



# Virginia Register of Regulations

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APRIL 16, 2007

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# THE VIRGINIA REGISTER INFORMATION PAGE

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**THE VIRGINIA REGISTER OF REGULATIONS** is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. 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.

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# PUBLICATION SCHEDULE AND DEADLINES

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

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## April 2007 through March 2008

| <u>Volume: Issue</u>           | <u>Material Submitted By Noon*</u>   | <u>Will Be Published On</u> |
|--------------------------------|--------------------------------------|-----------------------------|
| 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               |
| <b>INDEX 3 Volume 23</b>       |                                      | <b>July 2007</b>            |
| 23:21                          | June 6, 2007                         | June 25, 2007               |
| 23:22                          | June 20, 2007                        | July 9, 2007                |
| 23:23                          | July 2, 2007 ( <b>Monday</b> )       | 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           |
| <b>FINAL INDEX - Volume 23</b> |                                      | <b>October 2007</b>         |
| 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           |
| 24:6                           | November 7, 2007                     | November 26, 2007           |
| 24:7                           | November 20, 2007 ( <b>Tuesday</b> ) | December 10, 2007           |
| <b>INDEX 1 Volume 24</b>       |                                      | <b>January 2008</b>         |
| 24:8                           | December 5, 2007                     | December 24, 2008           |
| 24:9                           | December 19, 2007                    | January 7, 2008             |
| 24:10                          | January 2, 2008                      | January 21, 2008            |
| 24:11                          | January 16, 2008                     | February 4, 2008            |
| 24:12                          | January 30, 2008                     | February 18, 2008           |
| 24:13                          | February 13, 2008                    | March 3, 2008               |
| 24:14                          | February 27, 2008                    | March 17, 2008              |

\*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 |
|---|----------|-----------------------|----------------|
| <b>Title 1. Administration</b>          |          |                       |                |
| 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

| SECTION NUMBER                                     | ACTION   | CITE                  | EFFECTIVE DATE |
|--|----------|-----------------------|----------------|
| 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    |                |
| <b>Title 2. Agriculture</b>                        |          |                       |                |
| 2 VAC 5-195-10 through 2 VAC 5-195-180             | Added    | 22:25 VA.R. 3872-3876 | 8/21/06        |
| 2 VAC 5-195 (Form)                                 | Added    | 23:15 VA.R. 2512      | --             |
| 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        |
| <b>Title 3. Alcoholic Beverages</b>                |          |                       |                |
| 3 VAC 5-10-40                                      | Amended  | 23:13 VA.R. 2117      | 5/19/07        |
| 3 VAC 5-10-50                                      | Amended  | 23:13 VA.R. 2117      | 5/19/07        |
| 3 VAC 5-10-60                                      | Amended  | 23:13 VA.R. 2117      | 5/19/07        |
| 3 VAC 5-10-130                                     | Amended  | 23:13 VA.R. 2117      | 5/19/07        |
| 3 VAC 5-10-150                                     | Amended  | 23:13 VA.R. 2117      | 5/19/07        |
| 3 VAC 5-10-230                                     | Amended  | 23:13 VA.R. 2118      | 5/19/07        |
| 3 VAC 5-10-360                                     | Amended  | 23:13 VA.R. 2118      | 5/19/07        |
| 3 VAC 5-10-400                                     | Amended  | 23:13 VA.R. 2118      | 5/19/07        |
| 3 VAC 5-10-480                                     | Amended  | 23:13 VA.R. 2129      | 5/19/07        |
| 3 VAC 5-40-20                                      | Amended  | 23:13 VA.R. 2133      | 5/19/07        |
| 3 VAC 5-40-50                                      | Amended  | 23:13 VA.R. 2134      | 5/19/07        |
| 3 VAC 5-60-20                                      | Amended  | 23:13 VA.R. 2137      | 5/19/07        |
| 3 VAC 5-60-40                                      | Amended  | 23:13 VA.R. 2138      | 5/19/07        |
| 3 VAC 5-60-80                                      | Amended  | 23:13 VA.R. 2138      | 5/19/07        |
| 3 VAC 5-60-100                                     | Added    | 23:13 VA.R. 2139      | 5/19/07        |
| 3 VAC 5-70-100                                     | Amended  | 23:13 VA.R. 2142      | 5/19/07        |
| 3 VAC 5-70-150                                     | Amended  | 23:13 VA.R. 2143      | 5/19/07        |
| 3 VAC 5-70-160                                     | Amended  | 23:13 VA.R. 2143      | 5/19/07        |
| 3 VAC 5-70-230                                     | Added    | 23:13 VA.R. 2143      | 5/19/07        |
| <b>Title 4. Conservation and Natural Resources</b> |          |                       |                |
| 4 VAC 5-36-50                                      | Amended  | 23:6 VA.R. 845        | 1/1/07         |

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

| SECTION NUMBER                       | ACTION  | CITE               | EFFECTIVE DATE    |
|--------------------------------------|---------|--------------------|-------------------|
| 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 20-70-100                      | Amended | 23:12 VA.R. 1958   | 2/1/07            |
| 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            |
| 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 20-270-30 emer                 | Amended | 23:14 VA.R. 2276   | 3/1/07-3/30/07    |
| 4 VAC 20-270-40 emer                 | Amended | 23:14 VA.R. 2276   | 3/1/07-3/30/07    |
| 4 VAC 20-300-20 emer                 | Amended | 23:14 VA.R. 2277   | 3/1/07-3/30/07    |
| 4 VAC 20-310-55                      | Added   | 23:15 VA.R. 2481   | 3/1/07            |
| 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 20-510-10                      | Amended | 23:12 VA.R. 1958   | 2/1/07            |
| 4 VAC 20-510-20                      | Amended | 23:12 VA.R. 1958   | 2/1/07            |
| 4 VAC 20-510-33                      | Added   | 23:12 VA.R. 1959   | 2/1/07            |
| 4 VAC 20-510-35                      | Added   | 23:12 VA.R. 1959   | 2/1/07            |
| 4 VAC 20-510-37                      | Added   | 23:12 VA.R. 1959   | 2/1/07            |
| 4 VAC 20-530-10 emer                 | Amended | 23:12 VA.R. 1959   | 2/1/07-3/1/07     |
| 4 VAC 20-530-20 emer                 | Amended | 23:12 VA.R. 1959   | 2/1/07-3/1/07     |
| 4 VAC 20-530-31 emer                 | Amended | 23:12 VA.R. 1960   | 2/1/07-3/1/07     |
| 4 VAC 20-530-31                      | Added   | 23:13 VA.R. 2144   | 2/1/07-3/1/07     |
| 4 VAC 20-530-31                      | Amended | 23:15 VA.R. 2482   | 3/1/07            |
| 4 VAC 20-530-32 emer                 | Amended | 23:12 VA.R. 1960   | 2/1/07-3/1/07     |
| 4 VAC 20-530-32                      | Added   | 23:13 VA.R. 2145   | 2/1/07-3/1/07     |
| 4 VAC 20-530-32                      | Amended | 23:15 VA.R. 2482   | 3/1/07            |

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| 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 20-620-50                         | Amended  | 23:15 VA.R. 2483      | 3/1/07         |
| 4 VAC 20-620-60                         | Amended  | 23:15 VA.R. 2483      | 3/1/07         |
| 4 VAC 20-620-70                         | Amended  | 23:15 VA.R. 2483      | 3/1/07         |
| 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 20-950-40 emer                    | Amended  | 23:12 VA.R. 1961      | 2/1/07-3/1/07  |
| 4 VAC 20-950-40                         | Amended  | 23:15 VA.R. 2484      | 3/1/07         |
| 4 VAC 20-950-47 emer                    | Amended  | 23:12 VA.R. 1961      | 2/1/07-3/1/07  |
| 4 VAC 20-950-47                         | Amended  | 23:15 VA.R. 2484      | 3/1/07         |
| 4 VAC 20-950-48.2 emer                  | Amended  | 23:12 VA.R. 1961      | 2/1/07-3/1/07  |
| 4 VAC 20-950-48.2                       | Amended  | 23:15 VA.R. 2484      | 3/1/07         |
| 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 25-20-420                         | Amended  | 23:13 VA.R. 2146      | 4/4/07         |
| 4 VAC 25-130-700.12                     | Amended  | 23:13 VA.R. 2146      | 4/4/07         |
| 4 VAC 25-130-773.21                     | Amended  | 23:13 VA.R. 2147      | 4/4/07         |
| 4 VAC 25-130-775.11                     | Amended  | 23:13 VA.R. 2147      | 4/4/07         |
| 4 VAC 25-130-775.13                     | Amended  | 23:13 VA.R. 2148      | 4/4/07         |
| 4 VAC 25-130-784.20                     | Amended  | 23:13 VA.R. 2148      | 4/4/07         |
| 4 VAC 25-130-800.51                     | Amended  | 23:13 VA.R. 2149      | 4/4/07         |
| 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         |
| 4 VAC 25-130-816.105                    | Amended  | 23:13 VA.R. 2150      | 4/4/07         |
| 4 VAC 25-130-817.11                     | Amended  | 23:13 VA.R. 2150      | 4/4/07         |
| 4 VAC 25-130-817.64                     | Amended  | 23:13 VA.R. 2151      | 4/4/07         |
| 4 VAC 25-130-817.121                    | Amended  | 23:13 VA.R. 2151      | 4/4/07         |
| 4 VAC 25-130-842.15                     | Amended  | 23:13 VA.R. 2153      | 4/4/07         |
| 4 VAC 25-130-843.12                     | Amended  | 23:13 VA.R. 2153      | 4/4/07         |
| 4 VAC 25-130-843.13                     | Amended  | 23:13 VA.R. 2154      | 4/4/07         |
| 4 VAC 25-130-843.15                     | Amended  | 23:13 VA.R. 2155      | 4/4/07         |
| 4 VAC 25-130-843.16                     | Amended  | 23:13 VA.R. 2156      | 4/4/07         |
| 4 VAC 25-130-845.13                     | Amended  | 23:13 VA.R. 2156      | 4/4/07         |
| 4 VAC 25-130-845.15                     | Amended  | 23:13 VA.R. 2158      | 4/4/07         |

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| 4 VAC 25-130-845.18                              | Amended  | 23:13 VA.R. 2158      | 4/4/07          |
| 4 VAC 25-130-845.19                              | Amended  | 23:13 VA.R. 2159      | 4/4/07          |
| 4 VAC 25-130-846.14                              | Amended  | 23:13 VA.R. 2159      | 4/4/07          |
| <b>Title 6. Criminal Justice and Corrections</b> |          |                       |                 |
| 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        |
| 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  |
| <b>Title 8. Education</b>                        |          |                       |                 |
| 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 20-350-10 through 8 VAC 20-350-660         | Repealed | 23:12 VA.R. 1962      | 5/8/07          |
| 8 VAC 20-521-30                                  | Amended  | 22:26 VA.R. 4110      | 10/4/06         |

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| 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       |
| <b>Title 9. Environment</b>              |          |                       |                |
| 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        |
| 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         |

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| 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         |
| 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         |

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| 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         |
| 9 VAC 5-140-1010 through 9 VAC 5-140-1080 | Added    | 23:14 VA.R. 2279-2292 | 4/18/07        |
| 9 VAC 5-140-1100 through 9 VAC 5-140-1150 | Added    | 23:14 VA.R. 2292-2295 | 4/18/07        |
| 9 VAC 5-140-1200 through 9 VAC 5-140-1240 | Added    | 23:14 VA.R. 2295-2296 | 4/18/07        |
| 9 VAC 5-140-1400 through 9 VAC 5-140-1430 | Added    | 23:14 VA.R. 2296-2302 | 4/18/07        |
| 9 VAC 5-140-1500 through 9 VAC 5-140-1570 | Added    | 23:14 VA.R. 2302-2306 | 4/18/07        |
| 9 VAC 5-140-1600 through 9 VAC 5-140-1620 | Added    | 23:14 VA.R. 2307      | 4/18/07        |
| 9 VAC 5-140-1700 through 9 VAC 5-140-1750 | Added    | 23:14 VA.R. 2307-2312 | 4/18/07        |
| 9 VAC 5-140-1800 through 9 VAC 5-140-1880 | Added    | 23:14 VA.R. 2312-2317 | 4/18/07        |
| 9 VAC 5-140-2010 through 9 VAC 5-140-2080 | Added    | 23:14 VA.R. 2317-2333 | 4/18/07        |
| 9 VAC 5-140-2100 through 9 VAC 5-140-2150 | Added    | 23:14 VA.R. 2333-2336 | 4/18/07        |
| 9 VAC 5-140-2200 through 9 VAC 5-140-2240 | Added    | 23:14 VA.R. 2336-2337 | 4/18/07        |
| 9 VAC 5-140-2400 through 9 VAC 5-140-2430 | Added    | 23:14 VA.R. 2337-2342 | 4/18/07        |
| 9 VAC 5-140-2500 through 9 VAC 5-140-2570 | Added    | 23:14 VA.R. 2342-2347 | 4/18/07        |
| 9 VAC 5-140-2600 through 9 VAC 5-140-2620 | Added    | 23:14 VA.R. 2347      | 4/18/07        |
| 9 VAC 5-140-2700 through 9 VAC 5-140-2750 | Added    | 23:14 VA.R. 2347-2353 | 4/18/07        |
| 9 VAC 5-140-2800 through 9 VAC 5-140-2880 | Added    | 23:14 VA.R. 2353-2359 | 4/18/07        |
| 9 VAC 5-140-3010 through 9 VAC 5-140-3080 | Added    | 23:14 VA.R. 2359-2371 | 4/18/07        |
| 9 VAC 5-140-3100 through 9 VAC 5-140-3150 | Added    | 23:14 VA.R. 2371-2374 | 4/18/07        |
| 9 VAC 5-140-3200 through 9 VAC 5-140-3240 | Added    | 23:14 VA.R. 2374-2375 | 4/18/07        |
| 9 VAC 5-140-3400 through 9 VAC 5-140-3420 | Added    | 23:14 VA.R. 2375      | 4/18/07        |
| 9 VAC 5-140-3500 through 9 VAC 5-140-3570 | Added    | 23:14 VA.R. 2375-2380 | 4/18/07        |
| 9 VAC 5-140-3600 through 9 VAC 5-140-3620 | Added    | 23:14 VA.R. 2380-2381 | 4/18/07        |
| 9 VAC 5-140-3700 through 9 VAC 5-140-3750 | Added    | 23:14 VA.R. 2381-2386 | 4/18/07        |
| 9 VAC 5-140-3800 through 9 VAC 5-140-3880 | Added    | 23:14 VA.R. 2386-2391 | 4/18/07        |
| 9 VAC 5-140-5010 through 9 VAC 5-140-5750 | Added    | 23:13 VA.R. 2160-2186 | 4/4/07         |
| 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        |

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| 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 25-71-20                                      | Amended  | 23:15 VA.R. 2485      | 5/2/07         |
| 9 VAC 25-71-50                                      | Amended  | 23:15 VA.R. 2485      | 5/2/07         |
| 9 VAC 25-71-70                                      | Amended  | 23:15 VA.R. 2485      | 5/2/07         |
| 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 25-720-50                                     | Amended  | 23:15 VA.R. 2486      | 5/2/07         |
| 9 VAC 25-720-60                                     | Amended  | 23:12 VA.R. 1966      | 5/21/07        |
| 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 25-720-130                                    | Amended  | 23:15 VA.R. 2487      | 5/2/07         |
| 9 VAC 25-820-10 through 9 VAC 25-820-70             | Added    | 23:2 VA.R. 231-251    | 11/1/06        |
| <b>Title 10. Finance and Financial Institutions</b> |          |                       |                |
| 10 VAC 5-160-40                                     | Amended  | 23:13 VA.R. 2187      | 2/10/07        |
| <b>Title 11. Gaming</b>                             |          |                       |                |
| 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        |

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

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| 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        |
| 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        |
| <b>Title 12. Health</b>                   |          |                       |                |
| 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 5-70-10 through 12 VAC 5-70-50     | Repealed | 23:13 VA.R. 2187      | 4/4/07         |
| 12 VAC 5-71-10 through 12 VAC 5-71-190    | Added    | 23:13 VA.R. 2188-2195 | 4/4/07         |
| 12 VAC 5-90-10                            | Amended  | 23:15 VA.R. 2488      | 5/2/07         |
| 12 VAC 5-90-40                            | Amended  | 23:15 VA.R. 2493      | 5/2/07         |
| 12 VAC 5-90-80                            | Amended  | 23:15 VA.R. 2493      | 5/2/07         |
| 12 VAC 5-90-90                            | Amended  | 23:15 VA.R. 2497      | 5/2/07         |
| 12 VAC 5-90-100                           | Amended  | 23:15 VA.R. 2500      | 5/2/07         |
| 12 VAC 5-90-103                           | Added    | 23:15 VA.R. 2500      | 5/2/07         |
| 12 VAC 5-90-107                           | Added    | 23:15 VA.R. 2502      | 5/2/07         |
| 12 VAC 5-90-110                           | Amended  | 23:15 VA.R. 2503      | 5/2/07         |
| 12 VAC 5-90-130                           | Amended  | 23:15 VA.R. 2504      | 5/2/07         |
| 12 VAC 5-90-225                           | Amended  | 23:15 VA.R. 2504      | 5/2/07         |
| 12 VAC 5-90-250 through 12 VAC 5-90-280   | Amended  | 23:15 VA.R. 2505-2506 | 5/2/07         |
| 12 VAC 5-90-330                           | Amended  | 23:15 VA.R. 2506      | 5/2/07         |
| 12 VAC 5-90-350                           | Amended  | 23:15 VA.R. 2507      | 5/2/07         |
| 12 VAC 5-90-360                           | Amended  | 23:15 VA.R. 2507      | 5/2/07         |
| 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         |

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| 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         |
| 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 30-10-560                          | Amended  | 23:14 VA.R. 2396      | 9/1/07         |
| 12 VAC 30-20-140                          | Amended  | 23:14 VA.R. 2397      | 9/1/07         |

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| 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 30-40-290      | Amended  | 23:14 VA.R. 2398 | 9/1/07            |
| 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 30-90-264      | Amended  | 23:14 VA.R. 2400 | 4/18/07           |
| 12 VAC 30-110-90      | Amended  | 22:26 VA.R. 4168 | 11/20/06          |
| 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 30-130-900     | Amended  | 23:12 VA.R. 1967 | 3/21/07           |
| 12 VAC 30-130-910     | Amended  | 23:12 VA.R. 1968 | 3/21/07           |
| 12 VAC 30-130-930     | Amended  | 23:12 VA.R. 1968 | 3/21/07           |
| 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           |

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| 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       |
| <b>Title 13. Housing</b>                    |          |                       |                |
| 13 VAC 5-111-10 through 13 VAC 5-111-400    | Repealed | 23:12 VA.R. 1971      | 3/21/07        |
| 13 VAC 5-112-10 through 13 VAC 5-112-560    | Added    | 23:12 VA.R. 1971-1994 | 3/21/07        |
| 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        |
| <b>Title 14. Insurance</b>                  |          |                       |                |
| 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         |
| <b>Title 16. Labor and Employment</b>       |          |                       |                |

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| 16 VAC 25-55-10 and 16 VAC 25-55-20       | Added    | 23:12 VA.R. 1995-1996 | 3/22/07        |
| 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 25-90-1910.134                     | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 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 25-90-1910.1000                    | Amended  | 23:12 VA.R. 1996      | 3/21/07        |
| 16 VAC 25-90-1910.1001                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1001                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1017                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1017                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1018                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1018                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 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 25-90-1910.1025                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1027                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1027                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1028                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1028                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1029                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1029                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1030                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1043                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1043                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1044                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1045                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1045                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1047                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1047                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1048                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1048                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-90-1910.1050                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-90-1910.1050                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 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 25-90-1910.1052                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |

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| 16 VAC 25-90-1910.1450                                   | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-100-1915.5                                     | Amended  | 23:12 VA.R. 1998      | 3/21/07        |
| 16 VAC 25-100-1915.505                                   | Amended  | 23:12 VA.R. 1998      | 3/21/07        |
| 16 VAC 25-100-1915.507                                   | Amended  | 23:12 VA.R. 1998      | 3/21/07        |
| 16 VAC 25-100-1915.1000                                  | Amended  | 23:12 VA.R. 1996      | 3/21/07        |
| 16 VAC 25-100-1915.1001                                  | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-100-1915.1001                                  | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-175-1926.55                                    | Added    | 23:12 VA.R. 1996      | 3/21/07        |
| 16 VAC 25-175-1926.60                                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-175-1926.60                                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-175-1926.62                                    | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-175-1926.62                                    | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-175-1926.754                                   | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-175-1926.1002, Appendix A of Subpart W         | Amended  | 23:12 VA.R. 1999      | 3/21/07        |
| 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 25-175-1926.1101                                  | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-175-1926.1127                                  | Amended  | 22:23 VA.R. 3396      | 9/1/06         |
| 16 VAC 25-175-1926.1127                                  | Amended  | 23:12 VA.R. 1997      | 3/21/07        |
| 16 VAC 25-190-1928.52                                    | Amended  | 23:12 VA.R. 1999      | 3/21/07        |
| 16 VAC 25-190-1928.53, Appendix B to Subpart C           | Amended  | 23:12 VA.R. 1999      | 3/21/07        |
| <b>Title 18. Professional and Occupational Licensing</b> |          |                       |                |
| 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 (Forms)                                     | Added    | 23:15 VA.R. 2514      | --             |
| 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        | --             |

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| 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         |
| 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 (Forms)                           | Amended  | 23:15 VA.R. 2514      | --              |
| 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 41-60-10 through 18 VAC 41-60-220       | Added    | 23:12 VA.R. 2000-2009 | 4/1/07          |
| 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 50-30-10 through 18 VAC 50-30-50        | Amended  | 23:12 VA.R. 2020-2025 | 4/1/07          |
| 18 VAC 50-30-60                                | Repealed | 23:12 VA.R. 2025      | 4/1/07          |
| 18 VAC 50-30-70                                | Amended  | 23:12 VA.R. 2025      | 4/1/07          |
| 18 VAC 50-30-80                                | Repealed | 23:12 VA.R. 2025      | 4/1/07          |
| 18 VAC 50-30-90 through 18 VAC 50-30-150       | Amended  | 23:12 VA.R. 2026-2028 | 4/1/07          |

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| 18 VAC 50-30-180                          | Repealed | 23:12 VA.R. 2028      | 4/1/07         |
| 18 VAC 50-30-185                          | Added    | 23:12 VA.R. 2028      | 4/1/07         |
| 18 VAC 50-30-190                          | Amended  | 23:12 VA.R. 2028      | 4/1/07         |
| 18 VAC 50-30-200                          | Amended  | 23:12 VA.R. 2029      | 4/1/07         |
| 18 VAC 50-30-210 through 18 VAC 50-30-260 | Added    | 23:12 VA.R. 2030-2031 | 4/1/07         |
| 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 60-20-180                          | Amended  | 23:15 VA.R. 2510      | 5/2/07         |
| 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        |
| 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 65-40-10                           | Amended  | 23:12 VA.R. 2031      | 3/21/07        |
| 18 VAC 65-40-40                           | Amended  | 23:12 VA.R. 2031      | 3/21/07        |
| 18 VAC 65-40-90                           | Amended  | 23:12 VA.R. 2032      | 3/21/07        |
| 18 VAC 65-40-110                          | Amended  | 23:12 VA.R. 2032      | 3/21/07        |
| 18 VAC 65-40-130                          | Amended  | 23:12 VA.R. 2032      | 3/21/07        |
| 18 VAC 65-40-160                          | Repealed | 23:12 VA.R. 2032      | 3/21/07        |
| 18 VAC 65-40-220                          | Amended  | 23:12 VA.R. 2032      | 3/21/07        |
| 18 VAC 65-40-250                          | Amended  | 23:12 VA.R. 2032      | 3/21/07        |
| 18 VAC 65-40-300                          | Repealed | 23:12 VA.R. 2032      | 3/21/07        |
| 18 VAC 65-40-320                          | Amended  | 23:12 VA.R. 2033      | 3/21/07        |
| 18 VAC 65-40-340                          | Amended  | 23:12 VA.R. 2033      | 3/21/07        |
| 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 85-20-290                          | Amended  | 23:13 VA.R. 2206      | 4/4/07         |
| 18 VAC 85-20-330                          | Amended  | 22:25 VA.R. 3901      | 9/20/06        |

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| 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 85-101-50                           | Amended  | 23:15 VA.R. 2511      | 5/2/07         |
| 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 90-20-60                            | Amended  | 23:12 VA.R. 2033      | 3/21/07        |
| 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 90-30-120                           | Amended  | 23:14 VA.R. 2404      | 4/18/07        |
| 18 VAC 90-30-121 emer                      | Added    | 22:26 VA.R. 4195      | 9/1/06-8/31/07 |
| 18 VAC 90-30-230                           | Amended  | 23:12 VA.R. 2034      | 3/21/07        |
| 18 VAC 90-40-140                           | Amended  | 23:12 VA.R. 2034      | 3/21/07        |
| 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        |
| 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         |

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| 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 115-20-20   | Amended  | 23:14 VA.R. 2404      | 4/18/07        |
| 18 VAC 115-30-30   | Amended  | 23:14 VA.R. 2405      | 4/18/07        |
| 18 VAC 115-40-20   | Amended  | 23:14 VA.R. 2405      | 4/18/07        |
| 18 VAC 115-50-20   | Amended  | 23:14 VA.R. 2405      | 4/18/07        |
| 18 VAC 115-60-20   | Amended  | 23:14 VA.R. 2406      | 4/18/07        |
| 18 VAC 120-30-100  | Amended  | 23:3 VA.R. 497        | 12/11/06       |
| 18 VAC 125-20-30   | Amended  | 23:12 VA.R. 2035      | 3/21/07        |
| 18 VAC 125-30-20   | Amended  | 23:12 VA.R. 2035      | 3/21/07        |
| 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        |
| <b>Title 19. Public Safety</b>                           |          |                       |                |
| 19 VAC 30-20-80  | Amended  | 23:10 VA.R. 1587      | 3/1/07         |
| <b>Title 20. Public Utilities and Telecommunications</b> |          |                       |                |
| 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        |
| 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        |
| <b>Title 22. Social Services</b>                         |          |                       |                |
| 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         |

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| 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 |
| 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 |

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| SECTION NUMBER                              | ACTION   | CITE                 | EFFECTIVE DATE    |
|---|----------|----------------------|-------------------|
| 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 |
| <b>Title 23. Taxation</b>                   |          |                      |                   |
| 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 10-75-10                             | 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           |
| 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           |

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| SECTION NUMBER                              | ACTION   | CITE                 | EFFECTIVE DATE |
|---|----------|----------------------|----------------|
| 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        |
| 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        |

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| SECTION NUMBER                                     | ACTION   | CITE                 | EFFECTIVE DATE |
|--|----------|----------------------|----------------|
| 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        |
| 23 VAC 10-390-50                                   | Repealed | 23:6 VA.R. 979       | 2/10/07        |
| <b>Title 24. Transportation and Motor Vehicles</b> |          |                      |                |
| 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        |

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

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| SECTION NUMBER                             | ACTION   | CITE                  | EFFECTIVE DATE |
|--|----------|-----------------------|----------------|
| 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         |

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMONWEALTH TRANSPORTATION BOARD

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commonwealth Transportation Board intends to considering repealing regulations entitled **24 VAC 30-91, Subdivision Street Requirements**, and promulgating regulations entitled **24 VAC 30-92, Secondary Street Acceptance Requirements**. The purpose of the proposed action is to develop and promulgate, by regulation, secondary street requirements to determine the conditions and standards that must be met before secondary streets constructed by developers, localities and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by VDOT, pursuant to the mandate set by Chapter 382 (SB 1181) of the 2007 Acts of Assembly. The new regulation will replace and supersede the current Subdivision Street Requirements (24 VAC 30-91). The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) do not apply to initial regulations promulgated pursuant to Chapter 382.

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

Statutory Authority: Chapter 382 of the 2007 Acts of Assembly (§ 33.1-70.3 of the Code of Virginia).

Public comments may be submitted until May 16, 2007.

**Contact:** Nick Donohue, Special Assistant, Office of the Secretary of Transportation, Patrick Henry Bldg., 1111 E. Broad St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-8032, FAX (804) 786-6683 or email [nicholas.donohue@drpt.virginia.gov](mailto:nicholas.donohue@drpt.virginia.gov).

VA.R. Doc. No. R07-181; Filed March 28, 2007, 10 a.m.



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# REGULATIONS

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

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## 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.

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF MINES, MINERALS AND ENERGY

#### 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 Mines, Minerals and Energy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 4 VAC 25-130. Coal Surface Mining Reclamation Regulations (amending 4 VAC 25-130-785.25, 4 VAC 25-130-816.116 and 4 VAC 25-140-817.116.

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

**Effective Date:** May 16, 2007.

**Agency Contact:** David Spears, Program Analyst, Department of Mines, Minerals and Energy, 9th Street Office Building, 202 North 9th Street, 8th Floor, Richmond, VA 23219, telephone (804) 692-3212, FAX (804) 692-3237 or email david.spears@dmme.virginia.gov.

#### Summary:

*The amendments reflect the deletion of the last sentence of § 510(e) of the Surface Mining Control and Reclamation Act of 1977 (30 USC § 1260(e)) enacted by the U.S. Congress per the Tax Relief and Health Care Act of 2006 regarding the termination date of September 30, 2004, that pertained to the re-mining of previously mined lands. The amendments make the Virginia regulation consistent with the federal statute.*

#### 4 VAC 25-130-785.25. Lands eligible for re-mining.

(a) This section contains permitting requirements to implement 4 VAC 25-130-773.15(b)(4). Any person who submits a permit application to conduct a surface coal mining operation on lands eligible for re-mining must comply with this section.

(b) Any application for a permit under this section shall be made according to all requirements of this subchapter

applicable to surface coal mining and reclamation operations. In addition, the application shall:

(1) To the extent not otherwise addressed in the permit application, identify potential environmental and safety problems related to prior mining activity at the site and that could be reasonably anticipated to occur. This identification shall be based on a due diligence investigation which shall include visual observations at the site, a record review of past mining at the site, and environmental sampling tailored to current site conditions.

(2) With regard to potential environmental and safety problems referred in to subdivision (b)(1) of this section, describe the mitigative measures that will be taken to ensure that the applicable reclamation requirements of this chapter can be met.

~~(c) The requirements of this section shall not apply after September 30, 2004.~~

#### 4 VAC 25-130-816.116. Revegetation; standards for success.

(a) Success of revegetation shall be judged on the effectiveness of the vegetation for the approved postmining land use, the extent of cover compared to the cover occurring in natural vegetation of the area, and the general requirements of 4 VAC 25-130-816.111.

(1) Statistically valid sampling techniques shall be used for measuring success.

(2) Ground cover, production, or stocking shall be considered equal to the approved success standard when they are not less than 90% of the success standard. The sampling techniques for measuring success shall use a 90% statistical confidence interval (i.e., one-sided test with a 0.10 alpha error). Sampling techniques for measuring woody plant stocking, ground cover, and production shall be in accordance with techniques approved by the division.

(b) Standards for success shall be applied in accordance with the approved postmining land use and, at a minimum, the following conditions:

(1) For areas developed for use as grazing land or pasture land, the ground cover and production of living plants on the revegetated area shall be at least equal to that of a reference area or if approved by the division, a vegetative ground cover of 90% for areas planted only in herbaceous species and productivity at least equal to the productivity of the premining soils may be achieved. Premining productivity shall be based upon data of the U.S. Natural Resources

Conservation Service and measured in such units as weight of material produced per acre or animal units supported.

(2) For areas developed for use as cropland, crop production on the revegetated area shall be at least equal to that of a reference area or if approved by the division, crop yields shall be at least equal to the yields for reference crops from unmined lands. Reference crop yields shall be determined from the current yield records of representative local farms in the surrounding area or from the average county yields recognized by the U.S. Department of Agriculture.

(3) For areas to be developed for fish and wildlife habitat, recreation, shelter belts, or forest products, success of vegetation shall be determined on the basis of tree and shrub stocking and vegetative ground cover. Such parameters are described as follows:

(i) Minimum stocking and planting arrangements shall be specified by the division on the basis of local and regional conditions and after consultation with and approval by the state agencies responsible for the administration of forestry and wildlife programs. Consultation and approval may occur on either a program wide or a permit specific basis.

(ii) Trees and shrubs that will be used in determining the success of stocking and the adequacy of the plant arrangement shall have utility for the approved postmining land use. Trees and shrubs counted in determining such success shall be healthy and have been in place for not less than two growing seasons. At the time of bond release, at least 80% of the trees and shrubs used to determine such success shall have been in place for at least three years. Root crown or sprouts over one foot in height shall count as one toward meeting the stocking requirements. Where multiple stems occur, only the tallest stem will be counted.

(iii) Vegetative ground cover shall not be less than that required to control erosion and achieve the approved postmining land use.

(iv) Where commercial forest land is the approved postmining land use:

(A) The area shall have a minimum stocking of 400 trees per acre.

(B) All countable trees shall be commercial species and shall be well distributed over each acre stocked.

(C) Additionally, the area shall have an average of at least 40 wildlife food-producing shrubs per acre. The shrubs shall be suitably located for wildlife enhancement, and may be distributed or clustered.

(v) Where woody plants are used for wildlife management, recreation, shelter belts, or forest uses other than commercial forest land:

(A) The stocking of trees, shrubs, half-shrubs and the ground cover established on the revegetated area shall approximate the stocking and ground cover on the surrounding unmined area and shall utilize local and regional recommendations regarding species composition, spacing and planting arrangement;

(B) Areas planted only in herbaceous species shall sustain a vegetative ground cover of 90%;

(C) Areas planted with a mixture of herbaceous and woody species shall sustain a herbaceous vegetative ground cover of 90% and an average of 400 woody plants per acre. At least 40 of the woody plants for each acre shall be wildlife food-producing shrubs located suitably for wildlife enhancement, which may be distributed or clustered on the area.

(4) For areas to be developed for industrial, commercial, or residential use less than two years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion.

(5) For areas previously disturbed by mining that were not reclaimed to the requirements of this subchapter and that are remined or otherwise redisturbed by surface coal mining operations, as a minimum, the vegetative ground cover shall be not less than the ground cover existing before redisturbance, and shall be adequate to control erosion.

(c) (1) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the division in accordance with subdivision (c)(3) of this section.

(2) The period of responsibility shall continue for a period of not less than:

(i) Five full years except as provided in subdivision (c)(2)(ii) of this section. The vegetation parameters identified in subsection (b) of this section for grazing land or pastureland and cropland shall equal or exceed the approved success standard during the growing seasons of any two years of the responsibility period, except the first year. Areas approved for the other uses identified in subsection (b) of this section shall equal or exceed the applicable success standard during the growing season of the last year of the responsibility period.

(ii) Two full years for lands eligible for remining ~~included in permits issued before September 30, 2004, or any renewals thereof.~~ To the extent that the success standards are established by subdivision (b)(5) of this section, the lands shall equal or exceed the standards during the growing season of the last year of the responsibility period.

(3) The division may approve selective husbandry practices, excluding augmented seeding, fertilization, or irrigation, without extending the period of responsibility for revegetation success and bond liability, if such practices can

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be expected to continue as part of the postmining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation practices within the region for unmined lands having land uses similar to the approved postmining land use of the disturbed area, including such practices as disease, pest, and vermin control; and any pruning, reseeding and/or transplanting specifically necessitated by such actions.

#### **4 VAC 25-130-817.116. Revegetation; standards for success.**

(a) Success of revegetation shall be judged on the effectiveness of the vegetation for the approved postmining land use, the extent of cover compared to the cover occurring in natural vegetation of the area, and the general requirements of 4 VAC 25-130-817.111.

(1) Statistically valid sampling techniques shall be used for measuring success.

(2) Ground cover, production, or stocking shall be considered equal to the approved success standard when they are not less than 90% of the success standard. The sampling techniques for measuring success shall use a 90% statistical confidence interval (i.e., a one-sided test with a 0.10 alpha error). Sampling techniques for measuring woody plant stocking, ground cover, and production shall be in accordance with techniques approved by the division.

(b) Standards for success shall be applied in accordance with the approved postmining land use and, at a minimum, the following conditions:

(1) For areas developed for use as grazing land or pasture land, the ground cover and production of living plants on the revegetated area shall be at least equal to that of a reference area or if approved by the division, a vegetative ground cover of 90% for areas planted only in herbaceous species and productivity at least equal to the productivity of the premining soils may be achieved. Premining productivity shall be based upon data of the U.S. Natural Resources Conservation Service and measured in such units as weight of material produced per acre or animal units supported.

(2) For areas developed for use as cropland, crop production on the revegetated area shall be at least equal to that of a reference area or if approved by the division, crop yields shall be at least equal to the yields for reference crops from unmined lands. Reference crop yields shall be determined from the current yield records of representative local farms in the surrounding area or from the average county yields recognized by the U.S. Department of Agriculture.

(3) For areas to be developed for fish and wildlife habitat, recreation, shelter belts, or forest products, success of vegetation, shall be determined on the basis of tree and shrub

stocking and vegetative ground cover. Such parameters are described as follows:

(i) Minimum stocking and planting arrangements shall be specified by the division on the basis of local and regional conditions and after consultation with and approval by the state agencies responsible for the administration of forestry and wildlife programs. Consultation and approval may occur on either a program wide or a permit specific basis.

(ii) Trees and shrubs that will be used in determining the success of stocking and the adequacy of the plant arrangement shall have utility for the approved postmining land use. Trees and shrubs counted in determining such success shall be healthy and have been in place for not less than two growing seasons. At the time of bond release, at least 80% of the trees and shrubs used to determine such success shall have been in place for at least three years. Root crown or root sprouts over one foot in height shall count as one toward meeting the stocking requirements. Where multiple stems occur, only the tallest stem will be counted.

(iii) Vegetative ground cover shall not be less than that required to control erosion and achieve the approved postmining land use.

(iv) Where commercial forest land is the approved postmining land use:

(A) The area shall have a minimum stocking of 400 trees per acre.

(B) All countable trees shall be commercial species and shall be well distributed over each acre stocked.

(C) Additionally, the area shall have an average of at least 40 wildlife food-producing shrubs per acre. The shrubs shall be suitably located for wildlife enhancement, and may be distributed or clustered.

(v) Where woody plants are used for wildlife management, recreation, shelter belts, or forest uses other than commercial forest land:

(A) The stocking of trees, shrubs, half-shrubs and the ground cover established on the revegetated area shall utilize local and regional recommendations regarding species composition, spacing and planting arrangement;

(B) Areas planted only in herbaceous species shall sustain a vegetative ground cover of 90%;

(C) Areas planted with a mixture of herbaceous and woody species shall sustain a herbaceous vegetative ground cover of 90% and an average of 400 woody plants per acre. At least 40 of the woody plants for each acre shall be wildlife food-producing shrubs located suitably for wildlife enhancement, which may be distributed or clustered on the area.

(4) For areas to be developed for industrial, commercial, or residential use less than two years after regrading is

completed, the vegetative ground cover shall not be less than that required to control erosion.

(5) For areas previously disturbed by mining that were not reclaimed to the requirements of this subchapter and that are remined or other wise redisturbed by surface coal mining operations, as a minimum, the vegetative ground cover shall be not less than the ground cover existing before redisturbance and shall be adequate to control erosion.

(c) (1) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the division in accordance with subdivision (c)(3) of this section.

(2) The period of responsibility shall continue for a period of not less than

(i) Five full years except as provided in subdivision (c)(2)(ii) of this section. The vegetation parameters identified in subsection (b) of this section for grazing land or pastureland and cropland shall equal or exceed the approved success standard during the growing seasons of any two years of the responsibility period, except the first year. Areas approved for the other uses identified in subsection (b) of this section shall equal or exceed the applicable success standard during the growing season of the last year of the responsibility period.

(ii) Two full years for lands eligible for remining ~~included in permits issued before September 30, 2004, or any renewals thereof.~~ To the extent that the success standards are established by subdivision (b)(5) of this section, the lands shall equal or exceed the standards during the growing season of the last year of the responsibility period.

(3) The division may approve selective husbandry practices, excluding augmented seeding, fertilization, or irrigation, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the postmining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal husbandry practices within the region for unmined lands having land uses similar to the approved postmining land use of the disturbed area, including such practices as disease, pest, and vermin control; and any pruning, reseeding and/or transplanting specifically necessitated by such actions.

VA.R. Doc. No. R07-182; Filed March 28, 2007, 11:45 a.m.



**TITLE 9. ENVIRONMENT**

**STATE AIR POLLUTION CONTROL BOARD**

**Final Regulation**

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with §§ 2.2-4007 M, 2.2-4013 E, 2.2-4014 D and 2.2-4015 C of the Code of Virginia, which excludes the issuance by the State Air Pollution Control Board of variances to its regulations.

**Title of Regulation:** **9 VAC 5-240. Variance for Open Burning (adding 9 VAC 5-240-10 through 9 VAC 5-240-50).**

**Statutory Authority:** § 10.1-1307 C of the Code of Virginia.

**Effective Date:** May 16, 2007.

**Agency Contact:** Robert A. Mann, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4419, FAX (804) 698-4510 or email ramann@deq.virginia.gov.

**Summary:**

*The variance provides relief from the seasonal restrictions in 9 VAC 5-40-5630 A 8 and 10 for the County of Gloucester in the Hampton Roads Volatile Organic Compound Emissions Control Area. The variance is intended to be in effect through December 31, 2008.*

*The seasonal restrictions apply to the open burning of waste for:*

*1. Disposal of clean burning construction waste, debris waste, and demolition waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other clearing operations.*

*2. Disposal of clean burning construction waste, debris waste, and demolition waste on the site of local landfills.*

*Current practices for debris disposal in the County of Gloucester do include open burning, and this variance will allow time for the locality to develop alternatives.*

**9 VAC 5-240-10. Applicability and designation of affected persons.**

**A.** The provisions of this chapter apply to any person who permits or engages in open burning or who permits or engages in burning using special incineration devices under the provisions of 9 VAC 5-40-5630 A 8 and 10.

**B.** The provisions of this chapter apply throughout the County of Gloucester.

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## **9 VAC 5-240-20. Definitions.**

A. For the purpose of applying this chapter in the context of the Regulations for the Control and Abatement of Air Pollution and related uses, the words or terms shall have the meaning given them in subsection C of this section.

B. As used in this chapter, all terms not defined herein shall have the meaning given them in 9 VAC 5-10, Article 40 (9 VAC 5-40-5600 et seq.) of Part II of 9 VAC 5-40, or commonly ascribed to them by recognized authorities, in that order of priority.

