 of the year following the grant year. Business firms must respond to any unresolved issues by no later than June 15 of the year following the grant year. If the department does not meet its June 1 date for notification, then businesses must respond to any unresolved issues within 10 calendar days of the actual notification.

E. The department shall notify all businesses by June 30 as to the amount of applicable zone incentive grant it is eligible for in the calendar year the request was made.

F. Any business firm receiving an enterprise zone incentive grant under § 59.1-282.1 of the Code of Virginia shall not be eligible for a major business facility job tax credit pursuant to § 58.1-439 of the Code of Virginia with respect to any enterprise zone location that is receiving an enterprise zone incentive grant.

13 VAC 5-112-240. Qualification in zones whose designation period is ending.

Business firms located in a zone whose designation period is ending that have qualified by or before the zone expiration date may receive the balance of their three consecutive year incentive period provided they continue to qualify under 13 VAC 5-112-200. Business firms may not begin a three-year grant period after the zone expiration date.

13 VAC 5-112-250. Anti-churning.

No grant shall be allowed for any permanent full-time position:

1. That a grant under this chapter was previously earned by a related party, as defined by the Internal Revenue Code § 267(b), or a trade or business under common control;
2. Where an employee filling that [~~positions~~ position] was previously employed in the same job function in Virginia by a related party, or a trade or business under common control;
3. That was previously performed at a different location in Virginia by an employee of the taxpayer, a related party, or a trade or business under common control;
4. That previously qualified for a grant in connection with a different enterprise zone locality on behalf of the taxpayer, a related party, or a trade or business under common control; or
5. That was filled in the Commonwealth of Virginia and the trade or business where that position was located was purchased by another taxpayer.

PART V.
PROCEDURES FOR QUALIFYING FOR ENTERPRISE
ZONE JOB CREATION GRANTS.

13 VAC 5-112-260. Effective dates.

Beginning on July 1, 2005, a business firm shall be eligible to receive enterprise zone job creation grants for the creation of new permanent full-time positions above the threshold number.

13 VAC 5-112-270. Computation of grant amount.

A. For any qualified business the grant amount is calculated as follows:

1. \$800 per year for up to five consecutive years for each grant-eligible position that is paid a wage rate during the qualification year that is at least of 200% of the federal minimum wage in place during the qualification year, and that is provided with health benefits, or
2. \$500 per year for up to five years for each grant-eligible position that is paid a wage rate during such year that is less than 200% of the federal minimum wage, but at least 175% of the federal minimum wage, and that is provided with health benefits.

B. A business firm may receive grants for up to a maximum of 350 grant-eligible jobs annually.

C. Job creation grants are based on a calendar year. The grant amount for any permanent full-time position that is filled for less than a full calendar year must be prorated based on the number of full months worked.

1. In cases where a position is grant eligible for only a portion of a qualification year the grant amount will be prorated based on the number of full months the position was grant eligible. This shall include cases where changes in wage rate, health benefits, or the federal minimum wage rate change a position's grant eligibility.
2. In cases where a change in a grant-eligible position's wage rate or the federal minimum wage rate during a qualification year changes the per position maximum grant amount available for that position, the grant amount shall be prorated based on the period the position was paid a minimum of 200% of the federal minimum wage rate and the period the position was paid a minimum of 175% of the federal minimum wage but less than 200%.

D. The amount of the job creation grant for which a qualified business firm is eligible in any year shall not include amounts for grant-eligible positions in any year other than the preceding calendar year. Job creation grants shall not be available for any calendar year prior to 2005.

E. Permanent full-time positions that have been used to qualify for any other enterprise zone incentive pursuant to

former §§ 59.1-270 through 59.1-284.01 of the Code of Virginia shall not be eligible for job creation grants and shall not be counted as a part of the minimum threshold of four new positions.

1. Large qualified business firms and large qualified zone residents may qualify for job creation grants pursuant to this section for permanent full-time positions that have been created above the permanent full-time positions as required by their documented negotiation agreement with the department pursuant to subdivision 2 of 13 VAC 5-112-20.

2 Small qualified business firms may qualify for job creation grants pursuant to this section for net new permanent full-time positions that have been created above the net new permanent full-time employees in the most recently reported qualification year.

3. Business firms that have qualified for job grants to pursuant to §§ 59.1-282.1 and 59.1-282.2 of the Code of Virginia may qualify for job creation grants pursuant to this section for net new permanent full-time positions that have been created above the net new permanent full-time positions in the most recently reported qualification year.

13 VAC 5-112-280. Eligibility.

A. A business firm shall be eligible to receive job creation grants for five consecutive years beginning with the first year of grant eligibility for permanent full-time positions created above the threshold number. Additional permanent full-time positions created during the remainder of years in the grant period are eligible for additional grant funding over the previous year's level or such positions may be used instead to begin a subsequent grant period pursuant to subsection B of this section.

B. A business firm may be eligible for subsequent five consecutive calendar-year grant periods if it creates new grant-eligible positions above the threshold number for its subsequent base year.

1. If a second or subsequent five-year grant period is requested within two years of the previous grant period, the subsequent base year will be the last grant year. The calculation of this subsequent base year employment will be determined by the number of permanent full-time positions in the preceding base year, plus the number of threshold positions, plus the number of grant-eligible positions in the final year of the previous grant period.

2. If a business firm applies for subsequent five consecutive calendar-year grant periods beyond the two years immediately following the completion of the previous five-year grant period, the business firm shall use one of the two preceding calendar years as the subsequent base year, at the choice of the business firm.

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C. A business firm is eligible to receive enterprise zone job creation grants for any and all years in which the business firm qualifies in the five consecutive calendar years period commencing with the first year of grant eligibility.

D. Job creation grants shall be available beginning with calendar year 2005.

E. Any qualified business firm receiving an enterprise job creation grant under this section is not be eligible for a major business facility job tax credit pursuant to § 58.1-439 of the Code of Virginia.

F. The following positions are not grant eligible:

1. Those in retail, [~~local~~ personal] service or food and beverage service.
2. Those paying less than 175% of the federal minimum wage or that are not provided with health benefits.
3. Seasonal, temporary or contract positions.

13 VAC 5-112-290. Application submittal and processing.

A. In order to claim the grant [.] an application must be submitted to the department on prescribed form or forms. Applicants shall provide other documents as prescribed by the department.

B. Local zone administrators must verify that the location of the business is in the enterprise zone in a manner prescribed by the department.

C. The accuracy and validity of information provided in such applications, including that related to permanent full-time positions, wage rates and provision of health benefits are to be attested to by an independent certified public accountant licensed in Virginia through an agreed-upon procedures engagement conducted in accordance with current attestation standards established by the American Institute of Certified Public Accountants, using procedures provided by the department as assurance that the firm has met the criteria for qualification prescribed in this section.

D. [~~The department will not accept nor process any applications submitted without the required attestation information.~~ In order to request job creation grants, business firms shall submit the application form, final attestation report, and all required documentation to the department by no later than April 1 of the calendar year subsequent to the qualification year.]

E. [~~Applications requesting job creation grants shall be submitted to the department by no later than April 1 of the calendar year subsequent to the qualification year. If the April 1 due date falls on a weekend or holiday, applications are due the next business day.~~]

[F. Applications submitted by April 1 without the required attestation report shall be considered late applications and processed according to subsection H of this section.]

[~~F. G.~~] The department shall [~~review all applications for completeness and~~] notify [the] business [~~firms~~ in writing] of any [~~errors~~ incomplete or missing required documentation or request written clarification from the business firm on information provided] by no later than May 15. Business firms must respond to any unresolved issues by no later than June 1. If the department does not meet its May 15 date for notification, then businesses must respond to any unresolved issues within 10 calendar days of the actual notification.

[H. Any applications with the required final attestation report and required documentation submitted after the April 1 due date but before May 15 of the calendar year subsequent to the qualification year will be held until the department determines that funds remain and it will not have to prorate grant awards. At such time, the department will review and process such applications and any applications pursuant to subsection F of this section on a first-come first served basis.]

[~~G. I.~~] The department shall award job creation grants and notify all applicants by June 30 as to the amount of the grant they shall receive.

[~~H. J.~~] Applications must either be hand-delivered by the date specified in this section or sent by certified mail with a return receipt requested and postmarked no later than the date specified in this section.

[K. Applicants may only apply for grants that they are otherwise eligible to claim for such calendar year, subject to the limitations provided by 13 VAC 5-112-400.]

13 VAC 5-112-300. Accuracy and validity of information.

A. The department may at any time review qualified zone businesses records related to qualification under this section to assure that information provided in the application process is accurate.

B. Qualified zone businesses shall maintain all documentation regarding qualification for enterprise zone job creation grants for at least one year after the final year of their five-year grant period.

C. Job creation grants that do not have adequate documentation regarding permanent full-time positions, wage rates and provision of health benefits may be subject to repayment by the qualified zone business.

13 VAC 5-112-310. Anti-churning.

No grant shall be allowed for any permanent full-time position:

1. That a grant under this chapter was previously earned by a related party, as defined by the Internal Revenue Code § 267(b), or a trade or business under common control;

2. Where an employee filling that [~~positions~~ position] was previously employed in the same job function in Virginia by a related party, or a trade or business under common control;

3. That was previously performed at a different location in Virginia by an employee of the taxpayer, a related party, or a trade or business under common control;

4. That previously qualified for a grant in connection with a different enterprise zone locality on behalf of the taxpayer, a related party, or a trade or business under common control; or

5. That was filled in the Commonwealth of Virginia and the trade or business where that position was located was purchased by another taxpayer.

13 VAC 5-112-320. Qualification in zones whose designation period is ending.

Business firms located in a zone whose designation period is ending that have qualified by or before the zone expiration date may receive the balance of their five consecutive year incentive period provided they continue to qualify under 13 VAC 5-112-270 and 13 VAC 5-112-280. [Firms may initiate a five-year grant period based on grant-eligible positions created up to the date of the zone expiration date notwithstanding 13 VAC 5-112-290.] Business firms may not begin additional five-year grant period after the zone expiration date.

PART VI.

PROCEDURES FOR QUALIFYING FOR REAL PROPERTY INVESTMENT GRANT.

13 VAC 5-112-330. Effective dates.

Beginning on July 1, 2005, a qualified zone investor shall be allowed a real property investment grant. Units of local, state and federal government or political subdivisions shall not be considered qualified zone investors.

13 VAC 5-112-340. Computation of grant amount.

A. For any qualified zone investor, the amount of the grant shall be equal to 30% of the qualified zone investments, as defined below:

1. Qualified zone investments include expenditures associated with (i) any exterior, interior, structural, mechanical or electrical improvements necessary to construct, expand or rehabilitate a building for commercial, industrial or mixed use; (ii) excavations; (iii) grading and paving; (iv) installing driveways; and (v) landscaping or land improvements. These can include, but not be limited

to, costs associated with demolition, carpentry, sheetrock, plaster, painting, ceilings, fixtures, doors, windows, fire suppression systems, roofing, flashing, exterior repair, cleaning and cleanup.

2. Qualified real property investments do not include:

a. The cost of acquiring any real property or building.

b. Other acquisition costs including: (i) the cost of furnishings; (ii) any expenditure associated with appraisal, architectural, engineering, surveying, and interior design fees; (iii) loan fees, points, or capitalized interest; (iv) legal, accounting, realtor, sales and marketing, or other professional fees; (v) closing costs, permits, user fees, zoning fees, impact fees, and inspection fees; (vi) bids, insurance, signage, utilities, bonding, copying, rent loss, or temporary facilities incurred during construction; (vii) utility connection or access fees; (viii) outbuildings; (ix) the cost of any well or septic or sewer system; and (x) roads.

c. The basis of any property: (i) for which a grant under this section was previously provided; (ii) for which a tax credit under § 59.1-280.1 of the Code of Virginia was previously granted; (iii) which was previously placed in service in Virginia by the qualified zone investor, a related party as defined by § 267(b) of the Internal Revenue Code, or a trade or business under common control as defined by § 52(b) of the Internal Revenue Code); or (iv) that was previously in service in Virginia and has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person from whom it was acquired or [~~Internal Revenue Code~~] § 1014(a) of the Internal Revenue Code.

B. For any qualified zone investor making less than \$2 million in qualified real property investment, the cumulative grant will not exceed \$125,000 within any five-year period for any building or facility.

1. In cases where subsequent qualified real property investment within the five-year period results in the total qualified real property investment equaling \$2 million or more then the qualified investor(s) shall be eligible to receive a grant(s) provided that the total of all grants received within the five-year period does not exceed a maximum of \$250,000 per building or facility.

2. In such cases the grant will be available to the qualified zone investor or investors whose qualified real property investment application(s) results in the total qualified real property investment for the building or facility to equal \$2 million or more for the calendar year in which the \$2 million threshold is met. The grant will be equal to 30% of that investor(s) real property investment not withstanding

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the \$250,000 cap per building or facility pursuant to 13 VAC 5-112-340 D.

C. For any qualified zone investor making \$2 million or more in qualified real property investments, the cumulative grant will not exceed \$250,000 within any five-year period for any building or facility.

D. Notwithstanding [13 VAC 5-112-350 subsection] E [of this section] , in the case of a building with multiple tenants and/or owners, the maximum amount of the real property investment grant to each tenant and/or owner shall relate to the proportion of the property for the tenant holds a valid lease or the owner has a deed of trust.

1. This maximum shall be determined by the cumulative level of qualified real property investment made within the five consecutive year period. The first five consecutive year period starts with the first real property investment grant issued pursuant to § 59.1-548 of the Code of Virginia.

2. If the total of all qualified real property investments up to and including those made in the current grant year are less than \$2 million then the maximum real property investment grant that any one qualified zone investor shall receive shall be equal to the qualified zone investor's proportion of the building or facility's useable floor space times \$125,000 or 30% of the qualified real property investment, whichever is less.

3. If the total of all qualified real property investments up to and including those made in the current grant year are \$2 million or more then the maximum real property investment grant that any one qualified zone investor shall receive shall be equal the qualified zone investor's proportion of the building or facility's useable floor space times \$250,000 or 30% of the qualified real property investment, whichever is less.

E. The total grant amount per building or facility within a five-year period shall not exceed \$250,000.

13 VAC 5-112-350. Eligibility.

A. Only office, commercial or industrial or mixed use real property is eligible. A mixed-use building where the office, commercial or industrial use is less than 30% shall not be eligible for this grant.

B. A qualified zone investor shall apply for a real property investment grant in the calendar year following the year in which the property was placed in service provided that:

1. The total amount of the rehabilitation or expansion of depreciable office, commercial or industrial or mixed use real property placed in service during the calendar year within the enterprise zone equals or exceeds \$50,000 with respect to a building or facility.

2. The cost of any newly constructed depreciable office, commercial or industrial or mixed-use real property (as opposed to rehabilitation or expansion) is at least \$250,000 with respect to a building or facility.

~~[C. Real property investments that were placed in service in calendar year 2004 that were not eligible to submit a tax credit request as a small qualified zone resident pursuant to former § 59.1-280.1 of the Code of Virginia because of the timing of their tax year may apply for a real property investment grant in 2006.~~

~~D. C.] In the case of a tenant, the amounts of qualified zone investment specified in this section shall relate to the proportion of the property for which the tenant holds a valid lease.~~

~~[D. In the case of buildings with a tenant or multiple tenants, such tenant(s) shall request written consent from the owner to apply for the grant.]~~

~~E. In the case of buildings with [a tenant or] multiple tenants [and/or owners], such tenants [or owners] shall coordinate [with the owner and all other tenants] under this section. [In cases where such coordination has not occurred Unless other coordination and agreements have been reached by the owner and all tenants], the department will [automatically] determine the amount of each [tenants' and/or owners' tenant's] real property investment pursuant to 13 VAC 5-112-340 D.~~

~~[F. In the case of buildings with multiple owners, such owners shall have written coordination from all other owners. Unless other coordination and agreements have been reached by all owners, the department will automatically determine the amount of each owner's real property investment pursuant to 13 VAC 5-112-340 D.]~~

~~[F. G.] Units of local, state and federal government or political subdivisions are not eligible to apply for this grant.~~

13 VAC 5-112-360. Qualification in zones whose designation period is ending.

~~[Zone In the case of zones whose designation period is ending, zone] investors [located in a zone whose designation period is ending] must [qualify apply] for [qualified real property] investments [made that were placed in service] prior to the zone expiration date to receive a real property investment grant [notwithstanding 13 VAC 5-112-350 B]. Zone investors may not qualify for investments made after the zone expiration date.~~

13 VAC 5-112-370. Intrastate Anti-Piracy Rule.

Real property investment grants will not be available to assist a Virginia qualified zone investor to relocate from one area of Virginia to another unless there is an increase in employment or building square footage for the qualified zone investor.

13 VAC 5-112-380. Application submittal and processing.

A. In order to claim the grant an application must be submitted to the department on prescribed form or forms. Applicants shall provide other documents as prescribed by the department.

B. Local zone administrators must verify that the location of the building or facility is in the enterprise zone in a manner prescribed by the department.

C. The accuracy and validity of information provided in such applications, including that related to qualified real property investments are to be attested to by an independent certified public accountant licensed in Virginia through an agreed-upon procedures engagement conducted in accordance with current attestation standards established by the American Institute of Certified Public Accountants, using procedures provided by the department as assurance that the firm has met the criteria for qualification prescribed in this section.

~~D. [The department will not accept nor process any applications submitted without the required attestation information. E. Applications requesting real property investment grants shall be submitted.]~~ In order to request real property investment grants, zone investors shall submit the application form, final attestation report, and all required documentation] to the department by no later than April 1 of the calendar year subsequent to the qualification year.

[E. If the April 1 due date falls on a weekend or holiday, applications are due the next business day.

F. Applications submitted by April 1 without the required attestation report shall be considered late applications and processed according to subsection H of this section.]

~~[F. G.] The department shall [review all applications for completeness and] notify [applicants zone investors in writing] of any [errors incomplete or missing required documentation or request written clarification from the business firms on information provided] by no later than May 15. [Applicants Zone investors] must respond to any unresolved issues by no later than June 1. If the department does not meet its May 15 date for notification, then [applicants businesses] must respond to any unresolved issues within 10 calendar days of the actual notification.~~

[H. Any applications with the required final attestation report and required documentation submitted after the April 1 due date but before May 15 of the calendar year subsequent to the qualification year will be held until the department determines that funds remain and it will not have to prorate grant awards. At such time, the department will review and process such applications and any applications pursuant to subsection F of this section on a first-come first served basis.]

~~[G. I.] The department shall award real property investment grants and notify all applicants by June 30 as to the amount of the grant they shall receive.~~

~~[H. J.] Applications must either be hand-delivered by the date specified in this section or sent by certified mail with a return receipt requested and postmarked no later than the date specified in this section.~~

~~[I. K.] Applicants may only apply for grants that they are otherwise eligible to claim for such calendar year, subject to the limitations provided by 13 VAC 5-112-400.~~

13 VAC 5-112-390. Accuracy and validity of information.

A. The department may at any time review qualified zone investors records related to qualification to assure that information provided in the application process is accurate.

B. Qualified zone investors shall maintain all documentation regarding qualification for enterprise zone incentive grants for a minimum of three years following the receipt of any grant.

C. Real property investment grants that do not have adequate documentation regarding qualified real property investments may be subject to repayment by the qualified zone investor.

PART VII.

POLICIES AND PROCEDURES FOR ENTERPRISE ZONE GRANTS.

13 VAC 5-112-400. Allocating enterprise zone grants.

A. Qualified business firms and qualified zone investors shall be eligible to receive enterprise zone grants provided for in 13 VAC 5-112-200, 13 VAC 5-112-260 and 13 VAC 5-112-330 to the extent that they apply for and are approved for grant allocations through the department.

B. Upon receiving applications for grants provided for under 13 VAC 5-112-200, 13 VAC 5-112-260, and 13 VAC 5-112-330, the department shall determine the amount of the grant to be allocated to each eligible business firm and zone investor.

C. If the total amount of grants for which qualified business firms are eligible under 13 VAC 5-112-200 and 13 VAC 5-112-260 and for which qualified zone investors are eligible under 13 VAC 5-112-330 exceeds the annual appropriation for such grants, then the amount of grant that each qualified business firm and qualified zone investor will receive for shall be prorated in a proportional manner.

13 VAC 5-112-410. Actions of the department.

Actions of the department relating to the approval or denial of applications for enterprise zone grants under this section shall be exempt from the provisions of the Administrative Process Act pursuant to subdivision B 4 of § 2.2-4002 of the Code of Virginia.

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PART VIII. ENTERPRISE ZONE DESIGNATION.

13 VAC 5-112-420. Status of enterprise zones designated prior to July 1, 2005.

All enterprise zones designated pursuant to §§ 59.1-274, 59.1-274.1, and 59.1-274.2 of the Code of Virginia as those that were in effect prior to July 1, 2005, shall continue in effect until the end of their 20-year designation period. Such zones shall be governed by the provisions of Chapter 49 (§ 59.1-438 et seq.) of Title 59.1, exclusive of § 59.1-542 E of the Code of Virginia.

13 VAC 5-112-430. Eligible applicants for zone designation.

A. Eligible applicants include the governing body of any county or city.

B. Towns are not eligible applicants. However, county applicants may include acreage in an incorporated town as part of the county's proposed enterprise zone provided that the town is located within the applicant county. In such situations, towns may provide local incentives in addition to the county incentives.

C. Two or more adjacent localities may file a joint application for an enterprise zone.

D. Jurisdictions may apply for more than one enterprise zone designation. This includes the submission of a joint application with other jurisdictions. Each jurisdiction is limited to a total of three enterprise zones.

13 VAC 5-112-440. Zone eligibility requirements.

A. To be eligible for consideration, an application for an enterprise zone must meet the requirements set out in this section.

B. Enterprise zones may consist of no more than three noncontiguous areas. The size of the enterprise zone shall consist of the total of the acreage of all noncontiguous areas. The maximum combined land area cannot exceed maximum size guidelines set forth in subdivisions C 1, 2, 3 and 4 of this section.

C. All proposed zones shall conform to the following size guidelines:

1. Cities - minimum: 1/4 square mile (160 acres); maximum: 1 square mile (640 acres) or 7.0% of the jurisdiction's land area or an area that includes 7.0% of the population, whichever is largest. Towns designated as enterprise zones pursuant to former §§ 59.1-274, 59.1-274.1 and 59.1-274.2 of the Code of Virginia shall conform to the size guidelines for cities.

2. Unincorporated areas of counties - minimum: 1/2 square mile (320 acres); maximum: 6 square miles (3,840 acres).

3. Consolidated cities - zones in cities the boundaries of which were created through the consolidation of a city and county or the consolidation of two cities shall conform substantially to the minimum and maximum size guidelines for unincorporated areas of counties as set forth in subdivision 2 of this subsection.

4. In no instance shall a zone consist only of a site for a single business firm.

13 VAC 5-112-450. Relationship to federal empowerment zone program.

For enterprise zones designated by the Governor that have been enlarged to conform with the boundaries of a federal empowerment zone, the state enterprise zone designation shall continue until the expiration of the area's federal empowerment zone designation, unless earlier terminated as provided in this chapter.

PART IX. PROCEDURES AND REQUIREMENTS FOR ZONE DESIGNATIONS.

13 VAC 5-112-460. Procedures for zone application and designation.

A. Upon recommendation of the Director of the Department of Housing and Community Development, the Governor may designate up to 30 enterprise zones in accordance with the provisions of this section. Such designations are to be done in coordination with the expiration of existing zones designated under earlier Enterprise Zone Program provisions or the termination of designations pursuant to 13 VAC 5-112-510, 13 VAC 5-112-520, and 13 VAC 5-112-530 D.

B. Applications for zone designation will be solicited by the department on a competitive basis in accordance with the following procedures and requirements:

1. An application for zone designation must be submitted on Form EZ-1 to the Director, Virginia Department of Housing and Community Development, 501 North Second Street, Richmond, Virginia 23219, on or before the submission deadline established by the department.

2. Each applicant jurisdiction(s) must hold at least one public hearing on the application for zone designation prior to submission of the application to the department. Notification of the public hearing is to be in accordance with § 15.2-2204 of the Code of Virginia relating to advertising of public hearings. An actual copy of the advertisement must be included in the application.

3. In order to be considered in the competitive zone designation process an application from a jurisdiction(s) must include all the requested information, be accompanied by a resolution(s) of the local governing body(s) and be signed by the chief administrator(s) or the clerk(s) to county board of supervisors where there is no chief

administrator. The chief administrator(s) or clerk(s), in signing the application, must certify that the applicant jurisdiction(s) held the public hearing required in subdivision 2 of this subsection.

C. Within 60 days following the application submission deadline, the department shall review and the Director shall recommend to the Governor those applications that meet a minimum threshold standard as set by the department and are competitively determined to have the greatest potential for accomplishing the purposes of the program.

D. Enterprise zones designated pursuant to § 59.1-542 of the Code of Virginia will be designated for an initial 10-year period except as provided for in 13 VAC 5-112-510 and 13 VAC 5-112-520. Upon recommendation of the director of the department, the Governor may renew zones for up to two five-year renewal periods.

E. A local governing body whose application for zone designation is denied shall be notified and provided with the reasons for denial.

13 VAC 112-470. Procedures and requirements for joint applications.

A. Two or more adjacent localities may file a joint application for an enterprise zone as provided for in 13 VAC 5-112-430 and must meet the requirements set out in this section.

B. Localities applying for a joint zone must demonstrate a regional need for an enterprise zone and a regional impact that could not be achieved through a single jurisdiction zone.

C. Applicants for a joint zone shall also specify what mechanisms will be used to ensure that the economic benefits of such a zone are shared among the applicant localities.

D. A joint enterprise zone shall consist of no more than three noncontiguous zone areas for each participating locality.

E. Each jurisdiction comprising the proposed joint enterprise zone may have the maximum acreage as specified by the size guidelines in 13 VAC 5-112-440.

F. The applicants may designate one jurisdiction to act as program administrator. The jurisdiction so designated shall be responsible for filing annual reports as provided for in 13 VAC 5-112-560.

G. In order to submit a joint application, Form EZ-1 must be completed and filed by the jurisdiction acting as program administrator in accordance with the procedures set forth in subdivision B 1 through 3 of 13 VAC 5-112-460. In addition, a copy of Form EZ-1-JA must be completed by each of the other participating jurisdictions to certify that they are in agreement in filing the joint application. A copy or copies of Form EZ-1-JA must be submitted to the department with Form EZ-1.

H. The applicants must meet all other requirements of these regulations pertaining to applicants. In the case of joint applications, all references to "applicant" and "local governing body" contained in the text of these regulations shall mean the governing body of each participating jurisdiction.

13 VAC 5-112-480. Application considerations.

A. Consideration for enterprise zone designations shall be based upon the localitywide need and impact of such a designation.

B. Need shall be assessed in part by the following distress factors: (i) the average unemployment rate for the locality over the most recent three-year period, (ii) the average median adjusted gross income for the locality over the most recent three-year period, and (iii) the average percentage of public school students within the locality receiving free or reduced price lunches over the most recent three-year period. These distress factors shall account for at least 50% of the consideration given to local governments for enterprise zone designation.

C. Local governments submitting applications for enterprise zone designation shall propose local incentives that address the economic conditions within their locality and that will help stimulate real property improvements and new job creation. Such local incentives include, but are not limited to (i) reduction of permit fees; (ii) reduction of user fees; (iii) reduction of business, professional and occupational license tax; (iv) partial exemption from taxation of substantially rehabilitated real estate pursuant to § 58.1-3221 of the Code of Virginia; and (v) adoption of a local enterprise zone development taxation program pursuant to Article 4.2 (§ 58.1-3245.6 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia. The extent and duration of such incentives shall conform to the requirements of the Constitution of Virginia and the Constitution of the United States. In making application for designation as an enterprise zone, the application may also contain proposals for regulatory flexibility, including but not limited to, (a) special zoning districts, (b) permit process reform, (c) exemptions from local ordinances, and (d) other public incentives proposed in the locality's application which shall be binding upon the locality upon designation of the enterprise zone.

D. The likely impact of proposed local incentives in addressing the economic conditions within the locality, and in stimulating real property investments and job creation together with the projected impact of state incentives, will be factors in evaluating applications.

E. A locality may establish eligibility criteria for local incentives that differ from the criteria required to qualify for the incentives provided in this chapter.

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F. Proposed local incentives may be provided by the local governing body itself or by an assigned agent or agents such as a local redevelopment and housing authority, an industrial development authority, a private nonprofit entity or a private for-profit entity. In the case of a county that includes acreage in an incorporated town(s), the county may designate the governing body of the town(s) to serve as its assigned agent for incentives to be provided by the town(s).

PART X.

PROCEDURES FOR ZONE AMENDMENT.

13 VAC 5-112-490. Amendment of approved applications.

A. A local governing body will be permitted to request amendments to approved applications for zone designation in accordance with the procedures and requirements set out in this section. Each jurisdiction participating in a joint zone may amend their portion of the application, including boundaries and incentives, independently of the other participating jurisdictions.

B. The applicant jurisdiction must be current on the submission of annual reports as set forth in 13 VAC 5-112-550 in order to amend an approved application.

C. The applicant jurisdiction must hold at least one public hearing on the requested amendment prior to its submission to the department. This public hearing may not have been held more than six months prior to the amendment submission. In the case of a boundary amendment that involves the elimination of area or areas, the applicant jurisdiction must separately notify each property owner and business located within the affected area of the proposed amendment prior to holding the public hearing.

D. A request for an amendment must be submitted to the department on Form EZ-2. This form must be accompanied by a resolution of the local governing body and must certify that the applicant jurisdiction held the public hearing required in subsection C of this section prior to the adoption of the resolution. In the case of a joint application, Form EZ-2 must be completed by the jurisdiction requesting the amendment and must be accompanied by Form EZ-2-JA. This form certifies that the other participating jurisdictions are in agreement in filing the request for amendment.

E. An enterprise zone application may be amended annually, at least 12 months from the last amendment application by the jurisdiction. Amendments may be to the entire application or individual sections such as the boundary or incentives.

F. A zone boundary amendment may not consist of a site for a single business firm or be less than 10 acres.

G. A noncontiguous area(s) may be added to an enterprise zone through a boundary amendment. However, no enterprise zone shall have more than three noncontiguous areas.

H. The total zone acreage resulting from a boundary amendment must conform to the size guidelines set forth in 13 VAC 5-112-440.

I. Boundary amendments that involve the elimination of area or areas from a zone shall be reviewed on a case-by-case basis with the potential impact on affected businesses and property owners being given primary consideration. Such boundary changes cannot involve more than 15% of the total zone acreage.

J. A county may amend its zone boundaries to include as part of the county's total acreage, acreage in any town located within the county provided it meets the provisions of subsections A through I of this section. This shall not constitute a joint zone and does not provide the town with the ability to make any zone amendments, add noncontiguous areas or give the town its own zone acreage allocation. In such situations, towns may provide local incentives in addition to the county incentives.

K. The department will approve an amendment to local incentives only when the proposed incentive is equal to or superior to that in the original application or any previous amendment approved by the department. The department will approve an amendment of zone boundaries only if the proposed amendment is deemed to be consistent with the purposes of the program as determined by the department.

L. A local governing body that is denied an application amendment shall be provided with the reasons for denial.

PART XI.

PROCEDURES FOR ANNUAL REVIEW.

13 VAC 5-112-500. Annual review of enterprise zones.

A. Annually, the department will review the performance and effectiveness of each enterprise zone in creating new jobs, encouraging private investment and usage of state incentives based on information provided by the locality(s) in their annual report pursuant to 13 VAC 5-112-550 and during periodic on-site visit. The department shall notify the locality(s) of any concerns and make recommendations for improvement where necessary.

B. The department shall annually provide enterprise zone localities with a current listing of all qualified business firms, qualified large zone residents and qualified zone investors.

PART XII.

PROCEDURES FOR ZONE TERMINATION.

13 VAC 5-112-510. Failure to provide local program incentives.

A. If the local governing body or assigned agent(s) is unable or unwilling to provide the specified local incentives as proposed in its application for zone designation or as approved by the department in an amendment the following

procedures will apply. In the case of joint applications, these procedures will apply if any local governing body or its assigned agent or agents is unable or unwilling to provide approved local incentives.

