



Virginia Register of Regulations

VOL. 23 ISS. 26

PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION

SEPTEMBER 3, 2007

TABLE OF CONTENTS

Register Information Page	4387
Publication Schedule and Deadlines	4388
Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed ..	4389
Petitions for Rulemaking	4406
Notices of Intended Regulatory Action	4407
Regulations	4413
1VAC55-30. Long-Term Care Regulations (Final)	4413
5VAC5-20. State Corporation Commission Rules of Practice and Procedure (Proposed)	4417
6VAC20-160. Rules Relating to the Court-Appointed Special Advocate Program (CASA) (Proposed)	4420
12VAC30-60. Standards Established and Methods Used to Assure High Quality Care (Emergency).....	4427
17VAC15-120. Regulations Governing the Destruction of Public Records Containing Social Security Numbers (Proposed).....	4428
18VAC130-20. Real Estate Appraiser Board Rules and Regulations (Proposed)	4431
19VAC30-190. Regulations Relating to the Issuance of Nonresident Concealed Handgun Carry Permits (Proposed)	4442
Forms	4452
General Notices/Errata	4461

THE VIRGINIA REGISTER INFORMATION PAGE

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

PUBLICATION SCHEDULE AND DEADLINES

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

September 2007 through June 2008

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
23:26	August 15, 2007	September 3, 2007
FINAL INDEX - Volume 23		October 2007
24:1	August 29, 2007	September 17, 2007
24:2	September 12, 2007	October 1, 2007
24:3	September 26, 2007	October 15, 2007
24:4	October 10, 2007	October 29, 2007
24:5	October 24, 2007	November 12, 2007
24:6	November 7, 2007	November 26, 2007
24:7	November 20, 2007 (Tuesday)	December 10, 2007
INDEX 1 Volume 24		January 2008
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
INDEX 2 Volume 24		April 2008
24:15	March 12, 2008	March 31, 2008
24:16	March 26, 2008	April 14, 2008
24:17	April 9, 2008	April 28, 2008
24:18	April 23, 2008	May 12, 2008
24:19	May 7, 2008	May 26, 2008
24:20	May 21, 2008	June 9, 2008
INDEX 3 Volume 24		July 2008
24:21	June 4, 2008	June 23, 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
Title 2. Agriculture			
2 VAC 5-195 (Form)	Added	23:15 VA.R. 2512	--
2 VAC 5-330-30	Amended	23:20 VA.R. 3122	7/12/07
2 VAC 5-490-10 through 2 VAC 5-490-90	Amended	23:20 VA.R. 3123-3155	5/23/07
2 VAC 5-490-15	Added	23:20 VA.R. 3130	5/23/07
2 VAC 5-490-25	Added	23:20 VA.R. 3131	5/23/07
2 VAC 5-490-31 through 2 VAC 5-490-39.6	Added	23:20 VA.R. 3132-3140	5/23/07
2 VAC 5-490-73	Added	23:20 VA.R. 3154	5/23/07
2 VAC 5-490-75	Added	23:20 VA.R. 3155	5/23/07
2 VAC 5-490-103	Added	23:20 VA.R. 3155	5/23/07
2 VAC 5-490-105	Added	23:20 VA.R. 3156	5/23/07
2 VAC 5-490-110	Amended	23:20 VA.R. 3156	5/23/07
2 VAC 5-490-120	Amended	23:20 VA.R. 3157	5/23/07
2 VAC 5-490-130	Repealed	23:20 VA.R. 3157	5/23/07
2 VAC 5-490-131 through 2 VAC 5-490-138	Added	23:20 VA.R. 3157-3162	5/23/07
2 VAC 5-490-140	Amended	23:20 VA.R. 3162	5/23/07
2 VAC 5-620-10 through 2 VAC 5-620-100	Added	23:19 VA.R. 2981-2985	7/1/07
Title 3. Alcoholic Beverages			
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 5-50-40	Amended	23:25 VA.R. 4107	10/4/07
3 VAC 5-50-50	Amended	23:25 VA.R. 4108	10/4/07
3 VAC 5-50-80	Amended	23:25 VA.R. 4108	10/4/07
3 VAC 5-50-100	Amended	23:25 VA.R. 4108	10/4/07
3 VAC 5-50-130	Amended	23:25 VA.R. 4109	10/4/07
3 VAC 5-50-140	Amended	23:25 VA.R. 4110	10/4/07
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
Title 4. Conservation and Natural Resources			
4 VAC 20-70-100	Amended	23:12 VA.R. 1958	2/1/07
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 20-270-30 emer	Amended	23:14 VA.R. 2276	3/1/07-3/30/07
4 VAC 20-270-30	Amended	23:17 VA.R. 2737	3/30/07
4 VAC 20-270-40 emer	Amended	23:14 VA.R. 2276	3/1/07-3/30/07
4 VAC 20-270-40	Amended	23:17 VA.R. 2737	3/30/07
4 VAC 20-300-20 emer	Amended	23:14 VA.R. 2277	3/1/07-3/30/07
4 VAC 20-300-20	Amended	23:17 VA.R. 2738	3/30/07
4 VAC 20-310-55	Added	23:15 VA.R. 2481	3/1/07
4 VAC 20-370-10 through 4 VAC 20-370-30	Amended	23:19 VA.R. 2986	5/1/07
4 VAC 20-380-50	Amended	23:21 VA.R. 3446	10/1/07
4 VAC 20-380-60	Amended	23:21 VA.R. 3447	10/1/07
4 VAC 20-430-20	Amended	23:17 VA.R. 2738	3/30/07
4 VAC 20-430-45	Added	23:17 VA.R. 2738	3/30/07
4 VAC 20-450-30	Amended	23:17 VA.R. 2739	3/30/07
4 VAC 20-490-42	Amended	23:10 VA.R. 1540	12/21/06
4 VAC 20-490-42	Amended	23:19 VA.R. 2986	5/1/07
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
4 VAC 20-610-30	Amended	23:11 VA.R. 1660	2/1/07
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 20-670-15	Added	23:17 VA.R. 2739	3/30/07
4 VAC 20-670-30	Amended	23:17 VA.R. 2739	3/30/07
4 VAC 20-720-10 emer	Amended	23:19 VA.R. 2987	5/1/07-5/30/07
4 VAC 20-720-10	Amended	23:21 VA.R. 3447	5/23/07
4 VAC 20-720-20 emer	Amended	23:19 VA.R. 2987	5/1/07-5/30/07
4 VAC 20-720-40 emer	Amended	23:10 VA.R. 1540	1/1/07-1/30/07
4 VAC 20-720-50 emer	Amended	23:10 VA.R. 1541	1/1/07-1/30/07
4 VAC 20-720-60 emer	Amended	23:19 VA.R. 2988	5/1/07-5/30/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-720-60 through 4 VAC 20-720-110	Amended	23:21 VA.R. 3447-3449	5/23/07
4 VAC 20-720-70 emer	Amended	23:19 VA.R. 2989	5/1/07-5/30/07
4 VAC 20-720-90 emer	Amended	23:19 VA.R. 2989	5/1/07-5/30/07
4 VAC 20-720-105 emer	Added	23:19 VA.R. 2989	5/1/07-5/30/07
4 VAC 20-720-105	Added	23:21 VA.R. 3449	5/23/07
4 VAC 20-720-110 emer	Amended	23:19 VA.R. 2990	5/1/07-5/30/07
4 VAC 20-752-20	Amended	23:19 VA.R. 2990	5/3/07
4 VAC 20-752-30	Amended	23:19 VA.R. 2991	5/3/07
4 VAC 20-890-20	Amended	23:19 VA.R. 2991	7/1/07
4 VAC 20-890-35	Amended	23:19 VA.R. 2991	7/1/07
4 VAC 20-890-40	Amended	23:19 VA.R. 2991	7/1/07
4 VAC 20-890-45	Added	23:19 VA.R. 2992	7/1/07
4 VAC 20-900-25	Amended	23:19 VA.R. 2992	7/1/07
4 VAC 20-900-35	Amended	23:19 VA.R. 2993	7/1/07
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 20-950-47	Amended	23:17 VA.R. 2740	3/30/07
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 20-950-48	Amended	23:17 VA.R. 2740	3/30/07
4 VAC 20-1090-30	Amended	23:11 VA.R. 1663	2/1/07
4 VAC 20-1110-10 through 4 VAC 20-1110-50	Added	23:19 VA.R. 2994	5/1/07
4 VAC 20-1120-10 through 4 VAC 20-1120-50	Added	23:19 VA.R. 2994-2995	5/1/07
4 VAC 20-1120-20 emer	Amended	23:21 VA.R. 3449	5/29/07-6/28/07
4 VAC 20-1120-20	Amended	23:23 VA.R. 3871	6/28/07
4 VAC 25-20 (Forms)	Amended	23:24 VA.R. 3968	--
4 VAC 25-20-420	Amended	23:13 VA.R. 2146	4/4/07
4 VAC 25-50-10 through 4 VAC 25-50-110	Repealed	23:22 VA.R. 3696	8/8/07
4 VAC 25-130 (Forms)	Amended	23:20 VA.R. 3370-3372	--
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 25-130-777.17	Amended	23:22 VA.R. 3696	8/8/07
4 VAC 25-130-784.20	Amended	23:13 VA.R. 2148	4/4/07
4 VAC 25-130-785.25	Amended	23:16 VA.R. 2592	5/16/07
4 VAC 25-130-800.51	Amended	23:13 VA.R. 2149	4/4/07
4 VAC 25-130-816.105	Amended	23:13 VA.R. 2150	4/4/07
4 VAC 25-130-816.116	Amended	23:16 VA.R. 2592	5/16/07
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 25-130-817.116	Amended	23:16 VA.R. 2594	5/16/07
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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
Title 5. Corporations			
5 VAC 5-30-10	Amended	23:23 VA.R. 3872	7/1/07
5 VAC 5-30-20	Amended	23:23 VA.R. 3872	7/1/07
5 VAC 5-30-30	Amended	23:23 VA.R. 3873	7/1/07
5 VAC 5-30-40	Amended	23:23 VA.R. 3873	7/1/07
5 VAC 5-30-50	Amended	23:23 VA.R. 3874	7/1/07
5 VAC 5-30-60	Amended	23:23 VA.R. 3874	7/1/07
5 VAC 5-30-70	Amended	23:23 VA.R. 3875	7/1/07
Title 6. Criminal Justice and Corrections			
6 VAC 15-20-10 through 6 VAC 15-20-230	Amended	23:22 VA.R. 3697-3703	8/9/07
6 VAC 20-120-40	Amended	23:25 VA.R. 4177	9/19/07
6 VAC 35-20-37 emer	Amended	23:25 VA.R. 4178	8/1/07-7/31/08
6 VAC 40-50-10 through 6VAC40-50-80 emer	Added	23:23 VA.R. 3876	7/1/06-12/29/07
Title 8. Education			
8 VAC 20-21-10 through 8 VAC 20-21-730	Repealed	23:25 VA.R. 4179	9/21/07
8 VAC 20-22-10 through 8 VAC 20-22-760	Added	23:25 VA.R. 4179-4214	9/21/07
8 VAC 20-160-10	Amended	23:23 VA.R. 3876	8/27/07
8 VAC 20-160-20	Amended	23:23 VA.R. 3878	8/27/07
8 VAC 20-160-30	Amended	23:23 VA.R. 3878	8/27/07
8 VAC 20-160-40	Amended	23:23 VA.R. 3879	8/27/07
8 VAC 20-160-50	Amended	23:23 VA.R. 3879	8/27/07
8 VAC 20-160-60	Amended	23:23 VA.R. 3879	8/27/07
8 VAC 20-350-10 through 8 VAC 20-350-660	Repealed	23:12 VA.R. 1962	5/8/07
8 VAC 20-541-10 through 8 VAC 20-541-60	Repealed	23:25 VA.R. 4214	9/21/07
8 VAC 20-542-10 through 8 VAC 20-542-600	Added	23:25 VA.R. 4214-4270	9/21/07
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 40-140-10 through 8 VAC 40-140-90	Added	23:22 VA.R. 3704-3706	7/1/07
Title 9. Environment			
9 VAC 5-20-21	Amended	23:21 VA.R. 3456	8/1/07
9 VAC 5-30-15	Added	23:21 VA.R. 3454	8/1/07
9 VAC 5-30-60	Amended	23:21 VA.R. 3454	8/1/07
9 VAC 5-30-65	Amended	23:21 VA.R. 3454	8/1/07
9 VAC 5-30-66	Added	23:21 VA.R. 3455	8/1/07
9 VAC 5-40-7550 through 9 VAC 5-40-7710	Added	23:21 VA.R. 3460-3463	8/1/07
9 VAC 5-50-400	Amended	23:17 VA.R. 2742	6/1/07
9 VAC 5-50-410	Amended	23:17 VA.R. 2742	6/1/07
9 VAC 5-60-60	Amended	23:17 VA.R. 2747	6/1/07
9 VAC 5-60-90	Amended	23:17 VA.R. 2748	6/1/07
9 VAC 5-60-100	Amended	23:17 VA.R. 2748	6/1/07
9 VAC 5-140-1010 through 9 VAC 5-140-1060	Added	23:14 VA.R. 2279-2291	4/18/07
9 VAC 5-140-1061	Added	23:14 VA.R. 2291	*
9 VAC 5-140-1062	Added	23:14 VA.R. 2291	*
9 VAC 5-140-1070 through 9 VAC 5-140-1150	Added	23:14 VA.R. 2292-2295	4/18/07

