



VIRGINIA

REGISTER OF REGULATIONS

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THE VIRGINIA REGISTER INFORMATION PAGE

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

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 on 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.

A 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

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. 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 no more than 12 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. 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. **28:2 VA.R. 47-141 September 26, 2011**, refers to Volume 28, Issue 2, pages 47 through 141 of the *Virginia Register* issued on September 26, 2011.

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: **John S. Edwards**, Chairman; **Bill Janis**, Vice Chairman; **James M. LeMunyon**; **Ryan T. McDougle**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Wesley G. Russell, Jr.**; **Charles S. Sharp**; **Robert L. Tavenner**; **Patricia L. West**; **J. Jasen Eige** or **Jeffrey S. Palmore**.

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.dls.virginia.gov>).

November 2011 through November 2012

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
28:5	October 19, 2011	November 7, 2011
28:6	November 2, 2011	November 21, 2011
28:7	November 15, 2011 (Tuesday)	December 5, 2011
28:8	November 30, 2011	December 19, 2011
28:9	December 13, 2011 (Tuesday)	January 2, 2012
28:10	December 27, 2011 (Tuesday)	January 16, 2012
28:11	January 11, 2012	January 30, 2012
28:12	January 25, 2012	February 13, 2012
28:13	February 8, 2012	February 27, 2012
28:14	February 22, 2012	March 12, 2012
28:15	March 7, 2012	March 26, 2012
28:16	March 21, 2012	April 9, 2012
28:17	April 4, 2012	April 23, 2012
28:18	April 18, 2012	May 7, 2012
28:19	May 2, 2012	May 21, 2012
28:20	May 16, 2012	June 4, 2012
28:21	May 30, 2012	June 18, 2012
28:22	June 13, 2012	July 2, 2012
28:23	June 27, 2012	July 16, 2012
28:24	July 11, 2012	July 30, 2012
28:25	July 25, 2012	August 13, 2012
28:26	August 8, 2012	August 27, 2012
29:1	August 22, 2012	September 10, 2012
29:2	September 5, 2012	September 24, 2012
29:3	September 19, 2012	October 8, 2012
29:4	October 3, 2012	October 22, 2012
29:5	October 17, 2012	November 5, 2012
29:6	October 31, 2012	November 19, 2012

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF NURSING

Initial Agency Notice

Title of Regulation: **18VAC90-20. Regulations Governing the Practice of Nursing.**

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

Name of Petitioner: Loretta A. Wack.

Nature of Petitioner's Request: To amend regulations for clinical practice of students to change the ratio of students to faculty from 10:1 to 8:1 while students are providing direct patient care. Current ratio is unsafe given the higher acuity levels of hospitalized patients.

Agency's Plan for Disposition of Request: In accordance with Virginia law, the petition to amend the required ratio of students to faculty has been posted on the Virginia Regulatory Townhall at www.townhall.virginia.gov. It has also been filed with the Register of Regulations for publication on November 21, 2011. Comment on the petition from interested parties is requested until December 12, 2011. Following receipt of all comments on the petition, the request will be considered by the Board of Nursing at its meeting on January 24, 2012, to decide whether to make any changes to the regulatory language.

Public Comment Deadline: December 12, 2011.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, or email elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R12-12; Filed October 27, 2011, 11:38 a.m.

BOARD OF PHARMACY

Initial Agency Notice

Title of Regulation: **18VAC110-20. Regulations Governing the Practice of Pharmacy.**

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

Name of Petitioner: Jeffrey Blessing.

Nature of Petitioner's Request: Based on new findings and national trend towards legalization for medical use, the request is to reschedule Tetrahydro-cannibol from Schedule I to Schedule II.

Agency's Plan for Disposition of Request: The board will request comment on the petition from November 21, 2011, to December 12, 2011. It will consider the petition and comment at its next meeting scheduled for December 14, 2011.

Public Comment Deadline: December 12, 2011.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, or email elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R12-11; Filed October 25, 2011, 9:45 a.m.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 2. AGRICULTURE

BOARD OF AGRICULTURE AND CONSUMER 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 Agriculture and Consumer Services intends to consider promulgating **2VAC5-317, Regulations for Enforcement of the Noxious Weed Law**. The purpose of the proposed action is to (i) establish a list of plants deemed by the board to be noxious weeds, (ii) prohibit the movement of noxious weeds or articles capable of transporting noxious weeds into or within the Commonwealth, and (iii) provide guidelines for the eradication of noxious weeds.

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

Statutory Authority: § 3.2-802 of the Code of Virginia.

Public Comment Deadline: December 21, 2011.

Agency Contact: Erin Williams, Policy and Planning Coordinator, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-1308, FAX (804) 371-7479, TTY (800) 828-1120, or email erin.williams@vdacs.virginia.gov.

VA.R. Doc. No. R12-2814; Filed October 24, 2011, 12:07 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 Board of Agriculture and Consumer Services intends to consider promulgating **2VAC5-321, Regulation of the Harvest of Ginseng**. The purpose of the proposed action is to establish regulations for the harvest and sale of American ginseng plants and parts.

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

Statutory Authority: § 3.2-1002 of the Code of Virginia.

Public Comment Deadline: December 21, 2011.

Agency Contact: Erin Williams, Policy and Planning Coordinator, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-1308, FAX (804) 371-7479, TTY (800) 828-1120, or email erin.williams@vdacs.virginia.gov.

VA.R. Doc. No. R12-2813; Filed October 24, 2011, 12:08 p.m.



TITLE 9. ENVIRONMENT

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 **9VAC25-91, Facility and Aboveground Storage Tank (AST) Regulation**. These regulations are necessary to prevent pollution of state waters, lands, and storm drain systems from the discharge of oil from new and existing aboveground storage tanks. The regulations include (i) registration requirements for registration of facilities and individual petroleum aboveground storage tanks located within the Commonwealth; (ii) standards and procedures to prevent pollution from new and existing aboveground storage tanks; and (iii) requirements for the development of facility oil discharge contingency plans for facilities with an aggregate capacity of 25,000 gallons or greater of oil. The goals of this regulatory action are to improve the clarity of the regulation, make the requirements more easily understandable by the individuals and entities affected, and bring applicable portions of the regulation into conformity with related laws, federal regulations, and current industry standards. This regulatory action will include revisions that address performance standards for certain aboveground storage tanks that are required by Chapter 884 of the 2011 Acts of Assembly.

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

Statutory Authority: §§ 62.1-44.15, 62.1-44.34:15, 62.1-44.34:15.1, and 62.1-44.34:19.1 of the Code of Virginia.

Public Comment Deadline: January 23, 2012.

Agency Contact: Melissa Porterfield, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, FAX (804) 698-4346, or email melissa.porterfield@deq.virginia.gov.