B. A local governing body must notify the department in writing within 30 days of any inability or unwillingness to provide an approved local program incentive.

C. A local governing body will have 60 days after submission of the notice required in subsection B of this section to request an amendment to its application. Such a request shall be filed in accordance with the procedures set forth in 13 VAC 5-112-490.

D. The department will review requests for amendments in accordance with the requirements set forth in 13 VAC 5-112-490. Approval of an amendment will allow a zone to continue in operation. If a local governing body fails to provide notice as set forth in subsection B of this section, or has its request for an amendment denied, then the department shall terminate that enterprise zone designation.

13 VAC 5-112-520. Failure to qualify for state incentives.

If no business firms, large zone residents or zone investors have qualified for incentives as provided for in 13 VAC 5-112-20, 13 VAC 5-112-110, 13 VAC 5-112-200, 13 VAC 5-112-260 and 13 VAC 5-112-330 within any five-year period, the department shall terminate that enterprise zone designation.

PART XIII.

PROCEDURES FOR ENTERPRISE ZONE RENEWAL.

13 VAC 5-112-530. Procedures for zone renewal.

A. Enterprise zones designated pursuant to 13 VAC 5-112-460 are in effect for an initial 10-year period with up to two five-year renewal periods, except as provided for in 13 VAC 5-112-510 and 13 VAC 5-112-520. Recommendations for five-year renewals shall be based on the locality's performance of its enterprise zone responsibilities, the continued need for such a zone, and its effectiveness in creating jobs and capital investment. The following procedures shall be used in considering such an enterprise zone for renewal.

B. In anticipation of the tenth and fifteen anniversaries of an enterprise zone's designation, the locality(s) shall submit to the department on the prescribed form information regarding, but not limited to, (i) the area conditions; (ii) the continued need for the enterprise zone; (iii) its long-term effectiveness in creating jobs and capital investment. The department shall also consider the locality(s) long-term performance of enterprise zone responsibilities.

C. A jurisdiction that has shown satisfactory performance and effectiveness, or that is making steady improvement in

performance and effectiveness or has a continued need for an enterprise zone will be recommended to the Governor by the department for an additional five-year designation period. No enterprise zone designation shall be in effect more than 20 years.

D. A jurisdiction that has shown consistently poor performance and effectiveness or that no longer needs an enterprise zone will not be recommended for renewal and will be notified of such in writing by the department.

PART XIV.

ZONE TERMINATION AND INCENTIVE

QUALIFICATION.

13 VAC 5-112-540. Zone termination and incentive qualification.

A. A zone shall be terminated in accordance with the procedures set forth in 13 VAC 5-112-510, 13 VAC 5-112-520 and 13 VAC 5-112-530 D upon written notice to a local governing body. The date of such notice is considered to be the date of zone termination.

B. Qualified business firms, [~~qualified~~] large [qualified] zone residents and qualified zone investors located in a terminated zone may continue to request state enterprise zone incentives for any remaining years in the incentive period for which they are eligible as provided for in 13 VAC 5-112-20, 13 VAC 5-112-110, 13 VAC 5-112-200, 13 VAC 5-112-260 and 13 VAC 5-112-330.

C. In the case of [qualified] business firms and large [qualified] zone residents qualified under 13 VAC 5-112-20, 13 VAC 5-112-110 and 13 VAC 5-112-200, the incentive period shall not go beyond 2019.

PART XV.

ADMINISTRATIVE REQUIREMENTS.

13 VAC 5-112-550. Annual reporting.

A. A local governing body shall submit annual reports to the department for the purpose of program monitoring and evaluation. Annual reports shall be submitted to the department on Form EZ-3-AR no later than July 15 of the following year. Annual reports shall include information and data for the purpose of program evaluation as requested on Form EZ-3-AR.

B. The department shall review the effectiveness in creating jobs and capital investment and activity occurring within designated enterprise zones and shall annually report its findings to the Senate Finance Committee, the Senate Committee on Commerce and Labor, the House Appropriations Committee, and the House Committee on Commerce and Labor. When the potential exists that the annual fiscal limitations on the enterprise zone incentives will

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be fully utilized, thus triggering their pro rata distribution, the department shall include this information in the annual report.

13 VAC 5-112-560. Confidentiality of information.

Pursuant to § 58.1-3 of the Code of Virginia, except in accordance with proper judicial order or as otherwise provided by law, any employee or former employee of the department shall not divulge any information acquired by him in the performance of his duties with respect to employment, property, or income of any business firm submitted to the department. Any person violating this section shall be guilty of a Class 2 misdemeanor. The provisions of this section shall not be applicable, however, to:

1. Acts performed or words spoken or published in the line of duty under law;
2. Inquiries and investigations to obtain information as to the implementation of this chapter by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information shall be privileged;
3. Disclosures of information to the Department of Taxation or the State Corporation Commission as may be required to implement the provisions of this chapter; or
4. The publication of statistics so classified as to prevent the identification of particular business firms.

NOTICE: The forms used in administering 13 VAC 5-112, Enterprise Zone Grant Program Regulation, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Housing and Community Development, 501 North Second Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Tax Credit Qualification Form - Existing Forms (EZ-6E); revised 2006.

Job Grant Qualification Form (EZ-6J); revised 2006.

Tax Credit Qualification Form - New Form (EZ-6N); revised 2006.

Investment Tax Credit Qualification Form (EZ-6I); revised 2006.

Application for 2005 Enterprise Designation Form (EZ-1); revised 2004.

Joint Application Agreement Form (EZ-1-JA); revised 2004.

Enterprise Zone Amendment Application (EZ-2); revised 2005.

Joint Amendment Application Agreement Form (EZ-2-JA); revised 2005.

Job Creation Grant Application Form (EZ-JCG); revised 2006.

Real Property Investment Grant Application Form (EZ-RPIG); revised 2006.

Form EZ-3-AR; revised 2006.

VA.R. Doc. No. R06-81; Filed January 19, 2007, 9:21 a.m.

TITLE 16. LABOR AND EMPLOYMENT

SAFETY AND HEALTH CODES BOARD

Final Regulation

Title of Regulation: **16 VAC 25-55. Financial Requirements for Boiler and Pressure Vessel Contract Fee Inspectors (adding 16 VAC 25-55-10 and 16 VAC 25-55-20).**

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

Effective Date: March 22, 2007.

Agency Contact: Fred P. Barton, Director, Boiler Safety Compliance, Department of Labor and Industry, Powers Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3169, FAX (804) 371-2324, or e-mail fred.barton@doli.virginia.gov.

Summary:

The regulation requires contract fee inspectors operating in the Commonwealth to demonstrate financial responsibility for bodily injury and property damage resulting from, or directly relating to, an inspector's negligent inspection or recommendation for certification of a boiler or pressure vessel. Financial responsibility in the form of insurance, guaranty, surety, or self-insurance will be required as follows:

Aggregate limits of \$500,000 for any contract fee inspector with less than 1.0% market share; \$1 million for those with 1.0% up to and including 10% market share; and \$2 million for those with more than 10% market share or any contract fee inspector that employs or has an arrangement with other contract fee inspectors.

The regulation includes definitions of "market share" and "contract fee inspection agency." The regulation also clarifies the coverage when a contract fee inspector is working for a contract fee inspection company, as well as to how the aggregate limits apply to contract fee inspection companies.

Changes made since the proposed include clarifying the type of inspection being performed by adding "certificate" to the definition of "contract fee inspection agency" and inserting the appropriate effective dates in the regulation.

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

CHAPTER 55.
FINANCIAL REQUIREMENTS FOR BOILER AND PRESSURE VESSEL CONTRACT FEE INSPECTORS.

16 VAC 25-55-10. Definitions.

The [~~following~~] words and terms, "board," "boiler," "Chief Inspector" and "pressure vessel," when used in this chapter [~~] shall have the same meanings as defined in 16 VAC-25-50-10 unless the context clearly indicates otherwise.~~

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

"Contract fee inspector" means any certified boiler inspector contracted to inspect boilers or pressure vessels on an independent basis by the owner or operator of the boiler or pressure vessel.

"Contract fee inspection agency" means a company that directly employs contract fee inspectors or has contractual arrangements with other contract fee inspectors for the purpose of providing boiler and pressure vessel [certificate] inspections to the general public.

"Market share" means a fraction, (i) the numerator of which is the total fees charged by the inspector or agency under 16 VAC 25-50-150 for conducting power boiler and high temperature water boiler, heating boiler, and pressure vessel inspections in the most recent calendar year and (ii) the denominator of which is the total fees charged by all inspectors and agencies under 16 VAC 25-50-150 for conducting power boiler and high temperature water boiler, heating boiler, and pressure vessel inspections in the most recent calendar year.

16 VAC 25-55-20. Financial requirements.

A. Current certified contract fee inspectors shall provide documentation of financial responsibility to the Chief Inspector for approval [~~within 90 days of the effective date of this regulation~~ by June 20, 2007,] in such form as required by the Chief Inspector.

Contract fee inspectors initially certified [~~following the effective date of this regulation~~ on or after March 21, 2007,] shall provide such documentation to the Chief Inspector within 30 days following the issuance of the certification of the contract fee inspector. The Chief Inspector may revoke a

contract fee inspector's inspector identification card as described in 16 VAC 25-50-70 for failure to provide documentation of financial responsibility within the required timeframe.

B. Financial responsibility of a contract fee inspector shall be demonstrated by maintenance of an instrument of insurance, guaranty, surety or by self-insurance, individually or in any combination thereof, for the purpose of compensation to third parties, for bodily injury and property damage resulting from, or directly relating to, an inspector's negligent inspection or recommendation for certification of a boiler or pressure vessel as follows:

1. An aggregate limit of \$500,000 or more for any contract fee inspector or contract fee inspection agency with less than 1.0% market share;
2. An aggregate limit of \$1 million or more for any contract fee inspector or contract fee inspection agency from 1.0% up to and including 10% market share; and
3. An aggregate limit of \$2 million or more for any contract fee inspector or contract fee inspection agency with more than 10% market share.

Contract fee inspectors may be covered under an instrument or instruments of insurance, guaranty, surety or the self-insurance of their employer or a company on behalf of which they have a contractual arrangement to provide boiler and pressure vessel inspections. To be acceptable as proof of financial responsibility for inspections not conducted for the benefit of their employer or company with which the inspector has a contractual arrangement, such instrument, instruments or self-insurance must also cover the contract fee inspector for such inspections. Where contract fee inspectors are not covered for inspections conducted on their own behalf under the instrument of insurance, guaranty, surety or self-insurance of their employer or company with which they have a contractual arrangement, they must provide a separate instrument that covers such inspections.

Contract fee inspectors who elect to self-insure for the full amount of their financial responsibility under this regulation shall maintain assets of an amount sufficient to cover the full minimum liability amount in regulation for his level of market share and shall provide audited financial statements showing total assets and liabilities.

Contract fee inspectors who elect to partially self-insure shall maintain assets in an amount sufficient to cover the stated partial liability amount and shall provide audited financial statements showing their total assets and liabilities. Such assets shall be held in combination with an instrument or instruments of insurance, guaranty, or surety to provide a total amount sufficient to cover the minimum liability amount in regulation for his level of market share. They shall provide copies of such documents to the Chief Inspector.

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Aggregate limits approved at such time shall remain in effect until the occurrence of an event described in subsection E of this section.

C. Within 30 days of receipt of documentation of financial responsibility submitted by a contract fee inspector for the purpose of complying with these regulations, the Chief Inspector shall issue a determination to the contract fee inspector as to whether the documentation provided is acceptable. Documentation approval by the Chief Inspector is a requirement to operate as a contract fee inspector within the Commonwealth of Virginia.

D. A contract fee inspector shall notify the Chief Inspector at least 30 days before the effective date of any change in coverage, expiration, or cancellation of an instrument of insurance, guaranty, surety or self-insurance. In the case of self-insurance, the contract fee inspector shall notify the Chief Inspector immediately upon such time as he can no longer maintain self-insurance at the required limit and has not secured insurance, guaranty or a surety to cover his liability to the required limit.

E. Acceptance of proof of financial responsibility shall expire on the effective date of any change in the inspector's instrument of insurance, guaranty or surety, or the expiration date of the inspector's certification whichever is sooner. Application for renewal of acceptance of proof of financial responsibility shall be filed at least 30 days before.

VA.R. Doc. No. R04-68; Filed January 29, 2007, 2:29 p.m.

Final Regulation

REGISTRAR'S NOTICE: The following regulations are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: **Occupational Exposure to Hexavalent Chromium.**

16 VAC 25-90-1910. Federal Identical General Industry Standards (29 CFR Part 1910) (amending 16 VAC 25-90-1910.1000).

16 VAC 25-100-1915. Federal Identical Shipyard Employment Standards (29 CFR Part 1915) (amending 16 VAC 25-100-1915.1000).

16 VAC 25-175-1926. Federal Identical Construction Industry Standards (29 CFR Part 1926) (adding 16 VAC 25-175-1926.55).

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: March 21, 2007.

Agency Contact: John Crisanti, Policy and Planning Manager, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, email john.crisanti@doli.virginia.gov.

Summary:

Federal OSHA has corrected errors in Parts 1910, 1915 and 1926 of the final rule addressing occupational exposure to hexavalent chromium, or CR(VI), that appeared in the Federal Register on February 28, 2006 (71 FR 10099). The following correcting amendments were made to the final rule for Chromium (VI).

In 29 CFR 1910.1000, Air Contaminants, Table Z-1, the entry was revised for "tert-Butyl chromate (as CrO₃)," footnote 5 was also revised by removing the entry for "Chromic acid and chromates (as CrO₃)," and a new footnote 6 was added. Also, in Table Z-2 of 29 CFR 1910.1000, footnote c was revised.

Note on Incorporation by Reference

Pursuant to § 2.2-4103 of the Code of Virginia, 29 CFR Part 1910, General Industry Standards; 29 CFR Part 1915, Shipyard Employment Standards; 29 CFR Part 1926, Construction Industry Standards, are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the documents will not be printed in the Virginia Register of Regulations. A copy of the documents are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On December 6, 2006, the Safety and Health Codes Board adopted federal OSHA's correcting amendments to the final rule for Occupational Exposure to Hexavalent Chromium for 29 CFR Parts 1910, 1915 and 1926, which were published in the Federal Register on June 23, 2006 (71 FR 36008-36009). The amendments correct the Virginia Administrative Code at 16 VAC 25-90-1910.1000, Air Contaminants, to conform to 29 CFR Part 1910; 16 VAC 25-100-1915.1000, Air Contaminants, to conform to 29 CFR Parts 1915; and 16 VAC 25-175-1926.55, Gases, vapors, fumes, dusts, and mists, to conform to 29 CFR Part 1926.

When the regulations, as set forth in the correcting amendments to the final rule for Occupational Exposure to Hexavalent Chromium for 29 CFR 1910.1000, 29 CFR 1915.1000, and 29 CFR 1926.55, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

Federal Terms

29 CFR

Assistant Secretary

VOSH Equivalent

VOSH Standard

Commissioner of Labor and Industry

Agency
June 23, 2006

Department
March 21, 2007

VA.R. Doc. No. R07-132; Filed January 17, 2007, 12:36 p.m.

Final Regulation

REGISTRAR'S NOTICE: The following regulations are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: **Assigned Protection Factors for Respirators.**

16 VAC 25-90-1910. Federal Identical General Industry Standards (29 CFR Part 1910) (amending 16 VAC 25-90-1910.134, 16 VAC 25-90-1910.1001, 16 VAC 25-90-1910.1017, 16 VAC 25-90-1910.1018, 16 VAC 25-90-1910.1025, 16 VAC 25-90-1910.1027, 16 VAC 25-90-1910.1028, 16 VAC 25-90-1910.1029, 16 VAC 25-90-1910.1043, 16 VAC 25-90-1910.1044, 16 VAC 25-90-1910.1045, 16 VAC 25-90-1910.1047, 16 VAC 25-90-1910.1048, 16 VAC 25-90-1910.1050, and 16 VAC 25-90-1910.1052).

16 VAC 25-100-1915. Federal Industry Shipyard Employment Standards (29 CFR Part 1915) (amending 16 VAC 25-100-1915.1001).

16 VAC 25-175-1926. Federal Identical Construction Industry Standards (29 CFR Part 1926) (amending 16 VAC 25-175-1926.60, 16 VAC 25-175-1926.62, 16 VAC 25-175-1926.1101, and 16 VAC 25-175-1926.1127).

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: March 21, 2007.

Agency Contact: John J. Crisanti, Policy and Planning Manager, Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418 or email john.crisanti.@doli.virginia.gov.

Summary:

Federal OSHA revised its existing Respiratory Protection Standard to add definitions and requirements for Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs). The revisions also supersede the respirator selection provisions of existing substance-specific standards with these new APFs (except for the

respirator selection provisions of the 1,3-Butadiene Standard). (71 FR 50122)

The APF final rule completes the revision of the reserve sections of OSHA's Respiratory Protection Standard as published in 1998. The Respiratory Protection Program will now contain provisions necessary for a comprehensive plan, including selection and use of respiratory training, medical evaluation, and fit testing.

APFs are numbers that indicate the level of workplace respiratory protection that a respirator or class of respirators is expected to provide to employees when used as part of an effective respiratory protection program. An APF table is included in the final standard to guide employers in the selection of air-purifying, powered air-purifying, supplied-air (or airline respirator), and self-contained breathing apparatus (SCBA) respirators.

Federal OSHA amended 29 CFR 1910.134, respiratory protection, and the respirator selection provisions of these standards in general industry, construction, shipyards, longshoring and marine terminal workplaces.

Note on Incorporation by Reference

Pursuant to § 2.2-4103 of the Code of Virginia, 29 CFR Part 1910, General Industry Standards; 29 CFR Part 1915, Shipyard Employment Standards; 29 CFR Part 1926, Construction Industry Standards, are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the documents will not be printed in the Virginia Register of Regulations. A copy of the documents are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On December 6, 2006, the Safety and Health Codes Board adopted federal OSHA's revised final rule for the Assigned Protection Factors for Respirators, which was published in the Federal Register on August 24, 2006 (71 FR 50187-50192). The amendments correct the Virginia Administrative Code at 16 VAC 25-90-1910.134, Respiratory Protection; 16 VAC 25-90-1910.1001, Asbestos; 16 VAC 25-90-1910.1017, Vinyl Chloride; 16 VAC 25-90-1910.1018, Inorganic Arsenic; 16 VAC 25-90-1910.1025, Lead; 16 VAC 25-90-1910.1027, Cadmium; 16 VAC 25-90-1910.1028, Benzene; 16 VAC 25-90-1910.1029, Coke Oven Emissions; 16 VAC 25-90-1910.1043, Cotton Dust; 16 VAC 25-90-1910.1044, 1,2-Dibromo-3-Chloropropane; 16 VAC 25-90-1910.1045, Acrylonitrile; 16 VAC 25-90-1910.1047, Ethylene Oxide; 16 VAC 25-90-1910.1048, Formaldehyde; 16 VAC 25-90-1910.1050, Methylenedianiline; 16 VAC 25-90-1910.1052, Ethylene Chloride, to conform to 29 CFR Part 1910; 16 VAC 25-100-1915.1001, Asbestos, to conform to 29 CFR Part 1915; and 16 VAC 25-175-1926.60, Methylenedianiline; 16 VAC 25-175-1926.62, Lead; 16 VAC 25-175-1926.1101, Asbestos; and 16 VAC 25-175-1926.1127, Cadmium, to conform with 29 CFR Part 1926.

Regulations

When the regulations, as set forth in the final rule for Assigned Protection Factors for Respirators, Parts 1910, 1915 and 1926, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
November 22, 2006	March 21, 2007

VA.R. Doc. No. R07-131; Filed January 17, 2007, 12:38 p.m.

Final Regulation

REGISTRAR'S NOTICE: The following regulations are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **National Concensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment.**

16 VAC 25-100-1915. Federal Identical Shipyard Employment Standards (29 CFR Part 1915) (amending 16 VAC 25-100-1915.5, 16 VAC 25-100-1915.505, and 16 VAC 25-100-1915.507).

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: March 21, 2007.

Agency Contact: John Crisanti, Policy and Planning Manager, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, email john.crisanti@doli.virginia.gov.

Summary:

On September 15, 2004, federal OSHA promulgated a new fire protection rule for shipyard employment that incorporated by reference 19 National Fire Protection Association (NFPA) standards. Ten of those NFPA standards had been updated by NFPA since the fire protection rule was proposed and an additional NFPA standard has been updated since the final rule was published.

In this direct final rule, federal OSHA has replaced the references to those 11 NFPA standards by adding 10 of the most recent versions. There are only 10 NFPA standards

replacing 11 NFPA standards because the NFPA combined two of its standards, NFPA 11-1998 and NFPA 11A-1999, into the NFPA 11-2002 standard covering foam fire extinguishing systems.

The sections amended by this direct final rule include the following: 29 CFR 1915.5, Incorporation by reference; 29 CFR 1915.505 (e)(3)(v), Fire response; and 29 CFR 1915.507 (b)(1), (b)(2), (c)(6), (d)(1), (d)(2), (d)(3) and (d)(5), Land-side fire protection system.

Note on Incorporation by Reference

Pursuant to § 2.2-4103 of the Code of Virginia, 29 CFR Part 1915, Shipyard Employment Standards, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. A copy of the document is available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On December 6, 2006, the Safety and Health Codes Board adopted federal OSHA's direct final rule, Updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment, which was published in the Federal Register on October 17, 2006 (71 FR 60846-60847). The amendments correct the Virginia Administrative Code at 16 VAC 25-100-1915.5, Incorporation by Reference; 16 VAC 25-100-1915.505, Fire Response; and 16 VAC 25-100-1915.507, Land-side Fire Protection System, to conform to 29 CFR Part 1915.

When the regulations, as set forth in the final rule for updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
January 16, 2007	March 21, 2007

VA.R. Doc. No. R07-133; Filed January 17, 2007, 12:32 p.m.

Final Regulation

REGISTRAR'S NOTICE: The following regulations are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: **Roll-over Protective Structures.**

16 VAC 25-175-1926. Federal Identical Construction Industry Standards (29 CFR Part 1926) (amending 16 VAC 25-175-1926.1002 and Appendix A of Subpart W).

16 VAC 25-190-1928. Federal Identical Agriculture Industry Standards (29 CFR Part 1928) (amending 16 VAC 25-190-1928.52 and 16 VAC 25-190-1928.53 and Appendix B to Subpart C).

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: March 21, 2007.

Agency Contact: John Crisanti, Policy and Planning Manager, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, email john.crisanti@doli.virginia.gov.

Summary:

Federal OSHA published corrections and technical amendments to its final direct rule on Roll-Over Protective Structures (ROPS) in construction (29 CFR 1926.1002) and agriculture (29 CFR 1928.53) on December 29, 2005. No adverse comments were received. In addition to editorial corrections, federal OSHA made technical changes to improve the consistency among the figures used in the standards and replaced a number of figures with new computer-generated images.

Note on Incorporation by Reference

Pursuant to § 2.2-4103 of the Code of Virginia, 29 CFR Part 1926, Construction Industry Standards, and 29 CFR Part 1928, Agriculture Industry Standards, are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the documents will not be printed in the Virginia Register of Regulations. A copy of the documents are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On December 6, 2006, the Safety and Health Codes Board adopted federal OSHA's revised final rule on Roll-Over Protective Structures in Construction (29 CFR 1926.1002) and Agriculture (29 CFR 1928.52 and 29 CFR 1928.53), which was published in the Federal Register on July 20, 2006 (71 FR 41129-41161). The amendments correct the Virginia Administrative Code at 16 VAC 25-175-1926.1002 and Appendix A to Subpart W, to conform to 29 CFR Part 1926; and 16 VAC 25-190-1928.52, 16 VAC 25-190-1928.53 and Appendix B to Subpart C, to conform to 29 CFR Part 1928.

When the regulations, as set forth in the Corrections and Technical Amendments to the direct final rule on Roll-Over Protective Structures in Construction and Agriculture, are

applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
July 20, 2006	March 21, 2007

VA.R. Doc. No. R07-130; Filed January 17, 2007, 12:39 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR BARBERS AND COSMETOLOGY

Final Regulation

Title of Regulation: **18 VAC 41-60. Body-Piercing Regulations (adding 18 VAC 41-60-10 through 18 VAC 41-60-220).**

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

Effective Date: April 1, 2007.

Agency Contact: William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, or email barbercosmo@dpor.virginia.gov.

Summary:

The regulation establishes licensing requirements for the practice of body piercing. The regulations include (i) definitions of words and terms relative to the practice of providing body-piercing services; (ii) general requirements for obtaining a license to provide services as a body piercer or body piercer ear only; (iii) requirements for becoming a body-piercing apprenticeship sponsor; (iv) general requirements for obtaining a license to operate a body-piercing salon or body-piercing ear only salon; (v) fees for initial, renewal, and reinstatement applications for body piercers, body-piercing salons, body piercers ear only, or body-piercing ear only salons; (vi) sanitation and safety standards for salons that address disinfection and storage of implements, sanitation of equipment and safety standards pertaining to the use of chemical products, the proper handling of blood spills, and client health guidelines; (vii) measures to be taken to ensure that clients are qualified to receive piercing services in compliance with § 18.2-371.3 of the Code of Virginia pertaining to minimum age; and (viii) requirements for obtaining

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certain disclosures and maintenance of records of notification to the client pertaining to risks associated with receiving piercing services.

Changes made since the proposed include: (i) amending the criminal history disclosure requirements to ensure compliance with § 54.1-204 of the Code of Virginia, (ii) reducing work experience requirements for application by waiver of exam and for qualifications of an apprenticeship sponsor, (iii) adding educational requirements to the apprenticeship curriculum, (iv) reducing minimum requirements for number and type of body-piercing performances required in an apprenticeship program, (v) adding probation as an option for disciplinary action by the board, and (vi) adding clarifying language throughout the regulation based on public comments received by the board.

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

CHAPTER 60. BODY-PIERCING REGULATIONS

PART I. GENERAL.

18 VAC 41-60-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings [] unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Apprenticeship program" means an approved body-piercing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct body-piercing apprenticeship training who meets the qualifications in 18 VAC 41-60-70.

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Body piercer ear only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both for compensation.

"Body piercing ear only" means the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Body-piercing ear only salon" means any place in which a fee is charged for the act of using a mechanized, presterilized

ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Gratuitous services" as used in § 54.1-701.5 of the Code of Virginia means providing body-piercing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which body-piercing instruments are cleaned, disinfected, and sterilized.

"Temporary location" means a fixed location at which body piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or celebration.

PART II. ENTRY.

18 VAC 41-60-20. General requirements.

A. In order to receive a license as a body piercer in compliance with § 54.1-703 of the Code of Virginia, an applicant must meet the following qualifications:

1. The applicant shall be in good standing as a body piercer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a body piercer. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a body piercer.

2. The applicant shall disclose his physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body-piercing regulations.

4. In accordance with § 54.1-204 of the Code of Virginia, [the each] applicant shall [not have been convicted disclose a conviction,] in any jurisdiction [,] of [a any] misdemeanor or felony [which directly relates to the profession of body piercing. The board shall have the

~~authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of body piercing. The board will decide each case by taking into account the totality of the circumstances]. Any plea of nolo contendere shall be considered a conviction for [the purposes this purpose] of this section. [The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.]~~

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by a designated testing service.

6. Persons who (i) make application ~~[within one year after the effective date of this chapter between April 1, 2007, and March 31, 2008]~~; (ii) have completed ~~[five three]~~ years of documented work experience within the preceding ~~[eight five]~~ years as a body piercer; and (iii) have completed a minimum of five hours of health education including but not limited to blood borne disease, sterilization, and aseptic techniques related to body piercing and first aid and CPR that is acceptable to the board are not required to complete subdivision 5 of this subsection.

B. Eligibility to sit for board-approved body-piercer examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon shall be eligible to sit for the examination.

2. Training outside of the Commonwealth of Virginia, but within the United States and its territories. Any person completing a body-piercing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination. [If less than required hours of body-piercing training or body-piercing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent

body-piercing training or body-piercing apprenticeship or documentation of three years of work experience within the preceding five years as a body piercer and (ii) documentation of completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to body piercing and first aid and CPR that is acceptable to the board in order to be eligible for examination.]

C. In order to receive a license as a body piercer ear only, an applicant must meet the following qualifications:

1. The applicant shall have completed a minimum of three hours of health education to include but not limited to blood borne disease and first aid that is acceptable to the board and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both [and aftercare of piercing].

2. The applicant shall be in good standing in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's licensed, certified, or registered practice. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia in any profession regulated by the board.

3. The applicant shall disclose his physical address. A post office box is not acceptable.

4. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and the board's body-piercing regulations.

5. In accordance with § 54.1-204 of the Code of Virginia, ~~[the each] applicant shall [not have been convicted disclose a conviction,] in any jurisdiction [,] of [a any] misdemeanor or felony [which directly relates to the profession of body piercing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of body piercing. The board will decide each case by taking into account the totality of the circumstances]. Any plea of nolo contendere shall be considered a conviction for [the purposes this purpose] of this section. [The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired. The~~

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record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.]

18 VAC 41-60-30. License by endorsement.

Upon proper application to the board, any person currently licensed to practice as a body piercer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a body-piercer license without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-60-20 A 1 through A 4.

18 VAC 41-60-40. Examination requirements and fees.

A. Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

18 VAC 41-60-50. Reexamination requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

18 VAC 41-60-60. Examination administration.

A. The examinations may be administered by the board or the designated testing service.

B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

18 VAC 41-60-70. General requirements for a body-piercing apprenticeship sponsor.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in

this section may be eligible to sponsor a body-piercing apprentice if the person:

1. Holds a current Virginia body-piercing license;
2. Provides documentation of legally practicing body piercing for at least [~~seven~~ five] years; and
3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of body piercing is regulated.

B. Apprenticeship sponsors shall be required to maintain a body-piercer license.

C. Apprenticeship sponsors shall ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.

18 VAC 41-60-80. Salon license.

A. Any individual wishing to operate a body-piercing salon or body-piercing ear only salon shall obtain a salon license in compliance with § 54.1-704.1 of the Code of Virginia.

B. A body-piercing salon license or body-piercing ear only salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

C. In the event of a closing of a body-piercing salon or body-piercing ear only salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.

D. Any individual wishing to operate body-piercing salon in a temporary location must have a body-piercing salon license issued by the board.

PART III. FEES.

18 VAC 41-60-90. Fees.

The following fees apply:

<u>FEE TYPE</u>	<u>AMOUNT DUE</u>	<u>WHEN DUE</u>
<u>Individuals:</u>		
<u>Application</u>	<u>\$55</u>	<u>With application</u>
<u>License by endorsement</u>	<u>\$55</u>	<u>With application</u>
<u>Renewal:</u>	<u>\$55</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$110*</u> <u>*includes \$55 renewal fee and \$55 reinstatement fee</u>	<u>With reinstatement application</u>

<u>Salons:</u>		
<u>Application</u>	<u>\$90</u>	<u>With application</u>
<u>Renewal</u>	<u>\$90</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$180*</u> <u>*includes \$90 renewal fee and \$90 reinstatement fee</u>	<u>With reinstatement application</u>

18 VAC 41-60-100. Refunds.

All fees are nonrefundable and shall not be prorated.

PART IV.
RENEWAL/REINSTATEMENT.

18 VAC 41-60-110. License renewal required.

All body-piercer, body-piercer ear only, body-piercing salon and body-piercing ear only salon licenses shall expire two years from the last day of the month in which they were issued.

18 VAC 41-60-120. Continuing education requirement.

All licensed body piercers shall be required to satisfactorily complete a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to body piercing and first aid and CPR during their licensed term. All licensed body piercers ear only shall be required to satisfactorily complete a minimum of three hours of health education to include but not limited to blood borne disease and first aid during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

18 VAC 41-60-130. Notice of renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

18 VAC 41-60-140. Failure to renew.

A. When a body piercer or body piercer ear only fails to renew their license within 30 days following its expiration date, the licensee shall meet the renewal requirements prescribed in 18 VAC 41-60-130 and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a body piercer or body piercer ear only fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former body-piercer licensee shall apply for licensure as a new

applicant, shall meet all current application requirements, shall pass the board's current examination and shall receive a new license. To resume practice, the former body-piercer ear only licensee shall apply for licensure as a new applicant, shall meet all current application requirements, and shall receive a new license.