* Effective Date Suspended 23:19

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 5-140-2060	Added	23:14 VA.R. 2329	4/18/07
9 VAC 5-140-2061	Added	23:14 VA.R. 2331	*
9 VAC 5-140-2062	Added	23:14 VA.R. 2332	*
9 VAC 5-140-2070	Added	23:14 VA.R. 2333	4/18/07
9 VAC 5-140-2080	Added	23:14 VA.R. 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 5-140-3060	Added	23:14 VA.R. 2359-2368	4/18/07
9 VAC 5-140-3061	Added	23:14 VA.R. 2370	*
9 VAC 5-140-3062	Added	23:14 VA.R. 2371	*
9 VAC 5-140-3070	Added	23:14 VA.R. 2371	4/18/07
9 VAC 5-140-3080	Added	23:14 VA.R. 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 5-140-1020	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1061	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1130	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1420	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1700	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1740	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2020	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2030	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2040	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2060	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2740	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-3062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-3840	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-5020	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5060	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5100	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5150	Erratum	23:16 VA.R. 2672	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-140-5420	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5510	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5540	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5560	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5600	Erratum	23:16 VA.R. 2672	--
9 VAC 5-151-10 through 9 VAC 5-151-70	Added	23:17 VA.R. 2755-2764	5/31/07
9 VAC 5-240-10 through 9 VAC 5-240-50	Added	23:16 VA.R. 2595-2596	5/16/07
9 VAC 20-110-90	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-110-110	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-200-10 through 9 VAC 20-200-70	Added	23:11 VA.R. 1666-1667	3/21/07
9 VAC 25-71-20	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 25-210-10	Amended	23:21 VA.R. 3464	7/25/07
9 VAC 25-210-50	Amended	23:21 VA.R. 3468	7/25/07
9 VAC 25-210-60	Amended	23:21 VA.R. 3469	7/25/07
9 VAC 25-210-75	Added	23:21 VA.R. 3473	7/25/07
9 VAC 25-210-80 through 9 VAC 25-210-115	Amended	23:21 VA.R. 3474-3484	7/25/07
9 VAC 25-210-116	Added	23:21 VA.R. 3484	7/25/07
9 VAC 25-210-130	Amended	23:21 VA.R. 3487	7/25/07
9 VAC 25-210-140	Amended	23:21 VA.R. 3488	7/25/07
9 VAC 25-210-170	Amended	23:21 VA.R. 3489	7/25/07
9 VAC 25-210-175	Added	23:21 VA.R. 3489	7/25/07
9 VAC 25-210-180	Amended	23:21 VA.R. 3490	7/25/07
9 VAC 25-210-185	Amended	23:21 VA.R. 3492	7/25/07
9 VAC 25-210-190	Repealed	23:21 VA.R. 3492	7/25/07
9 VAC 25-210-200	Repealed	23:21 VA.R. 3493	7/25/07
9 VAC 25-210-210	Repealed	23:21 VA.R. 3493	7/25/07
9 VAC 25-210-220	Amended	23:21 VA.R. 3493	7/25/07
9 VAC 25-210-230	Amended	23:21 VA.R. 3493	7/25/07
9 VAC 25-210-260	Amended	23:21 VA.R. 3494	7/25/07
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 25-720-50	Amended	23:23 VA.R. 3881	10/22/07
9 VAC 25-720-50	Amended	23:23 VA.R. 3888	10/22/07
9 VAC 25-720-50	Amended	23:23 VA.R. 3895	10/22/07
9 VAC 25-720-60	Amended	23:12 VA.R. 1966	5/21/07
9 VAC 25-720-80	Amended	23:11 VA.R. 1670	3/21/07
9 VAC 25-720-80	Amended	23:23 VA.R. 3901	10/22/07
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
Title 10. Finance and Financial Institutions			
10 VAC 5-40-50	Added	23:18 VA.R. 2882	5/1/07
10 VAC 5-160-40	Amended	23:13 VA.R. 2187	2/10/07
Title 11. Gaming			
11 VAC 10-20-310	Amended	23:18 VA.R. 2883	5/31/07
11 VAC 10-20-330	Amended	23:18 VA.R. 2884	5/31/07
11 VAC 10-20-340	Amended	23:18 VA.R. 2891	5/31/07
11 VAC 10-100-30	Amended	23:18 VA.R. 2892	5/31/07
11 VAC 10-110-30	Amended	23:18 VA.R. 2893	5/31/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
11 VAC 10-110-90	Amended	23:18 VA.R. 2893	5/31/07
11 VAC 10-120-80	Amended	23:18 VA.R. 2894	5/31/07
11 VAC 10-130-10	Amended	23:11 VA.R. 1672	1/10/07
11 VAC 10-130-10	Amended	23:18 VA.R. 2894	4/30/07
11 VAC 10-130-60	Amended	23:11 VA.R. 1673	1/10/07
11 VAC 10-140-12	Added	23:18 VA.R. 2896	5/31/07
11 VAC 10-140-15	Added	23:18 VA.R. 2896	5/31/07
11 VAC 10-140-210	Amended	23:18 VA.R. 2896	5/31/07
11 VAC 10-150-12	Added	23:18 VA.R. 2897	5/31/07
11 VAC 10-150-15	Added	23:18 VA.R. 2897	5/31/07
11 VAC 10-180-10	Amended	23:20 VA.R. 3164	5/18/07
11 VAC 10-180-20	Amended	23:20 VA.R. 3164	5/18/07
11 VAC 10-180-60	Amended	23:20 VA.R. 3166	5/18/07
11 VAC 10-180-80	Amended	23:20 VA.R. 3167	5/18/07
Title 12. Health			
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 (Forms)	Erratum	23:15 VA.R. 2507-2509	--
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 5-125-10	Added	23:23 VA.R. 3904	9/1/07
12 VAC 5-125-20	Added	23:23 VA.R. 3906	9/1/07
12 VAC 5-125-30	Added	23:23 VA.R. 3906	9/1/07
12 VAC 5-125-40	Added	23:23 VA.R. 3906	9/1/07
12 VAC 5-125-50	Added	23:23 VA.R. 3907	9/1/07
12 VAC 5-125-60	Added	23:23 VA.R. 3908	9/1/07
12 VAC 5-125-70	Added	23:23 VA.R. 3908	9/1/07
12 VAC 5-125-80	Added	23:23 VA.R. 3908	9/1/07
12 VAC 5-125-90	Added	23:23 VA.R. 3908	9/1/07
12 VAC 5-125-100	Added	23:23 VA.R. 3916	9/1/07
12 VAC 5-125-110	Added	23:23 VA.R. 3917	9/1/07
12 VAC 5-125-120	Added	23:23 VA.R. 3917	9/1/07
12 VAC 5-125-130	Added	23:23 VA.R. 3917	9/1/07
12 VAC 5-125-140	Added	23:23 VA.R. 3918	9/1/07
12 VAC 5-125-150	Added	23:23 VA.R. 3918	9/1/07
12 VAC 5-125-160	Added	23:23 VA.R. 3918	9/1/07
12 VAC 5-125-170	Added	23:23 VA.R. 3918	9/1/07
12 VAC 5-125-180	Added	23:23 VA.R. 3919	9/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-190-10 through 12 VAC 5-190-690	Repealed	23:21 VA.R. 3498	7/25/07
12 VAC 5-191-10 through 12 VAC 5-191-320	Added	23:21 VA.R. 3498-3509	7/25/07
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
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 5-585-760 through 12 VAC 5-585-830	Added	23:25 VA.R. 4298-4301	10/1/07
12 VAC 30-10-140	Amended	23:16 VA.R. 2653	7/1/07
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
12 VAC 30-30-20 emer	Amended	23:20 VA.R. 3169	5/30/07-5/29/08
12 VAC 30-30-60	Added	23:11 VA.R. 1673	3/7/07
12 VAC 30-40-10	Amended	23:11 VA.R. 1674	3/7/07
12 VAC 30-40-20	Amended	23:18 VA.R. 2897	7/1/07
12 VAC 30-40-105 emer	Added	23:20 VA.R. 3170	5/30/07-5/29/08
12 VAC 30-40-280 emer	Amended	23:20 VA.R. 3171	5/30/07-5/29/08
12 VAC 30-40-290	Amended	23:14 VA.R. 2398	9/1/07
12 VAC 30-40-290 emer	Amended	23:20 VA.R. 3172	5/30/07-5/29/08
12 VAC 30-50-20	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-35	Added	23:11 VA.R. 1675	3/7/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-50-60	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-75	Added	23:11 VA.R. 1676	3/7/07
12 VAC 30-50-130	Amended	23:21 VA.R. 3518	1/1/08
12 VAC 30-50-141 emer	Added	23:21 VA.R. 3510	7/1/07-6/30/08
12 VAC 30-50-151 emer	Added	23:21 VA.R. 3510	7/1/07-6/30/08
12 VAC 30-50-181 emer	Added	23:21 VA.R. 3510	7/1/07-6/30/08
12 VAC 30-50-228 emer	Added	23:21 VA.R. 3511	7/1/07-6/30/08
12 VAC 30-50-320	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-321	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-325	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-328	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-461 emer	Added	23:21 VA.R. 3512	7/1/07-6/30/08
12 VAC 30-50-490	Amended	23:20 VA.R. 3175	7/11/07
12 VAC 30-50-530	Amended	23:11 VA.R. 1676	3/7/07
12 VAC 30-60-250 emer	Added	23:21 VA.R. 3513	7/1/07-6/30/08
12 VAC 30-60-255 emer	Added	23:21 VA.R. 3515	7/1/07-6/30/08
<u>12 VAC 30-70-311</u>	Amended	23:19 VA.R. 3003	7/1/07
<u>12 VAC 30-70-321</u>	Amended	23:19 VA.R. 3003	7/1/07
12 VAC 30-70-331	Amended	23:20 VA.R. 3225	8/25/07
<u>12 VAC 30-70-341</u>	Amended	23:19 VA.R. 3003	7/1/07
<u>12 VAC 30-70-391</u>	Amended	23:19 VA.R. 3004	7/1/07
12 VAC 30-80-30	Amended	23:20 VA.R. 3232	7/11/07
12 VAC 30-80-32 emer	Added	23:21 VA.R. 3516	7/1/07-6/30/08
12 VAC 30-80-95	Added	23:21 VA.R. 3520	1/1/08
12 VAC 30-80-190	Amended	23:19 VA.R. 3004	7/1/07
12 VAC 30-80-190	Amended	23:20 VA.R. 3225	8/25/07
12 VAC 30-80-190	Amended	23:20 VA.R. 3242	7/11/07
12 VAC 30-90-31	Amended	23:19 VA.R. 3005	7/1/07
12 VAC 30-90-41	Amended	23:20 VA.R. 3226	8/25/07
12 VAC 30-90-271	Amended	23:20 VA.R. 3229	8/25/07
12 VAC 30-90-290	Amended	23:20 VA.R. 3230	8/25/07
12 VAC 30-90-264	Amended	23:14 VA.R. 2400	4/18/07
12 VAC 30-110-950	Amended	23:18 VA.R. 2898	7/1/07
12 VAC 30-120	Erratum	23:24 VA.R. 4080	--
12 VAC 30-120-61	Amended	23:16 VA.R. 2655	7/1/07
12 VAC 30-120-62	Amended	23:16 VA.R. 2657	7/1/07
12 VAC 30-120-64	Amended	23:16 VA.R. 2659	7/1/07
12 VAC 30-120-65	Amended	23:16 VA.R. 2660	7/1/07
12 VAC 30-120-66	Amended	23:16 VA.R. 2660	7/1/07
12 VAC 30-120-68	Amended	23:16 VA.R. 2661	7/1/07
12 VAC 30-120-310 emer	Amended	23:21 VA.R. 3516	7/1/07-6/30/08
12 VAC 30-120-370 emer	Amended	23:24 VA.R. 4029	9/1/07-8/31/08
12 VAC 30-120-380 emer	Amended	23:21 VA.R. 3517	7/1/07-6/30/08
12 VAC 30-120-380 emer	Amended	23:24 VA.R. 4032	9/1/07-8/31/08
12 VAC 30-120-700 through 12 VAC 30-120-750	Amended	23:20 VA.R. 3177-3192	7/11/07
12 VAC 30-120-752	Amended	23:20 VA.R. 3192	7/11/07
12 VAC 30-120-753	Amended	23:20 VA.R. 3194	7/11/07
12 VAC 30-120-754	Amended	23:20 VA.R. 3195	7/11/07
12 VAC 30-120-756	Amended	23:20 VA.R. 3197	7/11/07
12 VAC 30-120-758	Amended	23:20 VA.R. 3198	7/11/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-760	Amended	23:20 VA.R. 3198	7/11/07
12 VAC 30-120-762	Amended	23:20 VA.R. 3199	7/11/07
12 VAC 30-120-764	Amended	23:20 VA.R. 3199	7/11/07
12 VAC 30-120-766	Amended	23:20 VA.R. 3201	7/11/07
12 VAC 30-120-768	Repealed	23:20 VA.R. 3204	7/11/07
12 VAC 30-120-770	Amended	23:20 VA.R. 3206	7/11/07
12 VAC 30-120-772	Amended	23:20 VA.R. 3211	7/11/07
12 VAC 30-120-774	Amended	23:20 VA.R. 3211	7/11/07
12 VAC 30-120-776	Amended	23:20 VA.R. 3213	7/11/07
12 VAC 30-120-780	Repealed	23:20 VA.R. 3215	7/11/07
12 VAC 30-120-790	Repealed	23:20 VA.R. 3216	7/11/07
12 VAC 30-120-1600 through 12 VAC 30-120-1660	Added	23:20 VA.R. 3244-3251	7/11/07
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 30-135-10 through 12 VAC 30-135-40	Amended	23:21 VA.R. 3520-3522	11/1/07
12 VAC 30-135-80	Amended	23:21 VA.R. 3522	11/1/07
12 VAC 30-141-740	Amended	23:19 VA.R. 3006	7/1/07
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 35-105-925	Added	23:20 VA.R. 3252	7/11/07
12 VAC 35-115-10 through 12 VAC 35-115-250	Amended	23:25 VA.R. 4301-4340	9/19/07
12 VAC 35-115-145	Added	23:25 VA.R. 4329	9/19/07
12 VAC 35-115-146	Added	23:25 VA.R. 4330	9/19/07
12 VAC 35-115-160	Repealed	23:25 VA.R. 4332	9/19/07
12 VAC 35-210-10 through 12 VAC 35-210-120	Added	23:21 VA.R. 3525-3529	7/25/07
Title 13. Housing			
13 VAC 5-31	Erratum	23:24 VA.R. 4079	--
13 VAC 5-91	Erratum	23:24 VA.R. 4080	--
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
Title 14. Insurance			
14 VAC 5-200-20	Repealed	23:17 VA.R. 2766	9/1/07
14 VAC 5-200-30 through 14 VAC 5-200-60	Amended	23:17 VA.R. 2766-2770	9/1/07
14 VAC 5-200-70 through 14 VAC 5-200-90	Amended	23:17 VA.R. 2770-2774	9/1/07
14 VAC 5-200-110	Amended	23:17 VA.R. 2774	9/1/07
14 VAC 5-200-120	Amended	23:17 VA.R. 2777	9/1/07
14 VAC 5-200-153	Amended	23:17 VA.R. 2777	9/1/07
14 VAC 5-200-170	Amended	23:17 VA.R. 2780	9/1/07
14 VAC 5-200-175	Amended	23:17 VA.R. 2781	9/1/07
14 VAC 5-200-181	Added	23:17 VA.R. 2782	9/1/07
14 VAC 5-200-183	Added	23:17 VA.R. 2782	9/1/07
14 VAC 5-200-185	Amended	23:17 VA.R. 2783	9/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-200-187	Amended	23:17 VA.R. 2785	9/1/07
14 VAC 5-200-200	Amended	23:17 VA.R. 2786	9/1/07
14 VAC 5-200-201	Added	23:17 VA.R. 2788	9/1/07
14 VAC 5-200-205	Added	23:17 VA.R. 2788	9/1/07
14 VAC 5-215-20	Amended	23:22 VA.R. 3768	7/1/07
14 VAC 5-215-30	Amended	23:22 VA.R. 3768	7/1/07
14 VAC 5-215-50	Amended	23:22 VA.R. 3769	7/1/07
14 VAC 5-215-60	Amended	23:22 VA.R. 3770	7/1/07
14 VAC 5-215-80	Amended	23:22 VA.R. 3770	7/1/07
14 VAC 5-321-10	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-20	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-30	Amended	23:10 VA.R. 1578	1/1/07
14 VAC 5-321-70	Added	23:10 VA.R. 1578	1/1/07
14 VAC 5-322-10 through 14 VAC 5-322-50	Added	23:10 VA.R. 1579-1581	1/1/07
Title 16. Labor and Employment			
16 VAC 15-21-30	Amended	23:23 VA.R. 3933	8/23/07
16 VAC 25-55-10 and 16 VAC 25-55-20	Added	23:12 VA.R. 1995-1996	3/22/07
16 VAC 25-75-10	Added	23:21 VA.R. 3544	7/26/07
16 VAC 25-90-1910.268 (b) (7)	Repealed	23:21 VA.R. 3545	7/26/07
16 VAC 25-90-1910.134	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1000	Amended	23:12 VA.R. 1996	3/21/07
16 VAC 25-90-1910.1001	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1017	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1018	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1025	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1027	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1028	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1029	Amended	23:12 VA.R. 1997	3/21/07
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	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1047	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1048	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1050	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1052	Amended	23:12 VA.R. 1997	3/21/07
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	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	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.62	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.1002, Appendix A of Subpart W	Amended	23:12 VA.R. 1999	3/21/07
16 VAC 25-175-1926.1101	Amended	23:12 VA.R. 1997	3/21/07
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
Title 18. Professional and Occupational Licensing			
18 VAC 5-10-10 through 18 VAC 5-10-90	Amended	23:11 VA.R. 1678-1680	4/23/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 10-20-230	Amended	23:21 VA.R. 3548	9/10/07
18 VAC 10-20-420	Amended	23:21 VA.R. 3550	8/1/07
18 VAC 10-20-440	Amended	23:21 VA.R. 3551	8/1/07
18 VAC 10-20-450	Amended	23:21 VA.R. 3551	8/1/07
18 VAC 15-20 (Forms)	Added	23:15 VA.R. 2514	--
18 VAC 15-30 (Forms)	Amended	23:15 VA.R. 2514	--
18 VAC 25-21-80	Amended	23:21 VA.R. 3557	8/1/07
18 VAC 25-21-90	Amended	23:21 VA.R. 3558	8/1/07
18 VAC 25-21-180	Amended	23:21 VA.R. 3558	8/1/07
18 VAC 25-21-230 through 18 VAC 25-21-280	Added	23:21 VA.R. 3559-3560	8/1/07
18 VAC 30-10-10 through 18 VAC 30-10-80	Amended	23:20 VA.R. 3276-3277	8/25/07
18 VAC 30-10-100	Amended	23:20 VA.R. 3277	8/25/07
18 VAC 30-10-110	Amended	23:20 VA.R. 3277	8/25/07
18 VAC 30-10-120	Amended	23:20 VA.R. 3277	8/25/07
18 VAC 41-60-10 through 18 VAC 41-60-220	Added	23:12 VA.R. 2000-2009	4/1/07
18 VAC 41-70-10 through 18 VAC 41-70-280	Added	23:25 VA.R. 4349-4359	9/20/07
18 VAC 45-20-40	Amended	23:21 VA.R. 3562	9/10/07
18 VAC 47-20-10	Amended	23:21 VA.R. 3563	8/1/07
18 VAC 47-20-35	Added	23:21 VA.R. 3564	8/1/07
18 VAC 47-20-210	Amended	23:21 VA.R. 3564	8/1/07
18 VAC 47-20-240	Repealed	23:21 VA.R. 3564	8/1/07
18 VAC 47-20-250	Added	23:21 VA.R. 3564	8/1/07
18 VAC 47-20-260	Added	23:21 VA.R. 3565	8/1/07
18 VAC 47-20-270	Added	23:21 VA.R. 3565	8/1/07
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
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 60-10-10 through 18 VAC 60-10-80	Amended	23:20 VA.R. 3283-3284	8/25/07
18 VAC 60-10-100	Amended	23:20 VA.R. 3284	8/25/07
18 VAC 60-10-110	Amended	23:20 VA.R. 3284	8/25/07
18 VAC 60-10-120	Amended	23:20 VA.R. 3284	8/25/07
18 VAC 60-20-71	Amended	23:23 VA.R. 3934	8/22/07
18 VAC 60-20-180	Amended	23:15 VA.R. 2510	5/2/07
18 VAC 60-20-210	Amended	23:20 VA.R. 3286	8/25/07
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 65-40-340	Amended	23:12 VA.R. 2033	3/21/07
18 VAC 75-10-10 through 18 VAC 75-10-80	Amended	23:20 VA.R. 3288-3290	8/25/07
18 VAC 75-10-100	Amended	23:20 VA.R. 3290	8/25/07
18 VAC 75-10-110	Amended	23:20 VA.R. 3290	8/25/07
18 VAC 75-10-120	Amended	23:20 VA.R. 3290	8/25/07
18 VAC 75-20-60	Amended	23:21 VA.R. 3574	9/10/07
18 VAC 75-20-70	Amended	23:21 VA.R. 3575	9/10/07
18 VAC 75-20-120	Added	23:21 VA.R. 3575	9/10/07
18 VAC 75-20-130	Added	23:21 VA.R. 3575	9/10/07
18 VAC 75-20-140	Added	23:21 VA.R. 3575	9/10/07
18 VAC 76-30-10 through 18 VAC 76-30-80	Amended	23:20 VA.R. 3292-3294	8/25/07
18 VAC 76-30-100	Amended	23:20 VA.R. 3294	8/25/07
18 VAC 76-30-110	Amended	23:20 VA.R. 3294	8/25/07
18 VAC 76-30-120	Amended	23:20 VA.R. 3294	8/25/07
18 VAC 85-10 through 18 VAC 85-10-70	Amended	23:20 VA.R. 3296-3297	8/25/07
18 VAC 85-10-90	Amended	23:20 VA.R. 3297	8/25/07
18 VAC 85-10-100	Amended	23:20 VA.R. 3297	8/25/07
18 VAC 85-10-110	Amended	23:20 VA.R. 3298	8/25/07
18 VAC 85-20-30	Amended	23:20 VA.R. 3299	8/25/07
18 VAC 85-20-235	Amended	23:11 VA.R. 1692	4/21/07
18 VAC 85-20-235	Amended	23:25 VA.R. 4360	9/20/07
18 VAC 85-20-235	Amended	23:25 VA.R. 4361	9/20/07
18 VAC 85-20-290	Amended	23:13 VA.R. 2206	4/4/07
18 VAC 85-20-290	Amended	23:23 VA.R. 3934	8/22/07
18 VAC 85-20-400 through 18 VAC 85-20-420	Adding	23:25 VA.R. 4362-4363	9/20/07
18 VAC 85-101-50	Amended	23:15 VA.R. 2511	5/2/07
18 VAC 85-130-10 through 18 VAC 85-130-170	Added	23:10 VA.R. 1582-1586	2/21/07
18 VAC 90-10-10 through 18 VAC 90-10-80	Amended	23:20 VA.R. 3307-3309	8/25/07
18 VAC 90-10-100	Amended	23:20 VA.R. 3309	8/25/07
18 VAC 90-10-110	Amended	23:20 VA.R. 3309	8/25/07
18 VAC 90-10-120	Amended	23:20 VA.R. 3309	8/25/07
18 VAC 90-20-30	Amended	23:25 VA.R. 4363	10/1/07
18 VAC 90-20-60	Amended	23:12 VA.R. 2033	3/21/07
18 VAC 90-20-225	Added	23:25 VA.R. 4364	10/1/07
18 VAC 90-25-15 through 18 VAC 90-25-80	Amended	23:21 VA.R. 3576-3581	7/25/07
18 VAC 90-25-71	Added	23:21 VA.R. 3580	7/25/07
18 VAC 90-25-72	Added	23:21 VA.R. 3580	7/25/07
18 VAC 90-25-81	Added	23:21 VA.R. 3581	7/25/07
18 VAC 90-25-100 through 18 VAC 90-25-130	Amended	23:21 VA.R. 3581-3583	7/25/07
18 VAC 90-30-120	Amended	23:14 VA.R. 2404	4/18/07
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 90-60-10 through 18 VAC 90-60-120	Added	23:19 VA.R. 3008-3012	7/1/07
18 VAC 90-60-120	Erratum	23:20 VA.R. 3378	--
18 VAC 105-10-10 through 18 VAC 105-10-80	Amended	23:20 VA.R. 3315-3316	8/25/07
18 VAC 105-10-100	Amended	23:20 VA.R. 3316	8/25/07
18 VAC 105-10-110	Amended	23:20 VA.R. 3316	8/25/07
18 VAC 105-10-120	Amended	23:20 VA.R. 3316	8/25/07
18 VAC 105-20-10	Amended	23:22 VA.R. 3791	9/24/07
18 VAC 110-10-10 through 18 VAC 110-10-80	Amended	23:20 VA.R. 3318-3320	8/25/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-10-100	Amended	23:20 VA.R. 3320	8/25/07
18 VAC 110-10-110	Amended	23:20 VA.R. 3320	8/25/07
18 VAC 110-10-120	Amended	23:20 VA.R. 3320	8/25/07
18 VAC 110-20-285	Amended	23:17 VA.R. 2791	5/30/07
18 VAC 112-10-10 through 18 VAC 112-10-80	Amended	23:20 VA.R. 3327-3329	8/25/07
18 VAC 112-10-100	Amended	23:20 VA.R. 3329	8/25/07
18 VAC 112-10-110	Amended	23:20 VA.R. 3329	8/25/07
18 VAC 112-10-120	Amended	23:20 VA.R. 3329	8/25/07
18 VAC 115-10-10 through 18 VAC 115-10-80	Amended	23:20 VA.R. 3331-3332	8/25/07
18 VAC 115-10-100	Amended	23:20 VA.R. 3332	8/25/07
18 VAC 115-10-110	Amended	23:20 VA.R. 3333	8/25/07
18 VAC 115-10-120	Amended	23:20 VA.R. 3333	8/25/07
18 VAC 115-20-20	Amended	23:14 VA.R. 2404	4/18/07
18 VAC 115-20-130	Amended	23:21 VA.R. 3584	7/25/07
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 115-50-110	Amended	23:21 VA.R. 3585	7/25/07
18 VAC 115-60-20	Amended	23:14 VA.R. 2406	4/18/07
18 VAC 115-60-130	Amended	23:21 VA.R. 3587	7/25/07
18 VAC 120-30-10	Amended	23:21 VA.R. 3589	8/1/07
18 VAC 120-30-30	Amended	23:21 VA.R. 3590	8/1/07
18 VAC 120-30-40	Amended	23:21 VA.R. 3590	8/1/07
18 VAC 120-30-50	Amended	23:21 VA.R. 3591	8/1/07
18 VAC 120-30-55	Added	23:21 VA.R. 3591	8/1/07
18 VAC 120-30-90	Repealed	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-100	Amended	23:21 VA.R. 3588	8/1/07
18 VAC 120-30-100	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-130	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-150	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-160	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-180	Amended	23:21 VA.R. 3592	8/1/07
18 VAC 120-30-190	Amended	23:21 VA.R. 3593	8/1/07
18 VAC 120-30-200	Amended	23:21 VA.R. 3593	8/1/07
18 VAC 120-30-220	Amended	23:21 VA.R. 3593	8/1/07
18 VAC 120-30-230	Amended	23:21 VA.R. 3594	8/1/07
18 VAC 120-30-240	Amended	23:21 VA.R. 3594	8/1/07
18 VAC 120-30-250	Amended	23:21 VA.R. 3594	8/1/07
18 VAC 120-30-270	Amended	23:21 VA.R. 3594	8/1/07
18 VAC 120-30-280	Amended	23:21 VA.R. 3595	8/1/07
18 VAC 120-30-290	Added	23:21 VA.R. 3595	8/1/07
18 VAC 120-30-300	Added	23:21 VA.R. 3595	8/1/07
18 VAC 120-30-310	Added	23:21 VA.R. 3595	8/1/07
18 VAC 120-40-10	Amended	23:24 VA.R. 4038	9/5/07
18 VAC 120-40-15	Added	23:24 VA.R. 4039	9/5/07
18 VAC 120-40-20	Amended	23:24 VA.R. 4039	9/5/07
18 VAC 120-40-80 through 18VAC120-40-360	Amended	23:24 VA.R. 4040-4052	9/5/07
18 VAC 120-40-221	Added	23:24 VA.R. 4043	9/5/07
18 VAC 120-40-222	Added	23:24 VA.R. 4043	9/5/07
18 VAC 120-40-295	Added	23:24 VA.R. 4048	9/5/07
18 VAC 120-40-342	Added	23:24 VA.R. 4050	9/5/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 120-40-370	Repealed	23:24 VA.R. 4052	9/5/07
18 VAC 120-40-380	Repealed	23:24 VA.R. 4052	9/5/07
18 VAC 120-40-385	Added	23:24 VA.R. 4052	9/5/07
18 VAC 120-40-390	Amended	23:24 VA.R. 4053	9/5/07
18 VAC 120-40-400	Repealed	23:24 VA.R. 4053	9/5/07
18 VAC 120-40-410	Amended	23:24 VA.R. 4053	9/5/07
18 VAC 120-40-411	Added	23:24 VA.R. 4053	9/5/07
18 VAC 120-40-411.1 through 18VAC120-40-411.21	Added	23:24 VA.R. 4054-4064	9/5/07
18 VAC 120-40-415	Added	23:24 VA.R. 4064	9/5/07
18 VAC 120-40-415.1	Added	23:24 VA.R. 4065	9/5/07
18 VAC 120-40-415.2	Added	23:24 VA.R. 4065	9/5/07
18 VAC 120-40-415.3	Added	23:24 VA.R. 4065	9/5/07
18 VAC 120-40-420	Amended	23:24 VA.R. 4066	9/5/07
18 VAC 120-40-430	Amended	23:24 VA.R. 4066	9/5/07
18 VAC 125-10-10 through 18 VAC 125-10-80	Amended	23:20 VA.R. 3346-3348	8/25/07
18 VAC 125-10-100	Amended	23:20 VA.R. 3348	8/25/07
18 VAC 125-10-110	Amended	23:20 VA.R. 3348	8/25/07
18 VAC 125-10-120	Amended	23:20 VA.R. 3348	8/25/07
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 135-50-10	Amended	23:22 VA.R. 3794	9/22/07
18 VAC 135-50-20	Amended	23:22 VA.R. 3795	9/22/07
18 VAC 135-50-220	Amended	23:22 VA.R. 3795	9/22/07
18 VAC 135-50-400	Amended	23:22 VA.R. 3795	9/22/07
18 VAC 140-10-10 through 18 VAC 140-10-80	Amended	23:20 VA.R. 3350-3351	8/25/07
18 VAC 140-10-100	Amended	23:20 VA.R. 3351	8/25/07
18 VAC 140-10-110	Amended	23:20 VA.R. 3352	8/25/07
18 VAC 140-10-120	Amended	23:20 VA.R. 3352	8/25/07
18 VAC 145-30-40	Amended	23:20 VA.R. 3352	7/12/07
18 VAC 150-10-10	Amended	23:23 VA.R. 3937	10/7/07
18 VAC 150-10-20	Amended	23:23 VA.R. 3937	10/7/07
18 VAC 150-10-30	Amended	23:23 VA.R. 3937	10/7/07
18 VAC 150-10-40	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-50	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-60	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-70	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-80	Amended	23:23 VA.R. 3938	10/7/07
18 VAC 150-10-100	Amended	23:23 VA.R. 3939	10/7/07
18 VAC 150-10-110	Amended	23:23 VA.R. 3939	10/7/07
18 VAC 150-10-120	Amended	23:23 VA.R. 3939	10/7/07
Title 19. Public Safety			
19 VAC 30-20-80	Amended	23:10 VA.R. 1587	3/1/07
Title 21. Securities and Retail Franchising			
21 VAC 5-10	Erratum	23:18 VA.R. 2935	--
21 VAC 5-10-40	Amended	23:23 VA.R. 3940	7/1/07
21 VAC 5-20	Erratum	23:18 VA.R. 2935	--
21 VAC 5-20-65	Added	23:23 VA.R. 3942	7/1/07
21 VAC 5-20-95	Added	23:23 VA.R. 3942	7/1/07
21 VAC 5-20-280	Amended	23:23 VA.R. 3943	7/1/07
21 VAC 5-20-330	Amended	23:23 VA.R. 3947	7/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
21 VAC 5-80-65	Added	23:23 VA.R. 3949	7/1/07
21 VAC 5-80-160	Amended	23:23 VA.R. 3950	7/1/07
21 VAC 5-80-200	Amended	23:23 VA.R. 3954	7/1/07
21 VAC 5-110	Erratum	23:18 VA.R. 2935	--
21 VAC 5-110	Erratum	23:24 VA.R. 4079	--
21 VAC 5-110-65	Added	23:23 VA.R. 3959	7/1/07
21 VAC 5-110-75	Added	23:23 VA.R. 3960	7/1/07
Title 22. Social Services			
22 VAC 15-10-40	Amended	23:10 VA.R. 1587	3/1/07
22 VAC 15-10-50	Amended	23:10 VA.R. 1587	3/1/07
22 VAC 15-30-10	Amended	23:20 VA.R. 3353	7/11/07
22 VAC 15-30-310	Amended	23:20 VA.R. 3356	7/11/07
22 VAC 15-30-580	Amended	23:20 VA.R. 3358	7/11/07
22 VAC 40-20-10	Repealed	23:20 VA.R. 3364	8/1/07
22 VAC 40-25-10 through 22 VAC 40-25-70	Amended	23:20 VA.R. 3360-3364	8/1/07
22 VAC 40-25-45	Added	23:20 VA.R. 3363	8/1/07
22 VAC 40-35-10	Amended	23:23 VA.R. 3962	9/1/07
22 VAC 40-35-80	Amended	23:23 VA.R. 3965	9/1/07
22 VAC 40-35-90	Amended	23:23 VA.R. 3965	9/1/07
22 VAC 40-35-100	Amended	23:23 VA.R. 3966	9/1/07
22 VAC 40-41-10 through 22 VAC 40-41-50	Amended	23:22 VA.R. 3796-3799	9/1/07
22 VAC 40-41-55	Amended	23:22 VA.R. 3799	9/1/07
22 VAC 40-41-60	Amended	23:22 VA.R. 3799	9/1/07
22 VAC 40-540-10	Repealed	23:20 VA.R. 3364	8/1/07
22 VAC 40-600-10 through 22 VAC 40-600-240	Repealed	23:20 VA.R. 3364	8/1/07
22 VAC 40-601-10 through 22 VAC 40-601-40	Added	23:20 VA.R. 3365-3366	8/1/07
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 40-880-200	Amended	23:20 VA.R. 3367	8/1/07
22 VAC 40-880-250	Amended	23:20 VA.R. 3367	8/1/07
22 VAC 40-880-270	Amended	23:20 VA.R. 3367	8/1/07
22 VAC 40-880-350	Amended	23:20 VA.R. 3368	8/1/07
22 VAC 40-880-620	Amended	23:20 VA.R. 3369	8/1/07
Title 23. Taxation			
23 VAC 10-210-485	Amended	23:24 VA.R. 4069	9/6/07
23 VAC 10-210-693 emer	Amended	23:25 VA.R. 4364	7/26/07-07/25/08
23 VAC 10-210-6041	Amended	23:24 VA.R. 4068	9/6/07
23 VAC 10-210-6042	Amended	23:24 VA.R. 4069	9/6/07
23 VAC 10-210-6043	Amended	23:24 VA.R. 4069	9/6/07
23 VAC 10-240-20 through 23 VAC 10-240-60	Repealed	23:25 VA.R. 4372-4373	10/04/07
23 VAC 10-240-100	Repealed	23:25 VA.R. 4373	10/04/07
23 VAC 10-240-130	Repealed	23:25 VA.R. 4373	10/04/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
23 VAC 10-240-140	Repealed	23:25 VA.R. 4373	10/04/07
23 VAC 10-240-150	Repealed	23:25 VA.R. 4373	10/04/07
23 VAC 10-240-200	Repealed	23:25 VA.R. 4373	10/04/07
23 VAC 10-240-210	Repealed	23:25 VA.R. 4373	10/04/07
23 VAC 10-240-240	Repealed	23:25 VA.R. 4373	10/04/07
23 VAC 10-240-270	Repealed	23:25 VA.R. 4373	10/04/07
23 VAC 10-240-280	Repealed	23:25 VA.R. 4373	10/04/07
23 VAC 10-240-300	Repealed	23:25 VA.R. 4374	10/04/07
23 VAC 10-240-310	Repealed	23:25 VA.R. 4374	10/04/07
23 VAC 10-240-330	Repealed	23:25 VA.R. 4374	10/04/07
23 VAC 10-240-340	Repealed	23:25 VA.R. 4374	10/04/07
23 VAC 10-240-360	Repealed	23:25 VA.R. 4374	10/04/07
23 VAC 10-240-380	Repealed	23:25 VA.R. 4374	10/04/07
23 VAC 10-240-400	Repealed	23:25 VA.R. 4375	10/04/07
23 VAC 10-240-420	Repealed	23:25 VA.R. 4375	10/04/07
23 VAC 10-240-430	Repealed	23:25 VA.R. 4375	10/04/07
23 VAC 10-240-450	Repealed	23:25 VA.R. 4375	10/04/07
23 VAC 10-240-460	Repealed	23:25 VA.R. 4375	10/04/07
Title 24. Transportation and Motor Vehicles			
24 VAC 27-10-10 through 24VAC27-10-120	Added	23:24 VA.R. 4071-4075	9/20/07
24 VAC 30-155	Erratum	23:21 VA.R. 3619	--
24 VAC 30-155-10 through 24 VAC 30-155-100	Added	23:18 VA.R. 2915-2930	7/1/07
24 VAC 30-320	Repealed	23:16 VA.R. 2665	3/22/07
24 VAC 30-325-10	Added	23:16 VA.R. 2665	3/22/07
24 VAC 30-325-20	Added	23:16 VA.R. 2666	3/22/07
24 VAC 30-330	Repealed	23:16 VA.R. 2665	3/22/07

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Initial Agency Notice

Title of Regulation: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.**

Statutory Authority: § 54.1-2400 and Chapters 33 (§54.1-3300 et seq.) and 34 (§54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Name of Petitioner: Sherry Fortune on behalf of Partners Pharmacy of Virginia.

Nature of Petitioner's Request: To amend regulations pertaining to access to drugs in emergency drug or stat boxes in long-term care facilities to allow the use of a Pyxis stat-emergency unit and not require each facility to obtain a controlled substance registration.

Agency's Plan for Disposition of Request: The board will receive public comment on the petition for rulemaking until October 3, 2007, and will review the petition and any comment at its meeting on December 12, 2007, to make a decision on whether to initiate rulemaking.

Comments may be submitted until October 3, 2007.

Agency Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Richmond, VA 23233, telephone (804) 662-9911, FAX (804) 662-9313, or email scotti.russell@dhp.virginia.gov.

VA.R. Doc. No. R07-869; Filed August 3, 2007, 11:23 a.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

STATE BOARD OF JUVENILE JUSTICE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the State Board of Juvenile Justice intends to consider amending regulations entitled **6VAC35-20, Regulations Governing the Monitoring, Approval and Certification of Juvenile Justice Programs**. The purpose of the proposed action is to authorize the Director of the Department of Juvenile Justice to issue orders of summary suspension of a license or certificate to operate a group home or other residential facility for children in cases of immediate and substantial threat to the health, safety, and welfare of residents. This action is necessary due to legislation enacted during the 2006 General Assembly session. Chapter 168 of the 2006 Acts of Assembly (SB 190) amends §66-24 of the Code of Virginia relating to summary suspension of licenses or certificates for group homes and residential facilities under certain circumstances.

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

Statutory Authority: §66-24 of the Code of Virginia.

Public comments may be submitted until September 30, 2007.

Contact: Deron Phipps, Legislative and Regulatory Manager, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6407, FAX (804) 371-0773, or email deron.phipps@djj.virginia.gov.

VA.R. Doc. No. R07-639; Filed August 6, 2007, 2:17 p.m.

BOARD OF FORENSIC SCIENCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Forensic Science Board intends to consider promulgating regulations entitled **6VAC40-60, Regulations for Obtaining Information from the Data Bank and Procedures for Verification and Authorization of Persons Requesting Information from the Data Bank**. The purpose of the proposed action is to describe the process for obtaining information from the DNA data bank and for verifying the authority of persons requesting the release of information from the DNA data bank. Specification of the personnel with access to the DNA data bank along with samples is also contained in the regulation.

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

Statutory Authority: §19.2-310.5 of the Code of Virginia.

Public comments may be submitted until September 5, 2007

Contact: Michele M. Gowdy, Department Counsel, Department of Forensic Science, 700 North 5th St., Richmond, VA 23219, telephone (804) 786-6848, FAX (804) 786-6857, or email michele.gowdy@dfs.virginia.gov.

VA.R. Doc. No. R07-; Filed July 9, 2007, 1:45 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the State Board of Education intends to consider promulgating regulations entitled **8VAC20-720, Regulations Governing Local School Boards and School Divisions**, and repealing regulations entitled **8VAC20-150, Management of the Student's Scholastic Record in the Public Schools of Virginia, 8VAC20-170, Regulations Governing Instructional Materials - Selection and Utilization By Local School Boards, 8VAC20-180, Regulations Governing School Community Programs, 8VAC20-240, Regulations Governing School Activity Funds, 8VAC20-250, Regulations Governing the Testing of Sight and Hearing of Pupils, 8VAC20-270, Regulations Governing Textbook Fund Management and Handling on Local Level, 8VAC20-310, Rules Governing Instructions Concerning Drugs and Substance Abuse, 8VAC20-320, Regulations Governing Physical and Health Education, 8VAC20-390, Rules Governing Division Superintendent of Schools, 8VAC20-410, Regulations Governing Allowable Credit for Teaching Experience, 8VAC20-420, Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards, 8VAC20-460, Regulations Governing Sick Leave Plan for Teachers, 8VAC20-490, Regulations Governing School Boards Local, 8VAC20-565, Regulations for the Protection of Students as Participants in Human Research**. The purpose of the proposed action is to repeal outdated regulations and consolidate necessary sections of various regulations into new regulations entitled **Regulations Governing Local School Boards and School Divisions**.

Notices of Intended Regulatory Action

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

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

Public comments may be submitted until September 5, 2007.

Contact: Dr. Margaret N. Roberts, Office of Policy & Communications, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA, 23219, telephone 804-225-2540, FAX 804-225-2524, or email margaret.roberts@doe.virginia.gov.

VA.R. Doc. No. R07-740; Filed July 10, 2007, 12:26 p.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Virginia Waste Management Board has WITHDRAWN the Notice of Intended Regulatory Action for **9VAC20-80, Solid Waste Management Regulations (Amendment 6)**, which was published in 22:1 VA.R. 17 September 19, 2006. The regulatory action is no longer necessary as consideration of regulatory amendments will occur during a future amendment to the Solid Waste Management Regulations.

Contact: Cindy Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone 804-698-4378, FAX 804-698-4346 or email cmberndt@deq.virginia.gov.

VA.R. Doc. No. R06-31; Filed August 3, 2007, 9:37 a.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Virginia Waste Management Board has WITHDRAWN the Notice of Intended Regulatory Action for **9VAC20-101, Vegetative Waste Management and Yard Waste Composting Regulations (Amendment 2)**, which was published in 22:1 VA.R. 17 September 19, 2006. The regulatory action is no longer necessary as consideration of regulatory amendments will occur during a future amendment to the Solid Waste Management Regulations.

Contact: Cindy Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone 804-698-4378, FAX 804-698-4346 or email cmberndt@deq.virginia.gov.

VA.R. Doc. No. R06-30; Filed August 3, 2007, 9:37 a.m.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9VAC25-580, Underground Storage Tanks: Technical Standards and Corrective Action Requirements**. The purpose of the proposed action is to amend the technical standards and corrective actions requirements for underground storage tanks to incorporate requirements of the federal Energy Policy Act of 2005.

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

Statutory Authority: §§62-1.44.15(10) and 62.1-44.44.34:8-9 of the Code of Virginia; Resources Conservation and Recovery Act, Subtitle I, 40 CFR Parts 280 and 281.

Public comments may be submitted until September 26, 2007.

Contact: Russell Ellison, Department of Environmental Quality, 629 E. Main St., P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4269, FAX (804) 698-4266, or email rpellison@deq.virginia.gov.

VA.R. Doc. No. R07-749; Filed August 1, 2007, 9:10 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the State Water Control Board intends to consider regulations entitled **9VAC25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to consider amending the Water Quality Management Planning Regulation in response to petitions from Merck and the Frederick-Winchester Service Authority to increase their total nitrogen and total phosphorus waste load allocations set forth in 9VAC25-720-50.

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

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

Public comments may be submitted until September 24, 2007.

Contact: John M. Kennedy, Department of Environmental Quality, 629 E. Main St., P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4312, FAX (804) 698-4116, TTY 804-698-4021, or email jmkennedy@deq.virginia.gov.

VA.R. Doc. No. R07-805; Filed July 31, 2007, 1:43 p.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12VAC5-550, Board of Health Regulations Governing Vital Records**. The purpose of the proposed action is to allow birth certificates to denote names of parents under all circumstances in cases of adoption.

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

Statutory Authority: §§32.1-249 through 32.1-276 of the Code of Virginia.

Public comments may be submitted until September 5, 2007.

Contact: Janet Rainey, Director and State Registrar, Department of Health, 1601 Willow Lawn Dr., Suite 275, Richmond, VA 23230, telephone 804-662-6207, FAX 804-662-7262, or email janet.rainey@vdh.virginia.gov.

VA.R. Doc. No. R07-645; Filed July 10, 2007, 10:55 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Board of Medical Assistance Services intends to consider amending regulations entitled **12VAC30-10, State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions**, and **12VAC30-20, Administration of Medical Assistance Services**. The purpose of the proposed action is to more closely reflect current agency practice based upon language provided by the Centers for Medicare and Medicaid Services. Specifically, the agency intends to delete the definitions for estate and applicable medical assistance payments, and to move these two definitions into a new regulation section, 12VAC30-20-141. The agency also intends to repeal 12VAC30-20-140 (Estate Recoveries) in order to repromulgate this section in a restructured and revised format. The agency intends to revise several of the definitions included in the section and to add two new definitions for cost effect and homestead of modest value. Finally, DMAS intends to augment the language in this section to add greater detail to enhance understanding the Medicaid Estate Recovery process.

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

Statutory Authority: §32.1-325 of the Code of Virginia; Title XIX of the Social Security Act (42 USC 1396 et seq.) of the Code of Virginia.

Public comments may be submitted until September 19, 2007.

Contact: Kathy Colley, DMAS Fiscal Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3839, FAX (804) 786-1680, or email kathy.colley@dmas.virginia.gov.

VA.R. Doc. No. R07-750; Filed July 24, 2007, 2:29 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending the following regulation: **12VAC30-60, Standards Established and Methods Used to Assure High Quality of Care**. The purpose of the proposed action is to offer an alternative benefits package that combines traditional Medicaid services with new, comprehensive disease management (DM) services. This initiative will be established under authority granted by the Deficit Reduction Act of 2005, State Flexibility in Benefits Packages. This option provides states with the opportunity to offer an alternative benefits package to beneficiaries without regard to comparability and certain other traditional Medicaid requirements. The DM program offered through the alternative benefits package is called Healthy ReturnsSM, which targets chronic conditions in both children and adults. It provides DM services statewide to Medicaid clients eligible for Title XIX Medicaid fee-for-service. The program provides services on an opt-in basis, so individuals eligible for the program must proactively enroll to receive DM services. The goal of the program is to improve a patient's ability to manage his condition(s) and thereby improve his health and quality of life.

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

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

Public comments may be submitted until October 3, 2007.

Contact: Suzanne Gore, Policy and Research Division, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone 804-786-1609, FAX 804-786-1680 or email suzanne.gore@dmas.virginia.gov.

VA.R. Doc. No. R07-738; Filed August 8, 2007, 3:42 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12VAC30-120, Waivered Services**. The purpose of

Notices of Intended Regulatory Action

the proposed action is to improve the service method through which long-term care recipients obtain their acute care medical needs. Based on the legislation, DMAS, in consultation with the stakeholders, was directed to develop a long-range blueprint for the development and implementation of an integrated acute and long-term care system to include (i) an explanation on how the various community and state level stakeholders will be involved in the development and implementation of the new program models; (ii) a description of the various steps for development and implementation of the program models, including a review of other states' models, funding populations served, services provided, education of clients and providers, and location of programs; (iii) a description of how the existing system is funded and how integration will impact funding; and (iv) a description of the evaluation methods that will be used to ensure that the program provides access, quality, and consumer satisfaction.