VA.R. Doc. No. R12-3011; Filed November 1, 2011, 9:21 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 amending **9VAC25-260, Water Quality Standards**. The purpose of the proposed action is to amend the state's antidegradation policy (9VAC25-260-30), part of the Water Quality Standards, by designating as exceptional state waters (9VAC25-260-30 A 3 c) a segment of Bull Run from the confluence of Little Bull Run (locally known as Catharpin Run) downstream to the crossing of Interstate 66. The exceptional state waters category of the antidegradation policy allows the board to designate waters that display exceptional environmental settings and either exceptional

Notices of Intended Regulatory Action

aquatic communities or exceptional recreational opportunities for added protection. Once designated, the antidegradation policy provides that no water quality degradation would be allowed in the exceptional state waters (i.e., no new, additional, or increased point source discharge of sewage, industrial wastes, or other pollution, including storm water, would be allowed into waters designated exceptional state waters). The only exception would be temporary, limited impact activities. By ensuring that no water quality degradation is allowed to occur in waters with exceptional environmental settings and either exceptional recreational opportunities and/or exceptional aquatic communities, the board is protecting these special waters at their present quality for use and enjoyment by future generations of Virginians.

The agency does not intend 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; federal Clean Water Act (33 USC § 1251 et seq.); 40 CFR Part 131.

Public Comment Deadline: January 3, 2012.

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

VA.R. Doc. No. R12-3003; Filed October 20, 2011, 2:25 p.m.

Withdrawal of 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 has WITHDRAWN the Notice of Intended Regulatory Action for **9VAC25-720, Water Quality Management Planning Regulation**, which was published in 25:8 VA.R. 1483 December 22, 2008. The need for regulatory action has been superseded by State Water Control Board action that revised the total nitrogen waste load allocation for Fauquier County Water and Sewer Authority - Vint Hill.

Agency Contact: John M. Kennedy, Department of Environmental Quality, 629 East Main Street, 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. R09-1527; Filed October 28, 2008, 3:32 p.m.

Withdrawal of 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 has WITHDRAWN the Notice of Intended Regulatory Action for **9VAC25-720, Water Quality Management Planning Regulation**, which was published in 25:23 VA.R. 4188 July 20, 2009. The need for regulatory action has been superseded by State Water Control Board action amending the regulation to conform the wasteload allocation for Fauquier County

WSA's Vint Hill plant to that established in the EPA-issued Chesapeake Bay TMDL.

Agency Contact: Alan E. Pollock, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4002, FAX (804) 698-4116, or email alan.pollock@deq.virginia.gov.

VA.R. Doc. No. R09-1981; Filed October 24, 2011, 10:40 a.m.

Withdrawal of 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 has WITHDRAWN the Notice of Intended Regulatory Action for **9VAC25-720, Water Quality Management Planning Regulation**, which was published in 25:26 VA.R. 4466 August 31, 2009. This rulemaking is being withdrawn due to the time that has elapsed since the rulemaking was initiated. If action is considered necessary in the future, a new rulemaking will be initiated.

Agency Contact: Arthur Butt, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4314, FAX (804) 698-4116, or email arthur.butt@deq.virginia.gov.

VA.R. Doc. No. R09-2001; Filed October 24, 2011, 10:40 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 amend **18VAC110-20, Regulations Governing the Practice of Pharmacy**. The Board of Pharmacy received three petitions for rulemaking from hospital pharmacists requesting an amendment to subdivision 5 of 18VAC110-20-490, which provides requirements for automated devices for dispensing and administration of drugs. The petitioners requested less burdensome requirements for verification of storage, location, expiration dates, drug security, and validity of access codes. While the board agreed that the petition was reasonable and the specific requirements in subdivision 5 may need to be modified for consistency with current technology, it concluded that all of 18VAC110-20-490 should be examined for possible amendments that would ensure drug security and integrity but would make compliance less burdensome.

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

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Notices of Intended Regulatory Action

Public Comment Deadline: December 21, 2011.

Agency Contact: Caroline Juran, RPh, Executive Director,
Board of Pharmacy, 9960 Mayland Drive, Suite 300,
Richmond, VA 23233-1463, telephone (804) 367-4416, FAX
(804) 527-4472, or email caroline.juran@dhp.virginia.gov.

VA.R. Doc. No. R11-45; Filed October 25, 2011, 9:17 a.m.

REGULATIONS

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

Symbol Key

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

TITLE 1. ADMINISTRATION

STATE BOARD OF ELECTIONS

Notice of Effective Date

Title of Regulation: 1VAC20-20. General Administration (amending 1VAC20-20-10; adding 1VAC20-20-30, 1VAC20-20-40, 1VAC20-20-50, 1VAC20-20-60, 1VAC20-20-70, 1VAC20-20-80).

Statutory Authority: § 24.2-103 of the Code of Virginia.

Effective Date: November 1, 2011.

On January 31, 2011, the State Board of Elections adopted this regulation relating to general administration. The final regulation was published in Volume 27, Issue 13 of the February 28, 2011, edition of the Virginia Register of Regulations (27:13 VA.R. 1482-1484 February 28, 2011) with an effective date upon filing a notice of the United States Attorney General's preclearance with the Registrar of Regulations. The State Board of Elections hereby notices the United States Attorney General's approval of this regulation via a letter dated October 24, 2011, from T. Christian Herren, Jr., Chief, Voting Section, to Joshua N. Lief, Esq., Senior Assistant Attorney General, Office of Attorney General of Virginia. The effective date of this regulation is November 1, 2011. Copies are available online at <http://townhall.virginia.gov/L/ViewXML.cfm?textid=5167>; by telephone toll-free 1-800-552-9745 or local (804) 864-8910; by written request to FOIA Coordinator, 1100 Bank Street, Richmond, VA 23219; or by email request to foia@sbe.virginia.gov.

Agency Contact: Martha Brissette, Policy Analyst, State Board of Elections, 1100 Bank Street, Richmond, VA 23219, telephone (804) 864-8925, or email martha.brissette@sbe.virginia.gov.

VA.R. Doc. No. R11-2691; Filed November 1, 2011, 4:30 p.m.

Notice of Effective Date

Title of Regulation: 1VAC20-40. Voter Registration (adding 1VAC20-40-70).

Statutory Authority: § 24.2-103 of the Code of Virginia.

Effective Date: November 1, 2011.

On January 31, 2011, the State Board of Elections adopted this regulation relating to voter registration. The final regulation was published in Volume 27, Issue 13 of the February 28, 2011, edition of the Virginia Register of

Regulations (27:13 VA.R. 1484-1485 February 28, 2011) with an effective date upon filing a notice of the United States Attorney General's preclearance with the Registrar of Regulations. The State Board of Elections hereby notices the United States Attorney General's approval of this regulation via a letter dated October 24, 2011, from T. Christian Herren, Jr., Chief, Voting Section, to Joshua N. Lief, Esq., Senior Assistant Attorney General, Office of Attorney General of Virginia. The effective date of this regulation is November 1, 2011. Copies are available online at <http://townhall.virginia.gov/L/ViewXML.cfm?textid=5303>; by telephone toll-free 1-800-552-9745 or local (804) 864-8910; by written request to FOIA Coordinator, 1100 Bank Street, Richmond, VA 23219; or by email request to foia@sbe.virginia.gov.

Agency Contact: Martha Brissette, Policy Analyst, State Board of Elections, 1100 Bank Street, Richmond, VA 23219, telephone (804) 864-8925, FAX (804) 786-0760, or email martha.brissette@sbe.virginia.gov.

VA.R. Doc. No. R11-2626; Filed November 1, 2011, 4:30 p.m.