C. When a body-piercing salon or body-piercing ear only salon fails to renew its license within 30 days following the expiration date [, it] shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

D. When a body-piercing salon or body-piercing ear only salon fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

F. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

G. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

H. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

PART V.
BODY-PIERCING APPRENTICESHIP PROGRAMS.

18 VAC 41-60-150. Applicants for board approval.

A. Any person desiring to enroll in the body-piercing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to body piercing, and first aid and CPR.

B. Any body piercer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's body-piercing apprenticeship program shall meet the requirements in 18 VAC 41-60-70.

[C. All apprenticeship training shall be conducted in a body-piercing salon that has met the requirements of 18 VAC 41-60-80.]

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18 VAC 41-60-160. Body-piercing apprenticeship curriculum requirements.

Body-piercing apprenticeship curriculum requirements are set out in this section:

1. Microbiology:

- a. Microorganisms, viruses, bacteria, fungi;
- b. Transmission cycle of infectious diseases; and
- c. Characteristics of antimicrobial agents.

2. Immunization:

- a. Types of immunizations;
- b. Hepatitis A – G transmission and immunization;
- c. HIV/AIDS;
- d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
- e. Measles, mumps, and rubella;
- f. Vaccines and immunization; and
- g. General preventative measures to be taken to protect the body piercer and client.

3. Sanitation and disinfection:

a. Definition of terms:

- (1) Sterilization;
- (2) Disinfection and disinfectant;
- (3) Sterilizer or sterilant;
- (4) Antiseptic;
- (5) Germicide;
- (6) Decontamination; and
- (7) Sanitation;

b. The use of steam sterilization equipment and techniques;

c. The use of chemical agents, antiseptics, disinfectants, and fumigants;

d. The use of sanitation equipment;

e. Pre-service sanitation procedure; and

f. Post-service sanitation procedure.

4. Safety:

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of Material Safety Data Sheets;

d. Blood spill procedures;

e. Equipment and instrument storage; and

f. First aid and CPR.

5. Blood borne pathogen standards:

a. OSHA and CDC blood borne pathogen standards;

b. Control Plan for blood borne pathogens;

c. Exposure Control Plan for Body Piercers;

d. Overview of compliance requirements; and

e. Disorders and when not to service a client.

6. Professional standards:

a. History of body piercing;

b. Ethics;

c. Recordkeeping:

(1) Client health history;

(2) Consent forms; and

(3) [~~HIPPA~~ HIPAA] Standards [; (Health Insurance Portability and Accountability Act of 1996 Privacy Rule);]

d. Preparing station, making appointments, salon ethics:

(1) Maintaining professional appearance, notifying clients of schedule changes; and

(2) Promoting services of the salon and establishing clientele [;]

e. Salon management:

(1) Licensing requirements; and

(2) Taxes; [and

f. Supplies:

(1) Usages;

(2) Ordering; and

(3) Storage.]

7. Body piercing:

a. Client consultation;

b. Client health [~~form~~ information];

c. Client disclosure form;

d. Client preparation;

e. Sanitation and safety precautions;

f. Implement selection and use;

g. Proper use of equipment; [~~and~~]

<u>h. Material selection and use [;</u>	<u>navel</u>	<u>[15 minimum of 5]</u>
<u>i. Grade of jewelry; and</u>	<u>eyebrow</u>	<u>[15 minimum of 5]</u>
<u>j. Metals to use].</u>	<u>lip</u>	<u>[15 minimum of 5]</u>
[<u>8. Body-piercing procedures:</u>	<u>septum</u>	<u>[15 minimum of 5]</u>
<u>a. Ear lobe;</u>	<u>nostril</u>	<u>[20-minimum of 5]</u>
<u>b. Helix - ear;</u>	<u>[male nipple</u>	<u>10</u>
<u>c. Concha - ear;</u>	<u>female nipple</u>	<u>10</u>
<u>d. Tragus - ear;</u>	<u>Monroe (face cheek)</u>	<u>12</u>
<u>e. Tongue;</u>	<u>Prince Albert (male</u>	<u>12</u>
<u>f. Navel;</u>	<u>genitalia)</u>	
<u>g. Eyebrow;</u>	<u>Frenum (male</u>	<u>12</u>
<u>h. Lip;</u>	<u>genitalia)</u>	
<u>i. Septum;</u>	<u>clitoral hoods (female</u>	<u>12</u>
<u>j. Nostril;</u>	<u>genitalia)</u>	
<u>k. Male nipple;</u>	<u>labias (female</u>	<u>12</u>
<u>l. Female nipple;</u>	<u>genitalia)</u>	
<u>m. Monroe (face cheek);</u>	<u>additional piercings of</u>	<u>minimum of 50]</u>
<u>n. Prince Albert (male genitalia);</u>	<u>choice</u>	
<u>o. Frenum (male genitalia);</u>		
<u>p. Clitoral hoods (female genitalia); and</u>	<u>Total</u>	<u>[250-100]</u>
<u>q. Labias (female genitalia).</u>		

B. An approved body-piercing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for body piercing and, based on the assessment, give a maximum of 500 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

**PART VI.
STANDARDS OF PRACTICE.**

18 VAC 41-60-180. Display of license.

A. Each body-piercing salon owner or body-piercing ear only salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the salon in plain view of the public. Duplicate licenses shall be posted in a like manner in every salon location where the licensee provides services.

B. Each body-piercing salon or body-piercing ear only salon owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.

C. Each body-piercing salon or body-piercing ear only salon owner shall offer to licensees the full series of Hepatitis B vaccine.

D. Each body-piercing salon or body-piercing ear only salon owner shall maintain a record for each licensee of:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

9. Virginia body-piercing laws and regulations.]

18 VAC 41-60-170. Body-piercing hours of instruction and performances.

A. Curriculum requirements specified in 18 VAC 41-60-160 shall be taught over a minimum of 1,500 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, and 6 of 18 VAC 41-60-160;
2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18 VAC 41-60-160; and
3. The remaining 1,000 hours shall be devoted to practical training and the following performances pertaining to subdivision 7 of 18 VAC 41-60-160:

<u>Body-Piercing</u>	
<u>Performances</u>	
<u>ear lobe</u>	<u>[20-minimum of 5]</u>
<u>helix - ear</u>	<u>[15 minimum of 5]</u>
<u>concha - ear</u>	<u>[15 minimum of 5]</u>
<u>tragus - ear</u>	<u>[15 minimum of 5]</u>
<u>tongue</u>	<u>[20-minimum of 5]</u>

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E. All licensees shall operate under the name in which the license is issued.

18 VAC 41-60-190. Physical facilities.

A. A body-piercing salon or body-piercing ear only salon must be in a permanent building, which must be in a location permissible under local zoning codes, if any. If applicable, the body-piercing salon or body-piercing ear only salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. The body-piercing salon, body-piercing ear only salon, or temporary location shall be maintained in a clean and orderly manner.

C. A body-piercing salon, body-piercing ear only salon, or temporary location shall have a blood spill clean-up kit in the work area.

D. Work surfaces in a body-piercing salon, body-piercing ear only salon, or temporary location shall be cleaned with an EPA-registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA-registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

E. In a body-piercing salon, body-piercing ear only salon, or temporary location, cabinets or containers for the storage of instruments, single-use articles, and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. In a body-piercing salon, body-piercing ear only salon, or temporary location, bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

G. In a body-piercing salon, body-piercing ear only salon, or temporary location, all materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single use containers and shall be disposed of after each use.

H. In a body-piercing salon or body-piercing ear only salon, the walls, ceilings, and floors shall be kept in good repair. The body-piercing area shall be constructed of smooth, hard, surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New physical facilities shall not include any dark-colored surfaces in the body-piercing area. Existing physical facilities with dark-colored surfaces in the body-piercing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. A body-piercing salon, body-piercing ear only salon, or temporary location shall have adequate lighting of at least 50 foot-candles of illumination in the body-piercing and sterilization areas.

J. In a body-piercing salon, body-piercing ear only salon, or temporary location, adequate mechanical ventilation shall be provided.

K. A body-piercing salon, body-piercing ear only salon, or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the body-piercing or body-piercing ear only area such that the body piercer or body piercer ear only can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the body-piercing salon, body-piercing ear only salon, or temporary location except for guide or service animals accompanying persons with disabilities or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the body-piercing or sterilization areas. No animals are allowed in the body-piercing, body-piercing ear only or sterilization areas.

M. In a body-piercing salon, body-piercing ear only salon, or temporary location, the use of tobacco products and consumption of alcoholic beverages shall be prohibited in the body-piercing, body-piercing ear only or sterilization areas.

N. In a body-piercing salon, body-piercing ear only salon, or temporary location, no food or drink will be stored or consumed in the body-piercing, body-piercing ear only, or sterilization areas.

O. In a body-piercing salon, body-piercing ear only salon, or temporary location, if body-piercing or body-piercing ear only is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

[P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the salon's employees.]

18 VAC 41-60-200. Body piercer and body piercer ear only responsibilities.

A. All body piercers and body piercers ear only shall provide to the owner [one of the following]:

1. Proof of completion of the full series of Hepatitis B vaccine;

2. Proof of immunity by blood titer; or

3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

B. All body piercers and body piercers ear only shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All body piercers and body piercers ear only shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after body piercing and as necessary to remove contaminants.

D. All body piercers and body piercers ear only must wear single-use examination gloves while assembling instruments and [another pair of single-use examination gloves] while providing piercing services.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated [or become contaminated], or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves [~~should~~ shall] be removed and disposed of; and

2. Hands shall be cleaned and a fresh pair of gloves used.

F. Body piercers and body piercers ear only shall use standard precautions while providing piercing services. A body piercer or body piercer ear only diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the body piercer's condition no longer poses a threat to public health.

G. Body piercers and body piercers ear only with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

H. The area of the client's skin to be pierced shall be cleaned with an approved germicidal soap [or antiseptic product] according to label directions.

I. The external skin of the client to be pierced shall be cleaned with an approved germicidal soap [or antiseptic product] according to the label directions. In the case of oral piercings, the operator shall provide the individual with antiseptic mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret or cheek piercing, procedures described in this subsection for both skin and oral piercings shall be followed.

J. If shaving is required, razors shall be single-use and disposed of in a puncture-resistant container.

K. Each body piercer or body piercer ear only performing any piercing procedures in the salon shall have the education,

training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of blood borne pathogens. All procedures shall be performed using aseptic technique.

L. [~~A set of An~~] individual, [~~sterilized needles single-use, pre-sterilized piercing needle~~] shall be used for each client. [~~Single-use Single-use~~] disposable instruments shall be disposed of in a puncture-resistant container.

M. Used, nondisposable instruments shall be kept in a separate, puncture-resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container [§ .]

O. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

P. The ultrasonic unit shall be sanitized daily with a germicidal solution.

Q. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

R. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

T. Contaminated disposable and [~~single-use single-use~~] items shall be disposed of in accordance with [federal and] state regulations regarding disposal of biological hazardous materials.

[U. The manufacturer's written instruction of the autoclave shall be followed.]

18 VAC 41-60-210. Body-piercing client qualifications, disclosures, and records.

A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the body piercing a valid, government-issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

Regulations

B. The body piercer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be body pierced who appears to be under the influence of alcohol or drugs.

D. Body piercing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. Before receiving a body piercing, each client and client's parent or guardian, if applicable, shall be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each body piercing. Signatures of the client, the client's parent or guardian, if applicable, and the body piercer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures. [Each client and client's parent or guardian, if applicable, shall be informed verbally and in writing of aftercare for each piercing.]

F. The body-piercing salon or temporary location shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the body-piercing salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client;
2. The date body piercing was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the body piercer;
4. The specific type of jewelry used for the piercing and, when available, the manufacturer's catalogue or identification number for the type of jewelry used;
5. The location on the body where the body piercing was performed;
6. The name of the body piercer;
7. A statement that the client has received a copy of applicable written care instructions and that the client has read and understands the instructions; and
8. The signature of the client and, if applicable, parent or guardian.

18 VAC 41-60-220. Grounds for license revocation or suspension [or probation]; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

A. The board may, in considering the totality of the circumstances, fine any licensee and suspend [, place on probation] or revoke or refuse to renew or reinstate any license,

or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:

1. The licensee is incompetent or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a body piercer or body piercer ear only;

2. The licensee or applicant is convicted of fraud or deceit in the practice body piercing or body piercing ear only;

3. The licensee or applicant obtained, renewed or reinstated a license by false or fraudulent representation;

4. The licensee or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which body piercers or body piercers ear only may practice or offer to practice;

5. The licensee or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;

6. A licensee fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;

7. The licensee or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;

8. The licensee or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction; [or]

9. [~~In accordance with § 54.1-204 of the Code of Virginia,~~ ~~the~~ ~~The~~] licensee or applicant has been convicted [or found guilty] in any jurisdiction of [a any] misdemeanor or felony [that directly relates to the profession of body piercing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of body piercing or body piercing ear only. The board will decide each case by taking into account the totality of the circumstances.] Any plea of nolo contendere shall be

considered a conviction for the [purposes purpose] of this section. [~~The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt; or~~

10. The licensee, certificate holder, temporary license holder, or applicant fails to notify the board in writing within 30 days that the licensee, certificate holder, temporary license holder, or applicant has pleaded guilty or nolo contendere or was convicted and found guilty of any misdemeanor or felony.]

B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend [, place on probation] or refuse to renew or reinstate the license of any body-piercing salon [or body-piercing ear only salon] or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the body-piercing salon or body-piercing ear only salon fails to comply with the facility requirements of body-piercing salons [or body-piercing ear only salons] provided for in this chapter or in any local ordinances; or

2. The owner or operator allows a person who has not obtained a license to practice as a body piercer or body piercer ear only unless the person is duly enrolled as an apprentice.

C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend [, place on probation] or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of body piercing or body piercing ear only.

NOTICE: The forms used in administering 18 VAC 41-60, Body-Piercing Regulations, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Salon, Shop & Parlor License Application, [~~1213SLSH~~ 12SLSHP] ([~~12/05~~ eff. 4/07]).

[~~Body-Piercer License Application, 1241LIC (eff. 4/07).~~]

Body-Piercer Examination & License Application, 1241EX ([~~12/05~~ eff. 4/07]).

[~~Body-Piercer Ear Only License Application, 1245LIC (eff. 4/07).~~

[~~Body Piercer Apprenticeship Completion Form, 1244BPAC (12/05).~~

Body-Piercing Apprentice Certification Application, 1244BPAC (eff. 4/07).]

10. Enter the name, address, birth date, and social security number of each owner of the salon, shop or parlor (i.e., sole proprietor, general partners, or association members). Corporate, Limited Partnership and Limited Liability Company names should be entered on line #2 above.

Last Name	First Name	MI	Address	Birth Date	Social Security No. ^Σ

11. Has the salon/shop/parlor or any owner ever been subject to a disciplinary action taken by any (including Virginia) local, state, or national regulatory body?

No
 Yes If yes, please provide a certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision.

12. Has the salon/shop/parlor or any owner ever been convicted in any jurisdiction of a misdemeanor or felony? *Any plea of nolo contendere shall be considered a conviction.*

No
 Yes If yes, list the misdemeanor and/or felony conviction(s). Attach your original criminal history record; a certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision; **and** any other information you wish to have considered with this application (i.e., information on the status of incarceration, parole or probation; reference letters; documentation of rehabilitation; etc.). If necessary, you may attach a separate sheet of paper.

Original criminal history records may be obtained by contacting the state police in the jurisdiction in which you were convicted. Virginia residents must complete a criminal history record request form in the presence of a notary public and mail it to the Department of State Police, Central Criminal Records Exchange, Post Office Box 27472, Midlothian, Virginia 23261-7472. Certified copies of court records may be obtained by writing to the Clerk of the Court in the jurisdiction in which you were convicted. The address is available from your local police department.

13. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I will notify the Department if the salon/shop or any owner is subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested license. I certify that the salon/shop has complied with all the laws of Virginia related to barber and cosmetology licensure under the provisions of Title 54.1, Chapter 7 of the *Code of Virginia* and the *Virginia Board for Barbers and Cosmetology Regulations, Wax Technician Regulations, Hair Braiding Regulations, and Tattooing Regulations.*

Signature _____ Date _____

^Σ State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

11. Are you applying to be a body-piercing apprenticeship sponsor?
No
Yes If yes, you must provide documentation of 5 years of legal body-piercing experience with this completed application.
12. Have you ever been subject to a disciplinary action taken by any (including Virginia) local, state or national regulatory body in connection with your practice of body-piercing?
No
Yes If yes, please provide a certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision.
13. Have you ever been convicted in any jurisdiction of a misdemeanor or felony? *Any plea of nolo contendere shall be considered a conviction.*
No
Yes If yes, list the misdemeanor and/or felony conviction(s). Attach your original criminal history record; a certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision; and any other information you wish to have considered with this application (i.e., information on the status of incarceration, parole or probation; reference letters; documentation of rehabilitation; etc.). If necessary, you may attach a separate sheet of paper.
- Original criminal history records may be obtained by contacting the state police in the jurisdiction in which you were convicted. Virginia residents must complete a criminal history record request form in the presence of a notary public and mail it to the Department of State Police, Central Criminal Records Exchange, Post Office Box 27472, Midlothian, Virginia 23261-7472. Certified copies of court records may be obtained by writing to the Clerk of the Court in the jurisdiction in which you were convicted. The address is available from your local police department.*

14. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the decision to approve this application. I will notify the Department if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested license. I certify that I have read, understand, and complied with all the laws of Virginia related to body-piercing under the provisions of Title 54.1, Chapter 7 of the *Code of Virginia* and the *Virginia Board for Barbers and Cosmetology Body-Piercing Regulations*.

Signature _____

Date _____

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

11. Which method are you using to qualify for the examination? Select only one.
- Completion of an approved Body-Piercing apprenticeship program in a Virginia licensed tattoo parlor.
Required Documentation: A completed *Apprenticeship Completion Form*.
 - Successful completion of a Body-Piercing training or apprenticeship program which is substantially equivalent to the Virginia program but is obtained outside of the Commonwealth of Virginia, but within the United States and its territories.
Required Documentation: Verification of successful completion of apprenticeship or training.
12. Are you applying for the Apprenticeship Sponsor designation?
- No
- Yes If yes, provide documentation of legally practicing tattooing for at least 7 years.
13. Have you ever been subject to a disciplinary action taken by any (including Virginia) local, state or national regulatory body?
- No
- Yes If yes, provide a certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision.
14. Have you ever been convicted in any jurisdiction of a misdemeanor or felony? *Any plea of nolo contendere shall be considered a conviction.*
- No
- Yes If yes, list the misdemeanor and/or felony conviction(s). Attach your original criminal history record; a certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision; and any other information you wish to have considered with this application (i.e., information on the status of incarceration, parole or probation; reference letters; documentation of rehabilitation; etc.). If necessary, you may attach a separate sheet of paper.
- Original criminal history records may be obtained by contacting the state police in the jurisdiction in which you were convicted. Virginia residents must complete a criminal history record request form in the presence of a notary public and mail it to the Department of State Police, Central Criminal Records Exchange, Post Office Box 27472, Midlothian, Virginia 23261-7472. Certified copies of court records may be obtained by writing to the Clerk of the Court in the jurisdiction in which you were convicted. The address is available from your local police department.*

15. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the decision to approve this application. I will notify the Department if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested license. I certify that I have read, understand, and complied with all the laws of Virginia related to barber and cosmetology licensure under the provisions of Title 54.1, Chapter 7 of the *Code of Virginia* and the *Virginia Board for Barbers and Cosmetology Regulations*.

Signature _____ Date _____

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

11. Have you ever been subject to a disciplinary action taken by any (including Virginia) local, state or national regulatory body in connection with your practice of body-piercing?
- No
- Yes If yes, please provide a certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision.
12. Have you ever been convicted in any jurisdiction of a misdemeanor or felony? *Any plea of nolo contendere shall be considered a conviction.*
- No
- Yes If yes, list the misdemeanor and/or felony conviction(s). Attach your original criminal history record; a certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision; and any other information you wish to have considered with this application (i.e., information on the status of incarceration, parole or probation; reference letters; documentation of rehabilitation; etc.). If necessary, you may attach a separate sheet of paper.
- Original criminal history records may be obtained by contacting the state police in the jurisdiction in which you were convicted. Virginia residents must complete a criminal history record request form in the presence of a notary public and mail it to the Department of State Police, Central Criminal Records Exchange, Post Office Box 27472, Midlothian, Virginia 23261-7472. Certified copies of court records may be obtained by writing to the Clerk of the Court in the jurisdiction in which you were convicted. The address is available from your local police department.*

14. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the decision to approve this application. I will notify the Department if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested license. I certify that I have read, understand, and complied with all the laws of Virginia related to body-piercing under the provisions of Title 54.1, Chapter 7 of the *Code of Virginia* and the *Virginia Board for Barbers and Cosmetology Body-Piercing Regulations*.

Signature _____ Date _____

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

Return Completed Application to:

Board for Barbers and Cosmetology
3600 West Broad Street
Richmond, Virginia 23230-4917
804-367-8509
www.dpor.virginia.gov
barbercosmo@dpor.virginia.gov



BODY-PIERCING APPRENTICE CERTIFICATION APPLICATION

No Application Fee Required

NOTE: This application for certification as a body-piercing apprentice requires designation of a Board approved body-piercing apprenticeship sponsor on a signed and notarized Apprenticeship Agreement. Upon successful completion of the required apprenticeship training program, the apprentice will be required to also successfully complete the Board's licensing examination and meet other licensing eligibility requirements in order to obtain a body-piercing license. An incomplete application will not be considered.

Name: _____
First Middle Name Last Generation (Jr. Sr.)

Date of Birth: _____ Social Security Number: * _____ - _____ - _____
MM / DD / YEAR

Mailing Address (PO Box accepted): _____

City: _____ State: _____ Zip: _____

Home Address (PO Box not accepted): _____

City: _____ State: _____ Zip: _____

Home Telephone: () _____ Daytime Telephone: () _____

E-mail address: _____

Apprenticeship Sponsor Designation:

Name: _____ Body-Piercer License No. 1231 _____

Parlor Name: _____ Salon License No. 1232 _____

Parlor Address: _____

City: _____ State: _____ Zip: _____

Parlor Telephone: () _____ E-mail address: _____

I have reviewed with my sponsor Part II. ENTRY, Section 18 VAC 41-60-20. General requirements for body-piercer of the Body-Piercing Regulations, and I am aware of the qualifications for licensure as a body-piercer after I have completed the apprenticeship.

The above information is true and correct. _____
Apprentice Signature Date

OFFICE USE ONLY		
Application Review Date: ____/____/____	CLES Check for Sponsor Confirmed <input type="checkbox"/>	CLES Check for Salon Confirmed <input type="checkbox"/>
	Certification Approved <input type="checkbox"/>	Certification Denied <input type="checkbox"/>

APPRENTICESHIP AGREEMENT

The purpose of this Apprenticeship Agreement is to establish the obligations of all parties participating in the Virginia Board for Barbers and Cosmetology Apprenticeship Program for Body-Piercing.

By affixed signatures, the parties named below acknowledge that they have read and agree to comply with all requirements, terms and conditions established in the attached Virginia Board for Barbers and Cosmetology Body-Piercing Apprenticeship Standards.

ACKNOWLEDGEMENT

Signature of Apprentice _____
Date

(If required)Signature of Legal Guardian _____
Date

Signature of Apprenticeship Sponsor _____
Date

Notarization

In the State of _____, City/County of _____, subscribed and sworn before me, the undersigned Notary Public in and for the City/County aforesaid this _____, day of _____, My commission expires the _____, day of _____.

Affix official seal here.

Signature of Notary Public

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

BOARD FOR CONTRACTORS

Final Regulation

Title of Regulation: 18 VAC 50-30. Individual License and Certification Regulations (amending 18 VAC 50-30-10 through 18 VAC 50-30-50, 18 VAC 50-30-70, 18 VAC 50-30-90 through 18 VAC 50-30-150, 18 VAC 50-30-190, and 18 VAC 50-30-200; adding 18 VAC 50-30-185 and 18 VAC 50-30-210 through 18 VAC 50-30-260; repealing 18 VAC 50-30-60, 18 VAC 50-30-80, and 18 VAC 50-30-180).

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Effective Date: April 1, 2007.

Agency Contact: Eric Olson, Executive Director, Board for Contractors, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, or e-mail contractor@dpor.virginia.gov.

Summary:

The amendments (i) introduce a three-hour building code-related continuing education requirement for the biennial renewal of licensure and for the reinstatement of licensure; (ii) establish entry requirements, fees, and certificate maintenance procedures for certified elevator mechanics in accordance with Chapter 188 of the 2004 Acts of Assembly; (iii) clarify definitions and requirements; (iv) remove requirements that are duplicative or no longer applicable; and (v) add references to existing statutes.

Changes made since the proposed include (i) amending the definitions of "journeyman" and "supervisor," (ii) repealing the definition of "supervision," and (iii) changing the effective date for continuing education requirements from July 1, 2007, to December 31, 2007.

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

CHAPTER 30.

TRADESMAN RULES AND INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS.

18 VAC 50-30-10. Definitions.

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

~~"Affidavit" means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.~~

"Apprentice" means a person who assists tradesmen while gaining knowledge of the trade through on-the-job training

and related instruction in accordance with the Virginia Voluntary Apprenticeship Act (§ 40.1-117 et seq. of the Code of Virginia).

~~"Approved" means approved by the Department of Professional and Occupational Regulation.~~

~~"Backflow prevention device testing" means performing functional procedures to ascertain that the device is still providing the necessary backflow protection in accordance with the Virginia Uniform Statewide Building Code.~~

~~"Backflow prevention device work" consists of and is limited to the following: (i) maintenance; (ii) repair; (iii) testing; or (iv) periodic inspection of cross connection control devices, including but not limited to reduced pressure principle backflow preventors, double check valve assemblies, double detector check valve assemblies, pressure type vacuum breaker assemblies, and other such devices designed, installed, and maintained in such a manner so as to prevent the contamination of the potable water supply by the introduction of nonpotable liquids, solids, or gases, thus ensuring that the potable water supply remains unaltered and free from impurities, odor, discoloration, bacteria, and other contaminants which would make the potable water supply unfit or unsafe for consumption and use means work performed by a backflow prevention device worker as defined in § 54.1-1128 of the Code of Virginia.~~

~~"Backflow prevention device worker" means any individual who engages in, or offers to engage in, the maintenance, repair, testing or periodic inspection of cross connection control devices.~~

~~"Board" means the Board for Contractors.~~

"Building official/inspector" is an employee of the state, a local building department or other political subdivision who enforces the Virginia Uniform Statewide Building Code.

"Certified elevator mechanic" means an individual who is certified by the board who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining elevators, escalators, or related conveyances in accordance with the Uniform Statewide Building Code.

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

"Division" means a limited subcategory within any of the trades, as approved by the department.

"Electrical work" consists of, but is not limited to, the following: (i) planning and layout of details for installation or modifications of electrical apparatus and controls including preparation of sketches showing location of wiring and equipment; (ii) measuring, cutting, bending, threading, assembling and installing electrical conduits; (iii) performing maintenance on electrical systems and apparatus; (iv) observation of installed systems or apparatus to detect

hazards and need for adjustments, relocation or replacement; and (v) repairing faulty systems or apparatus.

"Electrician" means a tradesman who does electrical work including the construction, repair, maintenance, alteration or removal of electrical systems in accordance with the National Electrical Code and the Virginia Uniform Statewide Building Code.

"Formal vocational training" means courses in the trade administered at an accredited educational facility; or formal training, approved by the department, conducted by trade associations, businesses, the military, correspondence schools or other similar training organizations.

"Gas fitter" means ~~a tradesman~~ an individual who does gas fitting-related work usually as a division within the HVAC or plumbing trades in accordance with the Virginia Uniform Statewide Building Code. This work includes the installation, repair, improvement or removal of liquefied petroleum or natural gas piping, tanks, and appliances annexed to real property.

"Helper" or "laborer" means a person who assists a licensed tradesman and who is not an apprentice as defined in this chapter.

"HVAC tradesman" means an individual whose work includes the installation, alteration, repair or maintenance of heating systems, ventilating systems, cooling systems, steam and hot water heating systems, boilers, process piping, backflow prevention devices, and mechanical refrigeration systems, including tanks incidental to the system.

"Incidental" means work that is necessary for that particular repair or installation.

"Journeyman" means a person who possesses the necessary ability, proficiency and qualifications to install, repair and maintain specific types of materials and equipment [~~and supervise the work of installing, repairing and maintaining specific types of materials and equipment,~~] utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code and according to plans and specifications.

~~"Licensed tradesman" means an individual who meets the requirements for licensure that relate to the trade which he practices.~~

"Liquefied petroleum gas fitter" means any individual who engages in, or offers to engage in, work for the general public for compensation in work that includes the installation, repair, improvement, alterations or removal of piping, liquefied petroleum gas tanks and appliances (excluding hot water heaters, boilers and central heating systems that require a heating, ventilation and air conditioning or plumbing certification) annexed to real property.

"Maintenance" means the reconstruction or renewal of any part of a backflow device for the purpose of maintaining its proper operation. This does not include the actions of removing, replacing or installing, except for winterization.

"Master" means a person who possesses the necessary ability, proficiency and qualifications to plan and lay out the details for installation and supervise the work of installing, repairing and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code.

"Natural gas fitter provider" means any individual who engages in, or offers to engage in, work for the general public for compensation in the incidental repair, testing, or removal of natural gas piping or fitting annexed to real property, excluding new installation of gas piping for hot water heaters, boilers, central heating systems, or other natural gas equipment that requires heating, ventilation and air conditioning or plumbing certification.

"Periodic inspection" means to examine a cross connection control device in accordance with the requirements of the locality to be sure that the device is in place and functioning in accordance with the standards of the Virginia Uniform Statewide Building Code.

"Plumber" means ~~a tradesman~~ an individual who does plumbing work in accordance with the Virginia Uniform Statewide Building Code.

"Plumbing work" means work that includes the installation, maintenance, extension, or alteration or removal of piping, fixtures, appliances, and appurtenances in connection with any of the following:

1. Backflow prevention devices;
2. Boilers;
3. Domestic sprinklers;
4. Hot water baseboard heating systems;
5. Hydronic heating systems;
6. Process piping;
7. Public/private water supply systems within or adjacent to any building, structure or conveyance;
8. Sanitary or storm drainage facilities;
9. Steam heating systems;
10. Storage tanks incidental to the installation of related systems;
11. Venting systems; or
12. Water heaters.

Regulations

These plumbing tradesmen may also install, maintain, extend or alter the following:

1. Liquid waste systems;
2. Sewerage systems;
3. Storm water systems; and
4. Water supply systems.

"Regulant" means ~~a tradesman license or backflow prevention device certification card holder~~ an individual licensed as a tradesman, liquefied petroleum gas fitter, natural gas fitter provider or certified as a backflow prevention device worker or elevator mechanic.

"Reinstatement" means having a ~~tradesman license or backflow prevention device worker certification card~~ restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a ~~tradesman license or a backflow prevention device worker certification card~~ for another period of time.

"Repair" means the reconstruction or renewal of any part of a backflow prevention device for the purpose of returning to service a currently installed device. This does not include the removal or replacement of a defective device by the installation of a rebuilt or new device.

[~~"Supervision" means providing guidance or direction of a delegated task or procedure by a tradesman licensed in accordance with Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, being accessible to the helper or laborer, and periodically observing and evaluating the performance of the task or procedure.~~]

"Supervisor" means the licensed master or journeyman tradesman who has the responsibility to ensure that the installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code [, one of whom must be on the job site at all times during installation ~~and provides supervision as defined in this chapter to helpers and laborers~~].

"Testing organization" means an independent testing organization whose main function is to develop and administer examinations.

"Trade" means any of the following: electrical, gas fitting, HVAC (heating, ventilation and air conditioning), liquefied petroleum gas fitting, natural gas fitting, plumbing, and divisions within them.