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

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

Public comments may be submitted until September 5, 2007.

Contact: Adrienne Fegans, Program Operations Administrator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone 804-786-4112, FAX 804-786-1680, or email adrienne.fegans@dmas.virginia.gov.

VA.R. Doc. No. R07-729; Filed July 18, 2007, 10:30 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18VAC110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to clarify existing requirements, add new language to address problems that have arisen, delete outmoded regulation, and revise requirements to allow for newer technologies.

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

Statutory Authority: §54.1-2400 and Chapters 33 (§54.1-3300 et seq.) and 34 (§54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until September 5, 2007.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone 804-662-9911, FAX 804-662-9313, TTY 804-662-7197, or email scotti.russell@dhp.virginia.gov.

VA.R. Doc. No. R07-753; Filed July 16, 2007, 1:21 p.m.

BOARD OF VETERINARY MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Board of Veterinary Medicine intends to consider amending regulations entitled **18VAC150-20, Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed action is to update and clarify the board's regulations in accordance with a periodic review conducted by a committee of the board.

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

Statutory Authority: §54.1-2400 and Chapter 38 (§54.1-3800 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until September 19, 2007.

Contact: Elizabeth Young, Executive Director, Board of Veterinary Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098, TTY 804-662-7197, or email elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R07-754; Filed July 31, 2007, 9:07 a.m.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE SEWAGE SYSTEM PROFESSIONALS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals intends to consider amending the following regulations: **18VAC160-20, Board for Waterworks and Wastewater Works Operators Regulations**. The purpose of the proposed action is to review current entry requirements and standards for all classes of licensure to reflect changes in technology and operating methods.

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

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

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

Contact: David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, 3600 W. Broad St., Richmond, VA 23230, telephone 804-367-8595, FAX 804-367-2475, TTY 804-367-9753, or email waterwasteoper@dpor.virginia.gov.

VA.R. Doc. No. R07-792; Filed August 7, 2007, 8:28 a.m.

TITLE 22. SOCIAL SERVICES

DEPARTMENT OF REHABILITATIVE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Department of Rehabilitative Services intends to consider amending regulations entitled: **22VAC30-40, Protection of Participants in Human Research**. The purpose of the proposed action is to conform to human subjects research federal regulations and to ensure consistency with Code of Virginia requirements.

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

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

Statutory Authority: §54.5-5.1 of the Code of Virginia.

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

Contact: Vanessa S. Rakestraw, Policy Analyst, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7612, FAX (804) 662-7696, or email vanessa.rakestraw@drs.virginia.gov.

VA.R. Doc. No. R07-294; Filed July 3, 2007, 11:02 a.m.

STATE BOARD OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22VAC40-35, Virginia Independence Program**. The purpose of the proposed action is to amend the Virginia Independence Program regulation by changing state code citations that changed as a result of recodification, change terms from Aid to Families with Dependent Children (AFDC) to the current Temporary Assistance for Needy Families (TANF), update the definitions, remove obsolete language concerning the receipt of federal waivers, remove references to the Virginia Targeted Jobs Grant Program, update the exemptions from

the Virginia Initiative for Employment not Welfare program, allow greater participation in educational activities when participating in community work experience, expand opportunities for hardship exceptions, and address situations when an applicant for TANF names multiple possible putative fathers.

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

Statutory Authority: §§63.1-105, 63.105.1, 63.105.3, 63.1-105.4, 63.1.105.6, 63.1-105.7, 63.1-133.43, 63.1-133.46, 63.1,63.1-133.49, 63.1-133.51, and 63.1-133.53 of the Code of Virginia.

Federal waivers were granted effective July 1, 1995, by the U. S. Department of Health and Human Services (HHS) and the U. S. Department of Agriculture (USD), under Section 1115 of the Social Security Act and Section 17(b) of the Food Stamp Act.

Public comments may be submitted until September 5, 2007.

Contact: Mark L. Golden, TANF Program Manager, Department of Social Services, Division of Benefit Programs, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7385, FAX (804) 726-7356, TTY (800) 828-1120, or email mark.golden@dss.virginia.gov.

VA.R. Doc. No. R07-732; Filed July 13, 2007, 9:16 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the State Board of Social Services intends to consider promulgating regulations entitled **22VAC40-211, Resource, Foster and Adoptive Family Home Approval Standards**. The purpose of the proposed action is to adopt a new regulation specific to the approval requirements for resource, foster and adoptive family home providers approved by local departments of social services. The new regulation will include many of the provisions from 22VAC40-770, Standards and Regulations for Agency Approved Providers, which is being repealed. The new regulation will ensure compliance with changes to federal and state laws and regulations regarding resource, foster and adoptive homes.

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

Statutory Authority: §§63.2-217 and 63.2-319 of the Code of Virginia.

Public comments may be submitted until September 19, 2007.

Contact: Phyl Parrish, Acting Program Manager, Quality Review, Department of Social Services, Division of Family Services, 7 N. 8th St., Richmond, VA 23219, telephone (804)

Notices of Intended Regulatory Action

726-7926, FAX (804) 726-7895, TTY (800) 828-1120, or email phyl.parrish@dss.virginia.gov.

VA.R. Doc. No. R07-736; Filed July 24, 2007, 3:06 p.

TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Department of Taxation intends to consider amending regulations entitled **23VAC10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to clarify existing, long-standing policy with respect to the contractors tax treatment of floor coverings, lock and locking devices, and government contracts.

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

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

Public comments may be submitted until September 20, 2007.

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

VA.R. Doc. No. R07-649; Filed July 31, 2007, 10:13 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Department of Taxation intends to consider promulgating regulations entitled **23VAC10-120, Corporation Income Tax**. The purpose of the proposed action is to amend the corporate income tax law by adding §58.1-402 B 8 and 9 of the Code of Virginia, which requires the corporation to add back any royalties and interest paid to a related entity in such a situation. The amendments contain a number of safe harbors to prevent the addition from applying to legitimate transactions that are not for the purpose of tax avoidance. In addition, if a corporation does not qualify for one of the safe harbors, but believes that an addition is unreasonable as applied to its legitimate transactions, it may apply to the Tax Commissioner for a waiver of the addition requirement and a refund of tax paid on the amounts added back to Virginia taxable income. This regulatory action will add a regulation section interpreting §58.1-402 B 8 and 9 of the Code of Virginia.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with §2.2-4007.01 of the Code of Virginia that the Department of Taxation intends

to consider amending regulations entitled **23VAC10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to provide an explanation of the new application of the "true object test," with respect to orders issued under government contracts. The amendments provide a summary of the law applicable prior to July 1, 2006, and describe the change in law as a result of Item 268 of the 2006 appropriation act.

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

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

Public comments may be submitted until September 20, 2007.

Contact: Kristen Peterson, Tax Policy Analyst, Department of Taxation, P.O. Box 27185, Richmond, VA 23261-7185, telephone (804) 371-2340, FAX (804) 371-2355, or email kristen.peterson@tax.virginia.gov.

REGULATIONS

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

Symbol Key

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

TITLE 1. ADMINISTRATION

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

Final Regulation

Title of Regulation: **1VAC55-30. Long-Term Care Regulations (adding 1VAC55-30-10 through 1VAC55-30-90).**

Statutory Authority: §§2.2-1207 and 2.2-1208 of the Code of Virginia.

Effective Date: October 3, 2007.

Agency Contact: Charles Reed, Associate Director, Department of Human Resource Management, 101 N. Fourteenth Street, 13th Floor, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-0231, or email charles.reed@dhrm.virginia.gov.

Summary:

The regulation explains which groups of employees, former employees and their dependents are eligible for the long-term care program sponsored by the Department of Human Resource Management. Additionally, the regulation clarifies the different insurance classifications, and the processes that the eligible participants within each classification must go through in order to secure coverage.

The regulation spells out that satisfactory evidence of good health is required prior to enrollment in the plan except for newly eligible active employees or during special enrollments. Regardless as to date of hire or any special enrollment, employees must be actively at work in order to be accepted into the program.

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

CHAPTER 30

LONG-TERM CARE REGULATIONS

1VAC55-30-10. Definitions.

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

"Local employer" means any county, city, or town, school board, and the directing or governing body of any political

"Actively at work" means that an employee cannot be both disabled and away from work on the effective date of the long-term care coverage.

"Administrative services arrangement" means an arrangement whereby a third-party provider agrees to administer all or part of the long-term care program.

"Department" means the Department of Human Resource Management.

"Director" means the Director of the Department of Human Resource Management.

"Effective date of coverage" means the date on which the long-term care coverage begins.

"Employee" means a person employed by an employer participating in the long-term care program or, where demanded by the context of this chapter, a retired employee of such an employer.

"Employer" means the entity with which a person maintains a common law employee-employer relationship. The term "employer" is inclusive of each state agency and of a local employer.

"Evidence of good health" means a statement or proof of a person's physical condition or other factors that could affect his acceptance for the long-term care program.

"Insured arrangement" means an accident or health plan underwritten by an insurance company wherein the department's only obligation as it may relate to claims is the payment of insurance company premiums.

"Local employees" or "employees of local governments" means all officers and employees of the governing body of any county, city, or town, and the directing or governing body of any political entity, subdivision, branch, or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly specifying the power or powers, privileges or authority capable of exercise by the commission or public authority or body corporate, as distinguished from §15.2-1300 or [§] 15.2-1303 of the Code of Virginia or similar statutes, provided that the officers and employees of a social services department, welfare board, mental health and mental retardation services board, or library board of a county, city, or town shall be deemed to be the employees of local government, entity, subdivision, branch or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly specifying the

Regulations

power or powers, privileges or authority capable of exercise by the commission or public authority or body corporate, as distinguished from §15.2-1300 or [§] 15.2-1303 of the Code of Virginia, or similar statutes.

"Local officer" means the treasurer, registrar, commissioner of revenue, attorney for the Commonwealth, clerk of a circuit court, sheriff, or constable of any county or city or deputies or employees of any of the preceding local officers.

"Local retiree" means a former local employee who has met the terms and conditions for early, normal or late retirement from a local employer.

"Long-term care program" or "program" means, individually or collectively, the plan or plans the department may establish pursuant to §§2.2-1207 and 2.2-1208 of the Code of Virginia.

"Part-time local employee," as defined by each local employer, means an employee working less than full time who a local employer has determined to be eligible to participate in the program. The conditions of participation for these employees shall be decided by the local employer.

"Participant" means any person actively enrolled and covered by the long-term care program.

"Participating local employer" means a local employer who offers the long-term care program, sponsored by the Department of Human Resource Management, to their employees and retirees.

"Plan administrator" means the company responsible for administering the long-term care program including such services as accounting, issuance of certificates and settlement of claims.

"Rating" the process that determines how much a particular package of benefits will cost and what will be charged to cover those expected costs for a specific group of people.

"Self-insured arrangement" means a facility through which the plan sponsor agrees to assume the risk associated with the type of benefit provided without using an insurance company.

"Spouse" means the legally married husband or wife of an employee or retiree as recognized by the Commonwealth of Virginia.

"State" means the Commonwealth of Virginia.

"State agency" means a court, department, institution, office, board, council, or other unit of state government located in the legislative, judicial or executive departments or group of independent agencies, as shown in the appropriation act, and which is designated in the appropriation act by title and a three-digit agency code.

"State employee" means any person who is regularly employed on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly,

in whole or in part, by the Commonwealth or any department, institution, or agency thereof. "State employee" shall include the Governor, Lieutenant Governor, Attorney General, and members of the General Assembly. It includes "judge" as defined in §51.1-301 of the Code of Virginia and judges, clerks and deputy clerks of regional juvenile and domestic relations, county juvenile and domestic relations, and district courts of the Commonwealth.

"State retiree" means an employee who worked for the Commonwealth of Virginia and is retired with the VRS or optional state retirement program service and is eligible for an immediate annuity.

"Teacher" means any employee of a county, city, or other local public school board.

"Terminated vested participant" means any former state or local employee who has five or more years of creditable service with any retirement plan administered by the Virginia Retirement System but due to age restrictions was not able to receive an immediate annuity. These individuals cannot currently be employed by or be retired from a local employer.

"Underwriting" means the process of identifying and classifying the potential degree of risk represented by a proposed insured.

1VAC55-30-20. Designee and delegations of authority.

Pursuant to §§2.2-1207 and 2.2-1208 of the Code of Virginia, the Department of Human Resource Management shall establish a program subject to the approval of the Governor, for providing long-term care benefits for employees and retirees of the Commonwealth of Virginia, employees and retirees of participating local employers, and for terminated vested participants of the Virginia Retirement System.

The Director of the Department of Human Resource Management hereby delegates to the Director of the Office of Health Benefits the authority to:

1. Propose, design, and administer a long-term care plan. Such plan will at a minimum consist of a plan:
 - a. Covering employees and retirees of the Commonwealth, as well as vested terminated participants of the Virginia Retirement System, and
 - b. Covering the employees and retirees of participating local employers.

All approved plans will, in the aggregate, constitute the long-term care program. Any plan or plans proposed by the Office of Health Benefits shall be subject to the approval of the Director of the Department of Human Resource Management.

2. Propose regulations at any time for the purpose of the implementation, communication, funding, and administration of the long-term care program.

3. Enter into one or more contracts for the purpose of implementing, communicating, funding or administering the long-term care program. To this end, but not exclusively, such contract or contracts may be for the underwriting, funding, and administration, including claims processing and claims adjudication, of the program. Such contracts may be for accounting and actuarial services as well as communication, statistical analysis and any other item that may be needed to effectively review and maintain the long-term care program.

1VAC55-30-30. Procurement.

The department shall comply with the Virginia Public Procurement Act, Chapter 43 (§2.2-4300 et seq.) of Title 2.2 of the Code of Virginia, as it may relate to any services to which such act shall apply.

In an effort to stabilize the administration and maintenance of the long-term care benefits program, the department may contract for services applicable to such program for a period of time not exceeding 10 years, with the department reserving the right, in its sole discretion, to cancel such contracts annually upon 90 days' written notice to the contractor.

1VAC55-30-40. Types of plans.

A. The administration and underwriting of the plans shall be at the discretion of the department and may include, but not be limited to self-funded arrangements, insured arrangements, or administrative services arrangements. The department is authorized to exercise judgment and discretion in the establishment, procurement and implementation of all underwriting and other services necessary for the establishment, maintenance, and administration of such plans and will be deemed to do so in good faith.

B. The department, as it deems necessary or prudent, may contract for outside services, including but not limited to actuarial, and consulting services. The department may contract such services on an individual basis or in conjunction with other services.

1VAC55-30-50. No presumption of right.

These regulations and the long-term care benefits program herein established shall not be deemed to constitute a contract of employment or retirement between any participating employer and any participant. No participant in the program shall acquire any right to be retained in the employer's employ or attain any employment service toward retirement by virtue participation in the program, nor, upon the participant's dismissal or voluntary termination of employment, shall the participant have any interest in any assets of the program other than as may be specifically provided through the contract with the plan administrator.

Furthermore, these regulations and the long-term care program herein established shall in no event confer upon any

participant any rights, duties or responsibilities other than those granted herein. The Commonwealth of Virginia specifically reserves the right to amend, modify or terminate, inclusive of eligibility, coverage and contributions provisions, the long-term care benefits program or any plan or plans comprising all or part of the program, as they may relate to any active or retired participant.

1VAC55-30-60. Confidentiality.

The department will not disclose identifiable individual health data without the consent of the individual being provided coverage. Data may be compiled into statistical reports provided that the identity of individual persons is not ascertainable by the reader or disclosed by the department.

1VAC55-30-70. Department discretion.

The department reserves the right to change the plans offered and benefits provided thereunder at its sole discretion based upon market and department considerations.

1VAC55-30-80. Eligible participants.

A. Active state employees.

1. State employees as defined in 1VAC55-30-10 who are salaried faculty or salaried classified employees or other similarly situated employees in the executive, legislative, judicial or independent agencies who are compensated on a salaried basis and work at least 20 hours, are eligible for membership in the long-term care program. A salaried employee is one who receives a paycheck no more often than biweekly and who is not paid on an hourly basis.

2. Classified positions include employees who are fully covered by the Virginia Personnel Act, employees excluded from the Virginia Personnel Act by subdivision 16 of §2.2-2905 of the Code of Virginia, and employees on a restricted appointment. A restricted appointment is a classified appointment to a position that is funded at least 10% from gifts, grants, donations, or other sources that are not identifiable as continuing in nature. An employee on a restricted appointment must receive a state paycheck in order to be eligible.

3. Certain full-time employees in auxiliary enterprises (such as food services, bookstores, laundry services, etc.) at the University of Virginia, Virginia Military Institute and the College of William and Mary are also considered state employees even though they do not receive a salaried state paycheck. The Athletic Department of Virginia Polytechnic Institute and State University is a local auxiliary whose members are eligible for the program.

B. State retirees.

1. Employees who have met the terms and conditions for early, normal or late retirement from the Commonwealth under the Virginia Retirement System, State Police Officers'

Regulations

Retirement System, Judicial Retirement System, Virginia Law Officers' Retirement System, or any retirement system authorized pursuant to §§51.1-126, 51.1-126.1, 51.1-126.3, 51.1-126.4, 51.1-126.5, and 51.1-126.7 of the Code of Virginia are eligible for membership in the long-term care program.

2. Employees who retired under an optional state retirement program are eligible for an immediate annuity, and were at least age 50 with 10 years of service or at least age 55 with five years of service.

C. Active employees of participating local employers. Active full-time and part-time employees of participating local employers are eligible for membership. A part-time employee must regularly work at least 20 hours per week to maintain eligibility.

D. Retired employees of participating local employers.

1. The participating employer will determine if retirees are included as an eligible class.

2. If included, retirees are defined as employees who retired under the local employer's IRS Qualified Retirement Plan, were eligible to receive an immediate annuity, and were at least age 50 with 10 years of service or at least age 55 with five years of service as of their last day of employment.

E. Terminated vested participants.

1. Terminated employees of the Commonwealth or local employer who have five or more years of creditable service with the Virginia Retirement System, but due to age requirements were not eligible to receive an immediate annuity.

2. In order to be eligible to participate in this class an individual must not be eligible to participate as a member of another class under this chapter. This includes individuals who are employees or retirees of local employers who have not elected to participate in the program.

F. Other eligible participants. Other persons eligible to participate in the long-term care program include:

1. Spouse of an active employee.
2. Parents and parents-in law of the active employee.
3. Spouse or the surviving spouse of a retired employee, and
4. Spouse or the surviving spouse of a terminated vested participant.

1VAC55-30-90. Administration.

A. Enrollment of employees.

1. Enrollment will be on-going for all eligible participants.
2. Newly eligible active employees of the Commonwealth of Virginia can enroll into the program within 60 days of eligibility without proof of good health.

3. The enrollment period for new employer groups is as agreed upon by the program administrator and the participating employer.

4. Newly eligible active employees of the local employer can enroll into the program within a specific benefit eligibility window, as determined by the participating employer in conjunction with the program administrator, without proof of good health.

5. Special open enrollment periods for active employees will be determined by the plan administrator and agreed to by the department.

6. Eligible active employees who enroll without proof of good health must be actively at work on the effective date of coverage.

7. All other eligible participants are required to submit satisfactory evidence of good health, which must be reviewed and approved by the plan administrator before coverage can become effective.

8. Eligible individuals may be required to submit evidence that they are members of an eligible class before the plan administrator begins the enrollment process. Such evidence may include certification from the member's former employer, or the member's estimate of future annuity benefits provided by the Virginia Retirement System.

B. Premium payments.

1. Active employees with the employer's concurrence will be given the option of having the premiums for the long-term care program deducted from their salary. If both the employee and his spouse are enrolled, both premiums may be deducted from the employee's salary.

2. All other participants will be billed directed by the plan administrator or premiums may be made monthly by bank draft (EFT).

VA.R. Doc. No. R06-316; Filed August 10, 2007, 10:58 a.m.



TITLE 5. CORPORATIONS

STATE CORPORATION COMMISSION

Proposed Regulation

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

The appendices referenced in the following order are not being published. However, the lists are available for public

inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia 23219, from 8:15 a.m. to 5 p.m., Monday through Friday; or may be viewed at the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, Virginia 23219, during regular office hours.

Title of Regulation: 5VAC5-20. State Corporation Commission Rules of Practice and Procedure (amending 5VAC5-20-20, 5VAC5-20-140, 5VAC5-20-150, 5VAC5-20-170, 5VAC5-20-240).

Statutory Authority: §§12.1-13 and 12.1-25 of the Code of Virginia.

Public Hearing Information: A public hearing will be scheduled if requested.

Public Comments: Public comments may be submitted until 5 p.m. on September 25, 2007.

Agency Contact: William H. Chambliss, General Counsel, State Corporation Commission, 1300 East Main Street, P.O. Box 1197, Richmond, VA 23218, telephone 804-371-9671 or email william.chambliss@scc.virginia.gov.

Summary:

The proposed amendments expand the rules pertaining to electronic filing requirements to (i) include permitting the electronic filing of documents suitable for public disclosure less than 100 pages in length, and (ii) describe the process for submitting large exhibits in hardcopy to accompany electronic filings. The revisions also set forth time deadlines to govern electronic filings, and require certain actions by the staff of the Clerk of the Commission with regard to processing electronically filed documents.

AT RICHMOND, AUGUST 10, 2007

COMMONWEALTH OF VIRGINIA, ex rel.
STATE CORPORATION COMMISSION

CASE NO. CLK-2007-00005

Ex Parte: In the matter concerning revised State Corporation Commission Rules of Practice and Procedure

ORDER FOR NOTICE OF PROCEEDING TO CONSIDER REVISIONS TO COMMISSION'S RULES OF PRACTICE AND PROCEDURE TO PERMIT ELECTRONIC FILING OF DOCUMENTS

The Commission's Rules of Practice and Procedure, now codified at 5 VAC 5-10-10 et seq. ("Rules"), were last revised in 2001 in Case No. CLK-2000-00311¹. Since then, changes have occurred in the industries and businesses subject to the regulatory authority of the Commission, including advancement in technology and increased reliance on

electronic methods of communication in standard business practices.

The Commission has concluded that, in light of the passage of time and the changes occurring, it is appropriate to revisit our Rules and incorporate a procedure for electronic filing. Accordingly, the Commission Staff has prepared a proposed revision of the Rules of Practice and Procedure ("Proposed Rules"). A copy of the Proposed Rules is attached hereto. Interested parties are invited to comment upon and suggest modifications or supplements to, or request hearing on, the Proposed Rules. Comments or requests for hearing should address only the matters addressed in the Proposed Rules regarding electronic filing of documents. The Commission's Division of Information Resources is directed to cause the Proposed Rules to be published in the Virginia Register of Regulations and to make the Proposed Rules available for inspection on the Commission's Internet website.

Accordingly, IT IS ORDERED THAT:

(1) This matter shall be docketed and assigned Case No. CLK-2007-00005.

(2) The Commission's Division of Information Resources shall forward the Proposed Rules to the Registrar of Regulations for publication in the Virginia Register of Regulations.

(3) The Commission's Division of Information Resources shall make a downloadable version of the Proposed Rules available for access by the public at the Commission's website, <http://www.scc.virginia.gov/caseinfo.htm>. The Clerk of the Commission shall make a copy of the Proposed Rules available for public inspection in his office and provide a copy of the Proposed Rules, free of charge, in response to any written request for one.

(4) Interested persons wishing to comment, propose modifications or supplements to, or request a hearing on the Proposed Rules shall file an original and fifteen (15) copies of such comments, proposals, or request with the Clerk of the Commission, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218, on or before September 25, 2007, making reference to Case No. CLK-2007-00005. Any interested person wishing to present evidence and be heard regarding the Proposed Rules should file an original and fifteen (15) copies of a notice of participation as a respondent, as provided in 5 VAC 5-20-80 B, on or before September 25, 2007.

(5) This matter is continued for further orders of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all public utilities providing service within the Commonwealth of Virginia and to representatives of the insurance industry as shown on the attached appendices and to

Regulations

the individuals and organizations on the service list attached hereto.

¹Commonwealth of Virginia, At the relation of the State Corporation Commission, Ex Parte: In the Matter concerning revised State Corporation Commission Rules of Practice and Procedure, Case No. CLK-2000-00311, 2001 S.C.C. Ann. Rpt. 55.

5VAC5-20-20. Good faith pleading and practice.

Every pleading, written motion, or other paper presented for filing by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, and the attorney's mailing address and telephone number, and where available, telefax number and email address, shall be stated. An individual not represented by an attorney shall sign the individual's pleading, motion, or other paper document, and shall state the individual's mailing address and telephone number. A partnership not represented by an attorney shall have a partner sign the partnership's pleading, motion, or other paper document, and shall state the partnership's mailing address and telephone number. A nonlawyer may only represent the interests of another before the commission in the presentation of facts, figures, or factual conclusions, as distinguished from legal arguments or conclusions. In the case of an individual or entity not represented by counsel, each signature shall be that of a qualified officer or agent. The pleadings need not be under oath unless so required by statute. ~~The commission may provide, by order, a manner for acceptance of electronic signatures in particular cases.~~

The commission allows electronic filing. Before filing electronically, the filer shall complete an electronic document filing authorization form, receive a filer authentication identification number from the Clerk of the Commission and otherwise comply with the electronic filing procedures adopted by the commission. All documents submitted electronically must be capable of being printed as paper documents without loss of content or appearance.

The signature of an attorney or party constitutes a certification that (i) the attorney or party has read the pleading, motion, or other paper document; (ii) to the best of the attorney's or party's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. A pleading, written motion, or other paper document will not be accepted for filing by the Clerk of the Commission if not signed.

An oral motion made by an attorney or party in a commission proceeding constitutes a representation that the motion (i) is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and (ii) is not interposed for any improper

purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

5VAC5-20-140. Filing and service.

A formal pleading or other related document shall be considered filed with the commission upon receipt of the original and required copies by the Clerk of the Commission no later than the time established for the closing of business of the clerk's office on the day the item is due. The original and copies shall be stamped by the Clerk to show the time and date of receipt. ~~The commission may by order make provision for electronic filing of documents, including facsimile.~~

Electronic filings may be submitted at any time. However, to ensure timely filing on the specific day of submission, the document must be received at least one hour before the close of business of the clerk's office. A document submitted electronically shall be printed by the Clerk of the Commission and shall be considered filed with the commission when the document is time and date stamped by the Clerk of the Commission.

When a filing would otherwise be due on a day when the clerk's office is not open for public business, the filing will be timely if made on the next regular business day when the office is open to the public. When a period of 15 days or fewer is permitted to make a filing or take other action pursuant to commission rule or order, intervening weekends or holidays shall not be counted in determining the due date.

Service of a formal pleading, brief, or other document filed with the commission required to be served on the parties to a proceeding or upon the commission staff, shall be effected by delivery of a true copy to the party or staff, or by deposit of a true copy into the United States mail properly addressed and stamped, on or before the date of filing. Service on a party may be made by service on the party's counsel. At the foot of a formal pleading, brief, or other document required to be served, the party making service shall append a certificate of counsel of record that copies were mailed or delivered as required. The commission may, by order, provide for electronic service of documents, including facsimile. Notices, findings of fact, opinions, decisions, orders, or other paper documents to be served by the commission may be served by United States mail. However, all writs, processes, and orders of the commission, when acting in conformity with §12.1-27 of the Code of Virginia, shall be attested and served in compliance with §12.1-19.1 or §12.1-29 of the Code of Virginia.

5VAC5-20-150. Copies and format.

Applications, petitions, responsive pleadings, briefs, and other documents must be filed in an original and 15 copies. Except as otherwise stated in this chapter, submissions filed electronically are exempt from the copy requirement.

One copy of each responsive pleading or brief must be served on each party and the commission staff counsel assigned to the

matter, or, if no counsel has been assigned, on the general counsel.

Each document must be filed on standard size white opaque paper, 8-1/2 by 11 inches in dimension, and must be capable of being reproduced in copies of archival quality. Submissions filed electronically shall be made as a portable document format (PDF) file.

Pleadings shall be bound or attached on the left side and contain adequate margins. Each page following the first page ~~must~~ shall be numbered. If necessary, a document may be filed in consecutively numbered volumes, each of which may not exceed three inches in thickness. Submissions filed electronically may not exceed 100 pages of 8-1/2 by 11 inches in dimension.

Pleadings containing more than one exhibit should have dividers separating each exhibit and should contain an index. Exhibits such as maps, plats, and photographs not easily reduced to standard size may be filed in a different size, as necessary. Submissions filed electronically that otherwise would incorporate large exhibits impractical for conversion to electronic format shall be identified in the filing and include a statement that the exhibit was filed in hardcopy and is available for viewing at the commission or that a copy may be obtained from the filing party. Each exhibit shall be filed in an original and 15 copies.

All filed documents shall be fully collated and assembled into complete and proper sets ready for distribution and use, without the need for further assembly, sorting, or rearrangement.

The Clerk of the Commission may reject the filing of any document not conforming to the requirements of this ~~rule~~ section.

5VAC5-20-170. Confidential information.

A person who proposes in a formal proceeding that information to be filed with or submitted to the commission be withheld from public disclosure on the ground that it contains trade secrets, privileged, or confidential commercial or financial information shall file this information under seal with the Clerk of the Commission, or otherwise submit the information under seal to the commission staff as may be required. One copy of all such information also shall be submitted under seal to the commission staff counsel assigned to the matter, or, where no counsel has been assigned, to the general counsel who, until ordered otherwise by the commission, shall disclose the information only to the members of the commission staff directly assigned to the matter as necessary in the discharge of their duties. Staff counsel and all members of the commission staff, until otherwise ordered by the commission, shall maintain the information in strict confidence and shall not disclose its contents to members of the public, or to other staff members

not assigned to the matter. The commission staff or any party may object to the proposed withholding of the information.

Upon challenge, the filing party shall demonstrate to the satisfaction of the commission that the information should be withheld from public disclosure. If the commission determines that the information should be withheld from public disclosure, it may nevertheless require the information to be disclosed to parties to a proceeding under appropriate protective order.

Whenever a document is filed with the clerk under seal, an expurgated or redacted version of the document deemed by the filing party or determined by the commission to be confidential shall be filed with the clerk for use and review by the public. A document containing confidential information cannot be submitted electronically. An expurgated or redacted version of the document may be filed electronically. Documents containing confidential information shall be filed in hardcopy and in accordance with all requirements of this chapter.

When the information at issue is not required to be filed or made a part of the record, a party who wishes to withhold confidential information from filing or production may move the commission for a protective order without filing the materials. In considering such motion, the commission may require production of the confidential materials for inspection in camera, if necessary.

5VAC5-20-240. Prepared testimony and exhibits.