Notice of Effective Date

Title of Regulation: 1VAC20-80. Recounts and Contested Elections (adding 1VAC20-80-10, 1VAC20-80-20).

Statutory Authority: § 24.2-103 of the Code of Virginia.

Effective Date: November 1, 2011.

On January 31, 2011, the State Board of Elections adopted this regulation relating to election administration. The final regulation was published in Volume 27, Issue 14 of the March 14, 2011, edition of the Virginia Register of Regulations (27:14 VA.R. 1700-1701) with an effective date upon filing a notice of the United States Attorney General's preclearance with the Registrar of Regulations. The State Board of Elections hereby notices the United States Attorney General's approval of this regulation via a letter dated October 24, 2011, from T. Christian Herren, Jr., Chief, Voting Section, to Joshua N. Lief, Esq., Senior Assistant Attorney General, Office of Attorney General of Virginia. The effective date of this regulation is November 1, 2011. Copies are available online at <http://townhall.virginia.gov/L/ViewXML.cfm?textid=5337>; by telephone toll-free 1-800-552-9745 or local (804) 864-8910; by written request to FOIA Coordinator, 1100 Bank Street, Richmond, VA 23219; or by email request to foia@sbe.virginia.gov.

Regulations

Agency Contact: Myron McClees, Policy Analyst, State Board of Elections, 1100 Bank Street, 1st Floor, Richmond, VA 23219, telephone (804) 864-8949, or email myron.mcclees@sbe.virginia.gov.

VA.R. Doc. No. R11-2444; Filed November 1, 2011, 4:30 p.m.

TITLE 2. AGRICULTURE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Fast-Track Regulation

Title of Regulation: **2VAC5-340. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law (repealing 2VAC5-340-10 through 2VAC5-340-200).**

Statutory Authority: § 3.2-5607 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: December 21, 2011.

Effective Date: January 5, 2012.

Agency Contact: Erin Williams, Policy and Planning Coordinator, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-1308, FAX (804) 371-7479, TTY (800) 828-1120, or email erin.williams@vdacs.virginia.gov.

Basis: Section 3.2-5607 authorizes the Board of Agriculture and Consumer Services to adopt regulations for the enforcement of the Virginia Weights and Measures Law. This authority is discretionary.

Purpose: The 1993 Acts of Assembly amended the Virginia Weights and Measures Law (§ 3.2-5600 et seq. of the Code of Virginia) to adopt, by reference, sections of the National Institute of Standards and Technology (NIST) Handbook 130. The adoption of national standards eliminates the need for 2VAC5-340, Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law, and adequately protects the public health, safety, and welfare. As such, the Virginia Department of Agriculture and Consumer Services proposes to repeal these regulations.

Rationale for Using Fast-Track Process: The Virginia Department of Agriculture and Consumer Services expects the repeal of these regulations to be noncontroversial because the agency, as well as industry, has been using the specifications set forth in the NIST Handbook 130 since its incorporation by reference into the Virginia Weights and Measures Law in 1993. Additionally, the agency recently conducted a periodic review of these regulations and received no comment during the public comment period of January 17, 2011, through February 7, 2011.

Substance: The Virginia Department of Agriculture and Consumer Services proposes to repeal 2VAC5-340, Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

Issues: The proposed repeal of 2VAC5-340, Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law, poses no disadvantages to the public or the Commonwealth. This action will benefit the Commonwealth by helping to reduce the number of unnecessary regulations. This regulation has been dormant for several years, and its repeal offers no measurable advantage to the public except to reduce the likelihood of confusion concerning the applicable legal standard.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. These regulations establish specifications for the method of sale of commodities, standards of net weight, measure or count, standards of fill for commodities in package form, and exemptions. In 1993 the General Assembly amended the Virginia Weights and Measures Law (§ 3.2-5600 et seq. of the Code of Virginia) to adopt, by reference, sections of the National Institute of Standards and Technology (NIST) Handbook 130. Thus the national standards now supersede standards set 2VAC5-340, Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law. As such, the Department of Agriculture and Consumer Services proposes to repeal these regulations.

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

Estimated Economic Impact. Since the national standards now supersede these regulations, any differences between these regulations and the national standards only serve to confuse the public concerning the applicable law. Thus the proposed repeal of these regulations will be beneficial in that it will reduce the likelihood of confusion for the public concerning the applicable legal standards.

Businesses and Entities Affected. Since the national standards now supersede these regulations, repealing these regulations will have no impact on any business or entity beyond potentiality reducing confusion amongst the public.

Localities Particularly Affected. The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment. The proposed repeal of these regulations will not significantly affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not increase costs for small

businesses, and may reduce some costs associated with confusion over which standards apply.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not adversely affect small businesses.

Real Estate Development Costs. The proposed repeal of these regulations is unlikely to significantly affect real estate development costs.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 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, § 2.2-4007.04 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 Economic Impact Analysis: The Department of Agriculture and Consumer Services concurs with the analysis of the Department of Planning and Budget.

Summary:

This action repeals 2VAC5-340, Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law, which establishes specifications for the method of sale of commodities, standards of net weight, measure or count, standards of fill for commodities in package form, and exemptions.

VA.R. Doc. No. R12-2986; Filed October 31, 2011, 4:13 p.m.

Fast-Track Regulation

Title of Regulation: 2VAC5-470. Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock (repealing 2VAC5-470-10 through 2VAC5-470-120).

Statutory Authority: §§ 3.2-3800 through 3.2-3811 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: December 21, 2011.

Effective Date: January 5, 2012.

Agency Contact: Erin Williams, Policy and Planning Coordinator, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-1308, FAX (804) 371-7479, TTY (800) 828-1120, or email erin.williams@vdacs.virginia.gov.

Basis: The legal authority for these regulations is found in §§ 3.2-3800 through 3.2-3811 of the Code of Virginia. The authority is discretionary.

Purpose: The Board of Agriculture and Consumer Services proposes to repeal 2VAC5-470 because the program established by these regulations has not had any participants for over 10 years. The regulations became effective in 1985. Subsequently, only one individual availed himself of the voluntary certification program established by these regulations. Furthermore, no Virginia Certified Grape Nursery Stock is currently being produced. All nursery stock that is transported within or into the Commonwealth must be apparently free from plant pests as required by the Virginia Plants and Plant Products Inspection Law. As such, an additional, voluntary virus-free certification is of minimal economic benefit when offering grape nursery stock for sale.

Rationale for Using Fast Track Process: The Department of Agriculture and Consumer Services recently conducted a periodic review of the regulations and received no comments during the public comment period of January 17, 2011, through February 7, 2011. Additionally, the department expects the repeal of these regulations to be noncontroversial because no grower has indicated interest in participating in the voluntary program established by the regulations in over 10 years.

Substance: The Board of Agriculture and Consumer Services proposes to repeal 2VAC5-470, Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock.

Issues: This action will benefit the Commonwealth by helping to reduce the number of unnecessary regulations. This regulation has been dormant for several years, and the proposed repeal of these regulations poses no disadvantages to the public or the Commonwealth.