~~"Tradesman" means a person who engages in or offers to engage in, for the general public for compensation, any of the trades covered by this chapter.~~

"Water distribution systems" include fire sprinkler systems, highway/heavy, HVAC, lawn irrigation systems, plumbing, or water purveyor work.

18 VAC 50-30-20. Requirements for licensure as a journeyman or master tradesman engaging in the trades of electrical, gas fitting, HVAC (heating, ventilation and air conditioning), liquefied petroleum gas fitting, natural gas fitting, and plumbing or certification as a backflow prevention device worker.

~~Each individual who engages in, or offers to engage in, electrical, gas fitting, HVAC, liquefied petroleum gas fitting, natural gas fitting, plumbing or backflow prevention device work for the general public for compensation~~ applicant shall meet or exceed the requirements set forth in this section prior to issuance of the license or certification card.

The applicant shall be required to take an ~~oral or written~~ examination to determine his general knowledge of the ~~trade~~ regulated activity in which he desires licensure or certification. If the applicant successfully completes the examination, an application furnished by the department shall be completed. The application shall contain the applicant's name, home address, place of employment, and business address; information on the knowledge, skills, abilities and education or training of the applicant; and ~~an affidavit stating~~ a statement certifying that the information on the application is correct. If the application is satisfactory to the board, a license or certification card shall be issued.

18 VAC 50-30-30. General qualifications for licensure or certification.

Every applicant to the Board for Contractors for licensure as a ~~tradesman or certification as a backflow prevention device worker~~ shall meet the requirements and have the qualifications provided in this section.

1. The applicant shall be at least 18 years old.
2. Unless otherwise exempted, the applicant shall meet the current educational requirements by passing all required courses prior to the time the applicant sits for the examination and applies for licensure or certification.
3. Unless exempted, the applicant shall have passed the applicable ~~written~~ examination provided by the board or by a testing ~~service~~ organization acting on behalf of the board.
4. The applicant shall meet the experience requirements as set forth in 18 VAC 50-30-40 ~~or 18 VAC 50-30-50~~.
5. In those instances where the applicant is required to take the license or certification examination, the applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing ~~service~~ organization with regard to conduct at the examination shall be grounds for denial of application.

6. The applicant shall disclose his physical home address; a post office box alone is not acceptable.

7. Each nonresident applicant for a ~~tradesman~~ license or certification card shall file and maintain with the department an irrevocable consent for the department to serve as service agent for all actions filed in any court in this Commonwealth. In those instances where service is required, the director of the department will mail the court document to the individual at the address of record.

8. The applicant shall sign, as part of the application, ~~an affidavit~~ a statement certifying that the applicant has read and understands ~~the Virginia tradesmen law,~~ Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 of the Code of Virginia; and this chapter.

9. The board may make further inquiries and investigations with respect to the qualifications of the applicant or require a personal interview with the applicant. ~~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.~~

10. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of nolo contendere shall be considered a conviction for the purpose of this subdivision. The record of conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.

11. The applicant shall report any suspensions, revocations, or surrendering of a certificate⁴ or license in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure or certification in Virginia. The board, at its discretion, may deny licensure or certification to any applicant based on prior suspensions, revocations, or surrender of certifications⁴ or licenses based on disciplinary action by any jurisdiction.

18 VAC 50-30-40. Evidence of ability and proficiency.

A. Applicants for examination to be licensed as a journeyman shall furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in the trade and 240 hours of formal vocational training in the trade. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours;

2. Four years of practical experience and 80 hours of vocational training for liquefied petroleum gas fitters and natural gas fitter providers except that no substitute experience will be allowed for liquefied petroleum gas and natural gas workers;

3. An associate degree or a certificate of completion from at least a two-year program in a tradesman-related field from an accredited community college or technical school as evidenced by a transcript from the educational institution and two years of practical experience in the trade for which licensure is desired;

4. A bachelor's degree received from an accredited college or university in an engineering curriculum related to the trade and one year of practical experience in the trade for which licensure is desired; or

5. On or after July 1, 1995, an applicant with 10 years of practical experience in the trade as verified by reference letters of experience from any of the following: building officials, building inspectors, current or former employers, contractors, engineers, architects or current or past clients attesting to the applicant's work in the trade, may be granted permission to sit for the journeyman's level examination without having to meet the educational requirements.

B. Applicants for examination to be licensed as a master shall furnish evidence that one of the following experience standards has been attained:

1. Evidence that they have one year of experience as a licensed journeyman; or

2. On or after July 1, 1995, an applicant with 10 years of practical experience in the trade, as verified by reference letters of experience from any of the following: building officials, building inspectors, current or former employers, contractors, engineers, architects or current or past clients, attesting to the applicant's work in the trade, may be granted permission to sit for the master's level examination without having to meet the educational requirements.

C. Individuals who have successfully passed the Class A contractors trade examination prior to January 1, 1991, administered by the Virginia Board for Contractors in a certified trade shall be deemed qualified as a master in that trade in accordance with this chapter.

D. Applicants for examination to be certified as a backflow prevention device worker shall furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in water distribution systems and 40 hours of formal vocational training in a school approved by the board; or

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2. Applicants with seven or more years of experience may qualify with 16 hours of formal vocational training in ~~an approved~~ a school approved by the board.

The board accepts the American Society of Sanitary Engineers' (ASSE) standards for testing procedures. Other programs could be approved after board review. The board requires all backflow training to include instruction in a wet lab.

E. An applicant for certification as an elevator mechanic shall:

1. Have three years of practical experience in the construction, maintenance and service/repair of elevators, escalators, or related conveyances; 144 hours of formal vocational training; and satisfactorily complete a written examination administered by the board. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 40 hours of formal training, but not to exceed 120 hours;

2. Have three years of practical experience in the construction, maintenance, and service/repair of elevators, escalators, or related conveyances and a certificate of completion of the elevator mechanic examination of a training program determined to be equivalent to the requirements established by the board; or

3. Successfully complete an elevator mechanic apprenticeship program that is approved by the Virginia Apprenticeship Council or registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, as evidenced by providing a certificate of completion or other official document, and satisfactorily complete a written examination administered by the board.

18 VAC 50-30-50. Exemptions from examination; exemptions from licensure.

A. An individual certified or licensed by any one of the following agencies shall not be required to fulfill the examination requirement:

1. The Department of Housing and Community Development prior to July 1, 1995;
2. Any local governing body prior to July 1, 1978; or
3. Any Virginia locality backflow prevention device worker certification issued prior to July 1, 1998.

B. Other methods of exemption from the journeyman examination are as follows:

1. Successful completion of an apprenticeship program which is approved by the Virginia Apprenticeship Council for exemption from examination, as evidenced by providing a certificate of completion or other official document.

2. Any tradesman who had a Class B registration in the trade prior to January 1, 1991, and has been continuously licensed as a Class B contractor. ~~Candidates for this exemption must submit documentation from the Board for Contractors.~~

~~3. Individuals applying for certification as backflow prevention device workers between July 1, 1998, and July 1, 1999, shall be deemed to have fulfilled the examination requirements if they are able to demonstrate the required years of discipline free experience and education or training set forth in 18 VAC 50-30-40 D 2. These individuals shall provide the following with their application:~~

~~a. An affidavit from a building official, building inspector or Virginia water purveyor attesting to at least seven years of experience and competency in the field on a form provided by the department; and~~

~~b. A certificate or other documentation that an appropriate course of instruction of at least 16 hours at an approved school has been successfully completed prior to July 7, 1999.~~

~~4. a. Individuals applying for licensure as a liquefied petroleum gas fitter by November 1, 2002, who are able to demonstrate that they have at least five years' experience as a liquefied petroleum gas fitter, are exempted from the examination requirements. This item refers to master tradesmen.~~

~~b. Individuals applying for licensure as a liquefied petroleum gas fitter between July 1, 2000, and July 1, 2005, shall be deemed to have fulfilled the examination requirements if they are able to demonstrate that they have at least five years' experience in an apprenticeship capacity under the direct supervision of a gas fitter. This item refers to journeymen tradesmen.~~

~~5. a. Individuals applying for a natural gas fitter provider license by November 1, 2002, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate that they have five years' prior experience as a natural gas fitter provider. This item refers to master tradesmen.~~

~~b. Individuals applying for a natural gas fitter provider license between July 1, 1999, and July 1, 2004, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate that they have at least five years' experience in an apprenticeship capacity under the direct supervision of a gas fitter. This item refers to journeymen tradesmen.~~

C. Exemptions from licensure are as follows:

1. Helpers or laborers who assist licensed tradesmen;

~~2. Any person who performs electrical, gas fitting, HVAC, liquefied petroleum gas fitting, natural gas fitting, or plumbing work not for the general public for compensation;~~

~~3. Any person who installs television or telephone cables, lightning arrestor systems, or wiring or equipment operating at less than 50 volts;~~

~~4. Installers of wood stove equipment, masonry chimneys or prefabricated fireplaces shall be exempt from certification as a HVAC tradesman; and~~

~~5. Any person who is performing work on any ship, boat, barge or other floating vessel.~~

18 VAC 50-30-60. Application and issuance of tradesman licenses or backflow prevention device worker certifications. (Repealed.)

~~A. All applicants for licensure as a tradesman or certification as a backflow prevention device worker must make application with the department to obtain the required tradesman license or backflow prevention device worker certification.~~

~~B. Unless otherwise exempted, an applicant must successfully complete an examination to be issued a tradesman license or backflow prevention device worker certification and deemed qualified.~~

~~C. The board shall receive and review applications and forward approved applications to the national testing organizations designated by the board. At its discretion, the board may delegate the application receipt and review process to the testing organization.~~

~~D. The applicant shall present to the board evidence of successful completion of a board approved examination.~~

18 VAC 50-30-70. Other recognized programs.

Individuals certified or licensed as a journeyman or master by governing bodies located outside the Commonwealth of Virginia shall be considered to be in compliance with this chapter if the board or its designee has determined the certifying system to be substantially equivalent to the Virginia system. In addition to the requirements set forth in 18 VAC 50-30-30, these individuals must meet the following requirements:

1. The applicant shall be at least 18 years of age.

2. 1. The applicant shall have received the tradesman certification or license by virtue of having passed in the jurisdiction of original certification or licensing a written or oral examination deemed to be substantially equivalent to the Virginia examination.

3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and

~~understands the Virginia tradesmen law, Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 of the Code of Virginia, and this chapter.~~

~~4. 2.~~ The applicant shall be in good standing as a certified or licensed tradesman in every jurisdiction where certified or licensed, and the applicant shall not have had a certificate or a license as a tradesman which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

~~5. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution or physical injury, or any felony. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.~~

~~6. Applicants for licensure who do not meet the requirements set forth in subdivisions 4 and 5 of this section may be approved for licensure following consideration by the board.~~

~~7. 3.~~ Individuals certified or licensed by governing bodies other than the Commonwealth of Virginia may sit for the same level of tradesman examination by completing the required application and providing a copy of a currently valid journeyman or master license or certification.

~~8. 4.~~ Individuals certified or licensed as backflow prevention device workers by governing bodies located outside the Commonwealth of Virginia may sit for the Virginia backflow prevention device worker examination upon presentation of a currently valid certificate or card from such jurisdictions with their completed examination application and fee. Upon successful completion of this examination, the applicant will be provided with the proper application for certification as a backflow prevention device worker in the Commonwealth of Virginia.

18 VAC 50-30-80. Revocation of licensure or certification. (Repealed.)

~~A. Licensure or certification may be revoked for misrepresentation or a fraudulent application, or for incompetence as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code.~~

~~B. Any building official, building inspector or water purveyor who finds that an individual is practicing as a tradesman without a tradesman license as required by state law or as a backflow prevention device worker without a backflow prevention device certification card if such a card is required by the locality shall file a report on a form provided by the~~

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board to such effect with the Board for Contractors, 3600 West Broad Street, Richmond, Virginia 23230-4917.

~~C. Any building official, building inspector or water purveyor who has reason to believe that a tradesman or a backflow prevention device worker is performing incompetently as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code shall file a report on a form provided by the board to such effect with the board.~~

~~D. The department shall have the power to require remedial education and to suspend, revoke or deny renewal of the tradesman license or the backflow prevention device worker certification card of any individual who is found to be in violation of the statutes or regulations governing the practice of licensed tradesmen or backflow prevention device workers in the Commonwealth.~~

18 VAC 50-30-90. Fees for licensure, and certification and examination.

A. Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable and shall not be prorated. The date of receipt by the department or its agent is the date that will be used to determine whether or not it is on time. Fees remain active for a period of one year from the date of receipt and all applications must be completed within that time frame.

~~B. 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 set by the department.~~

~~C. Tradesman license original fee by examination. The fee for an initial tradesman license shall be \$90.~~

~~D. Tradesman license original fee without an examination, through successful completion of an appropriate apprenticeship program offered through the Virginia Voluntary Apprenticeship Act. The fee for an initial tradesman license shall be \$90.~~

~~E. Commencing July 1, 1995, the Department of Professional and Occupational Regulation will institute a program of issuing tradesmen's cards. Those tradesmen who hold valid tradesmen cards issued by local governing bodies prior to July 1, 1978, or by the Department of Housing and Community Development prior to July 1, 1995, must replace the old cards with new cards issued by the Board for Contractors.~~

~~In order to obtain the tradesman card issued by the Board for Contractors, the individual must use the current application form provided by the Department of Professional and Occupational Regulation. The fee for card exchange application and processing is \$40. As a matter of administrative necessity, the department will assign~~

~~expiration dates in a manner that will stagger renewals for these applicants. Once the initial period ends, all renewals will be for a period of 24 months.~~

~~F. Commencing July 1, 1998, the Department of Professional and Occupational Regulation will institute a voluntary program of issuing backflow prevention device worker certification cards. Those individuals who hold valid backflow prevention device worker certifications issued by local governing bodies or the Virginia Department of Health prior to that date may replace those cards with new cards issued by the board.~~

~~In order to obtain the backflow prevention device worker certification card issued by the board, the individual must use the current application form provided by the department. The fee for the card exchange application and processing is \$40. The term of certification will be for a period of 24 months.~~

~~G. Backflow prevention device worker certification through the "grandfather" clause of § 54.1-1131 B-2 of the Code of Virginia expired on July 1, 1999.~~

~~H. Commencing on November 1, 2001, the Department of Professional and Occupational Regulation will add the trades of liquefied petroleum gas fitter and natural gas fitter provider to the trades regulated by the Board for Contractors. The fee for the initial licensure shall be \$90.~~

B. Fees are as follows:

<i>Original tradesman license by examination</i>	\$90
<i>Original tradesman license without examination</i>	\$90
<i>Card exchange (exchange of locality-issued card for state-issued Virginia tradesman license)</i>	\$40
<i>Liquefied petroleum gas fitter</i>	\$90
<i>Natural gas fitter provider</i>	\$90
<i>Backflow prevention device worker certification</i>	\$90
<i>Elevator mechanic certification</i>	\$90

18 VAC 50-30-100. Fees for examinations.

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation, in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$100 for the journeyman exam, \$125 for the master exam for any of the trades, or \$100 for the backflow prevention device worker or elevator mechanic exam.

18 VAC 50-30-110. Fees for duplicate cards.

The fee for a duplicate card shall be as follows:

<i>First request</i>	\$30
<i>Second request</i>	\$30
<i>Third request</i>	\$45 and a report sent to the Enforcement Section.

Any request for the issuance of such a card must be in writing to the board. Requests for a third or subsequent duplicate card may be referred for possible disciplinary action.

18 VAC 50-30-120. Renewal.

~~A. Tradesman Licenses or backflow prevention device worker and certification cards issued under this chapter shall expire two years from the last day of the month in which they were issued as indicated on the tradesman license or the backflow prevention device worker certification card.~~

~~B. The fee for renewal of a tradesman license is \$40. The fee for renewal of a backflow prevention device worker certification card is \$40. All fees required by the board are nonrefundable and shall not be prorated. Effective with all licenses issued or renewed after [July 1 December 31], 2007, as a condition of renewal or reinstatement and pursuant to § 54.1-1133 of the Code of Virginia, all individuals holding tradesman licenses with the trade designations of plumbing, electrical and heating ventilation and cooling shall be required to satisfactorily complete three hours of continuing education for each designation and individuals holding licenses as liquefied petroleum gas fitters and natural gas fitter providers, one hour of continuing education, relating to the applicable building code, from a provider approved by the board in accordance with the provisions of this chapter.~~

C. Certified elevator mechanics, as a condition of renewal or reinstatement and pursuant to § 54.1-1143 of the Code of Virginia, shall be required to satisfactorily complete eight hours of continuing education relating to the provisions of the Virginia Uniform Statewide Building Code pertaining to elevators, escalators and related conveyances. This continuing education will be from a provider approved by the board in accordance with the provisions of this chapter.

D. Renewal fees are as follows:

<i>Tradesman license</i>	\$40
<i>Liquefied petroleum gas fitter license</i>	\$40
<i>Natural gas fitter provider license</i>	\$40
<i>Backflow prevention device worker certification</i>	\$40
<i>Elevator mechanic certification</i>	\$40

All fees are nonrefundable and shall not be prorated.

E. The board will mail a renewal notice to the regulant outlining procedures for renewal. Failure to receive this notice, however, shall not relieve the regulant of the obligation to renew. If the regulant fails to receive the

renewal notice, a photocopy of the tradesman license or backflow prevention device worker certification card may be submitted with the required fee as an application for renewal within 30 days of the expiration date.

F. The date on which the renewal fee is received by the department or its agent will determine whether the regulant is eligible for renewal or required to apply for reinstatement.

G. The board may deny renewal of a tradesman license or a backflow prevention device worker certification card for the same reasons as it may refuse initial issuance or to discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

H. Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department such as, but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

18 VAC 50-30-130. Reinstatement.

A. Should the Department of Professional and Occupational Regulation fail to receive the renewal application or fees within 30 days of the expiration date, the regulant will be required to apply for reinstatement of the tradesman license or backflow prevention device worker certification card, or elevator mechanic certification card.

~~B. The fee for reinstatement of a tradesman license (all designations) is \$90 (this is in addition to the \$40 renewal fee, which makes the total fee for reinstatement \$130). The reinstatement fee for a backflow prevention device worker certification card is \$90 (this is in addition to the \$40 renewal fee, which makes the total reinstatement fee \$130). Reinstatement fees are as follows:~~

<i>Tradesman license</i>	\$130*
<i>Liquefied petroleum gas fitter license</i>	\$130*
<i>Natural gas fitter provider license</i>	\$130*
<i>Backflow prevention device worker certification</i>	\$130*
<i>Elevator mechanic certification</i>	\$130*

*Includes renewal fee listed in 18 VAC 50-30-120.

All fees required by the board are nonrefundable and shall not be prorated.

C. Applicants for reinstatement shall meet the requirements of 18 VAC 50-30-30.

D. The date on which the reinstatement fee is received by the department or its agent will determine whether the license or certification card is reinstated or a new application is required.

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E. In order to ensure that license or certification card holders are qualified to practice as tradesmen ~~or, liquefied petroleum gas fitters, natural gas fitter providers, backflow prevention device workers or elevator mechanics,~~ no reinstatement will be permitted once one year from the expiration date has passed. After that date the applicant must apply for a new ~~tradesman~~ license or ~~backflow prevention device worker~~ certification card and meet the then current entry requirements.

F. Any tradesman, liquefied petroleum gas fitter, or natural gas fitter provider activity conducted subsequent to the expiration of the license may constitute unlicensed activity and may be subject to prosecution under Title 54.1 of the Code of Virginia. Further, any person who holds himself out as a certified backflow prevention device worker, as defined in § 54.1-1128 of the Code of Virginia, or as a certified elevator mechanic, as defined in § 54.1-1140 of the Code of Virginia, without the appropriate certification, may be subject to ~~persecution~~ prosecution under Title 54.1 of the Code of Virginia. Any activity related to the operating integrity of an elevator, escalator, or related conveyance, conducted subsequent to the expiration of an elevator mechanic certification may constitute illegal activity and may be subject to prosecution under Title 54.1 of the Code of Virginia.

G. The board may deny reinstatement of a ~~tradesman~~ license or a ~~backflow prevention device worker~~ certification card for the same reasons as it may refuse initial issuance or to discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

H. Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department, such as, but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

18 VAC 50-30-140. Status of regulant during the period prior to reinstatement.

A. When a regulant is reinstated, the individual shall continue to have the same number and shall be assigned an expiration date two years from the previous expiration date.

B. A regulant who reinstates his ~~tradesman~~ license or ~~backflow prevention device worker~~ certification card shall be regarded as having been continuously licensed or certified without interruption. Therefore, the regulant shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period. Nothing in this chapter shall divest the board of its authority to discipline a regulant for a violation of the law or regulations during the period of licensure or certification.

18 VAC 50-30-150. ~~Changes, additions, or deletions to~~ Adding or deleting trade designations.

A. A regulant may ~~change a designation or obtain additional~~ add designations to a license by demonstrating, on a form provided by the board, acceptable evidence of experience, and examination if appropriate, in the designation sought. The experience, and successful completion of examinations, must be demonstrated by meeting the requirements found in Part II (18 VAC 50-30-20 et seq.) of this chapter.

B. The fee for each ~~change or~~ addition is \$30 ~~\$40~~. All fees required by the board are nonrefundable.

C. While a regulant may have multiple trade designations on his license, the renewal date will be based upon the date the card was originally issued to the individual by the board, not the date of the most recent trade designation addition.

D. If a regulant is seeking to delete a designation, then the individual must provide a signed statement listing the designation to be deleted. There is no fee for the deletion of a designation. If the regulant only has one trade or level designation, the deletion of that designation will result in the termination of the license.

18 VAC 50-30-180. Filing of complaints. (Repealed.)

~~All complaints against regulants may be filed with the Department of Professional and Occupational Regulation at any time during business hours, pursuant to § 54.1-1114 of the Code of Virginia.~~

18 VAC 50-30-185. Revocation of licensure or certification.

A. Licensure or certification may be revoked for misrepresentation or a fraudulent application or incompetence as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code.

B. The board shall have the power to require remedial education and to suspend, revoke or deny renewal of a license or certification card of any individual who is found to be in violation of the statutes or regulations governing the practice of licensed tradesmen, liquefied petroleum gas fitters, natural gas fitter providers, backflow prevention device workers or elevator mechanics in the Commonwealth of Virginia.

18 VAC 50-30-190. Prohibited acts.

Any of the following are cause for disciplinary action:

1. Failure in any material way to comply with provisions of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board;
2. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a [~~tradesman~~] license or [~~backflow prevention device worker~~] certification card;

3. Where the regulant has failed to report to the board, in writing, the suspension or revocation of a tradesman, liquefied petroleum gas fitter or natural gas fitter provider license, certificate or card, or backflow prevention device worker certification card, by another state or a conviction in a court of competent jurisdiction of a building code violation;
4. Gross negligence in the practice of a ~~trade or tradesman, liquefied petroleum gas fitter, natural gas fitter provider,~~ backflow prevention device ~~work~~ worker or elevator mechanic;
5. Misconduct in the practice of a ~~trade or tradesman, liquefied petroleum gas fitter, natural gas fitter provider,~~ backflow prevention device ~~work~~ worker or elevator mechanic;
6. A finding of improper or dishonest conduct in the practice of ~~the trade or a tradesman, liquefied petroleum gas fitter, natural gas fitter provider,~~ backflow prevention device ~~work~~ worker or elevator mechanic by a court of competent jurisdiction;
7. For licensed tradesmen, liquefied petroleum gas fitters or natural gas fitter providers performing jobs under \$1,000, or backflow prevention device workers or elevator mechanics performing jobs of any amount, abandonment, the intentional and unjustified failure to complete work contracted for, or the retention or misapplication of funds paid, for which work is either not performed or performed only in part (unjustified cessation of work under the contract for a period of 30 days or more shall be considered evidence of abandonment);
8. Making any misrepresentation or making a false promise of a character likely to influence, persuade, or induce;
9. Aiding or abetting an unlicensed contractor to violate any provision of Chapter 1 or Chapter 11 of Title 54.1 of the Code of Virginia, or these regulations; or combining or conspiring with or acting as agent, partner, or associate for an unlicensed contractor; or allowing one's license or certification to be used by an unlicensed or uncertified individual;
10. Where the regulant has offered, given or promised anything of value or benefit to any federal, state, or local government employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry;
11. Where the regulant has been convicted or found guilty, after initial licensure or certification, regardless of adjudication, in any jurisdiction of any felony or of a misdemeanor involving lying, cheating or stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession, there being no appeal pending

therefrom or the time of appeal having elapsed. Any pleas of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

12. Having failed to inform the board in writing, within 30 days, that the regulant has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession;
13. Having been disciplined by any county, city, town, or any state or federal governing body for actions relating to the practice of any trade or backflow prevention device work, which action shall be reviewed by the board before it takes any disciplinary action of its own;
14. Failure to comply with the Virginia Uniform Statewide Building Code, as amended; and
15. Practicing in a classification or specialty service for which the ~~tradesman~~ regulant is not licensed or certified.

PART VI.

SCHOOL/PROFESSIONAL VOCATIONAL TRAINING AND CONTINUING EDUCATION PROVIDERS.

18 VAC 50-30-200. ~~Professional education. Vocational training.~~

A. ~~Pursuant to s 54.1-1130 of the Code of Virginia, unless certified through exemption, candidates for licensure as journeymen are required to (i) complete 240 hours classroom hours of tradesman educational courses in their specialty or 80 classroom hours of training for liquefied petroleum gas fitters and natural gas fitter providers and four years of practical experience in the trade for which licensure is desired to qualify to sit for the licensing examination, (ii) have an associate degree or a certificate of completion from at least a two-year program in a trade related field from an accredited community college or technical school as evidenced by a transcript from the educational institution and two years of practical experience in the trade for which licensure is desired, or (iii) have a bachelor's degree received from an accredited college or university in an engineering curriculum related to the trade and one year of practical experience in the trade for which licensure is desired (see Part II, 18 VAC 50-30-20 et seq., of this chapter). Tradesman Vocational training courses must be completed through accredited colleges, universities, junior and community colleges; adult distributive, marketing and formal vocational training as defined in this chapter; Virginia Apprenticeship Council programs; or proprietary schools approved by the Virginia Department of Education.~~

Regulations

B. Backflow prevention device worker courses must be completed through schools approved by the board. The board accepts the American Society of Sanitary Engineers' (ASSE) standards for testing procedures. Other programs could be approved after board review. The board requires all backflow training to include instruction in a wet lab.

C. Elevator mechanic courses must be completed through schools approved by the board. The board accepts training programs approved by the National Elevator Industry Education Program (NEIEP). Other programs could be approved after board review.

18 VAC 50-30-210. Continuing education providers.

A. Application requirements for continuing education providers. [1] Each provider of a building code-related continuing education course shall submit an application for approval on a form provided by the board. The application shall include but is not limited to:

- a. The name of the provider;
- b. Provider contact person, address and telephone number;
- c. Course contact hours;
- d. Schedule of courses, if established, including dates, time and locations;
- e. Name(s) of instructor(s).

B. Continuing education providers shall have their subject(s) approved by the board prior to initially offering the course. Correspondence and other distance learning courses must include appropriate testing procedures to verify completion of the course.

C. All providers must establish and maintain a record for each student. The record shall include the student's name and address, social security number or current license number, the course name and clock hours attended, the course syllabus or outline, the name or names of the instructor, the date of successful completion and the board's course code. Records shall be available for inspection during normal business hours by authorized representatives of the board. Providers must maintain class records for a minimum of five years.

18 VAC 50-30-220. Continuing education courses.

A. All courses offered by continuing education providers must be approved by the board and shall cover articles of the current edition of the building code for the applicable license specialty. For tradesmen with the electrical specialty the National Electrical Code; for tradesmen with the plumbing specialty, the International Plumbing Code; for tradesmen with HVAC specialty, the International Mechanical Code; for gas fitters, liquefied petroleum gas fitters, and natural gas fitters, the International Fuel Gas Code. Courses offered by continuing education providers for elevator mechanics shall

cover articles of the current edition of the building code and other applicable laws governing elevators, escalators, or related conveyances.

B. Approved providers shall submit an application for course approval on a form provided by the board. The application shall include but is not limited to:

1. The name of the provider and the approved provider number;
2. The name of the course;
3. The date(s), time(s), and location(s) of the course;
4. Instructor information, including name, license number(s) if applicable, and a list of other appropriate trade designations;
5. Course and material fees;
6. Course syllabus.

C. Courses may be approved retroactively; however, no regulant will receive credit toward the continuing education requirements of renewal until such approval is received from the board.

18 VAC 50-30-230. Reporting of course completion.

All continuing education providers shall electronically transmit course completion data to the board in an approved format within seven days of the completion of each individual course. The transmittal will include each student's name, social security number or current license number; the date of successful completion of the course; and the board's course code.

18 VAC 50-30-240. Posting continuing education provider and course certificates of approval.

Copies of continuing education provider and course certificates of approval must be available at the location a course is taught.

18 VAC 50-30-250. Reporting of changes.

Any change in the information provided in 18 VAC 50-30-210 A 1 must be reported to the board within 30 days of the change with the exception of changes in the schedule of courses, which must be reported within 10 days of the change. Failure to report the changes as required may result in the withdrawal of approval of a continuing education provider by the board.

18 VAC 50-30-260. Withdrawal of approval.

The board may withdraw approval of any continuing education provider for the following reasons:

1. The courses being offered no longer meet the standards established by the board.

2. The provider, through an agent or otherwise, advertises its services in a fraudulent or deceptive way.

3. The provider, instructor, or designee of the provider falsifies any information relating to the application for approval, course information, or student records or fails to produce records required by 18 VAC 50-30-210 C.

NOTICE: The forms used in administering 18 VAC 50-30, Individual License and Certification Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulations, 3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Tradesman License Application, 2710LIC (rev. 8/05).

Backflow Prevention Device Worker Certification Application, 2710BPD (rev. 8/05).

Elevator Mechanic Certification Application, 2710ELE (eff. 8/05).

Individual Experience Form, 2710EXP (eff. 7/05).

Vocational Training Form, 2710VOTR (eff. 7/05).

[Education Provider Registration/Course Approval Application, 27edreg (eff. 8/06).]

VA.R. Doc. Nos. R04-107 and R04-257; Filed January 22, 2007, 10:35 a.m.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Final Regulation

Title of Regulation: 18 VAC 65-40. Regulations for the Funeral Service Internship Program (amending 18 VAC 65-40-10, 18 VAC 65-40-40, 18 VAC 65-40-90, 18 VAC 65-40-110, 18 VAC 65-40-130, 18 VAC 65-40-220, 18 VAC 65-40-250, 18 VAC 65-40-320, 18 VAC 65-40-340; repealing 18 VAC 65-40-160 and 18 VAC 65-40-300).

Statutory Authority: §§ 54.1-2400 and 54.1-2817 of the Code of Virginia.

Effective Date: March 21, 2007.

Agency Contact: Elizabeth Young, Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9943, or email elizabeth.young@dhp.virginia.gov.

Summary:

The amendments allow an intern to complete the required hours within a fewer number of months and to combine part-time employment as an intern with part-time schooling or other employment. Other changes will add accountability for the supervision of the intern by requiring the supervisor to have at least two years of practice experience before serving as a trainer and requiring specific training in cremation. The training site must have at least 50 funerals and 50 embalmings each year, but additional training sites may be used to complete the requirements for an internship. The board is also increasing the application fee and adding a fee for registration of supervision, but is allowing an intern to reinstate for up to one year following expiration, rather than having to reapply. The annual renewal expiration is being changed for consistency with other occupations under the board from January to March.

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.

18 VAC 65-40-10. Definitions

In addition to words and terms defined in § 54.1-2800 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings [;] unless the context clearly indicates otherwise:

"Direct supervision" means that a licensed funeral service professional is present and on the premises of the facility.

~~"Full time school attendance" means that the individual attending mortuary science school is enrolled in 12 or more semester hours of coursework per semester.~~

"Supervisor" means a licensed employee at the training site who has been approved by the board to provide supervision for the funeral intern.

"Training site" means the licensed funeral establishment which has agreed to serve as the location for a funeral service internship and has been approved by the board.