### C. Terms defined.

"Order" means the order granting this variance.

"VAC" or "9 VAC" means Title 9 of the Virginia Administrative Code. This title comprises the environmental regulations for the Commonwealth of Virginia, including the regulations of the State Air Pollution Control Board.

"Variance" means this chapter.

## **9 VAC 5-230-30. Permissible open burning.**

A. For the purposes of applicability of the seasonal restrictions in 9 VAC 5-40-5630 A 8 and 10 only, the Hampton Roads Volatile Organic Compound Emissions Control Area in 9 VAC 5-20-206 does not include the County of Gloucester.

B. This chapter shall not be applicable after December 31, 2008.

## **9 VAC 5-230-40. Compliance.**

Affected persons shall comply with the order.

## **9 VAC 5-230-50. Applicability of future regulation amendments.**

Subsequent amendments to 9 VAC 5-40-5630 A 8 and 10 to which this chapter provides relief shall not apply to the affected persons unless and until the board amends this chapter to specifically address the applicability of the regulatory amendments to the affected persons.

VA.R. Doc. No. R07-180; Filed March 28, 2007, 9:44 a.m.

## **TITLE 11. GAMING**

### **VIRGINIA RACING COMMISSION**

#### **Proposed Regulation**

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in

promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

**Title of Regulation:** **11 VAC 10-20. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering (amending 11 VAC 10-20-310, 11 VAC 10-20-330 and 11 VAC 10-20-340).**

**Statutory Authority:** § 59.1-369 of the Code of Virginia.

**Public Hearing Date:** N/A -- Public comments may be submitted until 5 p.m. on April 20, 2007.

**Agency 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, or email david.lermond@vrc.virginia.gov.

### **Summary:**

*The proposed changes are being made to conform to the Model Rules of Racing published by the Association of Racing Commissioners International. By conforming to the Model Rules, it will be easier for horsemen from other jurisdictions to race their horses in Virginia and also make the regulations for pari-mutuel wagering fairer for the betting public.*

### **11 VAC 10-20-310. Wagering interests.**

A. Generally. The licensee shall be responsible for the coupling of horses for wagering purposes in accordance with these regulations and shall provide wagering opportunities in accordance with the success and integrity of horse racing as well as the public interest.

B. Coupled entries. When two or more horses run in a race and are coupled for wagering purposes, a wager on one of the horses shall be a wager on all of them. The horses so coupled are called "an entry."

C. Mutuel field. When the individual horses competing in a race exceed the numbering capacity of the display devices, the highest numbered horses within the capacity of the display devices and all horses of a higher number shall be grouped together and called the "mutuel field," and a wager on one of them shall be a wager on all of them.

D. Pools dependent upon wagering interests. Unless the commission otherwise provides, at the time the pools are opened for wagering, the licensee:

- ~~1. May offer win, place and show wagering on all races with six or more wagering interests;~~
- ~~2. May be allowed to prohibit show wagering on any race with five or fewer wagering interests scheduled to start;~~
- ~~3. May be allowed to prohibit place wagering on any race with four or fewer wagering interests scheduled to start;~~

~~4. May be allowed to prohibit quinella wagering on any race with three or fewer wagering interests scheduled to start;~~

~~5. May be allowed to prohibit exacta wagering on any race with three or fewer wagering interests scheduled to start;~~

~~6. May prohibit twin trifectas wagering on any race with seven or fewer wagering interests scheduled to start; and~~

~~7. May prohibit twin superfecta wagering on any race with seven or fewer wagering interests scheduled to start.~~

1. Shall offer win wagering on all contests with three or more betting interests.

2. Shall offer place wagering on all contests with four or more betting interests.

3. Shall offer show wagering on all contests with five or more betting interests.

4. May offer quinella wagering on all contests with three or more betting interests.

5. May offer quinella double wagering on all contests with three or more betting interests.

6. May offer exacta wagering on all contests with two or more betting interests.

7. May offer trifecta wagering on all contests with three or more betting interests.

8. May offer superfecta wagering on all contests with four or more betting interests.

9. Shall not offer twin trifecta wagering on any contests with six or less betting interests.

E. Steward's approval. Once pools are opened for wagering, no changes to or cancellations of the betting pools shall be made without prior approval of the stewards.

~~E.~~ F. Extraordinary circumstances. In extraordinary circumstances, discretion is vested in the stewards to cancel any trifecta, exacta, quinella, or any other multiple wager pool, and assign multiple wagering pools to other races when the stewards believe it would best maintain in horse racing complete honesty and integrity.

~~F.~~ G. Stake races and special events. In the case of stake races, handicaps, futurities, and other special events, the licensee may offer any straight and multiple wagering pools regardless of the number of wagering interest upon submission of a request in writing to the commission and approval from the commission or its executive secretary.

**11 VAC 10-20-330. Multiple wagering.**

A. Generally. Daily double, quinella, exacta, trifecta, quinella double, pick (n), twin trifecta, and superfecta pari-mutuel wagering pools shall be considered "multiple wagering." In

any race or races, the daily double, quinella, exacta, trifecta, quinella double, pick (n), twin trifecta, and superfecta pools are treated separately and the distribution of the pools are calculated independently of each other. The "net pool" to be distributed shall be all sums wagered in the pool, less retainage and breakage, as defined elsewhere.

B. Daily double pools. The daily double wager is the purchase of a pari-mutuel ticket to select the two horses that will finish first in the two races specified as the daily double. If either of the selections fails to win, the pari-mutuel ticket is void, except as otherwise provided. The amount wagered on the winning combination, the horse or wagering interest which finishes first in the first race coupled with the horse or wagering interest finishing first in the second race of the daily double, is deducted from the net pool to determine the profit. The profit is divided by the amount wagered on the winning combination, the quotient being the profit per dollar wagered on the winning daily double. The return to the holder includes the amount wagered and the profit. In addition, the following provisions apply to daily double pools:

1. If there is a dead heat for first including two different wagering interests in one of the two daily double races, the daily double pool is distributed as if it were a place pool, with one-half of the net pool allocated to wagers combining the single winner of one daily double race and one of the wagering interests involved in the dead heat in the other daily double race, and with the other one-half of the net pool allocated to the wagers combining the single winner of one daily double race and the other wagering interest involved in the dead heat in the other daily double race.

2. If there are dead heats for first involving different wagering interests in each of the daily double races which result in winning combinations, the net pool shall be allocated equally to the winning combinations after first deducting from the net pool the amount wagered on all winning combinations for proportionate allocation to the winning daily double combinations.

3. If no daily double ticket is sold combining the horse or wagering interest which finishes first in one of the daily double races, the daily double pool is distributed as if it were a win pool, with the net pool allocated to wagering combinations which include the horse or wagering interest which finished first in one of the daily double races.

4. If no daily double ticket is sold combining the horses or wagering interests which finish first in both the first and second race of the daily double, then the winning combinations for distribution of the daily double profit shall be that combining the horses or wagering interests which finished second in each of the daily double races.

5. If, after daily double wagering has begun, a horse not coupled with another as a wagering interest in the first race of the daily double is excused by the stewards or is

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prevented from obtaining a fair start, then daily double wagers combining the horse shall be deducted from the daily double pool and shall be promptly refunded.

6. If, after the first race of the daily double has been run, a horse not coupled with another as a wagering interest in the second race of the daily double is excused by the stewards or prevented from obtaining a fair start, then daily double wagers combining the winner of the first daily double race with the horse, which was excused or was prevented from obtaining a fair start, shall be allocated a consolation daily double.

7. Consolation daily double payoffs shall be determined by dividing the net daily double pool by the amount wagered combining the winner of the first daily double race with every horse or wagering interest scheduled to start in the second daily double race, the quotient being the consolation payoff per dollar wagered combining the winner of the first daily double race with the horse prevented from racing in the second daily double race. The return to the holder includes the amount wagered and the profit. The consolation payoff shall be deducted from the net daily double pool before calculation and allocation of wagers on the winning daily double combination.

8. If for any reason the first race of the daily double is cancelled and declared "no contest" a full and complete refund shall be promptly made of the daily double pool.

9. If for any reason the second race of the daily double is cancelled and declared "no contest," the net daily double pool shall be paid to the holders of daily double tickets which include the winner of the first race. If no such ticket is sold, then the net daily double pool shall be paid to the holders of daily double tickets which include the second place horse. If no daily double tickets were sold on the second place horse, then the licensee shall make a prompt refund.

C. Quinella pools. The quinella wager is the purchase of a pari-mutuel ticket to select the first two horses to finish in the race. The order in which the horses finish is immaterial. The amount wagered on the winning combination, the first two finishers irrespective of which horse finishes first and which horse finishes second, is deducted from the net pool to determine the profit. The net pool is divided by the amount wagered on the winning combination. The return to the holder includes the amount wagered and the profit. In addition, the following provisions apply to the quinella pools:

1. If there is a dead heat for first between horses including two different wagering interests, the net quinella pool is distributed as if no dead heat occurred. If there is a dead heat among horses involving three different wagering interests, the net quinella pool is distributed as if it were a show pool and the pool is allocated to wagers combining any of the three horses finishing in the dead heat for first.

2. If there is a dead heat for second between horses including two different wagering interests, the net quinella pool is distributed as if it were a place pool and it is allocated to wagers combining the first finisher with either horse finishing in a dead heat for second. If the dead heat is among horses involving three different wagering interests, the net quinella pool is distributed as if it were a show pool and it is allocated to wagers combining the first horse with each of the three horses finishing in a dead heat for second.

3. If horses representing a single wagering interest finish first and second, the net quinella pool shall be allocated to wagers combining the single wagering interest with the horse or wagering interest with the horses or wagering interest which finishes third.

4. If no quinella ticket is sold combining the first finisher with one of the horses finishing in a dead heat for second, then the net quinella pool is allocated to wagers combining the first finisher with the other horse finishing in a dead heat for second.

5. If no quinella ticket is sold combining the first finisher with either of the horses finishing in a dead heat for second, then the net quinella pool is allocated to wagers combining the two horses which finished in the dead heat for second.

6. If no quinella ticket is sold combining the first finisher with either of the horses finishing in a dead heat for second, or combining the two horses which finished in a dead heat for second, the net quinella pool is distributed as if it were a show pool and it is allocated to wagers combining any of the first three finishers with any other horses.

7. If no quinella ticket is sold combining the first two finishers, then the net quinella pool shall be distributed as if it were a place pool and it is allocated to wagers combining the first finisher with any other horses and to wagers combining the second finisher with any other horse.

8. If no quinella ticket is sold combining horses or wagering interests as would require distribution, a full and complete refund shall be made of the entire quinella pool.

9. If a horse is excused by the stewards, no further quinella tickets shall be issued designating that horse, and all quinella tickets previously issued designating that horse shall be refunded and deducted from the gross pool.

D. Exacta pools. The exacta wager is the purchase of a pari-mutuel ticket to select the two horses that will finish first and second in a race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted. The amount wagered on the winning combination, the horse finishing first and the horse finishing second, in exact order, is the amount to be deducted from the net exacta pool to determine the profit. The profit is divided by the amount wagered on the winning combination, the quotient being the profit per dollar wagered on the winning

exacta combination. The return to the holder includes the amount wagered and the profit. In addition, the following provisions apply to the exacta pool:

1. If no ticket is sold on the winning combination of an exacta pool, the net exacta pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

2. If there is a dead heat between two horses for first place, the net exacta pool shall be calculated and distributed as a place pool, one-half of the net exacta pool being distributed to holders of tickets selecting each of the horses in the dead heat to finish first with the other horse to finish second.

In case of a dead heat between two horses for second place, the net exacta pool shall be calculated as a place pool, one-half of the net exacta pool being distributed to holders of tickets selecting the horse to finish first and one horse in the dead heat, and the other one-half being distributed to holders selecting the horse to finish first and the other horse in the dead heat.

3. If there is a dead heat for second place and if no ticket is sold on one of the two winning combinations, the entire net exacta pool shall be calculated as a win pool and distributed to holders of the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the net exacta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

4. If an entry finishes first and second, or mutuel field horses finish first and second, the net pool shall be distributed to holders of tickets selecting the entry to win combined with the horses having finished third.

5. If no ticket is sold that would require distribution of an exacta pool, the licensee shall make a complete and full refund of the exacta pool.

6. If a horse is excused by the stewards, no further exacta tickets shall be issued designating that horse, and all exacta tickets previously issued designating that horse shall be refunded and deducted from the gross pool.

E. Trifecta pools. The trifecta wager is purchase of a pari-mutuel ticket to select the three horses that will finish first, second, and third in a race. Payment of the ticket shall be made only to the holder who has selected the same order of finish as officially posted. The amount wagered on the winning combination, the horse finishing first, the horse finishing second, and the horse finishing third, in exact order, is deducted from the pool to determine the profit. The profit is divided by the amount wagered on the winning combination, the quotient being the profit per dollar wagered on the winning combination. The return to the holder includes the amount wagered and the profit.

1. If no ticket is sold on the winning combination, the net trifecta pool shall be distributed equally among holders of tickets designating the first two horses in order.

2. If no ticket is sold designating, in order, the first two horses, the net trifecta pool shall be distributed equally among holders of tickets designating the horse to finish first.

3. If no ticket is sold designating the first horse to win, the net trifecta pool shall be distributed equally among holders of tickets designating the second and third horses in order. If no such ticket is sold, then the licensee shall make a prompt refund.

4. If less than three horses finish, the payout shall be made on tickets selecting the actual finishing horses, in order, ignoring the balance of the selection.

5. If there is a dead heat, all trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position involved in the dead heat, shall be winning tickets. The net trifecta pool shall be calculated as a place pool.

6. The uncoupling for wagering purposes of horses having common ties is prohibited in races upon which trifecta wagering is conducted except for stakes, futurities, and other special events.

7. If a horse is excused by the stewards, no further trifecta tickets shall be issued designating that horse, and all trifecta tickets previously issued designating the horse shall be refunded and deducted from the gross pool.

F. Quinella double pools. The quinella double requires selection of the first two finishers, irrespective of order, in each of two specified races.

1. The net quinella double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

a. If a coupled entry or mutuel field finishes as the first two contestants in either race, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate wagering interest in the official order of finish for that race, as well as the first two finishers in the alternate quinella double race; otherwise

b. As a single price pool to those who selected the first two finishers in each of the two quinella double races; but if there are no such wagers, then

c. As a profit split to those who selected the first two finishers in either of the two quinella double races; but if there are no such wagers on one of those races, then

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- d. As a single price pool to those who selected the first two finishers in the one covered quinella double race; but if there were no such wagers, then
- e. The entire pool shall be refunded on quinella double wagers for those races.
2. If there is a dead heat for first in either of the two quinella double races involving:
- a. Horses representing the same wagering interest, the quinella double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate wagering interest in the official order of finish for that race.
- b. Horses representing two wagering interests, the quinella double pool shall be distributed as if no dead heat occurred.
- c. Horses representing three or more wagering interests, the quinella double pool shall be distributed as a profit split.
3. If there is a dead heat for second in either of the quinella double races involving horses representing the same wagering interest, the quinella double pool shall be distributed as if no dead heat occurred.
4. If there is a dead heat for second in either of the quinella double races involving horses representing two or more wagering interests, the quinella double pool shall be distributed as profit split.
5. Should a wagering interest in the first half of the quinella double be scratched prior to the first quinella pool race being declared official, all money wagered on combinations including the scratched wagering interest shall be deducted from the quinella double pool and refunded.
6. Should a wagering interest in the second half of the quinella double be scratched prior to the close of wagering on the first quinella double contest, all money wagered on combinations including the scratched wagering interest shall be deducted from the quinella double pool and refunded.
7. Should a wagering interest in the second half of the quinella double be scratched after the close of wagering on the first quinella double race, all wagers combining the winning combination in the first race with a combination including the scratched wagering interest in the second race shall be allocated a consolation payout. In calculating the consolation payout, the net quinella double pool shall be divided by the total amount wagered on the winning combination in the first race and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first race combined with a combination including the scratched wagering interest in the second race to obtain the consolation payout. Breakage is not declared in this calculation. The consolation payout is deducted from the net quinella double pool before calculation and distribution of the winning quinella double payout. In the event of a dead heat involving separate wagering interests, the net quinella double pool shall be distributed as a profit split.
8. If either of the quinella double races is cancelled prior to the first quinella double race or the first quinella double race is declared "no contest," the entire quinella double pool shall be refunded on quinella double wagers for those races.
9. If the second quinella double race is cancelled or declared "no contest" after the conclusion of the first quinella double race, the net quinella double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first quinella double race. If there are no wagers selecting the winning combination in the first quinella double race, the entire quinella double pool shall be refunded on quinella double wagers for those races.
- G. Pick (n) pools. The pick (n) pool requires selection of the first-place finisher in each of a designated number of races. The licensee must obtain approval from the commission or its executive secretary concerning the scheduling of pick (n) contests, the designation of one of the methods prescribed in subdivision 1 of this subsection and the amount of any cap to be set on the carryover. Any changes to the approved pick (n) format require prior approval from the commission or its executive secretary.
1. The pick (n) pool shall be apportioned under one of the following methods:
- a. Method 1, pick (n) with carryover. The net pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the remainder shall be added to the carryover.
- b. Method 2, pick (n) with minor pool and carryover. The major share of the net pick (n) pool and carryover, if any, shall be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) contests, the minor share of the pick (n) pool shall be

distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the major share shall be added to the carryover.

c. Method 3, pick (n) with no minor pool and no carryover. The net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

d. Method 4, pick (n) with minor pool and no carryover. The major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If the greatest number of first-place finishers selected is one, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

e. Method 5, pick (n) with minor pool and no carryover. The major share of net pick (n) pool shall be distributed to those who selected the first-place finisher in each of the pick (n) races, based on the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (n) races, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the pick (n) races. If there are no winning wagers, the pool is refunded.

f. Method 6, pick (n) with minor pool, jackpot, major carryover and jackpot carryover. Predetermined percentages of the net pick (n) pool shall be set aside as a major pool, minor pool, and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, shall be distributed to those who selected the first-place finisher of each of the pick (n) races, based on the official order of finish. If there are no tickets selecting

the first-place finisher in each of the pick (n) races, the major net pool shall be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) races, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, shall be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more than one ticket selects the first-place finisher of each of the pick (n) races, the jackpot net pool shall be added to the jackpot carryover. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher of the second greatest number of pick (n) races, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor net pool of the pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) races.

2. If there is a dead heat for first in any of the pick (n) races involving:

a. Horses representing the same wagering interest, the pick (n) pool shall be distributed as if no dead heat occurred.

b. Horses representing two or more wagering interests, the pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

3. Should a wagering interest in any of the pick (n) races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host track for the race at the close of wagering on that race, shall be substituted for the scratched wagering interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the wagering interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted wagering interests which became winners as a result of the substitution, in addition to the normal winning combination. When the condition of the racecourse warrants a change of racing surface in any of the legs of a pick (n) with four or more races included, and such change has not been known to the public prior to the close of wagering for the pick (n) pool, the stewards shall declare the changed leg(s) an "all win" race(s) for pick (n) wagering purposes only. An "all win" race(s) will assign the winner of that race(s) to each pick (n) ticket holder as their selection for that race.

4. The pick (n) pool shall be cancelled and pick (n) wagers for the individual performance shall be refunded if:

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- a. At least two races included as part of a pick three are cancelled or declared "no contest."
  - b. At least three races included as part of a pick four, pick five or pick six are cancelled or declared "no contest."
  - c. At least four races included as part of a pick seven, pick eight or pick nine are cancelled or declared "no contest."
  - d. At least five races included as part of a pick 10 are cancelled or declared "no contest."
5. If at least one race included as part of a pick (n) is cancelled or declared "no contest," but not more than the number specified in subdivision 4 of this subsection, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races for that program. The distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous performances.
6. The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any program, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under other provisions of this chapter. After the pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) races for that program.
7. A licensee may request permission from the commission to distribute the pick (n) carryover on a specific program. The request must contain justification for the distribution, an explanation of the benefit to be derived and the intended date and program for the distribution.
8. Should the pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the pick (n) races, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races. The pick (n) carryover shall be designated for distribution on a specified date and program only under the following circumstances:
- a. Upon approval from the commission as provided in subdivision 7 of this subsection;
  - b. Upon approval from the commission when there is a change in the carryover cap, a change from one type of pick (n) wagering to another, or when the pick (n) is discontinued;
  - c. On the closing program of a race meeting.
9. If, for any reason, the pick (n) carryover must be held to the corresponding pick (n) pool to a subsequent race

meeting, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool on a date and program of the race meeting designated by the commission.

10. With the approval of the commission, a licensee may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

11. Providing information to any person regarding the covered combinations, amounts wagered on specific combinations, number of tickets sold or number of live tickets remaining is strictly prohibited. This chapter shall not prohibit necessary communication between totalizator and mutuel employees for processing of pool data.

12. The licensee may suspend previously approved pick (n) wagering with the approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. The licensee may request approval of a pick (n) wager or separate wagering pool for specific programs.

H. Superfecta pools. The superfecta pool requires selection of the first four finishers, in their exact order, for a single race.

1. The net superfecta pool shall be distributed to winning wagers in the following precedence based upon the official order of finish:

- a. As a single price pool to those whose combination finished in correct sequence as the first four wagering interests; but if there are no such wagers, then
- b. As a single price pool to those whose combination included, in correct sequence, the first three wagering interests; but if there are no such wagers, then
- c. As a single price pool to those whose combination included, in correct sequence, the first two wagering interests; but if there are no such wagers, then
- d. As a single price pool to those whose combination correctly selected the first-place wagering interest only; but if there are no such wagers, then
- e. The entire pool shall be refunded on superfecta wagers for that race.

2. If less than four wagering interests finish and the race is declared official, payouts will be made based upon the order of finish of those wagering interests completing the race. The balance of any selection beyond the number of wagering interests completing the race shall be ignored.

3. If there is a dead heat for first involving:

- a. Horses representing four or more wagering interests, all of the wagering combinations selecting four wagering interests which correspond with any of the wagering

interests involved in the dead heat shall share in a profit split.

b. Horses representing three wagering interests, all of the wagering combinations selecting the three dead-heated wagering interests, irrespective of order, along with the fourth-place wagering interest shall share in a profit split.

c. Horses representing two wagering interests, both of the wagering combinations selecting the two dead-heated wagering interests, irrespective of order, along with the third and fourth-place wagering interests shall share in a profit split.

4. If there is a dead heat for second involving:

a. Horses representing three or more wagering interests, all of the wagering combinations correctly selecting the winner combined with any of the three wagering interests involved in the dead heat for second shall share in a profit split.

b. Horses representing two wagering interests, all of the wagering combinations correctly selecting the winner, the two dead-heated wagering interests, irrespective of order, and the fourth-place wagering interest shall share in a profit split.

5. If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the wagering interests involved in the dead heat for fourth shall share in a profit split.

6. If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the wagering interests involved in the dead heat for fourth shall share in a profit split.

I. Twin trifecta pools. The twin trifecta pool requires selection of the first three finishers in their exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race in order to remain eligible for the second-half twin trifecta pool. The tickets may be exchanged only at attended windows prior to the second twin trifecta race. Winning first-half twin trifecta wagers will receive both an exchange and a monetary payout. Both of the designated twin trifecta races shall be included in only one twin trifecta pool.

1. After wagering closes for the first-half of the twin trifecta and retainage has been deducted from the pool, the net pool shall then be divided into separate pools: the first-half twin trifecta pool and the second-half twin trifecta pool.

2. In the first twin trifecta race only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:

a. As a single price pool to those whose combination finished in correct sequence as the first three wagering interests; but if there is no winning wager, then

b. As a single price pool to those whose combination included, in correct sequence, the first two wagering interests; but if there is no winning wager, then

c. As a single price pool to those whose combination correctly selected the first-place wagering interest only; but if there is no winning wager, then

d. The entire twin trifecta pool shall be refunded to twin trifecta wagers for that race and the second-half race shall be cancelled.

3. If no first-half twin trifecta ticket selects the first three finishers of that race in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin trifecta pool. In this case, the second-half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool.

4. Winning tickets from the first-half of the twin trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:

a. As a single price pool, including any existing carryover moneys, to those whose combination finished in correct sequence as the first three wagering interests; but if there are no winning tickets, then

b. The entire second-half twin trifecta pool for that race shall be added to any existing carryover moneys and retained for the corresponding second-half twin trifecta pool of the next consecutive program.

5. If a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool.

6. Should a wagering interest in the first-half of the twin trifecta be scratched, those twin trifecta wagers including the scratched wagering shall be refunded.

7. Should a wagering interest in the second-half of the twin trifecta be scratched, announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched wagering interest. If tickets have not been exchanged prior to the close of wagering of the second twin trifecta race, the ticket holder forfeits all rights to the second-half twin trifecta pool. However, if the scratch in the second-half of the twin trifecta occurs five minutes or less prior to post

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time, then the licensee shall have discretion to cancel all twin trifecta wagers and make a prompt refund.

8. If, due to a late scratch, the number of wagering interests in the second-half of the twin trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin trifecta pool for that contest as a single price pool, but not the twin trifecta carryover.

9. If there is a dead heat or multiple dead heats in either the first or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a wagering interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

- a. The first-half of the twin trifecta, the payout shall be calculated as a profit split; and
- b. The second-half of the twin trifecta, the payout shall be calculated as a single price pool.

10. If either of the twin trifecta races are cancelled prior to the first twin trifecta race or the first twin trifecta race is declared "no contest," the entire twin trifecta pool shall be refunded in twin trifecta wagers for that race and the second-half shall be cancelled.

11. If the second-half twin trifecta race is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that race as a single price pool, but not twin trifecta carryover. If there are no such tickets, the net twin trifecta pool shall be distributed as described in subdivision 3 of this subsection.

12. The twin trifecta carryover may be capped at a designated level approved by the commission so that if, at the close of any program, the amount in the twin trifecta carryover equals or exceeds the designated cap, the twin trifecta carryover will be frozen until it is won or distributed under other provisions of this chapter. After the twin trifecta carryover is frozen, 100% of the net twin trifecta pool for each individual race shall be distributed to winners of the first-half of the twin trifecta pool.

13. A written request for permission to distribute the twin trifecta carryover on a specific program may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived and the intended date and program for the distribution.

14. Should the twin trifecta carryover be designated for distribution on a specified date and program, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

a. As a single price pool to those whose combination finished in correct sequence as the first three wagering interests; but if there are no such wagers, then

b. As a single price pool to those whose combination included, in correct sequence, the first two wagering interests; but if there are no such wagers, then

c. As a single price pool to those whose combination correctly selected the first-place wagering interest only; but if there are no such wagers, then

d. As a single price pool to holders of valid exchange tickets.

e. As a single price pool to holders of outstanding first-half winning tickets.

15. During a program designated by the commission to distribute the twin trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of wagering interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first, second or third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first and second-place wagering interests. If there are no wagers correctly selecting the first and second place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place wagering interest only. If there are no wagers selecting the first-place wagering interest only in the first-half of the twin trifecta, all first-half tickets will become winners and will receive 100% of that day's net twin trifecta pool and any existing twin trifecta carryover.

16. The twin trifecta carryover shall be designated for distribution on a specified date and program only under the following circumstances:

- a. Upon written approval from the commission as provided in subdivision 14 of this subsection.
- b. Upon written approval from the commission when there is a change in the carryover cap or when the twin trifecta is discontinued.
- c. On the closing program of the race meeting.

17. If, for any reason, the twin trifecta carryover must be held over to the corresponding twin trifecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover plus accrued interest shall then be added to the second-half twin trifecta pool of the following meet on a date and program so designated by the commission.

18. Providing information to any person regarding covered combinations, amounts wagered on specific combinations,

number of tickets sold or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

19. The licensee must obtain written approval from the commission concerning the scheduling of twin trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved twin trifecta format require prior approval from the commission.

**11 VAC 10-20-340. Refunds.**

A. Generally. For all wagers other than the daily double, pick three or pick six, a refund at face value shall be made to all holders of pari-mutuel tickets on horses that have been excused by the stewards, participated in a race where no horse finished, or a race, where in the discretion of the stewards, was declared "no contest" for wagering purposes. Unless otherwise provided for in this chapter, no refund shall be made if the horse excused by the stewards is part of a coupled entry or the field.

B. Nonstarters. If any horse is prevented from obtaining a fair start by failure of the starting gate or other untoward events, the stewards, in their discretion, may order a prompt refund in any pool on that horse.

C. Cancelling pools due to nonstarters. If any horse or horses are prevented from obtaining a fair start so that it would reduce the total number of starters below six, the following shall apply:

1. If horses representing five wagering interests obtain a fair start, the licensee may refund the entire amount wagered in the show pool;
2. If horses representing four or fewer wagering interests obtain a fair start, the licensee may refund the entire amount wagered in the show pool as well as place pool; and
3. If horses representing fewer than two interests obtain a fair start, the race may be declared "no contest" and the entire amount wagered in the win, place and show pools shall be promptly refunded.

D. Cancelling pools due to late scratches. After wagering has commenced on a race and prior to the race being run, should a horse or horses be excused by the stewards resulting in a field of less than six different wagering interests, the following apply:

1. If horses representing five wagering interests will start, the licensee may refund the entire amount wagered in the show pool;

2. If horses representing five or fewer wagering interests will start, the licensee may refund the entire amount wagered in the show pool as well as place pool;

3. If horses representing fewer than two interests will start, the race may be cancelled and the entire amount wagered in the win, place and show pools shall be promptly refunded. However, the horse or horses shall race for the purse as nonwagering event.

E. No refunds. If a horse is left at the post at the start, or the rider or driver is unseated, there shall be no refund.

F. Scratches in entries. If two or more horses in a race are coupled as a wagering interest or the field, there shall be no refund unless all of the horses so coupled are excused by the stewards or all of the horses so coupled are prevented from obtaining a fair start. Discretion, however, is vested in the stewards to order a refund where a part of an entry ~~in a stake, handicap, futurity or other special event~~ is excused by the stewards or prevented from obtaining a fair start, where it is in the public interest to do so. In this instance, the remaining part of the entry may race for the purse only.

G. Postponed races. In the case of a race postponed beyond the day originally scheduled, all money wagered on the race shall be refunded.

H. Cancelling turf races. In the event conditions require a race to be moved from the turf to the main racing surface, any advance wager shall be refunded at the request of the holder of the pari-mutuel ticket up until post time of the race. This regulation does not apply to pick (n) wagering.

I. Announcement of refunds. In those cases where a refund is due the public or a pari-mutuel pool is cancelled, the licensee shall promptly inform the public through the public address system and other appropriate means of communication.

VA.R. Doc. No. R07-177; Filed March 27, 2007, 3:04 p.m.

**Proposed Regulation**

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

**Title of Regulation:** 11 VAC 10-100. Horses (amending 11 VAC 10-100-30).

**Statutory Authority:** § 59.1-369 of the Code of Virginia.

**Public Hearing Date:** N/A -- Public comments may be submitted until 5 p.m. on April 24, 2007.

**Agency Contact:** David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700

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# Regulations

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Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

## Summary:

*The proposed amendment allows for the use of a microchip implanted in a Thoroughbred horse's neck to be used instead of a lip tattoo for identification purposes. This amendment is intended to accommodate horses from Europe and other countries where microchips are now being used for the identification of racehorses.*

## **11 VAC 10-100-30. Lip tattoo requirements.**

No horse may start in a race without a legible lip tattoo number being applied by the designated personnel appropriate to the breed of horse. The stewards, in their discretion, may approve a readable microchip approved by The Jockey Club for identification purposes if appropriate. In harness racing, no Standardbred may start in a race without either a legible lip tattoo or a freeze brand number being applied by the designated personnel appropriate.

VA.R. Doc. No. R07-170; Filed March 14, 2007, 3:44 p.m.

## **Proposed Regulation**

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

Title of Regulation: **11 VAC 10-110. Entries (amending 11 VAC 10-110-30 and 11 VAC 10-110-90).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on April 20, 2007.

Agency 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, or email david.lermond@vrc.virginia.gov.

## Summary:

*The proposed amendments conform the regulation to the Model Rules of Racing published by the Association of Racing Commissioners International. The amendments (i) allow readable microchips approved by The Jockey Club to be used for purposes of identification and establishing whether a horse is eligible to race and (ii) modify the requirements for coupling of entries.*

## **11 VAC 10-110-30. Horses ineligible to start.**

A horse is ineligible to start in a race when:

1. The owner does not possess the required permit issued by the commission or has not applied for the appropriate permit;
2. The trainer, authorized agent or the person having care and supervision of the horse does not possess the appropriate permit issued by the commission or has not applied for the required permit;
3. The horse's certificate of foal registration, eligibility certificate or other registration document issued by the appropriate breed registry is not on file with the racing secretary or permission to start the horse without these documents has not been obtained from the stewards;
4. The horse has not been lip-tattooed or does not possess a readable microchip approved by The Jockey Club for the purposes of identification or is a Standardbred that has not had a freeze-brand number applied;
5. The ownership of the horse has been transferred without notifying the racing secretary and the appropriate breed registry;
6. The horse is subject to a lien or lease that has not been approved by the stewards and filed with the racing secretary and horsemen's bookkeeper; or
7. Nominating, sustaining, entry, starting or any other required fees have not been paid for the horse by the time specified in the published conditions of the race.

## **11 VAC 10-110-90. Coupling.**

~~All horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and shall be a single wagering interest.~~ All horses entered in the same race and owned wholly or partially by the same owner or spouse or other common ownership ties; shall be joined as a mutuel entry and shall constitute a single wagering interest, ~~except that in stakes races, futurities or other events, the stewards, in their discretion, may permit horses having common trainers but different owners to run as separate wagering interests.~~ No trainer shall enter more than two horses in a race except in split races. No trainer of any horse shall have any ownership interest or lease interest in any other horse in the same race unless such horses are coupled as a single wagering interest. The following provisions shall apply to mutuel entries:

1. The racing secretary shall be responsible for coupling entries for wagering purposes ~~whether based on common owners or trainers;~~
2. No more than two horses having common ties through ownership ~~or training~~, which would result in a mutuel entry and a single wagering interest, may be entered in an overnight race;

3. When two horses having common ties through ownership or training are entered in an overnight race, then the nominator shall indicate a preference for one of the two horses to start, in Standardbred races, the determination will be based on the preference date preference shall be given to the horse with the earliest preference date or the most stars;

4. Two horses having common ties through ownership or training shall not start as a mutuel entry in an overnight race to the exclusion of another horse nor shall a trainer be permitted to run two horses in a race to the exclusion of another horse; and

5. The racing secretary shall be responsible for assigning horses to the mutuel field when the number of wagering interests exceeds the numbering capacity of the totalizator system; and

6. The uncoupling of two horses having common ties through training is subject to the approval of the trainer.

VA.R. Doc. No. R07-178; Filed March 27, 2007, 3:03 p.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

Title of Regulation: 11 VAC 10-120. Claiming Races (amending 11 VAC 10-120-80).

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on April 20, 2007.

Agency 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, or email david.lermond@vrc.virginia.gov.

Summary:

The proposed amendment corrects the claiming rule for harness racing. In harness racing, a horse may run in a race for any claiming price after being claimed regardless of what price that horse was claimed for in his previous start.

11 VAC 10-120-80. Restrictions on a claimed horse.

When a horse is claimed out of a claiming race other than steeplechase races, the following restrictions shall apply to the horse for 30 calendar days after the day that the horse was claimed:

1. The horse may only start in claiming races for a designated price of 25% more than the amount for which the horse was claimed, except in harness racing a horse may start in claiming races for any price other than the amount for which the horse was claimed;

2. The horse may not be sold or transferred wholly or in part to another person, except in another claiming race;

3. The horse may not remain in the same stable or under the control or supervision of its former owner or trainer, unless reclaimed;

4. The horse may not race elsewhere until after the close of the meeting at which it was claimed or 30 calendar days, whichever occurs first, except with the permission of the stewards; and

5. All horses claimed in other jurisdictions and racing in Virginia shall be subject to the conditions of the claiming regulation in the jurisdiction where the claim was made.

VA.R. Doc. No. R07-179; Filed March 27, 2007, 3:02 p.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

Title of Regulation: 11 VAC 10-140. Flat Racing (amending 11 VAC 10-140-210; adding 11 VAC 10-140-12 and 11 VAC 10-140-15).

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on April 24, 2007.

Agency 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, or email david.lermond@vrc.virginia.gov.

Summary:

The proposed amendments (i) remove the word "willfully" from the section that defines interference during the running of a race and (ii) add requirements on the use of safety equipment for not only the jockeys riding in a race, but for the exercise riders in the morning and people who load the horses into the starting gate before the start of each race.

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# Regulations

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## **11 VAC 10-140-12. Safety helmets.**

Any person mounted on a horse or stable pony on association grounds must wear a safety helmet approved by the American Society for Testing and Materials (ASTM) securely fastened under the chin at all times.

## **11 VAC 10-140-15. Safety vests.**

A. A safety vest shall be worn when:

1. Racing, parading, or warming up a horse prior to racing;
2. Jogging, training, or exercising a horse at any time; or
3. Handling horses in the starting gate.

B. A safety vest shall:

1. Cover the torso, front and back, from the collar bone to the hip bone;

2. Be of uniform material and thickness over the whole of the vest except for localized:

- a. Variation due to pattern, for example, quilting;
- b. Thinner areas to aid fit, for example, under the arms, at fastenings and at edges; and
- c. Thicker areas in regard to particularly sensitive areas of the body, for example, the spine; and

3. Equal or exceed a minimum shock absorbance rating of five according to the specifications established by the British Equestrian Trade Association (BETA), which are as follows:

a. Use a critical height apparatus to measure the maximum deceleration on impact of a striker consisting of a spherical indentor weighing 5.9 (+/-0.05) kilograms with a diameter of 215 (+/-2) millimeters;

b. Condition the vest and the striker for a minimum of three hours at 23° (+/-2°) Centigrade;

c. With the vest lying on a smooth, flat massive concrete base with the inside of the vest facing the striker and positioned so that the striker will impact on an area of typical thickness, not reinforced by additional material, raise and release the striker starting at a height of 0.2 meter and increasing the height by increments of 0.2 meter to a height that will result in a deceleration of over 300 gravity units ( $1G=9.81 \text{ ms}^{-1}$ ) as measured by recording the signal from an accelerometer through the impact from the time before the striker impacts the vest until the accelerometer returns to the same level as before the impact;

d. Record the gravity units measured at each height increment on a line graph that has the gravity units in ascending order as the vertical axis and the release height in meters in ascending meters as the horizontal axis.

e. Plot the height in meters at which the deceleration reached 300 gravity units; and

f. Multiply the height obtained in subdivision 3 e of this subsection by 10 to calculate the shock absorbance rating.

## **11 VAC 10-140-210. Interference.**

During a race, no jockey shall willfully strike, strike at or touch another jockey or another jockey's horse or equipment, or jostle another horse to interfere with that jockey or horse.

VA.R. Doc. No. R07-171; Filed March 14, 2007; 3:45 p.m.

## **Proposed Regulation**

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

**Title of Regulation:** **11 VAC 10-150. Harness Racing (adding 11 VAC 10-150-12 and 11 VAC 10-150-15).**

**Statutory Authority:** § 59.1-369 of the Code of Virginia.

**Public Hearing Date:** N/A -- Public comments may be submitted until 5 p.m. on April 24, 2007.

**Agency 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, or email david.lermond@vrc.virginia.gov.

### **Summary:**

*The proposed amendments add requirements for the use of safety equipment for the drivers of Standardbred horses. The use of the specified equipment will be required whether drivers are driving in an actual race or exercising a horse in the morning.*

*The specifications for the safety equipment were taken from the Model Rules of Racing, which were written by the Association of Racing Commissioners International.*

## **11 VAC 10-150-12. Safety helmets.**

A protective helmet, meeting the 2000 Standard for Protective Headgear (Snell Memorial Foundation), meeting Federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218), or that is ASTM/SEI certified, securely fastened under the chin, must be worn at all times on association grounds when:

1. Racing, parading, or warming up a horse prior to racing; or
2. Jogging, training, or exercising a horse at any time.

**11 VAC 10-150-15. Safety vests.****A. A safety vest shall be worn when:**

1. Racing, parading or warming up a horse prior to racing; or
2. Jogging, training or exercising a horse at any time.

**B. A safety vest shall:**

1. Cover the torso, front and back, from the collar bone to the hip bone;

2. Be of uniform material and thickness over the whole of the vest except for localized:

- a. Variation due to pattern, for example, quilting;
- b. Thinner areas to aid fit, for example, under the arms, at fastenings and at edges; and
- c. Thicker areas in regard to particularly sensitive areas of the body, for example, the spine; and

3. Equal or exceed a minimum shock absorbance rating of five according to the specifications established by the British Equestrian Trade Association (BETA), which are as follows:

a. Use a critical height apparatus to measure the maximum deceleration on impact of a striker consisting of a spherical indentor weighing 5.9 (+/-0.05) kilograms with a diameter of 215 (+/- 2) millimeters,

b. Condition the vest and the striker for a minimum of three hours at 23° (+/-2°) Centigrade,

c. With the vest lying on a smooth, flat massive concrete base with the inside of the vest facing the striker and positioned so that the striker will impact on an area of typical thickness, not reinforced by additional material, raise and release the striker starting at a height of 0.2 meter and increasing the height by increments of 0.2 meter to a height that will result in a deceleration of over 300 gravity units ( $1G=9.81 \text{ ms}^{-1}$ ) as measured by recording the signal from an accelerometer through the impact from the time before the striker impacts the vest until the accelerometer returns to the same level as before the impact,

d. Record the gravity units measured at each height increment on a line graph that has the gravity units in ascending order as the vertical axis and the release height in meters in ascending meters as the horizontal axis,

e. Plot the height in meters at which the deceleration reached 300 gravity units, and

f. Multiply the height obtained in subdivision 3 e of this subsection by 10 to calculate the shock absorbance rating.

VA.R. Doc. No. R07-172; Filed March 14, 2007, 3:46 p.m.