Following the filing of an application dependent upon complicated or technical proof, the commission may direct the applicant to prepare and file the testimony and exhibits by which the applicant expects to establish its case. In all proceedings in which an applicant is required to file testimony, respondents shall be permitted and may be directed by the commission or hearing examiner to file, on or before a date certain, testimony and exhibits by which they expect to establish their case. Any respondent that chooses not to file testimony and exhibits by that date may not thereafter present testimony or exhibits except by leave of the commission, but may fully participate in the proceeding and engage in cross-examination of the testimony and exhibits of commission staff and other parties. The commission staff also shall file testimony and exhibits when directed to do so by the commission. Failure to comply with the directions of the commission, without good cause shown, may result in rejection of the testimony and exhibits by the commission. With leave of the commission and unless a timely objection is made, the commission staff or a party may correct or supplement any prepared testimony and exhibits before or during the hearing. In all proceedings, all evidence must be verified by the witness before introduction into the record, and the admissibility of the evidence shall be subject to the same standards as if the testimony were offered orally at hearing, unless, with the consent of the commission, the staff and all parties stipulate the introduction of testimony without need for verification. An

Regulations

original and 15 copies of prepared testimony and exhibits shall be filed unless otherwise specified in the commission's scheduling order and public notice, or unless the testimony and exhibits are filed electronically and otherwise comply with this chapter. Documents of unusual bulk or weight and physical exhibits other than documents need not be filed in advance, but shall be described and made available for pretrial examination.

VA.R. Doc. No. R07-780; Filed August 10, 2007, 12:18 p.m.

◆ ————— ◆

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Proposed Regulation

Title of Regulation: 6VAC20-160. Rules Relating to the Court-Appointed Special Advocate Program (CASA) (amending 6VAC20-160-10 through 6VAC20-160-40, 6VAC20-160-80, 6VAC20-160-100, 6VAC20-160-110, 6VAC20-160-120).

Statutory Authority: §9.1-151 of the Code of Virginia.

Public Hearing Information:

November 16, 2007 - 10 a.m. - General Assembly Building, 910 Capitol Street, House Room C, Richmond, VA

Public Comments: Public comments may be submitted until November 2, 2007.

Agency Contact: Judith Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, 202 North Ninth Street, 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, or email judith.kirkendall@dcjs.virginia.gov.

Basis: Section 9.1-151 of the Code of Virginia established the Court-Appointed Special Advocate Program (CASA) in Virginia and requires the department to adopt regulations for program administration.

Purpose: In 1998, when the regulations were last revised, there were 22 Court Appointed Special Advocate (CASA) programs in Virginia. Presently there are 27 programs serving the Commonwealth. With the growth of CASA there is a need to routinely provide enhanced training and support, ensure accountability and offer further clarification of guidelines and expectations. Standardization of CASA programs across the state provides for greater consistency in the delivery of advocacy services to children.

Substance: Some of the proposed changes clarify the language, meaning or intent of the regulations. Other proposed changes are substantive and make adjustments to training requirements, program ratios, recordkeeping of program activities and

financial accountability intended to maintain and enhance the quality of practice in Virginia's CASA programs.

Significant proposed changes are as follows:

1. Defining the role of advisory councils and requiring them to have written roles and guidelines that do not conflict with the governing authority of the oversight organization.
2. Training for new board members that will include education about Virginia's CASA programs, mission, goals and objectives with emphasis on board member roles and fiduciary responsibilities, i.e. fundraising. Current regulation does not describe what training should include for board members.
3. The staff-to-volunteer ratio will not exceed 1:30 full time equivalent, and requires a reduction in staff-to-volunteer ratio when staff is assigned duties additional to the supervision of volunteers. Current regulation is 1:25 but allows for additional duties beyond supervising volunteers. The change in staff-to-volunteer ratio makes it consistent with the National Court Appointed Special Advocate Association (NCASAA) standards.
4. In the event a CASA supervisor or staff member is required to serve as an advocate, that supervisor or staff member will serve cases with no more than two individual children or two sibling groups. If that ratio exceeds two children or two sibling groups, a rationale must be submitted to and approved by the Department of Criminal Justice Services (DCJS).
5. CASA programs will be required to maintain records of the activities of the CASA program by using the CASA Outcome Measurement Evaluation Tool (COMET). Current regulation provides for maintaining records in a manner determined by the local program.
6. Credit may be given towards the 30-hour training requirement for any previous training obtained by a volunteer prior to application to a local CASA program if that training was from a local CASA program that utilized the NCASAA Curriculum.
7. Amendments were made to the reporting requirements that are defined in regulation allowing for flexibility with the implementation of COMET.
8. The average number of cases per volunteer may not exceed two (changed from three cases) children/two sibling groups, unless a rationale is submitted to and approved by DCJS. The change in the regulation makes it consistent with the NCASAA Standards.
9. CASA programs are required to be in compliance with NCASAA Standards. Previously, this was not noted in the regulation.

10. Requiring CASA programs to obtain a Central Registry check on volunteer applicants who have lived in another state within the past five years prior to application. Current regulation requires a criminal history check from volunteer applicants who have lived in another state.

Issues: Revising the Rules of the Court-Appointed Special Advocate Program poses no disadvantages to the public or the Commonwealth. Advantages to the public and to government agencies are related to enhancing the ability of CASA programs to provide advocacy to children of the Commonwealth assigned to CASA programs by the court system. Advantages include improvements in training requirements, lower program ratios, and improvements in recordkeeping of program activities with required use of the COMET database.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Criminal Justice Services Board (Board) proposes to amend its rules for the court appointed special advocate (CASA) program in several ways. The Board proposes to 1) change the staff to volunteer ratio that CASA programs must maintain, 2) reduce from three to two the number of children/sibling groups for whom a CASA volunteer may advocate at any one time and 3) allow volunteer training obtained before application to a local CASA program to count toward required training hours so long as that training meets National Court Appointed Special Advocate Association (NCASAA) standards. The Board also proposes to specify the topics that must be covered in training for new CASA Governing Board members and require a Central Registry background check for all volunteer applicants who have lived outside of Virginia any time in the last five years.

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

Estimated Economic Impact. Current regulation requires CASA programs to maintain a volunteer to staff ratio of not greater than 25 to 1. Currently there are no restrictions on what other responsibilities staff may take on while supervising volunteers. The proposed regulation changes the maximum staff to volunteer ratio to 1:30 but requires this ratio be lowered proportionally if staff also have administrative or other duties for which they are responsible. For example, a CASA program staff person who spends half their time on administrative tasks would only be able to supervise 15 volunteers. The Department of Criminal Justice Services (DCJS) reports that, because the proposed regulation accounts for other staff duties, volunteers in most programs will likely get more supervision than they do under current standards. Additionally, this change will bring all CASA programs in the Commonwealth into compliance with NCASAA standards.

This change may result in CASA programs having to either hire more staff or turn away volunteers because they lack the staff to meet supervision requirements. DCJS surveyed the 27 CASA programs that currently operate in the Commonwealth. Of the nine that replied, representatives of seven programs did not anticipate having to hire additional staff to comply with the proposed regulation. Representatives of two programs did not know if they would have to hire additional staff on account of this proposed change. Representatives of eight programs did not anticipate having to turn away volunteers; the representative for the other program did not know if they would have volunteers that could not be accommodated. To the extent that closer supervision helps volunteers better advocate for the children they represent, this regulatory change may lead to better outcomes for those children.

Current regulation allows CASA volunteers to represent up to three children or two sibling groups at one time. CASA programs can currently submit a rationale to DCJS if they wish to have a volunteer carry a greater case load. The proposed regulation is somewhat more restrictive and allows volunteers to represent up to two children or two sibling groups. Programs will still be able to apply to DCJS for exceptions to this rule. This change will bring Virginia's CASA programs into compliance with NCASAA standards.

This change will likely reduce the total number of children that CASA programs statewide can serve at any one time and may result in eligible children not being served. DCJS reports that most programs only assign one case at a time to volunteers and, so, CASA programs do not anticipate having to immediately either turn away clients or recruit more volunteers. This proposed change will likely allow volunteers with maximum caseloads to give more individual attention to each child that they represent. This may lead to a more thorough understanding of these children's individual needs and, therefore, to better outcomes for them.

Current regulation requires all CASA volunteers to complete a minimum of 30 hours of training after applying to a local CASA program but before they are assigned any cases. Volunteers are currently not allowed to count any previous CASA training toward this requirement. The proposed regulation will allow volunteer applicants to use previous training to meet training requirements so long as that training used a NCASAA approved curriculum. This change will likely benefit CASA programs; they will likely get more volunteers since this change decreases the cost (in time and possibly money) of volunteering.

Current regulation requires new CASA Governing Board members to receive "board training within six months of their appointment." The proposed regulation specifies the topics this training will cover. Specifically, new board members' training will include "education about Virginia's CASA programs, mission, goals, and objectives with emphasis on board members' roles, fiduciary responsibilities and fundraising."

Regulations

DCJS reports that board members will likely undergo the same number of hours of training under the proposed regulation as they do under current regulation. CASA programs will likely not incur any extra costs on account of this regulatory change; these programs may benefit if more targeted training causes board members to more effectively perform their duties.

Current regulation requires volunteer applicants who have lived outside of Virginia any time in the last three years to undergo a criminal background check through their former state of residence as a condition of application approval. The proposed regulation requires both a criminal background check and a central registry check for any applicant who has lived outside the Commonwealth within the last five years.

DCJS reports that, currently, few volunteer applicants have lived outside the Commonwealth in the last five years and, so, would be subject to checks under the proposed regulation. The nine programs that responded to DCJS's survey report that between zero and 30 new volunteers per year who meet the requirements for these checks. Currently each program screens between 3 and 5 applicants (who have lived out of state) per year. The proposed regulation will likely increase the number of background checks that will need to be completed which will likely increase costs. The required central registry check will also likely increase costs either for CASA programs or for volunteer applicants. The cost of a criminal background check varies from state to state; a criminal background check in Virginia costs approximately \$15. DCJS reports that the cost of a central registry check varies from \$2 to \$15, depending on what state is involved. Either the CASA program or the volunteer applicants would bear these increased costs. CASA programs may experience a slight decrease in the number of volunteer applications if either the cost or intrusion of these checks discourages certain individuals from volunteering. This proposed change may better protect these programs clients from individuals who ought not be allowed close contact with vulnerable children.

Businesses and Entities Affected. This proposed regulation will affect all 27 CASA programs in the Commonwealth, as well as their volunteers and client children. Of these 27 programs, 24 are run by private, non-profit entities and three are run under public auspices.

Localities Particularly Affected. Localities with public CASA programs will be particularly affected by the proposed regulation.

Projected Impact on Employment. If CASA programs have to increase staffing to comply with new staff to volunteer ratios, employment opportunities with CASA programs may increase.

Effects on the Use and Value of Private Property. The proposed regulation will likely have no affect on the use or value of private property.

Small Businesses: Costs and Other Effects. None of the entities affected by the proposed regulation are for-profit businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. None of the entities affected by the proposed regulation are for-profit businesses.

Real Estate Development Costs. Affected entities will likely not incur any real estate development costs on account of the proposed regulation.

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 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 Court Appointed Special Advocate Program within the Department of Criminal Justice Services concurs with the economic impact analysis as reviewed by the Department of Planning and Budget.

Summary:

The Criminal Justice Services Board (board) proposes to amend its rules for the court appointed special advocate (CASA) program in several ways. The board proposes to (i) change the staff-to-volunteer ratio that CASA programs must maintain, (ii) reduce from three to two the number of children/sibling groups for whom a CASA volunteer may advocate at any one time, and (iii) allow volunteer training obtained before application to a local CASA program to count toward required training hours so long as that training meets National Court Appointed Special Advocate Association (NCASAA) standards. The board also proposes to specify the topics that must be covered in training for new CASA governing board members and require a central registry background check for all volunteer applicants who have lived outside of Virginia any time in the last five years.

6VAC20-160-10. Definitions.

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

~~"Active case" means a case that is assigned by the director to a CASA volunteer.~~

"Advisory Council" means a locally appointed body with a specific purpose to advise the governing body of a local CASA program.

~~"Board" means the Criminal Justice Services Board.~~

"CASA" means court-appointed special advocate.

"CASA program" means any locally operated court-appointed special advocate program which utilizes court-appointed volunteers to assist in judicial proceedings involving allegations that a child is abused, neglected, in need of services, or in need of supervision and for whom the Juvenile and Domestic Relations District Court judge determines such services are appropriate.

~~"Case" means a child referred to the CASA program, on whom a Juvenile and Domestic Relations District Court Judge has entered an order of appointment for a CASA Volunteer.~~

~~"Closed case" means a case in which the court has released the CASA volunteer or the director has notified the court of their intent to release the case or there has been no volunteer activity for more than 90 days.~~

"DCJS" means the Department of Criminal Justice Services.

"Director" means the director or coordinator of a local CASA program responsible for the day-to-day operations of the local CASA program.

"Governing board" means the oversight body responsible for the local CASA program.

~~"Referred case" means a case that is referred by the court but is not assigned by the director to a CASA volunteer.~~

"Staff advocate" means an employee of the CASA program who serves as the assigned advocate for a case.

"Volunteer" means the court-appointed special advocate.

6VAC20-160-20. Boards CASA program governance.

~~A. If a local CASA program does not have a board of directors, it shall have an advisory board~~ A CASA program shall have a governing board responsible for overseeing the program's operations.

B. The composition of local CASA boards should include representatives of each geographic area served by the program having knowledge of or an interest in ~~court matters, child welfare and juvenile justice issues~~ the CASA program from both public and private sectors.

C. All new board members shall receive board training within six months of their appointment. Training for new board members shall include education about Virginia's CASA programs, mission, goals and objectives with emphasis on board member roles, fiduciary responsibilities and fundraising.

D. A governing board may choose to establish an advisory council to support the CASA program operations. The governing board shall articulate in writing a clearly defined purpose for the advisory council, criteria for selection of members, a defined relationship between the council and the CASA program staff and a clear process for reporting to the governing board.

6VAC20-160-30. Recordkeeping and monitoring.

A. CASA programs are required to maintain records of the activities of the CASA program by using CASA Outcomes Management and Evaluation Tool (COMET).

B. CASA programs shall provide ~~quarterly~~ reports on the operation of the CASA program to ~~the Department of Criminal Justice Services DCJS~~ in a format provided prescribed by the department. ~~The CASA quarterly reports shall cover the following periods: July-September; October-December; January-March; April-June. These reports are due on~~ according to a timeline as established by DCJS.

C. The quarterly reports shall include the following:

- ~~1. The number of volunteers who completed training during the quarter, the number currently assigned to cases, the number currently inactive, and the number currently unassigned;~~
- ~~2. The number of volunteer hours and a dollar equivalency for volunteer services for the quarter as prescribed by DCJS;~~
- ~~3. The number of cases served during the quarter including cases opened, closed and continued from previous quarters to ensure unduplicated numbers;~~
- ~~4. Average number of cases per volunteer; if this number exceeds three cases a rationale must be submitted to and approved by DCJS;~~
- ~~5. Breakdown of the types of cases handled during the quarter;~~
- ~~6. Breakdown of the age, sex and race of children served at the time of case assignment;~~
- ~~7. For cases closed during the quarter, the average length of time each case was assigned to the program;~~
- ~~8. For cases closed during the quarter, the average length of time each child was in out of home placement while assigned to the program; and~~
- ~~9. The number of new cases referred during the quarter awaiting assignment of a CASA volunteer or denied service due to lack of a CASA volunteer.~~

Regulations

~~D.~~ An annual report (Forms B, C, D and E) shall be due on C. CASA programs shall provide an annual report on the operation of the program in a format prescribed by the department according to a timeline as established by DCJS. The annual report shall include, but not be limited to, the following:

- ~~1.~~ An annual statistical summary;
- ~~2.~~ A program budget which contains expenditure and income projections and the sources and amounts of income from each source;
- ~~3.~~ A narrative detailing the program's accomplishments, major changes in program policy or operation during the past year;
- ~~4.~~ A letter from the CASA program's fiscal agent or accountant identifying who is responsible for maintaining the fiscal records, and stating where the fiscal records are routinely kept; and
- ~~5.~~ A year end fiscal statement prepared in accordance with generally accepted accounting practices showing the total cash receipts and disbursements for the CASA program from the past year.

6VAC20-160-40. Program and personnel policies.

A. CASA Programs shall be in compliance with Standards for National CASA Association (NCASAA) Member Programs.

~~A. Programs~~ B. CASA programs shall ensure that an attorney is available for CASA directors and boards to provide legal consultation in matters pertaining to administration of the programs.

~~B. Programs~~ C. CASA programs shall not employ as paid staff any individual who concurrently supervises ~~children in need~~ children in need of services, children in need of supervision, or juvenile offender cases, either for the courts or any child serving agencies.

~~C. Programs~~ D. CASA programs shall write policies on the following and make those written policies available to the respective court:

- ~~1.~~ The maximum number of cases to which a volunteer may be assigned at any one time. If that number is larger than ~~three~~ two children or two sibling groups, a rationale must be submitted to and approved by DCJS.
- ~~2.~~ Assignment of CASA staff as an advocate. In the event a CASA supervisor or staff member is required to serve as an advocate, that staff member will serve no more than two children or two sibling groups. If that number is larger than two children or two sibling groups, a rationale must be submitted to and approved by DCJS.
- ~~3.~~ The maximum number of volunteers to be supervised by each staff person. The staff-to-volunteer ratio calculated and reported each quarter shall not exceed 1 full-time

equivalent staff to ~~25~~ 30 volunteers who are assigned to active cases. This ratio is reduced according to the number of hours the volunteer supervisor may be assigned to administrative or other responsibilities. A request shall be submitted to DCJS for approval should that ratio exceed 1:30.

~~3.~~ 4. The review, investigation and handling of any complaints that may be received concerning CASA volunteers, including procedures for the removal of CASA volunteers should dismissal become necessary.

~~4.~~ 5. The specific factors to be used by the CASA program to accept and prioritize cases for assignment to CASA volunteers.

~~5.~~ 6. The confidentiality of the records and information to which CASA volunteers will have access, and training volunteers on the importance of confidentiality.

~~6.~~ 7. The objectives, standards, and conduct for CASA volunteers and the procedures that the CASA program has implemented to evaluate the performance of its volunteers in order to ensure that volunteers are meeting CASA's objectives and standards of conduct.

~~7.~~ 8. The CASA volunteers' responsibility to report incidents of suspected child abuse and neglect.

~~8.~~ 9. Concerning CASA investigations, CASA's role and responsibility in assisting the guardian ad litem, and monitoring court order compliance.

~~9.~~ 10. Compliance with federal laws, including Equal Opportunity Employment, Drug-Free workplace, Smoke-Free workplace, and political activity statements.

~~D.~~ E. CASA programs shall provide staff capable of managing effective and efficient program operations. The following job descriptions provide for essential CASA program management:

1. The director is responsible for accomplishing organizational goals and all managerial functions. This staff position requires a degree or equivalent experience in child welfare, public administration, counseling, human services, juvenile justice or law. It is also important that this person have an understanding of and experience with community organization and volunteer program management. Generally the duties and responsibilities of the director include:

- a. Conducting or overseeing the recruitment, screening, training, supervision and evaluation of the program volunteers and staff;
- b. Developing and maintaining procedures for case recordkeeping; supervising staff and volunteers in completing recordkeeping tasks;
- c. Serving as a liaison to the court, to their local board, to local agencies serving children, to DCJS personnel, to the

Virginia CASA Network, ~~to the Virginia CASA Association~~, and to the National CASA Association;

d. Planning for and managing program growth, development and evaluation, including special projects, budgets, annual workplans, and analysis of trends in program services;

e. Representing the program to networks of service providers, and community coalitions dealing with child welfare issues; and

f. Supervising program operations including financial management, risk management, and resource development.

2. Program/volunteer coordinator. Depending on program size, it may be necessary to designate a staff person having knowledge of or interest in court matters, child welfare and juvenile justice issues who will focus on volunteer recruitment, screening, training, case assignment, and supervision. Generally, the duties and responsibilities of the program/volunteer coordinator include:

a. Developing and distributing volunteer recruitment materials, and conducting presentations on the CASA program for the purpose of recruiting volunteers and increasing community awareness;

b. Screening volunteer applications and conducting interviews to determine the suitability of the applicant for the CASA program;

c. Arranging training for CASA volunteers;

d. Recommending trained volunteers for acceptance into the CASA program;

e. Assigning cases and supervising volunteers;

f. Planning and implementing volunteer recognition events;

g. Evaluating effectiveness of volunteer recruitment, training, and case assignment; and

h. Conducting annual written evaluations of each CASA volunteer.

6VAC20-160-80. Code of ethics.

A. CASA volunteers should conduct themselves in a professional manner, adhering to a code of ethics ~~which that~~ is consistent with ethical principles established by local, state or national guidelines.

B. A CASA volunteer should not become inappropriately involved in the case by providing direct service delivery to any parties that could (i) lead to conflict of interest or liability or (ii) cause a child or family to become dependent on the CASA volunteer for services ~~which that~~ should be provided by other agencies or organizations.

C. CASA volunteers should develop a general understanding of the code of ethics of other professionals with whom the CASA volunteer will be working.

6VAC20-160-100. Screening.

A. Prior to being sworn in, CASA volunteers shall successfully complete screening procedures, which, at a minimum, shall include a written application and personal interview.

B. Pursuant to ~~§9-173.8~~ §9.1-153 of the Code of Virginia, the director shall obtain, with the approval of the court, a copy of each applicant's criminal history record or certification that no conviction data is maintained on him, in accordance with §19.2-389 of the Code of Virginia, and a copy of information from the central registry, maintained pursuant to ~~§63.1-248.8~~ §63.2-1515 of the Code of Virginia, on any investigation of child abuse or neglect undertaken on him or certification that no such record is maintained on him. If the volunteer applicant has lived in another state within the past ~~three~~ five years, the ~~CASA volunteer program director~~ shall also ~~provide a copy~~ obtain copies of his criminal history record and a copy of information from the central registry from that area. An applicant ~~should~~ shall be rejected if he refuses to sign a release of information for appropriate law-enforcement checks.

C. CASA volunteers shall provide three references who will speak to their character, judgment and suitability for the position of CASA volunteer.

D. Before the volunteer is sworn in, the director shall determine that the CASA volunteer is qualified under 6VAC20-160-90 and 6VAC20-160-120.

E. CASA volunteers shall successfully complete required training as set forth in 6VAC20-160-120.

6VAC20-160-120. Training.

A. To ensure that volunteers are fully prepared to perform their role as a CASA and to assume the accompanying responsibilities, each volunteer shall participate in a minimum of 30 hours of training prior to being accepted as a CASA volunteer and assigned cases. Credit may not be given towards this 30 hours of training for any previous training obtained by a volunteer prior to application to a local CASA program if that program uses the NCASAA Training Curriculum and documentation of completion of the training is provided.

B. The initial training curriculum for a CASA should, at a minimum, include instructions on:

1. The delineation of the roles and responsibilities of a CASA focusing on the rationale for family preservation/permanency planning, discussion of the basic principles of advocacy, distinction between the appropriate and inappropriate activities for a CASA, level of commitment required of a CASA involved in a case and the performance expectations, review of the case assignment

Regulations

process and procedures, differentiation between the role of the CASA and other system personnel, and a comprehensive list of resources available and when and how to utilize these resources;

2. The obligation of confidentiality in CASA-related matters, proper recordkeeping techniques, and the scope of state and federal statutes on the confidentiality of records;

3. The dynamics of cultural diversity and the development of cultural sensitivity by the CASA;

4. The nature of child abuse and neglect, the impact of drugs and alcohol on the incidence of abuse, identification of the family conditions and patterns which lead to and perpetuate abuse and neglect, and instruction on how local departments of social services respond to and assess reports of abuse and neglect;

5. The general principles and concepts of child and family development;

6. Concepts of separation and loss, the role of foster care and permanency planning in the context of state law with consideration of the state's position on family preservation, family reunification and alternative permanent plans for a child who cannot be returned to the home;

7. Basic communication and interview skills, with guidelines for dealing with sensitive issues and the interaction between the CASA and parties to a case, and practice in conducting interviews and writing reports;

8. The juvenile court process which should include an outline of the various types of court proceedings, what transpires at each proceeding, the CASA's role, who to contact when there is a question about the court process, a glossary of legal terminology, how to prepare for a hearing, and how to prepare a report for the court; and

9. The development of advocacy skills, such as negotiation and conflict management, and how they may be used by the CASA to improve the conditions for a child.

10. The development of a general understanding of the code of ethics of other professionals with whom the CASA volunteer will be working.

C. The initial training program shall provide an opportunity for the volunteer to observe actual court proceedings similar to those in which he would be involved as a CASA volunteer. This observation is above and beyond the hours included in the initial training.

D. CASA volunteers in training ~~should~~ shall be provided an opportunity to visit community agencies and institutions relevant to their work as a volunteer.

E. The CASA program ~~should~~ shall provide volunteers in training with the following written materials:

1. Copies of pertinent laws, regulations, and policies;

2. A statement of commitment form clearly stating the minimum expectations of the volunteer once trained; and

3. A training manual which is easy to update and revise.

F. Trainers and faculty for the initial training program and any ongoing training or continuing education ~~should~~ shall be persons with substantial knowledge, training and experience in the subject matter which they present and should also be competent in the provision of technical training to lay persons.

G. CASA program staff and others responsible for the initial training program should be attentive to the participation and progress of each trainee and be able to objectively evaluate his abilities according to criteria developed by the CASA program for that purpose. CASA directors should use the Comprehensive Training Curriculum for CASA from the ~~National CASA Association~~ NCASSA and training curricula developed within the state as a reference in designing and developing their training program.

H. The CASA program shall make available a minimum of 12 hours of in-service training annually for volunteers who are accepted into the program. These in-service programs should be designed and presented to maintain and improve the volunteer's level of knowledge and skill. Special attention shall be given to informing volunteers of changes in the law, local court procedures, the practices of other agencies involved, CASA program policies and developments in the fields of child development, child abuse and child advocacy.

I. CASA volunteers shall ~~participate in~~ complete 12 hours of continuing education annually as approved by the director. This continuing education may be in-service programs provided directly by the CASA program, or in conjunction with another agency or agencies, or may be through an outside agency, through print or electronic media, or from other sources. All training not conducted or sponsored by the CASA program must have been reviewed and approved by the CASA director for its suitability for the continuing education of CASA volunteers, and the amount of continuing education credit that is appropriate.

FORMS

~~CASA Quarterly Case Summary, Form A, rev. 8/1/97.~~

~~CASA Annual Case Summary, Form B, rev. 5/97.~~

~~CASA Annual Case Summary Narrative, Form C, rev. 5/97.~~

~~CASA Annual Financial Status, Form D, rev. 5/97.~~

~~CASA Annual Projected Program Budget, Form E, rev. 5/97.~~

VA.R. Doc. No. R07-02; Filed August 14, 2007, 9:16 a.m.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Emergency Regulation

Title of Regulation: **12VAC30-60. Standards Established and Methods Used to Assure High Quality Care (adding 12VAC30-60-500).**

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

Effective Dates: August 8, 2007, through August 7, 2008.

Agency Contact: Suzanne Gore, Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-1609, (FAX) 804-786-1680, or email suzanne.gore@dmas.virginia.gov.

Preamble:

The 2007 Virginia Appropriation Act (section GG.1.) states that this regulation shall be effective in 280 days or less from its enactment.

This regulation establishes an alternative benefit package that combines traditional Medicaid services with comprehensive chronic condition disease management (DM) services.

12VAC30-60-500. Disease management services.

A. The State elects to provide Secretary-approved coverage as appropriate for the population served under Section 1937 of the Social Security Act. Virginia's disease management program is designed to help patients better understand and manage their condition(s) through prevention, education, lifestyle changes, and adherence to their prescribed plan of care (POC). The purpose of the program is not to offer medical advice, but rather to support providers in reinforcing patients' POCs.

B. Populations.

1. The State shall provide the alternative benefit package to individuals who voluntarily enroll in the program ("opt-in"). Individuals shall be informed of the available benefit options prior to having the option to voluntarily enroll. Opt-in alternative coverage will be provided as follows:

a. Individuals who choose to participate in the opt-in program maintain eligibility for the regular Medicaid benefits at all times.

b. All individuals in fee-for-service who are determined to have asthma, congestive heart failure and are aged 21 years or older, coronary artery disease and are age 21 years or older, chronic obstructive pulmonary disease (COPD) and are aged 21 years or older, and/or diabetes, except for the following: (i) those who have third party insurance

coverage; (ii) those enrolled in a Medicaid managed care organization; and (iii) those who reside in institutional settings.

c. The State shall inform each individual that such enrollment is voluntary, that such individual may opt out of such alternative benefit package at any time and maintain eligibility for the standard Medicaid program under the State plan.

d. Individuals are encouraged to participate in the program through mailings and telephonic outreach by the disease management program administrator.

C. Benchmark Benefits: in addition to all regular Medicaid program benefits, the alternative benefit package includes at least the following disease management services:

1. Ongoing condition-specific education;

2. Access to a 24 hour nurse call line;

3. Regularly scheduled telephonic condition management, support and referrals (for individuals identified by the Agency as having more acute or intensive health care needs);

4. Monitoring patient health activity and providing informational feedback to primary care physicians to help facilitate changes to patients' plans of care pursuant to the provision of disease management services (for individuals identified by the Agency as having more acute or intensive health care needs);

5. The opt-in program adds additional chronic condition disease management services for individuals diagnosed with one of the covered conditions.

D. Geographical classification: services under this alternative benefit package are available statewide.

E. Service delivery system: alternative benefits will be offered through a Prepaid Ambulatory Health Plan, under contract with the State. All other Medicaid State Plan services shall be provided on a fee-for-service basis.

F. Additional Assurances.

1. The State assures that individuals will have access, through benchmark coverage, benchmark-equivalent coverage, or otherwise, to Rural Health Clinic (RHC) services and Federally Qualified Health Center (FQHC) services as defined in subparagraphs (B) and (C) of section 1905(a)(2).

2. The State assures that payment for Rural Health Clinic (RHC) and Federally Qualified Health Clinic (FQHC) services is made in accordance with the requirements of section 1902(bb).

Regulations

G. Cost effectiveness of plans: benchmark or benchmark-equivalent coverage and any additional benefits are provided in accordance with economy and efficiency principles.

H. Compliance with the law: The State will continue to comply with all other provisions of the Social Security Act in the administration of the State's disease management program under this chapter.

VA.R. Doc. No. R07-738; Filed August 8, 2007, 3:41 p.m.



TITLE 17. LIBRARIES AND CULTURAL RESOURCES

LIBRARY BOARD

Proposed Regulation

Title of Regulation: **17VAC15-120. Regulations Governing the Destruction of Public Records Containing Social Security Numbers (adding 17VAC15-120-10, 17VAC15-120-20, 17VAC15-120-30).**

Statutory Authority: §42.1-82 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comments: Public comments may be submitted until November 2, 2007.

Agency Contact: Conley Edwards, State Archivist, Library of Virginia, 800 East Broad Street, Richmond, VA 23219-8000, telephone (804) 692-3554, FAX (804) 692-3600, TTY 804-692-3976, or email conley.edwards@lva.virginia.gov.

Basis: The statutory authority to promulgate this regulation can be found in §42.1-82 of the Code of Virginia. Section 42.1-82 of the Code of Virginia grants the Library Board the authority to issue regulations establishing procedures for the disposal, physical destruction or disposition of public records containing social security numbers. These regulations shall include all reasonable steps to destroy documents by (i) shredding, (ii) erasing, (iii) pulping, (iv) disintegration, (v) incineration or (vi) otherwise modifying social security numbers in those records to make them unreadable or undecipherable by any means.