18 VAC 65-40-40. Fees.

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

- 1. Funeral service intern registration, reinstatement or renewal \$75; \$100
- 2. Late fee for renewal up to [~~30 days~~ one year] after expiration \$25; \$35
- 3. Duplicate copy of intern registration \$25;
- 4. Returned check \$35;

Regulations

<u>5. Registration of supervisor</u>	<u>\$25</u>
5. <u>6. Change of supervisor</u>	\$15; <u>\$25</u>
<u>7. Reinstatement fee</u>	<u>\$170</u>

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

18 VAC 65-40-90. Renewal of registration.

A. The funeral service intern registration shall expire on ~~January~~ March 31 of each calendar year and may be renewed by submission of the renewal notice and prescribed fee.

B. A person who fails to renew a registration by the expiration date shall be deemed to have an invalid registration. No credit will be allowed for an internship period served under an expired registration.

C. The funeral service intern is responsible for notifying the board of any changes in name, address, employment, or supervisor. Any notices shall be validly given when mailed to the address on record with the board.

18 VAC 65-40-110. Reinstatement of expired registration.

A. A [~~resident trainee~~ funeral service intern] whose registration has expired may be reinstated within one year following expiration by payment of the current renewal fee and the late renewal fee.

B. A [~~resident trainee~~ funeral service intern] whose registration has been expired for more than one year shall apply for reinstatement by submission of a written application and payment of a reinstatement fee. The board may consider reinstatement of an expired registration for up to three years following expiration. ~~A written application request for reinstatement shall be submitted to the board and shall include payment of all applicable fees.~~

~~B.~~ C. When a registration is not reinstated within three years of its expiration date, a new application for registration shall be filed and a new internship begun.

18 VAC 65-40-130. Funeral service internship.

A. The internship shall consist of at least ~~18 months~~ 3,000 hours of training to be completed within no less than 12 months and no more than 48 months. For good cause shown, the board may grant an extension of time for completion of [a resident traineeship an internship].

B. ~~An individual may hold an active internship registration for a maximum of 48 months from the date of initial registration for the internship program. The board, in its discretion, may grant an extension of the internship registration. The [trainee funeral service intern] shall be assigned a work schedule of not less than 20 hours nor more than 60 hours per week in order to receive credit for such training. For good cause shown, the board may waive the limitation on [a resident trainee's an intern's] work schedule.~~

C. A funeral service intern ~~shall not attend school full time while serving his internship~~ shall receive training in all areas of funeral service.

18 VAC 65-40-160. Intern work schedule. (Repealed.)

~~Every funeral service intern shall be assigned a full time work schedule of at least 40 hours each week in order to obtain credit for such training. The intern shall be required to receive training in all areas of funeral service. Additional and further hours may be at the discretion of the supervisor or may be a requirement of the facility.~~

18 VAC 65-40-220. Qualifications of training site.

The board shall approve only an establishment or two combined establishments to serve as the training site or sites which:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and
3. Have ~~35~~ 50 or more funerals and ~~35~~ 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals or embalmings, the funeral service intern may seek approval for an additional training site.

18 VAC 65-40-250. Requirements for supervision.

A. Training shall be conducted under the direct supervision of a licensee or licensees approved by the board. Credit shall only be allowed for training under direct supervision.

B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who have a full and unrestricted Virginia funeral license, have at least two consecutive years in practice and are employed full time in or under contract with the establishment where training occurs.

C. A supervisor licensed as an embalmer or a funeral director shall provide supervision only in the areas of funeral practice for which he is licensed.

D. Failure to register as a supervisor may subject the licensee to disciplinary action by the board.

E. If a supervisor is unable or unwilling to continue providing supervision, the [~~resident trainee~~ funeral service intern] shall obtain a new supervisor. Credit for training shall resume when a new supervisor is approved by the board and the [~~trainee~~ intern] has paid the prescribed fee for the change of supervisor.

**18 VAC 65-40-300. ~~Interruption and reinstatement.~~
(Repealed.)**

~~A. If the program is interrupted, the intern shall obtain a new supervisor and submit a new application for approval.~~

~~B. Credit shall only be allowed for training under direct supervision. Credit for training shall resume when a new supervisor is approved by the board and the applicant has been reinstated.~~

18 VAC 65-40-320. Reports to the board: ~~six month report; partial report.~~

A. The intern, the supervisor or supervisors, and the establishment shall submit a written report to the board at the end of every ~~six months~~ 1,000 hours of training. The report shall:

1. Specify the period of time in which the 1,000 hours has been completed and verify that the intern has actually served in the required capacity during the preceding ~~six months~~ period; and
2. Be received in the board office no later than 10 days following the end of the ~~six month period~~ completion of 1,000 hours. Late reports may result in additional time being added to the internship.

B. If the internship is terminated or interrupted prior to completion of ~~a six month period~~ 1,000 hours or if the [~~trainee intern~~] is changing supervisors or training sites, the intern and the supervisor shall submit a partial report to the board with a written explanation of the cause of program termination or interruption or of the change in training or supervision.

1. The partial report shall provide the amount of time served and the dates since the last reporting period. Credit for partial reports shall be given ~~in increments of one month~~ for the number of hours of training completed.
2. Partial reports shall be received in the board office no later than 10 days after the interruption or termination of the internship or after the change in supervisors or training sites. Credit may be deducted for late reports.

18 VAC 65-40-340. Supervisors' responsibilities.

A. The supervisor shall provide the intern with all applicable laws and regulations or sections of regulations relating to the funeral industry.

B. The supervisor shall provide the intern with copies of and instruction in the use of all forms and price lists employed by the funeral establishment.

C. The supervisor shall provide the intern with instruction in all aspects of funeral services and shall allow the intern under direct supervision to conduct all necessary arrangements for a minimum of 25 funerals.

D. The embalming supervisor shall provide instruction on all necessary precautions, embalming functions, and reporting forms and shall allow the intern under direct supervision to perform a minimum of 25 embalmings.

E. The supervisor shall provide the intern with instruction in making preneed funeral arrangements and instruction on the laws and regulations pertaining to preneed funeral contracts and disclosures.

F. The supervisor shall provide instruction on cremation and on the laws and regulations pertaining to cremation.

G. If a training site does not offer preneed funeral planning or cremation services, the supervisor shall arrange for such training at another licensed funeral establishment that does.

VA.R. Doc. Nos. R05-254 and R06-28; Filed January 30, 2007, 1:02 p.m.

**BOARD OF NURSING
Final Regulation**

REGISTRAR'S NOTICE: The Board of Nursing is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Nursing 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 90-20. Regulations Governing the Practice of Nursing (amending 18 VAC 90-20-60).

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

Effective Date: March 21, 2007.

Agency Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512 or email jay.douglas@dhp.virginia.gov.

Summary:

The amendment updates a citation to the Code of Virginia. This amendment is a recommendation of the Attorney General's Commission on Regulatory Reform.

18 VAC 90-20-60. Program approval.

- A. The application for approval shall be complete when:
1. A self-evaluation report of compliance with Article 2 (18 VAC 90-20-70 et seq.) of this part has been submitted;
 2. The first graduating class has taken the licensure examination; and
 3. A survey visit has been made by a representative of the board.

Regulations

B. The committee shall, in accordance with § 2.2-4019 of the Code of Virginia, receive and review the self-evaluation and survey reports and shall make a recommendation to the board for the granting or denial of approval or for continuance of provisional approval.

C. If the committee's recommendation is to deny approval, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with § 2.2-4020 and subdivision 9 11 of § 54.1-2400 of the Code of Virginia.

VA.R. Doc. No. R07-109; Filed January 30, 2007, 1:05 p.m.

BOARD OF NURSING

Final Regulation

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

Titles of Regulations: **18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners (amending 18 VAC 90-30-230).**

18 VAC 90-40. Regulations for Prescriptive Authority for Nurse Practitioners (amending 18 VAC 90-40-140).

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

Effective Date: March 21, 2007.

Agency Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512 or email jay.douglas@dhp.virginia.gov.

Summary:

The amendment updates citations to the Administrative Process Act.

18 VAC 90-30-230. Hearings.

A. The provisions of the Administrative Process Act (§ ~~9-6-14-1~~ 2.2-4000 et seq. of the Code of Virginia) shall govern proceedings on questions of violation of 18 VAC 90-30-220.

B. The Committee of the Joint Boards of Nursing and Medicine shall conduct all proceedings prescribed herein and shall take action on behalf of the boards.

C. When a person's license to practice nursing has been suspended or revoked by the Board of Nursing, the nurse practitioner license shall be suspended pending a hearing simultaneously with the institution of proceedings for a hearing.

D. Sanctions or other terms and conditions imposed by consent orders entered by the Board of Nursing on the license to practice nursing may apply to the nurse practitioner license, provided the consent order has been accepted by the Committee of the Joint Boards of Nursing and Medicine.

18 VAC 90-40-140. Hearings.

A. The Committee of the Joint Boards of Nursing and Medicine shall conduct all hearings prescribed herein and shall take action on behalf of the boards.

B. The provisions of the Administrative Process Act (§ ~~9-6-14-1~~ 2.2-4000 of the Code of Virginia) shall govern proceedings on questions of violation of 18 VAC 90-40-130 ~~of this chapter.~~

C. When the license of a nurse practitioner has been suspended or revoked by the joint boards, prescriptive authority shall be suspended pending a hearing simultaneously with the institution of proceedings for a hearing.

D. Any violation of law or of this chapter may result in the revocation or suspension of prescriptive authority and may also result in additional sanctions imposed on the license of the nurse practitioner by the joint boards or upon the license of the registered nurse by the Board of Nursing.

VA.R. Doc. No. R07-137; Filed January 30, 2007, 1:04 p.m.

BOARD OF PSYCHOLOGY

Final Regulation

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 Psychology will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: **18 VAC 125-20. Regulations Governing the Practice of Psychology (amending 18 VAC 125-20-30).**

18 VAC 125-30. Regulations Governing the Certification of Sex Offender Treatment Providers (amending 18 VAC 125-30-20).

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

Effective Date: March 21, 2007.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943 or email evelyn.brown@dhp.virginia.gov.

Summary:

The amendments provide for a one-time reduction in annual renewal fees for clinical psychologists, applied psychologists, school psychologists, school psychologists-limited, and sex offender treatment providers for the renewal due June 30, 2007.

18 VAC 125-20-30. Fees required by the board.

A. The board has established fees for the following:

	Applied psychologists, Clinical psychologists, School psychologists	School psychologists- limited
1. Registration of residency (per residency request)	\$50	
2. Add or change supervisor	\$25	
3. Application processing and initial licensure	\$200	\$85
4. Annual renewal of active license	\$140	\$70
5. Annual renewal of inactive license	\$70	\$35
6. Late renewal	\$50	\$25
7. Verification of license to another jurisdiction	\$25	\$25
8. Duplicate license	\$5	\$5
9. Additional or replacement wall certificate	\$15	\$15
10. Returned check	\$35	\$35
11. Reinstatement of a lapsed license	\$270	\$125
12. Reinstatement following revocation or suspension	\$500	\$500
13. One-time reduction in fee for annual renewal due on June 30, 2006 2007, for holders of an active license	\$70	\$35
14. One-time reduction in fee for annual renewal due on June 30, 2006 2007, for holders of an inactive license	\$35	\$17

B. The fee for review of a continuing education provider seeking board approval shall be \$200.

C. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

D. Examination fees shall be established and made payable as determined by the board.

18 VAC 125-30-20. Fees required by the board.

A. The board has established the following fees applicable to the certification of sex offender treatment providers:

<i>Registration of supervision</i>	\$50
<i>Add or change supervisor</i>	\$25
<i>Application processing and initial certification fee</i>	\$90
<i>Certification renewal</i>	\$75
<i>Duplicate certificate</i>	\$5
<i>Late renewal</i>	\$25
<i>Reinstatement of an expired certificate</i>	\$125
<i>Replacement of or additional wall certificate</i>	\$15
<i>Returned check</i>	\$35
<i>Reinstatement following revocation or suspension</i>	\$500
<i>One-time reduction in fee for renewal on June 30, 2006 2007</i>	\$37

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the Board of Psychology. All fees are nonrefundable.

VA.R. Doc. No. R07-140; Filed January 30, 2007, 12:59 p.m.

GUIDANCE DOCUMENTS

Sections 2.2-4008 and 2.2-4103 of the Code of Virginia require annual publication in the *Virginia Register* of guidance document lists from state agencies covered by the Administrative Process Act and the Virginia Register Act. A guidance document is defined as "...any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations..." Agencies are required to maintain a complete, current list of all guidance documents and make the full text of such documents available to the public.

Generally, the format for the guidance document list is: document number (if any), title of document, date issued or last revised, and citation of Virginia Administrative Code regulatory authority or Code of Virginia statutory authority. Questions concerning documents or requests for copies of documents should be directed to the contact person listed by the agency.

VIRGINIA DEPARTMENT OF BUSINESS ASSISTANCE

Copies of the following document may be viewed during regular workdays from 8 a.m. until 5 p.m. in the offices of the Virginia Department of Business Assistance, 707 E. Main Street, Suite 300, Richmond, Virginia 23219. Copies may be obtained free of charge by contacting Elizabeth J. Moran at the same address, telephone (804) 371-8260, FAX (804) 371-2115 or email elizabeth.moran@vdba.virginia.gov.

Questions regarding interpretation or implementation of the Virginia Department of Business Assistance Workforce Services Jobs Investment Program Guidelines may be directed to Preston Wilhelm, Director, Workforce Services, Department of Business Assistance, 707 East Main Street, Richmond, Virginia 23219, telephone (804) 371-8132, FAX (804) 371-8137, or email preston.wilhelm@vdba.virginia.gov.

Guidance Documents:

Virginia Department of Business Assistance Workforce Services Jobs Investment Program Guidelines, June 30, 2006. § 2.2-902 A 1 Code of Virginia.

VIRGINIA COMMUNITY COLLEGE SYSTEM

Copies of the following document may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Community College System, James Monroe Building, 101 N. 14th Street, 15th Floor, Richmond, VA 23219. Copies may be obtained by contacting Ms. Sharon Hutcheson at the same address, telephone (804) 819-4910, FAX (804) 819-4761 or email shutcheson@vccs.edu. The document may be downloaded from the Virginia Community College System homepage (<http://www.vccs.edu>).

Questions regarding interpretation or implementation of this document may be directed to Dr. Glenn DuBois, Chancellor, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4903, FAX (804) 819-4760, or email gdubois@vccs.edu.

Guidance Document:

Virginia Community College System Policy Manual (approximately 304 pages), revised May 18, 2006, §§ 23-214 through 23-231.1, \$25.

DEPARTMENT OF GENERAL SERVICES

Division of Engineering and Buildings

Bureau of Capital Outlay Management

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Bureau of Capital Outlay Management, 3rd Floor, 202 N. Ninth Street, Richmond, VA 23219. Copies may be downloaded at no cost from the Bureau's website, <http://bcom.dgs.virginia.gov>. Printed copies may be obtained for \$50 per copy. An order form, which must accompany all payments, may be downloaded from the above website. An order form may also be obtained by writing to the Bureau or by personal appearance at the above address. Payment can be made by cash, check, or credit card (VISA and MasterCard only). Checks should be made payable to the Treasurer of Virginia. As the Bureau cannot accept payments directly, please return completed order forms and payments to the DGS Fiscal Services address noted on the order form.

Questions regarding interpretation of these documents may be directed to W. Michael Coppa, Director, Bureau of Capital Outlay Management, 3rd Floor, 202 N. Ninth Street, Richmond, VA 23219, telephone (804) 786-4398, FAX (804) 225-4709 or email mike.coppa@dgs.virginia.gov.

Guidance Documents:

2004 Construction and Professional Services Manual, Oct 2004 (Rev 1), § 2.2-1132

Bureau of Facilities Management

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Bureau of Facilities Management, Zincke Building, Room 101, 203 Governor Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Janie Flannagan, 203

Governor Street, Richmond, VA 23219, telephone (804) 371-4807 or FAX (804) 371-7974.

Questions regarding interpretation or implementation of these documents may be directed to Bruce E. Brooks, Director, Bureau of Facilities Management, Zincke Building, Room 101, 203 Governor Street, Richmond, VA 23219, telephone (804) 371-4807, FAX (804) 371-7974 or email bruce.brooks@dgs.virginia.gov.

Guidance Documents:

Department of General Services Directive No. 14, Policies and Procedures for the Use of Parking Facilities, July 1, 2004

Department of General Services Directive 3-90, Cable Installation, March 1990, § 2.2-1129 et seq.

Department of General Services Directive No. 15, Indoor Clean Air, April 27, 2005, § 15.1-291.1 et seq.

Division of Real Estate Services

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Division of Real Estate Services, 1111 E. Broad Street, 7th Floor, Richmond, VA 23219. Copies may be obtained for \$10 per copy by contacting Bea Brito, Division of Real Estate Services, 1111 E. Broad Street, 7th Floor, Richmond, VA 23219, telephone (804) 225-3874, FAX (804) 225-4673, or e-mail bea.brito@dgs.virginia.gov. Payment can be made by check, money order, or cash. Checks and money orders should be made payable to the Treasurer of Virginia. These documents may also be downloaded, at no charge, from our website at www.dgs.virginia.gov/DRES.

Questions regarding interpretation or implementation of these documents may be directed to John E. Forrest, Interim Director, Division of Real Estate Services, 1111 E. Broad Street, 7th Floor, Richmond, VA 23219, telephone (804) 225-3874, FAX (804) 225-4673 or email ernie.forrest@dgs.virginia.gov.

Guidance Documents:

Department of General Services, Division of Engineering and Buildings, Directive No.1 (revised) dated June 15, 1984, Attachments K and L, revised August 12, 1986

Real Property Management Manual, Chapter One: Acquisition by Lease, issued December 15, 1993

Real Property Management Manual, Chapter Two: Fee Acquisition, issued December 10, 2002

Real Property Management Manual - Chapter 5 dated December 19, 1997, "Leasing Land and Space for Placement of Communication Towers And Antennas On State-Owned Property," issued December 19, 1997

Division of Purchases and Supply

The following document is available at no cost at www.eva.virginia.gov. This publication is only available electronically. Questions regarding interpretation or implementation of this document may be directed to Sherie Sensabaugh, Division of Purchases and Supply, 1111 E. Broad Street, P. O. Box 1199, Richmond, Virginia 23218-1199, telephone (804) 786-3846, FAX (804) 371-7877 or email bob.sievert@dgs.virginia.gov.

Guidance Document:

Virginia Business Opportunities (VBO) Ads

JAMES MADISON UNIVERSITY

Copies of the following documents are available by contacting the University Advancement office at James Madison University. The address is MSC 7612, Alumnae Hall, Room 206, Harrisonburg, VA 22807. The telephone number is (540) 568-3474 and the FAX number is (540) 568-8007. Most of the documents are available online.

Faculty Handbook -
<http://web.jmu.edu/facultysenate/facultyhandbook/Current%20Handbook/1.9.04%20official%20amended1.pdf>

Financial Procedures Manual -
<http://www.jmu.edu/finprocedures/>

Graduate Catalog -
<http://www.jmu.edu/cgapp/GradCatalog/05/>

Manual of the Board of Visitors - Hard copy only

Manual of Policies and Procedures -
<http://www.jmu.edu/JMUpolicy/>

Parking Regulations -
<http://web.jmu.edu/parking/regulations.asp>

Student Handbook -
<http://www.jmu.edu/judicial/handbook.shtml>

Undergraduate Catalog - <http://www.jmu.edu/catalog/06/>

DEPARTMENT OF JUVENILE JUSTICE

Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Certification Unit, Department of Juvenile Justice, State House, 1736 Chatsworth Ave., Bon Air, VA 23235. Copies may be obtained free of charge by contacting Ken Bailey at Bon Air Juvenile Correctional Center, State House, 1736 Chatsworth Ave., Bon Air, VA 23235, telephone (804) 323-2359 or FAX (804) 323-2797 or email Kenneth.E.Bailey@djj.virginia.gov.

Questions regarding interpretation or implementation of this document may be directed to Ken Bailey, Certification

Guidance Documents

Manager, Department of Juvenile Justice, State House, 1736 Chatsworth Ave., Bon Air, VA 23235, telephone (804) 323-2359 or FAX (804) 3232-2797 or email Kenneth.E.Bailey@djj.virginia.gov.

Guidance Documents:

Standards Manual for Interdepartmental Regulation of Residential Facilities for Children (22 VAC 42-10), July 1, 2000

Compliance Manual for Standards for Juvenile Residential Facilities (6 VAC 35-140) as Applicable to Secure Detention Facilities, First Edition, June 1998

Compliance Manual for Standards for Juvenile Residential Facilities (6 VAC 35-140) as Applicable to Group Homes, June 1998

Compliance Manual for Standards for Nonresidential Services (6 VAC 35-150) Available to Juvenile and Domestic Relations District Courts, 2004

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Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Capital Outlay Office of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Bob Wilburn, Capital Outlay Unit, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-3772 or FAX (804) 786-1557 or email Robert.Wilburn@djj.virginia.gov.

Questions regarding interpretation or implementation of this document may be directed to Marilyn Miller, Detention Specialist, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-5402 or email Marilyn.Miller@djj.virginia.gov.

Guidance Document:

Virginia Department of Juvenile Justice Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities, revised January 10, 2001, § 16.1-309.5

(NOTE: This document is also included in the Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement and Renovation, which may be obtained from the department's Detention Specialist, Marilyn Miller at (804) 786-5402 or email Marilyn.Miller@djj.virginia.gov.

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Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Research and Evaluation Section at the Central Office of the Department of Juvenile Justice, 700 E. Franklin Street,

Richmond, VA 23219. Copies may be obtained free of charge by contacting Lynette Greenfield at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-3423 or FAX (804) 371-0773 or email Lynette.Greenfield@djj.virginia.gov.

Questions regarding interpretation or implementation of this document may be directed to Lynette Greenfield, Research and Evaluation Manager, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-3423 or FAX (804) 371-0773 or email Lynette.Greenfield@djj.virginia.gov.

Guidance Documents:

Review and Approval of External Research Proposals, Procedure 07-006.3, effective August 2, 2005.

Department of Juvenile Justice Grants Manual, June 2002 (revised).

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Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Deron Phipps at the same address, telephone (804) 786-6407 or FAX (804) 371-0773 or email Deron.Phipps@djj.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to Angela Valentine, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 225-3911 or FAX (804) 692-0865 or email Angela.Valentine@djj.virginia.gov.

Guidance Document:

School Re-enrollment Plan Procedures, issued January 1997, § 16.1-293

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Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the State & Local Partnerships Unit, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge through email (if available) or paper copy by contacting Donielle Langhorne, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6295 or email Donielle.Langhorne@djj.virginia.gov.

Questions regarding interpretation or implementation of the documents may be directed to Scott Reiner, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 371-0720 or email Scott.Reiner@djj.virginia.gov.

Guidance Documents related to the Virginia Juvenile Community Crime Control Act (VJCCCA) (§ 16.1-309.2 et seq.) and the Community Programs Reporting (CPR) System:

VJCCCA: Local Plan Instructions, issued biennially, with related forms

VJCCCA: Plan Amendment and Fiscal Adjustment to Local Plans, issued annually

Virginia Department of Juvenile Justice Community Programs Reporting System and instructions for reporting community-based services and expenditures for programs funded through VJCCCA, State IV-E, 294, and state operated Halfway Houses, maintained on the CPR Website, § 16.1-322.3

* * *

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Certification Unit, Department of Juvenile Justice, 700 East Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Donielle Langhorne at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6295 or email Donielle.Langhorne@djj.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to Marilyn Miller, Detention Specialist, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-5402 or email Marilyn.Miller@djj.virginia.gov.

Guidance Documents related to Detention and other programs:

Department of Juvenile Justice Directive 02-004 Reporting Serious Incidents, effective November 22, 2004

Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement and Renovation, revised March 2001, § 16.1-309.5

Annual Block Grant Expenditure Reports (for detention homes and former block grant programs), issued annually

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Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the State and Local Partnerships Unit of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Donielle Langhorne at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6295 or email Donielle.Langhorne@djj.virginia.gov.

Questions regarding interpretation or implementation of the document may be directed to Donielle Langhorne at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6295 or email Donielle.Langhorne@djj.virginia.gov.

Guidance Document:

Virginia Department of Juvenile Justice Community Programs Reporting System and instructions for reporting community-based services and expenditures for programs funded through VJCCCA, State IV-E, 294, and state operated Halfway Houses, maintained on the CPR website, § 16.1-322.3

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Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Interstate Compact Unit, Community Programs Section (5th floor), Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Letta Porter at the same address, telephone (804) 692-0167 or FAX (804) 371-0773 or email Letta.Porter@djj.virginia.gov

Questions regarding interpretation or implementation of these documents may be directed to Letta Porter, Interstate Compact Specialist, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 692-0167 or FAX (804) 371-0773 or email letta.porter@djj.virginia.gov.

Guidance Documents:

Form I, Requisition for Runaway Juvenile or Child Removed from Jurisdiction of Court, revised August 2000, § 16.1-323

Form II, Requisition for Escape or Absconder, Requisition for Juvenile Charged With Being Delinquent (Rendition Amendment), revised August 2000, § 16.1-323

Form III, Consent for Voluntary Return by Runaway, Escapee or Absconder, advised August 2000, § 16.1-323

Form IV, Parole or Probation Investigation Request, revised August 2000, § 16.1-323

Form V, Report of Sending State Upon Parolee or Probationer Being Sent To The Receiving State, revised August 2000, § 16.1-323

Form IA/VI, Application for Services and Waiver, revised August 2000, § 16.1-323

Form A, Petition for Requisition to Return a Runaway Juvenile, revised 2000, § 16.1-323

Out of State Travel Permit and Agreement to Return, revised August 2000, § 16.1-323

Home Evaluation Report, revised 2000

Guidance Documents

Quarterly Progress Report, revised 2000

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Program

Guidance documents are available through www.townhall.virginia.gov. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the Virginia Department of Labor and Industry (DOLI), 13 South Thirteenth Street, Richmond, VA 23219 or at any of the department's regional offices. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to Director, Division of Registered Apprenticeship, at the above address, or by telephone, at (804) 786-2382 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of these documents may be directed to Director, Division of Registered Apprenticeship, at the above address, telephone (804) 786-2382 or FAX (804) 786-8418.

Guidance Documents:

Standards of Apprenticeship Nail Technicians developed by the Virginia Board of Cosmetology and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised August 25, 1995, §§ 40.1-117 through 40.1-127

Standards of Apprenticeship for Cosmetologists developed by the Virginia Board of Cosmetology and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised July 26, 1999, §§ 40.1-117 through 40.1-127

Standards of Apprenticeship for Barbers developed by the Virginia Board for Barbers and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised February 6, 1995, §§ 40.1-117 through 40.1-127

Standards of Apprenticeship for Opticians developed by the Virginia State Board of Opticians and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised January 1, 2002, §§ 40.1-117 through 40.1-127

Apprenticeship Opportunities brochure, 2003

Registered Apprenticeship Program brochure, 2003

Cooperative Working Agreement between the State of Virginia Apprenticeship Council and the Bureau of Apprenticeship and Training, United States Department of Labor, revised July 23, 2002

Apprenticeship Directive 81-4, Granting Credit for Previous Experience, May 21, 1981

Apprenticeship Directive 86-4, Part-Time Cosmetology Student/Apprentices, September 15, 1986

Apprenticeship Directive 90-3, Participation by Minors Between the Ages of Sixteen and Eighteen in Certain Hazardous Occupations, April 27, 1990

Apprenticeship Directive 01-1, Signature on Standards, August 15, 2001

Apprenticeship Directive 03-3, Exemption from Full-Time Employment, June 1, 2003

Apprenticeship Directive 03-04, Temporary Staffing Agencies, March 21, 2002

Apprenticeship Directive 03-05 Guidelines Governing Out of State Businesses, March 21, 2002

Apprenticeship Directive 3-07, Registration for Barber, Cosmetology, Nail Technician, September 7, 1998

Apprenticeship Directive 03-09, Progressive Wage Policy, March 20, 2003

Apprenticeship Directive 90-3, Participation by Minors Between the Ages of Sixteen and Eighteen in Certain Hazardous Occupations, April 27, 1990

Boiler Safety Compliance Division

Guidance documents are available through www.townhall.virginia.gov. Copies of the following document may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the Virginia Department of Labor and Industry (DOLI), 13 South Thirteenth Street, Richmond, VA 23219, or at any of the department's regional offices. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to Melodee Brown at the above address, telephone (804) 371-2321 or FAX (804) 371-2324.

Questions regarding interpretation or implementation of this document may be directed to Frederick P. Barton, Boiler Chief Inspector, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3262 or FAX (804) 371-2324. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to Melodee Brown at the same address, telephone (804) 371-2321 or FAX (804) 371-2324.

Guidance Document:

Boiler and Pressure Vessel Safety Compliance, Operations Manual, Chapter One - Organization and Administrative Procedures, Chapter Four - Inspection Procedures, Chapter Seven - Penalties, Chapter Eight - Post Violation and Penalty Issuance Processes, and Chapter Nine - Legal Process, revised September 25, 2006, Virginia Code §§ 40.1-51.5 through 40.1-51.19:5.

State Labor and Employment Law Division

Guidance documents are available through www.townhall.virginia.gov. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the Virginia Department of Labor and Industry (DOLI), 13 South Thirteenth Street, Richmond, VA 23219 or at any of the department's regional offices. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to the Division of Labor and Employment, at the above address, telephone (804) 786-2386, FAX (804) 371-2324.

Questions regarding interpretation or implementation of these documents may be directed to the Division of Labor and Employment Law, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2386, or FAX (804) 371-2324.

Guidance Document:

Guide for the Employment of Teenagers (Child Labor), July 1, 2003; copies free

Division of Labor and Employment Law Field Operations Manual, revised January 30, 2000, Chapter 1, Minimum Wage Act, §§ 40.1-28.8 through 40.1-28.12.; Chapter 2, Use of Polygraphs in Certain Employment Situations, § 40.1-51.4:4; Chapter 3, Equal Pay, § 40.1-28.6; Chapter 4, Prevention of Employment, § 40.1-27; Chapter 5, Payment of Medical Exams as a Condition of Employment, § 40.1-28; Chapter 6, Right to Work, §§ 40.1-58 through 40.1-69; Chapter 7, Garnishment, § 34-29, 16 VAC 15-20 and 16 VAC 15-21, Chapter 8, Day of Rest, Repealed 2005, formerly §§ 40.1-28.1 through 40.1-28.4:1; Chapter 9, Child Labor, §§ 40.1-78 through 40.1-116; 16 VAC 15-30, 16 VAC 15-40, and 16 VAC 15-50, Chapter 10, Payment of Wage, § 40.1-29

Office of Cooperative Programs

Guidance documents are available through the website at www.townhall.virginia.gov. Copies of the following documents for the Office of Cooperative Programs' Voluntary Protection Program and Consultation Program may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the Virginia Department of Labor and Industry (DOLI), 13 South Thirteenth Street, Richmond, VA 23219, or at any of the department's regional offices.

Voluntary Protection Program

Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies of the Voluntary Protection Program Manual should be made to Milford Stern at the Virginia Department of Labor and Industry, Roanoke Regional Office, 3013 Peters Creek Road, Roanoke, VA

24019, telephone (540) 562-3580, ext. 123 or FAX (540) 562-3587.

Questions regarding interpretation or implementation of the program or use of the manual may be directed to Milford Stern, VPP Coordinator, at the above address.

Guidance Document:

Voluntary Protection Program (VPP) Policies and Procedures Manual, revised January 12, 2004.

Consultation Program

Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies of the following documents should be made to Warren Rice at the Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-6613 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of the program may be directed to Warren Rice, Consultation Program Manager, at the above address.

Guidance Document:

OSHA Instruction TED 3.6 Consultation Policy and Procedures Manual, July 1, 2003, available on OSHA website, www.osha.gov, under "compliance" click on "consultation," in the search box, enter TED 3.6 or www.townhall.virginia.gov.

Job Safety and Health Poster, April 4, 2005, available on DOLI's website under publications, www.doli.virginia.gov.