**TITLE 12. HEALTH****STATE BOARD OF HEALTH****Proposed Regulation**

Title of Regulation: 12 VAC 5-421. Food Regulations (amending 12 VAC 5-421-10, 12 VAC 5-421-90, 12 VAC 5-421-100, 12 VAC 5-421-120, 12 VAC 5-421-140, 12 VAC 5-421-160 through 12 VAC 5-421-200, 12 VAC 5-421-230, 12 VAC 5-421-250, 12 VAC 5-421-270, 12 VAC 5-421-300, 12 VAC 5-421-330 through 12 VAC 5-421-360, 12 VAC 5-421-430 through 12 VAC 5-421-460, 12 VAC 5-421-500, 12 VAC 5-421-530, 12 VAC 5-421-550 through 12 VAC 5-421-600, 12 VAC 5-421-620, 12 VAC 5-421-670, 12 VAC 5-421-680, 12 VAC 5-421-700, 12 VAC 5-421-720, 12 VAC 5-421-760, 12 VAC 5-421-780, 12 VAC 5-421-790, 12 VAC 5-421-800, 12 VAC 5-421-820 through 12 VAC 5-421-930, 12 VAC 5-421-950, 12 VAC 5-421-960, 12 VAC 5-421-970, 12 VAC 5-421-990 through 1040, 12 VAC 5-421-1090, 12 VAC 5-421-1120, 12 VAC 5-421-1200, 12 VAC 5-421-1260, 12 VAC 5-421-1270, 12 VAC 5-421-1300 through 12 VAC 5-421-1370, 12 VAC 5-421-1460, 12 VAC 5-421-1510 through 12 VAC 5-421-1540, 12 VAC 5-421-1620, 12 VAC 5-421-1640, 12 VAC 5-421-1660 through 12 VAC 5-421-1730, 12 VAC 5-421-1750, 12 VAC 5-421-1760, 12 VAC 5-421-1780, 12 VAC 5-421-1810, 12 VAC 5-421-1820, 12 VAC 5-421-1880, 12 VAC 5-421-1890, 12 VAC 5-421-1960, 12 VAC 5-421-2010, 12 VAC 5-421-2080, 12 VAC 5-421-2190, 12 VAC 5-421-2200, 12 VAC 5-421-2270, 12 VAC 5-421-2310, 12 VAC 5-421-2320, 12 VAC 5-421-2520, 12 VAC 5-421-2630, 12 VAC 5-421-2680, 12 VAC 5-421-2710, 12 VAC 5-421-2790, 12 VAC 5-421-2810, 12 VAC 5-421-2820, 12 VAC 5-421-2840, 12 VAC 5-421-2850, 12 VAC 5-421-2870, 12 VAC 5-421-2880, 12 VAC 5-421-2930, 12 VAC 5-421-2990, 12 VAC 5-421-3040, 12 VAC 5-421-3120, 12 VAC 5-421-3200, 12 VAC 5-421-3210, 12 VAC 5-421-3230, 12 VAC 5-421-3310, 12 VAC 5-421-3370, 12 VAC 5-421-3450, 12 VAC 5-421-3510, 12 VAC 5-421-3620, 12 VAC 5-421-3660, 12 VAC 5-421-3750, 12 VAC 5-421-3760, 12 VAC 5-421-4050, 12 VAC 5-421-4070; adding 12 VAC 5-421-295, 12 VAC 5-421-765, 12 VAC 5-421-3815 and 12 VAC 5-421-4035).

Statutory Authority: §§ 35.1-11 and 35.1-14 of the Code of Virginia.

Public Hearing Dates:

- May 15, 2007 - 7 p.m. (Roanoke)
- May 17, 2007 - 7 p.m. (Mount Rogers)
- May 22, 2007 - 7 p.m. (Prince William)
- May 23, 2007 - 7 p.m. (Central Shenandoah)
- May 29, 2007 - 7 p.m. (Henrico)
- June 12, 2007 - 7 p.m. (Virginia Beach)

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# Regulations

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Public comments may be submitted until June 15, 2007.  
(See Calendar of Events section  
for additional information)

**Agency Contact:** Gary Hagy, Director, Food and General Environmental Services, 109 Governor Street, 5th Floor, Richmond, VA 23219, telephone (804) 864-7455, FAX (804) 864-7475, or email gary.hagy@vdh.virginia.gov.

**Basis:** Section 35.1-11 of the Code of Virginia authorizes the board to make, adopt, promulgate, and enforce regulations necessary to carry out the provisions of Title 35.1 of the Code of Virginia and to protect the public health and safety. In promulgating regulations, the board shall consider the accepted standards of health including the use of precautions to prevent the transmission of communicable diseases, hygiene, sanitation, safety, and physical plant management.

Section 35.1-14 C of the Code of Virginia authorizes the board to adopt any edition of the Food and Drug Administration's Food Code, or supplement thereto, or any portion thereof, as regulations, with any amendments as it deems appropriate. In addition, the board may repeal or amend any regulation adopted pursuant to this subsection.

**Purpose:** The purpose of the regulations is to ensure that the dining public is protected by establishing minimum sanitary standards for restaurants. The regulations provided minimum standards for the source of foods in restaurants, the safe handling, storage, preparation and serving of food, personnel hygiene of the employees, precautions to prevent the transmission of diseases communicable through food, and the general sanitation of the facility. When followed, these minimum standards will protect the public's health, safety and welfare.

**Substance:** The proposed amendments modify the current Food Regulations to be consistent with the 2003 Supplement to the 2001 FDA Food Code. The FDA Food Code is reviewed every other year at the Conference for Food Protection. The conference is attended by regulators from all 50 states and Puerto Rico, academia from across the nation, food processors, food distributors, food scientists, food service establishments and other interested parties. Recommendations resulting from the conference are forwarded to the FDA for consideration in the next version of the Food Code, which is modified every four years with a supplement, if necessary, issued two years after the Food Code's issuance. The FDA Food Code represents the most current standards based on current food science and technology.

Most of the proposed changes are intended to increase clarity of the regulations, but some changes reflect current food science and safety knowledge. This update is the first to VDH's current Food Regulations since they became effective on March 1, 2002. The current regulations are based on the 1999 FDA Food Code and were reviewed and compared to

the 2003 supplement to the 2001 FDA Food Code by a committee comprised of VDH staff, academia, VDACS and members of the Virginia Hospitality and Travel Association (the parent association over the Virginia Restaurant Association). The committee was in agreement the regulations should be updated to the 2003 supplement.

The two major changes to the regulations are the addition of a consumer advisory requirement and the reduction of the hot holding temperature for potentially hazardous foods from 140°F to 135°F. The consumer advisory requirement will require restaurants to advise customers, through either statements on the menu or signs in the establishments, of the risks involved in eating raw or partially cooked foods of animal origin. The reduction in the hot holding temperature is supported by food science data indicating pathogenic bacterial associated with various foodborne illnesses do not multiply rapidly at temperatures of 135°F or higher.

**Issues:** The primary advantage of the regulations to the public is that they establish modern science-based standards that have broad support in the food service and food regulatory communities. The revisions will also make the regulations more understandable. The primary advantage to the agency is the regulations will be based on current food science. The primary advantage to the regulated community, particularly chains that operate in other states, will be better consistency between states as more adopt the FDA Food Code. There will be no disadvantages to the public or the Commonwealth with the adoption of these regulations.

## Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. The Board of Health (board) proposes to amend the existing Food Regulations to make them consistent with the 2003 supplement to the 2001 FDA<sup>1</sup> Food Code. Changes include:

1. Restaurants will be required to advise customers of the risks involved in eating raw or partially cooked foods of animal origin.
2. The required hot holding temperature for potentially hazardous foods<sup>2</sup> will be reduced from 140 °F to 135 °F.
3. A temperature measuring device suitable for measuring temperature of thin masses will be required for measuring temperatures in thin foods.
4. The table of cooking temperature and holding time for some raw animal foods (whole beef roasts and corned beef

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<sup>1</sup> FDA: U.S. Food and Drug Administration

<sup>2</sup> According to 12 VAC 5-421-10, "potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting: (i) the rapid and progressive growth of infectious or toxigenic microorganisms, (ii) the growth and toxin production of *Clostridium botulinum*, or (iii) in raw shell eggs, the growth of *Salmonella enteritidis*.

roasts, pork roasts, and cured pork roasts such as ham) is revised to provide more alternative cooking temperatures.

5. Changes are proposed that involve rewording of the regulations and incorporating what has been in practice for many years into the regulations.

**Results of Analysis.** There is insufficient data to accurately compare the magnitude of the benefits versus the costs. Detailed analysis of the benefits and costs can be found in the next section.

**Estimated Economic Impact.** The Food Regulations (12 VAC 5-421) address minimum sanitary standards for operating restaurants in the Commonwealth of Virginia. The current Food Regulations became effective on March 1, 2002, and are based on the 1999 FDA Food Code. The board proposes to amend the Food Regulations to make them consistent with the 2003 supplement to the 2001 FDA Food Code. The proposed regulations will provide minimum sanitary standards that reflect current food science and safety knowledge and will better protect the health and safety of the public.

One of the major proposed changes is the addition of a consumer advisory requirement. Restaurants will be required to advise customers, through either statements on the menu or sign in the establishments, of the risks involved in eating raw or partially cooked foods of animal origin. This requirement will keep consumers informed of the potential risk and help them make appropriate decisions. According to the Department of Health (VDH), most national chain restaurants already have statements such as these on their menus. There may be some small costs to some small restaurants that will have to either revise their menus or post signs to advise consumers of the hazards of consuming raw or partially cooked animal products.

Another proposed change is that the required hot holding temperature for potentially hazardous foods will be reduced from 140°F to 135°F. The reduction in the hot holding temperature is supported by food science data indicating that pathogenic bacteria associated with various foodborne illnesses do not multiply rapidly at temperatures of 135°F or higher. This proposed change will benefit all restaurants with reduced energy costs and potential savings from equipment replacement, while maintaining the safety of the food.

The proposed regulations require that a temperature measuring device with a suitable small-diameter probe that is designed to measure the temperature of thin masses be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish fillets. This requirement will make sure that the temperature is taken accurately for thin foods to ensure food safety. According to VDH, many of the national chains already use thermocouples that have very thin probes with tip sensors and instant read. And restaurants whose present thermometers are capable of

taking temperatures of any thin foods they prepare will not have to purchase additional temperature measuring devices. VDH estimates that approximately 1,000 to 2,000 restaurants may need to purchase a new temperature measuring device capable of measuring the temperature in thin foods, which costs \$20 to \$200 each. Thus the total estimated costs for this proposed regulatory change may range from \$20,000 to \$400,000 statewide.

The table of cooking temperature and holding time for some animal foods (whole beef roasts and corned beef roasts, pork roasts, and cured pork roasts such as ham) in 12 VAC 5-421-700 is revised to provide more alternative cooking temperatures. Currently the table lists the holding time needed for temperatures between 130°F to 158°F with 2°F increment. The new table will list the holding time for each temperature between 130°F to 158°F. This change will likely have a small positive impact on the restaurants with more flexibility and less confusion.

The board also makes changes to the Food Regulations that involve rewording and restructuring of the regulations to make them easier to understand. Some changes place into the regulation what has been the practice in the restaurant industry for many years and as such will have no economic impact. For example, the proposed regulations allow the use of copper and copper alloys in contact with apple butter and molasses ingredients that have a pH below 6 in the preparation of these items provided the contact time is less than 24 hours. According to VDH, the added language has been policy for more than two years and has been a standard practice in Southwest Virginia at festivals for many years. Therefore, this proposed change will likely not have any economic impact.

In summary, the proposed regulations will provide the necessary guidance to the restaurant industry that is based on the most current sound science available, which will enhance the safety of the food and protect the health and welfare of the public. The proposed reduction of the required hot holding temperature will benefit the restaurants with energy savings as well as potential savings from equipment replacement. There may be some small costs to some small restaurants that will have to either revise their menus or post signs to advise consumers of the hazards of consuming raw or partially cooked animal products. And approximately 1,000 to 2,000 restaurants may need to purchase a new temperature measuring device for measuring the temperature in thin foods that costs \$20 to \$200 each, with a total of \$20,000 to \$400,000 statewide. Since not all of the costs and benefits from the proposed changes are available, it is not known whether total benefit exceeds total cost.

**Businesses and Entities Affected.** The proposed regulations affect the approximately 25,000 restaurants in the Commonwealth as well as their patrons.

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# Regulations

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Localities Particularly Affected. The proposed regulation will not disproportionately affect any specific localities in the Commonwealth.

Projected Impact on Employment. The reduction in the hot holding temperature for potentially hazardous foods from 140°F to 135°F will likely reduce costs to the restaurants, which will commensurately increase their profits and may have a positive impact on the number of people employed. On the other hand, approximately 1,000 to 2,000 restaurants may need to purchase a new temperature measuring device that costs \$20 to \$200 each. Some small restaurants will need to revise their menus or post signs to advise consumers of the hazards of consuming raw or partially cooked animal products. These increased costs will commensurately reduce their profits and may have a small negative impact on their employment.

Effects on the Use and Value of Private Property. Restaurants may incur cost savings due to the reduction in the hot holding temperature for potentially hazardous foods from 140°F to 135°F, which will commensurately increase their profits and may have a positive impact on the use and value of their property. On the other hand, the proposed regulations will cause an increase in cost for restaurants that need to purchase a new temperature measuring device or to provide new advisory to the customers. These increased costs will commensurately reduce their profits and may have a small negative impact on the use and value of their property.

Small Businesses: Costs and Other Effects. All small restaurants will benefit from the reduced hot holding temperature for potentially hazardous foods from 140°F to 135°F with energy savings and potential savings from equipment replacement. Currently there are approximately 25,000 restaurants in the Commonwealth and about 95 to 100 percent of them are small businesses.<sup>3</sup> Also, approximately 1,000 to 2,000 restaurants may need to purchase a new temperature measuring device capable of measuring the temperature in thin foods, which costs approximately \$20 to \$200 each. Most of these restaurants are small businesses. There may be some small costs to some small restaurants that will have to either revise their menus or post signs to advise consumers of the hazards of consuming raw or partially cooked animal products.

The Food Regulations are proposed to be amended to be consistent with the 2003 supplement to the 2001 FDA Food Code. The proposed regulations will provide minimum sanitary standards that reflect current food science and safety knowledge and will better protect the health and safety of the public. There will be no alternative method that will achieve the same benefit while having a smaller adverse impact.

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 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:

Virginia Department of Health concurs substantially with the economic impact analysis conducted by the Department of Planning and Budget.

### Summary:

*The proposed amendments conform the regulation with the 2003 supplement to the 2001 federal Food and Drug Administration's Food Code. The proposed amendments (i) require restaurants to advise customers of the risks involved in eating raw or partially cooked foods of animal origin; (ii) reduce the required hot holding temperature for potentially hazardous foods from 140°F to 135°F; (iii) require a temperature measuring device suitable for measuring temperature of thin masses for measuring temperatures in thin foods; (iv) revise the table of cooking temperature and holding time for some raw animal foods to provide more alternative cooking temperatures; and (v) incorporate provisions that have been in practice for many years.*

### **12 VAC 5-421-10. Definitions.**

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

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<sup>3</sup> Source: VDH.

"Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards that certify individuals. "Accredited program" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, recertification, discipline and grievance procedures; and test development and administration. "Accredited program" does not refer to training functions or educational programs.

"Additive" means either a (i) "food additive" having the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR Part 170 or (ii) "color additive" having the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR Part 170.

"Adulterated" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

"Agent" means a legally authorized representative of the owner.

"Agent of the commissioner" means the district or local health director, unless otherwise stipulated.

"Approved" means acceptable to the department based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

"Approved water supply" means a waterworks which has a valid waterworks operation permit from the department or a nonpublic water supply which is evaluated, tested and if found in reasonable compliance with the construction standards of the Private Well Regulations (12 VAC 5-630) and the bacteriological water quality standards of the Virginia Waterworks Regulations (12 VAC 5-590), accepted and approved by the director or the director's designee.

" $a_w$ " means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol  $a_w$ .

"Bed and breakfast" means a tourist home that serves meals.

"Beverage" means a liquid for drinking, including water.

"Board" means the State Board of Health.

"Bottled drinking water" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption.

"Building official" means a representative of the Department of Housing and Community Development.

"Casing" means a tubular container for sausage products made of either natural or artificial (synthetic) material.

"Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

"CIP" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. CIP does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

"CFR" means Code of Federal Regulations. Citations in these regulations to the CFR refer sequentially to the title, part, and section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.

"Code of Federal Regulations" means the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government which:

1. Is published annually by the U.S. Government Printing Office; and
2. Contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, and EPA rules in 40 CFR.

"Commingle means:

1. To combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or
2. To combine shucked shellfish from containers with different container codes or different shucking dates.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing. "Comminuted" includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

"Commissary" means a catering establishment, restaurant, or any other place in which food, food containers or supplies are kept, handled, prepared, packaged or stored for distribution to satellite operations.

"Commissioner" means the State Health Commissioner, his duly designated officer or his agent.

"Confirmed disease outbreak" means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative organism or chemical and epidemiological analysis implicates the food as the source of the illness.

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"Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

"Corrosion-resistant materials" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

"Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

"Critical item" means a provision of these regulations that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation.

"Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

"Delicatessen" means a store where ready to eat products such as cooked meats, prepared salads, etc. are sold for off-premises consumption.

"Department" means the State Health Department.

"Director" means the district or local health director.

"Disclosure" means a written statement that clearly identifies the animal-derived foods that are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens in their entirety, or items that contain an ingredient that is raw, undercooked, or otherwise being processed to eliminate pathogens.

"Drinking water" means water that meets the requirements water quality standards for bacteria and nitrates of the Virginia Waterworks Regulations (12 VAC 5-590). Drinking water is traditionally known as "potable water." Drinking water includes the term water except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

"Dry storage area" means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single-service items.

"Easily cleanable" means a characteristic of a surface that:

1. Allows effective removal of soil by normal cleaning methods;
2. Is dependent on the material, design, construction, and installation of the surface; and

3. Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

"Easily cleanable" includes a tiered application of the criteria that qualify the surface as easily cleanable as specified above to different situations in which varying degrees of cleanability are required such as:

1. The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or
2. The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

"Easily movable" means:

1. Portable (weighing 30 pounds or less); mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and
2. Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

"Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea.

"Employee" means the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.

"EPA" means the U.S. Environmental Protection Agency.

"Equipment" means an article that is used in the operation of a food establishment. "Equipment" includes, but is not limited to, items such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.

"Exclude" means to prevent a person from working as a food employee or entering a food establishment except for those areas open to the general public.

"°F" means degrees Fahrenheit.

"FDA" means the U.S. Food and Drug Administration.

"Fish" means: fresh or saltwater finfish, crustaceans, and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals; all mollusks, if such animal life is intended for human consumption; and,

includes any edible human food product derived in whole or in part from fish, including fish that has been processed in any manner.

"Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Foodborne disease outbreak" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

"Food-contact surface" means a surface of equipment or a utensil with which food normally comes into contact, or a surface of equipment or a utensil from which food may drain, drip, or splash into a food, or onto a surface normally in contact with food.

"Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

"Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption (i) such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and (ii) that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

"Food establishment" includes (a) an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location; (b) an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food; and (c) a ~~bed and breakfast operation~~ food facility that does not meet the exemption criteria identified in subdivision 6 of this definition or a ~~bed and breakfast operation~~ food facility that meets the exemption requirements but chooses to be regulated under these regulations.

"Food establishment" does not include:

1. An establishment that offers only prepackaged foods that are not potentially hazardous;
2. A produce stand that only offers whole, uncut fresh fruits and vegetables;
3. A food processing plant;
4. A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's

bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;

5. An area where food that is prepared as specified in subdivision 4 above is sold or offered for human consumption;

6. A kitchen in a private home, such as, but not limited to, a family day-care provider or a home for adults, serving 12 or fewer recipients; or a bed-and-breakfast operation that prepares and offers food only to guests if the home is owner occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is, by these regulations, exempt from this chapter; or

7. A private home that receives catered or home-delivered food.

For the purpose of implementing this chapter, the following are also exempt from the definition of a "Food Establishment" in this chapter, as defined in §§ 35.1-25 and 35.1-26 of the Code of Virginia:

1. Boarding houses that do not accommodate transients;
2. Cafeterias operated by industrial plants for employees only;
3. Churches, fraternal, school and social organizations and volunteer fire departments and rescue squads that hold dinners and bazaars not more than one time per week and not in excess of two days duration at which food prepared in homes of members or in the kitchen of the church or organization and is offered for sale to the public;
4. Grocery stores, including the delicatessen that is a part of a grocery store, selling exclusively for off-premises consumption and places manufacturing or selling packaged or canned goods; and
5. Churches that serve meals for their members as a regular part of their religious observance.

"Food processing plant" means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.

"Game animal" means an animal, the products of which are food, that is not classified as: cattle, sheep, swine, goat, horse, mule, or other equine in 9 CFR ~~Subchapter A Mandatory Meat Inspection~~, Part 301; Definitions, as poultry in 9 CFR ~~Subchapter C Mandatory Poultry Products Inspection~~, Part

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381; Poultry Products Inspection Regulations, or as Fish as defined in this section.

"Game animal" includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat and nonaquatic reptiles such as land snakes.

"Game animal" does not include ratites such as ostrich, emu, and rhea.

"General use pesticide" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.

"Grade A standards" means the requirements of the USPHS/FDA "Grade A Pasteurized Milk Ordinance" and "Grade A Condensed and Dry Milk Ordinance" with which certain fluid and dry milk and milk products comply.

~~"Group residence" means a private or public housing corporation or institutional facility that provides living quarters and meals. Group residence includes a domicile for unrelated persons such as a retirement home or a long term health care facility.~~

"HACCP Plan" means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

"Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

"Hermetically sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

~~"Highly susceptible population" means a group of persons who are more likely than other populations people in the general population to experience foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center;~~

1. Immunocompromised; preschool age children, or older adults; and

2. Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

"Hot water" means water at a temperature of ~~110°F~~ 100°F or higher unless otherwise stated.

"Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries, and the nature, severity, and duration of the anticipated injury.

"Injected" means tenderizing a meat with deep penetration or injecting the meat such as with juices which may be referred to as "injecting," "pinning," or "stitch pumping." During injection infectious or toxigenic microorganisms may be introduced from its surface to its interior.

"Juice," when used in the context of food safety, means the aqueous liquid expressed or extracted from one or more fruits or vegetables, puries of the edible portions of one or more fruits or vegetables, or any concentrate of such liquid or ~~purie~~ purée. ~~This definition does not apply to standards of identity. Juice includes juice as a whole beverage, an ingredient of a beverage and a purée as an ingredient of a beverage.~~

"Kitchenware" means food preparation and storage utensils.

"Law" means applicable local, state, and federal statutes, regulations, and ordinances.

"Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

"Meat" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals as specified under 12 VAC 5-421-330 A 3 and 4.

"mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

"Occasional" means not more than one time per week, and not in excess of two days duration.

"Organization" means any one of the following:

1. A volunteer fire department or rescue squad or auxiliary unit thereof which has been recognized in accordance with § 15.2-955 of the Code of Virginia by an ordinance or resolution of the political subdivision where the volunteer fire department or rescue squad is located as being a part of the safety program of such political subdivision;
2. An organization operated exclusively for religious, charitable, community or educational purposes;
3. An association of war veterans or auxiliary units thereof organized in the United States;

4. A fraternal association or corporation operating under the lodge system;
5. A local chamber of commerce; or
6. A nonprofit organization that raises funds by conducting raffles which generate annual gross receipts of less than \$75,000, provided such gross receipts from the raffle, less expenses and prizes, are used exclusively for charitable, educational, religious or community purposes.

"Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant.

"Permit" means a license issued by the regulatory authority that authorizes a person to operate a food establishment.

"Permit holder" means the entity that is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person, and possesses a valid permit to operate a food establishment.

"Person" means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

"Person in charge" means the individual present at a food establishment who is responsible for the operation at the time of inspection.

"Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance. Personal care items include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

"pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

"Physical facilities" means the structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

"Plumbing fixture" means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

"Plumbing system" means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

"Poisonous or toxic materials" means substances that are not intended for ingestion and are included in four categories:

1. Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
2. Pesticides which include substances such as insecticides and rodenticides;
3. Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants, paints, and personal care items that may be deleterious to health; and
4. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

"Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

1. The rapid and progressive growth of infectious or toxigenic microorganisms;
2. The growth and toxin production of *Clostridium botulinum*; or
3. In raw shell eggs, the growth of *Salmonella enteritidis*.

"Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified above in this definition.

Potentially hazardous food does not include:

1. An air-cooled hard-boiled egg with shell intact or a shell egg that is not hard boiled, but has been treated to destroy all viable *Salmonellae*;
2. A food with an  $a_w$  value of 0.85 or less;
3. A food with a pH level of 4.6 or below when measured at 24°C (75°F);
4. A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
5. A food for which a laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, such as a food that has an  $a_w$  and a pH that are above the levels specified in this definition and that may contain a preservative, other barrier to the growth of microorganism,

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or a combination of barriers that inhibit the growth of microorganisms; and

6. A food that does not support the growth of microorganisms as specified above in this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

"Poultry" means any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead, as defined in 9 CFR Part 381, Poultry Products Inspection Regulations, and any migratory waterfowl, game bird, or squab such as pheasant, partridge, quail, grouse, ~~or~~ guineas, or pigeon or squab whether live or dead, as defined in 9 CFR Part 362, Voluntary Poultry Inspection Program Regulations.

"Premises" means the physical facility, its contents, and the contiguous land or property under the control of the permit holder; or the physical facility, its contents, and the land or property which are under the control of the permit holder and may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

"Primal cut" means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank or veal breast.

"Public water system" has the meaning stated in 40 CFR Part 141, National Primary Drinking Water Regulations.

~~"Ready to eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready to eat food includes:~~

- ~~1. Potentially hazardous food that is unpackaged and cooked to the temperature and time required for the specific food under 12 VAC 5-421-700;~~
- ~~2. Raw, washed, cut fruits and vegetables;~~
- ~~3. Whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and~~
- ~~4. Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.~~

"Ready-to-eat food" means food that:

1. Is in a form that is edible without additional preparation to achieve food safety, as specified under 12 VAC 5-421-700 A through C, 12 VAC 5-421-710, or 12 VAC 5-421-730;

2. Is a raw or partially cooked animal food and the consumer is advised as specified under 12 VAC 5-421-700 D 1 and 2; or

3. Is prepared in accordance with a variance that is granted as specified under 12 VAC 5-421-700 D 1 and 2.

Ready-to-eat food may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

"Ready-to-eat food" includes:

1. Raw animal food that is cooked as specified under 12 VAC 5-421-700, or frozen as specified under 12 VAC 5-421-730;

2. Raw fruits and vegetables that are washed as specified under 12 VAC 5-421-510;

3. Fruits and vegetables that are cooked for hot holding as specified under 12 VAC 5-421-720;

4. All potentially hazardous food that is cooked to the temperature and time required for the specific food under 12 VAC 5-421-700 and cooled as specified in 12 VAC 5-421-800;

5. Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present, are removed;

6. Substances derived from plants such as spices, seasonings, and sugar;

7. A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;

8. The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogen: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and

9. Food manufactured according to 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

"Reduced oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding 21% oxygen atmosphere, and a process as specified in this definition that involves a food for which *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form.

"Refuse" means solid waste not carried by water through the sewage system.

"Regulatory authority" means the Virginia Department of Agriculture and Consumer Services, the Virginia Department of Health or their authorized representative having jurisdiction over the food establishment.

"Reminder" means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without being processed to eliminate pathogens.

"Restrict" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, and unwrapped single-service or single-use articles.

"Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR Part 590.

"Restricted use pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 (pesticides classified for restricted use) and that is limited to use by or under the direct supervision of a certified applicator.

"Risk" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

"Safe material" means an article manufactured from or composed of materials that ~~may~~ shall not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food; an additive that is used as specified in § 409 or 706 of the Federal Food, Drug, and Cosmetic Act; or other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

"Sanitization" means the application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of five logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Service animal" means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

"Servicing area" means an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

"Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

"Shellfish control authority" means a state, federal, foreign, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce such as the Virginia Department of Health Bureau of Shellfish Sanitation.

"Shellstock" means raw, in-shell molluscan shellfish.

"Shiga toxin-producing Escherichia coli" means any E. coli capable of producing Shiga toxins (also called verocytotoxins or "Shiga-like" toxins). This includes, but is not limited to, E. coli reported as serotype O157:H7, O157:NM, and O157:H-

"Shucked shellfish" means molluscan shellfish that have one or both shells removed.

"Single-service articles" means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.

"Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded. Single-use articles includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength and cleanability specifications contained in 12 VAC 5-421-960, 12 VAC 5-421-1080, and 12 VAC 5-421-1100 for multiuse utensils.

"Slacking" means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -10°F (-23°C) to 25°F (-4°C) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

"Smooth" means a food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number three stainless steel; a nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

"Substantial compliance" shall mean that details of equipment or structure design or construction and/or food preparation, handling, storage, transportation and/or cleaning procedures will not substantially affect health consideration or performance of the facility or its employees.

"Table-mounted equipment" means equipment that is not easily movable and is designed to be mounted off the floor on a table, counter, or shelf.

"Tableware" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and

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spoons; hollowware including bowls, cups, serving dishes, tumblers; and plates.

"Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

"Temporary food establishment" means a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

"USDA" means the U.S. Department of Agriculture.

"Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single service, or single use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices and probe-type price or identification tags used in contact with food.

"Variance" means a written document issued by the regulatory authority that authorizes a modification or waiver of one or more requirements of this chapter if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

"Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

"Vending machine location" means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage and servicing areas on the premises that are used in conjunction with the vending machines.

"Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

"Whole-muscle, intact beef" means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

## **12 VAC 5-421-90. Exclusions and restrictions.**

A. The person in charge shall exclude a food employee from a food establishment if the food employee is diagnosed with an infectious agent specified in subdivision 1 of 12 VAC 5-421-80;

B. Except as specified under subsection C or D of this section, the person in charge shall restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles in a food establishment if the food employee is:

1. Suffering from a symptom specified in ~~subdivision 2 of 12 VAC 5-421-80~~ subdivision 2 a (1), (2), (3) or (5) or subdivision 2 b, or

2. Not experiencing a symptom of acute gastroenteritis specified in subdivision 2 a of 12 VAC 5-421-80, but has a stool that yields a specimen culture that is positive for *Salmonella typhi*, *Shigella* spp., or *E. coli* O157:H7;

C. If the population served is a highly susceptible population, the person in charge shall exclude a food employee who:

1. Is experiencing a symptom of acute gastrointestinal illness specified in ~~subdivision 2 a of 12 VAC 5-421-80~~ subdivision 2 a (1), (2), (3) or (5) and meets a high-risk condition specified in subdivision 4 of 12 VAC 5-421-80,

2. Is not experiencing a symptom of acute gastroenteritis specified in subdivision 2 a of 12 VAC 5-421-80, but has a stool that yields a specimen culture that is positive for *S. typhi*, *Shigella* spp., or *E. coli* O157:H7,

3. Had a past illness from *S. typhi* within the last three months, or

4. Had a past illness from *Shigella* spp. or *E. coli* O157:H7 within the last month; and

D. For a food employee who is jaundiced:

1. If the onset of jaundice occurred within the last seven calendar days, the person in charge shall exclude the food employee from the food establishment, or

2. If the onset of jaundice occurred more than seven calendar days before, the person in charge shall:

a. Exclude the food employee from a food establishment that serves a highly susceptible population, or

b. Restrict the food employee from activities specified in subdivision 2 of 12 VAC 5-421-90, if the food establishment does not serve a highly susceptible population.

## **12 VAC 5-421-100. Removal of exclusions and restrictions.**

A. The person in charge may remove an exclusion specified under 12 VAC 5-421-90 A if:

1. The person in charge obtains approval from the regulatory authority; and

2. The person excluded as specified under 12 VAC 5-421-90 A provides to the person in charge written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, that specifies that the excluded person may work in an unrestricted capacity in a food establishment, including an establishment that serves a highly susceptible population, because the person is free of

the infectious agent of concern as specified in 12 VAC 5-421-4070.

B. The person in charge may remove a restriction specified under:

1. 12 VAC 5-421-90 B 1 if the restricted person:

a. Is free of the symptoms specified under ~~subdivision 2 of~~ 12 VAC 5-421-80 subdivision 2 a (1), (2), (3) or (5) and no foodborne illness occurs that may have been caused by the restricted person;

b. Is suspected of causing foodborne illness but (i) is free of the symptoms specified under ~~subdivision 2 of~~ 12 VAC 5-421-80 subdivision 2 a (1), (2), (3) or (5) and (ii) provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness, as specified in 12 VAC 5-421-4070; or

c. Provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis; or

2. 12 VAC 5-421-90 B 2 if the restricted person provides written medical documentation from a physician, licensed to practice medicine, or, if allowed by law, a nurse practitioner or physician assistant, according to the criteria specified in 12 VAC 5-421-4070 that indicates the stools are free of Salmonella typhi, Shigella spp., or E. coli O157:H7, whichever is the infectious agent of concern.

C. The person in charge may remove an exclusion specified under 12 VAC 5-421-90 C if the excluded person provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant:

1. That specifies that the person is free of: ~~a. The the~~ the infectious agent of concern as specified in 12 VAC 5-421-4070, or,

~~b. Jaundice as specified under 12 VAC 5-421-100 D if hepatitis A virus is the infectious agent of concern; or~~

2. If the person is excluded under 12 VAC 5-421-90 C 1, that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

D. The person in charge may remove an exclusion specified under 12 VAC 5-421-90 D 1 and 12 VAC 5-421-90 D 2 a and a restriction specified in 12 VAC 5-421-90 D 2 b if:

1. No foodborne illness occurs that may have been caused by the excluded or restricted person and the person provides written medical documentation from a physician licensed to practice medicine stating that specifies that the person is free of hepatitis A virus as specified in subdivision 4 a of 12 VAC 5-421-4070; or

2. The excluded or restricted person is suspected of causing foodborne illness and complies with subdivision 4 a and 4 b of 12 VAC 5-421-4070.

**12 VAC 5-421-120. Reporting by the person in charge.**

The person in charge shall notify the regulatory authority that a food employee is diagnosed with, an illness due to Salmonella typhi, Shigella spp., Shiga toxin-producing Escherichia coli O157:H7, or hepatitis A virus.

**12 VAC 5-421-140. Cleaning procedure of hands and arms.**

A. Except as specified in subsection B of this section, food employees shall clean their hands and exposed portions of their arms ~~with a cleaning compound in a lavatory that is equipped as specified under 12 VAC 5-421-2190 A~~ by vigorously rubbing together the surfaces of their lathered hands and arms for at least 20 seconds and thoroughly rinsing with clean, running water. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers (or surrogate prosthetic devices for hands or arms) for at least 20 seconds, using a cleaning compound in a lavatory that is equipped as specified under 12 VAC 5-421-2190 A.

B. Food employees shall use the following cleaning procedure:

1. Vigorous friction on the surfaces of the lathered fingers, finger tips, areas between the fingers, hands and arms (or by vigorously rubbing the surrogate prosthetic devices for hands or arms) for at least 10 to 15 seconds, followed by thorough rinsing under clean, running warm water; and

2. Immediately follow the cleaning procedure, thorough drying of cleaned hands and arms (or surrogate prosthetic devices) using a method as specified under 12 VAC 5-421-3030.

C. Food employees shall pay particular attention to the areas underneath the fingernails during the cleaning procedure.

~~B. D.~~ If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands.

**12 VAC 5-421-160. When to wash.**

Food employees shall clean their hands and exposed portions of their arms as specified under 12 VAC 5-421-140 immediately before engaging in food preparation including

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working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

1. After touching bare human body parts or hair other than clean hands and clean, exposed portions of arms;
2. After using the toilet room;
3. After caring for or handling support animals as allowed under 12 VAC 5-421-250 B;
4. Except as specified in 12 VAC 5-421-220 B, after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
5. After handling soiled equipment or utensils;
6. During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
7. When switching between working with raw foods and working with ready-to-eat foods;
8. ~~Prior to~~ Before donning ~~single-use~~ gloves if ~~gloves are used for working with foods~~; and
9. After engaging in other activities that contaminate the hands.

## 12 VAC 5-421-170. Where to wash.

Food employees shall clean their hands in a handwashing lavatory or approved automatic handwashing facility and ~~may~~ shall not clean their hands in a sink used for food preparation or utensil washing.

## 12 VAC 5-421-180. Hand sanitizers

A. A hand sanitizer and a chemical hand sanitizing solution used as a hand dip shall:

1. Comply with one of the following:
  - a. Be an FDA approved drug based on safety and effectiveness; or
  - b. Have active antimicrobial ingredients that are approved by FDA as an OTC (over-the-counter) health-care antiseptic drug product that is safe and effective for application to human skin as an antiseptic handwash; and
2. ~~Comply with one of the following:~~ Consist of components that are:
  - a. Listed for such use in contact with food in 21 CFR Part 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizer;
  - a. ~~Have components that are exempted from the requirement of being listed in federal Food Additive regulations as specified in b. Exempt from regulation as food additives under 21 CFR 170.39-Threshold of regulation for substances used in food-contact articles;~~ or

b. ~~Comply with and be listed in:~~

~~(1) 21 CFR Part 178 Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as a food additive with condition of safe use; or~~

~~(2) 21 CFR Part 182 Substances Generally Recognized as Safe, 21 CFR Part 184 Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR Part 186 Indirect Food Substances Affirmed as Generally Recognized as Safe for Use in Contact with Food; and~~

c. Generally recognized as safe (GRAS) for the intended use in contact with food within the meaning of the Federal Food, Drug and Cosmetic Act (FFDCA); or

d. Permitted for such use by an effective Food Contact Substance Notification as defined by paragraph 409(h) of the FFDCA and listed in the FDA's Inventory of Effective Premarket Notifications for Food Contact Substances; and

3. Be applied only to hands that are cleaned as specified under 12 VAC 5-421-140.

B. If a hand sanitizer or a chemical hand sanitizing solution used as a hand dip does not meet the criteria specified under subdivision A 2 of this section, use shall be:

1. Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or
2. Limited to situations that involve no direct contact with food by the bare hands.

C. A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to 100 ppm(mg/l) chlorine or above.

## 12 VAC 5-421-190. Maintenance of fingernails.

Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough. ~~While preparing food, food employees may not wear artificial fingernails or fingernail decorations other than nail polish.~~ Unless wearing intact gloves in good repair, a food employee shall not wear fingernail polish or artificial nails when working with exposed food.

## 12 VAC 5-421-200. Prohibition of jewelry.

While preparing food, food employees ~~may~~ shall not wear jewelry on their arms and hands. This section does not apply to a plain ring such as a wedding band.

## 12 VAC 5-421-230. Discharges from the eyes, nose, and mouth.

Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or

mouth ~~may~~ shall not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.

**12 VAC 5-421-250. Handling of animals prohibited.**

A. Except as specified in subsection B of this section, food employees ~~may~~ shall not care for or handle animals that may be present such as patrol dogs, support animals, or pets that are allowed under 12 VAC 5-421-3310 B 2 through 4.

B. Food employees with support animals may handle or care for their support animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under 12 VAC 5-421-130 B and 12 VAC 5-421-160 C.

**12 VAC 5-421-270. Compliance with food law.**

A. Food shall be obtained from sources that comply with law.

B. Food prepared in a private home ~~may~~ shall not be used or offered for human consumption in a food establishment unless the home kitchen is inspected and approved by the Virginia Department of Agriculture and Consumer Services.

C. Packaged food shall be labeled as specified in law, including 21 CFR Part 101, Food Labeling; 9 CFR Part 317, Labeling, Marking Devices, and Containers; and 9 CFR Part 381, Subpart N-Labeling and Containers; and as specified under 12 VAC 5-421-400 and 12 VAC 5-421-410.

D. Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified under 12 VAC 5-421-700 D 1 may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified under 12 VAC 5-421-730, or frozen on the premises as specified under 12 VAC 5-421-730, and records are retained as specified under 12 VAC 5-421-740.

E. Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in 12 VAC 5-421-700 C shall be:

1. Obtained from a food processing plant that, upon request by the purchaser, packages the steaks and labels them to indicate that they meet the definition of whole-muscle, intact beef; or

2. Deemed acceptable by the regulatory authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef; and

3. If individually cut in a food establishment:

a. Cut from whole-muscle intact beef that is labeled by a food processing plant ~~to indicate that the beef meets the definition of whole muscle, intact beef as specified in subdivision 1 of this subsection or identified as specified in subdivision 2 of this subsection;~~

b. Prepared so they remain intact; and

c. If packaged for undercooking in a food establishment, labeled to indicate that they meet the definition of whole-muscle, intact beef.

F. Meat and poultry that are not a ready-to-eat food and are in a packaged form when offered for sale or otherwise offered for consumption shall be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

G. Shell eggs that have not been specifically treated to destroy all viable Salmonellae shall be labeled to include safe handling instructions as specified in law, including 21 CFR 101.17(h).

**12 VAC 5-421-295. Juice treated.**

Prepackaged juice shall:

1. Be obtained from a processor with a HACCP system as specified in 21 CFR Part 120;

2. Be obtained pasteurized or otherwise treated to attain a five-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR 120.24; or

3. Bear a warning label as specified in 21 CFR 101.17(g).

**12 VAC 5-421-300. Fish.**

A. Fish that are received for sale or service shall be:

- 1. Commercially and legally caught or harvested; or
- 2. Approved for sale or service by a regulatory authority.

B. Molluscan shellfish that are recreationally caught ~~may~~ shall not be received for sale or service.

**12 VAC 5-421-330. Game animals.**

A. If game animals are received for sale or service they shall be:

- 1. Commercially raised for food and:
  - a. Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction, or
  - b. Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction, and
  - c. Raised, slaughtered, and processed according to:
    - (1) Laws governing meat and poultry as determined by the agency, and
    - (2) Requirements that are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of

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factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee;

2. Under a voluntary inspection program administered by the USDA for game animals such as exotic animals including animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are "inspected and approved" in accordance with 9 CFR Part 352, Exotic Animals; Voluntary Exotic Animal Program Inspection, or rabbits that are "inspected and certified" in accordance with 9 CFR Part 354, Rabbit Inspection Program Voluntary Inspection of Rabbits and Edible Products Thereof;

3. As allowed by law, wild game animals that are live-caught are:

a. Under a routine inspection program conducted by a regulatory agency such as the agency that has animal health jurisdiction,

b. Slaughtered and processed according to:

(1) Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and

(2) Requirements that are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee; or

4. As allowed by law for field-dressed wild game animals under a routine inspection program that ensures the animals:

a. Receive a postmortem examination by an approved veterinarian or veterinarian's designee, or are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and

b. Are processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.

B. A game animal ~~may shall~~ not be received for sale or service if it is a species of wildlife that is listed in 50 CFR Part 17, Endangered and Threatened Wildlife and Plants.

## 12 VAC 5-421-340. Temperature.

A. Except as specified in subsection B of this section, refrigerated, potentially hazardous food shall be at a temperature of 41°F (5°C) or below when received.

B. If a temperature other than 41°F (5°C) for a potentially hazardous food is specified in law governing its distribution, such as laws governing milk, molluscan shellfish, and shell eggs, the food may be received at the specified temperature.