Purpose: These regulations are mandated by the Code of Virginia to prevent identity theft based on social security numbers found in public records whose retention periods have expired. These regulations offer specific direction on the destruction of public records containing social security numbers. The purpose of the proposed regulation is to protect individuals from identity theft by eliminating unauthorized access to social security numbers in public records whose retention periods have expired.

Substance: The proposed regulation outlines steps that custodians of public records containing social security numbers must follow when destroying those records whose retention

periods have expired whether these records are in analog or digital format. Adoption of the regulation will ensure that public records containing social security numbers will be destroyed.

Issues: The primary advantage to citizens of the Commonwealth will be that the regulation offers protection from identity theft by establishing the best methods for the destruction of public records containing social security numbers when the retention periods for those records have expired.

There are no advantages associated with this proposed regulation to the Library of Virginia.

There are no known disadvantages associated with this regulation for the public, the Commonwealth or the promulgating agency.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to Chapters 914 and 918 of the 2003 Acts of Assembly, the Library Board (board) proposes to establish these regulations to specify the procedures for the disposal, physical destruction or other disposition of public records containing social security numbers whose retention periods have expired.

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

Estimated Economic Impact. The board currently has guidelines concerning the disposal of confidential or privacy-protected records. The guidelines are that:

Custodians of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be "wiped" clean or the storage media physically destroyed.

These guidelines are part of two documents, "Locality General Schedules" and "State Agency General Schedules," that are posted on the Library of Virginia's website.¹ Unlike regulations, guidelines do not have the force of law.

Section 42.1-82 of the Code of Virginia states that the State Library Board shall "Issue regulations concerning procedures for the disposal, physical destruction or other disposition of public records containing social security numbers. The procedures shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or undecipherable by any means." To ensure

that this legislative mandate is satisfied, the board proposes these regulations. These regulations include: 1) specification of acceptable methods of destruction of paper records, and 2) specification of acceptable methods of destruction of electronic records. The proposed regulations specify that shredding must be performed with a crosscut shredder that reduces paper to strips no wider than 3/8 inches and that files stored on a personal computer must not only be deleted but also overwritten to prevent the information from being reconstructed. Software programs that overwrite the data with meaningless data multiple times to totally obliterate the original data must be utilized.

Those state and local agencies that do not already possess a crosscut shredder or the software needed to overwrite files and have not been hiring outside vendors to perform these services will incur additional costs to meet the proposed requirements. A basic crosscut shredder that reduces paper to strips no wider than 3/8 inches costs about \$50 retail.² Alternatively, an agency could pay an outside vendor to crosscut shred the relevant paper records. For example, the Library of Virginia provides certified confidential destruction of paper records for \$7 per cubic foot box and certified confidential destruction of non-paper media (shredding) for \$30 per cubic foot box (minimum charge). The Virginia Information Technologies (VITA) website³ lists software that meet the VITA standard⁴ for permanently erasing information on computers. Presumably this standard would meet the requirements of this proposed regulation. The least expensive of the software that meet the VITA standard (Eraser) costs \$21.45.⁵

The proposed regulations are beneficial to the public in that they will likely reduce the risk to the public of identity theft or other misuse of social security numbers. Some state and local agencies will likely incur some additional costs to comply with the proposed regulations. Since no precise measure of the reduction in probability of identity theft or other misuse of social security numbers due to compliance with the proposed regulations exists, an accurate comparison of these potential benefits with the increased costs of compliance cannot be made. Nevertheless, given the significant costs associated with identity theft and other misuse of social security numbers, it seems likely that the proposed regulations will produce a net benefit.

Businesses and Entities Affected. The proposed regulations potentially affect all state and local agencies. Entities that supply crosscut shredders, software that can be used to overwrite electronic data provide crosscut shredding services, or electronic data overwriting services will also be moderately affected.

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

Projected Impact on Employment. The proposed regulations will not have a large impact on employment. There may be a

moderate increase in the purchases of crosscut shredders, software that can be used for overwriting electronic data, and the services of those that provide crosscut shredding or electronic data overwriting. Employment may rise modestly for these entities.

Effects on the Use and Value of Private Property. There will likely be a modest increase in demand for crosscut shredders and software that can be used to overwriting electronic files, as well as crosscut shredding services and electronic data overwriting services. The value of firms that supply these products or services may modestly increase commensurately.

Small Businesses: Costs and Other Effects. The proposed regulations do not produce costs for small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed regulations do not produce costs for small businesses.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with §2.2-4007 H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has 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.

1. The URLs for the documents are:
http://www.lva.lib.va.us/whatwedo/records/sched_local/index.htm and
http://www.lva.lib.va.us/whatwedo/records/sched_state/index.htm

2. On April 23, 2007, an Internet search was performed on the Staples, OfficeMax, and Office Depot websites. The least expensive crosscut shredder that reduces paper to strips no wider than 3/8 inches was listed at \$49.99.

3. <http://www.vita.virginia.gov/docs/pubs/removingData.cfm>

Regulations

4. Specifically, VITA states that "According to the manufacturers' claims, the following software meets the VITA standard: Superscrubber for Mac OSX, DiskSanitizer GOV edition, ActiveDisk, DriveCleanser, and Eraser."

5. Prices for all five software packages listed on the VITA site were obtained via their company websites on April 24, 2007.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Library of Virginia (The Library Board) is in agreement with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed regulation addresses best methods for destruction of public records containing social security numbers so that the social security numbers in these records cannot be used for identity theft. The regulation provides that any public records, regardless of media, that contain social security numbers are to be destroyed at the end of their retention period in a manner that protects the confidentiality of the information. These records are to be destroyed, made electronically inaccessible, or erased so as to make social security numbers unreadable by any means.

CHAPTER 120

REGULATIONS GOVERNING THE DESTRUCTION OF PUBLIC RECORDS CONTAINING SOCIAL SECURITY NUMBERS

17VAC15-120-10. Definitions.

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

"Electronic record" means records created or stored by electronic means, including but not limited to, computer files and optically scanned files on tapes, disks, CD-ROMs or internal memory.

"Overwritten" means replacing previously stored data on a drive or disk with a predetermined pattern of meaningless information that renders the data unrecoverable.

"Retention period" means the required time period and disposition action indicated in a Library of Virginia-approved records retention and disposition schedule.

"Shredding" means destroying paper records by mechanical cutting. Cross-cut shredders cut in two directions, 90 degrees from the other.

17VAC15-120-20. Purpose.

Public records, regardless of media, that contain social security numbers must be shredded, pulped, burned, made electronically inaccessible or erased so as to make the social security numbers unreadable or undecipherable by any means. These regulations apply only to those records whose retention periods have expired.

17VAC15-120-30. Procedures.

A. Paper records. Paper records shall be shredded by a mechanical cross-cut shredder that reduces paper to strips no wider than 3/8 inches. The custodian of the records must prepare a certificate of destruction that lists what records have been destroyed, who destroyed the documents, and the date of destruction.

If the shredding is done off site, locked bins are required to protect the records prior to shredding. Contractors doing the shredding must be bonded. The agency contracting for the shredding retains responsibility for protecting the social security numbers on the records until destruction.

B. Electronic records. Agencies must establish procedures and processes to destroy social security numbers in public records that have reached the end of their retention period in electronic format and stored on information or recordkeeping systems.

1. Files stored on a computer must not only be deleted but also overwritten to prevent the information from being reconstructed. Software programs that overwrite the data with meaningless data multiple times to totally obliterate the original data must be utilized for overwriting.

2. Back-up tapes must be overwritten at the same time as all other copies are destroyed. Tapes shall be held no longer than the conclusion of the retention period for the information contained in the tape.

3. Data containing social security numbers on floppy disks, tapes and other magnetic storage devices must be overwritten.

a. Disks, tapes and other magnetic media must be shredded in a shredder to insure that the information is totally destroyed or the materials must be exposed to a powerful magnetic field to disrupt the information.

b. If magnetic media are used, the data must be reviewed to insure that the social security numbers are not retrievable.

4. CD-ROMs must be physically broken, into several pieces, to be rendered unusable.

5. When disposing of computers that contain social security numbers or other privacy-protected information, hard drives must be overwritten and inspected to insure no privacy-protected data remains. If data remains, the hard drive must be removed and disposed of separately by drilling to prevent it from being used again.

VA.R. Doc. No. R05-95; Filed August 15, 2007, 11:05 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

REAL ESTATE APPRAISER BOARD

Proposed Regulation

Title of Regulation: 18VAC130-20. Real Estate Appraiser Board Rules and Regulations (amending 18VAC130-20-10, 18VAC130-20-70, 18VAC130-20-180, 18VAC130-20-200, 18VAC130-20-230).

Statutory Authority: §54.1-2013 of the Code of Virginia.

Public Hearing Information:

October 16, 2007 - 10 am - Department of Professional and Occupational Regulation, The Perimeter Center, 9960 Mayland Drive, Second Floor, Richmond, VA 23233

Public Comments: Public comments may be submitted until November 2, 2007.

Agency Contact: Kevin Hoeft, Board Administrator, Department of Professional and Occupational Regulation, The Perimeter Center, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (804) 524-4298, or email reappraisers@dpor.virginia.gov.

Basis: Section 54.1-2013 of the Code of Virginia states that the Real Estate Appraiser Board "may do all things necessary and convenient for carrying into effect the provisions of this chapter and all things required or expected of a state appraiser certifying and licensing agency under Title 11 of the FIRREA of 1989. The Board shall promulgate necessary regulations." The Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) was passed by Congress in 1989 as a result of the savings and loan crisis and requires the state licensing of real estate appraisers. FIRREA created the Appraisal Subcommittee, which monitors and reviews the practices, procedures, activities, and organizational structure of the Appraisal Foundation. The Appraisal Foundation consists of the Appraiser Qualifications Board (AQB) and the Appraisal Standards Board (ASB). The AQB sets minimum qualifications all states must use in licensing appraisers. The ASB promulgates the Uniform Standards of Professional Appraisal Practice (USPAP) that are incorporated into the board's regulations. AQB Qualifications Criteria and USPAP can be found at www.appraisalfoundation.org.

Purpose: The goal of amending the regulations is to make clarifying changes, to ensure consistency with state law and to make other changes that may result from the periodic review of the regulations. The amendments are needed to ensure that the regulations conform to the most current standards of practice in the industry, which are necessary to protect the health, safety and welfare of the citizens.

Substance: The definitions for certified residential and licensed residential real estate appraiser were amended to clarify the requirements for review appraisals.

The requirements for certification of appraisal education instructors and the approval of educational offerings were revised to clarify the length of time an application and fee are valid.

Standards of professional practice were revised to specify recordkeeping requirements and actions deemed to be unworthy of licensed appraisers.

Issues: The proposed changes provide clarification and guidance to the regulants so that they can give better service to both the public and other licensees. The proposed regulations address the changing work environment and are needed to keep up with industry standards.

The primary advantage to the agency will be that the agency can better protect the health, welfare and safety of the citizens of the Commonwealth by having regulations that reflect current industry standards.

The regulatory action poses no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Virginia Real Estate Appraiser Board (Board) proposes to make the following changes to the regulations: (1) reword the definitions of "Certified residential real estate appraiser" and "Licensed residential real estate appraiser" to ensure that appraisers provide review appraisals only for those properties for which they are licensed to appraise, (2) amend application requirements for prelicensure courses and instructors to require that submitted applications be completed within 12 months of the date of receipt of the application and fee, (3) require that licensees produce documents requested by the Board within ten working days of the request and broaden the definition of documents to include workfiles and electronic records, (4) repeal the requirement that the records be made available only at the licensee's place of business, (5) require that the licensee respond—within 21 days—to any inquiry made by the Board and not just the complaints requested under 18 VAC 130-20-180.H.1, (6) require that a licensee not provide false, misleading, or incomplete information in the investigation of a complaint filed with the Board, and (7) no longer allow credit for licensing to be awarded for prelicensure courses completed by challenge examination without classroom attendance.

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

Estimated Economic Impact. U.S. Title 11 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) requires the state licensing of real estate appraisers.

Regulations

FIRREA created the Appraisal Subcommittee, which monitors and reviews the practices, procedures, activities, and organizational structure of the Appraisal Foundation. The Appraisal Foundation consists of the Appraisal Qualifications Board (AQB) and the Appraisal Standards Board (ASB). The AQB sets the minimum qualifications all states must use in licensing appraisers. The ASB promulgates the Uniform Standards of Professional Appraisal Practice (USPAP), which are incorporated into the Board regulations. Section 54.1-2013 of the Code of Virginia states that the Board “may do...all things required or expected of a state appraiser certifying and licensing agency under Title 11 of the FIRREA of 1989.”

Real estate appraisers conduct both appraisals and review appraisals. A review appraisal consists of an examination of another appraiser’s report to determine whether the conclusions are consistent with the data reported and other generally known information. A review appraiser does not necessarily personally inspect the real estate, but does review and analyze relevant facts assembled by fee/staff appraisers and forms objective conclusions as to the validity of the initial appraisal. In the current regulation, the required qualifications for review appraisals are not clear and therefore the Board has discovered review appraisals conducted by people who were not themselves qualified to appraise the property¹. These amendments to the definitions of “Certified residential real estate appraiser” and “Licensed residential real estate appraiser” clarify that licensees may provide review appraisals only for those properties that they are qualified to appraise. According to the Department of Professional and Occupational Regulation, approximately five percent of the complaints that are filed include a review appraisal conducted by an “unqualified” appraiser. Of course, because the Department only knows about the unqualified review appraisal if it is included in a filed complaint, we have no way of knowing the exact percentage of appraisers engaging in this practice.

This amendment could have an adverse economic impact on those appraisers whose business includes providing review appraisals for properties that they are not qualified to appraise. The affected appraisers would at least initially lose business, and would also need to spend the time and money to become certified for the next level of real estate appraisal if they wished to do the higher-level review appraisals going forward. To become a licensed residential real estate appraiser, an applicant must successfully complete 90 hours of Board-approved real estate appraisal courses and have a minimum of 2,000 hours of appraisal experience; meanwhile to become a certified residential real estate appraiser, an applicant must successfully complete 120 hours of Board-approved real estate appraiser courses and have a minimum of 2,500 hours of appraisal experience obtained during no fewer than 24 months. To become a certified general real estate appraiser, an applicant must successfully complete 180 hours of Board-approved real estate appraiser courses, complete an advanced level appraisal course of at least 30 hours in the appraisal of nonresidential

properties, and have a minimum of 3,000 hours of appraisal experience obtained during no fewer than 30 months, at least 50 percent of which must be in nonresidential appraisal assignments and assignments which demonstrate the use and understanding of the income approach. If a licensed residential real estate appraiser (who is licensed to appraise residential units where the transaction value is less than \$1 million) wanted to continue to review appraise the work of a certified residential real estate appraiser’s appraisal of a \$3 million, four-unit building, she would have to obtain 30 more hours of classroom experience and 500 more hours of appraisal experience. This additional training could be costly to the appraiser, both in time taken away from her practice and in classroom fees. Assuming the relevance and importance of the federal and Virginia qualification requirements for the different levels of appraiser, however, the benefit of the public assurance that appraisals and review appraisals are conducted by qualified appraisers, and the increased efficiency that will accompany this assurance, will outweigh the cost to appraisers. In addition, it is likely that any cost to unqualified appraisers in lost business will be made up for by increased business for qualified appraisers.

Pursuant to the mandate of Title 11 of FIRREA and §54.1-2013 of the Code of Virginia, instructors teaching prelicense educational offerings who are not employed or contracted by accredited colleges, universities, junior and community colleges, adult distributive or marketing education programs are required to be certified by the Board. In addition, all educational offerings submitted for prelicensure and continuing education credit shall be approved by the Board. Currently, incomplete applications for instructor and course certification can be submitted to the department without any specified time requirements on completion. In other words, incomplete applications can remain indefinitely. This imposes a cost on the Board both in storage and in the efficient use of staff time. The proposed regulation will require license applications to be completed within twelve months of the date of receipt of the application and fee by the department. Given that this proposal should not impose any additional costs on applicants and will assist with the department’s fiscal responsibility, this proposed change offers a net economic benefit.

In the current regulation, a licensee must produce any document, book, or record concerning any appraisal which the licensee performed, or for which the licensee is required to maintain records for inspection and copying by the Board or its agents. The Board proposes to further require that the documentation be produced within ten working days of the request (allowing that the Board may extend the time frame given extenuating circumstances) and that workfiles or electronic records may also be requested. Although the consequences of not filing documentation within ten days are not specified, the time specification should not impose excessive cost on the licensee and will allow the Board to complete its investigation in a more timely manner. The

addition of electronic records simply reflects the change in technology since the regulation was initially written and should have no economic impact. Finally, the proposed regulation deletes the specification that the licensee is required only to make the documentation available at his/her place of business during regular business hours. Although this might impose a cost on the licensee in mailing documentation that is not available electronically, the reduction in cost to the Board (whose costs are covered by fees paid by applicants and licensees) of visiting the businesses of licensees across the state will lead to a net economic benefit.

Under 18 VAC 130-20-180.H.1, appraisers are required to respond to complaints pertaining to their individual practice. On many appraisals, however, there can be review appraisers, trainees, or other individuals involved in the appraisal. The Board proposes to require all licensees to respond to any Board inquiry about an appraisal that the licensee was involved in, no matter his/her role in the appraisal. In addition, the licensee must respond within 21 days of the inquiry. Although this could impose additional cost on the licensees who are not the primary appraiser on a piece of real estate, the benefit of the Board's ability to respond to problems quickly and efficiently should outweigh the cost. If the Board starts to require an excess of unwarranted or redundant documentation, however, such that a licensee must take significant, valuable time away from his/her productive activities to respond to Board inquiries, this regulation should be reconsidered or clarified.

Finally, the existing regulation allows credit for prelicensure courses completed by challenge examination without classroom attendance. This section is now obsolete as all appraisers do—and, in fact, must, by federal law—both take the courses and pass the challenge examinations for licensure. Thus, the proposed amendment will have no impact.

Businesses and Entities Affected. The proposed amendments affect the approximately 4,800 licensed real estate appraiser individuals, firms, educational providers, instructors, trainees, and temporary license holders in Virginia.² This includes 3,657 licensed appraisers in Virginia, as well as the 235 appraiser course instructors certified by the Commonwealth.³ In order to set up an appraisal business, a licensee must register with the Board, and there are currently 442 appraisal businesses registered.⁴ Most of these business are small businesses, as most have between one and five employees and almost all have less than twenty employees.⁵

Localities Particularly Affected. The proposed amendments will affect localities throughout the Commonwealth.

Projected Impact on Employment. Although those appraisers and appraisal businesses who are conducting review appraisals on property they are not qualified to appraise (approximately five percent of those against whom complaints are filed⁶) could lose some of their workload and therefore suffer employment losses, that loss should be offset by the gain in employment to

qualified appraisers. Therefore, these amendments are not likely to significantly impact employment.

Effects on the Use and Value of Private Property. Should the documentation requirements of the Board become onerous, this could adversely impact appraisers who are required to produce the documentation. In addition, these amendments will decrease the value of the practices of those appraisers who are conducting review appraisals for properties that they are not qualified to appraise. It will also increase the value of the practices of the qualified appraisers who can now conduct the review appraisals that unqualified appraisers had been conducting.

Small Businesses: Costs and Other Effects. Most of the 442 registered appraiser businesses are small businesses with fewer than twenty employees. If the documentation requirements of the Board become onerous, then the proposed amendments could adversely affect small appraiser businesses. These businesses will not only have to respond to more inquiries, but they will also have to incur the mailing costs.

Small businesses could also be adversely impacted by the specification that appraisers can review appraise only properties for which they are certified/licensed to appraise, if the business is currently providing review appraisals for properties that it is not qualified to appraise. On the other hand, qualified appraisers in small businesses who can take the review appraisals from the unqualified appraisers will be positively impacted.

Small Businesses: Alternative Method that Minimizes Adverse Impact. No alternative method will achieve the stated policy goals more efficiently. If, however, the Board begins to require excessive amounts of documentation from licensees, a clarification of the exact types of inquiries or requests that the Board can make of licensees might reduce adverse impact on licensees.

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 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

Regulations

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.

¹ Source: Department of Professional and Occupational Regulation

² Source: Department of Professional and Occupational Regulation

³ Source: Department of Professional and Occupational Regulation, http://www.dpor.virginia.gov/dporweb/reg_pop.pdf

⁴ Source: Department of Professional and Occupational Regulation, http://www.dpor.virginia.gov/dporweb/reg_pop.pdf

⁵ Source: Department of Professional and Occupational Regulation

⁶ Source: Department of Professional and Occupational Regulation

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the Department of Planning and Budget's economic impact analysis of the proposed amendments to the Real Estate Appraiser Board Rules and Regulations.

Summary:

The proposed amendments (i) reword the definitions of "certified residential real estate appraiser" and "licensed residential real estate appraiser" to ensure that appraisers provide review appraisals only for those properties for which they are licensed to appraise, (ii) amend application requirements for prelicensure courses and instructors to require that submitted applications be completed within 12 months of the date of receipt of the application and fee, (iii) require that licensees produce documents requested by the board within 10 working days of the request and broaden the definition of documents to include work files and electronic records, (iv) repeal the requirement that the records be made available only at the licensee's place of business, (v) require that the licensee respond to any inquiry made by the board within 21 days and not just the complaints requested under 18VAC130-20-180 H 1, (vi) prohibit a licensee from providing false, misleading, or incomplete information in the investigation of a complaint filed with the board, and (vii) no longer allow credit for licensing to be awarded for prelicensure courses completed by challenge examination without classroom attendance.

18VAC130-20-10. Definitions.

The following words and terms, when used in this chapter, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Accredited colleges, universities, junior and community colleges" means those accredited institutions of higher learning approved by the Virginia Council of Higher Education or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers or a recognized international equivalent.

"Adult distributive or marketing education programs" means those programs offered at schools approved by the Virginia Department of Education or any other local, state, or federal government agency, board or commission to teach adult education or marketing courses.

"Analysis" means a study of real estate or real property other than the estimation of value.

"Appraisal Foundation" means the foundation incorporated as an Illinois Not for Profit Corporation on November 30, 1987, to establish and improve uniform appraisal standards by defining, issuing and promoting such standards.

"Appraisal subcommittee" means the designees of the heads of the federal financial institutions regulatory agencies established by the Federal Financial Institutions Examination Council Act of 1978 (12 USC §3301 et seq.), as amended.

"Appraiser" means one who is expected to perform valuation services competently and in a manner that is independent, impartial and objective.

"Appraiser classification" means any category of appraiser which the board creates by designating criteria for qualification for such category and by designating the scope of practice permitted for such category.

"Appraiser Qualifications Board" means the board created by the Appraisal Foundation to establish appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing and promoting such qualification criteria; to disseminate such qualification criteria to states, governmental entities and others; and to develop or assist in the development of appropriate examinations for qualified appraisers.

"Appraiser trainee" means an individual who is licensed as an appraiser trainee to appraise those properties which the supervising appraiser is permitted to appraise.

"Business entity" means any corporation, partnership, association or other business entity under which appraisal services are performed.

"Certified general real estate appraiser" means an individual who meets the requirements for licensure that relate to the appraisal of all types of real estate and real property and is licensed as a certified general real estate appraiser.

"Certified instructor" means an individual holding an instructor certificate issued by the Real Estate Appraiser Board to act as an instructor.

"Certified residential real estate appraiser" means an individual who meets the requirements for licensure for the appraisal of or the review appraisal of any residential real estate or real property of one to four residential units regardless of transaction value or complexity. Certified residential real estate appraisers may also appraise or provide a review appraisal of nonresidential properties with a transaction value up to \$250,000.

"Classroom hour" means 50 minutes out of each 60-minute segment. The prescribed number of classroom hours includes time devoted to tests which are considered to be part of the course.

"Distance education" means an educational process based on the geographical separation of provider and student (i.e., CD-ROM, on-line learning, correspondence courses, etc.).

"Experience" as used in this chapter includes but is not limited to experience gained in the performance of traditional appraisal assignments, or in the performance of the following: fee and staff appraisals, ad valorem tax appraisal, review appraisal, appraisal analysis, real estate consulting, highest and best use analysis, and feasibility analysis/study.

For the purpose of this chapter, experience has been divided into four major categories: (i) fee and staff appraisal, (ii) ad valorem tax appraisal, (iii) review appraisal, and (iv) real estate consulting.

1. "Fee/staff appraiser experience" means experience acquired as either a sole appraiser, as a cosigner, or through disclosure of assistance in the certification in accordance with the Uniform Standards of Professional Appraisal Practice.

Sole appraiser experience is experience obtained by an individual who makes personal inspections of real estate, assembles and analyzes the relevant facts, and by the use of reason and the exercise of judgment, forms objective opinions and prepares reports as to the market value or other properly defined value of identified interests in said real estate.

Cosigner appraiser experience is experience obtained by an individual who signs an appraisal report prepared by another, thereby accepting full responsibility for the content and conclusions of the appraisal.

To qualify for fee/staff appraiser experience, an individual must have prepared written appraisal reports which meet minimum standards. For appraisal reports dated prior to July 1, 1991, these minimum standards include the following (if any item is not applicable, the applicant shall adequately state the reasons for the exclusions):

a. An adequate identification of the real estate and the interests being appraised;

b. The purpose of the report, date of value, and date of report;

c. A definition of the value being appraised;

d. A determination of highest and best use;

e. An estimate of land value;

f. The usual valuation approaches for the property type being appraised or the reason for excluding any of these approaches;

g. A reconciliation and conclusion as to the property's value;

h. Disclosure of assumptions or limiting conditions, if any; and

i. Signature of appraiser.

For appraisal reports dated subsequent to July 1, 1991, the minimum standards for written appraisal reports are those as prescribed in Standard 2 of the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation.

2. "Ad valorem tax appraisal experience" means experience obtained by an individual who assembles and analyzes the relevant facts, and who correctly employs those recognized methods and techniques that are necessary to produce and communicate credible appraisals within the context of the real property tax laws. Ad valorem tax appraisal experience may be obtained either through individual property appraisals or through mass appraisals as long as applicants under this category of experience can demonstrate that they are using techniques to value real property similar to those being used by fee/staff appraisers and that they are effectively utilizing the appraisal process.

To qualify for ad valorem tax appraisal experience for individual property appraisals, an individual must have prepared written appraisal reports which meet minimum standards. For appraisal reports dated prior to July 1, 1991, these minimum standards include the following (if any item is not applicable, the applicant shall adequately state the reasons for the exclusions):

a. An adequate identification of the real estate and the interests being appraised;

b. The effective date of value;

c. A definition of the value being appraised if other than fee simple;

d. A determination of highest and best use;

e. An estimate of land value;

f. The usual valuation approaches for the property type being appraised or the reason for excluding any of these approaches;

Regulations

g. A reconciliation and conclusion as to the property's value; and

h. Disclosure of assumptions or limiting conditions, if any.

For appraisal reports dated subsequent to July 1, 1991, the minimum standards for written appraisal reports are those as prescribed in the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation.

To qualify for ad valorem tax appraisal experience for mass appraisals, an individual must have prepared mass appraisals or have documented mass appraisal files which meet minimum standards. For mass appraisals dated prior to July 1, 1991, these minimum standards include the following (if any item is not applicable, the applicant shall adequately state the reasons for the exclusions):

- a. An adequate identification of the real estate and the interests being appraised;
- b. The effective date of value;
- c. A definition of the value being appraised if other than fee simple;
- d. A determination of highest and best use;
- e. An estimate of land value; and
- f. Those recognized methods and techniques that are necessary to produce a credible appraisal.

For mass appraisal reports dated subsequent to July 1, 1991, the minimum standards for these appraisal reports are those as prescribed in Standard 6 of the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation.

In addition to the preceding, to qualify for ad valorem tax appraisal experience, the applicant's experience log must be attested to by the applicant's supervisor.

3. "Reviewer experience" means experience obtained by an individual who examines the reports of appraisers to determine whether their conclusions are consistent with the data reported and other generally known information. An individual acting in the capacity of a reviewer does not necessarily make personal inspection of real estate, but does review and analyze relevant facts assembled by fee/staff appraisers, and by the use of reason and exercise of judgment, forms objective conclusions as to the validity of fee/staff appraisers' opinions. Reviewer experience shall not constitute more than 1,000 hours of total experience claimed and at least 50% of the review experience claimed must be in field review wherein the individual has personally inspected the real property which is the subject of the review.

To qualify for reviewer experience, an individual must have prepared written reports recommending the acceptance,

revision, or rejection of the fee/staff appraiser's opinions, which written reports must meet minimum standards. For appraisal reviews dated prior to July 1, 1991, these minimum standards include the following (if any item is not applicable, the applicant shall adequately state the reasons for the exclusions):

- a. An identification of the report under review, the real estate and real property interest being appraised, the effective date of the opinion in the report under review, and the date of the review;
- b. A description of the review process undertaken;
- c. An opinion as to the adequacy and appropriateness of the report being reviewed, and the reasons for any disagreement;
- d. An opinion as to whether the analyses, opinions, and conclusions in the report under review are appropriate and reasonable, and the development of any reasons for any disagreement;
- e. Signature of reviewer.

For appraisal review reports dated subsequent to July 1, 1991, the minimum standards for these appraisal reports are those as prescribed in Standard 3 of the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation.

Signing as "Review Appraiser" on an appraisal report prepared by another will not qualify an individual for experience in the reviewer category. Experience gained in this capacity will be considered under the cosigner subcategory of fee/staff appraiser experience.

4. "Real estate consulting experience" means experience obtained by an individual who assembles and analyzes the relevant facts and by the use of reason and the exercise of judgment, forms objective opinions concerning matters other than value estimates relating to real property. Real estate consulting experience includes, but is not necessarily limited to, the following:

Absorption Study	Ad Valorem Tax Study
Annexation Study	Assemblage Study
Assessment Study	Condominium Conversion Study
Cost-Benefit Study	Cross Impact Study
Depreciation/Cost Study	Distressed Property Study
Economic Base Analysis	Economic Impact Study
Economic Structure Analysis	Eminent Domain Study
Feasibility Study	Highest and Best Use Study
Impact Zone Study	Investment Analysis Study
Investment Strategy Study	Land Development Study
Land Suitability Study	Land Use Study
Location Analysis Study	Market Analysis Study
Market Strategy Study	Market Turning Point Analysis
Marketability Study	Portfolio Study

Rehabilitation Study
Rental Market Study
Site Analysis Study
Urban Renewal Study

Remodeling Study
Right of Way Study
Utilization Study
Zoning Study

To qualify for real estate consulting experience, an individual must have prepared written reports which meet minimum standards. For real estate consulting reports dated prior to July 1, 1991, these minimum standards include the following (if any item is not applicable, the applicant shall so state the reasons for the exclusions):

- a. A definition of the problem;
- b. An identification of the real estate under consideration (if any);
- c. Disclosure of the client's objective;
- d. The effective date of the consulting assignment and date of report;
- e. The information considered, and the reasoning that supports the analyses, opinions, and conclusions;
- f. Any assumptions and limiting conditions that affect the analyses, opinions, and conclusions;
- g. Signature of real estate appraiser.