Training Requirements/OSHA Standards and Training Guidelines, July 1, 1998, 16 VAC 25-90 through 16 VAC 25-130, 16 VAC 25-175 and 16 VAC 25-190, available on OSHA's website at www.osha.gov, go to newsroom and click on publications or www.townhall.virginia.gov.

Occupational Health Compliance Division

Guidance documents are available through www.townhall.virginia.gov. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the Virginia Department of Labor and Industry (DOLI), 13 South Thirteenth Street, Richmond, VA 23219 or at any of the department's regional offices. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to the Director of Occupational Health Compliance at the above address, telephone (804) 786-0574 or FAX (804) 371-6524.

Questions regarding interpretation or implementation of these documents may be directed to the Director of Occupational Health Compliance, Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-0574 or FAX (804) 371-6524.

Guidance Documents

Guidance Document:

Virginia Occupational Safety and Health Program Interpretations of Health Standards, revised October 17, 2003, 16 VAC 25-90-1910, and 16 VAC 25-175-1926

Occupational Safety Compliance Division

Guidance documents are available through www.townhall.virginia.gov. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the Virginia Department of Labor and Industry (DOLI), 13 South Thirteenth Street, Richmond, VA 23219, or at any of the department's regional offices. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to the Director of Occupational Safety Compliance at the above address, telephone (804) 786-2391 or FAX (804) 371-6524.

Questions regarding interpretation or implementation of these documents may be directed to the Director of Occupational Safety Compliance, Virginia Department of Labor and Industry, Powers Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2391 or FAX (804) 371-6524.

Guidance Document:

Virginia Occupational Safety and Health Program Interpretations of Safety Standards, revised October 17, 2003, 16 VAC 25-90-1910, and 16 VAC 25-175-1926

Virginia Occupational Safety and Health Program

Guidance documents are available through www.townhall.virginia.gov. Guidance documents may be requested through the department's home page: www.doli.virginia.gov. Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. at the Virginia Department of Labor and Industry (DOLI), 13 South Thirteenth Street, Richmond, VA 23219, or at any of the department's regional offices. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to Regina Cobb at the above address, or at (804) 786-0610 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of these documents may be directed to John Crisanti at the above address or at (804) 786-4300 or FAX (804) 786-8418.

Guidance Document:

Virginia Occupational Safety and Health Program Directives Manual, revised April, 1, 2003, 16 VAC 25-10-10 through 16 VAC 25-30-30 and 16 VAC 25-60-10 through 16 VAC 25-190-1928, copies \$.10 per page, 7,515 pages

VOSH Field Operations Manual, revised March 1, 2003, 16 VAC 25-10-10 through 16 VAC 25-30-30 and 16 VAC

25-60-10 through 16 VAC 25-190-1928, copies \$.10 per page, 439 pages

DEPARTMENT OF MINORITY BUSINESS ENTERPRISE

Copies of the following guidance documents are available for inspection during regular work hours from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Minority Business Enterprise (DMBE), located at 1111 East Main Street, Suite 300, Richmond, VA 23219. Many of these documents are available on-line on the DMBE website at www.dmb.e.virginia.gov. If you do not have access to the Internet, you may request copies by contacting DMBE at (804) 786-5560 or via facsimile at (804) 786-9736. Direct questions or suggestions for improvement about the documents to the Deputy Director by calling (804) 786-1616 or emailing dmb.e@dmbe.virginia.gov.

Guidance Documents:

Small, Women- and Minority-owned (SWaM) Business Certification Program Brochure (2006)

Disadvantaged Business Enterprise (DBE) Certification Program Brochure (2006)

Policy and Procedures for Evaluating Firms Applying for SWaM Certification

Policy and Procedures for Evaluating Firms Applying for DBE Certification

Required and Supporting Documentation List for SWaM Certification

DBE Uniform Certification Application

DBE Gross Receipts Survey

DBE Personal Financial Networth Statement

DBE Affidavit of No Change

DBE Orientation Training

DMBE Request for Event Speaker

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Rail Division – Administration

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the office of the Department of Rail and Public Transportation located in the Exchange Place Building at 1313 East Main Street, Suite 300, Richmond, Virginia 23219. Copies may be obtained free of charge by contacting Kevin B. Page, Director of Rail, at the same address, telephone (804) 786-3963, FAX (804) 225-3664 or email kevin.page@drpt.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to Kevin B. Page.

Guidance Documents:

Railroad Industrial Access Program Application Procedures, Revised 2003 <http://www.drpt.virginia.gov>.

Rail Enhancement Fund Policy Goals and Implementation Guidelines FY2005-2006 <http://www.drpt.virginia.gov> Adopted by the Commonwealth Transportation Board, October 20, 2005, and Rail Advisory Board, October 13, 2005.

Rail Preservation FY 2007 Program Application Procedures, Revised December 19, 2005. <http://www.drpt.virginia.gov>

Telework!VA and Public Transportation Assistance does not have guidance documents but they have guidance information available on-line at the following links:

<http://www.teleworkva.org/guidelines.htm>

<http://www.drpt.virginia.gov/activities/ptfunding.aspx>

RICHARD BLAND COLLEGE

Copies of the following documents may be viewed during the hours of 8 a.m. to 5 p.m., Monday through Friday, in either the Library or the Office of the Provost at Richard Bland College. Copies may be obtained free of charge by contacting Ms. Karen Peffer, Office of the Provost, Richard Bland College, 11301 Johnson Road, Petersburg, VA 23805, telephone (804) 862-6242. Please address any questions concerning the following to Patricia Harvey, Director of Institutional Effectiveness, telephone (804) 863-1629.

2006 - 2008 College Catalogue

Student Handbook

Faculty Handbook

The College Catalogue may be viewed at:
<http://www.rbc.edu/RBC%20Cat%202004.pdf>

The Student Handbook may be viewed at:
<http://www.rbc.edu/StudentActivities/RBC%20STUDENT%20HANDBOOK%202005-2006.pdf>

The following document is not available in hard copy but may be viewed at: <http://www.rbc.edu/Faculty/fac-handbook.pdf>

GENERAL NOTICES/ERRATA

STATE AIR POLLUTION CONTROL BOARD

Action to Consider the Adoption of Regulations to Reduce Emissions of Mercury in the Commonwealth

Notice of action: The State Air Pollution Control Board is considering the adoption of regulations to reduce emissions of mercury in the Commonwealth. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

Regulations affected: The regulations of the board affected by this regulatory action are as follows: Part V (Virginia Mercury Control Program) of 9 VAC 5-140 and Part VII (Virginia Mercury Compliance Program for Nonattainment Areas) of 9 VAC 5-140.

Purpose of notice: The board is seeking comments through the Department of Environmental Quality (DEQ) on (i) the proposals, (ii) the costs and benefits of the proposals, and (iii) impacts of the proposals on small businesses as defined in § 2.2-4007.1 of the Code of Virginia.

Public comment period: February 19, 2007, to March 21, 2007.

Description of proposal: The regulatory proposals were developed in response to the requirements that address mercury emissions from electric generating units as set forth in the 2006 Acts of Assembly (Chapters 867 and 920). The 2006 legislation contains specific mandates and requirements as to the substance of regulations the board must adopt for the purpose of controlling emissions of mercury (Hg). The new proposals will consist of adding two new parts for the control of Hg emissions from coal fired electric steam generating units (EGUs) to 9 VAC 5 Chapter 140 as follows:

- A state-specific rule (Part V to 9 VAC 5-140) authorized under § 10.1-1328 D of the Code of Virginia that (i) addresses Hg reductions to meet Virginia's environmental needs and (ii) is not to be submitted to EPA.
- A state nonattainment area rule (Part VII to 9 VAC 5-140) authorized under § 10.1-1328 F of the Code of Virginia that (i) addresses Hg compliance obligations in nonattainment areas and (ii) will not be submitted to EPA.

The purpose of the proposal is to establish provisions that will serve as a means of preventing emissions that may be detrimental to the public health and/or welfare and Virginia's environment. The proposal is being made to create an enforceable mechanism to assure that, collectively, all affected EGUs will not emit mercury in such quantities as to cause, or contribute to, any adverse environmental impact for the years 2010 and thereafter.

Locality particularly affected: With regard to the state-specific rule, there is no locality that will bear any identified disproportionate material air quality impact due to the proposal that would not be experienced by other localities. With regard to the state nonattainment area rule, the localities that will bear an identified disproportionate material air quality impact due to the proposal that would not be experienced by other localities are the localities identified in 9 VAC 5-20-204 as nonattainment for any pollutant.

How to comment: The DEQ accepts written comments by email, facsimile transmission and postal mail. In order to be considered, written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period. Due to problems with the quality of facsimile transmissions, commenters are encouraged to provide the signed original by postal mail within one week. Both oral and written comments are accepted at the public hearing. DEQ prefers that comments be provided in writing, along with any supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record.

How a decision is made: After comments have been considered, the board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

To review regulation documents: The proposed state rules (Parts V and VII to 9 VAC 5-140) and the 2006 legislation are available on the DEQ Air Public Notices for Regulations website

(<http://www.deq.virginia.gov/air/permitting/regnotes.htm>).

The documents may also be obtained by contacting the DEQ representative named below. The public may review the documents between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period at the DEQ Main Street Office, 8th Floor, 629 E. Main Street, Richmond, Virginia, (804) 698-4070.

Contact for public comments, document requests and additional information: Robert Mann, Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4419, FAX (804) 698-4510, or email ramann@deq.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of a Study to Restore Water Quality in Stream Segments in the Flat Rock Creek Watershed

Purpose of notice: To announce a public meeting and seek public comment on a water quality improvement study by the Department of Environmental Quality for the Flat Rock Creek watershed in Lunenburg County, Virginia.

Public meeting: Ripberger Public Library, located at 117 South Broad Street, Kenbridge, Virginia, on Tuesday, March 6, 2007, from 7 p.m. to 9 p.m. A rain date has been scheduled for Thursday, March 15, 2007, at the same time and location.

Public comment period: March 7, 2007, to April 6, 2007. Should inclement weather result in the meeting being held on the rain date (March 15), the public comment period will extend from March 16, 2007, to April 16, 2007.

Meeting description: This is a public meeting to discuss a study to restore water quality in stream segments in the Flat Rock Creek watershed.

Description of study: Virginia agencies are working to identify sources of bacteria contamination in stream segments in the Flat Rock Creek watershed in Central Virginia. This contamination exceeds water quality standards, thus prohibiting swimming and other forms of primary contact recreation. The contamination impairs or decreases the quality of the water.

The following is a list of the "impaired" waters, the length of the impaired segment, the type of impairment, and the segment location:

Flat Rock Creek (1.66 miles), E.coli, Lunenburg County (beginning upstream at the Route 652 bridge and extending downstream to the Kenbridge Public Water Supply intake just upstream of Route 637); Flat Rock Creek (9.72 miles), fecal coliform bacteria, Lunenburg County (beginning upstream at the confluence downstream of the Route 647 bridge, and extending downstream to its mouth at the Meherrin River); and Broad Branch (3.48 miles), E.coli, Lunenburg County (beginning upstream at its headwaters and extending downstream to the confluence with Flat Rock Creek).

During the study, DEQ will develop a total maximum daily load, or a TMDL, for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, contamination levels have to be reduced to the TMDL amount.

Contact for additional information: Lauren Theodore, Virginia Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-6216, FAX (434) 582-5125, or email lmtheodore@deq.virginia.gov.

Total Maximum Daily Load (TMDL) - Gloucester County

The Department of Environmental Quality (DEQ), Virginia Department of Health (VDH) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a

Total Maximum Daily Load (TMDL) for fecal coliform bacteria in five shellfish propagation waters located in Gloucester County, Virginia.

The impaired segments are located in VDH Growing Area 47 containing the Timberneck Creek, Cedarbush Creek, Carter Creek, Aberdeen Creek and Jones Creek tributaries to the York River and Chesapeake Bay in Gloucester County, Virginia.

The affected water body segments are identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia, require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

This is the second and final public meeting to provide information and solicit participation of citizens and local government in the review of the draft report on fecal coliform TMDLs. The meeting will be held on March 6, 2007, from 7 p.m. to 9 p.m. in the library of the Page Middle School, 5628 George Washington Memorial Highway, Gloucester, Virginia 23061. Directions can be obtained by calling Chester Bigelow at (804) 698-4554. A copy of the draft TMDL may be found on the DEQ website at http://gisweb.deq.virginia.gov/tmdlapp/tmdl_draft_reports.cfm. The public comment period will begin on March 7, 2007, and end on April 5, 2007. Questions or information requests should be addressed to Chester Bigelow and should include the name, address, and telephone number of the person submitting the comments. Requests should be sent to Chester Bigelow, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, or by email ccbigeow@deq.virginia.gov.

Notice of a Study to Restore Water Quality in the Great Creek Watershed

Purpose of notice: To announce a public meeting and seek public comment on a water quality improvement study by the Department of Environmental Quality for the Great Creek watershed in Mecklenburg County, Virginia.

Public meeting: Bracey Community Center, located at the intersection of Bracey Lane and Nelly Jones Road in Bracey, Virginia, on Thursday, March 8, 2007, from 7 p.m. to 9 p.m. A rain date has been scheduled for Tuesday, March 13, 2007, at the same time and location.

Public comment period: March 9, 2007, to April 9, 2007. Should inclement weather result in the meeting being held on the rain date (March 13), the public comment period will extend from March 14, 2007, to April 12, 2007.

General Notices/Errata

Meeting description: This is a public meeting to discuss a study to restore water quality in the Great Creek watershed.

Description of study: Virginia agencies are working to identify sources of bacteria contamination in stream segments in the Great Creek watershed in Central Virginia. This contamination exceeds water quality standards, thus prohibiting swimming and other forms of primary contact recreation. The contamination impairs or decreases the quality of the water.

The following is a description of the "impaired" segment of Great Creek, the length of the impaired segment, the type of impairment, and the segment location:

Great Creek (6.91 miles), E.coli/total fecal coliform, Mecklenburg County [beginning upstream at the headwaters, and extending downstream to the Roanoke River (Lake Gaston)].

During the study, DEQ will develop a total maximum daily load, or a TMDL, for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, contamination levels have to be reduced to the TMDL amount.

Contact for additional information: Lauren Theodore; Virginia Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-6216, FAX (434) 582-5125, or email lmtheodore@deq.virginia.gov.

Total Maximum Daily Load (TMDL) - Lancaster County

The Department of Environmental Quality (DEQ), Virginia Department of Health and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria in 12 shellfish propagation waters located in Lancaster County, Virginia.

The impaired segments are located in the following watersheds:

VDH Shellfish Growing Area 20 - containing three TMDLs, Condemnation 20-41A W. Br. Carter Creek, Condemnation 20-41B Central Branch Carter Creek, Condemnation 20-41C E. Br. Carter Creek; and

VDH Shellfish Growing Area 21 - comprising Condemnation 21-132A W. Br. Corrotoman River, Condemnation 21-132B Senior Creek, Condemnation 21-58A Hills Creek, Creek Condemnation 21-58B Bells Creek, Condemnation 21-58C E. Br. Corrotoman River, Condemnation 21-205 Taylor Creek, Condemnation 21-198 Myer Creek, Condemnation 21-187A Ewells Point, and Condemnation 21-187B Millenbeck Creek.

The affected water body segments are identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

This is the first public meeting to provide information and solicit participation of citizens and local government in the preparation of the draft report on fecal Coliform TMDLs. The meeting will be held on February 27, 2007, from 7 p.m. to 9 p.m. in the General District Courtroom of the Lancaster County Courthouse, 8311 Mary Ball Road, Lancaster, Virginia. Directions can be obtained by calling Chester Bigelow at (804) 698-4554. The public comment period will begin on February 28, 2007, and end on March 29, 2007. Questions or information requests should be addressed to Chester Bigelow and should include the name, address, and telephone number of the person submitting the comments. Requests should be sent to Chester Bigelow, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, or by email cbigelow@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) - Rivanna River Basin

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) within the Rivanna River Basin in Albemarle, Greene, and Orange Counties. An 11.16 mile segment of the Rivanna River was listed on the 2006 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's general (benthic) standard for aquatic life. A smaller 5.28 mile segment was also listed as impaired due to violations of the state's water quality standard for bacteria. In addition, tributaries to the Rivanna River including the North Fork Rivanna River, Preddy Creek, Meadow Creek, Mechums River, and Beaver Creek were also listed as impaired due to violations of the state's water quality standard for bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report. DEQ is beginning a project that will develop TMDLs to address each of the impairments listed below:

Rivanna River, benthic impairment, 11.16 miles from North and South Fork Rivanna confluence to unnamed tributary below Glenmore Sewage Treatment Plant;

Rivanna River, bacterial impairment, 5.28 miles from North and South Fork Rivanna confluence to Moores Creek;

North Fork Rivanna River, bacterial impairment, 10.38 miles from North Fork Rivanna River public water intake to South Fork Rivanna confluence;

Preddy Creek, bacterial impairment, 25.96 miles from its headwaters to confluence with the North Fork Rivanna River;

Meadow Creek, bacterial impairment, 4.01 miles from its headwaters to confluence with the Rivanna River;

Mechums River, bacterial impairment, 10.44 miles from Lickinghole Creek to confluence with Moormans River;

Beaver Creek, bacterial impairment, 4.80 miles from its headwaters to Beaver Creek Reservoir.

The first public meeting on the development of these TMDLs will be held on Thursday, March 15, 2007, 7 p.m. at the Albemarle County 5th Street Office Building, 1600 5th Street, Room 100, Charlottesville, VA. In the event of inclement weather on the designated meeting date, the meeting will be moved to March 19 at 7 p.m.

The public comment period for the first public meeting will end on April 19, 2007. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or email rbrent@deq.virginia.gov.

Notice of a Study to Restore Water Quality in Indian Creek in Tazewell County

Announcement of an effort to restore water quality in Indian Creek in Tazewell County, Virginia.

Public meeting location: Cedar Bluff Town Hall, 115 Central Ave, Cedar Bluff, Virginia, February 22, 2007, 7 p.m. to 9 p.m. (If Tazewell County public schools are closed due to inclement weather, the snow date for the meeting will be March 1, 2007, from 7 p.m. to 9 p.m.)

Purpose of notice: The Virginia Department of Environmental Quality, Department of Mines, Minerals and Energy and the Department of Conservation and Recreation are announcing a study to restore water quality, a public comment opportunity, and public meeting.

Meeting description: First public meeting on a study to restore water quality.

Description of study: DEQ is working to identify sources of pollutants affecting the aquatic organisms and sources of bacteria contamination in the waters of Indian Creek. The

“impaired” stream segments are estimated to be approximately 8.86 miles of Indian Creek, including the mainstem of Indian Creek from the confluence with Greasy Creek to its confluence with the Clinch River just east of Cedar Bluff. The stream is impaired for failing to meet the Aquatic Life Use based on violations of the general standard for aquatic organisms and failure to meet the Recreational Use because of fecal coliform bacteria violations.

During the study, the pollutants impairing the aquatic community will be identified and total maximum daily loads, or TMDLs, developed for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. DEQ will also determine the sources of bacteria contamination and develop a TMDL for bacteria. To restore water quality, contamination levels must be reduced to the TMDL amount.

How a decision is made: The development of a TMDL includes public meetings and a public comment period once the study report is drafted. After public comments have been considered and addressed, DEQ will submit the TMDL report to the U.S. Environmental Protection Agency for approval.

How to comment: DEQ accepts written comments by email, fax or postal mail. Written comments should include the name, address and telephone number of the person commenting and be received by DEQ during the comment period, February 22, 2007, to March 24, 2007. DEQ also accepts written and oral comments at the public meeting announced in this notice.

To review fact sheets: Fact sheets are available on the impaired waters from the contacts below or on the DEQ website at www.deq.virginia.gov/tmdl.

Contact for additional information: Shelley D. Williams, Regional TMDL Coordinator, Virginia Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, P. O. Box 1688, Abingdon, VA 24212-1688, telephone (276) 676-4845, FAX (276) 676-4899, or email sdwilliams@deq.virginia.gov.

Total Maximum Daily Load (TMDL) - Upper Rappahannock River Basin

Announcement of a Total Maximum Daily Load (TMDL) study to restore water quality in streams located in the Upper Rappahannock River Basin that are contaminated with bacteria.

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) and the Virginia Department of Conservation and Recreation announce the third series of Technical Advisory Committee (TAC) meetings for the Upper Rappahannock River Basin TMDL study.

Technical Advisory Committee Meetings:

General Notices/Errata

Rappahannock Watershed Technical Advisory Committee,
Tuesday, February 27, 2007

10 a.m. - noon, Culpeper Train Depot, 109 S. Commerce
Street, Culpeper, VA 22701

Rapidan Watershed Technical Advisory Committee,
Tuesday, February 27, 2007

2 p.m. - 4 p.m., Culpeper Train Depot, 109 S. Commerce
Street, Culpeper, VA 22701

**In case of inclement weather, the alternative meeting date
for both TACs is Wednesday, February 28, 2007, at the
Culpeper Train Depot. The meeting times will be the same as
listed above.

Meeting description: This is the third series of meetings of the
technical advisory committees for this project. The TMDL
study addresses elevated levels of bacteria in 16 stream
segments in the Upper Rappahannock River Basin.

Description of study: Virginia agencies are working to
identify sources of bacteria contamination in stream segments
in the Upper Rappahannock River Basin. The impaired
stream segments are located in Albemarle, Culpeper,
Fauquier, Greene, Madison, Orange, Rappahannock, and
Spotsylvania counties, and their location is set forth in the
table below. Since the watershed is so large, two technical
advisory committees were formed for this project: 1) Upper
Rappahannock River TAC and 2) Rapidan River TAC.

Rappahannock Watershed Technical Advisory Committee					
Stream Name	Locality	Impairment	Length (miles)	Upstream Limit	Downstream Limit
Hughes River	Culpeper Rappahannock	Bacteria	3.68	Kilbys Run	Hazel River
Hazel River	Culpeper	Bacteria	16.67	Rt. 707 Bridge	Unnamed Tributary
Hazel River	Culpeper	Bacteria	3.32	Indian Run	Muddy Run
Rush River	Rappahannock	Bacteria	4.55	Unnamed Tributary	Big Branch
Rappahannock River	Fauquier Rappahannock	Bacteria	2.17	Jordan River	UT
Marsh Run	Fauquier	Bacteria	8.35	Craig Run	Rappahannock River
Browns Run	Fauquier	Bacteria	2.39	Unnamed Tributary	Marsh Run
Craig Run	Fauquier	Bacteria	3.61	Headwaters of Craig Run	Marsh Run
Rappahannock River	Culpeper Fauquier	Bacteria	2.02	Ruffans Run	Tinpot Run
Rappahannock River	Culpeper Fauquier	Bacteria	2.85	Unnamed Tributary	Marsh Run

Rapidan Watershed Technical Advisory Committee					
Stream Name	Locality	Impairment	Length (miles)	Upstream Limit	Downstream Limit
Blue Run	Orange Albemarle	Bacteria	11.61	Headwaters of Blue Run	Rapidan River
Rapidan River	Culpeper Madison Orange	Bacteria	7.5	Poplar Run	Robinson River
Marsh Run	Greene Madison Orange	Bacteria	5.19	Headwaters of Marsh Run	Rapidan River
Unnamed Tributary to Rapidan River	Madison Orange	Bacteria	2.57	Headwaters of Unnamed Tributary	Rapidan River

Cedar Run	Culpeper Orange	Bacteria	5.4	Buck Run	Rapidan River
Rapidan River	Culpeper Spotsylvania	Bacteria	2.68	Wilderness Run	Middle Run

During the study, DEQ will develop a total maximum daily load, or a TMDL, for each of the impaired stream segments. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, contamination levels have to be reduced to the TMDL allocated amount. A series of public meetings will be held during March 2007 for the purpose of presenting the draft TMDL Report to the public. A comment period will be held in conjunction with those meetings.

How to comment: The public comment period on the materials presented at the TAC meetings, including draft allocation scenarios, will extend from February 27, 2007, to March 29, 2007. DEQ accepts written comments by email, fax, or postal mail. Written comments should include the name, address, and telephone number of the person commenting, and be received by DEQ during the comment period. Please send all comments to the contact listed below.

Contact for additional information: Katie Conaway, Virginia Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3804, email mkconaway@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in the Virginia Register of Regulations

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

FORMS:

- NOTICE of INTENDED REGULATORY ACTION-RR01
- NOTICE of COMMENT PERIOD-RR02
- PROPOSED (Transmittal Sheet)-RR03
- FINAL (Transmittal Sheet)-RR04
- EMERGENCY (Transmittal Sheet)-RR05
- NOTICE of MEETING-RR06
- AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS-RR08
- RESPONSE TO PETITION FOR RULEMAKING-RR13
- FAST-TRACK RULEMAKING ACTION-RR14

CALENDAR OF EVENTS

Symbol Key

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

 Location accessible to persons with disabilities

 Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.virginia.gov 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 website's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

April 6, 2007 - 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 Accountancy intends to consider amending regulations entitled **18 VAC 5-10, Public Participation Guidelines**. The purpose of the proposed action is to revise the regulation solely for the purpose of updating the statutory citations contained therein referencing the Administrative Process Act (APA), and bringing the language in line with the current APA requirements. Such changes are noncontroversial and are intended to increase the public's input into the regulation promulgation process in the most efficient and effective manner possible.

Statutory Authority: §§ 2.2-4007 and 54.1-4403 of the Code of Virginia.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174 or email boa@boa.virginia.gov.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **March 22, 2007 - 9 a.m.** -- Open Meeting
Oliver Hill Building, 102 Governor Street, 220 Board Room, 2nd Floor Richmond, Virginia. 

A meeting to discuss issues related to Virginia agriculture. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to

participate at the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy Seward, Board Secretary, Department of Agriculture and Consumer Services, Oliver Hill Bldg., 102 Governor St., Suite 219 Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, email roy.seward@vdacs.virginia.gov.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Agricultural Council

March 26, 2007 - 8:30 a.m. -- Open Meeting

March 27, 2007 - 8 a.m. -- Open Meeting
Courtyard by Marriott, 1201 West Main Street, Charlottesville, Virginia. 

A meeting to hear and act upon agricultural project proposals for financial assistance through the Virginia Agricultural Council. The council 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 Donald Ayers at least five days before the meeting date so that suitable arrangements can be made.

Contact: Donald Ayers, Executive Director, Virginia Agricultural Council, 7163 Ayersby Dr., New Kent, VA 23124, telephone (804) 779-3493, FAX (804) 779-2581, (800) 828-1120/TTY , email don.ayers@vdacs.virginia.gov.

April 8, 2007 - 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 Agriculture and Consumer Services intends to amend regulations entitled **2 VAC 5-490, Regulations Governing Grade "A" Milk**. The purpose of the proposed action is adopt the requirements contained in the 2005 revision of the Pasteurized Milk Ordinance (PMO). The PMO is a federal model regulation for adoption by the states to governing the production, processing, distribution and sale of milk and milk products in the United States. The current Regulations Governing Grade "A" Milk adopted the 1989 revision of the PMO.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Contact: John A. Beers, Program Supervisor, 102 Governor St., Suite 349, Richmond, VA 23219, telephone (804) 786-1452, FAX (804) 371-7792 or email john.beers@vdacs.virginia.gov.

Virginia Corn Board

February 19, 2007 - 8 a.m. -- Open Meeting
Double Tree Hotel, Richmond Airport, 5501 Eubank Road, Richmond, Virginia. 

A meeting to (i) discuss checkoff revenues resulting from sales of the 2006 corn crop, (ii) approve the previous meeting minutes, (iii) hear FY 2006-2007 project reports and receive FY 2007-2008 project proposals, and (iv) make funding decisions for the fiscal year beginning July 1, 2007. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Corn Board, 102 Governor St., 3rd Floor, Room 319, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, email phil.hickman@vdacs.virginia.gov.

Virginia Cotton Board

March 7, 2007 - 9:30 a.m. -- Open Meeting
Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. 

A meeting to (i) discuss and approve contractual arrangements with national and regional organizations; (ii) receive reports of programs and projects funded over the past year; (iii) hear Project Proposal Grant Requests on cotton by VPI&SU, VSU, and other groups for the year 2007-08; and (iv) receive and review financial reports. 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 in the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

Contact: Gail Moody Milteer, Program Director, Virginia Cotton Board, 1100 Armory Dr., Suite 120, Franklin, VA 23851, telephone (757) 569-1100, FAX (757) 562-6104, email gail.moodymilteer@vdacs.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL BOARD

February 20, 2007 - 9 a.m. -- Open Meeting
March 5, 2007 - 9 a.m. -- Open Meeting
March 19, 2007 - 9 a.m. -- Open Meeting
April 2, 2007 - 9 a.m. -- Open Meeting
April 16, 2007 - 9 a.m. -- Open Meeting
† May 7, 2007 - 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 as necessary.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY , email curtis.coleburn@abc.virginia.gov.

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

February 20, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Continuing Education Committee to develop draft wording for the board's consideration for implementing the mandatory continuing education program.

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) 367-0795, (804) 367-9753/TTY , email APELSCIDLA@dpor.virginia.gov.

Calendar of Events

March 15, 2007 - 9 a.m. -- Open Meeting

† **May 8, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the full board to conduct 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 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

† **March 15, 2007 - 1 p.m.** -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

An informal fact-finding conference.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St. Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , email apelscidla@dpor.virginia.gov.

† **May 10, 2007 - 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. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

† **May 14, 2007 - 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. A portion of the board's business may be discussed in closed session. Persons desiring to participate

in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD

March 2, 2007 - 10 a.m. -- Open Meeting

April 6, 2007 - 10 a.m. -- Open Meeting

May 4, 2007 - 10 a.m. -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Forum Room, 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.virginia.gov. 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: Brian H. Ohlinger, Chairman, Art and Architectural Review Board, 700 W. Grace St., Suite 2200, Richmond, VA 23284, telephone (804) 827-9647, FAX (804) 827-1288 or email bjohlinger@vcu.edu.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

† **May 9, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

A general business meeting including consideration of regulatory issues as may be presented on the agenda. A portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475, (804) 367-9753/TTY , email alhi@dpor.virginia.gov.

AUCTIONEERS BOARD

February 21, 2007 - 11 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

A meeting to conduct informal fact-finding conferences.

Contact: Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0795, (804) 367-9753/TTY , email auctioneers@dpor.virginia.gov.

NOTE: CHANGE IN MEETING DATE

† April 19, 2007 - 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. 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: Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0795, (804) 367-9753/TTY , email auctioneers@dpor.virginia.gov.

VIRGINIA AVIATION BOARD

February 20, 2007 - 3 p.m. -- Open Meeting
February 21, 2007 - 9 a.m. -- Open Meeting
Wyndham Hotel Richmond, 4700 South Laburnum Avenue,
Richmond, Virginia. 

A regular bimonthly meeting. Applications for state funding will be presented to the board and other matter of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistance is needed.

Contact: Carolyn Toth, Executive Assistant, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3626, FAX (804) 236-3635, email carolyn.toth@doav.virginia.gov.

BOARD FOR BARBERS AND COSMETOLOGY

† May 7, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting to include consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or 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 Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email barbercosmo@dpor.virginia.gov.

BOARD FOR THE BLIND AND VISION IMPAIRED

April 17, 2007 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. 

A meeting to review information regarding the Department for the Blind and Vision Impaired's activities and operations, review expenditures from board endowment funds, and discuss other issues raised by 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 , email kathy.proffitt@dbvi.virginia.gov.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

March 3, 2007 - 10 a.m. -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the Statewide Rehabilitation Council for the Blind to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: Susan D. Payne, VR Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY , email susan.payne@dbvi.virginia.gov.

Calendar of Events

BOARD FOR BRANCH PILOTS

May 1, 2007 - 8:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting of the Examination Administrators 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. 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 Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email branchpilots@dpor.virginia.gov.

May 2, 2007 - 9:30 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. All meetings are subject to cancellation. 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 Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email branchpilots@dpor.virginia.gov.

CHARITABLE GAMING BOARD

† March 15, 2007 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, RF and P Forum Room Richmond, Virginia.

A regular board meeting.

Contact: Harry M. Durham, Interim Director, Department of Charitable Gaming, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-2444, FAX (804) 786-1079, email harry.durham@dgc.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

March 26, 2007 - 10 a.m. -- Open Meeting
Location to be announced.