~~C. Raw shell eggs shall be received in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.~~

~~C. D.~~ Potentially hazardous food that is cooked to a temperature and for a time specified under 12 VAC 5-421-700 through 12 VAC 5-421-720 and received hot shall be at a temperature of ~~140°F (60°C)~~ 135° (57°C) or above.

~~D. E.~~ A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.

~~E. F.~~ Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

## 12 VAC 5-421-350. Additives.

Food ~~may shall~~ not contain unapproved food additives or additives that exceed amounts allowed in 21 CFR Parts 170-180 relating to food additives; generally recognized as safe or prior sanctioned substances that exceed amounts allowed in 21 CFR Parts 181-186; substances that exceed amounts specified in 9 CFR ~~318.7~~ 424.21(b), Subpart C, Approval of Substances for Use in the Preparation of Products; or pesticide residues that exceed provisions specified in 40 CFR Part 185, Tolerances for Pesticides in Food.

## 12 VAC 5-421-360. Shell eggs.

Shell eggs shall be received clean and sound and ~~may shall~~ not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in 7 CFR Part 56-Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs, and 7 CFR Part 59-Regulations Governing the Inspection of Eggs and Egg Products.

## 12 VAC 5-421-430. Molluscan shellfish; original container.

A. Except as specified in subsections B and C of this section, molluscan shellfish ~~may shall~~ not be removed from the container in which they were received other than immediately before sale or preparation for service.

B. ~~Shellstock~~ For display purposes, shellstock may be removed from the container in which they ~~were are~~ received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:

1. The source of the shellstock on display is identified as specified under 12 VAC 5-421-410 and recorded as specified under 12 VAC 5-421-440; and

2. The shellstock are protected from contamination.

C. Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:

1. The labeling information for the shellfish on display as specified under 12 VAC 5-421-400 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and
2. The shellfish are protected from contamination.

**12 VAC 5-421-440. Shellstock; maintaining identification.**

A. Except as specified under subdivision B 2 of this section, shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.

B. The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for 90 calendar days from the date the container is emptied by:

1. Using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served; and
2. If shellstock are removed from their tagged or labeled container:
  - a. ~~Using only one tagged or labeled container at a time, or~~
  - b. ~~Using more than one tagged or labeled container at a time and obtaining a variance from the regulatory authority as specified in 12 VAC 5-421-3570 based on a HACCP plan that:~~
    - (1) ~~Is submitted by the permit holder and approved by the regulatory authority as specified under 12 VAC 5-421-3580,~~
    - (2) ~~Preserves source identification by using a record keeping system as specified under this subsection, and~~
    - (3) ~~Ensures that shellstock from one tagged or labeled container are not commingled with shellstock from another container before being ordered by the consumer.~~

- a. Preserving source identification by using a recordkeeping system as specified under subdivision 1 of this subsection.
- b. Ensuring that shellstock from one tagged or labeled container are not commingled with shellstock from another container being ordered by the consumer.

**12 VAC 5-421-450. Preventing contamination.**

A. Food employees shall wash their hands as specified under ~~12 VAC 5-421-130-B~~ 12 VAC 5-421-140.

B. Except when washing fruits and vegetables as specified under 12 VAC 5-421-510 or ~~when otherwise approved as specified in subsection C of this section,~~ food employees ~~should~~ shall not contact exposed, ready-to-eat food with their bare hands and ~~should~~ shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.

C. When otherwise approved, food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands.

~~C. D.~~ Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

~~D. A food employee may not use a utensil more than once to taste food that is to be sold or served.~~

**12 VAC 5-421-460. ~~[Reserved]~~ Preventing contamination when tasting.**

A food employee shall not use a utensil more than once to taste food that is to be sold or served.

**12 VAC 5-421-500. Protection from unapproved additives.**

A. As specified in 12 VAC 5-421-350, food shall be protected from contamination that may result from the addition of:

1. Unsafe or unapproved food or color additives; and
2. Unsafe or unapproved levels of approved food and color additives.

B. A food employee ~~may~~ shall not:

1. Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B<sub>1</sub>; or
2. Serve or sell food specified in subdivision 1 of this subsection that is treated with sulfiting agents before receipt by the food establishment, except that grapes need not meet the provisions of this subsection.

**12 VAC 5-421-530. Storage or display of food in contact with water or ice.**

A. Packaged food ~~may~~ shall not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

B. Except as specified in subsections C and D of this section, unpackaged food ~~may~~ shall not be stored in direct contact with undrained ice.

C. Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.

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D. Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

## **12 VAC 5-421-550. In-use utensils, between-use storage.**

During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

1. Except as specified under subdivision 2 of this section, in the food with their handles above the top of the food and the container;
2. In food that is not potentially hazardous with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;
3. On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified under 12 VAC 5-421-1780 and 12 VAC 5-421-1890;
4. In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;
5. In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous; or
6. In a container of water if the water is maintained at a temperature of at least ~~140°F (60°C)~~ 135°F (57°C) and the container is cleaned at a frequency specified under 12 VAC 5-421-1780 D 7.

## **12 VAC 5-421-560. Linens and napkins, use limitation.**

Linens and napkins ~~may~~ shall not be used in contact with food unless they are used to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new customer.

## **12 VAC 5-421-570. Wiping cloths; used for one purpose.**

- A. Cloths that are in use for wiping food spills shall be used for no other purpose.
- B. Cloths used for wiping food spills shall be:
  1. Dry and used for wiping food spills from tableware and carry-out containers; or
  2. Wet and cleaned as specified under 12 VAC 5-421-1920 D, stored in a chemical sanitizer at a concentration specified in 12 VAC 5-421-3380, and used for wiping spills from food-contact and nonfood-contact surfaces of equipment.
- C. Dry or wet cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and

moist cloths used with raw animal foods shall be kept in a separate sanitizing solution.

D. Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of food debris and visible soil.

E. Working containers of sanitizing solutions for storage of in-use wiping cloths may be placed above the floor and used in a manner to prevent contamination of food, equipment, utensils, linens, single-service or single-use articles.

## **12 VAC 5-421-580. Gloves; use limitation.**

A. If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

B. Except as specified in subsection C of this section, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified under 12 VAC 5-421-700 through 12 VAC 5-421-760 such as frozen food or a primal cut of meat.

C. Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.

D. Cloth gloves ~~may~~ shall not be used in direct contact with food unless the food is subsequently cooked as required under 12 VAC 5-421-700 through 12 VAC 5-421-760 such as frozen food or a primal cut of meat.

## **12 VAC 5-421-590. Using clean tableware for second portions and refills.**

A. Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip contact area of the drinking cup or container, food employees ~~may~~ shall not use tableware, including singleservice articles, soiled by the consumer to provide second portions or refills.

B. Except as specified in subsection C of this section, selfservice consumers ~~may~~ shall not be allowed to use soiled tableware, including singleservice articles, to obtain additional food from the display and serving equipment.

C. Cups and glasses may be reused by self-service consumers or food employees if refilling is a contamination-free process as specified under 12 VAC 5-421-1230 A, B, and D.

## **12 VAC 5-421-600. Refilling returnables.**

A. A take-home food container returned to a food establishment ~~may~~ shall not be refilled at a food establishment with a potentially hazardous food.

B. Except as specified in subsection C of this section, a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified under 12 VAC 5-421-1870.

C. Personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under subdivisions 1, 2, and 4 of 12 VAC 5-421-1230.

**12 VAC 5-421-620. Food storage; prohibited areas.**

Food ~~may~~ shall not be stored:

1. In locker rooms;
2. In toilet rooms or their vestibules;
3. In dressing rooms;
4. In garbage rooms;
5. In mechanical rooms;
6. Under sewer lines that are not shielded to intercept potential drips;
7. Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
8. Under open stairwells; or
9. Under other sources of contamination.

**12 VAC 5-421-670. Consumer self-service operations.**

A. Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish ~~may~~ shall not be offered for consumer self-service. This subsection does not apply to:

- ~~consumer~~ 1. Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish, ~~or to~~;
- ~~ready-to-cook~~ 2. Ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or
3. Raw, frozen, shell-on shrimp or lobster.

B. Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.

C. Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.

**12 VAC 5-421-680. Returned food and reservice of food.**

A. Except as specified under subsection B of this section, after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer ~~may~~ shall not be offered as food for human consumption.

B. Except as specified under 12 VAC 5-421-950 D, a container of food that is not potentially hazardous may be transferred from one consumer to another if:

1. The food is dispensed so that it is protected from contamination and the container is closed between uses such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
2. The food, such as crackers, salt or pepper, is in an unopened original package and maintained in sound condition.

**12 VAC 5-421-700. Raw animal foods.**

A. Except as specified in subsections B, C, and D of this section, raw animal foods such as eggs, fish, meat, poultry, and foods containing these raw animal foods shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:

1. 145°F (63°C) or above for 15 seconds for:
  - a. Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service, and
  - b. Except as specified under subdivisions A 2 and 3 and subsection B of this section, fish, meat, and pork including game animals commercially raised for food as specified under 12 VAC 5-421-330 A 1 and game animals under a voluntary inspection program as specified under 12 VAC 5-421-330 A 2;
2. 155°F (68°C) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified under 12 VAC 5-421-330 A 1, and game animals under a voluntary inspection program as specified under 12 VAC 5-421-330 A 2; and raw eggs that are not prepared as specified under subdivision 1 a of this subsection:

| Minimum                |           |
|------------------------|-----------|
| Temperature<br>°F (°C) | Time      |
| 145 (63)               | 3 minutes |
| 150 (66)               | 1 minute  |
| 158 (70)               | <1 second |

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(instantaneous)

3. 165°F (74°C) or above for 15 seconds for poultry, wild game animals as specified under 12 VAC 5-421-330 A 3, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, or poultry.

B. Whole beef roasts and corned beef roasts, pork roasts, and cured pork roasts such as ham shall be cooked:

1. In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature; and

| Oven Type                  | Oven Temperature Based on Roast Weight |                         |
|----------------------------|--|-------------------------|
|                            | Less than 10 lbs (4.5 kg)              | 10 lbs (4.5 kg) or more |
| Still Dry                  | 350°F (177°C) or more                  | 250°F (121°C) or more   |
| Convection                 | 325°F (163°C) or more                  | 250°F (121°C) or more   |
| High Humidity <sup>1</sup> | 250°F (121°C) or less                  | 250°F (121°C) or less   |

<sup>1</sup> Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.

2. As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature.

| Temperature °F (°C) | Time <sup>†</sup> in minutes |          |    |          |   |
|---------------------|------------------------------|----------|----|----------|---|
| 130 (54)            | 121                          | 136 (58) | 32 | 142 (61) | 8 |
| 132 (56)            | 77                           | 138 (59) | 19 | 144 (62) | 5 |
| 134 (57)            | 47                           | 140 (60) | 12 | 145 (63) | 3 |

<sup>†</sup> Holding time may include postoven heat rise.

| Temperature °F (°C) | Time <sup>1</sup> in Minutes | Temperature °F (°C) | Time <sup>1</sup> in Seconds |
|---------------------|------------------------------|---------------------|------------------------------|
| 130 (54.4)          | 112                          | 147 (63.9)          | 134                          |
| 131 (55.0)          | 89                           | 149 (65.0)          | 85                           |
| 133 (56.1)          | 56                           | 151 (66.1)          | 54                           |
| 135 (57.2)          | 36                           | 153 (67.2)          | 34                           |
| 136 (57.8)          | 28                           | 155 (68.3)          | 22                           |
| 138 (58.9)          | 18                           | 157 (69.4)          | 14                           |

|  |    |            |   |
|--|----|------------|---|
| 140 (60.0)   | 12 | 158 (70.0) | 0 |
| 142 (61.1)   | 8  |            |   |
| 144 (62.2)   | 5  |            |   |
| 145 (62.8)   | 4  |            |   |
| <sup>1</sup> Holding time may include postoven heat rise |    |            |   |

C. A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:

1. The food establishment serves a population that is not a highly susceptible population;
2. The steak is labeled, as specified under 12 VAC 5-421-270 E, to indicate that it meets the definition of "whole-muscle, intact beef"; and
3. The steak is cooked on both the top and bottom to a surface temperature of 145°F (63°C) or above and a cooked color change is achieved on all external surfaces.

D. A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare, or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in subsection C of this section, may be served or offered for sale in a ready-to-eat form if:

1. ~~The (i) as specified under 12 VAC 5-421-950 C 1 and 2~~ the food establishment serves a population that is not a highly susceptible population; and (ii) the consumer is informed as specified under 12 VAC 5-421-930 that to ensure its safety, the food should be cooked as specified under subsections A or B of this section; or
2. The regulatory authority grants a variance from subsection A or B of this section as specified in 12 VAC 5-421-3570 based on a HACCP plan that:
  - a. Is submitted by the permit holder and approved as specified under 12 VAC 5-421-3580,
  - b. Documents scientific data or other information that shows that a lesser time and temperature regimen results in a safe food, and
  - c. Verifies that equipment and procedures for food preparation and training of food employees at the food establishment meet the conditions of the variance.

## 12 VAC 5-421-720. Plant food cooking for hot holding.

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of ~~140°F (60°C)~~ 135°F (57°C).

## 12 VAC 5-421-760. Reheating for hot holding.

A. Except as specified under subsections B, C and E of this section, potentially hazardous food that is cooked, cooled, and

reheated for hot holding shall be reheated so that all parts of the food reach at least 165°F (74°C) for 15 seconds.

B. Except as specified under subsection C of this section, potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) and the food is rotated or stirred, covered, and allowed to stand covered two minutes after reheating.

C. Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least ~~140°F (60°C)~~ 135°F (57°C) for hot holding.

D. Reheating for hot holding shall be done rapidly and the time the food is between the temperature specified under subdivision 2 of 12 VAC 5-421-820 and 165°F (74°C) ~~may~~ shall not exceed two hours.

E. Remaining unsliced portions of roasts ~~of beef~~ that are cooked as specified under 12 VAC 5-421-700 B may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under 12 VAC 5-421-700 B.

**12 VAC 5-421-765. Treating juice.**

Juice packaged in a food establishment shall be:

1. Treated under a HACCP plan as specified in subdivisions 2 through 5 of 12 VAC 5-421-3610 to attain a five-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance; or

2. Labeled, if not treated to yield a five-log reduction of the most resistant microorganism of public health significance:

a. As specified under 12 VAC 5-421-900, and

b. As specified in 21 CFR 101.17(g) with the phrase, "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."

**12 VAC 5-421-780. Potentially hazardous food, slacking.**

Frozen potentially hazardous food that is slacked to moderate the temperature shall be held:

1. Under refrigeration that maintains the food temperature at 41°F (5°C) or less, or at 45°F (7°C) or less as specified under ~~subdivision 3 of 12 VAC 5-421-820~~ A 2 b; or

2. At any temperature if the food remains frozen.

**12 VAC 5-421-790. Thawing.**

Except as specified in subdivision 4 of this section, potentially hazardous food shall be thawed:

1. Under refrigeration that maintains the food temperature at 41°F (5°C) or less, or at 45°F (7°C) or less as specified under ~~subdivision 3 of 12 VAC 5-421-820~~ A 2 b; or

2. Completely submerged under running water:

a. At a water temperature of 70°F (21°C) or below,

~~with b.~~ With sufficient water velocity to agitate and float off loose particles in an overflow, and

~~for c.~~ For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41°F (5°C), or 45°F (7°C) as specified under ~~subdivision 3 of 12 VAC 5-421-820~~ A 2 b; or

~~b.~~ d. For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under 12 VAC 5-421-700 A or B to be above 41°F (5°C), or 45°F (7°C) as specified under ~~subdivision 3 of 12 VAC 5-421-820~~ A 2 b, for more than four hours including:

(1) The time the food is exposed to the running water and the time needed for preparation for cooking, or

(2) The time it takes under refrigeration to lower the food temperature to 41°F (5°C), or 45°F (7°C) as specified under ~~subdivision 3 of 12 VAC 5-421-820~~ A 2 b;

3. As part of a cooking process if the food that is frozen is:

a. Cooked as specified under 12 VAC 5-421-700 A or B or 12 VAC 5-421-710, or

b. Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or

4. Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

**12 VAC 5-421-800. Cooling.**

A. Cooked potentially hazardous food shall be cooled:

1. Within two hours, from ~~140°F (60°C)~~ 135°F (57°C) to 70°F (21°C); and

2. Within an additional four hours, from 70°F (21°C) to 41°F (5°C) or less, or to 45°F (7°C) as specified under ~~subdivision 3 of 12 VAC 5-421-820~~ A 2 b.

B. Potentially hazardous food shall be cooled within four hours to 41°F (5°C) or less, or to 45°F (7°C) as specified under ~~subdivision 3 of 12 VAC 5-421-820~~ A 2 b if prepared

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from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

C. Except as specified in subsection D of this section, a potentially hazardous food received in compliance with laws allowing a temperature above 41°F (5°C) during shipment from the supplier as specified in 12 VAC 5-421-340 B, shall be cooled within four hours to) or less as specified under ~~subdivision 3 of 12 VAC 5-421-820~~ A 2 b.

D. ~~Shell eggs need not comply with subsection C of this section if the eggs are placed immediately upon their receipt in refrigerated equipment that is capable of maintaining food at 41°F (5°C) or less or 45°F (7°C) or less as specified under subdivision 3 of 12 VAC 5-421-820. Raw shell eggs shall be received as specified under 12 VAC 5-421-340 C and immediately placed in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.~~

## **12 VAC 5-421-820. Potentially hazardous food; hot and cold holding.**

A. Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under 12 VAC 5-421-850, potentially hazardous food shall be maintained:

1. At ~~140°F (60°C)~~ 135°F (57°C) or above, except that roasts cooked to a temperature and for a time specified under 12 VAC 5-421-700 B or reheated as specified in 12 VAC 5-421-760 E may be held at a temperature of 130°F (54°C) or above; or

2. At a temperature specified in the following:

At a. 41°F (5°C) or less, ~~except as specified under subdivision 3 of this section and 12 VAC 5-421-830, 12 VAC 5-421-840, and 12 VAC 5-421-1310; or~~

~~3. At b.~~ 45°F (7°C) or between 45°F (7°C) and 41°F (5°C) in existing refrigeration equipment that is not capable of maintaining the food at 41°F (5°C) or less if:

~~a. (1) The equipment is in place and in use in the food establishment; and~~

~~b. Within five years of the regulatory authority's adoption of these regulations; (2) By March 1, 2007, the equipment is upgraded or replaced to maintain food at a temperature of 41°F (5°C) or less.~~

B. Shell eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.

## **12 VAC 5-421-830. Ready-to-eat, potentially hazardous food, date marking.**

A. Except as specified in subsection ~~E~~ D of this section, refrigerated, ready-to-eat, potentially hazardous food prepared and held ~~refrigerated for more than 24 hours~~ in a food

~~establishment for more than 24 hours shall be clearly marked at the time of preparation to indicate the date or day by which the food shall be consumed which is, including the day of preparation, on the premises, sold, or discarded based on the temperature and time combinations specified below. The day of preparation shall be counted as day 1.~~

~~1. Seven calendar days or less from the day that the food is prepared, if the food is maintained at 41°F (5°C) or less for a maximum of seven days; or~~

~~2. Four calendar days or less from the day the food is prepared, if the food is maintained at 45°F (7°C) or less as specified under subdivision 3 of 12 VAC 5-421-820 between 41°F (5°C) and 45°F (7°C) for a maximum of four days in existing refrigeration equipment that is not capable of maintaining the food at 41°F (5°C) or less if:~~

~~a. The equipment is in place and in use in the food establishment, and~~

~~b. The equipment is upgraded or replaced by March 1, 2007, to maintain food at a temperature of 41°F (5°C) or less.~~

B. Except as specified in ~~subsection~~ subsections D and E of this section, a refrigerated ready-to-eat, potentially hazardous food prepared in a food establishment and ~~subsequently frozen shall be clearly marked and packaged by a food processing plant shall be clearly marked at the time the original container is opened in a food establishment and if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in subsection A of this section and:~~

~~1. When the food is thawed, to indicate that the food shall be consumed within 24 hours; or The day the original container is opened in the food establishment shall be counted as day 1; and~~

~~2. When the food is placed into the freezer, to indicate the length of time before freezing that the food is held refrigerated and which is, including the day of preparation: The day or date marked by the food establishment shall not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.~~

~~a. Seven calendar days or less from the day of preparation, if the food is maintained at 41°F (5°C) or less; or~~

~~b. Four calendar days or less from the day of preparation, if the food is maintained at 45°F (7°C) or less as specified under subdivision 3 of 12 VAC 5-421-820; and~~

~~3. When the food is removed from the freezer, to indicate the date by which the food shall be consumed which is:~~

a. Seven calendar days or less after the food is removed from the freezer, minus the time before freezing, that the food is held refrigerated if the food is maintained at 41°F (5°C) or less before and after freezing, or

b. Four calendar days or less after the food is removed from the freezer, minus the time before freezing, that the food is held refrigerated if the food is maintained at 45°F (7°C) or less as specified under subdivision 3 of 12 VAC 5-421-820 before and after freezing.

C. Except as specified in subsections E and F of this section, a container of refrigerated, ready to eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked at the time the original container is opened in a food establishment to indicate the date by which the food shall be consumed, which is, including the day the original container is opened: A refrigerated, ready-to-eat potentially hazardous food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine, may be marked as specified in subsection A or B of this section, or by an alternative method acceptable to the regulatory authority.

1. Seven calendar days or less after the original container is opened, if the food is maintained at 41°F (5°C) or less; or

2. Four calendar days or less from the day the original container is opened, if the food is maintained at 45°F (7°C) or less as specified under subdivision 3 of 12 VAC 5-421-820.

D. Except as specified in subsections E and F of this section, a container of refrigerated, ready to eat, potentially hazardous food prepared and packaged by a food processing plant and subsequently opened and frozen in a food establishment shall be clearly marked: Subsections A and B of this section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

1. When the food is thawed, to indicate that the food shall be consumed within 24 hours; or

2. To indicate the time between the opening of the original container and freezing that the food is held refrigerated and which is, including the day of opening the original container:

a. Seven calendar days or less, after opening the original container if the food is maintained at 41°F (5°C) or less, or

b. Four calendar days or less after opening the original container if the food is maintained at 45°F (7°C) or less as specified under subdivision 3 of 12 VAC 5-421-820; and

3. When the food is removed from the freezer, to indicate the date by which the food shall be consumed which is:

a. Seven calendar days, minus the time before freezing, that the food is held refrigerated if the food is maintained at 41°F (5°C) or less before and after freezing, or

b. Four calendar days, minus the time before freezing, that the food is held refrigerated if the food is maintained at 45°F (7°C) or less as specified under subdivision 3 of 12 VAC 5-421-820 before and after freezing.

E. Subsections A through D Subsection B of this section do does not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request the following when the face has been cut, but the remaining portion is whole and intact.

1. Fermented sausages produced in a federally inspected food processing plant that are not labeled "Keep Refrigerated" and that retain the original casing on the product;

2. Shelf stable, dry, fermented sausages; and

3. Shelf stable salt-cured products such as prosciutto and Parma (ham) produced in a federally inspected food processing plant that are not labeled "Keep Refrigerated."

F. Subsections C and D of this section do not apply to whole, unliced portions of a cured and processed product with original casing maintained on the remaining portion, such as bologna, salami, or other sausage in a cellulose casing. A refrigerated, ready-to-eat, potentially hazardous food ingredient or a portion of a refrigerated, ready-to-eat, potentially hazardous food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

**12 VAC 5-421-840. Ready-to-eat, potentially hazardous food; disposition.**

A. A food specified under 12 VAC 5-421-830 A or B shall be discarded if not consumed within it:

1. Seven calendar days from the date of preparation if the food is maintained at 41°F (5°C) or less; or

2. Four calendar days from the date of preparation if the food is maintained at 45°F (7°C) or less as specified under subdivision 3 of 12 VAC 5-421-820.

1. Exceeds either of the temperature and time combinations specified in 12 VAC 5-421-830 A, except time that the product is frozen;

2. Is in a container or package that does not bear a date or day; or

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3. Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in 12 VAC 5-421-830 A.

~~B. A food specified under 12 VAC 5421830 B 1 or D 1 shall be discarded if not consumed within 24 hours after thawing.~~

~~C. A food specified under 12 VAC 5421 830 B 2 and 3 or D 2 and 3 shall be discarded on or before the most recent date marked on the food container or package if the food is not consumed by that date.~~

~~D. A food specified under 12 VAC 5421830 C shall be discarded if not consumed within, including the day of opening the original container:~~

~~1. 7 calendar days after the date that the original package is opened in a food establishment if the food is maintained at 41°F (5°C) or less; or~~

~~2. 4 calendar days after the date that the original package is opened in a food establishment if the food is maintained at 45°F (7°C) or less as specified under subdivision 3 of 12 VAC 5 421 820.~~

~~E. A food specified under 12 VAC 5 421 830 A, B, C, or D shall be discarded if the food is:~~

~~1. Marked with the date specified under 12 VAC 5 421 830 A, B, C, or D and the food is not consumed before the most recent date expires;~~

~~2. In a container or package which does not bear a date or time; or~~

~~3. Inappropriately marked with a date or time that exceeds the date or time specified under 12 VAC 5 421 830 A, B, C, or D.~~

~~F. Refrigerated, ready to eat, potentially hazardous food prepared in a food establishment and dispensed through a vending machine with an automatic shut off control that is activated at a temperature of:~~

~~1. 41°F (5°C) shall be discarded if not sold within seven days; or~~

~~2. 45°F (7°C) shall be discarded if not sold within four days.~~

~~G. A refrigerated, potentially hazardous, ready to eat food ingredient or a portion of a refrigerated, potentially hazardous, ready to eat food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest or first prepared ingredient or portion and shall be discarded as specified under subsections A through F of this section.~~

## 12 VAC 5-421-850. Time as a public health control.

A. Except as specified under subsection B of this section, if time only, rather than time in conjunction with temperature, is

used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:

1. The food shall be marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;

2. The food shall be cooked and served, served if ready-to-eat, or discarded, within four hours from the point in time when the food is removed from temperature control;

3. The food in unmarked containers or packages or marked to exceed a four-hour limit shall be discarded; and

4. Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request, that ensure compliance with:

a. Subdivisions 1, 2 and 3 of this section, and

b. 12 VAC 5-421-800 for food that is prepared, cooked, and refrigerated before time is used as a public health control.

B. In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, ~~may shall~~ not be used as the public health control for raw eggs.

## 12 VAC 5-421-860. Variance requirement.

A food establishment shall obtain a variance from the regulatory authority as specified in 12 VAC 5-421-3570 and 12 VAC 5-421-3580 before ~~(i) smoking food as a method of food preservation rather than as a method of flavor enhancement; (ii) curing food, brewing alcoholic beverages, using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous; (iii) using a reduced oxygen method of packaging food except as specified under 12 VAC 5 421 870 where a barrier to Clostridium botulinum in addition to refrigeration exists; (iv) custom processing animals that are for personal use as food and not for sale or service in a food establishment; or (v) preparing food by another method that is determined by the regulatory authority to require a variance.;~~

1. Smoking food as a method of food preservation rather than as a method of flavor enhancement;

2. Curing food;

3. Using food additives or adding components such as vinegar:

a. As a method of food preservation rather than as a method of flavor enhancement, or

b. To render a food so that it is not potentially hazardous;

4. Packaging food using a reduced oxygen packaging method except as specified under 12 VAC 5-421-870 where a barrier to Clostridium botulinum in addition to refrigeration exists;

5. Operating a molluscan shellfish life-support system display tank used to store and display shellfish that are offered for human consumption;

6. Custom processing animals that are for personal use as food and not for sale or service in a food establishment; or

7. Preparing food by another method that is determined by the regulatory authority to require a variance.

**12 VAC 5-421-870. Reduced oxygen packaging; criteria.**

A. Except for a food establishment that obtains a variance as specified under 12 VAC 5-421-860, a food establishment that packages food using a reduced oxygen packaging method and Clostridium botulinum is identified as a microbiological hazard in the final packaged form shall ensure that there are at least two barriers in place to control the growth and toxin formation of Clostridium botulinum.

B. A food establishment that packages food using a reduced oxygen packaging method and Clostridium botulinum is identified as a microbiological hazard in the final packaged form shall have a HACCP plan that contains the information specified under 12 VAC 5-421-3630 D and that:

1. Identifies the food to be packaged;
2. Limits the food packaged to a food that does not support the growth of Clostridium botulinum because it complies with one of the following:
  - a. Has an  $a_w$  of 0.91 or less,
  - b. Has a pH of 4.6 or less,
  - c. Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in ~~9 CFR 318.7 Approval of substances for use in the preparation of products and 9 CFR 381.147 Restrictions on the use of substances in poultry products~~ 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact package, or
  - d. Is a food with a high level of competing organisms such as raw meat or raw poultry;
3. Specifies methods for maintaining food at 41°F (5°C) or below;
4. Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
  - a. Maintain the food at 41°F (5°C) or below, and
  - b. Discard the food if within 14 calendar days of its packaging it is not served for on-premises consumption,

or consumed if served or sold for off-premises consumption;

5. Limits the refrigerated shelf life to no more than 14 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first;

6. Includes operational procedures that:

- a. Prohibit contacting food with bare hands,
- b. Identify a designated area and the method by which:
  - (1) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and
  - (2) Access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation, and
- c. Delineate cleaning and sanitization procedures for food-contact surfaces; and

7. Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:

- a. Concepts required for a safe operation,
- b. Equipment and facilities, and
- c. Procedures specified under subdivision 6 of this subsection and 12 VAC 5-421-3630 D.

C. Except for fish that is frozen before, during, and after packaging, a food establishment ~~may~~ shall not package fish using a reduced oxygen packaging method.

Article 6.

Food Identity, Presentation, and On-Premises Labeling.  
(Reserved).

~~12 VAC 5-421-880 to 12 VAC 5-421-930. (Reserved.)~~

**12 VAC 5-421-880. Standards of identity.**

Packaged food shall comply with standard of identity requirements in 21 CFR Parts 131-169 and 9 CFR Part 319 - Definitions and Standards of Identity or Composition, and the general requirements in 21 CFR Part 130 - Food Standards: General and 9 CFR Part 319 Subpart A - General.

**12 VAC 5-421-890. Honestly presented.**

A. Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

B. Food or color additives, colored overwraps, or lights shall not be used to misrepresent the true appearance, color, or quality of a food.

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## **12 VAC 5-421-900. Food labels.**

A. Food packaged in a food establishment, shall be labeled as specified in law, including 21 CFR Part 101 - Food Labeling, and 9 CFR Part 317 - Labeling, Marking Devices, and Containers.

B. Label information shall include:

1. The common name of the food, or absent a common name, an adequately descriptive identity statement;
2. If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food;
3. An accurate declaration of the quantity of contents;
4. The name and place of business of the manufacturer, packer, or distributor; and
5. Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(Q)(3)-(5), nutrition labeling as specified in 21 CFR Part 101 - Food Labeling, and 9 CFR Part 317 Subpart B - Nutrition Labeling.
6. For any salmonid fish containing canthaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin.

C. Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:

1. The manufacturer's or processor's label that was provided with the food; or
2. A card, sign, or other method of notification that includes the information specified under subdivisions B 1, 2 and 5 of this section.

D. Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:

1. A health, nutrient content, or other claim is not made;
2. There are no state or local laws requiring labeling; and
3. The food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.

## **12 VAC 5-421-910. Other forms of information.**

A. If required by law, consumer warnings shall be provided.

B. Food establishment or manufacturers' dating information on foods shall not be concealed or altered.

## **12 VAC 5-421-920. (Reserved.)**

### **12 VAC 5-421-930. Consumption of animal foods that are raw, undercooked, or not otherwise processed to eliminate pathogens.**

A. Except as specified in 12 VAC 5-421-700 C and D and under 12 VAC 5-421-950 C, if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the permit holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in subsections B and C of this section, using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

B. Disclosure shall include:

1. A description of the animal-derived foods, such as "oysters on the half shell (raw oysters)," "raw-egg Caesar salad," and "hamburgers (can be cooked to order)," or
2. Identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.

C. Reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states:

1. Regarding the safety of these items, written information is available upon request:
2. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness; or
3. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."

### **12 VAC 5-421-950. Pasteurized foods, prohibited reservice, and prohibited food.**

A. ~~A~~ In a food establishment that serves a highly susceptible population ~~must comply with the requirements specified in this section.~~

~~B. Prepackaged juice or a prepackaged beverage containing juice that bears a warning label as specified in 21 CFR 101.17(g), Food Labeling, may not be served or offered for sale.~~

1. The following criteria apply to juice:

- a. For the purposes of this paragraph only, children who are age nine or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;

b. Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR 101.17(g) Food Labeling, or packaged juice or beverage containing juice, that bears a warning label as specified under subdivision 2 of 12 VAC 5-421-765 shall not be served or offered for sale; and

c. Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP plan that contains the information specified in subdivisions 2 through 5 of 12 VAC 5-421-3630 and as specified under 21 CFR 120.24, Process controls.

~~E. 2.~~ Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:

~~1. a.~~ Foods such as Caesar salad, hollandaise or biarnaise sauce, mayonnaise, and egg-fortified beverages; and

~~2. b.~~ Except as specified in ~~subsection E~~ subdivision 3 of this section, recipes in which more than one egg is broken and the eggs are combined.

~~D. Food in an unopened original package may not be re-served.~~

~~E. 3.~~ The following foods ~~may~~ shall not be served or offered for sale in a ready-to-eat form:

~~1. a.~~ Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare;

~~2. b.~~ A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue; and

~~3. c.~~ Raw seed sprouts.

4. Food employees shall not contact ready-to-eat food as specified in 12 VAC 5-421-450 B.

~~F. 5.~~ Subdivision 2 b of this ~~subsection~~ section does not apply if:

~~1. a.~~ The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under 12 VAC 5-421-700 A 1, and served immediately, such as an omelet, soufflé, or scrambled eggs;

~~2. b.~~ The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or

~~3. c.~~ The preparation of the food is conducted under a HACCP plan that:

~~a. (1)~~ Identifies the food to be prepared,

~~b. (2)~~ Prohibits contacting ready-to-eat food with bare hands,

~~e. (3)~~ Includes specifications and practices that ensure:

~~(+) (a)~~ Salmonella Enteritidis growth is controlled before and after cooking, and

~~(+) (b)~~ Salmonella Enteritidis is destroyed by cooking the eggs according to the temperature and time specified in 12 VAC 5-421-700 A 2;

~~4. d.~~ Contains the information specified under subdivision 4 of 12 VAC 5-421-3630 including procedures that:

~~a. (1)~~ Control cross contamination of ready-to-eat food with raw eggs, and

~~b. (2)~~ Delineate cleaning and sanitization procedures for food-contact surfaces; and

~~5. e.~~ Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

**12 VAC 5-421-960. Multiuse, characteristics.**

Materials that are used in the construction of utensils and food-contact surfaces of equipment ~~may~~ shall not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be:

1. Safe;
2. Durable, corrosion-resistant, and nonabsorbent;
3. Sufficient in weight and thickness to withstand repeated warewashing;
4. Finished to have a smooth, easily cleanable surface; and
5. Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

**12 VAC 5-421-970. Cast iron, use limitation.**

A. Except as specified in subsections B and C of this section, cast iron ~~may~~ shall not be used for utensils or food-contact surfaces of equipment.

B. Cast iron may be used as a surface for cooking.

C. Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

**12 VAC 5-421-990. Copper, use limitation.**

A. Except as specified in ~~subsection~~ subsections B and C of this section, copper and copper alloys such as brass ~~may~~ shall not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

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B. Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

C. Copper and copper alloys may be used in contact with apple butter and molasses ingredients that have a pH below 6 in the preparation of these items provided the contact time is less than 24 hours.

## **12 VAC 5-421-1000. Galvanized metal, use limitation.**

Galvanized metal ~~may~~ shall not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.

## **12 VAC 5-421-1010. Sponges, use limitation.**

Sponges ~~may~~ shall not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

## **12 VAC 5-421-1020. Lead in pewter alloys, use limitation.**

Pewter alloys containing lead in excess of 0.05% ~~may~~ shall not be used as a food-contact surface.

## **12 VAC 5-421-1030. Lead in solder and flux, use limitation.**

Solder and flux containing lead in excess of 0.2% ~~may~~ shall not be used as a food-contact surface.

## **12 VAC 5-421-1040. Wood, use limitation.**

A. Except as specified in subsections B, C, and D of this section, wood and wood wicker ~~may~~ shall not be used as a food-contact surface.

B. Hard maple or an equivalently hard, close-grained wood may be used for:

1. Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and
2. Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230°F (110°C) or above.

C. Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

D. If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

1. Untreated wood containers; or
2. Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800.

## **12 VAC 5-421-1090. Food temperature measuring devices.**

Food temperature measuring devices ~~may~~ shall not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.

## **12 VAC 5-421-1120. "V" threads; use limitation.**

"V" type threads ~~may~~ shall not be used on food-contact surfaces. This section does not apply to hot oil cooking or filtering equipment.

## **12 VAC 5-421-1200. Pressure measuring devices, mechanical warewashing equipment.**

~~A.~~ Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of 1 pounds per square inch (7 kilopascals) or smaller and shall be accurate to  $\pm 2$  pounds per square inch ( $\pm 14$  kilopascals) in the 1525 pounds per square inch (100170 kilopascals) range.

~~B. In lieu of subsection A of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

## **12 VAC 5-421-1260. Beverage tubing, separation.**

Beverage tubing and cold-plate beverage cooling devices ~~may~~ shall not be installed in contact with stored ice. This section does not apply to cold plates that are constructed integrally with an ice storage bin.

## **12 VAC 5-421-1270. Ice units, separation of drains.**

Liquid waste drain lines ~~may~~ shall not pass through an ice machine or ice storage bin.

## **12 VAC 5-421-1300. Molluscan shellfish tanks.**

A. Except as specified under subsection B of this section, molluscan shellfish life support system display tanks ~~may~~ shall not be used to display shellfish that are offered for human consumption.

B. Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the regulatory authority as specified in 12 VAC 5-421-3570 and a HACCP plan that:

1. Is submitted by the permit holder and approved as specified under 12 VAC 5-421-3580; and
2. Ensures that:
  - a. Water used with fish other than molluscan shellfish does not flow into the molluscan tank,

- b. The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and
- c. The identity of the source of the shellstock is retained as specified under 12 VAC 5-421-440.

**12 VAC 5-421-1310. Vending machines, automatic shutoff.**

A. A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food:

- 1. If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain food temperatures as specified under Part III (12 VAC 5-421-260 et seq.) of this chapter; and
- 2. If a condition specified under subdivision 1 of this subsection occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Part III.

B. When the automatic shutoff within a machine vending potentially hazardous food is activated:

- 1. In a refrigerated vending machine, the ambient temperature ~~may~~ shall not exceed 41°F (5°C) or 45°F (7°C) as specified under 12 VAC 5-421-820 for more than 30 minutes immediately after the machine is filled, serviced, or restocked; or
- 2. In a hot holding vending machine, the ambient temperature ~~may~~ shall not be less than ~~140°F (60°C)~~ 135°F (57°C) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

**12 VAC 5-421-1320. Temperature measuring devices.**

A. In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

B. Except as specified in subsection C of this section, cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one integral or affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

C. Subsection B of this section does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.

D. Temperature measuring devices shall be designed to be easily readable.

E. Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record, or digital readout in increments no greater than 2°F or 1°C in the intended range of use. ~~However, this subsection shall not apply to home model dishwashers used in bed and breakfast facilities serving 18 or fewer customers.~~

**12 VAC 5-421-1330. Warewashing machine, data plate operating specifications.**

~~A.~~ A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

- 1. Temperatures required for washing, rinsing, and sanitizing;
- 2. Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and
- 3. Conveyor speed for conveyor machines or cycle time for stationary rack machines.

~~B. In lieu of subsection A of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

**12 VAC 5-421-1340. Warewashing machines, internal baffles.**

~~A.~~ Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

~~B. In lieu of subsection A of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

**12 VAC 5-421-1350. Warewashing machines, temperature measuring devices.**

~~A.~~ A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water:

- 1. In each wash and rinse tank; and
- 2. As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

~~B. In lieu of subsection A of this section, home model dishwashers may be used in lieu of manual cleaning and~~

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~~drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

## **12 VAC 5-421-1360. Manual warewashing equipment, heaters and baskets.**

~~A.~~ If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be:

1. Designed with an integral heating device that is capable of maintaining water at a temperature not less than 171°F (77°C); and
2. Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

~~B. In lieu of subsection A of this section, the manual cleaning and drying of equipment and utensils in bed and breakfast facilities serving 18 or fewer customers shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose.~~

## **12 VAC 5-421-1370. Warewashing machines, sanitizer level indicator automatic dispensing of detergents and sanitizers.**

~~A.~~ A warewashing machine ~~that uses a chemical for sanitization and that is installed after adoption of this chapter by the regulatory authority, shall be equipped with a device that indicates audibly or visually when more chemical sanitizer needs to be added~~ installed after March 1, 2002, shall be equipped to:

1. Automatically dispense detergents and sanitizers; and
2. Incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

~~B. Within five years of the regulatory authority's adoption of these regulations, existing~~ Existing warewashing equipment shall be upgraded or replaced to meet the requirements of subsection A of this section.

~~C. In lieu of subsections A and B of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

## **12 VAC 5-421-1460. Manual warewashing, sink compartment requirements.**

A. Except as specified in subsection C of this section, a sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

B. Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink,

a warewashing machine or alternative equipment as specified in subsection C of this section shall be used.

C. Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:

1. High-pressure detergent sprayers;
2. Low- or line-pressure spray detergent foamers;
3. Other task-specific cleaning equipment;
4. Brushes or other implements;
5. 2-compartment sinks as specified under subsections D and E of this section; or
6. Receptacles that substitute for the compartments of a multicompartment sink.

D. Before a 2-compartment sink is used:

1. The permit holder shall have its use approved; and
2. ~~The nature of warewashing shall be limited~~ permit holder shall limit the number of kitchenware items cleaned and sanitized in the two-compartment sink and shall limit warewashing to batch operations for cleaning kitchenware such as between cutting one type of raw meat and another or cleanup at the end of a shift, and shall:

a. (i) Make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use, and (ii) use a detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and ~~a. A limited number of items shall be cleaned, the cleaning and sanitizing solutions shall be made up immediately before use and drained immediately after use, and a detergent-sanitizer shall be used to sanitize and shall be applied as specified under 12 VAC 5-421-1710; or~~

b. A hot water sanitization immersion step shall be used as specified under 12 VAC 5-421-1860 C.