Regulations

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. These regulations detail the rules for a voluntary grape nursery stock certification program. The Board of Agriculture and Consumer Services proposes to repeal these regulations because the program established by these regulations has not had any participants for over ten years. The provisions of the regulations became effective in 1985. Subsequently, only one individual availed himself of the voluntary certification program. Furthermore, no Virginia Certified Grape Nursery Stock is currently being produced. All nursery stock that is transported within or into the Commonwealth must be apparently free from plant pests as required by the Virginia Plants and Plant Products Inspection Law. As such, an additional, voluntary virus-free certification is of negligible economic benefit when offering grape nursery stock for sale.

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

Estimated Economic Impact. These regulations were originally promulgated at the request of a single individual who subsequently used the program for a few years, at which point he determined the certification offered no additional value to his operation. The virus-free certification offered through this program is effectively a redundant certification that provides no additional benefits to grape nursery stock producers because they are already required under the Plants and Plant Products Inspection Law to certify that all nursery stock transported within the Commonwealth is apparently free from plant pests. Additionally, states such as California that export a large amount of grape nursery stock have virus-free certification requirements for exported grape nursery stock. Therefore, an additional Virginia-issued virus-free certification is of no benefit to Virginia growers who import grape nursery stock. Consequently, repealing these regulations will have no impact beyond reducing clutter in the administrative code.

Businesses and Entities Affected. As stated above, no businesses or entities avail themselves of the virus-free certification offered through this program since it is effectively a redundant certification that provides no additional benefits to grape nursery stock producers because they are already required under the Plants and Plant Products Inspection Law to certify that all nursery stock transported within the Commonwealth is apparently free from plant pests. Thus, no businesses or entities are affected by the proposed repeal of these regulations.

Localities Particularly Affected. The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations does not increase costs for small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations does not adversely affect small businesses.

Real Estate Development Costs. The proposed repeal of these regulations does not affect real estate development costs.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 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, § 2.2-4007.04 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 Economic Impact Analysis: The Department of Agriculture and Consumer Services concurs with the analysis of the Department of Planning and Budget.

Summary:

This regulatory action repeals regulations that (i) established a voluntary program requiring participants to meet certain criteria for the establishment and maintenance of grape nursery stock, and (ii) required the Department of Agriculture and Consumer Services to issue certificates for grape nursery stock that meet those criteria. The Department of Agriculture and Consumer Services proposes to repeal these regulations because the program has not had any participants in 10 years.

VA.R. Doc. No. R12-2985; Filed October 21, 2011, 12:51 p.m.

Final Regulation

Title of Regulation: 2VAC5-540. Rules and Regulations Pertaining to Carbonated and Still Water Bottling Plants and Beverages (repealing 2VAC5-540-10 through 2VAC5-540-70).

Statutory Authority: §§ 3.2-5101 and 3.2-5121 of the Code of Virginia.

Effective Date: January 5, 2012.

Agency Contact: Ryan Davis, Program Manager, Office of Dairy and Foods, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-8910, FAX (804) 371-7792, TTY (800) 828-1120, or email ryan.davis@vdacs.virginia.gov.

Summary:

This regulation provides basic requirements for carbonated and still water bottling plants. The regulation is being repealed because the essential elements of the regulation have been incorporated into the Virginia Food Laws, Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2 of the Code of Virginia.

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

VA.R. Doc. No. R09-2088; Filed October 31, 2011, 4:10 p.m.



TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

Final Regulation

REGISTRAR'S NOTICE: The following regulation filed by the Department of Conservation and Recreation is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Conservation and Recreation will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 4VAC5-36. Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services (amending 4VAC5-36-30, 4VAC5-36-50, 4VAC5-36-70, 4VAC5-36-90 through 4VAC5-36-160, 4VAC5-36-200, 4VAC5-36-210).

Statutory Authority: § 10.1-104 of the Code of Virginia.

Effective Date: January 1, 2012.

Agency Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, or email david.dowling@dcr.virginia.gov.

Summary:

These amendments alter fees in the following regulations: general conditions and criteria concerning waiving or deviating from established fees for facilities, programs, and services (4VAC5-36-30); parking and launch fees (4VAC5-36-50); swimming fees (4VAC5-36-70); camping fees (4VAC5-36-90); cabin fees (4VAC5-36-100); picnic shelters and event tents fees (4VAC5-36-110); horse arena fees (4VAC5-36-115); amphitheater and gazebo fees (4VAC5-36-120); boat storage fees (4VAC5-36-130); interpretive canoe, boat, and paddleboat fees (4VAC5-36-140); interpretive and educational tours and program fees (4VAC5-36-150); outdoor skills programs (4VAC5-36-160); miscellaneous rental fees (4VAC5-36-200); and conference center fees (4VAC5-36-210).

Increases to rates and prices reflect private concessionaires' new seasonal prices, the addition of new offerings, changes to maintain fair market value, and updates to ensure consistency with the private sector. These fee amendments increase annual parking and swim pass fees and increase the 2006 cabin and camping rates across the board as such fees have not kept pace with market conditions and have lagged behind Virginia private campgrounds. Obsolete fees are deleted.

4VAC5-36-30. General conditions and criteria concerning waiving or deviating from established fees for facilities, programs, and services.

A. The director may waive fees for any person, group, or organization whenever such action is deemed to be in the public interest. Any or all state parks, or any state park service or facility, may be closed by the director without notice due to an emergency or natural disaster. Refunds or credits will be issued whenever the closure is made prior to the delivery of service or use of the facility.

B. The director may allow deviations from established fees in the form of discounts or special promotion prices for the purpose of stimulating visitation and use of departmental facilities, programs, and services. The director may deviate from standard pricing of conference and group meeting facilities and services, and overnight facilities associated with conference and group activities, in order to be competitive with similar facilities and services. Full or partial refunds of fees may be made in the interest of providing good customer service.

C. The director may accept "in-kind-service" in lieu of payment for fees under the following conditions:

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1. The services provided are pertinent to the park mission and current programs/services.
2. The value of services provided must be at least equal to the total fee(s) considered.
3. The value of the product or service provided must be documented.

D. All local, state, and federal government users with offices established in Virginia may receive a 20% discount on the standard fees set out in this chapter provided such use is for official government purposes except for services provided through private concessionaires or contractors. This discount cannot be combined with any other discount or special provision.

4VAC5-36-50. Parking and launch fees.

PARKING FEES (NONTAXABLE)

	WEEKDAYS	WEEKENDS
Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 passenger), and motorcycles.		
All parks unless listed below.	\$2.00	\$3.00
Parks under construction and having only limited facilities and services.	\$2.00	\$2.00
Fairy Stone, Raymond R. "Andy" Guest Jr. Shenandoah River, Smith Mountain Lake, Claytor Lake, Kiptopeke, Westmoreland, Mason Neck, Sky Meadows, Chippokes	\$3.00	\$4.00
Leesylvania, First Landing, Lake Anna, Pocahontas	\$4.00	\$5.00
York River Croaker Landing/Pier Area (also requires boat launch fee for all vehicles)	\$3.00	\$3.00
Horse Trailer Parking Fee covers up to two horses in the same trailer (also requires vehicle parking fee.) All parks unless listed below.		
Lake Anna	\$4.00 per trailer	\$4.00 per trailer
Surcharge for additional horse in same trailer <u>beyond the first two horses</u> .	\$2.00 per horse	\$2.00 per horse
Other Trailer Parking Fee: Applies to other trailers not covered by camping, horse trailer, and boat launch fee. (Add to daily parking fee.)		
Daily Bus Parking: All Seasons. Applies to vehicles with 16 or more passenger capacity.		
All parks unless listed below.	\$10	\$10
Claytor Lake, Hungry Mother, Leesylvania, Mason Neck, New River Trail	\$12	\$12
First Landing, Kiptopeke, Lake Anna, Pocahontas, Westmoreland	\$15	\$15
Natural Area Preserve Parking Fees for any Vehicle: The department may charge these fees at any Natural Area Preserve.		
Boat Launch Fees: Required to use park boat ramps on bodies of water where motorboats are permitted. Required for all vehicles using York River Croaker Landing/Pier Area. May not apply to small "car-top" launch facilities (facilities at which boats may only be launched by hand carrying them to the water). The fee is normally added to the parking fee to create a combined park/launch payment.		
Daily Launch Fees: All Seasons		
All parks unless listed below.	\$3.00	\$3.00