For real estate consulting reports dated subsequent to July 1, 1991, the minimum standards for these appraisal reports are those as prescribed in Standard 4 of the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation. Real estate consulting shall not constitute more than 500 hours of experience for any type of appraisal license.

"Inactive license" means a license that has been renewed without meeting the continuing education requirements specified in this chapter. Inactive licenses do not meet the requirements set forth in §54.1-2011 of the Code of Virginia.

"Licensed residential real estate appraiser" means an individual who meets the requirements for licensure for the appraisal of or the review appraisal of any noncomplex, residential real estate or real property of one to four residential units, including federally related transactions, where the transaction value is less than \$1 million. Licensed residential real estate appraisers may also appraise or provide a review appraisal of noncomplex, nonresidential properties with a transaction value up to \$250,000.

"Licensee" means any individual holding an active license issued by the Real Estate Appraiser Board to act as a certified general real estate appraiser, certified residential real estate appraiser, licensed residential real estate appraiser, or appraiser trainee as defined, respectively, in §54.1-2009 of the Code of Virginia and in this chapter.

"Local, state or federal government agency, board or commission" means an entity established by any local, federal or state government to protect or promote the health, safety and welfare of its citizens.

"Proprietary school" means a privately owned school offering appraisal or appraisal related courses approved by the board.

"Provider" means accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations.

"Real estate appraisal activity" means the act or process of valuation of real property or preparing an appraisal report.

"Real estate appraisal" or "real estate related organization" means any appraisal or real estate related organization formulated on a national level, where its membership extends to more than one state or territory of the United States.

"Reciprocity agreement" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.

"Registrant" means any corporation, partnership, association or other business entity which provides appraisal services and which is registered with the Real Estate Appraiser Board in accordance with §54.1-2011 E of the Code of Virginia.

"Reinstatement" means having a license or registration restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or registration for another period of time.

"Sole proprietor" means any individual, but not a corporation, partnership or association, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§59.1-69 through 59.1-76 of the Code of Virginia.

"Substantially equivalent" is any educational course or seminar, experience, or examination taken in this or another jurisdiction which is equivalent in classroom hours, course content and subject, and degree of difficulty, respectively, to those requirements outlined in this chapter and Chapter 20.1 (§54.1-2009 et seq.) of Title 54.1 of the Code of Virginia for licensure and renewal.

"Supervising appraiser" means any individual holding a license issued by the Real Estate Appraiser Board to act as a certified general real estate appraiser, certified residential real estate appraiser, or licensed residential real estate appraiser who supervises any unlicensed person acting as a real estate appraiser or an appraiser trainee as specified in this chapter.

"Transaction value" means the monetary amount of a transaction which may require the services of a certified or licensed appraiser for completion. The transaction value is not

Regulations

always equal to the market value of the real property interest involved. For loans or other extensions of credit, the transaction value equals the amount of the loan or other extensions of credit. For sales, leases, purchases and investments in or exchanges of real property, the transaction value is the market value of the real property interest involved. For the pooling of loans or interests in real property for resale or purchase, the transaction value is the amount of the loan or the market value of real property calculated with respect to each such loan or interest in real property.

"Uniform Standards of Professional Appraisal Practice" means those standards promulgated by the Appraisal Standards Board of the Appraisal Foundation for use by all appraisers in the preparation of appraisal reports.

"Valuation" means an estimate or opinion of the value of real property.

"Valuation assignment" means an engagement for which an appraiser is employed or retained to give an analysis, opinion or conclusion that results in an estimate or opinion of the value of an identified parcel of real property as of a specified date.

"Waiver" means the voluntary, intentional relinquishment of a known right.

18VAC130-20-70. Requirement for the certification of appraisal education instructors.

Pursuant to the mandate of Title 11 of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, and §54.1-2013 of the Code of Virginia, instructors teaching prelicense educational offerings who are not employed or contracted by accredited colleges, universities, junior and community colleges, adult distributive or marketing education programs are required to be certified by the board. Effective January 1, 2003, all Uniform Standards of Professional Appraisal Practice courses taught for prelicense and continuing education credit must be taught by instructors certified by the Appraiser Qualifications Board. Applications received by the department or its agent must be complete within 12 months of the date of the receipt of the license application and fee by the Department of Professional and Occupational Regulation or its agent.

18VAC130-20-180. Standards of professional practice.

A. The provisions of subsections C through J of this section shall not apply to local, state and federal employees performing in their official capacity.

B. Maintenance of licenses. The board shall not be responsible for the failure of a licensee, registrant, or certificate holder to receive notices, communications and correspondence.

1. Change of address.

a. All licensed real estate appraisers, appraiser trainees, and certified instructors shall at all times keep the board informed in writing of their current home address and shall

report any change of address to the board within 30 days of such change.

b. Registered real estate appraisal business entities shall at all times keep the board informed in writing of their current business address and shall report any change of address to the board within 30 days of such change.

2. Change of name.

a. All real estate appraisers, appraiser trainees, and certified instructors shall promptly notify the board in writing and provide appropriate written legal verification of any change of name.

b. Registered real estate appraisal business entities shall promptly notify the board of any change of name or change of business structure in writing. In addition to written notification, corporations shall provide a copy of the Certificate of Amendment from the State Corporation Commission, partnerships shall provide a copy of a certified Partnership Certificate, and other business entities trading under a fictitious name shall provide a copy of the certificate filed with the clerk of the court where business is to be conducted.

3. Upon the change of name or address of the registered agent, associate, or partner, or sole proprietor designated by a real estate appraisal business entity, the business entity shall notify the board in writing of the change within 30 days of such event.

4. No license, certification or registration issued by the board shall be assigned or otherwise transferred.

5. All licensees, certificate holders and registrants shall operate under the name in which the license or registration is issued.

6. All certificates of licensure, registration or certification in any form are the property of the Real Estate Appraiser Board. Upon death of a licensee, dissolution or restructure of a registered business entity, or change of a licensee's, registrant's, or certificate holder's name or address, such licenses, registrations, or certificates must be returned with proper instructions and supplemental material to the board within 30 days of such event.

7. All appraiser licenses issued by the board shall be visibly displayed.

C. Use of signature and electronic transmission of report.

1. The signing of an appraisal report or the transmittal of a report electronically in accordance with the Appraisal Standards Board Statement on Appraisal Standards No. 8, 1998 Edition, shall indicate that the licensee has exercised complete direction and control over the appraisal. Therefore, no licensee shall sign or electronically transmit an appraisal which has been prepared by an unlicensed person unless such work was performed under the direction and

supervision of the licensee in accordance with §54.1-2011 C of the Code of Virginia.

2. All original appraisal reports shall be signed by the licensed appraiser. For narrative and letter appraisals, the signature and final value conclusion shall appear on the letter of transmittal and certification page. For form appraisals, the signature shall appear on the page designated for the appraiser's signature and final estimate of value. All temporary licensed real estate appraisers shall sign and affix their temporary license to the appraisal report or letter for which they obtained the license to authenticate such report or letter. Appraisal reports may be transmitted electronically in accordance with Appraisal Standards Board Statement on Appraisal Standards No. 8. Reports prepared without the use of a seal shall contain the license number of the appraiser.

a. An appraiser may provide market analysis studies or consulting reports, which do not constitute appraisals of market value provided such reports, studies or evaluations shall contain a conspicuous statement that such reports, studies or valuations are not an appraisal as defined in §54.1-2009 of the Code of Virginia.

b. Application of the seal and signature or electronic transmission of the report indicates acceptance of responsibility for work shown thereon.

c. The seal shall conform in detail and size to the design illustrated below:



*The number on the seal shall be the 10-digit number or the last 6 digits, or the last significant digits on the license issued by the board.

D. Development of appraisal. In developing a real property appraisal, all licensees shall comply with the provisions of the Uniform Standards of Professional Appraisal Practice (USPAP) in the edition in effect at the time of the reports' preparation. If the required definition of value uses the word "market," licensees must use the definition of market value set forth in USPAP "DEFINITIONS."

E. Appraisal report requirements. In reporting a real property appraisal, a licensee shall meet the requirements of the Uniform

Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation.

F. Reviewing an appraisal. In performing a review appraisal, a licensee shall comply with the requirements of the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation. The reviewer's signature and seal shall appear on the certification page of the report.

G. Mass appraisals. In developing and reporting a mass appraisal for ad valorem tax purposes, a licensee shall comply with the requirements of the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation.

H. Recordkeeping requirements.

1. A licensee or registrant of the Real Estate Appraiser Board shall, upon request or demand, promptly produce to the board or any of its agents within 10 working days of the request, any document, book, ~~or~~ record, work file or electronic record in a licensee's possession concerning any appraisal which the licensee performed, or for which the licensee is required to maintain records for inspection ~~and copying~~ by the board or its agents. ~~These records shall be made available at the licensee's place of business during regular business hours.~~ The board or any of its agents may extend such time frame upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

2. Upon the completion of an assignment, a licensee or registrant shall return to the rightful owner, upon demand, any document or instrument which the licensee possesses.

3. The appraiser trainee shall be entitled to obtain copies of appraisal reports he prepared. The supervising appraiser shall keep copies of appraisal reports for a period of at least five years or at least two years after final disposition of any judicial proceedings in which testimony was given, whichever period expires last.

I. Disclosure requirements. A licensee appraising property in which he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest, has any interest shall disclose, in writing, to any client such interest in the property and his status as a real estate appraiser licensed in the Commonwealth of Virginia. As used in the context of this chapter, "any interest" includes but is not limited to an ownership interest in the property to be appraised or in an adjacent property or involvement in the transaction, such as deciding whether to extend credit to be secured by such property.

J. Competency. A licensee shall abide by the Competency Provision as stated in the Ethics Provision of the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation.

Regulations

K. Unworthiness.

1. A licensee shall act as a certified general real estate appraiser, certified residential real estate appraiser or licensed residential real estate appraiser in such a manner as to safeguard the interests of the public, and shall not engage in improper, fraudulent, or dishonest conduct.
2. A licensee may not have been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of the United States of a misdemeanor involving moral turpitude or of any felony there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. A certified copy of a final order, decree, or case decision by a court with the lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such guilt.
3. A licensee shall inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty, regardless of adjudication, of any felony or of a misdemeanor involving moral turpitude.
4. A licensee may not have had a license or certification as a real estate appraiser which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction.
5. A licensee shall inform the board in writing within 30 days of the suspension, revocation or surrender of an appraiser license or certification in connection with a disciplinary action in any other jurisdiction, and a licensee shall inform the board in writing within 30 days of any appraiser license or certification which has been the subject of discipline in any jurisdiction.
6. A licensee shall perform all appraisals in accordance with Virginia Fair Housing Law, §36-96.1 et seq. of the Code of Virginia.
7. A licensee shall respond to an inquiry by the board or its agents, other than requested under 18VAC130-20-180 H 1, within 21 days.
8. A licensee shall not provide false, misleading or incomplete information in the investigation of a complaint filed with the board.

18VAC130-20-200. Requirement for the approval of appraisal educational offerings.

Pursuant to the mandate of Title 11 of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, §54.1-2013 of the Code of Virginia, and the qualifications criteria set forth by the Appraisal Qualifications Board of the Appraisal Foundation, all educational offerings submitted for preclicensure and continuing education credit shall be approved by the board. Educational offerings that have been approved by the Appraiser Qualifications Board shall be considered to have

met the standards for approval set forth in this chapter. Prelicensure course applications received by the department or its agent must be complete within 12 months of the date of the receipt of the application and fee by the department or its agents.

18VAC130-20-230. Procedures for awarding preclicensure and continuing education credits.

A. Course credits shall be awarded only once for courses having substantially equivalent content.

B. Proof of completion of such course, seminar, workshop or conference may be in the form of a transcript, certificate, letter of completion or in any such written form as may be required by the board. All courses, seminars and workshops submitted for preclicensure and continuing education credit must indicate the number of classroom hours.

C. Information which may be requested by the board in order to further evaluate course content includes, but is not limited to, course descriptions, syllabi or textbook references.

D. All transcripts, certificates, letters of completion or similar documents submitted to verify completion of seminars, workshops or conferences for continuing education credit must indicate successful completion of the course, seminar, workshop or conference. Applicants must furnish written proof of having received a passing grade in all preclicensure education courses submitted.

~~E. Credit may be awarded for preclicensure courses completed by challenge examination without classroom attendance, if such credit was granted by the course provider prior to July 1, 1990, and provided that the board is satisfied with the quality of the challenge examination that was administered by the course provider.~~

~~F.~~ All courses seminars, workshops, or conferences, submitted for satisfaction of continuing education requirements must be satisfactory to the board.

~~G.~~ Preclicensure courses. A distance education course may be acceptable to meet the classroom hour requirement or its equivalent provided that the course is approved by the board, the learner successfully completes a written examination proctored by an official approved by the presenting entity, college or university, the course meets the requirements for qualifying education established by the Appraiser Qualifications Board, the course is equivalent to the minimum of 15 classroom hours and meets one of the following conditions:

1. The course is presented by an accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines;
2. The course has received the American Council on Education's Program on Noncollegiate Sponsored

Instruction (ACE/Credit Program) approval for college credit; or

3. The course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and either the approval of the Appraisal Qualifications Board through its course approval program or the approval of the board for the content of the course.

HG. Continuing education. Distance education courses may be acceptable to meet the continuing education requirement provided that the course is approved by the board, is a minimum of two classroom hours, meets the requirements for continuing education established by the Appraiser Qualifications Board and meets one of the following conditions:

1. The course is presented to an organized group in an instructional setting with a person qualified and available to answer questions, provide information, and monitor student attendance;

2. The course has been presented by an accredited (Commission on Colleges or regional accreditation association) college or university that offers distance education programs in other disciplines and the student successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course accreditation; or if a written examination is not required for accreditation, the student successfully completes the course mechanisms required for accreditation that demonstrate mastery and fluency (said mechanisms must be present in a course without an exam in order to be acceptable);

3. The course has received approval for college credit by the American Council on Education through its (ACE/ Credit Program) and the student successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course accreditation; or if a written examination is not required for accreditation, the student successfully completes the course mechanisms required for accreditation that demonstrate mastery and fluency (said mechanisms must be present in a course without an exam in order to be acceptable); or

4. The course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and either the approval of the Appraiser Qualifications Board through its course approval program or the approval of the board for the content of the course and the student successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course

accreditation; or if a written examination is not required for accreditation, the student successfully completes the course mechanisms required for accreditation that demonstrate mastery and fluency (said mechanisms must be present in a course without an exam in order to be acceptable).

HI. A teacher of appraisal courses may receive education credit for the classroom hour or hours taught. These credits shall be awarded only once for courses having substantially equivalent content.

NOTICE: The forms used in administering 18VAC130-20, Real Estate Appraiser Board Rules and Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Real Estate Appraiser Board License Application, 40LIC (rev. ~~9/02~~ 8/07).

Real Estate Appraiser Board Experience Log, 40EXP (rev. ~~9/02~~ 8/07).

Real Estate Appraiser Board Experience Affidavit Verification Form, 40EXPAPP (eff. 9/02) 40EXPVER (rev. 8/07).

Real Estate Appraiser Board Experience Requirements, 40EXPREQ (eff. 9/02 8/07).

Real Estate Appraiser Board Trainee License Application, 40TRLIC (rev. ~~9/02~~ 8/07).

Real Estate Appraiser Board Trainee Supervisor Verification Form, 40TRSUP (eff. ~~9/02~~ rev. 8/07).

Real Estate Appraiser Board Business Registration Application, 40BUS (eff. ~~9/02~~ rev. 8/07).

Real Estate Appraiser Board New Course Application, 40CRS (eff. 9/02 rev. 8/07).

Real Estate Appraiser Board Instructor Certificate Application, 40INSTR (eff. 9/02 rev. 8/07).

Real Estate Appraiser Board Renewal Course Application, 40RENCRS (rev. 8/07).

Real Estate Appraiser Board Activate Application, 40ACT (rev. 8/07).

Real Estate Appraiser Board Temporary License Application, 40LIC (rev. 8/07).

VA.R. Doc. No. R06-333; Filed August 15, 2007, 11 a.m.



Regulations

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

Proposed Regulation

Title of Regulation: 19VAC30-190. Regulations Relating to the Issuance of Nonresident Concealed Handgun Carry Permits (adding 19VAC30-190-10 through 19VAC30-190-140).

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

Public Hearing Information: No public hearings are scheduled.

Public Comments: Public comments may be submitted until November 5, 2007, to Donna Tate, Firearms Manager, Department of State Police, P.O. Box 27472, Richmond, VA 23261-7472, telephone 804-674-2292, FAX 804-674-2791, email nonrespermit@vsp.virginia.gov.

Agency Contact: Robert G. Kemmler, Lt. Col., Director, Bureau of Administrative and Support Services, Department of State Police, P.O. Box 27472, Richmond VA 23261-7472, telephone (804) 674-4606, FAX (804) 674-2111, or email nonrespermit@vsp.virginia.gov.

Basis: Section 18.2-308 of the Code of Virginia authorizes the Superintendent of State Police to promulgate regulations, pursuant to the Administrative Process Act (§2.2-4000 et seq.), for the implementation of an application process for obtaining a nonresident concealed handgun permit.

Purpose: The purpose of these regulations is to implement §18.2-308 P 1 and to provide agency guidance for the possessing and issuance of nonresident concealed handgun carry permits. The proposed amendments promote the public's health, safety, and welfare by ensuring that only qualified nonresidents are issued permits.

Substance: The proposed regulations govern the application process, contents of the application package, the required form, acceptable methods of proving competence with a handgun, requirement for fingerprint cards, photograph requirements, proof of identification, fees, permit renewal, change of address procedures, issuance of replacement permits, permit revocation and appeal procedures.

Issues: These regulations will have no impact on citizens of the Commonwealth and relate only to nonresident applicants for concealed handgun carry permits already authorized by statute. For the nonresident public, these regulations will provide a uniform means of processing and issuing nonresident concealed handgun carry permits. For the department, the regulations formalize processes already proven effective and efficient in carrying out the duty imposed by §18.2-308 P 1 of the Code of Virginia.

Department of Planning and Budget's Economic Impact Analysis:

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

Summary of the Proposed Regulation. Section 18.2-308 of the Code of Virginia requires the Superintendent of State Police to promulgate regulations for the implementation of an application process for obtaining a nonresident concealed handgun permit. Chapter 900 of the 2004 Acts of Assembly amended the Code of Virginia to allow non-residents to apply for and obtain a concealed handgun carry permit. The code amendment also established conditions under which such a permit may be issued.

The proposed regulation establishes conditions and procedures for the application, processing, and issuance of concealed handgun carry permits to non-residents. Virginia State Police (VSP) has been issuing non-resident concealed handgun carry permits since July 1, 2004.

Estimated Economic Impact. Description of Regulation: Starting July 1, 2004, individuals from out of state are allowed to obtain a permit and carry a concealed handgun in Virginia. Prior to this date, only Virginia residents were permitted to carry concealed handguns. Concealed handgun carry permits are issued to residents by courts with jurisdiction over the applicant's area of residence. Permits to non-residents are issued by VSP.

In order to apply for a non-resident concealed handgun carry permit, individuals are required to submit an application package, including a completed application form, proof of identification, proof of competence with a handgun, fingerprints, two photographs, and a \$100 application fee. Proof of competence with a handgun, fingerprints, and two photographs are required by code when applying for a non-resident concealed handgun carry permit. In addition, the code caps the amount of fees that can be charged by VSP for the issuance of the permit at \$100. Individuals seeking a non-resident concealed handgun carry permit may request an application package from VSP. The application package includes an application form, requirement and qualification information, a fingerprint card, a brochure on Virginia firearms safety and laws, a checklist, and a return envelope for the completed application. As established in the Code of Virginia, the permit is to be issued for five years. Renewal requirements

are identical to the requirements for initial application. The Code of Virginia also provides for reciprocity with other states that have similar gun laws.

According to VSP, most of the permit requirements are similar to those required for the issuance of a resident concealed handgun carry permit. A fingerprint check prior to issuing a resident permit is conducted based on whether it is required by local ordinance or not. According to VSP, courts in 36 jurisdictions currently require fingerprint checks for the issuance of a concealed handgun carry permit to residents. The application fee for a resident permit is \$50: the court receives \$10 for actually issuing the permit, the police or sheriff's department receive \$35 for running a criminal history background check, and the state police receive \$5 to cover costs associated with receiving and entering data relating to the permit into the Virginia Criminal Information Network. According to VSP, the state police's share of the fees for resident concealed handgun carry permits are not adequate to cover the costs incurred.

Estimated Economic Impact. The proposed regulation is likely to impose economic costs and produce economic benefits. Individuals from out of state seeking to carry a concealed handgun in Virginia will now be required to obtain a permit. In order to obtain a permit, individuals will be required to submit a \$100 application fee. They will also incur additional costs associated with meeting the other application requirements. The Code of Virginia provides individuals with a number of options by which they can demonstrate their competence with a handgun, including completing training or safety courses offered by the various agencies and organizations, presenting evidence of equivalent experience with a firearm¹, and obtaining or having previously held a license to carry a firearm in Virginia. VSP estimates that the safety or training courses demonstrating competence with a handgun generally cost \$50. The cost of providing two photographs meeting the requirements of the proposed regulation is estimated by VSP to be \$9. Only those individuals for whom the costs associated with obtaining the permit are less than or equal to the benefits of doing so will choose to apply for the permit.

In addition to the cost to applicants, the proposed regulation will also impose costs on VSP. During the first six months that this program has been in effect, it cost the agency \$23,506 in employee salary costs. The agency also incurs \$1.06 in postage costs in response to requests for application packages and \$0.35 in postage costs for completed permit applications. The cost of issuing and laminating permit cards is approximately \$0.51 per permit. Finally, VSP incurs the costs associated with conducting the fingerprint check: \$37 in Federal Bureau of Investigation fingerprint processing costs and \$24 in state police fingerprint processing costs. During the first six months that this program has been in effect, VSP received 1,415 requests for an application package and issued 412 permits.

Based on the number of applications and requests for applications received in the first six months, it will cost VSP a little over \$100,000 on an annual basis to administer the program.² Application fees are likely to cover only a proportion of this cost. Extrapolating based on the first six months that the program has been in effect, the agency can expect to receive a little over \$82,000 in fees per year. Thus, approximately 19% of the cost associated with administering the program will be incurred by VSP and, hence, the taxpayers.

Non-residents seeking to carry concealed handguns have the potential to create a serious public safety hazard. The aim of the concealed handgun carry permit program is to enforce certain compulsory minimum standards of training and to ensure that individuals permitted to carry a concealed handgun do not have a criminal history background that would disqualify them from obtaining a permit. This, in turn, is intended to reduce the risk to public safety from such individuals. The cost of obtaining a permit can be viewed as part of the compliance cost incurred by an individual to ensure that they do not jeopardize public safety. Program revenues in the first six months of operation fell short; non-residents seeking a concealed handgun carry permit are not paying the actual compliance cost associated with ensuring that they operate in a manner that is protective of public safety.

Transferring the entire cost of compliance to applicants seeking the permit will result in the more efficient use of resources. With some of the cost being subsidized by VSP (and hence the taxpayers), non-residents seeking to carry a concealed handgun are not paying costs commensurate with the risk they pose to public safety. This, in turn, could potentially result in more unsuitable and unqualified individuals applying for and obtaining permits than if fees reflected actual costs. For example, lower compliance costs may result in a larger number of unqualified individuals applying for a permits than if permit costs were higher and reflected the actual cost to VSP in ensuring that some of the risk to public safety from these individuals is mitigated. Increasing fees such that they better reflect costs will increase economic efficiency and result in a more efficient use of resources.

Apart from the cost to applicants and VSP, the proposed regulation is also likely to have implications for public safety. By allowing non-residents to apply for and obtain a permit to carry a concealed handgun, the proposed regulation could result in increased risk to public health and safety. For example, an individual carrying a concealed handgun has the potential to cause injuries or fatalities, whether by accident or by design, through discharge of the weapon. The cost in terms of public safety has to be weighed against the benefits of allowing individuals that meet certain standards the opportunity to carry concealed handguns in a manner that is protective of public safety. According to VSP, applicants for non-resident concealed handgun carry permits include individuals such as truck drivers whose profession requires them to travel across

Regulations

state lines, individuals transporting guns for recreational purposes such as to participate in gun shows, and gun fanciers and collectors.³ Such individuals were not allowed to carry concealed handguns in Virginia prior to July 1, 2004. Allowing them to carry concealed handguns is likely to produce benefits for these individuals and related businesses in Virginia.

The net economic impact of the proposed regulation will depend on the relative magnitude of the costs and benefits to the public from allowing non-residents to carry concealed handguns. It is not possible at this time to precisely estimate the increase in risk to the public. However, based on the number of non-resident permits likely to be issued in any given year, the increase in risk is not likely to be very large. According to VSP, an average of approximately 30,000 resident concealed handgun carry permits were issued in each of the last three years. Even if we were to extrapolate based on the first six months of data and assume that VSP were to issue over 800 non-resident permits a year (a likely overestimate), it would still only account for a small proportion of concealed handgun carry permits issued by the state. Given that the requirements for issuance of a resident and a non-resident permit are similar, the increase in risk to the public from issuing 2-3% additional permits to non-residents is not likely to be very large. In addition, VSP believes that many of the individuals regulated under this regulation would probably carry concealed handguns with or without this regulation. By establishing training and other standards for individuals carrying concealed handguns, the proposed regulation could even produce some benefits for public safety. An estimate of the benefits of allowing non-residents to carry concealed handguns in Virginia is also not possible at this time. Such an estimate would require knowing the number of individuals and businesses likely to benefit from the proposed regulation and the magnitude of the benefit to them. Thus, while it is not possible to determine the net economic impact of the proposed change, it is possible to state that the downside risk (in terms of the increased risk to the public) associated with the proposed regulation is not likely to be very large.

Businesses and Entities Affected. The proposed regulation will affect all non-residents of Virginia seeking to carry a concealed handgun in the state. They will now be required to meet training and other standards established in the Code of Virginia and the proposed regulation prior to being permitted to carry a concealed handgun.

In the first six months of operation of the non-resident concealed handgun carry permit program, VSP has issued 412 permits. However, the number of applications and permits issued is not likely to continue at the same pace. As pent up demand for non-resident concealed handgun carry permits is exhausted, the number of permit applications is likely to fall.

Localities Particularly Affected. The proposed regulation applies to all localities in the Commonwealth.

Projected Impact on Employment. The proposed regulation is not likely to have a significant impact on employment in Virginia.

Effects on the Use and Value of Private Property. By allowing non-residents to carry concealed handguns, the proposed regulation could increase the risk to public safety. This, in turn, will have a negative effect on the use and value of private property. On the other hand, the proposed regulation could have a positive effect on Virginia businesses (such as gun shows) that require or would benefit from allowing nonresidents to carry concealed handguns.

¹ Equivalent experience with a firearm can be demonstrated through participation in organized shooting competitions approved by VSP, current military service, or honorable discharge from any branch of the armed services.

² Extrapolating based on the first six months of data is likely to overestimate the number of requests for application packages and the number of permit applications received by VSP on an annual basis. The most applications are likely to be received in the first few months of program operation. Once the existing pent up demand for nonresident concealed handgun carry permits is exhausted, requests for application packages and permit applications are likely to decline.

³ Federal law allows law enforcement officers to carry concealed handguns across state lines without having to obtain a non-resident concealed handgun carry permit.

Agency Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of State Police (VSP) has reviewed the Economic Impact Analysis (EIA) prepared by the Department of Planning and Budget (DPB) and submits the following comments: In the first full paragraph on page four and in the subsection "Effects on the Use and Value of Property" on page six of the EIA, DPB states that "[n]onresidents seeking to carry concealed handguns have a potential to create a serious public safety hazard." VSP is unaware of any statistic data that would support a claim that those persons who obtain permits and lawfully carry concealed weapons pose a serious public safety hazard.

The subsection entitled "Businesses and Entities Affected" on page six of the EIA would imply that the burden of obtaining a nonresident permit imposes a new requirement on out-of-state residents desiring to carry a concealed handgun in Virginia. Without the enabling legislation and regulations these persons would not be entitled to carry in Virginia unless they possess a permit already recognized from Virginia. Thus, no new burden is imposed on what was previously lawful conduct. The EIA notes that in the first six months of the program 412 permits were issued. In the first year of the program 725 nonresident permits have been issued by the Department.

With the exceptions noted above the remainder of the EIA appears to be substantially accurate.

Summary:

The proposed amendments establish the procedures that will be utilized to implement the provisions of §18.2-308 P 1 of the Code of Virginia, which authorized the Virginia Department of State Police to issue nonresident concealed handgun carry permits.

CHAPTER 190

**REGULATIONS RELATING TO THE ISSUANCE OF
NONRESIDENT CONCEALED HANDGUN CARRY
PERMITS**

19VAC30-190-10. Purpose.

The 2004 Virginia General Assembly amended §18.2-308 of the Code of Virginia to authorize nonresidents of Virginia to apply for a concealed handgun permit. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia State Police for a five-year permit to carry a concealed handgun. These regulations set forth the procedure for the application for and renewal of nonresident concealed handgun carry permits.

19VAC30-190-20. How to apply.

Applicants may request an application package by contacting the Virginia State Police Firearms Transaction Center in writing at the below address or online at nonrespermit@vsp.virginia.gov.

All written requests must include the applicant's complete name and mailing address. A telephone number is also requested. Written requests shall be sent to:

Firearms Transaction Center
Nonresident CHP Permits
Criminal Justice Information Services Division
Department of State Police
P.O. Box 85141
Richmond, VA 23285-5141

The application package will include a Concealed Handgun Permit Application, requirement and qualification information, a fingerprint card, a brochure on Virginia Firearms Safety and Laws, a checklist, and a return envelope for the completed application.

19VAC30-190-30. Application package.

Only a complete application package for a nonresident concealed handgun carry permit will be processed. A complete application package shall include:

1. Form SP-248.
2. Proof of competence with a handgun.

3. Fingerprints.
4. Two photographs.
5. Proof of identification, and
6. The application fee.

19VAC30-190-40. Application form.

The form (SP-248 Application for Concealed Handgun Permit) will be provided in the application package. Additional copies may be downloaded and printed by visiting the Virginia State Police forms page at <http://www.vsp.state.va.us>. The application shall be made under oath before a notary or other person qualified to take oaths. The application must be completed in its entirety. Illegible applications will not be processed.

19VAC30-190-50. Proof of competence with a handgun.

The applicant shall demonstrate competence with a handgun by including in his application package a photocopy of a certificate of completion of any such course or class as set forth in §18.2-308 P 1, an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall satisfy the requirement for demonstration of competence with a handgun.

19VAC30-190-60. Fingerprint cards.

The application package will contain a Virginia State Police Fingerprint Card. The applicant shall submit fingerprints on the card provided by the Virginia State Police for the purpose of obtaining the applicant's state or national criminal history record.