E. A 2-compartment sink ~~may~~ shall not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

~~F. In lieu of subsections A through E of this section, the manual cleaning and drying of equipment and utensils in bed and breakfast facilities serving 18 or fewer customers shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose.~~

**12 VAC 5-421-1510. Food temperature measuring devices.**

A. Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under Part III (12 VAC 5-421-260 et seq.) of this chapter.

B. A temperature measuring device with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish fillets.

**12 VAC 5-421-1520. Temperature measuring devices, manual warewashing.**

~~A.~~ In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

~~B.~~ ~~In lieu of subsection A of this section, the manual cleaning and drying of equipment and utensils in bed and breakfast facilities serving 18 or fewer customers shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose.~~

**12 VAC 5-421-1530. Sanitizing solutions, testing devices.**

~~A.~~ A test kit or other device that accurately measures the concentration in mg/L (ppm) of sanitizing solutions shall be provided and readily accessible for use.

~~B.~~ ~~In lieu of subsection A of this section, the manual cleaning and drying of equipment and utensils in bed and breakfast facilities serving 18 or fewer customers shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose.~~

**12 VAC 5-421-1540. Equipment, clothes washers and dryers, and storage cabinets, contamination prevention.**

A. Except as specified in subsection B of this section, equipment, cabinets used for the storage of food, or cabinets used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may shall not be located:

1. In locker rooms;
2. In toilet rooms or vestibules;
3. In garbage rooms;
4. In mechanical rooms;
5. Under sewer lines that are not shielded to intercept potential drips;

6. Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;

7. Under open stairwells; or

8. Under other sources of contamination.

B. A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.

C. If a mechanical clothes washer or dryer is provided, it shall be located only where there is no exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; and so that the washer or dryer is protected from contamination.

**12 VAC 5-421-1620. Warewashing sinks, use limitation.**

A. A warewashing sink ~~may shall~~ not be used for handwashing. However, a warewashing sink may be used for handwashing in a bed and breakfast facility serving 18 or fewer customers provided approved dispensers, soap, and single-use paper towels are provided.

B. If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified under 12 VAC 5-421-1600 before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under Article 7 (12 VAC 5-421-1880 et seq.) of this part before and after using the sink to wash produce or thaw food.

**12 VAC 5-421-1640. Warewashing equipment, clean solutions.**

~~A.~~ The wash, rinse, and sanitize solutions shall be maintained clean.

~~B.~~ ~~In lieu of subsection A of this section, the manual cleaning and drying of equipment and utensils in bed and breakfast facilities serving 18 or fewer customers shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose.~~

**12 VAC 5-421-1660. Mechanical warewashing equipment, wash solution temperature.**

A. The temperature of the wash solution in spray type warewashers that use hot water to sanitize ~~may shall~~ not be less than:

1. For a stationary rack, single temperature machine, 165°F (74°C);
2. For a stationary rack, dual temperature machine, 150°F (66°C);
3. For a single tank, conveyor, dual temperature machine, 160°F (71°C); or

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4. For a multitank, conveyor, multitemperature machine, 150°F (66°C).

B. The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize ~~may~~ shall not be less than 120°F (49°C).

~~C. In lieu of subsection B of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

## 12 VAC 5-421-1670. Manual warewashing equipment, hot water sanitization temperatures.

~~A.~~ If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 171°F (77°C) or above.

~~B. In lieu of subsection A of this section, the manual cleaning and drying of equipment and utensils in bed and breakfast facilities serving 18 or fewer customers shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose.~~

## 12 VAC 5-421-1680. Mechanical warewashing equipment, hot water sanitization temperatures.

A. Except as specified in subsection B of this section, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold ~~may~~ shall not be more than 194°F (90°C), or less than:

1. For a stationary rack, single temperature machine, 165°F (74°C); or
2. For all other machines, 180°F (82°C).

B. The maximum temperature specified under subsection A of this section does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

~~C. In lieu of subsection B of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

## 12 VAC 5-421-1690. Mechanical warewashing equipment, sanitization pressure.

~~A.~~ The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine ~~may~~ shall not be less than 15 pounds per square inch (100 kilopascals) or more than 25 pounds per square inch (170 kilopascals) as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

~~B. In lieu of subsection A of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

## 12 VAC 5-421-1700. Manual and mechanical warewashing equipment, chemical sanitization-temperature, pH, concentration, and hardness.

~~A.~~ A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified under 12 VAC 5-421-1900 C shall be listed in 21 CFR 178.1010 Sanitizing solutions, shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows:

1. A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;

| Minimum Concentration<br>mg/L (ppm) | Minimum Temperature      |                         |
|-------------------------------------|--------------------------|-------------------------|
|                                     | pH 10 or less<br>°F (°C) | pH 8 or less<br>°F (°C) |
| 25                                  | 120 (49)                 | 120 (49)                |
| 50                                  | 100 (38)                 | 75 (24)                 |
| 100                                 | 55 (13)                  | 55 (13)                 |

2. An iodine solution shall have a:
  - a. Minimum temperature of 75°F (24°C),
  - b. pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and
  - c. Concentration between 12.5 mg/L (ppm) and 25 mg/L (ppm);
3. A quaternary ammonium compound solution shall:
  - a. Have a minimum temperature of 75°F (24°C),
  - b. Have a concentration as specified under 12 VAC 5-421-3380 and as indicated by the manufacturer's use directions included in the labeling, and
  - c. Be used only in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the manufacturer's label;
4. If another solution of a chemical specified under subdivisions 1, 2 and 3 of this section is used, the permit holder shall demonstrate to the regulatory authority that the solution achieves sanitization and the use of the solution shall be approved; or
5. If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be

applied in accordance with the manufacturer's use directions included in the labeling.

~~B. In lieu of subsection A of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

~~C. In lieu of subsection A of this section, the manual cleaning and drying of equipment and utensils in bed and breakfast facilities serving 18 or fewer customers shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose.~~

**12 VAC 5-421-1710. Manual warewashing equipment, chemical sanitization using detergent-sanitizers.**

A. If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

~~B. In lieu of subsection A of this section, the manual cleaning and drying of equipment and utensils in bed and breakfast facilities serving 18 or fewer customers shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage and use. Drying may be by clean towels used for no other purpose.~~

**12 VAC 5-421-1720. Warewashing equipment, determining chemical sanitizer concentration.**

A. Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.

~~B. In lieu of subsection A of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

**12 VAC 5-421-1730. Good repair and calibration.**

A. Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under Articles 1 (12 VAC 5-421-960 et seq.) and 2 (12 VAC 5-421-1080 et seq.) of this part or shall be discarded.

B. Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.

C. Ambient air temperature, water pressure, and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use. ~~However, this subsection does not apply to home model dishwashers used in bed and breakfast facilities serving 18 or fewer customers.~~

**12 VAC 5-421-1750. Single-service and single-use articles, use limitation.**

A. Single-service and single-use articles ~~may~~ shall not be reused.

B. The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

**12 VAC 5-421-1760. Shells, use limitation.**

Mollusk and crustacea shells ~~may~~ shall not be used more than once as serving containers.

**12 VAC 5-421-1780. Equipment food-contact surfaces and utensils.**

A. Equipment food-contact surfaces and utensils shall be cleaned:

1. Except as specified in subsection B of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
2. Each time there is a change from working with raw foods to working with ready-to-eat foods;
3. Between uses with raw fruits and vegetables and with potentially hazardous food;
4. Before using or storing a food temperature measuring device; and
5. At any time during the operation when contamination may have occurred.

B. Subdivision A 1 of this section does not apply if the food contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified under 12 VAC 5-421-700 than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board.

C. Except as specified in subsection D of this section, if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four hours.

D. Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every four hours if:

1. In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under Part III (12 VAC 5-421-260 et seq.) of this chapter and the containers are cleaned when they are empty;
2. Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the following chart and (i) the utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature; and (ii) the

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cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment:

| Temperature                        | Cleaning Frequency |
|------------------------------------|--------------------|
| 41°F (5.0°C) or less               | 24 hours           |
| >41°F - 45°F<br>(>5.0°C - 7.2°C)   | 20 hours           |
| >45°F - 50°F<br>(>7.2°C - 10.0°C)  | 16 hours           |
| >50°F - 55°F<br>(>10.0°C - 12.8°C) | 10 hours           |

3. Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified under Part III, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every 24 hours;

4. Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under Part III;

5. Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues; ~~or~~

6. The cleaning schedule is approved based on consideration of:

- a. Characteristics of the equipment and its use,
- b. The type of food involved,
- c. The amount of food residue accumulation, and
- d. The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or

7. In-use utensils are intermittently stored in a container of water in which the water is maintained at ~~140°F (60°C)~~ 135°F (57°C) or more and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

E. Except when dry cleaning methods are used as specified under 12 VAC 5-421-1810, surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned:

1. At any time when contamination may have occurred;

2. At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;

3. Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers;

4. Equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, beverage dispensing lines or tubes, coffee bean grinders, and water vending equipment:

- a. At a frequency specified by the manufacturer, or
- b. Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

## 12 VAC 5-421-1810. Dry cleaning.

A. If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.

B. Cleaning equipment used in dry cleaning food-contact surfaces ~~may~~ shall not be used for any other purpose.

## 12 VAC 5-421-1820. Precleaning.

A. Food debris on equipment and utensils shall be scrapped over a waste disposal unit, ~~sewer~~, or garbage receptacle or shall be removed in a warewashing machine with a prewash cycle.

B. If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.

## 12 VAC 5-421-1880. Food-contact surfaces and utensils.

~~A.~~ Equipment food-contact surfaces and utensils shall be sanitized.

~~B. In lieu of subsection A of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

## 12 VAC 5-421-1890. Before use after cleaning.

~~A.~~ Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.

~~B. In lieu of subsection A of this section, home model dishwashers may be used in lieu of manual cleaning and drying of utensils in bed and breakfast facilities serving 18 or fewer customers.~~

## 12 VAC 5-421-1960. Equipment and utensils, air-drying required.

After cleaning and sanitizing, equipment and utensils:

1. Shall be air dried or used after adequate draining as specified in 21 CFR 178.1010 (a) before contact with food; and
2. ~~May~~ shall not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

**12 VAC 5-421-2010. Prohibitions.**

A. Except as specified in subsection B of this section, cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles ~~may~~ shall not be stored:

1. In locker rooms;
2. In toilet rooms or vestibules;
3. In garbage rooms;
4. In mechanical rooms;
5. Under sewer lines that are not shielded to intercept potential drips;
6. Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
7. Under open stairwells; or
8. Under other sources of contamination.

B. Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

**12 VAC 5-421-2080. Quality standards.**

Except as specified under 12 VAC 5-421-2090:

1. Water from a public water system shall meet the applicable standards found in the Virginia Waterworks Regulations (12 VAC 5-590); and
2. Water from a nonpublic water system shall meet ~~state drinking water quality standards~~ the bacteriological and nitrate standards found in the Virginia Waterworks Regulations (12 VAC 5-590).

**12 VAC 5-421-2190. Handwashing lavatory, water temperature, and flow.**

- A. A handwashing lavatory shall be equipped to provide water at a temperature of at least ~~110°F (43°C)~~ 100°F (38°C) through a mixing valve or combination faucet.
- B. A steam mixing valve ~~may~~ shall not be used at a handwashing lavatory.
- C. A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

**12 VAC 5-421-2200. Backflow prevention, air gap.**

An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and ~~may~~ shall not be less than 1 inch (25 mm).

**12 VAC 5-421-2270. (Reserved.) Backflow prevention device, carbonator.**

A. If not provided with an air gap as specified under 12 VAC 5-421-2200, a double check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 1 inch (100 mesh to 25.4mm) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.

B. A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under subsection A of this section.

**12 VAC 5-421-2310. Using a handwashing lavatory.**

- A. A handwashing lavatory shall be maintained so that it is accessible at all times for employee use.
- B. A handwashing lavatory ~~may~~ shall not be used for purposes other than handwashing.

**12 VAC 5-421-2320. Prohibiting a cross connection.**

- A. Except as specified in 9 CFR 308.3(d) for firefighting, a person ~~may~~ shall not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.
- B. The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.

**12 VAC 5-421-2520. Backflow prevention.**

- A. Except as specified in subsections B and C of this section, a direct connection ~~may~~ shall not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.
- B. If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 5 feet (1.5 m) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.
- C. If allowed by law, a warewashing or culinary sink may have a direct connection.

**12 VAC 5-421-2630. Receptacles in vending machines.**

A refuse receptacle ~~may~~ shall not be located within a vending machine, except that a receptacle for beverage bottle crown closures may be located within a vending machine.

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## **12 VAC 5-421-2680. Storage areas, redeeming machines, receptacles and waste handling units, location.**

A. An area designated for refuse, recyclables, returnables, and, except as specified in subsection B of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.

B. A redeeming machine may be located in the packaged food storage area or consumer area of a food establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.

C. The location of receptacles and waste handling units for refuse, recyclables, and returnables ~~may~~ shall not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

## **12 VAC 5-421-2710. Outside storage prohibitions.**

A. Except as specified in subsection B of this section, refuse receptacles not meeting the requirements specified under 12 VAC 5-421-2620 A such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue ~~may~~ shall not be stored outside.

B. Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

## **12 VAC 5-421-2790. Indoor areas; surface characteristics.**

A. Except as specified in subsection B of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

1. Smooth, durable, and easily cleanable for areas where food establishment operations are conducted;
2. Closely woven and easily cleanable carpet for carpeted areas; and
3. Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food establishment servicing areas, and areas subject to flushing or spray cleaning methods.

B. In a temporary food establishment:

1. A floor may be concrete, if graded to drain, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud; and

2. Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.

~~C. In lieu of subsection A of this section, floors, walls, and ceilings in bed and breakfast facilities serving 18 or fewer customers shall be in good repair and kept clean.~~

## **12 VAC 5-421-2810. Floors, walls, and ceilings-cleanability.**

~~A.~~ Except as specified under 12 VAC 5-421-2840, the floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable, except that antislip floor coverings or applications may be used for safety reasons.

~~B. In lieu of subsection A of this section, floors, walls, and ceilings in bed and breakfast facilities serving 18 or fewer customers shall be in good repair and kept clean.~~

## **12 VAC 5-421-2820. Floors, walls, and ceilings, utility lines.**

A. Utility service lines and pipes ~~may~~ shall not be unnecessarily exposed.

B. Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

C. Exposed horizontal utility service lines and pipes ~~may~~ shall not be installed on the floor.

~~D. In lieu of subsections A, B and C of this section, floors, walls, and ceilings in bed and breakfast facilities serving 18 or fewer customers shall be in good repair and kept clean.~~

## **12 VAC 5-421-2840. Floor carpeting, restrictions and installation.**

A. A floor covering such as carpeting or similar material ~~may~~ shall not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

B. If carpeting is installed as a floor covering in areas other than those specified under subsection A of this section, it shall be:

1. Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and
2. Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

~~C. In lieu of subsections A and B of this section, floors, walls, and ceilings in bed and breakfast facilities serving 18 or fewer customers shall be in good repair and kept clean.~~

**12 VAC 5-421-2850. Floor covering, mats and duckboards.**

A. Mats and duckboards shall be designed to be removable and easily cleanable.

~~B. In lieu of subsection A of this section, floors, walls, and ceilings in bed and breakfast facilities serving 18 or fewer customers shall be in good repair and kept clean.~~

**12 VAC 5-421-2870. Walls and ceilings, attachments.**

A. Except as specified in subsection B of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable.

B. In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

~~C. In lieu of subsections A and B of this section, floors, walls, and ceilings in bed and breakfast facilities serving 18 or fewer customers shall be in good repair and kept clean.~~

**12 VAC 5-421-2880. Walls and ceilings, studs, joists, and rafters.**

Studs, joists, and rafters ~~may~~ shall not be exposed in areas subject to moisture. This requirement does not apply to temporary food establishments.

**12 VAC 5-421-2930. Outer openings, protected.**

A. Except as specified in subsections B through E of this section, outer openings of a food establishment shall be protected against the entry of insects and rodents by:

1. Filling or closing holes and other gaps along floors, walls and ceilings;
2. Closed, tight-fitting windows; and
3. Solid self-closing, tight-fitting doors.

B. Subsection A of this section does not apply if a food establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

C. Exterior doors used as exits need not be self-closing if they are:

1. Solid and tight-fitting;

2. Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the food establishment; and

3. Restricted so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

D. Except as specified in subsections B and E of this section, if the windows or doors of a food establishment, or of a larger structure within which a food establishment is located, are kept open for ventilation or other purposes ~~or a temporary food establishment is not provided with windows and doors as specified under subsection A of this section,~~ the openings shall be protected against the entry of insects and rodents by:

1. 16 mesh to 1-inch (16 mesh to 25.4 mm) screens;
2. Properly designed and installed air curtains to control flying insects; or
3. Other effective means.

E. Subsection D of this section does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.

**12 VAC 5-421-2990. Private homes and living or sleeping quarters, use prohibition.**

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters ~~may~~ shall not be used for conducting food establishment operations.

**12 VAC 5-421-3040. Handwashing aids and devices, use restrictions.**

A sink used for food preparation or utensil washing ~~may~~ shall not be provided with the handwashing aids and devices required for a handwashing lavatory as specified under 12 VAC 5-421-3020 and 12 VAC 5-421-3030 and 12 VAC 5-421-2650 C.

**12 VAC 5-421-3120. Handwashing lavatories, conveniently located.**

~~A.~~ Handwashing lavatories shall be conveniently located as specified under 12 VAC 5-421-2280.

~~B. In lieu of subsection A of this section, approved dispensers, soap and single-use paper towels may be made available to accommodate hand washing in bed and breakfast kitchens serving 18 or less customers.~~

**12 VAC 5-421-3200. Cleaning ventilation systems, nuisance and discharge prohibition.**

A. Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

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B. If vented to the outside, ventilation systems ~~may~~ shall not create a public health hazard or nuisance or unlawful discharge.

## **12 VAC 5-421-3210. Cleaning maintenance tools, preventing contamination.**

Food preparation sinks, handwashing lavatories, and warewashing equipment ~~may~~ shall not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

## **12 VAC 5-421-3230. Absorbent materials on floors, use limitation.**

Except as specified in 12 VAC 5-421-3190 B, sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials ~~may~~ shall not be used on floors.

## **12 VAC 5-421-3310. Prohibiting animals.**

A. Except as specified in subsections B and C of this section, live animals ~~may~~ shall not be allowed on the premises of a food establishment.

B. Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result:

1. Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
2. Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
3. In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal;
4. Pets in the common dining areas of ~~group residences~~ institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:
  - a. Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,
  - b. Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and
  - c. Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

5. In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.

C. Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result.

D. In bed and breakfast facilities serving 18 or fewer customers, live animals shall be allowed in the facility but shall not be fed using the same equipment or utensils that are used to feed humans.

## **12 VAC 5-421-3370. Poisonous or toxic material containers.**

A container previously used to store poisonous or toxic materials ~~may~~ shall not be used to store, transport, or dispense food.

## **12 VAC 5-421-3450. Tracking powders, pest control and monitoring.**

A. A tracking powder pesticide ~~may~~ shall not be used in a food establishment.

B. If used, a nontoxic tracking powder such as talcum or flour ~~may~~ shall not contaminate food, equipment, utensils, linens, and single-service and single-use articles.

## **12 VAC 5-421-3510. Public health protection.**

A. The regulatory authority shall apply this regulation to promote its underlying purpose, as specified in 12 VAC 5-421-30, of safeguarding public health and ensuring that food is safe and unadulterated when offered to the consumer.

B. In enforcing the provisions of this regulation, the regulatory authority shall assess existing facilities or equipment that were in use before March 1, 2002, based on the following considerations:

1. Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition;
2. Whether food-contact surfaces comply with 12 VAC 5-421-960 through 12 VAC 5-421-1060;
3. Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with 12 VAC 5-421-1450; and
4. The existence of a documented agreement with the permit holder that the facilities or equipment will be replaced as specified under subdivision 7 of 12 VAC 5-421-3750 ~~G~~ or upgraded or replaced as specified under subdivision 8 of 12 VAC 5-421-3750 ~~H~~.

## **12 VAC 5-421-3620. When a HACCP plan is required.**

A. Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall submit to the

regulatory authority for approval a properly prepared HACCP plan as specified under 12 VAC 5-421-3630 and the relevant provisions of this chapter if:

1. Submission of a HACCP plan is required according to law;
2. A variance is required as specified under 12 VAC 5-421-860, 12 VAC 5-421-1300 B, ~~or 12 VAC 5-421-440 B 2 b~~ or 12 VAC 5-421-700 D 2; or
3. The regulatory authority determines that a food preparation or processing method requires a variance based on a plan submittal specified under 12 VAC 5-421-3610, an inspectional finding, or a variance request.

B. A permit applicant or permit holder shall have a properly prepared HACCP plan as specified under 12 VAC 5-421-870.

### **12 VAC 5-421-3660. Permits.**

A. No person shall own, establish, conduct, maintain, manage, or operate any food establishment in this Commonwealth unless the food establishment is permitted as provided in this section. All permits shall be in the name of the owner or lessee. Permits shall not be issued to newly constructed or extensively remodeled food establishments until a certificate of occupancy has been issued by the Building Official. Only a person who complies with the requirements of this part shall be entitled to receive or retain such a permit.

B. Permits issued shall not be transferable from one person to another or from one location to another. A new owner shall be required to make a written application for a permit. The application forms are obtainable at all local health departments.

C. Any person operating a food establishment with a valid permit who desires to expand or modify the establishment, shall notify the director in the jurisdiction where the food establishment is located, and the director shall determine whether such expansion, modification, or reclassification is in compliance with the applicable sections of this chapter.

D. The permit shall be posted in every food establishment in a place where it is readily observable by the public transacting business with the establishment.

E. Permits shall expire annually.

### **12 VAC 5-421-3750. Responsibilities of the permit holder.**

Upon acceptance of the permit issued by the regulatory authority, the permit holder in order to retain the permit shall:

1. Post the permit in a location in the food establishment that is conspicuous to consumers;
2. Comply with the provisions of this chapter including the conditions of a granted variance as specified under 12 VAC

5-421-3590, and approved plans as specified under 12 VAC 5-421-3610;

3. If a food establishment is required under 12 VAC 5-421-3620 to operate under a HACCP plan, comply with the plan as specified under 12 VAC 5-421-3590;

4. Immediately contact the regulatory authority to report an illness of ~~an applicant or a food~~ employee as specified under 12 VAC 5-421-120;

5. Immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist as specified under 12 VAC 5-421-3910;

6. Allow representatives of the regulatory authority access to the food establishment as specified under 12 VAC 5-421-3820;

7. Except as specified under subdivision 8 of this section, replace existing facilities and equipment specified in 12 VAC 5-421-3510 with facilities and equipment that comply with this chapter if:

- a. The regulatory authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted,
- b. The regulatory authority directs the replacement of the facilities and equipment because of a change of ownership, or
- c. The facilities and equipment are replaced in the normal course of operation;

8. Upgrade or replace refrigeration equipment as specified under ~~subdivision 3 of~~ 12 VAC 5-421-820 A 2 b, if the circumstances specified under subdivision 7 of this section do not occur first, and five years pass after the regulatory authority adopts this chapter;

9. Comply with directives of the regulatory authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the regulatory authority in regard to the permit holder's food establishment or in response to community emergencies;

10. Accept notices issued and served by the regulatory authority according to law; and

11. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this chapter or a directive of the regulatory authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

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## **12 VAC 5-421-3760. Permits not transferable.**

A permit ~~may~~ shall not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another if the food operation changes from the type of operation specified in the application as specified under 12 VAC 5-421-3700 and the change in operation is not approved.

## **12 VAC 5-421-3815. Competency of environmental health specialists.**

An authorized representative of the commissioner who inspects a food establishment or conducts plan review for compliance with this chapter shall have the knowledge, skills, and ability to adequately perform the required duties.

## **12 VAC 5-421-4035. Exempt facilities that choose to be regulated.**

Exempt facilities, as defined in subdivision 6 of 12 VAC 5-421-10 of the definition of a "food establishment," that choose to be regulated by this chapter, shall be exempt from the following requirements:

1. In lieu of 12 VAC 5-421-1200 A, home model dishwashers may be used in lieu of manual cleaning and drying of utensils;
2. 12 VAC 5-421-1340, the requirement for internal baffles in warewashing machines does not apply to home model dishwashers;
3. 12 VAC 5-421-1350, the requirement for temperature measuring devices does not apply to home model dishwashers;
4. 12 VAC 5-421-1360, manual warewashing equipment, heaters and baskets are not required but manual warewashing shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose;
5. 12 VAC 5-421-1370, the requirement for a sanitizer level indicator does not apply to home model dishwashers;
6. 12 VAC 5-421-1380, the requirement for flow pressures device does not apply to home model dishwashers;
7. 12 VAC 5-421-1460, the requirement for sink compartments does not apply to exempt facilities. It shall include thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose;
8. 12 VAC 5-421-1520, temperature measuring devices for manual warewashing are not required;
9. 12 VAC 5-421-1530, sanitizing solutions testing devices are not required;

10. 12 VAC 5-421-1620, warewashing sinks in exempt facilities may be used for handwashing, however, approved dispensers, soap, and single-use paper towels are provided;

11. 12 VAC 5-421-1640, clean solutions in warewashing equipment is not required for exempt facilities. It shall include, as a minimum, thorough washing with adequate soap or detergent, thorough rinsing, and drying before storage or use. Drying may be by clean towels used for no other purpose;

12. 12 VAC 5-421-1660, minimum wash solution temperature for mechanical warewashing equipment shall not be required for home model dishwashers;

13. 12 VAC 5-421-1670, minimum hot water sanitization temperatures for manual warewashing equipment shall not be required;

14. 12 VAC 5-421-1680, minimum hot water sanitization temperatures for mechanical warewashing equipment shall not be required for home model dishwashers;

15. 12 VAC 5-421-1690, sanitization pressure for mechanical warewashing equipment shall not be required;

16. 12 VAC 5-421-1700, minimum and maximum pressure, pH, sanitizer concentration, and hardness levels shall not be required for home model dishwashers;

17. 12 VAC 5-421-1710, chemical sanitization for manual warewashing using detergent sanitizers shall not be required;

18. 12 VAC 5-421-1720, determination of chemical sanitizer concentration shall not be required;

19. 12 VAC 5-421-1880, food-contact surfaces and utensils shall not be required to be sanitized;

20. 12 VAC 5-421-1890, before use after cleaning, utensils and food-contact surfaces shall not be required to be sanitized;

21. 12 VAC 5-421-1900, hot water and chemical sanitizing shall not be required;

22. 12 VAC 5-421-2790, floors, walls, and ceilings shall be in good repair and kept clean;

23. 12 VAC 5-421-2810, floors, walls, and ceilings in exempt facilities shall not be required to meet the cleanability requirements but shall be in good repair and kept clean;

24. 12 VAC 5-421-2820, the prohibition of exposed utility service lines and pipes shall not apply;

25. 12 VAC 5-421-2840, floor carpeting in exempt facilities may be installed in food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, refuse

storage rooms or other areas, however they shall be kept in good repair and kept clean;

26. 12 VAC 5-421-2850, floor covering, mats and duckboards may be used in exempt facilities, however, they shall be kept clean and in good repair.

27. 12 VAC 5-421-2870, attachments to walls and ceilings in exempt facilities shall be kept in good repair and kept clean;

28. 12 VAC 5-421-3120, approved dispensers, soap and single-use paper towels shall be made available to accommodate hand washing;

29. 12 VAC 5-421-3310, live animals may be allowed in the facility but shall not be fed using the same equipment or utensils that are used to feed humans.

**12 VAC 5-421-4050. Restriction or exclusion of food employee, or summary suspension of permit.**

Based on the findings of an investigation related to a food employee who is suspected of being infected or diseased, the regulatory authority may issue an order to the suspected food employee or permit holder instituting one or more of the following control measures:

1. Restricting the food employee's services to specific areas and tasks in a food establishment that present no risk of transmitting the disease employee;
2. Excluding the food employee from a food establishment; or
3. Closing the food establishment by summarily suspending a permit to operate in accordance with law.

**12 VAC 5-421-4070. Release of food employee from restriction or exclusion.**

The regulatory authority shall release a food employee from restriction or exclusion according to law and the following conditions:

1. A food employee who was infected with Salmonella typhi if the food employee's stools are negative for S. typhi based on testing of at least three consecutive stool specimen cultures that are taken:
  - a. Not earlier than one month after onset,
  - b. At least 48 hours after discontinuance of antibiotics, and
  - c. At least 24 hours apart; and
2. If one of the cultures taken as specified in subdivision 1 of this section is positive, repeat cultures are taken at intervals of one month until at least three consecutive negative stool specimen cultures are obtained.

3. A food employee who was infected with Shigella spp. or Shiga toxin-producing Escherichia coli O157:H7 if the employee's stools are negative for Shigella spp. or E. coli O157:H7 Shiga toxin-producing Escherichia coli based on testing of two consecutive stool specimen cultures that are taken:

- a. Not earlier than 48 hours after discontinuance of antibiotics; and
- b. At least 24 hours apart.

4. A food employee who was infected with hepatitis A virus if:

- a. Symptoms cease; or
- b. At least two blood tests show falling liver enzymes.

VA.R. Doc. No. R07-173; Filed March 21, 2007, 2:48 p.m.

**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

**Fast-Track Regulation**

Titles of Regulations: **12 VAC 30-10. State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions (amending 12 VAC 30-10-140).**

**12 VAC 30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-20, 12 VAC 30-50-60, 12 VAC 30-50-320; adding 12 VAC 30-50-321, 12 VAC 30-50-325 and 12 VAC 30-50-328).**

**12 VAC 30-120. Waivered Services (amending 12 VAC 30-120-61, 12 VAC 30-120-62, 12 VAC 30-120-64, 12 VAC 30-120-65, 12 VAC 30-120-66 and 12 VAC 30-120-68).**

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

Public Hearing Date: N/A -- Public comments may be submitted until June 15, 2007.

(See Calendar of Events section for additional information)

Effective Date: July 1, 2007.

Agency Contact: William Butler, Project Manager, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8886, FAX (804) 786-1680, or email william.butler@dmas.virginia.gov.

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 of the Code of Virginia authorizes the Director of DMAS to administer and amend the Plan for Medical Assistance according to the board's requirements. The Medicaid authority as established by § 1902 (a) of the

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Social Security Act (42 USC § 1396a) provides governing authority for payments for services.

**Purpose:** The purpose of this action is to incorporate changes that will update the PACE regulations to reflect the fact that the federal government is no longer enrolling pre-PACE providers, but is requiring all state PACE programs to become full PACE programs. These regulations will allow DMAS to develop and implement a regional model for the integration of acute and long-term care services. This will help protect the health and welfare of elderly citizens of the Commonwealth by enhancing their ability to remain in their homes while having access to comprehensive medical care geared towards their unique health needs.

**Rationale for Using Fast-Track Process:** The agency is using the fast-track process to complete the needed regulatory changes to give the provider community the ability to begin to offer PACE services as soon as possible after the first of the year. This regulatory action will implement policy changes that are in line with federal and state requirements because the federal government is phasing out all pre-PACE programs and moving all states towards full PACE investment.

**Substance:** PACE was created in 1973 in an effort to help the Asian-American community in San Francisco care for its elders in their own homes. The option of placing their elders in nursing facilities was not a culturally acceptable solution. PACE created a way to offer a spectrum of services using home care in an adult day setting. PACE has the longest and most extensive history of any program in managing total care for the frail elderly while containing costs.

PACE is centered on the belief that the elderly with chronic care needs and their families are best served in their homes and communities whenever possible. The goal of PACE is to keep participants healthy, safe, and as independent as possible in their own homes and communities. Care is managed individually with emphasis on specific circumstances of their health, ability to care for themselves, the complexity of family relationships, and the goals and desires of the enrollee and their caregivers.

PACE provides the entire spectrum of acute and long-term care services to their enrollees without limit as to duration or dollars. PACE serves persons 55 and older, who meet nursing facility criteria, in their own communities and, provides all of their health and long-term care needs. The program is centered on an adult day health care model, and combines Medicaid and Medicare funding.

Like many other state legislatures, the Virginia General Assembly recently expressed concern over the growing challenge in Medicaid funding. Medicaid spending now represents the second largest single general fund program in state government. Virginia is seeking to implement reforms through innovation and efficiencies. DMAS, in consultation

with the appropriate stakeholders, is creating a long-range blueprint for the development and implementation of an integrated acute and long-term care system.

With legislative funding approved during the 2006 General Assembly, DMAS plans to implement one or more PACE program(s) by July 2007. This implementation would include DMAS grants of up to \$250,000 per PACE site to help cover the start-up costs associated with creating a suitable PACE facility. In addition, DMAS will develop a regional model for the integration of acute and long-term care services by January 2007. This model would be offered on a voluntary basis to elderly and clients with a disability.

The PACE regulations were revised to (i) provide clarity and guidance to providers and other stakeholders; (ii) conform to the PACE provider application process as required by the federal Centers for Medicare and Medicaid Services (CMS); (iii) ensure that the DMAS regulatory scheme is in compliance with the Department of Social Services licensing standards; and (iv) support individual choice for PACE participants. In addition, new sections are being added to implement new PACE-related sections of the State Medicaid plan provided by CMS in the form of preprint state plan pages.

**Issues:** The regulatory action poses no disadvantages to the agency, public or the Commonwealth. The advantages of the PACE program are that elderly participants are able to maintain themselves in the community, which both enhances their quality of life and is a less expensive alternative to institutionalization.

## Department of Planning and Budget's Economic Impact Analysis:

**Summary of the Proposed Regulation.** The proposed regulations will establish an innovative model known as the Program of All-Inclusive Care for the Elderly (PACE) to deliver health care and long-term care services to the elderly and disabled persons.

**Result of Analysis.** The benefits likely exceed the costs for all proposed changes. A different design would likely yield greater benefits at the same cost for at least one proposed change.

**Estimated Economic Impact.** These regulations establish a program known as All-Inclusive Care for the Elderly (PACE). The program integrates the delivery of health care and long-term care services to the elderly and disabled persons. The PACE program combines at least two desirable service delivery characteristics. It provides services in the community that compare favorably to the traditional way of providing services in an institutional setting such as a nursing home. It is also a full-risk program where the provider assumes responsibility for all healthcare costs for a monthly capitation payment. In order to receive services, an individual

must be 55 or older, meet nursing facility criteria, reside in a service area of a provider, and agree to the terms of participation.

In 1973, the original PACE program started in San Francisco's Chinatown by On Lok Senior Health Services. The driving force behind the PACE was the Asian community's unwillingness to place their elders in nursing homes as it was culturally unacceptable. The original program was successful and led to a Medicare and Medicaid demonstration program option in 1987. Later in 1997, the Balance Budget Act legislated PACE to be considered on a state-by-state basis as a permanent Medicaid waiver program. Virginia has had in place a pre-PACE program since 1998.

In this program, the services are delivered primarily at a day health center though in-home services are also available. The recipients are transported to the center to receive services during the day and returned home at night. The number of days spent at the center depends on the individuals needs assessed by a multidisciplinary team. The multidisciplinary team that is central to the PACE program is composed of, at a minimum, a primary care physician, nurse, social worker, physical therapist, occupational therapist, recreational therapist or activity coordinator, dietician, day health center supervisor, home care liaison, health workers/aids, and drivers. The team assesses the needs, develops care plans, and directly delivers or coordinates the delivery of services. The types of services include primary care, nursing, social work, rehabilitation therapy, recreation therapy, nutrition counseling, personal care, chore services, transportation and escort, medications, and meals or help with meal preparation.

One of the main economic benefits of the PACE program is the overall improvement in the quality of life and in the health status of the recipients. Even though we are unaware of a formal study assessing the quality of health and life improvements specifically, the literature offers abundance of anecdotal case specific examples of consumer satisfaction. More importantly, enrollment into PACE is completely voluntary and clients can end their participation in PACE at their choosing. The voluntary nature of participation is a mechanism that would lead to overall life and health improvements at the aggregate as clients who are not satisfied with the program would not continue their participation.

The other main economic benefit is the expected fiscal savings to the state. PACE offers an alternative to nursing home care at capitation rates. Being a waiver program, one of the federal requirements is that the cost of providing care through PACE be less than or equal to providing care without it (i.e. through nursing homes). The estimated fiscal savings compared to nursing home care is about 12% in the literature. Whether the same magnitude of fiscal savings would actually be realized in Virginia is not known. However, for the continued federal approval of PACE program, the costs must be less than or equal to the cost of providing the same

services in a nursing home, which suggests that the Commonwealth is likely to realize some savings.

The PACE program will also have various economic effects on the providers. They will have to assume full risk related to the recipients healthcare needs for a monthly capitation payment. The lower the actual healthcare costs, the more profitable their operation would be. Thus, it is in the best interest of the providers to maintain or improve health status of their clients. One way this incentive may manifest itself is through increases in preventive care. For example, the providers will be inclined to provide appropriate air conditioning in the hot summer months to prevent congestive heart failures or install grab bars in client's homes to avoid falls. This model's integrated care approach through the interdisciplinary team may also provide synergies in the diagnosis and delivery of care and reduce the actual costs. For example, a driver may realize that head pain a recipient is experiencing may be the result of braided hair the client started wearing since a recent trip to a hair saloon and avoid expensive MRI or CAT scans.

Furthermore, PACE provides a Medicaid eligible customer base to the providers to rely on. Albeit lower, Medicaid will also pay capitation rates to dually eligible (Medicaid & Medicare) recipients. The FY 2007 capitation rates are expected to be about \$2,722 for dually eligible recipients and \$3,997 for Medicaid only eligible recipients. With a reliable Medicaid and Medicare customer base, a provider may stabilize its operations and can start offering services to private pay recipients. In this sense, the PACE will help this type of service delivery get started in the Commonwealth. Along the lines of this objective, the 2006 General Assembly went further and provided \$1.5 million in state grants, to fund the start up costs of six PACE sites in 2007. The six new programs and the existing program will have capacity to serve 215 recipients in 2007, 403 recipients in 2008, and 637 recipients by 2009.

With PACE, nursing home eligible recipients will have more options to choose from. Currently, there may be some Medicaid nursing home eligible individuals who are not utilizing available services to them because they do not like the idea of being institutionalized in a nursing home. These individuals may now prefer participating in a PACE program. Additionally, those currently in a nursing home for lack of other alternatives may choose to join a PACE program. If they realize it is not for them, they can always decide to go back to a nursing home.

The proposed regulations may also create a potential adverse economic incentive for providers if a specific provision that provides the Department of Medical Assistance Services (DMAS) authority to exclude service areas already covered under existing PACE program agreements is exercised. This authority is provided under federal regulations in order to avoid unnecessary duplication of services and also avoid

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impairing the financial and service viability of an existing program. Although federal regulations require a potential provider to define a service area and conduct a feasibility analysis for a given service area, they appear to allow overlapping service areas. Thus, the Commonwealth seems to have the flexibility to allow overlapping service areas provided Centers for Medicare and Medicaid approval is obtained.

The federal regulations suggest that the exclusion of service areas already covered under existing service areas would avoid duplication of services and help financial and service viability of services. However, this view does not take into account the potential costs of prohibiting overlapping service areas. Prohibition of overlapping service areas would provide a protected market for the providers and give them a monopoly power in their approved service areas preventing competition. A monopolistic market produces economic outcomes much less desirable than those that would be produced in a competitive market.

Because the providers will not have full control over their pricing but instead negotiate a capitation rate, the economic concerns are somewhat mitigated. Given the capitation reimbursements, the economic losses would be mainly in terms of suboptimal service quality as providers would not be competing against another provider. Even though one could argue that a client can always stop enrollment in a PACE program, this type of consumer response would undermine the goals the PACE program is trying to achieve. Also, it should be noted that there are direct and more effective ways available to ensure the financial viability of providers compared to achieving this goal by prohibiting competition. Additionally, there is nothing in economics that we are aware of that suggests prohibiting competition in order to avoid duplication of services in this case would produce net economic benefits.

**Businesses and Entities Affected.** The proposed regulations apply to PACE providers and recipients. Currently there are six potential and one existing PACE provider in the Commonwealth. The number of recipients will depend on the actual participation, but the seven providers will have the capacity to serve 215 recipients in 2007, 403 recipients in 2008, and 637 recipients by 2009. The proposed regulations may also have an indirect impact on nursing homes located in approved PACE service areas if some of their current customers decide to leave nursing homes for participation in a PACE program.

**Localities Particularly Affected.** The proposed regulations apply throughout the Commonwealth.

**Projected Impact on Employment.** The proposed regulations may cause switching of some recipients from nursing homes to PACE programs. If this occurs, nursing homes would be expected to experience a reduction in demand for labor while PACE providers would be expected to experience an increase

for demand for labor. The magnitude of the net employment effect cannot be estimated with certainty but is unlikely to be significant.

Also, the availability of PACE programs in Virginia may prompt individuals who are nursing home eligible but not utilizing services available to them to enroll in PACE programs. This is likely to increase demand for labor at PACE sites. Similarly, availability of PACE program may attract private paying clients who are currently staying at home to enroll in a PACE program causing an increase in demand for labor.

**Effects on the Use and Value of Private Property.** If switching of some recipients from nursing homes to PACE programs occurs, nursing homes would be expected to experience a reduction in their revenues and consequently a reduction in their use and asset values. Conversely, switching to PACE programs would be expected to increase use and revenues of PACE providers and their asset values.

To the extent the availability of PACE programs in Virginia prompt individuals who are nursing home eligible but not utilizing services available to them to enroll in PACE programs, we would see an increase in the use and asset values of PACE programs. Similarly, to the extent availability of PACE program attracts private paying clients who are currently staying at home to enroll in a PACE program, we would see an increase in their use and asset values.

**Small Businesses: Costs and Other Effects.** The proposed regulations will primarily affect six potential and one existing PACE programs all of which could be considered as small businesses. While compliance with the PACE regulations will introduce costs, the net economic effect on the providers are not expected to be negative.

**Small Businesses: Alternative Method that Minimizes Adverse Impact.** The proposed regulations are not expected to create any adverse impact on providers.

**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.

## Related Literature

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- Fitzgerald, Peter, Alan Morgan, Tom Morris, "Rural Policy Development: An NRHA and PACE Association Collaborative Model," *Journal of Rural Health*, 2004, Vol. 20, No. 1, pp. 92-96.
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Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has reviewed the economic impact analysis prepared by the Department of Planning and Budget regarding the fast-track regulation, Program of All Inclusive Care for the Elderly (PACE) (12 VAC 30-10, 12 VAC 30-50 and 12 VAC 30-

120). The agency raises no issues with the economic impact analysis prepared by the Department of Planning and Budget.