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Claytor Lake	\$2.00	\$2.00
First Landing, Kiptopeke (with Marine Fishing License), Lake Anna	\$4.00	\$4.00
Kiptopeke (without Marine Fishing License), Leesylvania	\$8.00	\$8.00
Surcharge for second boat on same trailer: jet ski	\$2.00	\$2.00
Overnight parking at boat launch: where available	\$10	\$10
Camper's Boat Launch Fee Kiptopeke: Does not apply if camper parks trailer at campsite.	\$3.00	\$3.00
Boat Tournament Fee for Fishing Tournaments: Registration fee is based on the number of boats registered and is nonrefundable regardless of number that actually participates. This fee is in addition to the applicable daily launch fee.	No charge	\$2.00 per boat

Annual and Lifetime Parking Fees:	FEE
Lifetime Naturally Yours Passport Plus: Lifetime admission and parking pass to all state parks, plus 10% discount on camping, individual camp sites and horse stalls ; all state park merchandise, except fuel sales ; equipment rentals, and shelter rentals except where these services are provided by private concessionaires .	
Age up to 40	\$303 <u>\$333</u>
Age 41-45	\$273 <u>\$300</u>
Age 46-50	\$242 <u>\$266</u>
Age 51-55	\$212 <u>\$233</u>
Age 56-61	\$182 <u>\$200</u>
Senior Lifetime Naturally Yours Passport Plus (Age 62 or older): See Lifetime Naturally Yours Passport Plus above.	\$110 <u>\$121</u>
Naturally Yours Passport Plus: 12-month from date of purchase admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	\$61 <u>\$66</u>
Naturally Yours Parking Passport: 12-month from date of purchase admission and parking pass to park of purchase.	\$36 <u>\$40</u>
Senior Naturally Yours Passport Plus: See Naturally Yours Passport Plus above.	\$33 <u>\$36</u>
Senior Naturally Yours Parking Passport: See Naturally Yours Parking Passport above.	\$22 <u>\$24</u>
Golden Disability Pass: Available to persons with disabilities as verified by U.S. Social Security Administration's (SSA) "Benefit Verification Letter." Pass remains in effect unless SSA withdraws eligibility.	No Charge
<p>Disabled Veterans Passport</p> <p>Admission, parking, and launch pass to all state parks, plus 50% discount on camping fees, swimming fees, shelter rentals, and department equipment rentals when provided by the department. Where equipment rentals are provided by private concessionaires, this passport does not apply.</p> <p>The passport shall be issued upon request to a veteran of the armed forces of the United States with a letter from the U.S. Department of Veterans Affairs, or from the military service that discharged the veteran, certifying that such veteran has a service-connected disability rating of 100%. This passport coverage shall be valid for as long as that determination by the U.S. Department of Veterans Affairs remains in effect.</p>	No Charge

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Annual Horse Trailer Vehicle Pass: 12 months from date of purchase admission and park pass, including horse trailer, good at all parks.	\$79
Annual Horse Trailer Vehicle Pass: Pocahontas and New River Trail Only. Valid only in combination with purchase of \$30 horse arena annual pass.	\$70
Annual Horse Trailer Vehicle Pass: Occoneechee and Staunton River Only	\$50
Annual and Lifetime Park/Launch/ <u>Equestrian</u> Fees:	
Lifetime Naturally Yours Passport Plus for Boaters <u>and Equestrians</u> : Lifetime admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	
Age up to 40	\$606 <u>\$667</u>
Age 41-45	\$545 <u>\$600</u>
Age 46-50	\$485 <u>\$534</u>
Age 51-55	\$424 <u>\$466</u>
Age 56-61	\$364 <u>\$400</u>
Senior Lifetime Naturally Yours Passport Plus for Boaters <u>and Equestrians</u> (Age 62 or older): See Lifetime Naturally Yours Passport Plus for Boaters above.	\$314 <u>\$345</u>
Naturally Yours Passport Plus for Boaters <u>and Equestrians</u> : 12-month from date of purchase admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	\$152 <u>\$167</u>
Park/Launch/ <u>Equestrian</u> Passport:	
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.	\$128 <u>\$141</u>
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.	\$97 <u>\$107</u>
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.	\$79 <u>\$87</u>
Senior Naturally Yours Passport Plus for Boaters <u>and Equestrians</u> : Annual permit for all parks including Leesylvania.	\$124 <u>\$133</u>
Senior Park/Launch/ <u>Equestrian</u> Passport:	
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.	\$109 <u>\$120</u>
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.	\$79 <u>\$87</u>
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.	\$66 <u>\$73</u>
Buggs Island Lake Special Annual <u>Park/Launch/Equestrian</u> Pass: Good only at Occoneechee and Staunton River State Parks.	\$50 <u>\$55</u>
Leesylvania Annual Overnight Boating/Parking Pass.	\$67 <u>\$74</u>
Disabled Visitor Annual Boat Launch Pass (in addition to disabled tags).	\$44 <u>\$48</u>
Special Event Fees:	
Standard Special Event Parking Fee: Applies to all parks and events that utilize parking fees unless noted below.	EVENT FEE \$10 per vehicle

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Community Event Fee: May be used by any park as a condition of a Special Use Permit for a community event provided by a nonprofit group or organization or government agency or entity.	\$1.00 per vehicle
Sky Meadows: Strawberry Festival	
Advance payment	\$15 per vehicle
Day of Event	\$20 per vehicle
Grayson Highlands Fall Festival. Hungry Mother Arts and Crafts Festival	\$6.00 per vehicle
Claytor Lake Arts and Crafts Festival	\$5.00 per vehicle with canned food donation on designated day \$10 per vehicle
Kiptopeke: Eastern Shore Birding Festival	Parking Fee waived to registered festival guests; otherwise standard fees apply
Smith Mountain Lake: special park/launch rate for boaters participating in fishing tournaments if the tournament sponsor has also rented the Tournament Headquarters Building.	\$5.00 per vehicle/ boat combination
Standard Special Event Per Person Entrance Fee: Applies to all parks and events that utilize per person admission fees unless noted below.	\$4.00 per adult \$3.00 per child, 6 through 12 years Children under 6 free
Sailor's Creek Battlefield: Battle of Sailor's Creek Reenactment	\$5.00 per person Children under 6 free \$10 maximum per vehicle \$50 per bus (16 passenger +)
Chippokes Plantation Steam and Gas Engine Show	\$5.00 per person Children under 12 free
Chippokes Plantation Christmas	\$5.00 per person
Chippokes Pork, Peanut & Pine Festival	\$5 per person Children under 13 free
Grayson Highlands Wayne C. Henderson Music Festival	\$10 per person Children under 12 free
Natural Tunnel Special Event Parking Fee	\$2.00 per person \$6.00 per vehicle
Occoneechee Pow Wow	\$5.00 per person (13 years and older) \$3.00 per child, 3 through 12 years \$3.00 Seniors (62 and over) Children under 3 free
Occoneechee Pow Wow School Groups	\$4.00 per student Teachers and Chaperones free

Notes on parking fees:

1. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.
2. Except as otherwise noted, boat launching shall be free for up to one boat per vehicle per campsite, cabin, lodge, camping cabin, travel trailer, or camping lodge.