A regular business meeting to review 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, email david.dowling@dcr.virginia.gov.

† May 8, 2007 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Northern Area Review Committee to review 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, email david.dowling@dcr.virginia.gov.

† May 8, 2006 - 2 p.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Southern Area Review Committee to review 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, email david.dowling@dcr.virginia.gov.

CHILD DAY-CARE COUNCIL

† March 8, 2007 - 9 a.m. -- Open Meeting
Department of Social Services, 7 North 8th Street, 6th Floor Conference Room, Richmond, Virginia.

A council work session will begin at 9 a.m. The full council will meet at 11 a.m.

Contact: Pat Rengnerth, Board Liaison, Child Day-Care Council, 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 ☎, email patricia.rengnerth@dss.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES

March 21, 2007 - 1:30 p.m. -- Open Meeting
Lord Fairfax Community College, Middletown Campus, 173 Skirmisher Lane, Middletown, Virginia.

Meetings of the Academic Committee, Student Affairs and Workforce Development Committee, Budget and Finance Committee, Facilities Committee, Audit Committee, Personnel Committee, and Executive Committee.

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 ☎

March 22, 2007 - 9 a.m. -- Open Meeting
Lord Fairfax Community College, Middletown Campus, 173 Skirmisher Lane, Middletown, Virginia.

† **May 17, 2007 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Godwin-Hamel Board Room, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting of the full board. Public comment may be received upon written 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

February 21, 2007 - 11 a.m. -- Open Meeting
† **March 28, 2007 - 11 a.m.** -- Open Meeting
102 Governor Street, Lower Level, Room LL22, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 225-3308, FAX (804) 371-0235, email cindy.waddell@scb.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia Soil and Water Conservation Board

March 15, 2007 - 9:30 a.m. -- Open Meeting
† **May 17, 2007 - 9:30 a.m.** -- Open Meeting
Location to be announced.

A regular board 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, email david.dowling@dcr.virginia.gov.

BOARD FOR CONTRACTORS

February 22, 2007 - 9 a.m. -- Open Meeting
February 27, 2007 - 1:30 p.m. -- Open Meeting
† **March 6, 2007 - 9 a.m.** -- Open Meeting
March 8, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

An informal fact-finding conference.

Contact: 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 ☎, email contractors@dpor.virginia.gov.

February 27, 2007 - 9 a.m. -- Open Meeting
March 27, 2007 - 9 a.m. -- Open Meeting
April 24, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulations, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A 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 discussed in closed session. 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: 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 ☎, email contractors@dpor.virginia.gov.

February 27, 2007 - 1 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A quarterly meeting of the Board for Contractors Committee. The meeting starts after the Board for Contractors meeting ends.

Contact: Kevin Hoelt, Regulatory Boards Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, email contractors@dpor.virginia.gov.

BOARD OF CORRECTIONS

March 20, 2007 - 10 a.m. -- Open Meeting
† **May 15, 2007 - 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, email barbara.woodhouse@vadoc.virginia.gov.

Calendar of Events

March 20, 2007 - 11 a.m. -- Open Meeting

† **May 15, 2007 - 11 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, 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, email barbara.woodhouse@vadoc.virginia.gov.

March 21, 2007 - 9:30 a.m. -- Open Meeting

† **May 16, 2007 - 9:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor, Room 3054, 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, email barbara.woodhouse@vadoc.virginia.gov.

March 21, 2007 - 10 a.m. -- Open Meeting

† **May 16, 2007 - 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 presentation to and action by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email barbara.woodhouse@vadoc.virginia.gov.

CRIMINAL JUSTICE SERVICES BOARD

March 8, 2007 - 9 a.m. -- Public Hearing

General Assembly Building, 9th and Broad Street, House Room D, Richmond, Virginia. 

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled **6 VAC 20-250, Regulations Relating to Property and Surety Bail Bondsmen**. The purpose of the proposed action is promulgate regulations for property and surety bail bondsmen. The regulation establishes a licensure process, training standards, fee schedule, and the administration of the regulatory system.

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

Contact: Leon D. Baker, Jr., Division Director, Department of Criminal Justice Services, Eighth Street Office Bldg., 805

E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, or email lbaker@dcjs.virginia.gov.

March 8, 2007 - 11 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A general business meeting.

Contact: Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, 9th Street Office Bldg., 202 N. 9th St., 5th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, email leon.baker@dcjs.virginia.gov.

BOARD OF DENTISTRY

February 23, 2007 - 9 a.m. -- Open Meeting

April 27, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

Informal conferences of Special Conference Committee B. There will not be a public comment period.

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) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

March 8, 2007 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

Formal hearings. There will not be a public comment period.

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) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

March 9, 2007 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting to discuss board business. There will be a 15-minute 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) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

March 23, 2007 - 9 a.m. -- Open Meeting
† May 11, 2007 - 9 a.m. -- Open Meeting
 Department of Health Professions, 6603 West Broad Street,
 5th Floor, Richmond, Virginia. 

Informal conferences of Special Conference Committee C.
 There will not be a public comment period.

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) 662-7246, (804) 662-7197/TTY , email
 sandra.reen@dhp.virginia.gov.

March 30, 2007 - 9 a.m. -- Open Meeting
 Department of Health Professions, 6603 West Broad Street,
 5th Floor, Richmond, Virginia. 

A meeting of the Special Conference Committee A to hold
 informal conferences. There will not be a public comment
 period.

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) 662-7246, (804) 662-7197/TTY , email
 sandra.reen@dhp.virginia.gov.

April 20, 2007 - 9:30 a.m. -- Open Meeting
 Department of Health Professions, 6603 West Broad Street,
 5th Floor, Richmond, Virginia. 

A meeting of the Credentials Committee to hold informal
 conferences. There will not be a public comment period.

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) 662-7246, (804) 662-7197/TTY , email
 sandra.reen@dhp.virginia.gov.

DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

March 15, 2007 - 11 a.m. -- Open Meeting
April 19, 2007 - 11 a.m. -- Open Meeting
† May 17, 2007 - 11 a.m. -- Open Meeting
 Department of General Services, 202 North Ninth Street,
 Room 412, Richmond, Virginia.  (Interpreter for the deaf
 provided upon request)

A monthly meeting to review requests submitted by
 localities to use the design build or construction
 management type contracts. Contact the Division of
 Engineering and Buildings to confirm this meeting. Board
 rules and regulations can be obtained on-line at
www.dgs.virginia.gov under DGS Forms, Form #DGS-30-
 904.

Contact: Kristy H. Martin, Administrative Assistant,
 Division of Engineering and Buildings, Department of

General Services, 202 N. Ninth St., Richmond, VA 23219,
 telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-
 6152/TTY , email rhonda.bishton@dgs.virginia.gov.

BOARD OF EDUCATION

February 28, 2007 - 9 a.m. -- Open Meeting
March 28, 2007 - 9 a.m. -- Open Meeting
April 23, 2007 - 9 a.m. -- Open Meeting
 James Monroe Building, 101 North 14th Street, 22nd Floor,
 Jefferson Conference Room, Richmond, Virginia. 
 (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Public comment
 will be received. The agenda and the supporting materials
 will be posted on the Friday prior to the meeting on the
 following website:
[http://www.doe.virginia.gov/VDOE/VA_Board/bd-
 sched.html](http://www.doe.virginia.gov/VDOE/VA_Board/bd-sched.html)

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,
 email margaret.roberts@doe.virginia.gov.

March 19, 2007 - 9 a.m. -- Open Meeting
April 23, 2007 - 9 a.m. -- Open Meeting
 Location to be announced.

A meeting of the Advisory Board on Teacher Education
 and Licensure. For additional information, contact Patty
 Pitts, Director of Teacher Licensure at the Department of
 Education, (804) 371-2471, email
 patty.pitts@doe.virginia.gov.

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,
 email margaret.roberts@doe.virginia.gov.

April 18, 2007 - 9 a.m. -- Open Meeting
April 19, 2007 - 9 a.m. -- Open Meeting
April 20, 2007 - 9 a.m. -- Open Meeting
 Crossroad Inn and Conference Center, 911 East Atlantic
 Street, South Hill, Virginia.

A meeting of the State Special Education Advisory
 Committee. For more information on times and agendas go
 to
[http://www.doe.virginia.gov/VDOE/Instruction/Sped/sseac.
 html](http://www.doe.virginia.gov/VDOE/Instruction/Sped/sseac.html) or call the Department of Education Special Education
 and Student Services office at 804-225-3252 or (TTY) 800-
 422-1098.

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,

Calendar of Events

VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email margaret.roberts@doe.virginia.gov.

† **April 23, 2007** - 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 repeal regulations entitled **8 VAC 20-350, Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits**. The purpose of the proposed action is to repeal the regulation because it is no longer needed and is outdated. Oversight and legal authority for the two types of schools governed by this regulation are no longer under the Board of Education pursuant to recent legislative changes. The private career schools have been transferred to the State Council of Higher Education for Virginia. That agency promulgated regulations to govern the private day schools and they became effective on July 26, 2006. The private day schools for students with disabilities remain under the purview of the Department of Education. New regulations were promulgated governing those schools and they became effective on September 10, 2004.

Statutory Authority: §§ 22.1-16, 22.1-321 and 22.1-327 of the Code of Virginia.

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, email margaret.roberts@doe.virginia.gov.

April 24, 2007 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 22nd Floor, Jefferson Conference Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A planning session of the board. The president may call additional meetings and special meetings of the full board and its committees, as deemed necessary. Public comment will be received. The agenda and the supporting materials will be posted on the Friday prior to the meeting on the following website:
http://www.doe.virginia.gov/VDOE/VA_Board/bd-sched.html

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, email margaret.roberts@doe.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **February 22, 2007 - 7 p.m.** -- Public Hearing
Augusta County Government Center, Smith's Transfer Room West, 18 Government Center Lane, Verona, Virginia. 

A public hearing to receive comment on an application by the Augusta County Servview Authority to amend the permit for the Augusta Regional Landfill to allow the facility to vertically expand the existing landfill. The public comment period begins January 22, 2007, and ends on March 9, 2007.

Contact: Rebecca Dietrich, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6790, FAX (540) 562-6860, email rddietrich@deq.virginia.gov.

† **February 22, 2007 - 7 p.m.** -- Open Meeting
Cedar Bluff Town Hall, 115 Central Avenue, Cedar Bluff, Virginia. 

A public meeting on the development of TMDLs to address water quality impairments in Indian Creek in Tazewell County. The public notice appears in the Virginia Register of Regulations on February 19, 2007. The public comment period begins on February 22, 2007, and ends on March 24, 2007. In the event Tazewell County schools are closed due to inclement weather, the meeting will be on March 1, 2007.

Contact: Shelley D. Williams, Department of Environmental Quality, 355 Deadmore St., P.O. Box 1688 Abingdon, VA 24212, telephone (276) 676-4845, FAX (276) 676-4899, email sdwilliams@deq.virginia.gov.

† **February 27, 2007 - 10 a.m.** -- Open Meeting
Culpeper Train Depot, 109 South Commerce Street, Culpeper, Virginia. 

The third series of meetings of the technical advisory committees assisting in the TMDL study addressing elevated levels of bacteria in 16 stream segments in the Upper Rappahannock River Basin located in Albemarle, Culpeper, Fauquier, Greene, Madison, Orange, Rappahannock and Spotsylvania counties. The public notice appears in the Virginia Register of Regulations on February 19, 2007. The public comment period begins on February 27, 2007, and ends on March 29, 2007. Inclement weather date is February 28, 2007.

Contact: Katie Conaway, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 23901, telephone (703) 583-3804, email mkconaway@deq.virginia.gov.

† **February 27, 2007 - 7 p.m.** -- Open Meeting
Lancaster County Courthouse, General District Courtroom, 8311 Mary Ball Road, Lancaster, Virginia. 

The first public meeting on the development of fecal coliform TMDLs for shellfish propagation waters located in Lancaster County. The public notice appears in the Virginia Register of Regulations on February 19, 2007. The public comment period begins on February 28, 2007, and ends on March 29, 2007.

Contact: Chester Bigelow, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4454, FAX (804) 698-4116, email ccbigelow@deq.virginia.gov.

† March 6, 2007 - 7 p.m. -- Open Meeting
Ripberger Public Library, 117 South Broad Street, Kenbridge, Virginia. 

A public meeting on the development of TMDLs to address bacteria contamination in stream segments in the Flat Rock Creek Watershed located in Lunenburg County. The public notice appears in the Virginia Register of Regulations on February 19, 2007. The public comment period begins on March 7, 2007, and ends on April 6, 2007. In the event of inclement weather the meeting will be held on March 15, 2007.

Contact: Lauren Theodore, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-6216, FAX (434) 582-5125, email lmtheodore@deq.virginia.gov.

† March 6, 2007 - 7 p.m. -- Open Meeting
Page Middle School, 5628 George Washington Memorial Highway, Library, Gloucester, Virginia. 

The second and final public meeting on the development of fecal coliform TMDLs for shellfish propagation waters in Gloucester County. The public notice appears in the Virginia Register of Regulations on February 19, 2007. The public comment period begins on March 7, 2007, and ends on April 5, 2007.

Contact: Chester Bigelow, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4554, FAX (804) 698-4116, email ccbigelow@deq.virginia.gov.

March 8, 2007 - 10 a.m. -- Open Meeting
Chesterfield County Airport, Iron Bridge Road, Conference Room, Chesterfield County, Virginia. 

A regular meeting of the Recycling Markets Development Council.

Contact: Thomas J. Smith, PE, 5 County Complex Court, Suite 250, Prince William, VA 22192, telephone (703) 792-6252, email tsmith@pwcgov.org.

† March 8, 2007 - 7 p.m. -- Open Meeting
Bracey Community Center, Intersection of Bracey Lane and Nelly Jones Road, Bracey, Virginia. 

A public meeting on the development of TMDLs for the Great Creek Watershed in Mecklenburg County to address bacteria contamination in stream segments in the watershed. The public notice appears in the Virginia Register of Regulations on February 19, 2007. The public comment period begins on March 9, 2007, and ends on April 9, 2007. In the event of inclement weather the meeting will be March 13, 2007.

Contact: Lauren Theodore, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-6216, FAX (434) 582-5125, email lmtheodore@deq.virginia.gov.

† March 15, 2007 - 7 p.m. -- Open Meeting
Albemarle County 5th Street Office Building, Room 100, 1600 5th Street, Charlottesville, Virginia. 

The first public meeting on the development of TMDLs within the Rivanna River Basin in Albemarle, Greene and Orange counties. The public notice appears in the Virginia Register of Regulations on February 19, 2007. The public comment period begins on March 15, 2006, and ends on April 19, 2007. The inclement weather date is March 19, 2007.

Contact: Robert Brent, Department of Environmental Quality, 4411 Early Rd., P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, email rnbrent@deq.virginia.gov.

March 20, 2007 - 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 1105, Richmond, VA 23218, telephone (804) 698-4042, email mamassie@deq.virginia.gov.

VIRGINIA FIRE SERVICES BOARD

February 21, 2007 - 11 a.m. -- Open Meeting
Virginia Beach Convention Center, Virginia Beach, Virginia. 

A work session of the board. The Executive Subcommittee meets at 3 p.m.

Contact: Brook M. Pittinger, Policy, Planning and Legislative Manager, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

February 22, 2007 - 10 a.m. -- Open Meeting
Virginia Beach Convention Center, Virginia Beach, Virginia. 

Committee meetings:

Calendar of Events

10 a.m. - Training and Education
2 p.m. - Prevention and Control
3 p.m. - Finance and Policy

Contact: Brook M. Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

February 23, 2007 - 9 a.m. -- Open Meeting
Virginia Beach Convention Center, Virginia Beach, Virginia. ♿

A full board meeting.

Contact: Brook M. Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

February 24, 2007 - 8 a.m. -- Open Meeting
Virginia Beach Convention Center, Virginia Beach, Virginia. ♿

The Governor's 2006 Virginia Fire Services Awards Ceremony held in conjunction with the welcome and opening ceremonies of the Virginia Fire Chiefs Association 2007 Mid-Atlantic Expo and Symposium.

Contact: Brook M. Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **February 27, 2007 - 9 a.m.** -- Open Meeting

† **March 22, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Special Conference Committee to review and discuss discipline cases.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email elizabeth.young@dhp.virginia.gov.

† **March 13, 2007 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Task Force on Cremation Laws to discuss the laws relating to cremation.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email elizabeth.young@dhp.virginia.gov.

† **March 13, 2007 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting board meeting to discuss issue that relate to the practice of funeral directing and embalming.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email elizabeth.young@dhp.virginia.gov.

† **March 13, 2007 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting formal hearing to discuss the reinstatement case.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email elizabeth.young@dhp.virginia.gov.

BOARD FOR GEOLOGY

April 25, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting to include consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or 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: David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, (804) 367-9753/TTY ☎, email geology@dpor.virginia.gov.

GEORGE MASON UNIVERSITY

† **May 9, 2007 - 9 a.m.** -- Open Meeting
George Mason University, Mason Pond Drive, Mason Hall, Fairfax, Virginia. ♿

A meeting of the Board of Visitors. Agenda items will be posted 10 days prior to the meeting.

Contact: Mary Roper, Secretary Pro Tem, George Mason University, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, toll-free (703) 993-8707, email mroper@gmu.edu.

GOVERNOR'S HEALTH REFORM COMMISSION

February 26, 2007 - 1 p.m. -- Open Meeting

March 26, 2007 - 1 p.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, 7th Floor, Conference Room 7B, Richmond, Virginia.

♿ (Interpreter for the deaf provided upon request)

A meeting of the Quality, Transparency, and Prevention Workgroup to focus on quality, specifically pay for performance (P4P) initiatives in Medicaid and nursing homes. The goal of the meeting will be to develop ideas and solutions for how the Commonwealth can best implement P4P in Medicaid.

Contact: Aryana Khalid, Assistant Secretary of Health and Human Resources, Office of the Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2575, email aryana.khalid@governor.virginia.gov.

February 27, 2007 - 1 p.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, 7th Floor, Conference Room 7B, Richmond, Virginia.

♿ (Interpreter for the deaf provided upon request)

A meeting of the Workforce Workgroup to focus on workforce issues for nurses and nurse aides. The goal of the meeting will be to develop ideas and solutions for how the Commonwealth can increase the workforce from both supply and demand perspectives as well as how to retain and reengage the existing workforce in the Commonwealth.

Contact: Aryana Khalid, Assistant Secretary of Health and Human Resources, Office of the Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2575, email aryana.khalid@governor.virginia.gov.

March 2, 2007 - 10 a.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Room 7 B, Richmond, Virginia.

A Long-Term Care Workgroup meeting of the Governor's Health Reform Commission. No public comment will be received.

Contact: Heidi Dix, Assistant Secretary of Health and Human Resources, Office of the Governor, 1111 E. Broad St, 4th Floor, Richmond, VA 23219, telephone (804) 786-7765, email heidi.dix@governor.virginia.gov.

March 29, 2007 - 10 a.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Room 7 B, Richmond, Virginia.

A meeting of the Workforce Workgroup to focus on workforce issues for physicians. The goal of the meeting will be to develop ideas and solutions for how the Commonwealth can increase the workforce from both supply and demand perspectives as well as how to retain and reengage the workforce we already have in the Commonwealth.

Contact: Aryana Khalid, Assistant Secretary of Health and Human Resources, Office of the Governor, 1111 East Broad St., Richmond, VA 23219, telephone (804) 692-2575, email aryana.khalid@governor.virginia.gov.

April 18, 2007 - 1 p.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Room 7 B, Richmond, Virginia.

A meeting of the Workforce Workgroup to focus on final recommendations to the commission concerning the physician, nurse, and nurse aide workforce.

Contact: Aryana Khalid, Assistant Secretary of Health and Human Resources, Office of the Governor, 1111 East Broad St., Richmond, VA 23219, telephone (804) 692-2575, email aryana.khalid@governor.virginia.gov.

DEPARTMENT OF HEALTH

February 23, 2007 - 10 a.m. -- Open Meeting

March 23, 2007 - 10 a.m. -- Open Meeting

April 24, 2007 - 10 a.m. -- Open Meeting

† May 18, 2007 - 10 a.m. -- Open Meeting

Department of Health, 109 Governor Street, 5th Floor Conference Room, Richmond, Virginia.

A meeting of the Sewage Handling and Disposal Regulations Advisory Committee to make recommendations to the commissioner regarding sewage handling and disposal policies, procedures and programs of the department.

Contact: Donald Alexander, Division Director, Division of Onsite Sewage and Water Services, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7452, FAX (804) 864-7476, email donald.alexander@vdh.virginia.gov.

April 17, 2007 - 9 a.m. -- Open Meeting

Department of Health, 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 and programs. The meeting will also be scheduled in remote locations via video conference.

Contact: Dwayne Roadcap, Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7462, FAX (804) 864-7476, email dwayne.roadcap@vdh.virginia.gov.

April 17, 2007 - 10 a.m. -- Open Meeting

Division of Consolidated Laboratory Services, 600 North 5th Street, Training Room T-23, Richmond, Virginia. ♿

A meeting of the Genetics Advisory Committee to advise the Department of Health on coordinating access to clinical genetics services across the Commonwealth and assuring

Calendar of Events

the provision of genetic awareness and quality services and education for consumers and providers taking into consideration issues of confidentiality, privacy and consent.

Contact: Nancy Ford, Director of Pediatric Screening and Genetics Services, Department of Health, 109 Governor St., 8th Floor, Richmond, VA 23219, telephone (804) 864-7691, email nancy.ford@vdh.virginia.gov.

† **May 11, 2007 - 10 a.m.** -- Open Meeting
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia. 

A meeting of the Virginia Early Hearing Detection and Intervention Program Advisory Committee to assist the Department of Health in the implementation of the Virginia Early Hearing Detection and Intervention Program.

Contact: Pat Dewey, M.Ed, Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7713, email pat.dewey@vdh.virginia.gov.

Emergency Medical Services Advisory Board

† **May 17, 2007 - 1 p.m.** -- Open Meeting
Richmond Marriott West 4240 Dominion Boulevard, Glen Allen, Virginia. 

A meeting of the Financial Assistance Review Committee (FARC). The FARC is responsible for recommending to the Commissioner of Health monetary awards as stipulated in the Code of Virginia. Quarterly meeting to discuss upcoming grant cycle and initiatives, problems with past grants and Rescue Squad Assistance Fund (RSAF) finances.

Contact: Amanda Davis, Grants Administrator, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email amanda.davis@vdh.virginia.gov.

† **May 18, 2007 - 9 a.m.** -- Open Meeting
Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. 

A quarterly meeting of the Communications Committee to review and recommend policies on EMS communications and coordinate the development and implementation of communications and associated technology that support EMS operations at the local, regional and state level.

Contact: Ken Crumpler, Communications Coordinator, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email ken.crumpler@vdh.virginia.gov.

† **May 18, 2007 - 1 p.m.** -- Open Meeting
Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. 

A quarterly meeting to provide advice and counsel regarding methods and procedures for planning, developing and maintaining a statewide emergency medical services (EMS) systems to OEMS and the State Board of Health.

Contact: Gary R. Brown, Director, Office of Emergency Medical Services, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email gary.brown@vdh.virginia.gov.

DEPARTMENT OF HEALTH PROFESSIONS

April 18, 2007 - 11 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A meeting of the Prescription Monitoring Program Advisory Committee to review collected data for the program evaluation workplan and to receive a progress report on the enhancement and expansion of the program. The committee will discuss the development of criteria to provide these reports and the resource information that will be provided with them. Public comments will be received during the meeting.

Contact: Ralph A. Orr, Prescription Monitoring Program Manager, Department of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9133, FAX (804) 662-9240, (804) 662-7197/TTY , email ralph.orr@dhp.virginia.gov.

BOARD FOR HEARING AID SPECIALISTS

March 14, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting that will include 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 Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email hearingaidspec@dpor.virginia.gov.

† **March 14, 2007 - 1 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

An informal fact-finding conference.

Contact: 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 , email
hearingaidspec@dpor.virginia.gov.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **March 12, 2007 - 4 p.m.** -- Open Meeting
Richard Bland College Petersburg, Virginia. 

Strategic Planning Committee and Executive Committee
meetings of the council.

Contact: Lee Ann Rung, State Council of Higher Education
for Virginia, James Monroe Bldg., 101 N. 14th St., 9th Floor,
Richmond, VA 23219, telephone (804) 225-2602, FAX (804)
371-7911, email LeeAnnRung@schev.edu.

† **March 13, 2007 - 8:30 a.m.** -- Open Meeting
Richard Bland College, Petersburg, Virginia 

† **May 8, 2007 - 8:30 a.m.** -- Open Meeting
Location to be determined.

Meeting times are approximate and subject to change.
Committee meetings will begin at approximately 8:30 a.m.
The council meeting will begin at 11:30 a.m. Agenda
materials will be available on the website approximately
one week prior to the meeting at www.schev.edu. A public
comment period will be allocated on the meeting agenda.
To be scheduled, those interested in making public
comment should contact the person listed below no later
than 5 p.m. three business days prior to the meeting date.
At the time of the request, the speaker's name, address and
topic must be provided. Each speaker will be given up to
three minutes to address SCHEV. Speakers are asked to
submit a written copy of their remarks at the time of
comment.

Contact: Lee Ann Rung, State Council of Higher Education
for Virginia, James Monroe Bldg., 101 N. 14th St., 9th Floor,
Richmond, VA 23219, telephone (804) 225-2602, FAX (804)
371-7911, email LeeAnnRung@schev.edu.

DEPARTMENT OF HISTORIC RESOURCES

State Review and Historic Resources Boards

† **March 7, 2007 - 10 a.m.** -- Open Meeting
Virginia Historical Society, 428 North Boulevard, Richmond,
Virginia. 

The State Review Board will consider nominations for
recommendation to the Director of the Department of
Historic Resources for listing in the National Register of
Historic Places, as well as considering and commenting on
the Preliminary Information Forms. The Historic Resources
Board will consider nominations for listing in the Virginia
Landmarks Register. They will also consider Virginia
Highway Marker texts and Historic Preservation
Easements.

Contact: Jean McRae, State and National Register Program
Specialist, Department of Historic Resources, 2801
Kensington Ave., Richmond, VA 23221, telephone (804)
367-2323, FAX (804) 367-2391, (804) 367-2386/TTY ,
email jean.mcrae@dhr.virginia.gov.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **February 20, 2007 - 9 a.m.** -- Open Meeting
The Jackson Center, 501 North 2nd Street, Richmond,
Virginia. 

A meeting of the Community Development Codes and
Standards Committee to discuss building and fire code
regulation development.

Contact: Stephen W. Calhoun, Regulatory Coordinator,
Department of Housing and Community Development, The
Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321,
telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-
7089/TTY , email steve.calhoun@dhcd.virginia.gov.

† **March 26, 2007 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor
Boardroom, Richmond, Virginia. 

A regular business meeting.

Contact: Stephen W. Calhoun, Regulatory Coordinator,
Department of Housing and Community Development, The
Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321,
telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-
7089/TTY , email steve.calhoun@dhcd.virginia.gov.

Calendar of Events

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

State Building Code Technical Review Board

† **March 16, 2007 - 10 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to hear appeals concerning the application of state building and fire regulations and consider interpretations of the regulations to develop recommendations to the Board of Housing and Community Development for future amendments to the regulations.

Contact: Vernon W. Hodge, Secretary, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7150.

VIRGINIA COUNCIL ON HUMAN RESOURCES

March 22, 2007 - 9:30 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, PDS #4, Richmond, Virginia.

A quarterly meeting.

Contact: Barbara Tanner, Executive Assistant, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 225-2237, FAX (804) 371-7401, email barbara.tanner@dhrm.virginia.gov.

JAMESTOWN-YORKTOWN FOUNDATION

† **April 23, 2007 - 10 a.m.** -- Open Meeting
† **April 24, 2007 - 8 a.m.** -- Open Meeting
Williamsburg Hospitality House, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A semiannual two-day Board of Trustees meeting. Public comment will be received on April 24. Contact the Foundation for schedule.

Contact: Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY , email laura.bailey@jyf.virginia.gov.

STATE BOARD OF JUVENILE JUSTICE

April 11, 2007 - 10 a.m. -- Open Meeting
Department of Juvenile Justice, 7th and Franklin Streets, Richmond, Virginia.

The Secure Services Committee and Nonsecure Services Committee meet at 9 a.m. to receive certification audit reports of several residential and nonresidential programs.

The full board meets at 10 a.m. to take action on the certification reports and hear other such business as comes before the board. The board will receive public comment at each of its regular meetings. In order to allow the board sufficient time for its other business, the total time allotted to public comment will be limited to 30 minutes at the beginning of the meeting with additional time allotted at the end of the meeting for individuals who have not had a chance to be heard. Speakers will be limited to 10 minutes each with shorter time frames provided at the Chairman's discretion to accommodate large numbers of speakers. Those wishing to speak to the board are strongly encouraged to contact Deborah Hayes at 804-371-0704 three or more business days prior to the meeting. Persons not registered prior to the day of the board meeting will speak after those who have preregistered. Normally, speakers will be scheduled in the order that their requests are received. Where issues involving a variety of views are presented before the board, the board reserves the right to allocate the time available so as to insure that the board hears from different points of view on any particular issue. Groups wishing to address a single subject are urged to designate a spokesperson. Speakers are urged to confine their comments to topics relevant to the board's purview. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views. Please provide at least 15 written copies if you are able to do so.

Contact: Deborah C. Hayes, Administrative Assistant, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0704, FAX (804) 371-0725.

STATE LIBRARY BOARD

March 19, 2007 - 10:30 a.m. - Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

A meeting to discuss matters pertaining to the Library of Virginia and the Library Board.

Contact: Jean H. Taylor, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3525, FAX (804) 692-3594, (804) 692-3976/TTY , email jtaylor@lva.lib.va.us.

BOARD OF LONG-TERM CARE ADMINISTRATORS

† **March 13, 2007 - 10:30 a.m.** -- Open Meeting
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting to discuss general business matters 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 interpreter services should contact the department at (804) 662-9924 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: Lisa Russell Hahn, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9930, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email lisa.hahn@dhp.virginia.gov.

April 17, 2007 - 9 a.m. -- Canceled
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia ♿

A meeting to discuss board matters. There will be a public comment period at the beginning of the meeting.

Contact: Lisa Russell Hahn, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9930, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email lisa.hahn@dhp.virginia.gov.

LONGWOOD UNIVERSITY

February 19, 2007 - 1 p.m. -- Open Meeting
The Martin Agency "Dome Room," One Shockoe Plaza, Richmond, Virginia ♿

A meeting to conduct routine business of the Executive Committee.

Contact: Jeanne S. Hayden, Administrative Staff Assistant, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.

VIRGINIA MANUFACTURED HOUSING BOARD

† **March 15, 2007 - 10 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, 1st Floor Boardroom, Richmond, Virginia ♿

A regular meeting to carry out administration of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis McIver, State Building Code Administrator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7161, FAX (804) 371-7092, (804) 371-7089/TTY ☎, email curtis.mciver@dhcd.virginia.gov.

MARINE RESOURCES COMMISSION

February 27, 2007 - 9:30 a.m. -- Open Meeting

March 27, 2007 - 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 meeting.

Contact: Jane McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2215, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, email jane.mccroskey@mrc.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

April 17, 2007 - 9 a.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia ♿

A meeting of the Pharmacy and Therapeutics Committee to review PDL Phase II and new drugs in PDL Phase I.

Contact: Katina Goodwyn, Pharmacy Contract Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0428, (800) 343-0634/TTY ☎, email katina.goodwyn@dmas.virginia.gov.

BOARD OF MEDICINE

February 22, 2007 - 8:15 a.m. -- Public Hearing

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

April 6, 2007 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic**. The purpose of the proposed action is to set requirements for mixing, diluting or reconstituting sterile drug products by physicians or persons under their supervision.

Statutory Authority: §§ 54.1-2400 and 54.1-3401 of the Code of Virginia.