## Summary:

*The amendments incorporate changes that update the Program for All-Inclusive Care for the Elderly (PACE) regulations to reflect the fact that the federal government is no longer enrolling pre-PACE providers, but is requiring all state PACE programs to become full PACE programs. These regulations will allow DMAS to develop and implement a regional model for the integration of acute and long-term care services. The PACE regulations were revised to (i) provide clarity and guidance to providers and other stakeholders; (ii) conform to the PACE provider application process as required by the federal Centers for Medicare and Medicaid Services; (iii) ensure that the DMAS regulatory scheme is in compliance with the Department of Social Services licensing standards; and (iv) support individual choice for PACE participants.*

## **12 VAC 30-10-140. Amount, duration, and scope of services: Categorically needy.**

Medicaid is provided in accordance with the requirements of 42 CFR 440, Subpart B and § 1902(a), 1902(e), 1905(a), 1905(p), 1915, 1920, and 1925 of the Act.

Services for the categorically needy are described below and in 12 VAC 30-50-10 et seq. These services include:

1. Each item or service listed in § 1905(a)(1) through (5) and (21) of the Act, is provided as defined in 42 CFR Part 440, Subpart A, or, for EPSDT services, § 1905(r) and 42 CFR Part 411, Subpart B.
2. Nurse-midwife services listed in § 1905(a)(17) of the Act, are provided to the extent that nurse-midwives are authorized to practice under state law or regulation and without regard to whether the services are furnished in the area of management of the care of mothers and babies throughout the maternity cycle. Nurse-midwives are permitted to enter into independent provider agreements with the Medicaid agency without regard to whether the nurse-midwife is under the supervision of, or associated with, a physician or other health care provider.
3. Pregnancy-related, including family planning service, and postpartum services for a 60-day period (beginning on the day pregnancy ends) and any remaining days in the month in which the 60th day falls are provided to women who, while pregnant, were eligible for, applied for, and received medical assistance on the day the pregnancy ends.
4. Services for medical conditions that may complicate the pregnancy (other than pregnancy-related or postpartum services) are provided to pregnant women.
5. Services related to pregnancy (including prenatal, delivery, postpartum, and family planning services) and to

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other conditions that may complicate pregnancy are the same services provided to poverty level pregnant women eligible under the provision of § 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Act.

6. Home health services are provided to individuals entitled to nursing facility services as indicated in 12 VAC 30-10-220 of this plan.

7. Inpatient services that are being furnished to infants and children described in § 1902(l)(1)(B) through (D), or § 1905(n)(2) of the Act, on the date the infant or child attains the maximum age for coverage under the approved State plan will continue until the end of the stay for which the inpatient services are furnished.

8. Respiratory care services are not provided to ventilator dependent individuals as indicated in 12 VAC 30-10-300 of this plan.

9. Services are provided to families eligible under § 1925 of the Act as indicated in 12 VAC 30-10-350 of this plan.

10. Home and community care for functionally disabled elderly individuals is not covered.

11. Program of All-Inclusive Care for the Elderly (PACE) services as described and limited in Supplement 6 to Attachment 3.1-A (12 VAC 30-50-320, 12 VAC 30-50-321, 12 VAC 30-50-325, and 12 VAC 30-50-328).

12 VAC 30-50-10 et seq. identifies the medical and remedial services provided to the categorically needy, specifies all limitations on the amount, duration, and scope of those service, and lists the additional coverage (that is in excess of established service limits) for pregnancy-related services and services for conditions that may complicate the pregnancy.

### **12 VAC 30-50-20. Services provided to the categorically needy without limitation.**

The following services as described in Part III (12 VAC 30-50-100 et seq.) of this chapter are provided to the categorically needy without limitation:

1. Nursing facility services (other than services in an institution for mental diseases) for individuals 21 years of age or older.
2. Services for individuals age 65 or over in institutions for mental diseases: inpatient hospital services; skilled nursing facility services; and services in an intermediate care facility.
3. Intermediate care facility services (other than such services in an institution for mental diseases) for persons determined, in accordance with § 1902(a)(31)(A) of the Act, to be in need of such care, including such services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions.

4. Hospice care (in accordance with § 1905(o) of the Act).

5. Any other medical care and any type of remedial care recognized under state law, specified by the Secretary: care and services provided in religious nonmedical health care institutions; nursing facility services for patients under 21 years of age; emergency hospital services.

6. Private health insurance premiums, coinsurance and deductibles when cost effective (pursuant to P.L. 101-508 § 4402).

7. Program of All-Inclusive Care for the Elderly (PACE) services are provided for eligible individuals as an optional State Plan service for categorically needy individuals without limitation.

### **12 VAC 30-50-60. Services provided to all medically needy groups without limitations.**

Services as described in Part III (12 VAC 30-50-100 et seq.) of this chapter are provided to all medically needy groups without limitations.

1. Nursing facility services (other than services in an institution for mental diseases) for individuals 21 years of age or older.
2. Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.
3. Reserved.
4. Intermediate care facility services (other than such services in an institution for mental diseases) for persons determined in accordance with § 1905(a)(4)(A) of the Act to be in need of such care.
5. Hospice care (in accordance with § 1905(o) of the Act).
6. Any other medical care or any other type of remedial care recognized under state law, specified by the secretary, including: care and services provided in religious nonmedical health care institutions; skilled nursing facility services for patients under 21 years of age; and emergency hospital services.

7. Private health insurance premiums, coinsurance and deductibles when cost effective (pursuant to P.L. 101-508 § 4402).

8. Program of All-Inclusive Care for the Elderly (PACE) services are provided for eligible individuals as an optional State Plan service for medically needy individuals without limitation.

### **12 VAC 30-50-320. Program of All-Inclusive Care for the Elderly (PACE).**

The Commonwealth of Virginia has not entered into any a valid program agreement or agreements with a PACE

provider or providers and the Secretary of the U.S. Department of Health and Human Services.

**12 VAC 30-50-321. Eligibility for PACE enrollees.**

A. The Commonwealth determines eligibility for PACE enrollees under rules applying to institutional groups, and applies posteligibility treatment of income rules to those individuals as specified in subsection B of this section. The posteligibility treatment of income rules specified in this section are the same as those that apply to the Commonwealth's approved Home and Community Based Services waivers.

B. Regular Post Eligibility. As a 209(b) state, the Commonwealth is using more restrictive eligibility requirements than those for Supplemental Security Income (SSI). The Commonwealth is using the posteligibility rules at 42 CFR 435.735. Payment for PACE services is reduced by the amount remaining after deducting the following amounts from the PACE enrollee's income.

1. 42 CFR 435.735: States using more restrictive requirements than SSI.

a. Allowances for the needs of the individual shall be 165% of SSI.

b. Allowance for the needs of the spouse shall not apply.

c. Allowance for the needs of the family shall be the medically needy income standard.

2. Medical and remedial care expenses shall be as specified in 42 CFR 435.735.

C. Spousal Post Eligibility. The Commonwealth uses the posteligibility rules of § 1924 of the Social Security Act (the Act) (spousal impoverishment protection) to determine the individual's contribution toward the cost of PACE services if it determines the individual's eligibility under § 1924 of the Act. There shall be deducted from the individual's monthly income a personal needs allowance (165% of SSI as specified below), and a community spouse's allowance, a family allowance, and an amount for incurred expenses for medical or remedial care, as specified in the State Medicaid plan. Allowances for the needs of the individual shall be 165% of SSI.

**12 VAC 30-50-325. Rates and payments.**

A. The Commonwealth assures that the capitated rates will be equal to or less than the cost to the agency of providing those same fee-for-service State Plan approved services on a fee-for-service basis, to an equivalent nonenrolled population group based upon the following methodology rates are set at a percent of fee-for-service costs. Rates are set at a percentage of fee-for-service costs.

B. The State Medicaid Agency assures that the rates were set in a reasonable and predictable manner.

C. The Commonwealth will submit all capitated rates to the Centers for Medicare and Medicaid Services (CMS) regional office for prior approval.

**12 VAC 30-50-328. PACE enrollment and disenrollment.**

The Commonwealth assures that there is a process in place to provide for dissemination of PACE enrollment and disenrollment data. The Commonwealth assures that it has developed and will implement procedures for the enrollment and disenrollment of PACE participants via the Virginia Medicaid management information system, including procedures for any adjustment to account for the difference between the estimated number of PACE participants on which the prospective monthly payment was based and the actual number of PACE participants in that month.

**12 VAC 30-120-61. Definitions.**

For purposes of this part and all contracts establishing PACE plans the Program of All-Inclusive Care for the Elderly (PACE) programs, as defined in 42 CFR Part 460, the following definitions shall apply:

"Adult day health care center" or "ADHC" means a facility licensed by the Department of Social Services, Division of Licensing Programs, to provide partial day supplementary care and protection to adult individuals who reside elsewhere. Facilities or portions of facilities licensed by the State Board of Health or the State Mental Health, Mental Retardation, and Substance Abuse Services Board and homes or residences of individuals who care solely for persons related by blood or marriage are not adult day health care centers under these regulations ~~DMAS-enrolled provider that offers a community-based day program providing a variety of health, therapeutic, and social services designed to meet the specialized needs of those elderly and disabled individuals at risk of placement in a nursing facility. The ADHC must be licensed by the Virginia Department of Social Services as an Adult Day Care Center (ADC) as defined in 22 VAC 40-60-10.~~

"Applicant" means an individual seeking enrollment in a PACE plan.

"Capitation rate" means the negotiated Medicaid monthly per capita amount paid to a PACE ~~contractor~~ provider for services provided to enrollees.

"Catchment area" means the designated service area for a PACE plan.

"Centers for Medicare and Medicaid Services" or "CMS" means the unit of the U.S. Department of Health and Human Services that administers the Medicare and Medicaid programs.

"CFR" means the Code of Federal Regulations.

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~~"Contractor" means the entity contracting with the Department of Medical Assistance Services to operate a PACE plan.~~

"DMAS" means the Department of Medical Assistance Services.

"DSS" means the Department of Social Services.

"Direct marketing" means either (i) conducting directly or indirectly door-to-door, telephonic or other "cold call" marketing of services at residences and provider sites; (ii) mailing directly; (iii) paying "finders' fees;" (iv) offering financial incentives, rewards, gifts or special opportunities to eligible individuals or family/caregivers as inducements to use the providers' services; (v) continuous, periodic marketing activities to the same prospective individual or family/caregiver for example, monthly, quarterly, or annual giveaways as inducements to use the providers' services; or (vi) engaging in marketing activities that offer potential customers rebates or discounts in conjunction with the use of the providers' services or other benefits as a means of influencing the individual's or family/caregiver's use of the providers' services.

"Enrollee" means a ~~Medicaid-eligible~~ Medicaid-eligible individual meeting PACE enrollment criteria and receiving services from a PACE plan.

~~"HCFA" means the federal Health Care Financing Administration.~~

"Full disclosure" means fully informing all PACE enrollees at the time of enrollment that, pursuant to § 32.1-330.3 of the Code of Virginia, PACE plan enrollment can only be guaranteed for a 30-day period.

"Imminent risk of nursing facility placement" means that an individual will require nursing facility care within 30 days if a community-based alternative care program, such as a PACE plan, is not available.

~~"Nursing home preadmission screening" means the process to: (i) evaluate the medical, nursing, and social needs of individuals referred for preadmission screening, (ii) analyze what specific services the individuals need, (iii) evaluate whether a service or a combination of existing community-based services are available to meet the individuals' needs, and (iv) authorize Medicaid funded nursing facility or community-based care for those individuals who meet nursing facility level of care criteria and require that level of care.~~

~~"Nursing Home Committee\ Preadmission Screening Team" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility preadmission screenings. For individuals in the community, this entity is a committee comprised of staff from the local departments of health and social services. For individuals in an acute care~~

~~facility, this entity is a team of nursing and social work staff. Each local committee and acute care team must have a physician member.~~

"PACE" means a Program of All-Inclusive Care for the Elderly. PACE services are designed to enhance the quality of life and autonomy for frail, older adults, maximize dignity of, and respect for, older adults, enable frail older adults to live in the community as long as medically and socially feasible, and preserve and support the older adult's family unit.

"PACE plan" means a comprehensive acute and long-term care prepaid health plan, pursuant to § 32.1-330.3 of the Code of Virginia and as defined in 42 CFR 460.6, operating on a capitated payment basis through which the ~~contractor~~ PACE provider assumes full financial risk. PACE plans operate under both Medicare and Medicaid capitation.

"PACE plan contract" means a contract, pursuant to § 32.1-330.3 of the Code of Virginia, under which an entity assumes full financial risk for operation of a comprehensive acute and long-term care prepaid health plan with capitated payments for services provided to Medicaid enrollees being made by the ~~Department of Medical Assistance Services DMAS~~. The parties to a PACE plan contract are the entity operating the PACE plan ~~and both the Department of Medical Assistance Services and the federal Health Care Financing Administration~~, DMAS and CMS.

"PACE plan feasibility study" means a study performed by a research entity approved by the ~~Department of Medical Assistance Services DMAS~~ to determine a potential PACE plan ~~contractor's~~ provider's ability and resources or lack thereof to effectively operate a PACE plan. All study costs are the responsibility of the potential ~~contractor~~ PACE provider.

"PACE protocol" means the protocol for the Program of All-Inclusive Care for the Elderly, as published by On Lok, Inc., as of April 14, 1995, or any successor protocol that may be agreed upon by the federal Secretary of Health and Human Services and On Lok, Inc.

"PACE site" means the location, which includes a primary care center, where the ~~contractor~~ PACE provider both operates the PACE plan's adult day health care center and coordinates the provision of core PACE services, including the provision of primary care.

"PACE provider" means the entity contracting with the Department of Medical Assistance Services to operate a PACE plan.

"Plan of care" means the written plan developed by the provider related solely to the specific services required by the individual to ensure optimal health and safety while receiving services from the provider.

"Preadmission screening" means the process to: (i) evaluate the functional, nursing, and social supports of individuals referred for preadmission screenings; (ii) assist individuals in determining what specific services individuals need; (iii) evaluate whether a service or a combination of existing community-based services are available to meet the individual's needs; (iv) refer individuals to the appropriate provider for Medicaid-funded nursing facility or home and community-based care for those individuals who meet nursing facility level of care.

"Preadmission screening team" means the entity contracted with DMAS that is responsible for performing preadmission screening pursuant to § 32.1-330 of the Code of Virginia.

"Primary care provider" or "PCP" means the primary care provider individual responsible for the coordination of medical care provided to an enrollee under a PACE plan.

"State Plan for Medical Assistance" or "the Plan" means the Commonwealth's legal document containing approved by CMS identifying the covered groups, covered services and their limitations, and provider payment reimbursement methodologies as provided for under Title XIX of the Social Security Act.

~~"These regulations" means 12 VAC 30 120 61 through 12 VAC 30 120 68.~~

~~"Transitional Advisory Group" means the group established by the Board of Medical Assistance Services pursuant to § 32.1 330.3 of the Code of Virginia. The group is responsible for advising the Department of Medical Assistance Services on issues of PACE plan license requirements, reviewing regulations, and providing ongoing oversight.~~

"Virginia Uniform Assessment Instrument (UAI)" or "UAI" means the standardized, multidimensional questionnaire used to assess that assesses an individual's social, physical and mental health, and social and functional abilities. Under these regulations, the UAI is used to gather the information needed to determine an individual's long term care needs and PACE plan service eligibility, for planning the care to be provided, and for monitoring care as it is provided.

**12 VAC 30-120-62. General PACE plan requirements.**

A. DMAS, the state agency responsible for administering Virginia's Medicaid program, shall only enter into PACE plan contracts with approved PACE plan ~~contractors~~ providers. The PACE provider must have an agreement with CMS and DMAS for the operation of a PACE program. The agreement must include:

1. Designation of the program's service area;
2. The program's commitment to meet all applicable federal, state, and local requirements;

3. The effective date and term of the agreement;
4. The description of the organizational structure;
5. Participant bill of rights;
6. Description of grievance and appeals processes;
7. Policies on eligibility, enrollment, and disenrollment;
8. Description of services available;
9. Description of quality management and performance improvement program;
10. A statement of levels of performance required on standard quality measures;
11. CMS and DMAS data requirements;
12. The Medicaid capitation rate and the methodology used to calculate the Medicare capitation rate;
13. Procedures for program termination; and
14. A statement to hold harmless CMS, the state, and PACE participants if the PACE organization does not pay for services performed by the provider in accordance with the contract.

B. A PACE plan feasibility study shall be performed before DMAS enters into any PACE plan contract. DMAS shall contract only with those entities it determines to have the ability and resources to effectively operate a PACE plan. A feasibility plan shall only be submitted in response to a Request for Applications published by DMAS.

C. PACE plans shall offer a voluntary comprehensive alternative to enrollees who would otherwise be placed in a nursing facility. PACE plan services shall be comprehensive and offered as an alternative to nursing facility admission.

D. All ~~enrollees~~ Medicaid-enrolled PACE participants shall continue to meet the nonfinancial and financial Medicaid eligibility criteria established by federal law and these regulations. ~~To the extent federal law or regulations are inconsistent with these regulations, the federal law and regulations shall control.~~ This requirement shall not apply to Medicare only or private pay PACE participants.

E. Each PACE ~~plan~~ provider shall operate a PACE site that is in continuous compliance with all state licensure requirements for that site.

F. Each PACE ~~plan~~ provider shall offer core PACE services as described in 12 VAC 30-120-64 B through a coordination site that is licensed as an ~~adult day care center~~ ADHC by DSS.

G. Each PACE ~~plan~~ provider shall ensure that services are provided by health care providers and institutions that are in continuous compliance with state licensure and certification requirements.

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H. Each PACE plan shall meet the requirements of §§ 32.1-330.2 and 32.1-330.3 of the Code of Virginia and 42 CFR, Part 460.

I. All PACE providers must meet the general requirements and conditions for participation pursuant to the required contracts by DMAS and CMS. All providers must sign the appropriate participation agreement. All providers must adhere to the conditions of participation outlined in the participation agreement and application to provide PACE services, DMAS regulations, policies and procedures, and CMS requirements pursuant to 42 CFR, Part 460.

J. Requests for participation as a PACE provider will be screened by DMAS to determine whether the provider applicant meets these basic requirements for participation and demonstrates the abilities to perform, at a minimum, the following activities:

1. Immediately notify DMAS, in writing, of any change in the information that the provider previously submitted to DMAS.
2. Assure freedom of choice to individuals in seeking services from any institution, pharmacy, practitioner, or other provider qualified to perform the service or services required and participating in the Medicaid Program at the time the service or services are performed.
3. Assure the individual's freedom to refuse medical care, treatment, and services.
4. Accept referrals for services only when qualified staff is available to initiate and perform such services on an ongoing basis.
5. Provide services and supplies to individuals in full compliance with Title VI of the Civil Rights Act of 1964, as amended (42 USC § 2000 et seq.), which prohibits discrimination on the grounds of race, color, religion, sexual orientation or national origin; the Virginians with Disabilities Act (§ 51.5-1 et seq. of the Code of Virginia); § 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794), which prohibits discrimination on the basis of a disability; and the Americans with Disabilities Act of 1990, as amended (42 USC § 12101 et seq.), which provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.
6. Provide services and supplies to individuals of the same quality and in the same mode of delivery as is provided to the general public.
7. Use only DMAS-designated forms for service documentation. The provider must not alter the DMAS forms in any manner unless approval from DMAS is obtained prior to using the altered forms.

8. Not perform any type of direct marketing activities to Medicaid individuals.

9. Maintain and retain business and professional records sufficient to document fully and accurately the nature, scope, and details of the services provided.

a. In general, such records shall be retained for at least six years from the last date of service or as provided by applicable federal and state laws, whichever period is longer. However, if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception resolved. Records of minors shall be kept for at least six years after such minor has reached the age of 18 years. However, records for Medicare Part D shall be maintained for 10 years in accordance with 42 CFR 423.505(d).

b. Policies regarding retention of records shall apply even if the provider discontinues operation. DMAS shall be notified in writing of the storage location and procedures for obtaining records for review. The location, agent, or trustee shall be within the Commonwealth.

10. Furnish information on request and in the form requested to DMAS, the Attorney General of Virginia or his authorized representatives, federal personnel, and the state Medicaid Fraud Control Unit. The Commonwealth's right of access to provider agencies and records shall survive any termination of the provider agreement.

11. Disclose, as requested by DMAS, all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to individuals of Medicaid.

12. Pursuant to 42 CFR 431.300 et seq., 12 VAC 30-20-90, and any other applicable federal or state law, all providers shall hold confidential and use for authorized DMAS purposes only all medical assistance information regarding individuals served. A provider shall disclose information in his possession only when the information is used in conjunction with a claim for health benefits, or the data are necessary for the functioning of DMAS in conjunction with the cited laws.

13. CMS and DMAS shall be notified in writing of any change in the organizational structure of a PACE provider organization at least 14 calendar days before the change takes effect.

14. In addition to compliance with the general conditions and requirements, all providers enrolled by DMAS shall adhere to the conditions of participation outlined in their individual provider participation agreements and in the applicable DMAS provider manual. DMAS shall conduct ongoing

monitoring of compliance with provider participation standards and DMAS policies. A provider's noncompliance with DMAS policies and procedures may result in a retraction of Medicaid payment or termination of the provider agreement, or both.

## 15. Minimum qualifications of staff.

a. All employees must have a satisfactory work record as evidenced by references from prior job experience, including no evidence of abuse, neglect, or exploitation of vulnerable adults and children. A criminal record check shall be conducted for the provider and each employee and made available for review by DMAS staff. Providers are responsible for complying with the Code of Virginia and state regulations regarding criminal record checks and barrier crimes as they pertain to the licensure and program requirements of their employees' particular practice areas.

b. Staff must meet any certifications, licensure, registration, etc., as required by applicable federal and state law. Staff qualifications must be documented and maintained for review by DMAS or its authorized contractors.

16. At the time of their admission to services, all providers participating in the Medicare and Medicaid programs must provide adult individuals with written information regarding each individual's right to make medical care decisions, including the right to accept or refuse medical treatment and the right to formulate advance directives.

K. Provider's conviction of a felony. The Medicaid provider agreement shall terminate upon conviction of the provider of a felony pursuant to § 32.1-325 of the Code of Virginia. A provider convicted of a felony in Virginia or in any other of the 50 states, the District of Columbia or, the U.S. territories, must, within 30 days, notify the Virginia Medicaid Program of this conviction and relinquish the provider agreement. In addition, termination of a provider participation agreement will occur as may be required for federal financial participation.

L. Ongoing quality management review. DMAS shall be responsible for assuring continued adherence to provider participation standards. DMAS shall conduct ongoing monitoring of compliance with provider participation standards and DMAS policies and periodically recertify each provider for participation agreement renewal with DMAS to provide PACE services.

M. Reporting suspected abuse or neglect. Pursuant to §§ 63.2-1606 and 63.2-1508 through 63.2-1513 of the Code of Virginia, if a participating provider entity suspects that a child or vulnerable adult is being abused, neglected, or exploited, the party having knowledge or suspicion of the abuse, neglect, or exploitation shall report this immediately to DSS

and to DMAS. In addition, as mandated reporters for vulnerable adults, participating providers must inform their staff that they are mandated reporters and provide education regarding how to report suspected adult abuse, neglect, or exploitation pursuant to § 63.2-1606 F of the Code of Virginia.

N. Documentation requirements. The provider must maintain all records of each individual receiving services. All documentation in the individual's record must be completely signed and dated with name of the person providing the service, title, and complete date with month, day, and year. This documentation shall contain, up to and including the last date of service, all of the following:

1. The most recently updated Virginia Uniform Assessment Instrument (UAI), all other assessments and reassessments, plans of care, supporting documentation, and documentation of any inpatient hospital admissions;
2. All correspondence and related communication with the individual, and, as appropriate, consultants, providers, DMAS, DSS, or other related parties; and
3. Documentation of the date services were rendered and the amount and type of services rendered.

## 12 VAC 30-120-64. PACE enrollee rights.

A. PACE ~~plan~~ providers contractors shall ensure that enrollees are fully informed of their rights and responsibilities in accordance with all state and federal requirements. These rights and responsibilities shall include, but not be limited to:

1. The right to be fully informed at the time of enrollment that PACE plan enrollment can only be guaranteed for a 30-day period pursuant to § 32.1-330.3 F of the Code of Virginia;
2. The right to receive PACE plan services directly from the ~~contractor~~ provider or under arrangements made by the ~~contractor~~ provider; and
3. The right to be fully informed in writing of any action to be taken affecting the receipt of PACE plan services.

B. ~~Contractors~~ PACE providers shall notify enrollees of the full scope of services available under a PACE plan, as described in 42 CFR 460.92. The services shall include, but not be limited to:

1. Medical services, including the services of a PCP and other specialists;
2. Transportation services;
3. Outpatient rehabilitation services, including physical, occupational and speech therapy services;
4. Hospital (acute care) services;
5. Nursing facility (long-term care) services;

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6. Prescription drugs;
7. Home health services;
8. Laboratory services;
9. Radiology services;
10. Ambulatory surgery services;
11. Respite care services;
12. Personal care services;
13. ~~Hospice~~ Dental services;
14. Adult day health care services, to include social work services;
15. ~~Multidisciplinary~~ Interdisciplinary case management services;
16. Outpatient mental health and mental retardation services;
17. Outpatient psychological services;
18. Prosthetics; and
19. Durable medical equipment and other medical supplies.

C. Services available under a PACE plan shall not include any of the following:

1. Any service not authorized by the interdisciplinary team unless such service is an emergency service (i.e., a service provided in the event of a situation of a serious or urgent nature that endangers the health, safety, or welfare of an individual and demands immediate action);
2. In an inpatient facility, private room and private duty nursing services unless medically necessary, and nonmedical items for personal convenience such as telephones charges and radio or television rental unless specifically authorized by the interdisciplinary team as part of the participant's plan of care;
3. Cosmetic surgery except as described in agency guidance documents;
4. Any experimental medical, surgical or other health procedure; and
5. Any other service excluded under 42 CFR 460.96.

~~D.~~ E. Contractors PACE providers shall ensure that PACE plan services are at least as accessible to enrollees as they are to other Medicaid-eligible individuals residing in the applicable catchment area.

~~D.~~ E. Contractors PACE providers shall provide enrollees with access to services authorized by the interdisciplinary team 24 hours per day every day of the year.

~~E.~~ F. Contractors PACE providers shall provide enrollees with all information necessary to facilitate easy access to services.

~~F.~~ G. Contractors PACE providers shall provide enrollees with identification documents approved by DMAS. PACE plan identification documents shall give notice to others of enrollees' coverage under PACE plans.

~~G.~~ H. Contractors PACE providers shall clearly and fully inform enrollees of their right to disenroll at will upon giving 30 days' notice.

~~H.~~ I. Contractors PACE providers shall make available to enrollees a mechanism whereby disputes relating to enrollment and services can be considered. This mechanism shall be one that is approved by DMAS.

~~I.~~ J. Contractors PACE providers shall fully inform enrollees of the individual ~~contractors'~~ provider's policies regarding accessing care generally, and in particular, accessing urgent or emergency care both within and without the catchment area.

~~J.~~ K. Contractors PACE providers shall maintain the confidentiality of enrollees and the services provided to them.

## **12 VAC 30-120-65. PACE enrollee responsibilities.**

A. Enrollees shall access services through an assigned PCP. Enrollees shall be given the opportunity to choose a PCP affiliated with the applicable PACE ~~plan~~ provider. In the event an enrollee fails to choose a PCP, one shall be assigned by the ~~contractor~~ provider.

B. Enrollees shall be responsible for co-payments, if any.

C. Enrollees shall raise complaints relating to PACE plan coverage and services directly with the ~~contractor~~ PACE provider. The ~~contractor~~ provider shall have a DMAS-approved enrollee complaint process in place at all times.

D. Enrollees shall raise complaints pertaining to Medicaid eligibility and PACE plan eligibility directly to DMAS. These complaints shall be considered under DMAS' Client Appeals regulations (12VAC30-110-10 et seq.).

E. The PACE provider shall have a grievance process in place including procedures for filing an enrollee's grievance, documenting the grievance, responding to and resolving the grievance in a timely manner, and maintaining confidentiality of the agreement pursuant to 42 CFR 460.120.

## **12 VAC 30-120-66. PACE plan contract requirements and standards.**

A. Pursuant to 42 CFR Part 460 and § 32.1-330.3 of the Code of Virginia, DMAS shall establish contract requirements and standards for PACE ~~plan contractors~~ providers.

B. At the point of PACE plan contract agreement, DMAS shall modify 12VAC30-50-320 accordingly and submit it to the Health Care Financing Administration for approval CMS.

C. Any expansion of PACE programs shall be on a schedule and within an area determined solely at the discretion of DMAS through a Request for Applications (RFA) process. No organization shall begin any new PACE program without going through the RFA process as required by DMAS.

**12 VAC 30-120-68. PACE sanctions.**

A. DMAS shall apply sanctions to ~~contractors~~ providers for violations of PACE contract provisions and/or federal or state law and regulation.

B. Permissible state sanctions shall include, but need not be limited to, the following:

1. A written warning to the ~~contractor~~ provider;
2. Withholding all or part of the ~~contractor's~~ PACE provider's capitation payments, or retracting all or part of any reimbursement previously paid;
3. Suspension of new enrollment in the PACE plan;
4. Restriction of current enrollment in the PACE plan; and
5. Contract termination.

VA.R. Doc. No. R07-183; Filed March 28, 2007, 11:55 a.m.



**TITLE 24. TRANSPORTATION AND MOTOR VEHICLES**

**MOTOR VEHICLE DEALER BOARD**

**Proposed Regulation**

Title of Regulation: **24 VAC 22-20. Motor Vehicle Dealer Fees (amending 24 VAC 22-20-10 and 24 VAC 22-20-20).**

Statutory Authority: §§ 46.2-1503.4, 46.2-1506, 46.2-1519 and 46.2-1546 of the Code of Virginia.

Public Hearing Date: May 14, 2007 - 3 p.m.  
Public comments may be submitted until June 15, 2007.  
(See Calendar of Events section for additional information)

Agency Contact: Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 West Broad Street, Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, or email bruce.gould@mvdv.virginia.gov.

Basis: Sections 46.2-1511, 46.2-1512, 46.2-1519 and 46.2-1546 of the Code of Virginia authorize the Motor Vehicle Dealer Board to set fees within maximum limits. Section 46.2-1506 of the Code of Virginia authorizes the Motor Vehicle Dealer Board to promulgate regulations.

Purpose: Licensing motor vehicle dealers and salespersons is essential to protecting consumers who purchase motor vehicles. Timely licensing of dealers and salespersons contributes to the good health of Virginia's economy and employment. If fees are not adjusted, the Motor Vehicle Dealer Board would not be able to continue to provide an adequate level of service.

Substance: The proposed regulations adjust the fees for dealer-operator certification of qualification, salesperson certification of qualification, salesperson's license and dealer license plates that motor vehicle dealers and salespersons are assessed by the board.

Issues: This regulatory action poses no disadvantages to the public or the Commonwealth. Adjusting the fees will allow the board to continue to adequately provide essential services to consumers, motor vehicle dealers, and others who use these services. Services provided to consumers include, but are not limited to, assisting in solving problems they may have encountered with the purchase of a motor vehicle, screening applications for dealer and salespersons licenses, suspending and revoking licenses of dealers who defraud consumers, and monitoring dealer advertising. Adjusting the fees will allow the board to continue to respond quickly to requests for dealers for transactions such as establishing a new salesperson; opening a new location; answering questions in-person, by telephone and by email; and providing timely, informational materials to dealers.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. The Motor Vehicle Dealer Board (board) proposes to amend the current Motor Vehicle Dealer Fees Regulations (24 VAC 22-20) and adjust some of the fees paid by motor vehicle dealers and salespersons. The board also proposes to add language regarding the certification test fees to the regulations and revise several definitions for consistency with the Code of Virginia.

Results of Analysis. There is insufficient data to accurately compare the magnitude of the benefits versus the costs. Detailed analysis of the benefits and costs can be found in the next section.

Estimated Economic Impact. The Motor Vehicle Dealer Board is a Special Fund agency that receives no General Fund moneys and operates on fees paid by motor vehicle dealers and salespersons. The current fee structure was established in 1996. At that time, the financial plan was for the board to build a surplus in revenue in its Special Fund in the first three years and those surplus revenues would cover revenue deficiencies in the last three years of the six-year financial plan. A combination of lower than projected expenditures and higher than expected revenues has allowed the Board to stretch its six year plan to about 10 years. However, without

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an adjustment to the fee structure, it is projected that the agency will be close to running out of funds around January of 2008.

The board proposes to increase some of the fees that motor vehicle dealers and salespersons are assessed by the board. Table 1 lists the proposed fee increases, the maximum fees set by statute, and the estimated increase in cost from the proposed changes. Application fees for taking dealer-operator and salesperson certification test will increase from \$25 to \$50.<sup>1</sup> The annual salesperson license fees will be raised from \$20 to \$25. The annual dealer license plate fees, which are currently \$20 each for the first two plates and \$15 for each additional plate, will be \$30 for the first two plates and \$26 for each additional plate.<sup>2</sup> All of the proposed fees are still under the maximum fees set by the Code of Virginia. The proposed regulation also incorporates language regarding the certification test fees, which is currently stated in the instructions for the certification test. Definitions of "motor vehicle dealer" and "motor vehicle salesperson" are revised for consistency with § 46.2-1500 of the Code of Virginia.

The proposed fee increases will cause increases in costs for motor vehicle dealers, salespersons, and applicants for dealer-operator and salespersons certification tests in Virginia. Column 3 of Table 1 shows the estimated number of certification tests taken every year, the estimated number of salesperson licenses issued and dealer license plates that are provided by the board. Column 4 calculates the estimated increased costs under the proposed fees compared to the current fee structure. For example, the board estimates that there will be 7,619 dealer-operator and salesperson certification tests taken every year, with about 10% of the tests taken by dealer-operator applicants and the other 90% from salesperson applicants. Each applicant will have to pay \$25 more for taking the certification test. The estimated increase in costs will be approximately \$190,475 for all of the applicants. The \$5 increase in annual salesperson license fees will increase costs by \$132,145 for all the licensees. The proposed changes in the annual dealer license plate fees will increase costs by \$324,742 for all of the dealers in Virginia. The total increase in costs from the proposed regulations will be approximately \$716,962 annually statewide. According to the board, most of the dealers pay the salespersons licensing fees and all dealer plate fees. Therefore, the proposed regulations will cause a total increase in costs of \$526,487 for the 3,850 dealers in Virginia, with an average increase of

\$137 per year.<sup>3</sup> Given that the current fee structure has not been changed since 1996, and the proposed fees are still under the maximum fees set by law over 11 years ago, the impact of the proposed regulations on the dealers, salesperson, and applicants for dealer-operator and salespersons certification tests will likely be modest. And, part of the increase in costs may be passed on to the consumers in the form of higher prices.

The proposed fee increases will generate an increase in revenue of about \$716,962 to the Motor Vehicle Dealer Fund. This additional revenue will be used to maintain the functioning of the board to administer sections of the Commonwealth's Motor Vehicle Dealer Laws and Regulations as charged, which will benefit both the automotive consumer and dealer body. The incorporation of new language about the certification test fees and the revision of definitions will improve clarity of the regulations and reduce potential confusions. Since the benefits from the proposed regulations will not be measured in dollar amount, it is not known whether the total costs will exceed total benefits.

Table 1: Proposed Fee Increases and the Estimated Increase in Costs

|  | Current Fees   | Proposed Fees   | Maximum Fees by Statute | Estimated Number of Certification Tests Taken per Year / Salesperson Licenses / Dealer License Plates <sup>b</sup> |                    | Estimated Increase in Costs |
|--|--|---|-------------------------|--|--------------------|-----------------------------|
| Dealer-operator Certificate of Qualification | \$25 to take the certification test <sup>a</sup>     | \$50 application fee                                  | \$50                    | 7619   |                    | \$190,475                   |
| Salesperson Certification of Qualifications  | \$25 to take the certification test <sup>a</sup>     | \$50 application fee                                  | \$50                    |  |                    |                             |
| Annual Salesperson License Fee               | \$20   | \$25  | \$50                    | Single year licenses   | 19,729             | \$98,645                    |
|  |  |   |                         | Multi-year (2 year) licenses   | 3,350              | \$33,500                    |
|  |  |   |                         | Total  | 23,079             | \$132,145                   |
| Annual Dealer License Plate Fee              | First two plates \$20 each; \$15 for each additional | First two plates: \$30 each; \$26 for each additional | \$30 each               | First two plates   | 6,960 <sup>c</sup> | \$69,600                    |
|  |  |   |                         | Additional plates  | 29,522             | \$324,742                   |
|  |  |   |                         | Total  | 36,482             | \$394,342                   |

<sup>1</sup> According to the Board, currently the certification test fee is stated in the instructions for the certification test. The proposed regulations will incorporate the certification test fees.

<sup>2</sup> According to § 46.2-1546 of the Code of Virginia, for the first two dealer's license plates issued to a dealer, \$24 shall be deposited into the Transportation Trust Fund and the remainder shall be deposited into the Motor Vehicle Dealer Fund. For each additional dealer's license plate issued to a dealer, \$10.40 is deposited into the Transportation Trust Fund and the remainder is deposited into the Motor Vehicle Dealer Fund. Therefore, the fee for the first two dealer's plates can not be less than \$24 and the fee for additional dealer's license plates can not be less than \$10.40 each.

<sup>3</sup> Calculation:  $\$526,487 / 3,850 = \$137$

Note:

<sup>a</sup> According to the board, currently the certification test fee is stated in the instructions for the certification test, not in the regulations.

<sup>b</sup> The estimated number of certification tests taken every year, salesperson licenses, and dealer license plates are provided by the board.

<sup>c</sup> The board provides that there are 3,480 dealers with tags, therefore the number of first two plates is 6,960.

**Businesses and Entities Affected.** Motor vehicle dealers, salesperson and applicants for dealer-operator and salesperson certificate tests will be affected. Most dealers will pay the salespersons licensing fees and all dealer plate fees. Part of the increase in costs may be passed on to the consumers in the form of higher prices. Currently there are approximately 3,850 motor vehicle dealers in Virginia. The board estimates that there will be 7,619 dealer-operator and salesperson certification tests taken every year, with about 762 tests for dealer-operator certification and 6,857 for salesperson certification. The number of applicants affected every year will be lower because each applicant may take more than one test if he or she fails the first test.

**Localities Particularly Affected.** The proposed regulation affects localities throughout the Commonwealth.

**Projected Impact on Employment.** The proposed regulations will increase the compliance costs of motor vehicle dealers and may modestly reduce the number of dealer-operators and salespersons employed by a dealer.

**Effects on the Use and Value of Private Property.** Motor vehicle dealers will experience an increase in costs due to the proposed fee increases, which may have a negative impact on the value of their assets. Given that the current fee structure has not been changed since 1996, and the proposed fees are still under the maximum fees set by law over 11 years ago, the impact of the proposed regulations will likely be modest. Part of the increase in costs may be passed on to the consumers in the form of higher prices.

**Small Businesses: Costs and Other Effects.** Nearly all of the 3,850 motor vehicle dealers are small businesses. On average the increase in costs to the motor vehicle dealers would be \$137 per year. Given that the current fee structure has not been changed since 1996, and that the proposed fees are still under the maximum fees set by law over 11 years ago, the impact on small businesses will likely be modest.

**Small Businesses: Alternative Method that Minimizes Adverse Impact.** The current fee increases are proposed so that the Motor Vehicle Dealer Fund will not be running out in the near future. There is no alternative method that can generate a smaller adverse impact.

**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 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 Motor Vehicle Dealer Board concurs with the Department of Planning and Budget's economic impact analysis.

Summary:

*The proposed amendments revise definitions for consistency with the Code of Virginia; increase the motor vehicle dealer salesperson license fee and dealer license plate fees; and establish fees for certificate of qualification.*

**24 VAC 22-20-10. Definitions.**

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

"Dealer license plates" means license plates bearing a distinctive number, and the name of the Commonwealth, which may be abbreviated, together with the word "dealer" or a distinguishing symbol, indicating that the plate is issued to a manufacturer, distributor, or dealer, and further distinguishes franchised or independent dealers.

"Motor vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motor vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles are owned by him; or the same as provided in § 46.2-1500 of the Code of Virginia;

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2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him; or
3. Offers to sell, sells, displays, or permits the display for sale of, five or more motor vehicles within any 12 consecutive months.

The term "motor vehicle dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.
2. Public officers, their deputies, assistants, or employees, while performing their official duties.
3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired for their own use and actually so used, when the vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of ~~this chapter~~ Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2 of the Code of Virginia.
4. Persons dealing solely in the sale and distribution of ~~fire-fighting equipment, ambulances, and~~ funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1519, 46.2-1520 and 46.2-1548 of the Code of Virginia.
5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a motor vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the vehicle.
6. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.
7. Any person licensed to sell real estate who sells a mobile home or similar vehicle in conjunction with the sale of the parcel of land on which the mobile home or similar vehicle is located.
8. Any person who permits the operation of a motor vehicle show or permits the display of motor vehicles for sale by any motor vehicle dealer licensed under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2 of the Code of Virginia.
9. An insurance company authorized to do business in the Commonwealth that sells or disposes of vehicles under a contract with its insured in the regular course of business.

10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of vehicles owned by others.
11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.
12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motor vehicle dealer.
13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36 of the Code of Virginia.

14. The Virginia Department of Social Services or local departments of social services.

"Motor vehicle salesperson" means (i) any person who is licensed as and employed as a salesperson hired as an employee by a motor vehicle dealer to sell or exchange motor vehicles. It shall also mean and who receives or expects to receive a commission, fee or any other consideration from the dealer; (ii) any person who supervises salespersons employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person, compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles.

"Supplemental license" means a license issued by the Motor Vehicle Dealer Board for a licensed motor vehicle dealer to display for sale or sell vehicles at locations other than his established place of business, subject to compliance with local ordinances and requirements.

**24 VAC 22-20-20. Fees.**

A. License fees. All license fees, except initial license fees, are nonrefundable. Annual fees for licenses are as follows:

|  |  |
|--|--|
| Motor Vehicle Dealer License             | \$200.                                       |
| Permanent Supplemental License           | \$40.  |
| Temporary Supplemental License           | \$40. (per 7-day license) (Valid for 7 days) |
| Motor Vehicle Dealer Salesperson License | <del>\$20</del> <u>\$25.</u>                 |

B. Application for certificate of qualification fees. Application fees for certificates of qualification are nonrefundable. The fees, which are due prior to taking the certificate of qualification examination, are as follows:

|                                       |              |
|---------------------------------------|--------------|
| <u>Dealer-Operator Certificate of</u> | <u>\$50.</u> |
|---------------------------------------|--------------|

Qualification:

Salesperson Certificate of \$50.