3. Parking fees are waived for any vehicle displaying disabled license plates or temporary disabled parking identification issued by any state or the federal government. However, the fee for any additional types of trailers, the boat launch fee or the portion of any combined parking-launching fee that applies to boat launching shall be collected from such vehicles. Additionally, the price for annual passes and lifetime passes that include boat

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launching for qualified disabled individuals shall be calculated by subtracting the applicable parking pass fee from the park/launch pass fee.

4. Parking fees are waived for any vehicle occupied solely by students and/or teachers and/or assisting personnel participating in an official activity of a bona fide school, home school, or institution of higher learning. Parks may require that individuals in vehicles other than those marked as a school bus verify their official activity by letter from the school or approved field trip form, or in the case of home school groups, proof of home school status such as current ID card from a state or national home school organization (HEAV, HSLDA, etc.) or a copy of the letter from the school district that acknowledges "Notice of Intent" to home school for that school year.

5. Parking fees are waived for official vehicles of federal, state, and local governments while on official business; vehicles making deliveries to the park; contractor and business vehicles performing work in the park; and emergency vehicles while conducting official business, including training.

6. Parking fees are waived for park employees during time of employment, including family and household members of staff occupying staff residences, visitors to staff residences, and park volunteers entering the park to perform volunteer duties.

7. Parking fees may be waived for vehicles conducting research or collecting activities provided such waiver is included in the language of the Research and Collection Permit as required in 4VAC5-30-50.

8. The period covered by a daily parking fee shall be midnight to midnight. Park guests utilizing overnight parking when and where available (e.g., backpackers, overnight fishermen, etc.) will be required to pay the applicable daily parking fee for each calendar day that their vehicle is in the parking lot (partial days included).

9. Annual permits shall be valid for 12 months from the date of purchase, unless otherwise noted.

10. Parking fees are waived for visitors entering the park for the sole purpose of dining at the park restaurant at Douthat and Hungry Mother State Parks.

11. Parking fees are waived at state parks for participants in Walk for Parks, Fall River Renaissance, Envirothons, March for Parks, Operation Spruce-Up Day, Stewardship Virginia, National Trails Day, and other park-sanctioned public service events as approved by the director.

12. Daily parking fees are reduced to \$1.00 for vehicles occupied by participants in fund-raising events sponsored by nonprofit organizations (Walk-A-Thons, etc.) provided the sponsor has obtained a special use permit from the park

that contains provisions for the identification of participants in the event.

13. Parking fees shall be waived for persons using park roads to gain legal access to their private residence and guests to such residences; and for vehicles passing through, but not stopping in, a park on a public roadway.

14. Revenue collected from special event parking and/or admission fees may be divided between the park and the event sponsor if so designated and approved in the special event permit following a determination made by the director that the revenue split is in the benefit of the Commonwealth.

15. Annual Park/Launch/Equestrian ~~pass also covers~~ passes cover the park entrance or parking fee for up to two horses in the same horse trailer or other allowable trailers. Annual and Lifetime parking-only passes do not include trailers.

16. Parking fees are waived for service vehicles such as tow trucks when entering the park to service a visitor vehicle.

17. Parking fees are waived for visitors entering the park to attend a performance by a U.S. military band if this is a required condition for the band's performance.

18. Parking fees are included in the rental fees for meeting facilities, up to the capacity of the facility and provided that this waiver of fee is included in the rental agreement for the facility.

19. Parking fees are waived for a period of up to 15 minutes for persons entering the park to deposit materials in community recycling collection containers.

20. Parking fees are waived for vehicles occupied entirely by persons attending fee interpretive programs.

21. Annual parking passes that do not include boat launch require payment of daily launch fee if launching a boat at any park or for all vehicles using Croaker Landing/Pier Area at York River State Park.

22. Annual parking pass holders are not guaranteed the parking privileges of the pass should parking places be unavailable.

23. Parking fees are waived at Mason Neck during the park's annual Elizabeth Hartwell Eagle Festival.

24. The payment of a parking fee at one park shall be applied to parking at any state park on the same day provided that the visitor supplies evidence of the paid parking fee.

25. Annual passes are issued to the purchaser and members of the same household and may not be transferred. Improper transfer or use may result in revocation of the pass without refund.

26. Parking fees are waived at all state parks on Veterans Day, November 11, of each year.

4VAC5-36-70. Swimming fees.

SWIMMING (NONTAXABLE)

Daily Swimming Fees	WEEKDAYS	WEEKENDS
All parks with fee swimming areas unless noted.	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)
Staunton River, Natural Tunnel, and Westmoreland	Under age 3 Free \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)	Under age 3 Free \$4.00 (Age 3 through 12) \$5.00 (Age 13 and over)
Pocahontas	Under age 3 Free \$5.00 (Age 3 through 12) \$6.00 (Age 13 and over)	Under age 3 Free \$7.00 (Age 3 through 12) \$8.00 (Age 13 and over)
Group campers utilizing primitive group camps. All parks where available unless otherwise noted.	\$1.00 (all ages)	\$1.00 (all ages)
Pocahontas (Group Cabin Guests)	\$3.00 (all ages)	\$3.00 (all ages)
Deposit on all locker keys: Refunded when key is returned.	\$2.00 each	
Swimming Coupon Book: (Age 3 and over). All parks where available unless otherwise noted.	\$21 \$23 per 10 coupons \$40 \$44 per 20 coupons	
Staunton River, Natural Tunnel, and Westmoreland	\$28 \$31 per 10 coupons \$53 \$58 per 20 coupons	
Pocahontas	\$45 \$50 per 10 coupons \$86 \$95 per 20 coupons	
	WEEKDAYS	WEEKENDS
Group Swimming: per person (10 persons or more). All parks where available unless otherwise noted.	\$1.50 (Age 3 through 12) \$2.50 (Age 13 and over)	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Staunton River, Natural Tunnel, and Westmoreland Group Swimming (20 persons or more). Five-day advanced registration required.	\$2.50 (all ages)	\$3.50 (all ages)
Pocahontas Group Swimming (20 persons or more). Five-day advanced registration required.	\$4.00 (all ages)	\$5.00 (all ages)
Season Swimming Permit: All parks where available unless otherwise noted.	\$40 \$44 (Age 3 through 12) \$50 \$55 (Age 13 and over)	
Staunton River, Natural Tunnel, and Westmoreland	\$50 \$55 (Age 3 through 12) \$60 \$66 (Age 13 and over)	
Pocahontas	\$60 \$66 (Age 3 through 12) \$70 \$77 (Age 13 and over)	