The Virginia State Police, Firearms Transaction Center, will submit the prints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant and obtaining fingerprint identification information from federal records pursuant to criminal investigations by state and local law-enforcement agencies.

Upon submission of the fingerprint impressions, the applicant will be required to provide a telephone number of the law-enforcement individual taking the prints to facilitate this department's validation of print authenticity.

Incomplete cards will be returned to the applicant for completion. Illegible impressions will cause the cards to be returned to the applicant for reprinting purposes. All other cards shall be destroyed upon issuance of the permit.

19VAC30-190-70. Photographs.

Regulations

Every applicant for a nonresident concealed handgun permit must submit two photographs for inclusion on the permit. The photographs must be:

1. 2 x 2 inches in width and height.
2. Identical.
3. Taken within the past six months.
4. Color or black and white.
5. Full face, front view with a plain white or off-white background with the head centered in the frame. The applicant's head, including both face and hair, should be shown from the crown of the head to the tip of the chin on top and bottom and from hairline side-to-side. Side or angled views are not accepted.
6. On plain white or off-white backgrounds. Photos with dark, busy, or patterned backgrounds will not be accepted.
7. Taken in normal street attire. Uniforms should not be worn in photographs except religious attire that is worn daily. The applicant should not wear a hat or headgear. If prescription glasses, a hearing device, wig or similar articles are normally worn, they should be worn for the picture. Dark glasses or nonprescription glasses with tinted lenses are not acceptable unless needed for medical reasons. A medical certificate may be required. A photograph depicting a person wearing a traditional facemask or veil that does not permit adequate identification is not acceptable.

Digitally reproduced photographs must be reproduced without discernible pixels or dot patterns.

Photocopied photographs are NOT accepted.

Photographs will not be returned in instances of denied applications.

19VAC30-190-80. Proof of identification.

The applicant must provide a legible photocopy of a valid photo-ID issued by a governmental agency of the United States or any political subdivision thereof.

19VAC30-190-90. Application fee.

All completed application packages must include a money order or cashier's check in the amount of \$100 made payable to the Virginia State Police. Receipt of the application without payment will cause the unprocessed application package to be returned to the applicant.

The application fee is nonrefundable regardless of the final determination of eligibility.

19VAC30-190-100. Permit renewal.

The renewal process is identical to the processes and costs associated with the original permit. It is suggested that all renewal application packages be submitted at least 60 days prior to expiration of the existing permit.

19VAC30-190-110. Change of address.

Permit holders are requested to notify the Virginia State Police, Firearms Transaction Center (FTC) of changes of address. Notification may be made in writing to the FTC at P.O. Box 85141, Richmond, VA 23285-5141, or online at nonrespermit@vsp.virginia.gov, and must include the permit file number or a photocopy of the permit. A change of address card will be provided to the permit holder to be retained with the original permit.

19VAC30-190-120. Replacement permits.

A replacement permit may be requested in writing and addressed to the FTC at P.O. Box 85141, Richmond, VA 23285-5141. All requests for replacement must include a cashier's check or money order in the amount of \$5.00 made payable to the Virginia State Police, and one of the following:

1. The permit file number,
2. A photocopy of the permit, or
3. A photocopy of a valid photo-ID issued by a governmental agency.

A replacement permit will have the same expiration date as the permit originally issued.

19VAC30-190-130. Revocation.

If the permittee is later found by the Virginia State Police to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department of State Police.

19VAC30-190-140. Appeal process.

If the applicant is denied a nonresident concealed handgun permit and does not believe that he has a previous conviction or other disqualification that renders him ineligible, he may contact the Firearms Transaction Center to discuss the ineligible determination and/or to provide additional information deemed pertinent to the final determination of eligibility.

Any person denied a permit and not satisfied with the explanation provided by the Firearms Transaction Center may appeal such denial to the Superintendent of State Police provided that any such action is initiated within 30 days of the denial by the State Police. Such appeal must be in writing, setting forth any grounds that the applicant wishes to be considered. The Superintendent of State Police shall consider each such appeal, and will notify the applicant in writing of his decision within five business days after the day on which the appeal is received.

Any person denied a permit for inaccurate or false information may not reapply for a period of 12 months following the date of final denial determination by the Superintendent.

NOTICE: The forms used in administering 19VAC30-190, Regulations Relating to the Issuance of Nonresident Concealed Handgun Carry Permits, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Application for Concealed Handgun Permit, SP-248.

SP-248 (7-1-2006)

FILE NUMBER: _____

**APPLICATION FOR CONCEALED HANDGUN PERMIT
COMMONWEALTH OF VIRGINIA
VIRGINIA CODE § 18.2-308**

RESIDENT PERMIT	<input type="checkbox"/>
NONRESIDENT PERMIT	<input type="checkbox"/>
<small>SEE NOTICE 2 PAGE 3</small>	

1. FULL LEGAL NAME (ATTACH A SEPARATE LISTING OF ANY ADDITIONAL NAMES YOU MAY HAVE USED OR BEEN KNOWN BY)			2. DATE OF BIRTH (YOU MUST BE AT LEAST 21 YEARS OF AGE)		
FIRST	MIDDLE	LAST	MONTH	DAY	YEAR
3. RESIDENTIAL ADDRESS (ATTACH A SEPARATE LISTING OF ALL ADDRESSES WITHIN THE LAST 5 YEAR PERIOD)					
STREET OR RURAL ROUTE		CITY	COUNTY	STATE	ZIP
4. MAILING ADDRESS (IF DIFFERENT)			5. SOCIAL SECURITY NUMBER (OPTIONAL) <small>SEE NOTICE 1 ON PAGE 3</small>		
6. PHYSICAL FEATURES					
HEIGHT	WEIGHT	SEX	RACE	HAIR COLOR	EYE COLOR
SCARS, MARKS, TATTOOS, PECULIAR CHARACTERISTICS:					
7. PLACE OF BIRTH (YOU MUST BE A UNITED STATES CITIZEN OR HAVE LAWFUL PERMANENT RESIDENCE IN THE UNITED STATES)				8. TELEPHONE NUMBER	
LOCALITY/STATE/NAION				HOME	WORK
9. CHECK YES OR NO FOR EACH OF THE FOLLOWING QUESTIONS					
A. HAVE YOU EVER BEEN CONVICTED OF AN OFFENSE, WHICH WOULD BE CONSIDERED EITHER A FELONY OR MISDEMEANOR? (INCLUDE CONVICTIONS OF DRIVING UNDER THE INFLUENCE AND/OR ANY OFFENSE FOR WHICH YOU WERE CONVICTED AS A JUVENILE, WHICH WOULD HAVE BEEN A FELONY IF COMMITTED BY AN ADULT.) IF YES, COMPLETE FORM 1 PART B PAGE 2 <input type="checkbox"/> YES <input type="checkbox"/> NO					
B. HAVE YOU BEEN COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE? IF YES, COMPLETE FORM 2 PART A PAGE 2 <input type="checkbox"/> YES <input type="checkbox"/> NO					
C. HAVE YOU BEEN ADJUDICATED LEGALLY INCOMPETENT OR MENTALLY INCAPACITATED BY A COURT OF VIRGINIA OR ANY OTHER COURT? IF YES, COMPLETE FORM 2 PART B PAGE 2 <input type="checkbox"/> YES <input type="checkbox"/> NO					
D. HAVE YOU BEEN INVOLUNTARILY COMMITTED TO A MENTAL INSTITUTION? IF YES, COMPLETE FORM 2 PART C PAGE 2 <input type="checkbox"/> YES <input type="checkbox"/> NO					
E. HAVE YOU RECEIVED MENTAL HEALTH TREATMENT OR SUBSTANCE ABUSE TREATMENT IN A RESIDENTIAL SETTING WITHIN THE FIVE YEARS PRIOR TO THE DATE OF THIS APPLICATION? <input type="checkbox"/> YES <input type="checkbox"/> NO					
F. ARE YOU SUBJECT TO A RESTRAINING ORDER OR A PROTECTIVE ORDER? IF YES, COMPLETE FORM 3 PAGE 2 <input type="checkbox"/> YES <input type="checkbox"/> NO					
G. ARE YOU ADDICTED TO, OR A USER OR DISTRIBUTOR OF MARIJUANA OR ANY CONTROLLED SUBSTANCE? <input type="checkbox"/> YES <input type="checkbox"/> NO					
H. ARE YOU AN ALIEN NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES? <input type="checkbox"/> YES <input type="checkbox"/> NO					
I. HAVE YOU BEEN DISCHARGED FROM THE ARMED FORCES OF THE UNITED STATES UNDER DISHONORABLE CONDITIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO					
J. ARE YOU A FUGITIVE FROM JUSTICE? <input type="checkbox"/> YES <input type="checkbox"/> NO					
K. DO YOU HAVE ANY CRIMINAL CHARGE PENDING? IF YES, COMPLETE FORM 1 PART A PAGE 2 <input type="checkbox"/> YES <input type="checkbox"/> NO					
L. HAVE YOU, WITHIN THE THREE-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF THIS APPLICATION, EITHER 1) BEEN FOUND GUILTY OF ANY DRUG-RELATED CRIMINAL OFFENSE AS SET FORTH IN ARTICLE 1 (§ 18.2-247 ET SEQ.) OF CHAPTER 7 OF TITLE 18.2 OR OF A CRIMINAL OFFENSE FOR THE ILLEGAL POSSESSION OR DISTRIBUTION OF MARIJUANA OR ANY CONTROLLED SUBSTANCE UNDER THE LAWS OF VIRGINIA, ANY OTHER STATE, THE DISTRICT OF COLUMBIA, OR THE UNITED STATES OR ITS TERRITORIES; OR 2) BEEN CHARGED WITH ANY OFFENSE ENUMERATED IN THIS PARAGRAPH AND THE TRIAL COURT FOUND THE FACTS OF THE CASE WERE SUFFICIENT FOR A FINDING OF GUILT AND DISPOSED OF THE CASE PURSUANT TO § 18.2-251 OR SUBSTANTIALLY SIMILAR LAW OF VIRGINIA, ANY OTHER STATE, THE DISTRICT OF COLUMBIA, OR THE UNITED STATES OR ITS TERRITORIES? IF YES, COMPLETE FORM 1 PART A OR B PAGE 2 <input type="checkbox"/> YES <input type="checkbox"/> NO					
10. ATTACH A PHOTOCOPY OF THE DOCUMENTATION THAT DEMONSTRATES YOUR COMPETENCE WITH A HANDGUN.					
11. COMPLETE FINGERPRINT CARDS MAY BE REQUIRED WITH THIS APPLICATION FOR SUBMISSION TO THE CENTRAL CRIMINAL RECORDS EXCHANGE AND TO THE FEDERAL BUREAU OF INVESTIGATION, FOR CRIMINAL HISTORY BACKGROUND CHECKS TO BE CONDUCTED.					

I, THE UNDERSIGNED, AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND IN ANY ATTACHMENTS TO THIS DOCUMENT IS BOTH CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE. THE WILLFUL MAKING OF A FALSE STATEMENT IN THIS APPLICATION CONSTITUTES PERJURY AND IS PUNISHABLE IN ACCORDANCE WITH § 18.2-434 OF THE CODE OF VIRGINIA.

____ / ____ / ____
MONTH DAY YEAR

APPLICANT'S SIGNATURE

STATE OF _____, CITY COUNTY

TO WIT:

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME ON

____ / ____ / ____
MONTH DAY YEAR

NOTARY PUBLIC

MY COMMISSION EXPIRES

COURT CLERK: _____

FORM #1

PART A

DESCRIBE THE CRIMINAL CHARGE AGAINST YOU: _____
DATE OF CHARGE: _____ COUNTY, CITY AND STATE OF CHARGE: _____
CURRENT STATUS OF CHARGE: _____

PART B

DESCRIBE THE CHARGE FOR WHICH YOU WERE CONVICTED: _____
DATE OF CONVICTION: _____ COUNTY, CITY AND STATE OF CONVICTION: _____
TO PROVIDE ADDITIONAL INFORMATION USE A PIECE OF PLAIN PAPER.

FORM #2

PART A

COMMITMENTS TO THE COMMISSIONER OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE:

WHEN WERE YOU COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF MENTAL HEALTH, MENTAL RETARDATION,
AND SUBSTANCE ABUSE? DATE: _____
NAME OF COURT WHICH ENTERED THE ORDER: _____
LOCATION OF COURT: _____
(INCLUDE STREET ADDRESS, CITY, COUNTY AND STATE)

WHEN WERE YOU RELEASED FROM THE CUSTODY OF THE COMMISSIONER OF MENTAL HEALTH, MENTAL
RETARDATION, AND SUBSTANCE ABUSE? DATE: _____

PART B

ADJUDICATION OF LEGAL INCOMPETENCE OR MENTAL INCAPACITATION:

WHEN WERE YOU ADJUDICATED LEGALLY INCOMPETENT OR MENTAL INCAPACITATED? DATE: _____
NAME OF COURT WHICH ENTERED THE ORDER: _____
LOCATION OF THIS COURT: _____
(INCLUDE STREET ADDRESS, CITY, COUNTY AND STATE)

HAS YOUR COMPETENCY OR CAPACITY BEEN RESTORED? _____
NAME OF COURT WHICH ENTERED THE ORDER: _____
DATE OF ORDER: _____

PART C

INVOLUNTARY COMMITMENTS:

WHEN WERE YOU INVOLUNTARILY COMMITTED TO A MENTAL INSTITUTION? DATE: _____
NAME OF COURT WHICH ENTERED THE ORDER: _____
LOCATION OF COURT: _____
(INCLUDE STREET ADDRESS, CITY, COUNTY AND STATE)

DATE OF YOUR RELEASE FROM THIS INVOLUNTARY COMMITMENT: _____
NAME AND ADDRESS OF COURT THAT ENTERED THIS ORDER OF RELEASE: _____

(INCLUDE NAME, STREET ADDRESS, CITY, COUNTY AND STATE)

FORM #3

DATE THE RESTRAINING OR PROTECTIVE ORDER WAS ISSUED: _____
NAME OF COURT WHICH ENTERED THE ORDER: _____
LOCATION OF COURT: _____
(INCLUDE STREET ADDRESS, CITY, COUNTY AND STATE)

ATTACH A COPY OF THE RESTRAINING OR PROTECTIVE ORDER TO THIS APPLICATION

NOTICE 1**DISCLOSURE OF SOCIAL SECURITY NUMBER**

THIS INFORMATION IS PROVIDED PURSUANT TO THE GOVERNMENT DATA COLLECTION AND DISSEMINATION PRACTICES ACT (SECTION 2.2-3800 ET SEQ). VIRGINIA CODE SECTION 2.2-3800 (C) (10) PROVIDES THAT AN AGENCY SHALL NOT COLLECT PERSONAL INFORMATION EXCEPT AS EXPLICITLY OR IMPLICITLY AUTHORIZED BY LAW. PURSUANT TO VIRGINIA CODE SECTION 2.2-3803 (A), IT IS UNLAWFUL FOR AN AGENCY TO REQUIRE AN INDIVIDUAL TO DISCLOSE OR FURNISH HIS SOCIAL SECURITY NUMBER FOR ANY PURPOSE IN CONNECTION WITH ANY ACTIVITY, OR TO REFUSE ANY SERVICE, PRIVILEGE OR RIGHT TO AN INDIVIDUAL WHOLLY OR PARTLY BECAUSE THE INDIVIDUAL DOES NOT DISCLOSE SUCH NUMBER, UNLESS THE DISCLOSURE OR FURNISHING OF SUCH NUMBER IS SPECIFICALLY REQUIRED BY FEDERAL OR STATE LAW. THE CLERK OF COURT MAY WITHHOLD FROM PUBLIC DISCLOSURE THE SOCIAL SECURITY NUMBER CONTAINED IN A PERMIT APPLICATION IN RESPONSE TO A REQUEST TO INSPECT OR COPY ANY SUCH APPLICATION EXCEPT THAT THE SOCIAL SECURITY NUMBER SHALL NOT BE WITHHELD FROM ANY LAW-ENFORCEMENT OFFICER ACTING IN THE PERFORMANCE OF HIS OFFICIAL DUTIES. THE SOCIAL SECURITY NUMBER IS NOT MADE PART OF ANY PUBLIC RECORD BY THE DEPARTMENT OF STATE POLICE.

NOTICE 2**WHERE TO APPLY**

COMPLETE AND NOTARIZED APPLICATIONS FOR RESIDENT PERMITS SHALL BE FORWARDED TO THE CIRCUIT COURT OF THE COUNTY OR CITY IN WHICH THE APPLICANT RESIDES. THE APPLICANT SHOULD CONSULT WITH THE COURT AUTHORITIES FOR INSTRUCTION AND GUIDANCE SPECIFIC TO THEIR APPLICATION.

COMPLETE AND NOTARIZED APPLICATIONS FOR NONRESIDENT PERMITS SHALL BE FORWARDED TO THE VIRGINIA STATE POLICE, FIREARMS TRANSACTION CENTER, POST OFFICE BOX 85608, RICHMOND, VIRGINIA, 23285-5608, ALONG WITH OTHER DOCUMENTATION AS AUTHORIZED BY STATUTE. SPECIFIC APPLICATION INFORMATION AND INSTRUCTION IS PROVIDED AT THE VIRGINIA STATE POLICE WEB SITE, WWW.VIRGINIATROOPER.ORG/, OR TELEPHONE (804) 674-2675.

NOTICE 3**IF YOUR APPLICATION IS DENIED**

VIRGINIA RESIDENT APPLICANTS: ANY PERSON DENIED A PERMIT TO CARRY A CONCEALED HANDGUN MAY PRESENT A PETITION FOR REVIEW TO THE COURT OF APPEALS. THE PETITION FOR REVIEW SHALL BE FILED WITHIN 60 DAYS OF THE EXPIRATION OF THE TIME FOR REQUESTING AN ORE TENUS HEARING PURSUANT TO SUBSECTION 1 OF SECTION 18.2-308, OR IF AN ORE TENUS HEARING IS REQUESTED, WITHIN 60 DAYS OF THE ENTRY OF THE FINAL ORDER OF THE CIRCUIT COURT FOLLOWING THE HEARING. THE PETITION SHALL BE ACCOMPANIED BY A COPY OF THE ORIGINAL PAPERS FILED IN THE CIRCUIT COURT, INCLUDING A COPY OF THE ORDER OF THE CIRCUIT COURT DENYING THE PERMIT. SUBJECT TO THE PROVISIONS OF SECTION 17.1-410 B, THE DECISION OF THE COURT OF APPEALS OR JUDGE SHALL BE FINAL. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE DECISION TO DENY THE PERMIT IS REVERSED UPON APPEAL, TAXABLE COSTS INCURRED BY THE PERSON SHALL BE PAID BY THE COMMONWEALTH.

NONRESIDENT APPLICANTS: YOU MAY CONTACT THE VIRGINIA STATE POLICE, FIREARMS TRANSACTION CENTER (FTC), TO DISCUSS THE INELIGIBLE DETERMINATION AND/OR TO PROVIDE ADDITIONAL INFORMATION DEEMED PERTINENT TO THE FINAL DETERMINATION OF ELIGIBILITY AT (804) 674-2675, OR WRITE TO THE FTC AT POST OFFICE BOX 85608, RICHMOND, VIRGINIA 23285-5608, OR EMAIL FIREARMS@VSP.STATE.VA.US.

NOTICE 4**USE OF DEADLY OR LETHAL FORCE**

FOR THE PURPOSES OF UNDERSTANDING THE LAW RELATING TO THE USE OF DEADLY AND LETHAL FORCE, PLEASE REFERENCE THE VIRGINIA SUPREME COURT WEBSITE AT [HTTP://WWW.COURTS.STATE.VA.US/SCV/HOME.HTML](http://WWW.COURTS.STATE.VA.US/SCV/HOME.HTML).

CRIMINAL BACKGROUND INVESTIGATION

(THIS SPACE FOR LAW ENFORCEMENT AGENCY ONLY)

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	PENDING CHARGES
<input type="checkbox"/>	<input type="checkbox"/>	CONVICTIONS

IF YES, SEE ATTACHMENT(S)

____ / ____ / ____ , OFFICER
MONTH DAY YEAR

(THIS SPACE FOR COURT USE ONLY)

RESIDENT PERMIT FILE NO. _____

CIRCUIT COURT _____

APPLICATION OF _____

ON _____ FOR A VIRGINIA RESIDENT CONCEALED HANDGUN PERMIT IS HEREBY:
(DATE)

GRANTED DENIED (SEE EXPLANATION BELOW)

THE PERMIT APPLICATION IS DENIED ON THE BASIS OF THE FOLLOWING:

YOU ARE ENTITLED TO AN ORAL HEARING BEFORE THIS COURT. THE REQUEST FOR A HEARING MUST BE FILED WITH THIS COURT WITHIN TWENTY-ONE DAYS OF DENIAL OF YOUR APPLICATION. SEE NOTICE 3 PAGE 3

____ / ____ / ____ , JUDGE OR DESIGNEE
MONTH DAY YEAR

(THIS SPACE FOR STATE POLICE USE ONLY)

NONRESIDENT PERMIT FILE NO. _____

APPLICATION OF _____

FOR A VIRGINIA NONRESIDENT CONCEALED HANDGUN PERMIT IS HEREBY:

GRANTED DENIED (SEE EXPLANATION BELOW)

SEE NOTICE 3 PAGE 3

____ / ____ / ____ , SUPERINTENDENT OR DESIGNEE
MONTH DAY YEAR

FORMS

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

EDITOR'S NOTICE: The following form has been filed by the Department of Agriculture and Consumer Services. The form is available for public inspection at the Department of Agriculture and Consumer Services, 102 Governor Street, Richmond, Virginia 23219, or the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219. Copies of the form may be obtained from Roy Seward, Department of Agriculture and Consumer Services, 102 Governor Street, Richmond, Virginia 23219, telephone 804-786-3535

Title of Regulation: **2VAC5-110. Rules and Regulations Pertaining to a Pound or Enclosure to be Maintained by Each County or City.**

FORMS

~~Compliance Facility Review Record, Form VDACS-03132.~~

~~Animal Shelter/Animal Pound Evaluation.~~

Pound and Shelter Inspection Form, VDACS-PS-1 (eff. 7/07).

Form VDACS-PS-1 (Rev. 7/07)

 VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	DIVISION OF ANIMAL & FOOD INDUSTRY SERVICES OFFICE OF VETERINARY SERVICES P.O. BOX 1163 RICHMOND, VA 23218 804-786-2483 POUND AND SHELTER INSPECTION FORM
--	--

Facility: _____		Date: _____
Personnel Verifying Information During Inspection:	Initials:	Inspection: <input type="checkbox"/> Unannounced <input type="checkbox"/> Scheduled
Name:		
Name:		
Name:		

CITATION FOR Code of VA, Regulation, or Directive	REQUIREMENT	Yes	No	ND	NA	COMMENTS
2 VAC 5-110-10	Potable water provided.					
2 VAC 5-110-20	Durable, nontoxic, secured or non-tippable water receptacles provided.					
2 VAC 5-110-30	Solid waste disposal meets all applicable laws.					
2 VAC 5-110-40 and § 3.1-796.68	Each animal protected from direct sunlight, rain, sleet, snow, and hail.					
	Each animal protected from the adverse effects of heat and cold.					
	Floor surfaces permit proper cleaning and disinfecting.					
	Wall surfaces permit proper cleaning and disinfecting.					
	Comfortable building temperature maintained.					
	Adequate ventilation provided for each animal.					
	Each building and animal enclosure is clean, dry, and in a sanitary condition.					
	Each facility/enclosure prevents animal escape.					
	Each enclosure protects animals from injury.					
	Each facility/enclosure protects animals from being stolen.					
Animals are separated according to:	Species					
	Sex					
	Age					
	Temperament					
2 VAC 5-110-50	Cages constructed of acceptable materials.					
	Cage floors have solid bottoms.					
	Pallets/resting boards (if provided) are non-porous.					
	Adequate space provided each animal in the primary enclosures.					
2 VAC 5-110-60	Faucet and hose connections are provided at convenient locations.					
	Faucet and hose are used for washing and cleaning the animal housing area.					
	Disinfectants/germicidal agents used to clean housing/confinement areas daily.					
2 VAC 5-110-70	Food utensils are easily cleanable, non-corrosive, and nontoxic.					
	Food stored away from vermin. If stored in bags, the bags are 12" off the floor on a shelf or pallet. Area under the food/container (on rollers or casters) is clean.					
	Sink with hot and cold water is provided.					
	Sink with hot and cold water is used to clean food equipment and utensils.					

Forms

CITATION FOR Code of VA, Regulation, or Directive	REQUIREMENT	Yes	No	ND	NA	COMMENTS	
2 VAC 5-110-80, § 3.1-796.96, & Dir. 79-1	Local Veterinarian euthanizes:	<input type="checkbox"/> All animals <input type="checkbox"/> Animals <16 weeks old <input type="checkbox"/> Critically ill or injured animals					
	Sodium (Na) Pentobarbital	Administered by hypodermic needle and syringe. Administered in concentration of 5 grains/cc or more. Ordered in injectable form only. Federal DEA permit is current. VA Board of Pharmacy permit is current. Drug is stored under double lock and key. Administered only IV or IP routinely (Note: If IC, only in <u>prior</u> comatose or anesthetized animal & <u>not</u> routinely). VERIFY: _____ Individuals giving drug are competency certified for use.					
	Firearms VERIFY: _____	Firearms are NOT used routinely to euthanize animals. Firearms are used to euthanize animals <u>only</u> when: Animal showing active signs of rabies & confinement is impossible or impractical. Dog in act of killing or injuring livestock/poultry. Conditions <u>not</u> permit use of Na Pentobarbital or Carbon Monoxide (CO). Attempts at humane capture failed, or, due to emergency conditions, not possible. Firearms operator is competency certified for use.					
	Carbon Monoxide (CO)	Chamber is operated in a well-ventilated area. Only commercial grade cylindered CO is used. Chamber is well sealed. Natural or artificial light provided in chamber. Viewing window enables observation of the animal. Gas flow pressure and rate adequate to achieve 6% concentration of gas in chamber, and achieve unconsciousness of animals within 45 – 60 seconds. VERIFY: _____ CO <u>not</u> used to euthanize puppies and kittens <16 weeks old or any animal who has a compromised respiratory system or difficulty breathing due to advanced age, injury, illness, or pregnancy. VERIFY: _____ Animals are not crowded into the chamber. VERIFY: _____ Only compatible animals of same species are placed together in chamber. Verify: _____ Each individual animal separated from other animals in the chamber by means of partitions, cages, or carriers with solid bottom(s). VERIFY: _____ Animals are left in chamber 10 minutes after death and before chamber is opened. VERIFY: _____ Animals are left in chamber an additional 10 minutes after chamber is opened. VERIFY: _____ Chamber operator(s) competency certified for CO use. Current chamber certification by recognized health & safety organization.					
	2 VAC 5-110-90	Method of carcass disposal is acceptable to the local health department. Animals are positively determined to be dead before carcass disposal. VERIFY: _____ ACO's and shelter personnel are competency certified to confirm death of animals before carcass disposal.					

[Facility _____ Date _____] Page 2 of 5

CITATION FOR Code of VA, Regulation, or Directive	REQUIREMENT	Yes	No	ND	NA	COMMENTS
2 VAC 5-110-100	Isolation/Observation Room is: Provided & marked (i.e. a sign posted) as such. Physically separate and isolated from main animal housing areas. Used to hold ill/suspected ill animals at least 48 hours before being placed in main housing areas. VERIFY: _____					
§ 3.1-796.68	Each animal provided adequate food (sufficient, nutritive, accessible, easily consumed food provided in a clean, sanitary manner, and placed so as to minimize contamination by waste or pests). Each animal provided adequate water (clean, fresh, potable, accessible water at a drinkable temperature provided in clean, durable receptacles, and placed so as to minimize contamination by waste or pests). Each animal is provided adequate: (as defined in § 3.1-796.66) Space (allows <u>each</u> animal to <u>easily</u> stand, sit, lie, turn about, & make all other normal body movements in a normal, comfortable position, and allows <u>each</u> animal to <u>interact safely</u> with other animals in the enclosure). Exercise (opportunity to move sufficiently to maintain normal muscle tone and mass for animal's age, species, size, and condition). Care (good animal husbandry, handling, management, confinement, feeding, watering, protection, shelter, transport, treatment, euthanasia, and, when needed to prevent suffering or impairment of health, veterinary care). Shelter that: Is safe (protects animal from injury; see VR §40). Is properly lighted (sufficient natural or artificial light to permit routine inspections, maintenance, cleaning, housekeeping, and observation of each animal, and provided in regular diurnal cycles). Is properly cleaned (carcasses, debris, food waste, and excrement removed often enough to minimize animal contact with contaminants; enclosures sanitized often enough to minimize odors and disease; and enclosures cleaned in such a way that animals are not sprayed directly or indirectly with water, or exposed to hazardous chemicals or disinfectants). Protects animals from adverse effects of heat/cold. Protects animals from rain, sleet, snow, hail, and direct sunlight. Veterinary Care: provided when needed (i.e. to stabilize an animal in a life-threatening condition), or to prevent suffering, disease transmission, or further disease progression.					
§ 3.1-796.96	Animals are held the required holding periods. Animals are disposed of by: Humane euthanasia (see VR § 80). Delivery to a humane society in VA (or a humane society of another state that has been approved by the State Vet). VERIFY: Adopted to a resident of the city or county, or to a resident of an adjacent city or county of Virginia, for which the pound is operated, or adopted to any person if the animal is neutered. Each animal is checked to determine if it has a license, tag, tattoo, or collar. Facility is accessible to the public at reasonable hours during the week. No more than 2 animals, or family of animals, delivered to any one person in a 30-day period.					
§ 3.1-796.104:1	Each animal warden has received training as required by the VA Code.					

CITATION FOR Code of VA, Regulation, or Directive	REQUIREMENT	Yes	No	ND	NA	COMMENTS
§ 3.1-796.105.B	Species					
	Date of taking custody of animals					
	Date of Record					
	Color					
	Breed					
	Sex					
	Approximate Age					
	Approximate Weight					
	Reason for seizure					
	Location of seizure					
	Owner's name, if known					
	Owner's address, if known					
	License, Tag, Tattoo, Collar					
Disposition of Animal (i.e. euthanized, adopted, etc.)						
§ 3.1-796.126:1	Adopter of each dog or cat adopted from pound signs sterilization agreement to have animal spayed or neutered (unless already sterilized) before release.					
§ 3.1-796.126:2	Date of the agreement.					
	City or County:	Name				
		Address				
		Signature (ACO, custodian, or other representative)				
	New Owner/Adopter:	Name				
		Address				
		Signature				
	Description of dog or cat being adopted.					
	Specific date by which the dog or cat is to be sterilized. (month/day/year)					
	Statement printed in conspicuous bold print that:	Sterilization is required by law.				
Person who violates law is subject to civil penalty.						
New owner may be compelled to comply with the provisions of this law.						