Qualification:

Combined Dealer-Operator and \$50

Salesperson Certificates of

Qualification:

**B. C.** Dealer license plate fees. Fees for dealer license plates are nonrefundable. Annual fees for dealer license plates are as follows:

First two plates \$20 \$30.

Third and subsequent plates \$15 \$26.

All renewal fees are due to the Motor Vehicle Dealer Board on the last day of the expiration month and shall be considered filed on time if postmarked prior to the expiration date.

VA.R. Doc. No. R07-13; Filed March 26, 2007, 11:12 a.m.

**COMMONWEALTH TRANSPORTATION BOARD**

**Final Regulation**

**REGISTRAR'S NOTICE:** The Department of Transportation is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property.

Titles of Regulations: **24 VAC 30-320. Urban Division Manual, Chapter II (REPEALED).**

**24 VAC 30-325. Urban Maintenance and Construction Policy (adding 24 VAC 30-325-10 and 24 VAC 30-325-20).**

**24 VAC 30-330. Urban Division Manual, Chapter III (REPEALED).**

Statutory Authority: §§ 33.1-23.3 and 33.1-41.1 of the Code of Virginia.

Effective Date: March 22, 2007.

Agency Contact: Jennifer Debruhl, Assistant Director, Local Assistance Division, Department of Transportation, 1401 East Broad Street, 4th Floor Annex, Richmond, VA 23219, telephone (804) 786-0334, FAX (804) 786-2603 or email jennifer.debruhl@vdot.virginia.gov.

Summary:

*This regulation replaces 24 VAC 30-320, Urban Division Manual, Chapter II, and 24 VAC 30-330, Urban Division Manual, Chapter III, which provided internal and external instructions in the administration of maintenance and construction payments for qualifying cities and towns. These regulations are out of date due to changes in the Code of Virginia and the Virginia Department of*

*Transportation's organizational structure and are being repealed. The new regulation is promulgated to guide the implementation of the Urban Construction and Maintenance Programs as established by §§ 33.1-23.3 and 33.1-41.1 of the Code of Virginia.*

CHAPTER 325.

URBAN MAINTENANCE AND CONSTRUCTION POLICY.

**24 VAC 30-325-10. Eligibility criteria and conditions governing receipt and use of urban maintenance and construction funds.**

A. In addition to the eligibility requirements identified in § 33.1-41.1 of the Code of Virginia, the road and street eligibility criteria for urban maintenance payments shall also include the following:

1. The basic right-of-way width for cul-de-sacs eligible for payment will be 40 feet, with consideration of requests for pavement widths less than 30 feet. For the purpose of making this assessment, a cul-de-sac will be defined as a dead-end street, open only at one end.

2. If a municipality has jurisdiction over and operates a toll facility, such facility is eligible for street payments.

3. Local one-way streets, loop roads, and school bus entrances will be eligible for payment provided that they are constructed to a width of 16 feet with a right-of-way width of not less than 40 feet. This includes service and frontage roads where contiguous to an interstate, primary, or urban system route.

4. VDOT can consider a waiver of standards on a site-specific basis with appropriate supporting information. Each case will be considered on its own merits.

B. In determining lane mileage eligibility, the following conditions will apply:

1. Turning lanes and ramps will not be considered for street payments. This includes center turn lanes unless they serve as moving through lanes during peak hours.

2. Parking must be restricted and enforced by towing during peak traffic periods.

3. Each road or street with more than two moving lanes must have pavement markings in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways, 2003 Edition, including Revision 1 dated November 2004, published by the U.S. Department of Transportation, Federal Highway Administration.

4. Pavement widths of less than 14 feet qualify for only one moving lane even if it carries traffic in two directions.

5. Nonhard surfaced streets do not qualify for street payments.

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C. Mileage adjustments, including the results of annexations, mergers, or incorporations, will be made on an annual basis as part of the board's approval of the annual maintenance payments. All adjustments submitted to the department by February 1 will be eligible for payment effective July 1 of the following fiscal year.

D. For the purpose of calculating maintenance payments, streets will be functionally classified based on the Federal Functional Classification system, except where the federal system is not parallel with the state system.

E. Bridge safety and regular inspection is of utmost importance. The Federal Highway Administration and the department require strict compliance with the National Bridge Inspection Standards (23 CFR Part 650) regarding the frequency of inspection and load posting requirements. The Commonwealth Transportation Commissioner may elect to withhold street payments from a municipality for delinquent or inadequate bridge inspection reports.

F. Municipalities, by resolution of their governing body and agreement with the department, may elect to utilize up to one-third of their urban construction allocation for reimbursement of debt incurred for eligible project costs on approved projects. The payback is limited to a maximum 20-year timeframe.

G. Landscaping is important to enhance the safety and visual quality of roads and to maintain quality of life for communities. It is the intent of the board that a maximum of 3.0% of the construction budget for individual urban construction projects may be allocated for landscape improvements. Pavers and stamped asphalt for crosswalks are considered a pedestrian safety and traffic calming measure for project participation and are not subject to this limitation. Elements of streetscape can also be constructed at project expense if the project is an identified gateway project or located within a historic or cultural district.

H. The Commonwealth Transportation Commissioner is directed to establish administrative procedures to assure the provisions of this chapter and legislative directives are adhered to and complied with.

## **24 VAC 30-325-20. Document incorporated by reference.**

Information pertaining to the availability and cost of the Manual on Uniform Traffic Control Devices (MUTCD), 2003 Edition with Revision No. 1 Incorporated, dated November 2004, should be directed to Federal Highway Administration, Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954. The MUTCD is also available from the following website: <http://mutcd.fhwa.dot.gov/index.htm>.

## **DOCUMENT INCORPORATED BY REFERENCE**

Manual on Uniform Traffic Control Devices (MUTCD), 2003 Edition with Revision 1 Incorporated November 2004, Federal Highway Administration.

**NOTICE:** The forms used in administering 24 VAC 30-325, Urban Maintenance and Construction Policy, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

## **FORMS**

Form U-1 - Request for Street Additions and Deletions for Street Payments (Rev. 1/07)

Form U-2 - Request for Change in Functional Classification System (Rev. 1/07)

Form U-5 - Principal-Minor Arterial Streets Street Condition Report (Rev. 1/07)







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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Water Quality Improvement Study - Banister River 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 (DEQ) for the Banister River watershed in Halifax and Pittsylvania counties in Virginia.

Public meeting: Halifax USDA Service Center, 171 South Main Street, Halifax, Virginia, on Tuesday, May 8, 2007, from 6:30 to 8:30 p.m.

Public comment period: March 8, 2007, to June 8, 2007.

Meeting description: This is a public meeting to discuss a study to restore water quality in stream segments in the Banister River watershed.

Description of study: Virginia agencies are working to identify sources of bacteria contamination in stream segments in the Banister River 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:

Banister River (11.67 miles), Pittsylvania County, fecal coliform bacteria; Whitehorn Creek (24.73 miles), Pittsylvania County, E. coli; Cherrystone Creek (8.44 miles), Pittsylvania County, fecal coliform bacteria; Bearskin Creek (9.31 miles), Pittsylvania County, E. coli; Banister River (13.18 miles), Halifax County, E. coli; Stinking River (8.99 miles), Halifax County, fecal coliform bacteria; Polecat Creek (9.66), Halifax County, fecal coliform bacteria; Sandy Creek (11.78 miles), Halifax County, fecal coliform bacteria.

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, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-6216, FAX (434) 582-5125, or email [lmtheodore@deq.virginia.gov](mailto:lmtheodore@deq.virginia.gov).

### Water Quality Improvement Study - Dan River Watershed

Purpose of notice: To announce a local steering committee meeting on a water quality improvement study by the Department of Environmental Quality (DEQ) for the Dan River watershed in Halifax and Pittsylvania counties in Virginia.

Steering committee meeting: South Boston Public Library, 509 Broad Street, South Boston, Virginia on Tuesday, May 8, 2007, from 1:30 to 3:30 p.m.

Meeting description: This is the first steering committee meeting regarding a study to restore water quality in various streams within the Dan River watershed. We will be discussing the study and the basic characteristics of the Dan River watershed.

Description of study: Virginia agencies are working to identify sources of bacteria contamination in stream segments from the Dan River watershed in Central Virginia. This contamination exceeds water quality standards, which prohibits swimming. 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, their location, and the reason for the impairment:

Dan River (42.8 miles), Pittsylvania County, total fecal coliform; Sandy River (7.21 miles), Pittsylvania County, total fecal coliform; Sandy Creek (9.17 miles), Pittsylvania County, total fecal coliform; Fall Creek (2.3 miles), City of Danville, total fecal coliform; Byrds Branch (2.98 miles), Halifax County, total fecal coliform; Double Creek (8.28 miles), Halifax and Pittsylvania counties, total fecal coliform.

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 to have to be reduced to the TMDL amount.

Contact for additional information: Lauren Theodore, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-6216, FAX (434) 582-5125, or email [lmtheodore@deq.virginia.gov](mailto:lmtheodore@deq.virginia.gov).

### Notice of Comment Period Extension - Garden Creek Draft TMDL

On March 19, 2007, the Department of Environmental Quality published an announcement of an effort to restore water quality in Garden Creek in Buchanan County, Virginia. This notice is to announce extension of the public comment period until May 16, 2007.

Purpose of notice: To seek public comment on a water quality improvement study by the Virginia Department of Environmental Quality (DEQ), Department of Mines, Minerals, and Energy, and the Department of Conservation and Recreation for Garden Creek in Buchanan County, Virginia.

Description of study: DEQ is working to identify sources of pollutants affecting the aquatic organisms, sources of chlorides and sources of bacteria contamination in the waters of Garden Creek. Garden Creek is in Buchanan County and flows along Route 624 to Levisa Fork River near Oakwood, Virginia. The "impaired" stream segment was estimated to be approximately 1.81 miles long, from the confluence between Right Fork Garden Creek and Garden Creek to the confluence with Levisa Fork River. 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, additionally 2006 data indicates violation of the chloride standard.

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 and chloride contamination, and develop a TMDL for bacteria. To restore water quality, contamination levels have to 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, March 22, 2007, to May 16, 2007. DEQ also accepts written and oral comments at the public meeting announced in this notice.

To review draft TMDL report: The draft TMDL report on the impaired waters is available after April 16, 2007, from the contact below or on the DEQ website at [www.deq.virginia.gov/tmdl](http://www.deq.virginia.gov/tmdl).

Contact for additional information: Shelley D. Williams, Regional TMDL Coordinator, 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](mailto:sdwilliams@deq.virginia.gov).

## **Total Maximum Daily Load (TMDL) - South River**

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a total maximum daily load (TMDL) for mercury in the South River in Augusta and Rockingham Counties. The South River was listed on the 1998 303(d) TMDL Priority List and Report as impaired due to a Virginia Department of Health fish consumption advisory for mercury. This impairment extends from the DuPont foot bridge over the South River in Waynesboro to the confluence of the South Fork Shenandoah River. The impairment continues for the entire length of the South Fork Shenandoah River and ends on the main stem of the Shenandoah River at the Warrenton Power Dam. The impairment also includes a section of the North Fork Shenandoah River from its mouth upstream to the Riverton Dam. The entire mercury fish consumption impairment covers a total of 129 miles of stream.

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 developing a mercury TMDL for the South River to address this fish consumption impairment.

The first public meeting on the development of this TMDL will be held on Monday, July 17, 2006, 7 p.m. at the Charles Yancey Municipal Building, 503 W. Main Street, Waynesboro, VA.

The public comment period for the first public meeting will end on August 17, 2006. 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 [mbrent@deq.virginia.gov](mailto:mbrent@deq.virginia.gov).

## **STATE WATER CONTROL BOARD**

### **Proposed Consent Special Order - Mendleson Development, LLC**

Purpose of notice: To invite citizens to comment on a proposed amended consent order for a site in Louisa County, Virginia.

Public comment period: April 16, 2007, through May 15, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to Mendleson Development, LLC to address alleged violations of Virginia's regulations. The site where the alleged violation occurred is bordered on the west by Route 522, on the north by Route 208, on the east by Route 652, and on the south by Contrary Creek. The consent order describes a settlement to resolve violations of a

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## General Notices/Errata

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previously executed consent order with Mendelson Development, LLC.

How to comment: DEQ accepts comments from the public by email, fax, or postal mail. All comments must include the name, address, and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests, and additional information: Sarah Baker, Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3850, FAX (703) 583-3841, or email [sbaker@deq.virginia.gov](mailto:sbaker@deq.virginia.gov).

### Proposed Consent Special Order - Town of Monterey

Purpose of notice: To invite citizens to comment on a proposed consent order for a facility in Rockbridge County, Virginia.

Public comment period: April 16, 2007, to May 19, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to the Town of Monterey to address alleged violations of regulations. The location of the facility where the alleged violations occurred is at the Town's STP in Highland County, Virginia. The consent order describes a settlement to resolve these violations.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Steven W. Hetrick, Valley Regional Office, Department of Environmental Quality, Post Office Box 3000, VA 22801-9519, telephone (540) 574-7833, FAX (540) 574-7878, or email [swhetrick@deq.virginia.gov](mailto:swhetrick@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.

### 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

## ERRATA

### STATE AIR POLLUTION CONTROL BOARD

**Title of Regulation:** 9 VAC 5-140. Regulation for Emissions Trading Programs.

**Publication:** 23:13 VA.R. 2159-2186 March 5, 2007.

#### Corrections to Final Regulation:

Page 2164, 9 VAC 5-140-5020, in the definition of "Hg allowance deduction," line 10, change "A 2" to "B"

Page 2165, 9 VAC 5-140-5020, in subdivision 3 of the definition of "Life-of-the-unit, firm power contractual arrangement," line 1, change "percent" to "%"

Page 2169, 9 VAC 5-140-5060 A, line 1, change the period at the end of the line to a colon

Page 2170, 9 VAC 5-140-5060 E, line 2, change the period at the end of the line to a colon

In the following sections, delete "or her":

Page 2171, in 9 VAC 5-140-5100 C, line 4

Page 2173, in 9 VAC 5-140-5150 A and B, line 2 in each

Page 2178, in 9 VAC 5-140-5510 B 2 a (2), line 3

Page 2179, in 9 VAC 5-140-5510 B 5 a and b, line 2 in each

Page 2181, in 9 VAC 5-140-5560, lines 1 and 2

Page 2173, 9 VAC 5-140-5150 C 3, line 2, change "subsections" to "subsection"

Page 2176, 9 VAC 5-140-5420 C 4 d, line 9, change "setaside" to "set-aside"

Page 2177, 9 VAC 5-140-5420 E 8, line 2, transpose "shall" and "(i)"

Page 2179, 9 VAC 5-140-5510 B 4, line 3, change the colon at the end of the line to a period

Page 2179, 9 VAC 5-140-5510 B 5 c (4), line 4, change "Administrator" to "administrator"

Page 2179, 9 VAC 5-140-5510 B 5 c (5), line 7, change "Administrator" to "administrator"

Page 2181, 9 VAC 5-140-5540 F, line 2, change the period at the end of the line to a colon

Page 2181, 9 VAC 5-140-5600, line 1, change "An" to "A"

VA.R. Doc. No. R07-139; Filed April 9, 2007, 10:25 a.m.

**Title of Regulation: 9 VAC 5-140. Regulation for Emissions Trading.**

**Publication:** 23:14 VA.R. 2277-2391 March 19, 2007.

**Corrections to Final Regulation:**

Page 2279, in 9 VAC 5-140-1020, in the definition of "Allowance transfer deadline," line 4, delete the comma after the opening bracket

Page 2280, in 9 VAC 5-140-1020, in the definition of "CAIR NO<sub>x</sub> allowance," line 18, insert closing bracket after stricken "subdivision 1 of"

Page 2280, in 9 VAC 5-140-1020, in the definition of "CAIR NO<sub>x</sub> allowance deduction" or "deduct CAIR NO<sub>x</sub> allowances," line 7, after "Article": [ ~~48~~ 8 ]

Page 2281, in 9 VAC 5-140-1020, in the definition of "CAIR NO<sub>x</sub> emissions limitation," line 2, after opening bracket, insert new comma

Page 2283, in 9 VAC 5-140-1020, in the second paragraph of the definition of "Commence operation," line 1, insert closing bracket after "2."

Page 2283, in 9 VAC 5-140-1020, in the third paragraph of the definition of "Commence operation," line 5, strike comma after "repowered"

Page 2291, in 9 VAC 5-140-1061, in the catchline, change "and" to "area"

Page 2291, in 9 VAC 5-140-1061, column 2, line 5, unstrike "4." and move opening bracket to precede "If"

Page 2292, in 9 VAC 5-140-1062 E, replace the equation with the following:

$$\sum_{i=1}^n (ANOE_i) \leq \sum_{i=1}^n (X)$$

Page 2294, in 9 VAC 5-140-1130 A 1, line 3, insert a comma after the opening bracket

Page 2298, in 9 VAC 5-140-1420 D, line 10, delete comma before the closing bracket

Page 2298, in 9 VAC 5-140-1420 D 2, change line 10 to read: "request [ ~~shall be submitted on or before July 1 of the first for each~~ ]"

Page 2308, in 9 VAC 5-140-1700 E 4 c, change line 4 to read: "accordance with 9 VAC 5-140-1710 D 3 a."

Page 2311, in 9 VAC 5-140-1740 D 1 d, line 6, delete period before the closing bracket

Page 2319, in 9 VAC 5-140-2020, in the definition of "CAIR NO<sub>x</sub> Ozone Season allowance," column 2, line 22, after "and" insert "(bb)(1)."

Page 2320, in 9 VAC 5-140-2020, in the definition of "CAIR permit," line 1, change "items" to "terms"

Page 2322, in 9 VAC 5-140-2020, in subdivision 3 of the definition of "Commence operation," line 5, delete the stricken comma after the opening bracket

Page 2325, in 9 VAC 5-140-2020, in subdivision 2 of the definition of "New unit set-aside budget," change line 2 to read: "~~of 9 VAC 5-140-2040, 700 736~~ ] tons of NO<sub>x</sub> emissions for"

Page 2325, in 9 VAC 5-140-2020, in definition of "Nonelectric generating unit," line 2, insert opening bracket before "CAIR"

Page 2327, in 9 VAC 5-140-2030, insert opening bracket before "NO<sub>x</sub>-nitrogen oxides."

Page 2328, in 9 VAC 5-140-2040 C, line 1, insert opening bracket before "C."

Page 2330, in 9 VAC 5-140-2060 C 4, lines 4 and 5, move opening bracket from the beginning of line 5 to line 4 preceding the comma

Page 2332, in 9 VAC 5-140-2062 E, replace the equation with the following:

$$\sum_{i=1}^n (ANOE_i) \leq \sum_{i=1}^n (X)$$

Page 2352, in 9 VAC 5-140-2740 D 2 b (2), column 2, line 7, change colon to semicolon

Page 2371, in 9 VAC 5-140-3062 E, replace the equation with the following:

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## General Notices/Errata

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$$\sum_{i=1}^n (ASDE_i) \leq \sum_{i=1}^n (X)$$

Page 2387, in subdivision 2 b of 9 VAC 5-140-3840, column 2, line 3, strike "subsection" and insert "subdivision" and place within brackets

VA.R. Doc. No. R05-230; Filed April 4, 2007, 11:08 a.m.

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# CALENDAR OF EVENTS

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## Symbol Key

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

♿ Location accessible to persons with disabilities

☎ Teletype (TTY)/Voice Designation

## NOTICE

Only those meetings that 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](http://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 26, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,  
3600 West Broad Street, Suite 395, Richmond, Virginia.

A meeting of the Enforcement Committee to review open disciplinary cases.

**Contact:** Jean Grant, Enforcement Manager, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0725, FAX (804) 367-2174, (804) 367-9753/TTY☎, email [jean.grant@boa.virginia.gov](mailto:jean.grant@boa.virginia.gov).

**April 26, 2007 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,  
3600 West Broad Street, Suite 378, Richmond, Virginia.

An informal conference to gather facts during a public hearing regarding disciplinary cases.

**Contact:** Jean Grant, Enforcement Manager, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0725, FAX (804) 367-2174, (804) 367-9753/TTY☎, email [jean.grant@boa.virginia.gov](mailto:jean.grant@boa.virginia.gov).

**† May 15, 2007 - 7 p.m.** -- Open Meeting

Sheraton Richmond West Hotel, 6624 West Broad Street, Shula's, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

**† May 16, 2007 - 10 a.m.** -- Open Meeting

Sheraton Richmond West Hotel, 6624 West Broad Street, Chesapeake Room, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A working session for board members and staff to discuss strategic planning. No routine board business will be discussed and no public comment will be taken.

**Contact:** Mark D'Amato, Board Administrator, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0502, FAX (804) 367-2174, (804) 367-9753/TTY☎, email [mark.damato@boa.virginia.gov](mailto:mark.damato@boa.virginia.gov).

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**May 2, 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 adopt regulations entitled **2 VAC 5-620, Rules and Regulations Pertaining to the Establishment of the Dangerous Dog Registry**. The purpose of the proposed action is to establish the procedures and requirements for registration of dangerous dogs with local political jurisdictions and the Commonwealth of Virginia Dangerous Dog Registry.

Statutory Authority: § 3.1-796.93:3 of the Code of Virginia.

**Contact:** Colleen Calderwood, DVM, Program Manager, Office of Veterinary Services, 102 Governor St., Suite 141, Richmond, VA 23219, telephone (804) 786-2483, FAX (804) 371-2380 or email [colleen.calderwood@vdacs.virginia.gov](mailto:colleen.calderwood@vdacs.virginia.gov).

### Virginia Horse Industry Board

**April 17, 2007 - 10 a.m.** -- Open Meeting

Department of Forestry, 900 Natural Resources Drive, 2nd Floor, Meeting Room, Charlottesville, Virginia.♿

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# Calendar of Events

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A meeting to (i) discuss marketing and promotional projects for the coming year, (ii) review the board's budget to date, (iii) read and approve the minutes from the board's last meeting, and (iv) review the grant proposals that have been submitted for consideration for FY 2007-2008. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Andrea Heid at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Andrea Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, Oliver Hill Bldg., 102 Governor St., Room 318, 3rd Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 371-7786, email andrea.heid@vdacs.virginia.gov.

## ALCOHOLIC BEVERAGE CONTROL BOARD

**April 16, 2007 - 9 a.m.** -- Open Meeting

**May 7, 2007 - 9 a.m.** -- Open Meeting

**May 21, 2007 - 9 a.m.** -- Open Meeting

**June 4, 2007 - 9 a.m.** -- Open Meeting

**June 18, 2007 - 9 a.m.** -- Open Meeting

**July 2, 2007 - 9 a.m.** -- Open Meeting

**† July 16, 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.

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**May 4, 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-10, Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations**. The purpose of the proposed action is to adopt several amendments to the regulation governing its procedures in hearings and public participation in the promulgation of regulations. Since the last action adopting or amending the regulation, various reorganizations within the agency have abolished positions referenced or reassigned certain duties. Several of the changes proposed involve correcting obsolete references to

such eliminated or renamed positions. Other amendments eliminate unnecessary provisions that prohibit the chief hearing officer from presiding over cases in which a consent settlement offer was extended, and require the secretary to prescreen complaints arising under the Beer and Wine Franchise Acts. Amendments to the board's public participation guidelines eliminate the current requirement of annual rulemaking, and recognize advancing technology by providing for email notification of regulatory activities and posting notice of regulatory actions on the Virginia Regulatory Town Hall.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

**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.

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**May 4, 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-40, Requirements for Product Approval**. The purpose of the proposed action is to amend the board's regulation governing the approval of new wine and beer products for sale in the Commonwealth. It proposes to eliminate several existing restrictions on the content of wine and beer labels. These restrictions are either obsolete or unnecessary because of other state or federal regulations covering the same subject matter. In addition, new provisions allow the sale of wine or beer for which approval has been applied, if the board fails to approve or disapprove within 30 days of receipt of the application.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

**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.

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**May 4, 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-60, Manufacturers and Wholesalers Operations**. The purpose of the proposed action is to amend three sections

of the board's regulations governing wine wholesalers and solicitors for distilled spirits manufacturers. Changes to 3 VAC 5-60-20 are designed to make reporting of purchases and sales by wine wholesalers easier by allowing reports in lieu of the submission of actual copies of certain purchase orders and invoices currently required to be submitted to the board. It is proposed that 3 VAC 5-60-40 be amended to increase the penalty of the indemnifying bond required of wine wholesalers from \$1,000 to \$2,500. 3 VAC 5-60-80 is proposed to be amended by modifying language to conform to a statute enacted by the 2006 Session of the General Assembly, and to allow the display on licensed retail premises of advertising specialty items provided by solicitors for distilled spirits manufacturers. In addition, a new section 3 VAC 5-60-100 is added, providing a process for manufacturers, wholesalers, or importers to seek approval from the board for the employment of persons with certain criminal convictions.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

**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](mailto:curtis.coleburn@abc.virginia.gov).

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**May 4, 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-70, Other Provisions**. The purpose of the proposed action is to (i) conform exceptions to the general prohibition against licensees giving away alcoholic beverages to recent actions of the General Assembly; (ii) remove the requirement that manufacturers give the board a copy of any price increase notice; (iii) provide that in situations where the same person is both the importer and wholesaler, no notice of price increase is required; (iv) increase the number of allowed farm winery remote locations from two to five as allowed by statute; and (v) set forth procedures for auction sales of designer or antique bottles containing distilled spirits.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

**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](mailto:curtis.coleburn@abc.virginia.gov).

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

**May 8, 2007 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Architects Section to conduct board business. 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](mailto:apelscidla@dpor.virginia.gov).

**May 10, 2007 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, 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](mailto:apelscidla@dpor.virginia.gov).

**May 14, 2007 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, 5th Floor, 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

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## Calendar of Events

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St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

**May 22, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Interior Designers 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](mailto:apelscidla@dpor.virginia.gov).

**May 24, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Land Surveyors 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](mailto:apelscidla@dpor.virginia.gov).

**June 14, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A regular meeting to discuss 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](mailto:apelscidla@dpor.virginia.gov).

### ART AND ARCHITECTURAL REVIEW BOARD

**May 4, 2007 - 10 a.m.** -- Open Meeting

**June 1, 2007 - 10 a.m.** -- Open Meeting

**† July 6, 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](http://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](mailto:bjohlinger@vcu.edu).

### VIRGINIA COMMISSION FOR THE ARTS

**June 14, 2007 - 8 a.m.** -- Open Meeting

Museum of the Shenandoah Valley, Winchester, Virginia.  (Interpreter for the deaf provided upon request)

**June 15, 2007 - 8 a.m.** -- Open Meeting

Shenandoah University, Board Room, Winchester, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the commissioners to review and approve the recommendations of the 07-08 grant panels.

**Contact:** Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , email [peggy.baggett@arts.virginia.gov](mailto:peggy.baggett@arts.virginia.gov).

### 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.

## ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

† **May 3, 2007 - 1 p.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the Board of Directors.

**Contact:** Joey Wallace, Ph.D., Executive Director, Assistive Technology Loan Fund Authority, 1602 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9997, FAX (804) 662-9533, toll-free (866) 835-5976, email joey.wallace@atfa.org.

## COMPREHENSIVE SERVICES FOR AT RISK YOUTH AND FAMILIES

† **April 18, 2007 - 9:30 a.m.** -- Open Meeting  
United Methodist Family Services, 3900 West Broad Street, Richmond, Virginia. ♿

A meeting of the State Executive Council to discuss topics related to the Comprehensive Services Act for At Risk Youth and Families.

**Contact:** Kim McGaughey, Executive Director, Department of Social Services, Office of Comprehensive Services, 1604 Santa Rosa Rd., Suite 137, Richmond, VA 23229, telephone (804) 662-9830, FAX (804) 662-9831, email kim.mcgaughey@dss.virginia.gov.

## AUCTIONEERS BOARD

NOTE: CHANGE IN MEETING DATE

**April 19, 2007 - 10 a.m.** -- Open Meeting

† **July 12, 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.

## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**May 24, 2007 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, 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. 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:** Lisa R. Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email lisa.hahn@dhp.virginia.gov.

## VIRGINIA AVIATION BOARD

**April 24, 2007 - 3 p.m.** -- Open Meeting

**April 25, 2007 - 9 a.m.** -- Open Meeting

Stonewall Jackson Hotel and Conference Center, 24 South Market Street, Staunton, Virginia. ♿

A regular bimonthly meeting. Applications for state funding will be presented to the board and other matters 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

NOTE: CHANGE IN MEETING DATE

**April 30, 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

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## Calendar of Events

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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](mailto: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](mailto:kathy.proffitt@dbvi.virginia.gov).

### Statewide Rehabilitation Council

**June 9, 2007 - 10 a.m.** -- Open Meeting  
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Rooms 1 and 2, Richmond, Virginia. ♿

A quarterly meeting to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired 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) 373-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, email [susan.payne@dbvi.virginia.gov](mailto:susan.payne@dbvi.virginia.gov).

### 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](mailto:branchpilots@dpor.virginia.gov).

**May 2, 2007 - 9:30 a.m.** -- Open Meeting  
NOTE: CHANGE IN MEETING LOCATION  
Hampton City Council Chambers, City Hall, 22 Lincoln Avenue, 8th Floor, Hampton, 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](mailto:branchpilots@dpor.virginia.gov).

### CEMETERY BOARD

**June 6, 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, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email [cemetery@dpor.virginia.gov](mailto:cemetery@dpor.virginia.gov).

### CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**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](mailto:david.dowling@dcr.virginia.gov).

**May 8, 2007 - 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.

**June 18, 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.

## STATE BOARD FOR COMMUNITY COLLEGES

**May 17, 2007 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 15th Floor, Room 315, 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

**April 25, 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.

## BOARD OF CONSERVATION AND RECREATION

**May 1, 2007 - 10 a.m.** -- Open Meeting  
Location to be announced. 

A regular business meeting.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

## DEPARTMENT OF CONSERVATION AND RECREATION

**April 17, 2007 - 10:30 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 11th Floor Conference Room, Richmond, Virginia. 

The annual meeting of the Virginia Recreation Trails Fund Advisory Committee to determine recommendations for the Virginia Recreational Trails Fund grant round that closed February 16, 2007.

**Contact:** Synthia Waymack, Grants Administrator, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4379, FAX (804) 371-7899, email synthia.wymack@dcr.virginia.gov.

**April 19, 2007 - Noon** -- Open Meeting

**May 17, 2007 - Noon** -- Open Meeting

**June 21, 2007 - Noon** -- Open Meeting

Richmond City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia.

A regular meeting of the Falls of the James Scenic River Advisory Committee to discuss river issues.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

**June 13, 2007 - 10 a.m.** -- Open Meeting  
Location to be announced.

A business meeting of the Virginia Land Conservation Foundation.

**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.

## Virginia Scenic River Advisory Board

**April 19, 2007 - 11 a.m.** -- Open Meeting  
Appomattox Regional Library, Hopewell, Virginia. 

A regular business meeting.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

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# Calendar of Events

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## Virginia Soil and Water Conservation Board

**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

**April 17, 2007 - 9 a.m.** -- Open Meeting

† **April 26, 2007 - 9 a.m.** -- Open Meeting

† **May 1, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 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.

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**April 17, 2007 - 1 p.m.** -- Public Hearing

Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia.

**April 18, 2007 - 1 p.m.** -- Public Hearing

Department of Professional and Occupational Regulations, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors intends to amend regulations entitled **18 VAC 50-30, Tradesman Rules and Regulations**. The purpose of the proposed action is to amend current regulations to add certified water well systems providers as a program within the Board for Contractors Tradesman Program.

Statutory Authority: §§ 54.1-201, 54.1-1129, 54.1-1129.1, and 54.1-1130 of the Code of Virginia.

Public comments may be submitted until May 5, 2007.

**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.

**April 24, 2007 - 9 a.m.** -- Open Meeting

**May 22, 2007 - 9 a.m.** -- Canceled

**June 5, 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.

**May 22, 2007 - 1 p.m.** -- Canceled

**June 4, 2007 - 4 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 at the conclusion of the Board for Contractors regular meeting.

**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 CORRECTIONAL EDUCATION

† **April 20, 2007 - 10 a.m.** -- Open Meeting

James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

**Contact:** Patty Ennis, Board Clerk, Board of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , email patricia.ennis@dce.virginia.gov.

## BOARD OF CORRECTIONS

**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](mailto:barbara.woodhouse@vadoc.virginia.gov).

**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](mailto:barbara.woodhouse@vadoc.virginia.gov).

**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](mailto:barbara.woodhouse@vadoc.virginia.gov).

**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](mailto:barbara.woodhouse@vadoc.virginia.gov).

## CRIMINAL JUSTICE SERVICES BOARD

† **May 9, 2007 - 10:30 a.m.** -- Open Meeting  
Stonewall Jackson Inn, Staunton, Virginia.

† **June 14, 2007 - 11 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A meeting to conduct general business.

**Contact:** Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, 8th Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, email [leon.baker@dcjs.virginia.gov](mailto:leon.baker@dcjs.virginia.gov).

## BOARD OF DENTISTRY

**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](mailto:sandra.reen@dhp.virginia.gov).

**April 27, 2007 - 9 a.m.** -- Open Meeting  
**June 22, 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](mailto:sandra.reen@dhp.virginia.gov).

**May 11, 2007 - 9 a.m.** -- Open Meeting  
**June 29, 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](mailto:sandra.reen@dhp.virginia.gov).

**May 25, 2007 - 9 a.m.** -- Open Meeting  
† **July 13, 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](mailto:sandra.reen@dhp.virginia.gov).

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# Calendar of Events

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**June 7, 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](mailto:sandra.reen@dhp.virginia.gov).

**June 8, 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](mailto:sandra.reen@dhp.virginia.gov).

## DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**April 19, 2007 - 11 a.m.** -- Open Meeting  
**May 17, 2007 - 11 a.m.** -- Open Meeting  
**June 21, 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](http://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](mailto:rhonda.bishton@dgs.virginia.gov).

## VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

**May 16, 2007 - Noon** -- Open Meeting  
901 East Byrd Street, Riverfront Plaza, West Tower, 19th  
Floor Board Room, Richmond, Virginia. 

A meeting of the Finance Committee to discuss financial matters pertaining to the Virginia Economic Development Partnership.

**Contact:** Kimberly M. Ellett, Senior Executive Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218, telephone (804) 545-5610, FAX (804) 545-5611, email [kellett@yesvirginia.org](mailto:kellett@yesvirginia.org).

## BOARD OF EDUCATION

**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> 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, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

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**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](mailto:margaret.roberts@doe.virginia.gov).

**April 27, 2007 - 9 a.m.** -- Open Meeting

**May 30, 2007 - 9 a.m.** -- Open Meeting

**June 28, 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 [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](mailto:margaret.roberts@doe.virginia.gov).

NOTE: CHANGE IN MEETING DATE

**May 31, 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)

An annual planning session of the board. This is a work session and public comment will not be received.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Communications, 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](mailto:margaret.roberts@doe.virginia.gov).

## Advisory Board on Teacher Education and Licensure

**April 23, 2007 - 9 a.m.** -- Open Meeting

Richmond Marriott West Hotel, 4240 Dominion Boulevard, Glen Allen, Virginia.

A regular meeting. For additional information contact Patty Pitts, Director of Teacher Licensure at the Department of Education, (804) 371-2471, email [patty.pitts@doe.virginia.gov](mailto: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](mailto:margaret.roberts@doe.virginia.gov).

## SECRETARY OF EDUCATION

**April 18, 2007 - 10 a.m.** -- Open Meeting

**May 16, 2007 - 10 a.m.** -- Open Meeting

**June 20, 2007 - 10 a.m.** -- Open Meeting

Capital One West Creek Campus, 1500 Capital One Drive, Richmond, Virginia.

A meeting of the Start Strong Pre-K Task Force.

**Contact:** Kendall Tyree, Special Assistant to the Secretary of Education, Department of Education, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2550, email [kendall.tyree@governor.virginia.gov](mailto:kendall.tyree@governor.virginia.gov).

**May 3, 2007 - 11:30 a.m.** -- Open Meeting

Patrick Henry Building, 1111 East Broad Street, Richmond, Virginia.

A meeting of the Governor's P-16 Council.

**Contact:** Kendall Tyree, Special Assistant to the Secretary of Education, Department of Education, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2550, email [kendall.tyree@governor.virginia.gov](mailto:kendall.tyree@governor.virginia.gov).

## LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **April 25, 2007 - 3 p.m.** -- Open Meeting

Timbrook Public Safety Center, 231 East Piccadilly Street, Winchester, Virginia.

A regular meeting.

**Contact:** L.A. Miller, Fire and Rescue Chief, Local Emergency Planning Committee, Winchester Fire and Rescue Department, 231 E. Piccadilly St., Winchester, VA 22601, telephone (540) 662-2298, FAX (540) 542-1318, (540) 662-4131/TTY .

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**April 24, 2007 - 1:30 p.m.** -- Public Hearing

† **April 24, 2007 - 6:30 p.m.** -- Public Hearing

Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia. 

The meeting consists of two public hearings on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The hearings will be held to accept testimony concerning the proposed revision. The proposed revision consists of (i) a Reasonable Further Progress Plan for 2002-2008; (ii) an attainment plan; (iii) an analysis of reasonably available control measures; (iv) an attainment demonstration; (v) contingency plans for failure to attain RFP and failure to attain the air quality standard; and (vi) mobile source budgets. The revision also consists of the base year 2002 air pollutant emissions inventory, which serves as the basis for all planning activities related to the eight-hour ozone standard for the metropolitan Washington, DC area. The proposed plan was prepared by the Metropolitan Washington Air Quality Committee (MWAQC), which consists of elected officials from the affected localities and representatives of state

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## Calendar of Events

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transportation and air quality planning agencies. The plan is intended to show the progress being made to improve air quality in the Washington nonattainment area and the efforts underway to assure that all necessary steps are taken to reach the federal health standard for ground-level ozone by 2009. MWAQC prepared the plan to comply with the federal Clean Air Act.

**Contact:** Doris A. McLeod, Department of Environmental Quality, 629, E. Main St., P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4197, FAX (804) 698-4510, email damcleod@deq.virginia.gov.

**April 24, 2007 - 6 p.m.** -- Public Hearing  
Old Courthouse, Circuit Court Room, 16404 Courthouse Road, Eastville, Virginia. 

This is the second public meeting to provide information and solicit comments from citizens and local government on the draft reports of the fecal coliform TMDLs studies in 13 shellfish propagation waters located in Northampton County. The impaired segments are located in the following VDH Growing Areas: Growing Area 85, containing Nassawadox Creek, Warehouse Creek, Westerhouse Creek, Church Creek and Holly Grove Cove; Growing Area 86, containing Hungars Creek, Jacobus Creek, Barlow and Mattawoman creeks; Growing Area 87, containing the Gulf Growing Area 88, containing Cherrystone Inlet and Kings Creek; and Growing Area 90, containing Old Plantation Creek. All waters are tributaries to the Chesapeake Bay.

**Contact:** Chester Bigelow, Department of Environmental Quality, 629 E. Main St., P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4554, FAX (804) 698-4116, email ccbigelow@deq.virginia.gov.

**† April 26, 2007 - 9 a.m.** -- Public Hearing  
Department of Environmental Quality, 629 East Main Street, 1st Floor Conference Room, Richmond, Virginia. 

A public hearing on a proposed Commonwealth of Virginia § 111(d) Plan for mercury emissions from coal-fired electric steam generating units. This plan is intended to meet the requirements of the federal Clean Air Mercury Rule. The proposed plan includes (i) demonstration of legal authority; (ii) emission limitations consisting of a cap-and-trade program; (iii) an inventory of emissions from the affected units; (iv) the allowance allocations to the units covered by the cap-and-trade program; and (v) other supporting documentation. DEQ is seeking comment on the overall plan, and on the issue of whether any regulations included in the plan should be submitted to U.S. Environmental Protection Agency as part of the plan.

**Contact:** Beth Major, Department of Environmental Quality, 629 E. Main St., P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4510, email memajor@deq.virginia.gov.

**May 3, 2007 - 6:30 p.m.** -- Open Meeting  
Lynchburg Public Library, 2315 Memorial Avenue, Lynchburg, Virginia. 

This is the second public meeting on a study to restore water quality in various streams within the James River watershed. Virginia agencies are working to identify sources of bacteria contamination in stream segments from the James River watershed in Central Virginia. This contamination exceeds water quality standards, which prohibits swimming. 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, their location, and the reason for the impairment: James River (18.43 miles), Amherst County, Lynchburg City, fecal coliform bacteria; Blackwater Creek (10.24 miles), Lynchburg City, fecal coliform bacteria; Ivy Creek (5.37 miles), Lynchburg City, fecal coliform bacteria; Fishing Creek (5.45 miles), Lynchburg City, fecal coliform bacteria; Judith Creek (10.55 miles) Bedford County, Lynchburg City, fecal coliform bacteria; Tomahawk Creek (5.9 miles), Bedford County, Campbell County, Lynchburg City, fecal coliform bacteria; Burton Creek (3.47 miles), Campbell County, Lynchburg City, fecal coliform bacteria. 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 to have to be reduced to the TMDL amount. Fact sheets are available on the impaired waters from the contacts below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

**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.

**† May 8, 2007 - 1:30 p.m.** -- Open Meeting  
South Boston Public Library, 409 Broad Street, South Boston, Virginia. 

A meeting of the steering committee meeting on the development of TMDLs to address stream impairments in the Dan River watershed located in Halifax and Pittsylvania counties. The public notice appears in the Virginia Register of Regulations on April 16, 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.

**† May 8, 2007 - 6:30 p.m.** -- Open Meeting  
Halifax USDA Service Center, 171 South Main Street, Halifax, Virginia. 

A public meeting to discuss the development of TMDLs to address stream impairments in the Banister River

watershed located in Pittsylvania and Halifax counties. The public notice appears in the Virginia Register of Regulations on April 16, 2007. The public comment period began on March 8, 2007, and ends on June 8, 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](mailto:lmtheodore@deq.virginia.gov).

## VIRGINIA FIRE SERVICES BOARD

**May 31, 2007 - 10 a.m.** -- Open Meeting  
VDFP Headquarters, 1005 Technology Park Drive, Glen Allen, Virginia. ☎

An Executive Committee meeting.

**Contact:** Brook Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059-4500, telephone (804) 371-0220, email [brook.pittinger@vdfp.virginia.gov](mailto:brook.pittinger@vdfp.virginia.gov).