Regulations

After-Hours Exclusive Use of Pool or Swimming Area: All parks where available. Requires prior reservation. Rental period of approximately 1-2 hours, depending upon operating schedule and amount of available daylight. Cancellation fee charged if reservation is cancelled less than 3 days before the date of event unless cancellation is for inclement weather or cancelled by the park.	\$100 (up to 25 persons) \$125 (26 to 50 persons) \$175 (51 to 75 persons) \$200 (76 to 100 persons) \$35 to open food concessions with rental \$50 cancellation fee
Swimming lessons. All parks where available unless otherwise noted. Package of eight 45-minute lessons (includes parking)	\$30 per person \$25 per person if two or more from same family

Notes on swimming fees:

1. Nonswimming adults in street clothes admitted to swimming areas free when supervising children age 12 and under.
2. Rain check Policy for Swimming: All state parks will issue a rain check, good for a period of 12 months from the date of issue, to any paying customer (does not apply to free swimming vouchers) if the swimming area is forced to close for 40 minutes or more due to inclement weather. Rain checks may be issued only to patrons present at the swimming area at the time of closure.
3. A full refund is available for a group reservation only if the park or swimming area contractor is notified three days in advance of the time of the reservation. In the event that the group is unable to complete their reservation due to inclement weather, rain checks will be issued to the individual members of the group in the same manner as other park patrons.
4. All Season Swimming Permits include parking during the swimming season only.
5. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.

4VAC5-36-90. Camping fees.

CAMPING FEES (TAXABLE, Price here does not include tax)

Camping fees include free use of dump station and free swimming and boat launching for members of the camping party during their stay at the property, when and where available, except that at Kiptopeke State Park guest is subject to applicable launch fee unless the trailer is returned to the campsite immediately after launching. The number of campers per campsite is limited to six individuals except when all campers are members of the same household.	ALL SEASONS (Per site fees)
Standard Sites: No hookup; access to bathhouse and restrooms.	
All parks with standard sites unless noted below.	\$16 \$20 per night
Hungry Mother, Grayson Highlands, Staunton River, Westmoreland, Occoneechee (nonwaterfront), Claytor Lake, Raymond R. "Andy" Guest, Jr. Shenandoah River, Smith Mountain Lake.	\$20 per night
Occoneechee Waterfront Sites.	\$23 per night
Douthat , Kiptopeke, First Landing, Lake Anna.	\$24 per night
<u>Douthat.</u>	<u>\$26 per night</u>
Water and Electric Sites: Access to water and electric hookups; access to bathhouse and restrooms.	
All parks where available unless noted below, <u>including Chippokes Campground A.</u>	\$22 \$27 per night
Chippokes Plantation, Claytor Lake, Douthat, Fairy Stone, Grayson Highlands, Hungry Mother, Occoneechee (nonwaterfront), Staunton River, Westmoreland, Pocahontas, Smith Mountain Lake, Belle Isle, James River.	\$25 per night
Occoneechee Waterfront Sites <u>and Chippokes Campground B.</u>	\$28 \$30 per night

Regulations

Kiptopeke, First Landing, Lake Anna, Shenandoah.	\$30 \$32 per night
Water, Electric, and Sewage Sites: Access to water, electric, and sewage hookups; access to bathhouse and restrooms.	
Kiptopeke.	\$35 \$37 per night
Hungry Mother.	\$28 \$30 per night
Primitive Camping Sites: primitive restrooms; no showers.	
All parks where available unless noted below.	\$11 per night
James River.	\$13 per night
Grayson Highlands: Sites with electricity (November, March and April when bathhouses are closed).	\$15 per night
Occoneechee (persons renting the entire equestrian campground will receive a 10% discount on the combined price for sites and stalls, including transaction fees).	\$15 per night
New River Trail Primitive camping sites at Foster Falls and Cliffview, Primitive Sites at Sky Meadows.	\$15 per night
New River Trail Water Trail Camping (no potable water).	\$12 per night
Horse Camping	
Horse Stall Fee.	\$7.00 per night (Outside Stalls) \$9.00 per night (Inside Stall)
Standard Rates	
Primitive Group Camp Rental (camping in special primitive group areas). All parks where available.	
Up to 20 campers.	\$61 for entire area per night
Up to 30 campers.	\$91 for entire area per night
31 or more campers, up to maximum capacity of group camp area.	\$122 for entire area per night
Grayson Highlands: Primitive camping is available in the stable area November, March, and April.	\$15 per site per night
Special Group Camping Areas:	
Fairy Stone Group Campsites.	\$20 per site per night
Chippokes Plantation: All 4 Sites; Group Rate; 24 persons maximum. Natural Tunnel Group Area. Grayson Highlands Group Area. James River Group Area. Shenandoah Group Area. Sky Meadows Group Area.	\$67 per night (only available as entire group area)
Sky Meadows 6 Site Group Area.	\$100 per night
Westmoreland Group Area.	\$122 per night
Standard Buddy Sites: All parks where available unless noted below.	\$78 per night
Douthat Buddy Sites. Holliday Lake Group Camp.	\$97 per night
James River Equestrian Group Area (persons renting the entire equestrian campground will receive a 10% discount on the combined price for sites and stalls, including transaction fees).	\$216 per night

Regulations

Camping – Other Fees	
Camping Site Transaction Fee: Applies to each purchase transaction of a camping visit to a campsite (i.e., one transaction fee per camping visit per site no matter how many nights). Applies to Internet, reservation center, and walk up visits.	\$5.00
Dog Fees (this fee does not apply to service or hearing dogs identifiable in accordance with § 51.5-44 of the Code of Virginia).	\$5.00 per dog per night, <u>\$15 maximum per dog per trip</u>
Dump Station Fee: Free to state park campers during stay.	\$5.00 per use
Camping Reservation Cancellation Fee Individual Site.	\$10 per reservation
Camping Reservation Cancellation Fee Group Sites.	\$30 per reservation
Hiker or noncamper Shower Fee at Virginia State Parks.	\$5.00 per person

Notes on camping:

1. Check-out time is 3 p.m. and check-in time is 4 p.m.
2. Camping Transfer/Cancellation/Early Departure Policy.
 - a. Any fees to be refunded are calculated less the applicable cancellation fee(s).
 - b. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.
 - c. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.
 - d. A customer may move a camping reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to 4 p.m. on the scheduled date of arrival. If the reservation center will not be open again prior to the start date of the reservation, transferring is not an option. There is no fee to transfer.
 - e. A camping reservation may be canceled until 4 p.m. on the scheduled date of arrival but campers will be charged the cancellation fee. This cancellation fee applies to each separate reservation made.
 - f. Once the 4 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure.
 - g. After the check-in time is reached, the first night is considered used whether the site is occupied or not.
 - h. There is a one-night penalty, deducted from any amount available for refund, for early departure.
3. Campers are allowed two vehicles per campsite per day without charge of a parking fee. Additional vehicles, beyond two, must pay the prevailing parking fee in effect at the park for each day that the vehicle(s) is parked in the park. The number of vehicles allowed to park on the campsite varies according to site design and size of other camping equipment. No vehicles shall park on a campsite in other than the designated area for this purpose. Camper vehicles that do not fit on the site, whether or not they require the special camper vehicle fee, must park in the designated overflow parking area.
4. Each member of the camping party, except in primitive group areas, up to the maximum allowable per site, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of camping. Passes only issued during days and seasons of operation of the swimming facility and only good during the member's registered stay.
5. Damage to campsites, not considered normal wear and tear, will be billed to the person registered for the campsite on an itemized cost basis.
6. At honor collection sites, the stated camping fees on this list shall be considered as having tax included. Honor collection is defined as the payment of the camping fee on-site at the park at a nonelectronic collection point at which the payment is placed in a box or safe provided for that purpose.
7. Horse stalls may only be rented in conjunction with the rental of a campsite in the equestrian campground and a person must occupy the campsite. All horses brought to the park by overnight guests must be kept in rental stalls except in primitive equestrian areas at New River Trail and James River State Parks.