ACO = Animal Control Officer	Yes=In Compliance No= Not in compliance	ND=Not Determined NA=Not Applicable	Dir. = Directive issued by the State Veterinarian § 3.1-796 = A section of the Code of Virginia
------------------------------	--	--	--

[Facility _____ Date _____] Page 4 of 5

Owned By: <input type="checkbox"/> County <input type="checkbox"/> Independent City <input type="checkbox"/> Humane Society/SPCA <input type="checkbox"/> Other: _____	Operated By: <input type="checkbox"/> County <input type="checkbox"/> Independent City <input type="checkbox"/> Humane Society/SPCA <input type="checkbox"/> Other: _____
Facility Supervisor: Facility Personnel:	Animal Control Officer: Deputy Animal Control Officers:
Facility Physical Address:	ACO Physical Address:
Facility Mailing Address:	ACO Mailing Address:
Facility Telephone:	ACO Telephone:
Facility Fax:	ACO Fax:
Facility Email:	ACO Email:
Hours of Operation:	Directions to Facility:
Evaluation reviewed with: Signature: _____	Inspected by: Signature: _____
Other county/city/private agency contracted with:	

[Facility _____ Date _____] Page 5 of 5

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

EDITOR'S NOTICE: The following forms have been filed by the Department of Environmental Quality. The forms are available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219, or the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219. Copies of the forms may be obtained from Cindy Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219, telephone (804) 786-3535.

Title of Regulation: 9VAC25-610. Ground Water Withdrawal Regulations.

FORMS

Water Division Permit Application Fee.

Application for a Ground Water Withdrawal Permit (with instructions) (rev. 6/99).

Ground Water Withdrawal Permit Change of Ownership Agreement Form (eff. 6/99).

Revocation Agreement Form (eff. 6/99).

Water Well Completion Report, Form GW2, (~~rev. 6/99~~ 7/07).

Permit to Withdraw Ground Water (eff. 6/99).

Public Notice Authorization Form - Authorization for Public Notice Billing to Ground Water Withdrawal Permit Applicant (eff. 6/99).

Preapplication Meeting Application for a Ground Water Withdrawal Permit (eff. 6/99).

Local and Areawide Planning Requirements (eff. 5/99).

Quarterly Groundwater Withdrawal Report.

Form GW-2

COMMONWEALTH OF VIRGINIA
WATER WELL COMPLETION REPORT

DEQ WELL # _____
USGS LOCAL # _____

Revised 7/31/07

(Certification of Completion/County Permit)

Virginia Dept. of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

DEQ Permit _____
County Permit _____
PWSID No. _____

Certification of inspecting official:
This well does _____ does not _____
Meet code/law requirements.
Signature: _____
Date: _____

For Office Use

COUNTY / CITY _____

Virginia Plane Coordinates

_____ N
_____ E
_____ W

Latitude & Longitude
Datum: _____

_____ N
_____ W

Topo. Map No. _____
Elevation _____ ft.
Formation _____
Lithology _____
River Basin _____
Province _____
Type Logs _____
Cuttings _____
Water Analysis _____
Aquifer Test _____

Owner _____
Well Designation or number _____
Address _____
Phone _____

Drilling Contractor _____
Address _____
Phone _____

Tax Map I.D. No. _____
Subdivision _____
Section _____
Block _____
Lot _____
Class Well I _____ IIA _____
IIB _____ IIA _____ IIB _____
IIIC _____ IIID _____ IIIE _____

WELL LOCATION: _____ (feet/miles) (direction) of _____
and _____ (feet/miles) (direction) of _____

If possible please include map showing marked well location.

Date Started _____ Date Completed _____ Type Rig _____

1. **WELL DATA:** New _____ Reworked _____ Deepened _____
Total Depth _____ ft.
Depth to Bedrock _____ ft.
 2. **WATER DATA:** Water Temperature _____ F
Static Water Level (unpumped level measured) _____ ft.
Stabilized measured pumping water level _____ ft.
Stabilized Yield _____ gpm after _____ hours
Natural Flow: Yes _____ No _____ Flow Rate _____ gpm
Comment on water quality: _____
 3. **WATER ZONES:** From _____ To _____
From _____ To _____ & From _____ To _____
From _____ To _____ & From _____ To _____
 4. **USE DATA**
Type of Use: Drinking _____ Livestock Watering _____
Irrigation _____ Food Processing _____ Household _____
Manufacturing _____ Fire Safety _____ Cleaning _____
Recreation _____ Aesthetic _____ Cooling/Heating _____
Injection _____ Other _____
Type of Facility: Domestic _____ Public Water Supply _____
Public Institution _____ Farm _____ Industry _____
Commercial _____ Other _____
 5. **PUMP DATA:** Type _____ Rated hp. _____
Intake Depth _____ ft. Capacity _____ gpm at _____ head
 6. **WELLHEAD:** Type of Well Seal _____
Pressure Tank _____ gal. Location _____
Sample Tap _____ Measurement Port _____
Well Vent _____ Pressure Relief Valve _____
Gate valve _____ Check Valve (when required) _____
Electrical Disconnect Switch on Power Supply _____
 7. **DISINFECTION:** Well Disinfected _____ Yes _____ No _____
Date _____ Disinfectant Used _____
Amount _____ Hours Used _____
 8. **ABANDONMENT:** (where applicable) _____ Yes _____ No _____
Casing Pulled _____ Yes _____ No _____ NA _____
Plugging Grout From _____ to _____ Material _____
- Hole Size** (Also include reamed zones)
_____ inches from _____ to _____ ft.
_____ inches from _____ to _____ ft.
_____ inches from _____ to _____ ft.
- Casing Size (I.D.) and Material**
_____ inches from _____ to _____ ft.
Material _____
Weight per ft. _____ or wall thickness _____ in.
_____ inches from _____ to _____ ft.
Material _____
Weight per ft. _____ or wall thickness _____ in.
_____ inches from _____ to _____ ft.
Material _____
Weight per ft. _____ or wall thickness _____ in.
- Screen Size & Mesh for Each Zone**
_____ inches from _____ to _____ ft. Mesh Size _____ Type _____
_____ inches from _____ to _____ ft. Mesh Size _____ Type _____
_____ inches from _____ to _____ ft. Mesh Size _____ Type _____
_____ inches from _____ to _____ ft. Mesh Size _____ Type _____
- Gravel Pack**
From _____ to _____ ft.
From _____ to _____ ft.
- Grout**
From _____ to _____ ft. Type _____
From _____ to _____ ft. Type _____

Forms

OWNER: _____

DEQ WELL # _____
USGS LOCAL # _____

9. State law requires submitting to the Virginia State Water Control board information about ground water and wells for every well made in the State intended for water, or any other non-exempt well. This information must be submitted whether the well is completed, on standby, or abandoned. Information required includes: an accurately and completely prepared water well completion report, full data from any aquifer pumping tests, drill cuttings taken at ten foot intervals (unless exemption is secured), the results of any chemical analysis, and copies of the geophysical logs. Quarterly pumpage and use reports are required from owners of public supply and industrial wells. County or State permits to drill may be required in some parts of the state. Some counties require submission of a water well completion report. The Virginia State health Department requires a water well completion report for public water supply.

10. Driller's Log (Use additional sheets if necessary)				11. Drilling Time (Min.)	12. Diagram of Well Construction (with dimensions)
Depth (feet)		Type of Rock or Soil	Remarks		
From	To	(Color, material, fossils, hardness, etc.)	(Water, caving, cavities, broken, core shot, etc.)		

13. Well Lot Dedicated? _____ Size _____ ft. by _____ ft. Well House? _____
 Distance to nearest pollutant source _____ ft. Type _____
 Distance to nearest property line _____ ft. Building _____ ft.
14. WATER SERVICE PIPE: Checked under _____ p.s.i. for _____ minutes
 Pipe Size _____ in. Material _____
 Installer _____
 Date _____
15. I certify that the information contained herein is true and correct and that this well and/or system has been installed and constructed in accordance with the requirements for well construction as specified in compliance with appropriate county or independent city ordinances and the laws and rules of the Commonwealth of Virginia.

Signature _____ Date _____
 (Well driller or authorized person)

License Number _____

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

August 6, 2007

Administrative Letter 2007-09

To: All Insurers and Other Interested Parties

Re: Withdrawal of Administrative Letter 1985-7

The State Corporation Commission's Bureau of Insurance is advising all insurers and other interested parties that Administrative Letter 1985-7, which established certain limitations pertaining to the public's review of rate and form filings, is no longer applicable. As a result, Administrative Letter 1985-7 is hereby withdrawn.

Insurance companies' rule, rate, and form filings are open to review by the members of the public, by appointment, between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday. For scheduling appointments to review Property and Casualty rate, rule, or form filings, please contact the Property and Casualty Division's Rates and Forms sections at (804) 371-9965 or (804) 371-9298. For scheduling appointments to review Life and Health rate or form filings, please contact the Life and Health Division's Rates and Forms section at (804) 371-9110.

Any questions pertaining to this administrative letter should be directed to the applicable rates and forms section.

/s/ Alfred W. Gross
Commissioner of Insurance

DEPARTMENT OF ENVIRONMENTAL QUALITY

Air Quality Plan - Kraft Foods Global, Inc.

Purpose of notice: The Department of Environmental Quality (DEQ) is seeking comments and announcing a public hearing on a proposed state operating permit to Kraft Foods Global, Inc., Richmond Bakery, to limit air pollution emitted by a facility in Henrico County, Virginia. If adopted, the Commonwealth intends to submit the permit as a revision to its State Implementation Plan in accordance with the requirements of §110(a) of the federal Clean Air Act.

Public comment period: August 16, 2007, to September 17, 2007.

Public hearing: DEQ Piedmont Regional Office, 4949-A, Cox Road, Conference Room, Glen Allen, Virginia, at 2:30 p.m. on September 17, 2007. A question and answer period will be held one half hour prior to the beginning of the public hearing.

Description of proposal: The proposed revision consists of a determination of reasonably available control technology

(RACT) for the control of emissions of volatile organic compounds (VOC) to the atmosphere from the Kraft Foods bakery located in the Henrico County, Virginia, portion of the Richmond Ozone Maintenance Area. The RACT determination is being made pursuant to 9VAC5-40-7370 of state regulations. A state operating permit is being issued as an administrative mechanism to enforce the RACT determination. The permit is being issued pursuant to Article 5 (9VAC5-80-800 et seq.) of 9VAC5-80 (Permit for Stationary Sources) of state regulations and is federally enforceable upon issuance. The permit will establish emission limits for control of VOC.

Federal information: This notice is also being given to satisfy the public participation requirements of federal regulations (40 CFR 51.102). The proposal will be submitted as a revision to the Commonwealth of Virginia SIP under §110(a) of the federal Clean Air Act in accordance with 40 CFR 51.104.

How to comment: DEQ accepts written comments by email, facsimile transmission and postal mail. In order to be considered, written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period. Due to problems with the quality of facsimile transmissions, commenters are encouraged to provide the signed original by postal mail within one week. Both oral and written comments are accepted at the public hearing. DEQ prefers that comments be provided in writing, along with any supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record. Please note this proposed permit is being concurrently reviewed by the U.S. Environmental Protection Agency.

To review proposal: The proposal and any supporting documents are available on the DEQ Air Public Notices for Plans website: <http://www.deq.virginia.gov/air/permitting/planotes.html>. The documents may also be obtained by contacting the DEQ representative named below.

Agency Contact: Rebekah Remick, Department of Environmental Quality, 4949-A Cox Road, Richmond, VA 23060, telephone (804) 527-5128, FAX (804) 527-5106, or email rjremick@deq.virginia.gov.

Total Maximum Daily Load - Falling River

The Department of Environmental Quality and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of an implementation plan (IP) for a bacteria total maximum daily load (TMDL) on a 10.49 mile segment of Falling River in Campbell and Appomattox counties. The TMDL for the Falling River was approved by EPA in July 2004, copy of

General Notices/Errata

which can be found on DEQ's website at http://gisweb.deq.virginia.gov/tmdlapp/tmdl_report_result.cfm.

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an IP for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits and environmental impacts.

The first public meeting on the development of the IP for the Falling River bacteria TMDL will be held on Tuesday, September 25, 2007, at 7 p.m. in the Agricultural Building, 163 Kabler Lane, Rustburg, Virginia. After a one hour public meeting, stakeholders will break into two working groups to begin the public participation input process for the implementation plan.

The public comment period will end on October 26, 2007. A fact sheet on the development of an IP for the Falling River bacteria TMDL is available upon request. Questions or information requests should be addressed to Theresa Carter Buckles with the Virginia Department of Conservation and Recreation.

Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments and should be sent to Theresa Carter Buckles, Department of Conservation and Recreation, 252 West Main Street, Suite 3, Abingdon, VA 24210, telephone (276) 676-5418, or email theresa.buckles@dcr.virginia.gov.

Total Maximum Daily Load - Hawksbill Creek and Mill Creek

The Department of Environmental Quality and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of a total maximum daily load (TMDL) implementation plan for Hawksbill Creek and Mill Creek in Page County. Hawksbill Creek was originally listed on the 1996 303(d) TMDL Priority List and Report as impaired, with Mill Creek joining the list in 1998, due to violations of the state's water quality standard for bacteria. TMDLs for bacteria were developed to address the impairments in both streams. These TMDLs were approved by EPA on December 2, 2004, and July 29, 2005, respectively, and are available on DEQ's website at: http://gisweb.deq.virginia.gov/tmdlapp/tmdl_report_search.cfm.

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an Implementation Plan (IP) for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits, and environmental impacts.

DEQ and DCR will hold a final public meeting on Thursday, September 13, 2007, at 7 p.m. to inform the public of the IP development and to solicit comments on the draft document.

The meeting will be held in the Circuit Court Room of the Page County Courthouse in Luray.

The draft implementation plan will be available for review on the web no later than September 10, 2007, at <http://www.deq.virginia.gov/tmdl/iprpts.html>. The public comment period for this final public meeting will end on Monday, October 15, 2007. Questions or information requests should be addressed to Neshia Mizel, DCR, (540) 332-9238. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Neshia Mizel, Department of Conservation and Recreation, 44 Sangers Lane, Suite 102, Staunton, VA 24401, telephone (540) 332-9238, FAX (540) 332-8956, or email neshia.mizel@dcr.virginia.gov.

Total Maximum Daily Load - Indian Creek

Announcement of an effort to restore water quality in Indian Creek in Tazewell County, Virginia.

Public meeting location: Cedar Bluff Town Hall, 115 Central Ave., Cedar Bluff, Virginia, on September 17, 2007, from 7 p.m. to 9 p.m.

Purpose of notice: The Virginia Department of Environmental Quality and the Department of Conservation and Recreation are announcing a public meeting and public comment opportunity on the draft water quality improvement study or total maximum daily load (TMDL).

Meeting Description: Final public meeting on a study to restore water quality.

Description of study: DEQ has been working to identify sources of bacteria contamination in the waters of Indian Creek. The "impaired" stream segments are estimated to be approximately 8.86 miles of Indian Creek, including the mainstem of Indian Creek from the confluence with Greasy Creek to its confluence with the Clinch River just east of Cedar Bluff. The stream is impaired for failing to meet the recreational use because of fecal coliform bacteria violations.

A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. The draft plan identifies the sources of bacteria contamination and develops a TMDL for bacteria. To restore water quality, contamination levels must be reduced to the TMDL amount.

How a decision is made: The development of a TMDL includes public meetings and a public comment period once the study report is drafted. After public comments have been considered and addressed, DEQ will submit the TMDL report to the U.S. Environmental Protection Agency for approval.

How to comment: DEQ accepts written comments by email, fax or postal mail. Written comments should include the name, address and telephone number of the person commenting and be received by DEQ during the comment period, September 17, 2007, to October 17, 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 September 17, 2007, from the contact below or on the DEQ website at www.deq.virginia.gov/tmdl.

Contact for additional information: Shelley D. Williams, Regional TMDL Coordinator, Virginia Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212-1688, telephone (276) 676-4845, FAX (276) 676-4899, or email sdwilliams@deq.virginia.gov.

Total Maximum Daily Load - Potomac River

Announcement of an extension of the public comment period due to revisions in the draft TMDL allocations for the total maximum daily load (TMDL) study to restore water quality in the tidal Potomac River, including selected tributaries to the tidal Potomac River in Maryland, Washington, D.C. and Virginia, that are impaired by the pollutant polychlorinated byphenyl (PCBs). The Potomac PCB Steering Committee discovered that certain aspects of the TMDL needed to be revised. These revisions include changes to the allocation loads for several stream segments. Due to these changes, the public comment period for this draft TMDL has been extended until close of business on August 23, 2007. A public meeting is not planned. However, if stakeholders review the revisions and feel that a meeting is necessary, a public meeting will be scheduled if a request is received by close of business on August 13, 2007. The revisions to the report can be found at: t.htm). 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 at the following address by August 23, 2007.

Agency Contact: Mark Richards, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4392, FAX (804)698-4116, or email marichards@deq.virginia.gov.

Total Maximum Daily Load - Rappahannock River

Announcement of a total maximum daily load (TMDL) study to restore water quality in part of the tidal freshwater Rappahannock River that is contaminated with bacteria.

Purpose of notice: The Virginia Department of Environmental Quality and the Virginia Department of Conservation and Recreation announce the second technical advisory committee (TAC) meeting for the Tidal Freshwater Rappahannock River TMDL study.

Technical Advisory Committee meeting: Tuesday, September 11, 2007, 10 a.m. to noon, Jepson Alumni Center, Minor

Board Room, Fredericksburg Campus of the University of Mary Washington.

Meeting description: This is the second TAC meeting for this project. The purpose of this meeting is to update the TAC on the project, and solicit comments and feedback on new materials presented at the meeting.

Description of study: Virginia agencies are working to identify sources of bacteria contamination in a 3.8 square mile segment of the tidal freshwater Rappahannock River. The impaired river segment is located in portions of Caroline, King George, Spotsylvania, and Stafford counties, and the city of Fredericksburg. The impaired portion of the Rappahannock River that will be addressed in this TMDL study is upstream from the fall line at the Route 1 Bridge in Fredericksburg and downstream from the confluence with Mill Creek, below the Route 301 Bridge.

During the study, DEQ will develop a total maximum daily load, or a TMDL, for the impaired river segment. A TMDL is the total amount of a pollutant a water body can receive and still meet water quality standards. To restore water quality, contamination levels have to be reduced to the TMDL allocated amount.

How to comment: The public comment period on the materials presented at the TAC meeting will extend from September 11, 2007, to October 10, 2007. DEQ accepts written comments by email, fax, or postal mail. Written comments should include the name, address, and telephone number of the person commenting, and be received by DEQ during the comment period. Please send all comments to the contact listed below.

Contact for additional information: Katie Conaway, Virginia Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3804, or email mkconaway@deq.virginia.gov.

Cleanup Plan for Straight Creek

Purpose of notice: The Department of Environmental Quality (DEQ), and the Department of Mines Minerals and Energy announce a public meeting to develop a cleanup plan for Straight Creek and tributaries; Stone Creek, Ely Creek, Puckett Creek, Lick Branch, Baileys Trace and Gin Creek in Lee County. The agencies invite public participation and comments for the purpose of reducing pollutants to Straight Creeks.

Public comment period: September 20, 2007, to October 22, 2007.

Public meeting: St. Charles Elementary School, Route 352, St. Charles, Virginia, on September 20, 2007, from 7 p.m. to 9 p.m.

General Notices/Errata

Meeting description: This is the first public meeting on development of a watershed cleanup plan.

Description of cleanup plan: DEQ has developed a total maximum daily load study, or a TMDL, for Straight Creek and its tributaries in Lee County, Virginia. A TMDL is the total amount of a pollutant a stream can contain and still meet water quality standards. The stream has bacteria contamination that threatens human health and other contaminants that have harmed the aquatic life in the stream. To restore water quality, contamination levels need to be reduced to the recommended TMDL amounts. The cleanup plan will define ways to reduce contamination.

The Straight Creek "impaired" stream segment includes about 38 miles of streams in the watershed. The entire length of Straight Creek from its headwaters to its confluence with North Fork Powell River is included. Stone Creek follows Route 421 west towards the Kentucky/Virginia state line. The TMDL study identifies sediment and conductivity/total dissolved solids as the stressors for aquatic life problems. The draft study proposes reductions in sedimentation, conductivity/total dissolved solids and bacteria so that the stream can meet the water quality standards.

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. DEQ also accepts written and oral comments at the public meeting announced in this notice. Additionally, information on implementation plans and how they are developed is available at the DEQ website.

Contact for additional information: Shelley D. Williams, Virginia Department of Environmental Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, VA 24212-1688, telephone (276) 676-4845, FAX (276) 676-4899, or email sdwilliams@deq.virginia.gov.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on August 8, 2007. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Final Rules for Game Operation:

Director's Order Number Forty-Two (07)

Virginia's Instant Game Lottery 335; "Gold Bar Bingo" (effective 8/6/07)

Director's Order Number Forty-Three (07)

Virginia's Instant Game Lottery 805; "Blackjack Bonus" (effective 8/6/07)

Director's Order Number Forty-Four (07)

Virginia's Thirteenth On-Line Game Lottery; "New Year's Millionaire Raffle" (effective 8/6/07)

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations

Pursuant to Executive Order Number 36 (2006), the Department of Social Services is currently reviewing the regulation 22VAC40-60, Standards and Regulations for Licensed Adult Day Care Centers, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 36 (2006) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until September 24, 2007, in care of Karen Cullen, Program Consultant, Division of Licensing Programs, Department of Social Services, 7 North 8th Street, Richmond, VA 23219-1849, by email to karen.cullen@dss.virginia.gov, or by facsimile to (804) 726-7132.

Periodic Review of Regulations

Pursuant to Executive Order Number 36 (2006), the Department of Social Services is currently reviewing the regulation 22VAC40-293, Locality Groupings, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 36 (2006) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until September 24, 2007, in care of Mark L. Golden, Economic Assistance and Employment Manager, Division of Benefit Programs, Department of Social Services, 7 North 8th Street, Richmond,

VA 23219-1849, by email to mark.golden@dss.virginia.gov, or by facsimile to (804) 726-7356.

Periodic Review of Regulations

Pursuant to Executive Order Number 36 (2006), the Department of Social Services is currently reviewing the regulation 22VAC40-375, Economic and Employment Improvement Program for Disadvantaged Persons, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 36 (2006) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until September 24, 2007, in care of Faye Palmer, Manager, Workforce Development, Division of Benefit Programs, Department of Social Services, 7 North 8th Street, Richmond, VA 23219-1849, by email to faye.palmer@dss.virginia.gov, or by facsimile to (804) 726-7946.

Periodic Review of Regulations

Pursuant to Executive Order Number 36 (2006), the Department of Social Services is currently reviewing the regulation 22VAC40-410, Entitlement Date in the General Relief Program, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 36 (2006) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until September 24, 2007, in care of Bernadette Anderson, Economic Assistance and Employment Consultant, Division of Benefit Programs, Department of Social Services, 7 North 8th Street, Richmond, VA 23219-1849, by email to bernadette.anderson@dss.virginia.gov, or by facsimile to (804) 726-7356.

Periodic Review of Regulations

Pursuant to Executive Order Number 36 (2006), the Department of Social Services is currently reviewing the regulation 22VAC40-570, General Relief (GR) Program- Locality Options, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 36 (2006) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until September 24, 2007, in care of Bernadette Anderson, Economic Assistance and Employment Consultant, Division of Benefit Programs, Department of Social Services, 7 North 8th Street, Richmond, VA 23219-1849, by email to bernadette.anderson@dss.virginia.gov, or by facsimile to (804) 726-7356.

Periodic Review of Regulations

Pursuant to Executive Order Number 36 (2006), the Department of Social Services is currently reviewing the regulation 22VAC40-630, Disability Advocacy Project, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 36 (2006) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until September 24, 2007, in care of Bernadette Anderson, Economic Assistance and Employment Consultant, Division of Benefit Programs, Department of Social Services, 7 North 8th Street, Richmond, VA 23219-1849, by email to bernadette.anderson@dss.virginia.gov, or by facsimile to (804) 726-7356.

Periodic Review of Regulations

Pursuant to Executive Order Number 36 (2006), the Department of Social Services is currently reviewing the regulation 22VAC40-640, General Relief Program –

General Notices/Errata

Deeming Income from Alien Sponsors, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 36 (2006) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until September 24, 2007, in care of Mark L. Golden, Economic Assistance and Employment Manager, Division of Benefit Programs, Department of Social Services, 7 North 8th Street, Richmond, VA 23219-1849, by email to mark.golden@dss.virginia.gov, or by facsimile to (804) 726-7356.

DEPARTMENT OF TRANSPORTATION

Information Sessions Regarding Chapter 527 Traffic Impact Analysis Regulations Land-Use and Transportation Planning Coordination

September 10, 2007, 2 p.m. to 5 p.m. - VDOT Culpeper District Auditorium, 1601 Orange Road, Culpeper, VA

September 11, 2007, 9 a.m. to noon - Albemarle County Office Building, 1600 5th Street (at the corner of Old Lynchburg Road and 5th Street), Room A, Charlottesville, VA

The Virginia Department of Transportation is holding information sessions about new regulations that establish uniform statewide standards for traffic impact analyses of land-use proposals that will substantially impact the state-controlled transportation network. The intent of the regulations is to improve the coordination between land-use and transportation planning decisions by providing information to local government officials and citizens.

Implementation of the regulations in VDOT's Culpeper District starts January 1, 2008. Details about the regulations, guidelines for traffic impact analysis and more information can be found at: www.vdot.virginia.gov/projects/chapter527 and at VDOT's Culpeper District Office, 1601 Orange Road, Culpeper, Virginia.

These information sessions are intended for those in local municipal and county government officials, transportation planners and development industry personnel who are involved in the land development process and would benefit from an overview of the regulations and their implementation, as well as interested citizens. Training sessions for those directly involved with the implementation of the regulations

will be held later this year. Please attend the information session most convenient to your location and schedule.

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact VDOT's Civil Rights Division at 1401 E. Broad St., Richmond, VA 23219, or at 1-888-508-3737 or (804) 786-2085 (TTY/TDD users, call 711).

Agency Contact: Quintin D. Elliott/Acting District Administrator, Department of Transportation, Culpeper District Office, 1601 Orange Road, Culpeper, 22701, telephone (540) 829-7511, or email quintin.elliott@vdot.virginia.gov.

* * *

September 12, 2007, 2 p.m. to 5 p.m. - Shenandoah University, 20 South Cameron Street, Fairfax-Cameron Building, Room 102, Winchester, VA

September 13, 2007, 9 a.m. to noon - Augusta County Government Center, 18 Government Center Lane, Board Meeting Room, Verona, VA

The Virginia Department of Transportation is holding information sessions about new regulations that establish uniform statewide standards for traffic impact analyses of land-use proposals that will substantially impact the state-controlled transportation network. The intent of the regulations is to improve the coordination between land-use and transportation planning decisions by providing information to local government officials and citizens.

Implementation of the regulations in VDOT's Staunton District starts January 1, 2008. Details about the regulations, guidelines for traffic impact analysis and more information can be found at: www.vdot.virginia.gov/projects/chapter527 and at VDOT's Staunton District Office, 811 Commerce Road, Staunton, VA 22402-2249.

These information sessions are intended for those in local municipal and county government officials, transportation planners and development industry personnel who are involved in the land development process and would benefit from an overview of the regulations and their implementation, as well as interested citizens. Training sessions for those directly involved with the implementation of the regulations will be held later this year. Please attend the information session most convenient to your location and schedule.

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact VDOT's Civil Rights

Division at 1401 E. Broad St., Richmond, VA 23219, or at 1-888-508-3737 or (804) 786-2085 (TTY/TDD users, call 711).

Agency Contact: Garrett W. Moore, P.E./District Administrator, Department of Transportation, Staunton District Office, 811 Commerce Road, Staunton, 22402-2249, telephone (540) 332-9092, or email garrett.moore@vdot.virginia.gov.

September 20, 2007, 9 a.m. to noon - VDOT Fredericksburg District Auditorium, 86 Deacon Road, Fredericksburg, VA.

September 21, 2007, 2 p.m. to 5 p.m. - Rappahannock Community College, Glenn Campus, LEXOR Hall- Room 131, 12745 College Drive, Glenss, VA.

The Virginia Department of Transportation is holding information sessions about new regulations that establish uniform statewide standards for traffic impact analyses of land-use proposals that will substantially impact the state-controlled transportation network. The intent of the regulations is to improve the coordination between land-use and transportation planning decisions by providing information to local government officials and citizens.

Implementation of the regulations in VDOT's Fredericksburg District starts January 1, 2008. Details about the regulations, guidelines for traffic impact analysis and more information can be found at: www.vdot.virginia.gov/projects/chapter527 and at VDOT's Fredericksburg District Office, 87 Deacon Road, Fredericksburg, VA.

These information sessions are intended for those in local municipal and county government officials, transportation planners and development industry personnel who are involved in the land development process and would benefit from an overview of the regulations and their implementation, as well as interested citizens. Training sessions for those directly involved with the implementation of the regulations will be held later this year. Please attend the information session most convenient to your location and schedule.

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact VDOT's Civil Rights Division at 1401 E. Broad St., Richmond, VA 23219, or at 1-888-508-3737 or (804) 786-2085 (TTY/TDD users, call 711).

Agency Contact: David E. Ogle/District Administrator, Department of Transportation, Fredericksburg District Office, 87 Deacon Road, Fredericksburg, VA 22405, telephone (540) 899-4200, or email david.ogle@vdot.virginia.gov.

VIRGINIA CODE COMMISSION

Elimination of the Calendar of Events Section

Effective July 1, 2007, the Calendar of Events section will no longer be published in the Virginia Register of Regulations. Chapter 300 of the 2007 Acts of Assembly amended the Administrative Process Act by eliminating the requirement that all state agency meeting notices be published in the Virginia Register. In lieu of publication in the Virginia Register, the Virginia Freedom of Information Act was amended to require that agencies post meeting notices on the agency's website and on the Commonwealth Calendar maintained by the Virginia Information Technologies Agency. To access the Commonwealth Calendar, please visit the Commonwealth of Virginia's homepage at www.virginia.gov and click on the calendar on the right side of the screen. Public hearing information will still be published in the Register and can be found with the corresponding proposed regulation.

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219.

Filing Material for Publication in the Virginia Register of Regulations

Agencies are required to use the Regulation Information System (RIS) when filing regulations for publication in the Virginia Register of Regulations. The Office of the Virginia Register of Regulations implemented a new web-based application called RIS for filing regulations and related items for publication in the Virginia Register. The Registrar's office has worked closely with the Department of Planning and Budget (DPB) to coordinate the new system with DPB's latest upgrade to the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information. The new system was released on July 3, 2007.

Advantages of RIS include:

- Daily updates to the online version of the Virginia Administrative Code (VAC) will provide access to a "real time" administrative code database.
- Agencies will draft regulation sections using the always current VAC database through each stage of the regulatory process.
- Agencies will eventually be able to file most notices and regulatory actions electronically.

The Office of the Virginia Register is working toward the eventual elimination of the requirement that agencies file

General Notices/Errata

print copies of regulatory packages. Until that time, agencies may file petitions for rulemaking, notices of intended regulatory actions and general notices in electronic form only; however, until further notice, agencies must continue to file print copies of proposed, final, fast-track and emergency regulatory packages.