Public comments may be submitted until April 6, 2007, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

Calendar of Events

February 22, 2007 - 8:15 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

April 6, 2007 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic**. The purpose of the proposed action is to eliminate the requirement that 15 of the 30 hours of Type I continuing education be face-to-face.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until April 6, 2007, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

February 22, 2007 - 8:15 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

April 6, 2007 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic**. The purpose of the proposed action is to waive the board's continuing education requirements for persons practicing solely as medical examiners.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until April 6, 2007, to William L. Harp, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

February 22, 2007 - 8:15 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

April 6, 2007 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic**. The purpose of the proposed action is to require that applicants who sat for the United States Medical Licensing Examination (USMLE) must pass Steps 1, 2, and 3 within a 10-year period, unless the applicant is board certified in a specialty. The current requirement is passage within a seven-year period except for "good cause shown."

Statutory Authority: §§ 54.1-2400 and 54.1-2930 of the Code of Virginia.

Public comments may be submitted until April 6, 2007, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

February 22, 2007 - 8:15 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

April 6, 2007 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic**. The purpose of the proposed action is to clarify that the Type 1 (verifiable) hours of chiropractic continuing education must be clinical hours that are approved by a college or university accredited by the Council on Chiropractic Education or any other organization approved by the board.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until April 6, 2007, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

February 22, 2007 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

The board will consider regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received on agenda items 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 ☎, email william.harp@dhp.virginia.gov.

February 22, 2007 - 1:30 p.m. -- Open Meeting

† **May 18, 2007 - 1:30 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

The Credentials Committee will meet to consider applicants for licensure and other matters of the board. 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 ☎, email william.harp@dhp.virginia.gov.

March 7, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

March 20, 2007 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. ☎

A special conference committee will convene informal conferences to inquire into allegations that certain practitioners of medicine or 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 sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Renee S. Dixon, 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 ☎, email renee.dixon@dhp.virginia.gov.

April 6, 2007 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-40, Regulations Governing the Practice of Respiratory Care Practitioners**. The purpose of the proposed action is to clarify requirements for evidence of competency to return to active practice for applicants for reinstatement or reactivation.

Statutory Authority: §§ 54.1-2400 and 54.1-2954.1 of the Code of Virginia.

Public comments may be submitted until April 6, 2007, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

April 6, 2007 - 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 Executive Committee 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 ☎, email william.harp@dhp.virginia.gov.

April 6, 2007 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 85-120, Regulations Governing the Licensure of Athletic Trainers**. The purpose of the proposed action is to specify the supervisory responsibility for a provisional licensee should be daily and on site.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.4 of the Code of Virginia.

Public comments may be submitted until April 6, 2007, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Calendar of Events

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

† **May 18, 2007 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room, Richmond, Virginia. 

A meeting of the Legislative Committee to consider regulatory matters as 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, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , email william.harp@dhp.virginia.gov.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Virginia Gas and Oil Board

† **February 20, 2007 - 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)

In addition to general business, the board will hear petitions for pooling, repooling, change of unit operator, escrow funds disbursements, well location exceptions, and modification of field rules. The board will hear public comments regarding board matters immediately following the final docket item. Special accommodations for the disabled will be made available at the hearing on request. Contact the Department of Mines, Minerals and Energy, Division of Gas and Oil at 276-676-5423 or call the Virginia Relay Center 1 (800) 828-1120/TTY or 1 (800) 828-1140/TTY by February 14, 2007.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, DMME Division of Gas and Oil, 230 Charwood Dr., Abingdon, VA 24210, telephone (276) 676-5429, FAX (276) 676-5459, (800) 828-1120/TTY , email bob.wilson@dmme.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

February 20, 2007 - 2 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, The Pauley Center Dining Room, Richmond, Virginia. 

A meeting of the Statewide Task Force 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, email suzanne.broyles@vmfa.museum.

February 21, 2007 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, Richmond, Virginia. 

Meetings of the following committees:

- 9 a.m. - Museum Expansion - Pauley Center Parlor
- 11:15 a.m. - Art Acquisitions Subcommittee - Museum Library
- 1 p.m. - Artistic Oversight - Pauley Center Parlor
- 3 p.m. - Government Affairs - Pauley Center 2

Public comment will not be received at committee meetings.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email suzanne.broyles@vmfa.museum.

February 22, 2007 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, The Pauley Center, 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, email suzanne.broyles@vmfa.museum.

February 22, 2007 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, The Pauley Center Parlor, Richmond, Virginia. 

A meeting of the Board of Trustees. Part of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email suzanne.broyles@vmfa.museum.

March 6, 2007 - 8 a.m. -- Open Meeting

April 5, 2007 - 8 a.m. -- Open Meeting

May 1, 2007 - 8 a.m. -- Open Meeting

Virginia Museum of Fine Arts, 200 North Boulevard, The Pauley Center, Dining 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  email
suzanne.broyles@vmfa.museum.

† **March 6, 2007 - 9:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, Pauley Center 2, 200 North
Boulevard, Richmond, Virginia. 

A meeting of the Nominating and Governance Committee
for staff to update the committee in closed session. Public
comment will not be received.

Contact: Suzanne Broyles, Virginia Museum of Fine Arts,
200 N. Boulevard, Richmond, VA 23220, telephone (804)
340-1503, FAX (804) 340-1502, email
suzanne.broyles@vmfa.museum.

† **March 6, 2007 - 5 p.m.** -- Open Meeting
† **May 9, 2007 - 2 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, Pauley Center 2, 200 North
Boulevard, Richmond, Virginia. 

A meeting of the Marketing and Branding Committee for
staff to update the trustees. Public comment will not be
received.

Contact: Suzanne Broyles, Virginia Museum of Fine Arts,
200 N. Boulevard, Richmond, VA 23220, telephone (804)
340-1503, email suzanne.broyles@vmfa.museum.

**VIRGINIA COMMISSION FOR NATIONAL AND
COMMUNITY SERVICE**

**Governor's Commission on Community and
National Service**

† **April 11, 2007 - 3 p.m.** -- Open Meeting
Holiday Inn Select Koger South, 1021 Koger Center
Boulevard, Richmond, Virginia.

A regular business meeting of the board.

Contact: Susan Patton, Virginia Commission for National
and Community Service, 7 N. 8th St., Richmond, VA 23219,
telephone (804) 726-7065, FAX (804) 726-7024, toll-free
(800) 638-3839, (804) 828-1120/TTY , email
susan.c.patton@dss.virginia.gov.

BOARD OF NURSING

- † **February 27, 2007 - 9 a.m.** -- Open Meeting
- † **March 1, 2007 - 9 a.m.** -- Open Meeting
- † **March 6, 2007 - 9 a.m.** -- Open Meeting
- † **March 8, 2007 - 9 a.m.** -- Open Meeting
- † **March 28, 2007 - 9 a.m.** -- Open Meeting
- † **March 30, 2007 - 9 a.m.** -- Open Meeting
- † **April 10, 2007 - 9a.m.** -- Open Meeting
- † **April 13, 2007 - 9a.m.** -- Open Meeting
- † **April 17, 2007 - 9a.m.** -- Open Meeting
- † **April 19, 2007 - 9a.m.** -- Open Meeting
- † **April 24, 2007 - 9a.m.** -- Open Meeting

† **April 26, 2007 - 9a.m.** -- Open Meeting
† **May 8, 2007 - 9 a.m.** -- Open Meeting
† **May 11, 2007 - 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 , email
nursebd@dhp.virginia.gov.

March 19, 2007 - 9 a.m. -- Open Meeting
† **May 14, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. 

A panel will conduct informal conferences with licensees
and/or certificate holders. A formal hearing may also be
held. Public comment will not be received.

Contact: Jay P. Douglas, RN, MSM, CSAS, 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 , email
nursebd.@dhp.virginia.gov.

March 20, 2007 - 9 a.m. -- Open Meeting
† **May 15, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 

A general business meeting to include receipt of 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) 662-9949, FAX
(804) 662-9512, (804) 662-7197/TTY , email
jay.douglas@dhp.virginia.gov.

March 20, 2007 - 11:30 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 

April 6, 2007 - Public comment may be submitted until this
date.

Notice is hereby given in accordance with § 2.2-4007 of the
Code of Virginia that the Board of Nursing intends to
amend regulations entitled **18 VAC 90-20, Regulations**

Calendar of Events

Governing the Practice of Nursing. The purpose of the proposed action is to implement provisions for issuance of an inactive license or reactivation of such a license.

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

Public comments may be submitted until April 6, 2007, to Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email jay.douglas@dhp.virginia.gov.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

March 20, 2007 - 11:30 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 🗳

April 6, 2007 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled **18 VAC 90-20, Regulations Governing the Practice of Nursing.** The purpose of the proposed action is to revise the regulation relating to nursing education to provide more specificity to the requirements for nursing education programs, add an application fee for program approval, set a minimum NCLEX passage rate for approved programs and a minimum number of clinical hours, and clarify the responsibilities in the clinical practice of students. Additional grounds for disciplinary action are proposed to address issues relating to unprofessional conduct for nurses. The amendments also increase the number of hours for an approved medication administration program from 24 to 32.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public comments may be submitted until April 6, 2007, to Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email jay.douglas@dhp.virginia.gov.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

March 21, 2007 - 9 a.m. -- Open Meeting

March 22, 2007 - 9 a.m. -- Open Meeting

† **May 16, 2007 - 9 a.m.** -- Open Meeting

† **May 17, 2007 - 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 of Nursing will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

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) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email jay.douglas@dhp.virginia.gov.

BOARDS OF NURSING AND MEDICINE

February 21, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. 🗳

A meeting of the Committee of the Joint Boards of Nursing and Medicine to conduct general business.

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) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email jay.douglas@dhp.virginia.gov.

OLD DOMINION UNIVERSITY

February 19, 2007 - Noon -- Open Meeting

March 19, 2007 - Noon -- 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, email dmeeks@odu.edu.

April 6, 2007 - 1:30 p.m. -- Open Meeting

Webb University Center, Old Dominion University, Norfolk, Virginia. 🗳

A regular meeting of the Board of Visitors 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, email dmeeks@odu.edu.

BOARD FOR OPTICIANS

April 6, 2007 - 9:30 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 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, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email opticians@dpor.virginia.gov.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

March 15, 2007 - 10 a.m. -- Open Meeting
Wyndham Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. 

A meeting of the Executive Committee.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY , email sandra.smalls@vbpd.virginia.gov.

March 16, 2007 - 8:30 a.m. -- Open Meeting
Wyndham Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. 

A quarterly board meeting. The following committees will also meet: Community Integration, Community Living and Transportation, Education, and Employment.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY , email sandra.smalls@vbpd.virginia.gov.

BOARDS OF PHARMACY AND MEDICINE

February 28, 2007 - 9 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

April 6, 2007 - Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled **18 VAC 110-40, Regulations Governing Collaborative Practice Agreements**. The purpose of the proposed action is to amend requirements for collaborative practice agreements between doctors of medicine, osteopathy or podiatry and pharmacists directly involved in patient care in order to clarify certain provisions and modify others that are unnecessarily cumbersome or burdensome.

Statutory Authority: §§ 54.1-2400 and 54.1-3300.1 of the Code of Virginia.

Public comments may be submitted until April 6, 2007, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

BOARD OF PHARMACY

† March 14, 2007 - 9:30 a.m. -- Open Meeting
Department of Health Profession, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia 23230 

A panel will discuss disciplinary matters. No public comments 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 , email scottirussell@dhp.virginia.gov.

BOARD OF PHYSICAL THERAPY

† March 9, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, Alcoa Building, 6603
West Broad Street, 5th Floor, Conference Room 3,
Richmond, Virginia 

A meeting of the Regulatory/Legislative Committee to discuss the laws and regulations pertaining to the practice of physical therapy.

Contact: Lisa R. Hahn, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , email lisa.hahn@dhp.virginia.gov.

Calendar of Events

† March 9, 2007 - 2 p.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Special Conference Committee to hear possible violations of the laws and regulations that govern the practice of physical therapy.

Contact: Lisa R. Hahn, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail lisa.hahn@dhp.virginia.gov.

† April 27, 2007 - 9 a.m. -- Open Meeting

Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia 

A meeting to discuss general business matters 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 interpreter services should contact the department at (804) 662-9924 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: Lisa R. Hahn, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , email lisa.hahn@dhp.virginia.gov.

April 27, 2007 - 1 p.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A formal hearing to inquire into allegations that a licensee may have violated certain laws and regulations governing the practice of physical therapy. The board will meet in open and closed sessions pursuant to § 2.2-3711 A (7), (15), and/or (28) of the Code of Virginia. Public comment will not be received.

Contact: Lisa R. Hahn, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , email lisa.hahn@dhp.virginia.gov.

POLYGRAPH EXAMINERS ADVISORY BOARD

April 5, 2007 - 9 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. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-0674, (804) 367-9753/TTY , email kevin.hoeft@dpor.virginia.gov.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

March 5, 2007 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A regular board meeting.

Contact: Mark N. Courtney, Executive Director, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, email mark.courtney@dpor.virginia.gov.

BOARD OF PSYCHOLOGY

† March 5, 2007 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

Informal conferences held pursuant to § 2.2-4019 of the Code of Virginia.

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 , email evelyn.brown@dhp.virginia.gov.

April 10, 2007 - 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 ☎, email evelyn.brown@dhp.virginia.gov.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

March 22, 2007 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

An Executive Committee meeting.

Contact: Faye D. Cates, MSSW, Guardianship Program Specialist, Virginia Public Guardian and Conservator Advisory Board, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9310, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, email faye.cates@vda.virginia.gov.

VIRGINIA RACING COMMISSION

† **February 21, 2007 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Courtroom B, Richmond, Virginia. ♿

A meeting to discuss the current issues of the Virginia Racing Commission.

Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418, email david.lermond@vrc.virginia.gov.

REAL ESTATE APPRAISER BOARD

February 20, 2007 - 10 a.m. -- Open Meeting
May 1, 2007 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

A meeting to discuss board business.

Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reboard@dpor.virginia.gov.

REAL ESTATE BOARD

March 21, 2007 - 3 p.m. -- Open Meeting
† **May 9, 2007 - 3 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting of the 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 ☎, email reboard@dpor.virginia.gov.

March 22, 2007 - 9 a.m. -- Open Meeting
† **May 10, 2007 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

A meeting to discuss board business.

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 ☎, email reboard@dpor.virginia.gov.

REFORESTATION OF TIMBERLANDS BOARD

† **March 22, 2007 - 9:30 a.m.** -- Open Meeting
Holiday Lake 4-H Center, Appomattox Virginia.

A general business meeting and budget discussion.

Contact: Todd Groh, Assistant Director, Forest Management, Department of Forestry, 900 Natural Resources Dr., #800, Charlottesville, VA 22903, telephone (434) 220-9044, FAX (434) 296-2369, email todd.groh@dof.virginia.gov.

DEPARTMENT OF REHABILITATIVE SERVICES

† **March 1, 2007 - 1:30 p.m.** -- Open Meeting
disAbility Resource Center, 409 Progress Street, Fredericksburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to receive comment on DRS' Vocational Rehabilitation and Supported Employment Programs. Comments received during the public forum will be utilized in the development of the 2008 State Plan. Alternate materials provided upon prior requests. Public comments will be received from 1:30 p.m. to 3 p.m.

Contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email elizabeth.smith@drs.virginia.gov.

† **March 12, 2007 - 9 a.m.** -- Open Meeting
Sheraton Norfolk Waterside, 777 Waterside Drive, Norfolk Virginia. ♿

A quarterly meeting of the State Rehabilitation Council. Interpreters and materials in alternate format will be provided upon prior requests. Public comments will be received at approximately 9:15 a.m.

Contact: Barbara Tyson, Administrative Support Staff, Department of Rehabilitative Services, 8004 Franklin Farms

Calendar of Events

Dr., Richmond, VA 23229, telephone (804) 662-7010, FAX (804) 662-7644, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email Barbara.Tyson@dss.virginia.gov.

April 27, 2007 - 1 p.m. -- Open Meeting

8004 Franklin Farms Drive, Conference Room 101/103/105, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the Virginia Brain Injury Council. Materials provided in alternate format upon request. Public comment will be received at approximately 1:15 p.m.

Contact: Kristie Chamberlain, BI/SCI Services Unit, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, email Kristie.chamberlain@dss.virginia.gov.

VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

March 20, 2007 - 1 p.m. -- Open Meeting Northern Virginia.

A quarterly meeting. Specific time and location to be determined.

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, email nvorona@cit.org.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

February 21, 2007 - Noon -- Open Meeting Department of Business Assistance, 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, email scott.parsons@dba.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

March 9, 2007 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled **22 VAC 40-211, Resource, Foster and Adoptive Family Home Approval**

Standards. The purpose of the proposed action is to adopt a new regulation specific to the approval requirements for resource, foster and adoptive family home providers approved by local departments of social services. The new regulation will ensure compliance with changes to federal and state laws and regulations regarding resource, foster and adoptive family homes.

Statutory Authority: §§ 63.2-217 and 63.2-901.1 of the Code of Virginia.

Contact: Tamara Temoney, Foster Care Policy Specialist, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7538, FAX (804) 726-7499 or email tamara.temoney@dss.virginia.gov.

March 9, 2007 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to repeal regulations entitled **22 VAC 40-770, Standards and Regulations for Agency Approved Providers**, and adopt regulations entitled **22 VAC 40-771, Adult Services Approved Providers**. The purpose of the proposed action is to repeal 22 VAC 40-770 and establish a new regulation, 22 VAC 40-771, Adult Services Approved Providers, to address standards for providers contracted through local department adult services programs.

Statutory Authority: §§ 63.2-217 and 63.2-1600 of the Code of Virginia.

Contact: Gail Nardi, Adult Services/Adult Protective Services Program Manager, Department of Social Services, 7 N. 8th St., 4th Floor, Richmond, VA 23219, telephone (804) 726-7537, FAX (804) 726-7895 or email gail.nardi@dss.virginia.gov.

BOARD OF SOCIAL WORK

† April 20, 2006 - 9:30 a.m. -- Open Meeting Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A regular business meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY ☎, email evelyn.brown@dhp.virginia.gov.

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS
AND WETLAND PROFESSIONALS**

April 17, 2007 - 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. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Professional Soil Scientists and Wetland Professionals, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0795, (804) 367-9753/TTY ☎, email soilscientist@dpor.virginia.gov.

DEPARTMENT OF TAXATION

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-20, General Provisions Applicable to All Taxes Administered by the Department of Taxation**. The purpose of the proposed action is to repeal unnecessary general provisions applicable to all taxes administered by the Department of Taxation.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-55, Virginia Corn Excise Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Virginia Corn Excise Tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA

23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-60, Virginia Egg Excise Tax**. The purpose of the proposed action is to repeal unnecessary egg excise tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-65, Virginia Peanut Excise Tax**. The purpose of the proposed action is to repeal unnecessary peanut excise tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-65, Virginia Peanut Excise Tax**. The purpose of the proposed action is to repeal an obsolete section (23 VAC 10-65-20) of the Virginia Peanut Excise Tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

Calendar of Events

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-75, Virginia Soybean Excise Tax Regulations**. The purpose of the proposed action is to repeal an obsolete section (23 VAC 10-75-10) of the Virginia Soybean Excise Tax Regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-110, Individual Income Tax**. The purpose of the proposed action is to repeal 10 individual income tax sections that have been made obsolete by changes in state law.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-110, Individual Income Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Individual Income Tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-120, Corporation Income Tax**. The purpose of the proposed action is to repeal obsolete sections of the Corporation Income Tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-120, Corporation Income Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Corporation Income Tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to repeal regulations entitled **23 VAC 10-130, Taxation of Partnerships Regulations**. The purpose of the proposed action is to repeal the chapter on partnership tax regulations, which has become obsolete.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Virginia Retail Sales and Use Tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to repeal certain sections of the Virginia Retail Sales and Use Tax regulations because they are obsolete.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-230, Watercraft Sales and Use Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Watercraft Sales and Use Tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to repeal regulations entitled **23 VAC 10-250, Tire Tax Regulations**. The purpose of the proposed action is to repeal the chapter on Tire Tax Regulations because it is obsolete due to statutory changes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-300, Estate Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Estate Tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-330, Bank Franchise Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Bank Franchise Tax regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

Calendar of Events

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-340, Intangible Personal Property Tax Regulations**. The purpose of the proposed action is to repeal unnecessary sections of the Intangible Personal Property Tax Regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-350, Forest Products Tax Regulations**. The purpose of the proposed action is to repeal unnecessary sections of the Forest Products Tax Regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-370, Cigarette Tax Regulations**. The purpose of the proposed action is to repeal unnecessary sections of the Cigarette Tax Regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to repeal regulations entitled **23 VAC 10-380, Set-Off Debt Collection Act Regulations**. The purpose of the proposed action is to repeal the chapter on Set-Off Debt Collection Act Regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

TREASURY BOARD

February 21, 2007 - 9 a.m. -- Open Meeting

March 21, 2007 - 9 a.m. -- Open Meeting

April 18, 2007 - 9 a.m. -- Open Meeting

† May 16, 2007 - 9 a.m.-- Open Meeting

James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia.

A regular meeting.

Contact: Kathi B. Scarce, Secretary to the Board, Treasury Board, James Monroe Bldg., 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, email kathi.scarce@trs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

Board of Veterans Services

March 19, 2007 - 11:30 a.m. -- Open Meeting

American Legion, 1708 Commonwealth Avenue, Richmond, Virginia. 

Pre-registered public comments for the first public comment period may be made through Rhonda Earman.

Contact: Rhonda Earman, Special Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, email rhonda.earman@dvs.virginia.gov.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

February 21, 2007 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business

may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Executive Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY ☎, email wastemgt@dpor.virginia.gov.

STATE WATER CONTROL BOARD

February 21, 2007 - 10 a.m. -- Open Meeting

March 21, 2007 - 10 a.m. -- Open Meeting

April 18, 2007 - 10 a.m. -- Open Meeting

† May 9, 2007 - 10 a.m. -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A meeting of the advisory committee to be established to assist in the development of amendments to the water quality standards for the triennial review. The notice of intent appeared in the Virginia Register of Regulations on September 18, 2006.

Contact: Eleanore M. Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, email emdaub@deq.virginia.gov.

March 27, 2007 - 5 p.m. -- Open Meeting

Culpeper County Board of Supervisors Meeting Room, 302 North Main Street, Culpeper, Virginia. ♿

A public meeting to receive comments on the notice of intended regulatory action to amend the Water Quality Standards regulation (9 VAC 25-260) to designate portions of the Hazel River as exceptional state resource waters (Tier III). The notice of intent will be published in the Virginia Register of Regulations on February 19, 2007. The public comment period begins on February 19, 2007, and ends on April 2, 2007.

Contact: David C. Whitehurst, Department of Environmental Quality, 629 E. Main St., P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4121, FAX (804) 698-4116, email dcwhitehurst@deq.virginia.gov.

† April 3, 2007 - 1:30 p.m. -- Public Hearing

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

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 25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to amend the total

phosphorus allocation for Tyson Foods - Glen Allen facility.

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

Contact: John M. Kennedy, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4312, FAX (804) 698-4116, email jmkennedy@deq.virginia.gov.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

March 7, 2007 - 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. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, (804) 367-9753/TTY ☎, email waterwasteoper@dpor.virginia.gov.

INDEPENDENT

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

April 24, 2007 - 9 a.m. -- Open Meeting

Location to be determined. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors. Updated information will be posted as soon as it is available.

Contact: Lisa Shehi, Executive 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 ☎, email lisa.shehi@vopa.virginia.gov.

Disability Advisory Council

March 21, 2007 - 10 a.m. -- Open Meeting

1910 Byrd Avenue, Suite 5, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Public comment is welcome and will be received shortly after 10 a.m. Public comment will also be accepted by telephone. If you wish to provide public comments via telephone call Tracy Manley, Administrative

Calendar of Events

Assistant at 1-800-552-3962 (Voice/TTY) or via email at tracy.manley@vopa.virginia.gov no later than March 7, 2007. Ms. Manley will take your name and phone number and you will be telephoned during the public comment period. For further information, directions to the meeting, or interpreter services or other accommodations, please contact Ms. Manley no later than March 7, 2007.

Contact: Tracy Manley, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, email tracy.manley@vopa.virginia.gov.

VIRGINIA RETIREMENT SYSTEM

April 10, 2007 - Noon -- Open Meeting
Location to be determined. ♿

A meeting of the Optional Retirement Plan for Higher Education. No public comment will be received at the meeting.

Contact: Patty Atkins-Smith, Legislative Liaison and Policy Analyst, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3123, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email psmith@varetire.org.

April 11, 2007 - 1:30 p.m. -- Open Meeting
Virginia Retirement System Headquarters, 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 King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email Lking@varetire.org.

April 12, 2007 - 1 p.m. -- Open Meeting
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

Contact: LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, (804) 344-3190/TTY ☎, email lking@varetire.org.

† **May 9, 2007 - 10 a.m.** -- Open Meeting
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Linda Ritchey, Executive Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6673, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email lritchey@varetire.org.

LEGISLATIVE

Notice

Legislative meetings held during the Session of the General Assembly are exempted from publication in the *Virginia Register of Regulations*. You may call Legislative Information at (804) 698-1500 for information on standing committee meetings or check the legislative meetings calendar on the General Assembly's website (legis.state.va.us).

CHRONOLOGICAL LIST

OPEN MEETINGS

February 19

Agriculture and Consumer Services, Department of
- Virginia Corn Board
Longwood University
Old Dominion University

February 20

Alcoholic Beverage Control Board
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Aviation Board, Virginia
† Housing and Community Development, Board of
† Mines, Minerals and Energy, Department of
- Virginia Gas and Oil Board
Museum of Fine Arts, Virginia
Real Estate Appraiser Board

February 21

Auctioneers Board
Aviation Board, Virginia
Compensation Board
Fire Services Board, Virginia
Museum of Fine Arts, Virginia
Nursing and Medicine, Joint Boards of
† Racing Commission, Virginia
Small Business Financing Authority, Virginia
Treasury Board
Waste Management Facility Operators, Board for
Water Control Board, State

February 22

Contractors, Board for
† Environmental Quality, Department of
Fire Services Board, Virginia
Medicine, Board of
Museum of Fine Arts, Virginia

February 23

Dentistry, Board of
Fire Services Board, Virginia
Health, Department of

February 24

Fire Services Board, Virginia

February 26

Governor's Health Reform Commission

February 27

Contractors, Board for
† Environmental Quality, Department of
† Funeral Directors and Embalmers, Board of
Governor's Health Reform Commission
Marine Resources Commission
† Nursing, Board of

February 28

Education, Board of

March 1

† Nursing, Board of
† Rehabilitative Services, Department of

March 2

Art and Architectural Review Board
Governor's Health Reform Commission

March 3

Blind and Vision Impaired, Department for the

March 5

Alcoholic Beverage Control Board
Professional and Occupational Regulation, Board for
† Psychology, Board of

March 6

† Contractors, Board for
† Environmental Quality, Department of
† Museum of Fine Arts, Virginia
† Nursing, Board of

March 7

Agriculture and Consumer Services, Department of
- Virginia Cotton Board
† Historic Resources, Department of
Medicine Board of
Waterworks and Wastewater Works Operators, Board for

March 8

† Child Day-Care Council
Contractors, Board for
Criminal Justice Services Board
Dentistry, Board of
† Environmental Quality, Department of
† Nursing, Board of

March 9

Dentistry, Board of
† Physical Therapy, Board of

March 12

† Higher Education for Virginia, State Council of
† Rehabilitative Services, Department of

March 13

† Funeral Directors and Embalmers, Board of

† Higher Education for Virginia, State Council of
† Long-Term Care Administrators, Board of

March 14

† Hearing Aid Specialists, Board for
† Pharmacy, Board of

March 15

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Charitable Gaming Board
Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
Design-Build/Construction Management Review Board
† Environmental Quality, Department of
† Manufactured Housing Board, Virginia
People with Disabilities, Virginia Board for

March 16

† Housing and Community Development, Department of
- State Building Code Technical Review Board
People with Disabilities, Virginia Board for

March 19

Alcoholic Beverage Control Board
Education, Board of
Library Board, State
Nursing, Board of
Old Dominion University
Veterans Services, Department of
- Board Veterans Services

March 20

Corrections, Board of
Environmental Quality, Department of
Medicine, Board of
Nursing, Board of
Research and Technology Advisory Commission, Virginia

March 21

Community Colleges, State Board for
Corrections, Board of
Nursing, Board of
Protection and Advocacy, Virginia Office for
- Disability Advisory Council
Real Estate Board
Treasury Board
Water Control Board, State

March 22

† Agriculture and Consumer Services, Board of
Community Colleges, State Board for
† Funeral Directors and Embalmers, Board of
Human Resources, Virginia Council on
Nursing, Board of
Public Guardian and Conservator Advisory Board, Virginia
Real Estate Board
† Reforestation Timberlands Board

March 23

Dentistry, Board of
Health, Department of

Calendar of Events

March 26

Agriculture and Consumer Services, Department of
- Virginia Agricultural Council
Chesapeake Bay Local Assistance Board
Governor's Health Reform Commission
† Housing and Community Development, Board of

March 27

Agriculture and Consumer Services, Department of
- Virginia Agricultural Council
Contractors, Board for
Marine Resources Commission
Water Control Board, State

March 28

† Compensation Board
Education, Board of
† Nursing, Board of

March 29

Governor's Health Reform Commission

March 30

Dentistry, Board of
† Nursing, Board of

April 2

Alcoholic Beverage Control Board

April 5

Museum of Fine Arts, Virginia
Polygraph Examiners Advisory Board

April 6

Art and Architectural Review Board
Medicine, Board of
Old Dominion University
Opticians, Board for

April 10

† Nursing, Board of
Psychology, Board of
Retirement System, Virginia

April 11

Juvenile Justice, State Board of
† National and Community Service, Governor's
Commission for
Retirement System, Virginia

April 12

Retirement System, Virginia

April 13

† Nursing, Board of

April 16

Alcoholic Beverage Control Board

April 17

Blind and Vision Impaired, Department for the
Health, Department of
Medical Assistance Services, Department of
† Nursing, Board of
Soil Scientists and Wetland Professionals, Board for

April 18

Education, Board of
Governor's Healthcare Reform Commission

Health Professions, Department of
Treasury Board
Water Control Board, State

April 19

† Auctioneers Board
Design-Build/Construction Management Review Board
Education, Board of
† Nursing, Board of

April 20

Dentistry, Board of
Education, Board of
† Social Work, Board of

April 23

Education, Board of
† Jamestown-Yorktown Foundation

April 24

Contractors, Board for
Education, Board of
Health, Department of
† Jamestown-Yorktown Foundation
† Nursing, Board of
Protection and Advocacy, Virginia Office for

April 25

Geology, Board for

April 26

† Nursing, Board of

April 27

Dentistry, Board of
Rehabilitative Services, Department of
† Physical Therapy, Board of

May 1

Branch Pilots, Board for
Museum of Fine Arts, Virginia
Real Estate Appraiser Board

May 2

Branch Pilots, Board for

May 4

Art and Architectural Review Board

May 7

† Alcoholic Beverage Control Board
† Barbers and Cosmetology, Board for

May 8

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Chesapeake Bay Local Assistance Board
† Higher Education for Virginia, State Council of
† Nursing, Board of

May 9

† Asbestos, Lead, and Home Inspectors, Virginia Board for
† George Mason University
† Museum of Fine Arts, Virginia
† Real Estate Board
† Retirement System, Virginia
† Water Control Board, State

May 10

- † Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- † Real Estate Board

May 11

- † Dentistry, Board of
- † Health, Department of
- † Nursing, Board of

May 14

- † Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- † Nursing, Board of

May 15

- † Corrections, Board of
- † Nursing, Board of

May 16

- † Corrections, Board of
- † Nursing, Board of
- † Treasury Board

May 17

- † Community Colleges, State Board for
- † Conservation and Recreation, Department of
 - Virginia Soil and Water Conservation Board
- † Design-Build/Construction Management Review Board
- † Health, Department of
 - State Emergency Medical Services Advisory Board
- † Nursing, Board of

May 18

- † Health, Department of
 - State Emergency Medical Services Advisory Board
- † Medicine, Board of

PUBLIC HEARINGS

February 22

- † Environmental Quality, Department of
Medicine, Board of

February 28

- Pharmacy and Medicine, Board of

March 8

- Criminal Justice Services Board

March 20

- Nursing, Board of

April 3

- † Water Control Board, State

Calendar of Events