**June 1, 2007 - 10 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. ☎

Meetings of the following committees:

- 10 a.m. - Education and Training
- 1 p.m. - Fire Prevention and Control
- 3 p.m. - Administration, Policy and Finance

**Contact:** Brook Pittinger, Department of Fire Services, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email [brook.pittinger@vdfp.virginia.gov](mailto:brook.pittinger@vdfp.virginia.gov).

**June 2, 2007 - 9 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. ☎

A full board meeting.

**Contact:** Brook Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email [brook.pittinger@vdfp.virginia.gov](mailto:brook.pittinger@vdfp.virginia.gov).

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**April 26, 2007 - 9 a.m.** -- Open Meeting  
**May 24, 2007 - 9 a.m.** -- Open Meeting  
**† June 28, 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](mailto:elizabeth.young@dhp.virginia.gov).

**June 5, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A meeting to discuss board business as it relates to the practice of the Funeral Directors and Embalmers Board.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

**June 5, 2007 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A formal hearing to receive and act upon evidence that may indicate violations of certain laws and regulations governing the practice of funeral services.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 W. 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](mailto:elizabeth.young@dhp.virginia.gov).

## COUNCIL ON VIRGINIA'S FUTURE

**May 8, 2007 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ☎

A full meeting of the council with Governor Timothy M. Kaine (Chair) presiding.

**Contact:** Gilbert M. An (Gigi), Executive Assistant to the Director, Council on Virginia's Future, 1001 E. Broad St., Suite 430, Richmond, VA 23219, telephone (804) 371-2346, FAX (804) 371-2347, email [gma2n@virginia.edu](mailto:gma2n@virginia.edu).

## CHARITABLE GAMING BOARD

**June 5, 2007 - 10 a.m.** -- Canceled  
Science Museum of Virginia, 2500 West Broad Street, RF and P Forum Room, Richmond, Virginia.

The regular board meeting is canceled.

**Contact:** Harry M. Durham, Interim Director, Charitable Gaming Board, 101 N. 14th St., 17th Floor, James Monroe Building, Richmond, VA 23219, telephone (804)786-2444, FAX (804) 786-1079, or email [harry.durham@dcg.virginia.gov](mailto:harry.durham@dcg.virginia.gov).

## BOARD FOR GEOLOGY

**April 25, 2007 - 9 a.m.** -- Open Meeting  
**† July 11, 2007 - 9 a.m.** -- Open Meeting

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# Calendar of Events

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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.

## OFFICE OF GOVERNOR

**April 17, 2007 - 10 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

A quarterly meeting of the Secure Commonwealth Panel.

**Contact:** Wendy Hoffman, Office of the Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2595, email wendy.hoffman@governor.virginia.gov.

## GOVERNOR'S HEALTHCARE REFORM COMMISSION

**April 18, 2007 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 7th Floor, Conference Room 7A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Long-Term Care Workgroup.

**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.

**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.

**April 25, 2007 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Room 7B, Richmond, Virginia. 

A meeting of the Governor's Health Reform Commission Access to Care Workgroup.

**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.

## STATE BOARD OF HEALTH

† **May 15, 2007 - 7 p.m.** -- Public Hearing  
Roanoke County Administration Center, 5204 Bernard Drive, Administrator Board Room, Roanoke, Virginia.

† **May 17, 2007 - 7 p.m.** -- Public Hearing  
Washington Health Department, 15068 Lee Highway, Conference Room, Bristol, Virginia.

† **May 22, 2007 - 7 p.m.** -- Public Hearing  
Farlazzo Administration Building, 15948 Donald Curtis Drive, Auditorium, Woodbridge, Virginia.

† **May 23, 2007 - 7 p.m.** -- Public Hearing  
Rockingham/Harrisonburg Health Department, 110 North Mason Street, Downstairs Conference Room, Harrisonburg, Virginia.

† **May 29, 2007 - 7 p.m.** -- Public Hearing  
Henrico Health Department, 8600 Dixon Powers Drive, Demonstration Kitchen, Richmond, Virginia.

† **June 12, 2007 - 7 p.m.** -- Public Hearing  
Virginia Beach Health Department, 4452 Corporation Lane, Large Conference Room, Virginia Beach, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled **12 VAC 5-421, Food Regulations**. The purpose of the proposed action is to conform the existing regulations to the 2003 supplement of the 2001 federal Food and Drug Administration Food Code.

Statutory Authority: §§ 35.1-11 and 35.1-14 of the Code of Virginia.

Public comments may be submitted until June 15, 2007.

**Contact:** Gary Hagy, Director, Food and General Environmental Services, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7455, FAX (804) 864-7475 or email gary.hagy@vdh.virginia.gov.

## DEPARTMENT OF HEALTH

**April 17, 2007 - 9 a.m.** -- Open Meeting

**June 12, 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 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.

**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.

**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.

**May 16, 2007 - 10 a.m.** -- Open Meeting

**June 27, 2007 - 10 a.m.** -- Open Meeting

James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia.

A meeting of the Sewage Handling and Disposal Appeals Review Board to hear all administrative appeals of denials of onsite sewage disposal system permits and appeals of refusals of indemnification requests filed pursuant to § 32.1-164.1:01 and render its decision on any such appeal, which decision shall be the final administrative decision.

**Contact:** Donna Tiller, Executive Secretary, Department of Health, 109 Governor St. Richmond, VA 23219, telephone (804) 864-7470, FAX (804) 864-7476, email donna.tiller@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 quarterly meeting of the Financial Assistance Review Committee (FARC) to discuss upcoming grant cycle and initiatives, problems with past grants and Rescue Squad Assistance Fund (RSAF) finances. The FARC is responsible for recommending to the Commissioner of Health monetary awards as stipulated in the Code of Virginia.

**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 17, 2007 - 3 p.m.** -- Open Meeting

Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. 

A regular business meeting of the Regulation and Policy Committee.

**Contact:** Michael D. Berg, Manager, Regulation and Compliance, 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 michael.berg@vdh.virginia.gov.

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## Calendar of Events

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**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.

### VIRGINIA HEALTH PLANNING BOARD

† **April 17, 2007 - 9 a.m.** -- Open Meeting  
Virginia Hospital and Health Care Association, 4200 Innslake Drive, Glen Allen, Virginia.

An ADAP Advisory Committee meeting.

**Contact:** Douglas R. Harris, Adjudication Officer, Department of Health, Main Street Station, 1500 E. Main St., Room 308, Richmond, VA 23219, telephone (804) 786-3554, FAX (804) 786-6776, email doug.harris@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.

**April 20, 2007 - 10 a.m.** -- Open Meeting  
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. 

A meeting of the Practitioner Self-Referral Committee to review staff draft recommendations for advisory opinions and make final recommendations to the full board on April 20, 2007. This is a public meeting; however, public comment will not be received.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7013, FAX (804) 662-7098, (804) 662-7197/TTY , email elizabeth.carter@dhp.virginia.gov.

**April 20, 2007 - 11 a.m.** -- Open Meeting  
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. 

A meeting of the Regulatory Research Committee to review the workplan and progress on the criminal background study and the workplan on the review of emerging professions. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7013, FAX (804) 662-7098, (804) 662-7197/TTY , email elizabeth.carter@dhp.virginia.gov.

**April 20, 2007 - 1 p.m.** -- Open Meeting  
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. 

A regular board meeting to review the agency's progress toward meeting its Virginia Performs goals. Additionally, the board will be briefed on the status of relevant regulations and legislative proposals and on the Sanctions Reference Study's progress. Reports from the Education Committee, Practitioner Self-Referral Committee, and Regulatory Research Committee will also be received. At the conclusion of the meeting, a brief educational session for new board members and other interested parties will be provided on the Sanctions Reference Study's impetus and history. Brief public comment will be received at the beginning of the full board meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7013, FAX (804) 662-7098, (804) 662-7197/TTY , mail elizabeth.carter@dhp.virginia.gov.

## BOARD FOR HEARING AID SPECIALISTS

† **July 11, 2007 - 9 a.m.** -- Open Meeting  
 Department of Professional and Occupational Regulation,  
 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be 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.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**May 8, 2007 - 8:30 a.m.** -- Open Meeting  
 Location to be determined.

† **July 10, 2007 - 11:30 a.m.** -- Open Meeting  
 Norfolk State University, Norfolk, Virginia. 

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](http://www.schev.edu). A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email [leeannrung@schev.edu](mailto:leeannrung@schev.edu).

## INFORMATION TECHNOLOGY INVESTMENT BOARD

† **April 18, 2007 - 8 a.m.** -- Open Meeting  
 VITA Operations Center, 110 South 7th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committee meetings.

**Contact:** Marcella Williamson, Executive Director, Information Technology Investment Board, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-5988, email [marcella.williamson@vita.virginia.gov](mailto:marcella.williamson@vita.virginia.gov).

† **April 19, 2007 - 9 a.m.** -- Open Meeting  
 VITA Operations Center, 110 South 7th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A full board meeting.

**Contact:** Marcella Williamson, Executive Director, Information Technology Investment Board, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-5988, email [marcella.williamson@vita.virginia.gov](mailto:marcella.williamson@vita.virginia.gov).

## INNOVATIVE TECHNOLOGY AUTHORITY

**May 16, 2007 - 1 p.m.** -- Open Meeting  
 Center for Innovative Technology, 2214 Rock Hill Road, 7th Floor, Fairfax Room, Herndon, Virginia. 

An organizational meeting.

**Contact:** Sharon Kozar, Executive Assistant, Innovative Technology Authority, 2214 Rock Hill Rd., Herndon, VA 20170, telephone (703) 689-3065, email [skozar@cit.org](mailto:skozar@cit.org).

## 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](mailto:laura.bailey@jyf.virginia.gov).

## STATE BOARD OF JUVENILE JUSTICE

**June 13, 2007 - 10 a.m.** -- Open Meeting  
 Northwestern Regional Juvenile Detention Center, 145 Fort Collier Road, Winchester, 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

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# Calendar of Events

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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.

## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Apprenticeship Council

**June 21, 2007 - 10 a.m.** -- Open Meeting  
Location to be announced.

A general business meeting of the Virginia Apprenticeship Council.

**Contact:** Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, email [bgd@doli.virginia.gov](mailto:bgd@doli.virginia.gov).

### Safety and Health Codes Board

**† June 26, 2007 - 10 a.m.** -- Open Meeting  
State Corporation Commission, 1300 East Main Street, Courtroom A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general business.

**Contact:** Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, email [rlc@doli.virginia.gov](mailto:rlc@doli.virginia.gov).

## STATE LIBRARY BOARD

**June 11, 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](mailto:jtaylor@lva.lib.va.us).

## COMMISSION ON LOCAL GOVERNMENT

**† May 14, 2007 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿

A regular business meeting.

**Contact:** Barbara Johnson, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, email [barbara.johnson@dhcd.virginia.gov](mailto:barbara.johnson@dhcd.virginia.gov).

## BOARD OF LONG-TERM CARE ADMINISTRATORS

**April 17, 2007 - 9 a.m.** -- Canceled

**† July 10, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss board matters.

**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](mailto:lisa.hahn@dhp.virginia.gov).

## VIRGINIA MANUFACTURED HOUSING BOARD

**† May 17, 2007 - 10 a.m.** -- Open Meeting  
501 North Second Street, Richmond, Virginia. ♿

A meeting to carry out administration of the Manufactured Housing Licensing Regulations and to hold a hearing on a claim to the Transaction Recovery Fund.

**Contact:** Curtis McIver, State Building Code Administrator, Virginia Manufactured Housing Board, 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](mailto:curtis.mciver@dhcd.virginia.gov).

## MARINE RESOURCES COMMISSION

**† April 24, 2006 - 9:30 a.m.** -- Open Meeting

**† May 22, 2007 - 9:30 a.m.** -- Open Meeting

**† June 26, 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 commission 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, FAX (804) 786-0973, (800) 343-0634/TTY , email pdlinput@dmas.virginia.gov.

**April 24, 2007 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia. 

A meeting of the Pharmacy Liaison Committee.

**Contact:** Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0918, FAX (804) 786-1680, (800) 343-0634/TTY , email rachel.cain@dmas.virginia.gov.

**May 10, 2007 - 2 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia. 

A meeting of the Drug Utilization Committee.

**Contact:** Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0318, FAX (804) 786-1680, (800) 343-0634/TTY , email rachel.cain@dmas.virginia.gov.

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**May 18, 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 Medical Assistance Services intends to amend regulations entitled **12 VAC 30-10, State Plan Under Title XIX of the Social**

**Security Act Medical Assistance Program; General Provisions.**

**12 VAC 30-20, Administration of Medical Assistance Services.**

**12 VAC 30-40, Eligibility Conditions and Requirements.**

The purpose of the proposed action is to implement a new program providing for the sale and Medicaid recognition of long-term care partnership insurance policies.

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

**Contact:** Suzanne Gore, Policy and Research Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-1609, FAX (804) 786-1680, or email suzanne.gore@dmas.virginia.gov.

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**June 15, 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 Medical Assistance Services intends to amend regulations entitled **12 VAC 30-10, State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions.**

**12 VAC 30-50, Amount, Duration, and Scope of Medical and Remedial Care Services.**

**12 VAC 30-120, Waivered Services (Program of All-Inclusive Care for the Elderly (PACE))**

The purpose of the proposed action is to implement a new community-based capitated program of all inclusive care for elderly (PACE) Medicaid recipients.

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

**Contact:** William Butler, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8886, VAX (804) 786-1680 or email william.butler@dmas.virginia.gov.

**† June 20, 2007 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. 

A meeting of the Medicaid Transportation Advisory Committee to discuss Medicaid transportation issues.

**Contact:** Bob Knox, Transportation Supervisor, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854, FAX (804) 786-6035, (800) 343-0634/TTY , email robert.knox@dmas.virginia.gov.

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# Calendar of Events

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## Drug Utilization Review Board

† **April 26, 2006 - 2 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. ☎

A meeting to discuss board issues.

**Contact:** Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0428, (800) 343-0634/TTY ☎, email rachel.cain@dmas.virginia.gov.

## BOARD OF MEDICINE

**April 18, 2007 - 9:15 a.m.** -- Open Meeting  
**May 30, 2007 - 9:15 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. ☎

**April 26, 2007 - 9:15 a.m.** -- Open Meeting  
Holiday Inn, 3315 Ordway Drive, Roanoke, Virginia. ☎

**May 9, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

**May 15, 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. Dixson, Discipline Case Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, email renee.dixson@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.

**May 18, 2007 - 1:30 p.m.** -- Open Meeting  
**June 21, 2007 - 1:30 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Credentials Committee 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.

**May 18, 2007 - 1:30 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Ad Hoc Committee on Opioids and Pain Management to continue the development of the proposed regulations for the treatment of pain with controlled substances. Public comment will be received at the beginning of the meeting.

**Contact:** Colanitha Morton Opher, Operations Manager, 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 coco.morton@dhp.virginia.gov.

**June 21, 2007 - 7:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Nominating Committee to develop a slate of officers to serve July 2007 to July 2008.

**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.

**June 21, 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 full board to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 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.

## Advisory Board on Acupuncture

**June 6, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of acupuncture. Public comments 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Athletic Training

**June 7, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of athletic training. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Midwifery

**June 8, 2007 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of midwifery. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Occupational Therapy

**June 5, 2007 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of occupational therapy. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Physician Assistants

**June 7, 2007 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of physician assistants. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Radiologic Technology

**June 6, 2007 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of radiologic technologists and radiologic technologists-limited. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Respiratory Care

**June 5, 2007 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the regulations of respiratory care. 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](mailto:william.harp@dhp.virginia.gov).

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**April 18, 2007 - 10 a.m.** -- Open Meeting

**June 20, 2007 - 10 a.m.** -- Open Meeting

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## Calendar of Events

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Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Mental Health Planning Council serves as the primary, ongoing forum for articulating and building consensus among consumers, families and other advocates, state agencies, and mental health providers and planners around needed values, priorities, and goals that will ensure a system of services and supports of the highest quality for children and adults. Agenda topics will include, but not be limited to, reviewing Federal Block Grant Application, making recommendations to the Director of Mental Health, the Commissioner and the State Board of the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Governor of the Commonwealth of Virginia and monitoring and evaluating the implementation of the state's Mental Health Plan.

**Contact:** Jo-Amrah S. McElroy, Mental Health Planner, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Mental Health, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-2316, FAX (804) 371-2316.

### STATE MILK COMMISSION

**April 25, 2007 - 10 a.m.** -- Open Meeting  
Department of Agriculture and Consumer Services, Oliver Hill Building, Room 232, Richmond, Virginia. 

A regular meeting to consider industry issues, distributor licensing, base transfers and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify Rodney L. Phillips at least five working days prior to the meeting date so that suitable arrangements can be made.

**Contact:** Rodney L. Phillips, Administrator, State Milk Commission, Oliver Hill Bldg., 102 Governor St., Room 205, Richmond, VA 23218, telephone (804) 786-2013, FAX (804) 786-3779, email [rodney.phillips@vdacs.virginia.gov](mailto:rodney.phillips@vdacs.virginia.gov).

### DEPARTMENT OF MINES, MINERALS AND ENERGY

#### Virginia Gas and Oil Board

**† April 17, 2007 - 9 a.m.** -- Open Meeting  
Southwest Virginia Higher Education Center, Virginia Highlands Community College, Abingdon, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct business. In addition, the board will consider petitions for pooling, disbursement of funds, modification of field rules, and appeals of the Division of Gas and Oil's Director's decision to deny issuance of permits. 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. Anyone needing special accommodations for the April hearing should contact the Department of Mines, Minerals and Energy, Division of Gas and Oil at 276-676-5423 or call the Virginia Relay Center TTY/TDD 1-800-828-1120 or 1140.

**Contact:** Bob Wilson, Division Director, Department of Mines, Minerals and Energy, Division of Gas and Oil, 230 Charwood Dr., Abingdon, VA 24210, telephone (276) 676-5426, FAX (276) 676-5459, (800) 828-1120/TTY , email [bob.wilson@dmme.virginia.gov](mailto:bob.wilson@dmme.virginia.gov).

### MOTOR VEHICLE DEALER BOARD

**† May 14, 2007 - 3 p.m.** -- Public Hearing  
Department of Motor Vehicles, 2300 West Broad Street, 1st Floor, Cafeteria, Richmond, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Motor Vehicle Dealer Board intends to amend regulations entitled **24 VAC 22-20, Motor Vehicle Dealer Fees**. The purpose of the proposed action is to update the fee schedule while staying within statutory limits. Fees have not been adjusted in more than 10 years.

Statutory Authority: §§ 46.2-1503.4, 46.2-1506, 46.2-1519 and 46.2-1546 of the Code of Virginia.

Public comments may be submitted until June 15, 2007.

**Contact:** Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053 or email [bruce.gould@mvdv.virginia.gov](mailto:bruce.gould@mvdv.virginia.gov).

### DEPARTMENT OF MOTOR VEHICLES

#### Medical Advisory Board

**† May 9, 2007 - 8 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting.

**Contact:** Jacquelin Branche, R. N., Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 497-7188, FAX (804) 367-1604, toll-free (800) 435-5137, (804) 272-9268/TTY , email [jacquelin.branche@dmv.virginia.gov](mailto:jacquelin.branche@dmv.virginia.gov).

#### Transportation Safety Board

**† May 15, 2007 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia.

An Allocations Committee meeting to review grant request for FY08.

**Contact:** Audrey Odum, Management Analyst, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-8140, FAX (804) 367-6631, toll-free (800) 272-9268, (800) 272-9268/TTY ☎, email [audrey.odum@dmv.virginia.gov](mailto:audrey.odum@dmv.virginia.gov).

## VIRGINIA MUSEUM OF FINE ARTS

**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](mailto:suzanne.broyles@vmfa.museum).

**May 9, 2007 - 2 p.m.** -- Open Meeting

**June 14, 2007 - 1 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, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email [suzanne.broyles@vmfa.museum](mailto:suzanne.broyles@vmfa.museum).

**May 16, 2007 - 9 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, The Pauley Center, 200 North Boulevard, Parlor, Richmond, Virginia. ♿

A meeting for staff to update the Museum Expansion Committee. A request will be made to conduct the meeting in closed session. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, toll-free (800) 943-8632, (804) 340-1401/TTY ☎, email [suzanne.broyles@vmfa.museum](mailto:suzanne.broyles@vmfa.museum).

**May 16, 2007 - 11:15 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 200 North Boulevard, Library, Richmond, Virginia. ♿

The following committees will meet for staff updates:

- 11:15 a.m. - Art Acquisitions - Library
- 1 p.m. - Artistic Oversight - CEO Parlor
- 3 p.m. - Government Affairs - Pauley Center 2

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](mailto:suzanne.broyles@vmfa.museum).

**May 17, 2007 - 9 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, Pauley Center 2, 200 North Boulevard, Richmond, Virginia. ♿

A meeting for staff to update the Fiscal Oversight Committee. Public comment will not be received. The full board meets at noon.

**Contact:** Suzanne Broyles, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email [suzanne.broyles@vmfa.museum](mailto:suzanne.broyles@vmfa.museum).

NOTE: CHANGE IN MEETING TIME

**May 17, 2007 - 3 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, Pauley Center 2, 200 North Boulevard, 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](mailto:suzanne.broyles@vmfa.museum).

## BOARD OF NURSING

† **April 17, 2007 - 9 a.m.** -- Open Meeting

**April 19, 2007 - 9 a.m.** -- Open Meeting

**April 24, 2007 - 9 a.m.** -- Open Meeting

**April 26, 2007 - 9 a.m.** -- Open Meeting

**May 8, 2007 - 9 a.m.** -- Canceled

**May 11, 2007 - 9 a.m.** -- Canceled

**May 31, 2007 - 9 a.m.** -- Open Meeting

**June 4, 2007 - 9 a.m.** -- Open Meeting

**June 6, 2007 - 9 a.m.** -- Open Meeting

**June 12, 2007 - 9 a.m.** -- Open Meeting

**June 14, 2007 - 9 a.m.** -- Open Meeting

**June 19, 2007 - 9 a.m.** -- Open Meeting

**June 21, 2007 - 9 a.m.** -- Open Meeting

**June 26, 2007 - 9 a.m.** -- Open Meeting

† **July 16, 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.

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## Calendar of Events

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**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.

**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.

**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.

**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.

### JOINT BOARDS OF NURSING AND MEDICINE

**June 20, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.📍

A regular meeting.

**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX

(804) 662-9512, (804) 662-7197/TTY ☎, email jay.douglas@dhp.virginia.gov.

### OLD DOMINION UNIVERSITY

**May 21, 2007 - Noon** -- Open Meeting

Old Dominion University, Webb University Center, Norfolk, Virginia.📍

A regular meeting of the Executive Committee 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, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email dmeeks@odu.edu.

**June 15, 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.

### VIRGINIA OUTDOORS FOUNDATION

**June 6, 2007 - 1 p.m.** -- Open Meeting

**June 7, 2007 - 9 a.m.** -- Open Meeting

Department of Forestry, 900 Natural Resources Drive, 2nd Floor, Board Room, Charlottesville, Virginia.📍

A meeting for policy and easement consideration. Public comment will be received.

**Contact:** Trisha Cleary, Administrative Assistant, Department of Conservation and Recreation, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2147, FAX (804) 371-4810, email tcleary@vofonline.org.

### VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† **April 20, 2007 - 10 a.m.** -- Open Meeting

202 North 9th Street, 9th Floor, Richmond, Virginia.📍

This is a closed meeting for review of Public Awareness Campaign, Message Development and Outreach to Families of Children Living in Institutions or At-Risk of Living in An Institution Grants.

**Contact:** Katherine Lawson, Outreach Manager, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA, telephone (804) 786-9376, FAX (804) 786-

1118, toll-free (800) 846-4464, (804) 786-0016/TTY ☎, email katherine.lawson@vbpd.virginia.gov.

† **April 25, 2007 - 10 a.m.** -- Open Meeting  
202 North 9th Street, 9th Floor, Richmond, Virginia. ♿

This is a closed meeting to review Self-Advocacy Mobilization grant.

**Contact:** Linda Redmond, Research, Evaluation and Program Manager, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA, telephone (804) 786-7333, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ☎, email linda.redmond@vbpd.virginia.gov.

**June 6, 2007 - 11 a.m.** -- Open Meeting  
Location to be announced. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Executive Committee.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th Street, 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.

**June 7, 2007 - 8:30 a.m.** -- Open Meeting  
Location to be announced. ♿ (Interpreter for the deaf provided upon request)

A quarterly board meeting.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th Street, 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.

## PESTICIDE CONTROL BOARD

**April 19, 2007 - 9 a.m.** -- Open Meeting  
Oliver Hill Building. 102 Governor Street, 2nd Floor, Room 220, Board Room, Richmond, Virginia. ♿

A meeting open to the public to discuss general business matters requiring board action. However, portions of the meeting may be held in closed session, pursuant to § 2.2-3711 of the Code of Virginia. The board will entertain public comment at the beginning of the meeting on all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Dr. W. Wayne Surles at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Dr. W. Wayne Surles, Program Manager, Office of Pesticide Services, 102 Governor St., 1st Floor, Richmond, VA 23219, telephone (804) 371-6559, FAX (804) 786-9149,

toll-free (800) 552-9963, email wayne.surles@vdacs.virginia.gov.

## BOARD OF PHYSICAL THERAPY

**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

† **July 10, 2007 - 11 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. 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

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# Calendar of Events

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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

**June 4, 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

**May 4, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

Informal conferences.

**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.

**† July 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 GUARDIANSHIP AND CONSERVATOR ADVISORY BOARD

**June 28, 2007 - 10 a.m.** -- Open Meeting  
Virginia Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A meeting of the Executive Committee.

**Contact:** Faye D. Cates, MSSW, Human Services Program Coordinator, 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.

## SECRETARY OF PUBLIC SAFETY

**† April 17, 2007 - 10 a.m.** -- Open Meeting  
Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. ♿

In October 2006, Governor Kaine formed the Governor's Commission on Sexual Violence through the issuance of Executive Order 38. This Commission seeks to improve the treatment of crime victims with emphasis on the Commonwealth's efforts to prevent and respond to sexual violence. Three subcommittees were formed: Prevention, Criminal Justice System and Treatment and Intervention. Each committee is responsible for critically analyzing sexual violence as it results to their topic area and design strategies to institutionalize recommendations into practice across Virginia.

**Contact:** Erin Bryant, Senior Special Assistant, Secretary of Public Safety, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 786-5351, FAX (804) 371-6381, email erin.bryant@governor.virginia.gov.

**April 30, 2007 - 9:30 a.m.** -- Open Meeting

**May 1, 2007 - 9:30 a.m.** -- Open Meeting  
Renaissance Portsmouth Hotel and Waterfront Conference Center, 425 Water Street, Portsmouth, Virginia.

Coming Home - Building Reentry Capacity Through Community Collaboration. This conference will provide local coalitions an opportunity to participate in the further development and expansion of community-based offender reentry initiatives.

**Contact:** Martha Hazlegrove, Special Assistant, Secretary of Public Safety, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 786-5351, FAX (804) 371-6381, email martha.hazlegrove@governor.virginia.gov.

## REAL ESTATE APPRAISER BOARD

**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

**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.

**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.

## DEPARTMENT OF REHABILITATIVE SERVICES

### Virginia Brain Injury Council

**April 27, 2007 - 1 p.m.** -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Rooms 101/103/105, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting. 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@drs.virginia.gov.

### State Rehabilitation Council

**† May 14, 2007 - 11:30 a.m.** -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿

A quarterly meeting of the State Rehabilitation Council. Public comments will be received at approximately 11:45 a.m. Materials in alternate format and interpreters will be provided upon prior request.

**Contact:** Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019,

(800) 464-9950/TTY ☎, email elizabeth.smith@drs.virginia.gov.

## VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

NOTE: CHANGE IN MEETING DATE

**May 23, 2007 - 1 p.m.** -- Open Meeting

Blacksburg, Virginia.

A quarterly meeting. Specific time and location to be determined.

**Contact:** Nancy Vorona, VP Research Investment, Center for Innovative Technology, 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 RESOURCES AUTHORITY

**† May 1, 2007 - 9 a.m.** -- Open Meeting

1111 East Main Street, 24th Floor, Boardroom, Richmond, Virginia. ♿

A regular business meeting of the Board of Directors.

**Contact:** Dr. Sheryl D. Bailey, Executive Director, Virginia Resources Authority, 1111 E. Main St., Ste. 1920, Richmond, VA 23219, telephone (804) 644-3100, toll-free (800) 644-3109, email sdean@virginiareources.org.

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**April 18, 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

**April 18, 2007 - 9 a.m.** -- Open Meeting

**April 19, 2007 - 9 a.m.** -- Open Meeting

Pittsylvania County Community Action One Stop Center, 707 Piney Forest Road Shopping Center, Route 29, Danville, Virginia. ♿

A regular meeting. The Poverty Committee will meet immediately following recess on April 18.

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# Calendar of Events

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**Contact:** Pat Rengnerth, Board Liaison, Office of Legislative and Regulatory Affairs, Department of Social Services, 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.

## BOARD OF SOCIAL WORK

**April 19, 2007 - 2 p.m.** -- Open Meeting  
† **July 12, 2007 - 2 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Regulatory Committee to review current regulations regarding supervision and standards of practice.

**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.

**April 20, 2006 - 9:30 a.m.** -- Canceled  
† **July 13, 2007 - 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.

## TREASURY BOARD

**April 18, 2007 - 9 a.m.** -- Open Meeting  
**May 16, 2007 - 9 a.m.** -- Open Meeting  
**June 20, 2007 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia.

A regular meeting.

**Contact:** Kathi B. Searce, Secretary to the Board, Treasury Board, James Monroe Bldg., 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, email kathi.searce@trs.virginia.gov.

## DEPARTMENT OF VETERANS SERVICES

### Board of Veterans Services

† **July 16, 2007 - 9:30 a.m.** -- Open Meeting  
Location to be determined. ♿

Contact the board for an agenda.

**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.

## STATE WATER CONTROL BOARD

**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:** Elleanore 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.

**April 19, 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 assisting in the reissuance and possible amendment of the general VPDES permit for concrete product facilities.

**Contact:** Michael Gregory, State Water Control Board, 629 E. Main St., P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4065, email mbgregory@deq.virginia.gov.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**June 20, 2007 - 8:30 a.m.** -- Open Meeting

**† July 11, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Board 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, FAX (804) 367-2475, (804) 367-9753/TTY , email [waterwasteoper@dpor.virginia.gov](mailto:waterwasteoper@dpor.virginia.gov).

## INDEPENDENT

### VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

**† April 16, 2007 - 10:30 a.m.** -- Open Meeting

1910 Byrd Avenue, Suite 5, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Evaluation Committee to discuss the annual evaluation of the executive director. The evaluation discussion will take place in Executive Session pursuant to the Virginia Freedom of Information Act. No public comment will be taken. For further information, please contact Ms. Shehi.

**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](mailto:lisa.shehi@vopa.virginia.gov).

**† April 16, 2007 - 10:30 a.m.** -- Open Meeting

1910 Byrd Avenue, Suite 5, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A meeting of the Finance and Resource Development Committee. Public comment is welcomed by the Finance and Resource Development Committee and will be received beginning at 10:30 a.m. on April 16, 2007. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than Monday, April 9, 2007. Ms. Shehi will take your name and phone number and you will be telephoned

during the public comment period. Directions to the meeting site are below. For further information, please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi, no later than Monday, April 9, 2007.

**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](mailto:lisa.shehi@vopa.virginia.gov).

**† April 23, 2007 - 4 p.m.** -- Open Meeting

Marriott Courtyard Williamsburg, 470 McLaws Circle, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Internal Policy Committee. Public comment is welcomed by the board and will be received beginning at 4 p.m. on April 24. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than Monday, April 16, 2007. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. Directions to the meeting site are below. For further information, please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi, no later than April 16, 2007.

**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](mailto:lisa.shehi@vopa.virginia.gov).

**April 24, 2007 - 9 a.m.** -- Open Meeting

Marriott Courtyard, 470 McLaws Circle, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors. Public comment is welcomed by the board and will be received beginning at 4 p.m. on April 24. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than Monday, April 10, 2007. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. For further information, please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi.

**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](mailto:lisa.shehi@vopa.virginia.gov).

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# Calendar of Events

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## Disability Advisory Council

**June 20, 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 Assistant at 1-800-552-3962 (Voice/TTY) or via email at [tracy.manley@vopa.virginia.gov](mailto:tracy.manley@vopa.virginia.gov) no later than June 6, 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 June 6, 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](mailto:tracy.manley@vopa.virginia.gov).

## VIRGINIA RETIREMENT SYSTEM

**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](mailto:lritchey@varetire.org).

**June 19, 2007 - Noon** -- Open Meeting  
Location to be determined. 

A meeting of the Optional Retirement Plan for Higher Education Advisory Committee. 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](mailto:psmith@varetire.org).

**† June 20, 2007 - 1:30 p.m.** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 

A 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](mailto:lking@varetire.org).

**June 20, 2007 - 3 p.m.** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 

The regular meeting of the Board of Trustees will be held at the Virginia Retirement System, 1200 East Main Street, Richmond, VA 23219. 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](mailto:lking@varetire.org).

**June 20, 2007 - 3 p.m.** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 

A meeting of the Audit and Compliance Committee. No public comment will be received at the meeting.

**Contact:** LaShaunda 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](mailto:lking@varetire.org).

**June 21, 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](mailto:lking@varetire.org).

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### April 16

Alcoholic Beverage Control Board  
† Protection and Advocacy, Virginia Office for

#### April 17

Agriculture and Consumer Services, Department of  
- Virginia Horse Industry Board  
Blind and Vision Impaired, Board for the  
Conservation and Recreation, Department of  
Contractors, Board for  
Governor, Office of the  
Health, Department of  
- Virginia Health Planning Board  
Medical Assistance Services, Department of

† Mines, Minerals and Energy, Department of  
 - Virginia Gas and Oil Board  
 Nursing, Board of  
 † Public Safety, Secretary of  
 - Governor's Commission on Sexual Violence,  
 Treatment and Intervention Committee  
 Soil Scientists and Wetland Professionals, Board for

## April 18

† At Risk Youth and Their Families, Comprehensive  
 Services for  
 Education, Board of  
 Education, Secretary of  
 - Start Strong Pre-K Council  
 Governor's Healthcare Reform Commission  
 Health Professions, Department of  
 † Information Technology Investment Board  
 Medicine, Board of  
 Mental Health, Mental Retardation and Substance Abuse  
 Services, Department of  
 Small Business Financing Authority, Virginia  
 Social Services, State Board of  
 Treasury Board  
 Water Control Board, State

## April 19

Auctioneers Board  
 Conservation and Recreation, Department of  
 - Virginia Scenic River Advisory Board  
 Design-Build/Construction Management Review Board  
 Education, Board of  
 † Information Technology Investment Board  
 Nursing, Board of  
 Pesticide Control Board  
 Social Services, State Board of  
 Social Work, Board of  
 Water Control Board, State

## April 20

† Correctional Education, Board of  
 Dentistry, Board of  
 Education, Board of  
 Health Professions, Board of  
 † People with Disabilities, Board for

## April 23

Education, Board of  
 Jamestown-Yorktown Foundation  
 † Protection and Advocacy, Virginia Office for

## April 24

Aviation Board, Virginia  
 Contractors, Board for  
 Health, Department of  
 Jamestown-Yorktown Foundation  
 † Marine Resources Commission  
 Medical Assistance Services, Department of  
 Nursing, Board of  
 Protection and Advocacy, Virginia Office for

## April 25

Aviation Board, Virginia  
 Compensation Board  
 † Emergency Planning Committee, Local - City of  
 Winchester  
 Geology, Board for  
 Governor's Healthcare Reform Commission  
 Milk Commission, State  
 † People with Disabilities, Virginia Board for

## April 26

Accountancy, Board of  
 † Contractors, Board for  
 Funeral Directors and Embalmers, Board of  
 † Medical Assistance Services, Department of  
 Medicine, Board of  
 Nursing, Board of

## April 27

Dentistry, Board of  
 Education, Board of  
 Rehabilitative Services, Department of  
 - Virginia Brain Injury Council  
 Physical Therapy, Board of

## April 30

Barbers and Cosmetology, Board for  
 Public Safety, Secretary of

## May 1

Branch Pilots, Board for  
 Conservation and Recreation, Board of  
 † Contractors, Board for  
 Museum of Fine Arts, Virginia  
 Real Estate Appraiser Board  
 Public Safety, Secretary of  
 † Resources Authority, Virginia

## May 2

Branch Pilots, Board for

## May 3

† Assistive Technology Loan Fund Authority  
 Education, Secretary of  
 Environmental Quality, Department of

## May 4

Art and Architectural Review Board  
 Psychology, Board of

## May 7

Alcoholic Beverage Control Board

## May 8

Architects, Professional Engineers, Land Surveyors,  
 Certified Interior Designers and Landscape Architects,  
 Board for  
 Chesapeake Bay Local Assistance Board  
 † Environmental Quality, Department of  
 Future, Council on Virginia's  
 Higher Education for Virginia, State Council of

## May 9

Asbestos, Lead, and Home Inspectors, Virginia Board for  
 † Criminal Justice Services Board

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# Calendar of Events

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George Mason University  
Medicine, Board of  
† Motor Vehicles, Department of  
- Medical Advisory Board  
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  
Medical Assistance Services, Department of  
Real Estate Board

## May 11

Dentistry, Board of  
Health, Department of

## May 14

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
† Local Government, Commission on  
† Motor Vehicle Dealer Board  
Nursing, Board of  
† Rehabilitative Services, Department of

## May 15

† Accountancy, Board of  
Corrections, Board of  
Medicine, Board of  
† Motor Vehicles, Department of  
- Transportation Safety Board  
Nursing, Board of

## May 16

† Accountancy, Board of  
Corrections, Board of  
Economic Development Partnership, Virginia  
Education, Secretary of  
- Start Strong Pre-K Council  
Health, Department of  
- Sewage Handling and Disposal Appeals Review Board  
Innovative Technology Authority  
Museum of Fine Arts, Virginia  
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  
† Manufactured Housing Board  
Museum of Fine Arts, Virginia  
Nursing, Board of

## May 18

Health, Department of  
- State Emergency Medical Services Advisory Board  
Medicine, Board of

## May 21

Alcoholic Beverage Control Board  
Old Dominion University

## May 22

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
† Marine Resources Commission

## May 23

Research and Technology Advisory Commission, Virginia

## May 24

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Audiology and Speech Language Pathology, Board of  
Funeral Directors and Embalmers, Board of

## May 25

Dentistry, Board of

## May 30

Education, Board of  
Medicine, Board of

## May 31

Education, Board of  
Fire Services Board, Virginia  
Nursing, Board of

## June 1

Art and Architectural Review Board  
Fire Services Board, Virginia

## June 2

Fire Services Board, Virginia

## June 4

Alcoholic Beverage Control Board  
Contractors, Board for  
Nursing, Board of  
Professional and Occupational Regulation, Board of

## June 5

Contractors, Board for  
Funeral Directors and Embalmers, Board of  
Medicine, Board of  
- Advisory Board on Occupational Therapy  
- Advisory Board on Respiratory Care

## June 6

Cemetery Board  
Medicine, Board of  
- Advisory Board on Acupuncture  
- Advisory Board on Radiologic Technology  
Nursing, Board of  
Outdoors Foundation, Virginia  
People with Disabilities, Board for

## June 7

Outdoors Foundation, Virginia

Dentistry, Board of  
 Medicine, Board of  
 - Advisory Board on Athletic Training  
 - Advisory Board on Physicians Assistants  
 Outdoors Foundation, Virginia  
 People with Disabilities, Board for

**June 8**

Dentistry, Board of  
 Medicine, Board of  
 - Advisory Board on Midwifery

**June 9**

Blind and Vision Impaired, Board for the

**June 11**

Library Board, State

**June 12**

Health, Department of  
 Nursing, Board of

**June 13**

Conservation and Recreation, Department of  
 Juvenile Justice, State Board of

**June 14**

Architects, Professional Engineers, Land Surveyors,  
 Certified Interior Designers and Landscape Architects,  
 Board for  
 Arts, Virginia Commission for the  
 † Criminal Justice Services Board  
 Museum of Fine Arts, Virginia  
 Nursing, Board of

**June 15**

Arts, Virginia Commission for the  
 Old Dominion University

**June 18**

Alcoholic Beverage Control Board  
 Chesapeake Bay Local Assistance Board

**June 19**

Nursing, Board of  
 Retirement System, Virginia

**June 20**

Education, Secretary of  
 - Start Strong Pre-K Council  
 † Medical Assistance Services, Department of  
 Mental Health, Mental Retardation and Substance Abuse  
 Services, Department of  
 Nursing and Medicine, Joint Board of  
 Protection and Advocacy, Virginia Office for  
 Retirement System, Virginia  
 Treasury Board  
 Waterworks and Wastewater Works Operators, Board for

**June 21**

Conservation and Recreation, Department of  
 Design-Build/Construction Management Review Board  
 Labor and Industry, Department of  
 Medicine, Board of  
 Nursing, Board of  
 Retirement System, Virginia

**June 22**

Dentistry, Board of

**June 26**

† Labor and Industry, Department of  
 - Safety and Health Codes Board  
 † Marine Resources Commission  
 Nursing, Board of

**June 27**

Health, Department of  
 - Sewage Handling and Disposal Appeals Review Board

**June 28**

Education, Board of  
 † Funeral Directors and Embalmers, Board of  
 Public Guardianship and Conservator Advisory Board,  
 Virginia

**June 29**

Dentistry, Board of

**July 2**

Alcoholic Beverage Control Board

**July 6**

† Art and Architectural Review Board

**July 10**

† Higher Education for Virginia, State Council of  
 † Long-Term Care Administrators, Board of  
 † Polygraph Examiners Advisory Board  
 † Psychology, Board of

**July 11**

† Geology, Board for  
 † Hearing Aid Specialists, Board for  
 † Waterworks and Wastewater Works Operators, Board for

**July 12**

† Auctioneers Board  
 † Social Work, Board of

**July 13**

† Dentistry, Board of  
 † Social Work, Board of

**July 16**

† Alcoholic Beverage Control Board  
 † Nursing, Board of  
 † Veterans Services, Department of  
 - Board of Veterans Services

**PUBLIC HEARINGS**

**April 17**

Contractors, Board for

**April 18**

Contractors, Board for

**April 24**

Environmental Quality, Department of

**April 26**

† Environmental Quality, Department of

**May 15**

† Health, State Board of

**May 17**

† Health, State Board of

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## Calendar of Events

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**May 22**

† Health, State Board of

**May 23**

† Health, State Board of

**May 29**

† Health, State Board of

**June 12**

† Health, State Board of