4VAC5-36-100. Cabin fees.

CABIN RENTALS (TAXABLE, Price here does not include tax)

	BASE RATE		VIRGINIA RESIDENTS	
PRIME SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$84 \$88	\$502 \$527	\$75 \$79	\$450 \$474
One Bedroom, Standard	\$98 \$103	\$589 \$618	\$88 \$93	\$529 \$557
One Bedroom, Waterfront or Water View	\$108 \$114	\$652 \$685	\$97 \$103	\$582 \$616
One Bedroom, Chippokes Plantation	\$113 \$120	\$686 \$720	\$104 \$108	\$617 \$648
Two Bedroom, Standard, all parks where available unless noted below	\$112 \$119	\$680 \$714	\$102 \$107	\$613 \$643
Two Bedroom, Bear Creek Lake, James River, Occoneechee, Lake Anna, Shenandoah, Natural Tunnel	\$118 \$125	\$713 \$749	\$106 \$113	\$643 \$674
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$125 \$131	\$749 \$786	\$112 \$118	\$674 \$708
Two Bedroom, Waterfront or Water View, Bear Creek Lake, Occoneechee, Lake Anna	\$130 \$137	\$784 \$823	\$118 \$124	\$706 \$741
Two Bedroom, First Landing, Chippokes Plantation	\$132 \$139	\$791 \$831	\$119 \$125	\$712 \$747
Three Bedroom, Standard, all parks where available unless noted below	\$129 \$135	\$771 \$810	\$116 \$122	\$692 \$729
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$149 \$157	\$898 \$943	\$134 \$142	\$809 \$849
Three Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage, Shenandoah, Natural Tunnel, Douthat	\$149 \$156	\$888 \$932	\$130 \$140	\$798 \$839
Hill Lodge (Twin Lakes)	\$167 \$176	\$1,002 \$1,052	\$150 \$158	\$902 \$947
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$301 \$316	\$1,802 \$1,892	\$270 \$284	\$1,622 \$1,703
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$354 \$372	\$2,124 \$2,230	\$318 \$335	\$1,913 \$2,007
6-Bedroom Lodge, Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Shenandoah, Natural Tunnel, Douthat	\$371 \$390	\$2,226 \$2,337	\$334 \$351	\$2,004 \$2,104
MID-SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$74 \$79	\$446 \$474	\$67 \$71	\$401 \$427
One Bedroom, Standard	\$87 \$93	\$523 \$557	\$80 \$84	\$470 \$501
One Bedroom, Waterfront or Water View	\$96 \$103	\$574 \$616	\$86 \$93	\$519 \$555
One Bedroom, Chippokes Plantation	\$101 \$108	\$611 \$648	\$93 \$97	\$549 \$583
Two Bedroom, Standard, all parks where available unless noted below	\$101 \$107	\$605 \$643	\$91 \$97	\$545 \$578
Two Bedroom, Bear Creek Lake, James River, Occoneechee, Lake Anna, Shenandoah, Natural Tunnel	\$105 \$113	\$634 \$674	\$96 \$101	\$570 \$606

Regulations

Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$111 <u>\$118</u>	\$666 <u>\$708</u>	\$400 <u>\$106</u>	\$599 <u>\$637</u>
Two Bedroom, Waterfront or Water View, Bear Creek Lake, Occoneechee, Lake Anna	\$117 <u>\$124</u>	\$697 <u>\$741</u>	\$104 <u>\$111</u>	\$627 <u>\$667</u>
Two Bedroom, First Landing, Chippokes Plantation	\$117 <u>\$125</u>	\$704 <u>\$747</u>	\$106 <u>\$112</u>	\$634 <u>\$673</u>
Three Bedroom, Standard, all parks where available unless noted below	\$113 <u>\$122</u>	\$686 <u>\$729</u>	\$104 <u>\$110</u>	\$617 <u>\$656</u>
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$133 <u>\$122</u>	\$799 <u>\$849</u>	\$119 <u>\$128</u>	\$720 <u>\$764</u>
Three Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage, Shenandoah, Natural Tunnel, Douthat	\$133 <u>\$140</u>	\$790 <u>\$839</u>	\$116 <u>\$126</u>	\$710 <u>\$755</u>
Hill Lodge (Twin Lakes)	\$149 <u>\$158</u>	\$891 <u>\$947</u>	\$133 <u>\$142</u>	\$802 <u>\$852</u>
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$267 <u>\$284</u>	\$1,603 <u>\$1,703</u>	\$240 <u>\$256</u>	\$1,442 <u>\$1,533</u>
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$315 <u>\$335</u>	\$1,892 <u>\$2,007</u>	\$284 <u>\$302</u>	\$1,702 <u>\$1,806</u>
6-Bedroom Lodge, Kiptokee, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Shenandoah, Natural Tunnel, Douthat	\$331 <u>\$351</u>	\$1,982 <u>\$2,104</u>	\$297 <u>\$316</u>	\$1,783 <u>\$1,893</u>

OFF-SEASON CABIN AND LODGE RATES

Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$62 <u>\$66</u>	\$372 <u>\$395</u>	\$57 <u>\$59</u>	\$335 <u>\$356</u>
One Bedroom, Standard	\$72 <u>\$77</u>	\$436 <u>\$464</u>	\$65 <u>\$70</u>	\$392 <u>\$417</u>
One Bedroom, Waterfront or Water View	\$81 <u>\$86</u>	\$478 <u>\$513</u>	\$71 <u>\$77</u>	\$432 <u>\$462</u>
One Bedroom, Chippokes Plantation	\$84 <u>\$90</u>	\$508 <u>\$540</u>	\$77 <u>\$81</u>	\$457 <u>\$486</u>
Two Bedroom, Standard, all parks where available unless noted below	\$84 <u>\$89</u>	\$504 <u>\$536</u>	\$75 <u>\$80</u>	\$454 <u>\$482</u>
Two Bedroom, Bear Creek Lake, James River, Occoneechee, Lake Anna, Shenandoah, Natural Tunnel	\$88 <u>\$94</u>	\$528 <u>\$561</u>	\$79 <u>\$84</u>	\$475 <u>\$505</u>
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$92 <u>\$99</u>	\$554 <u>\$590</u>	\$83 <u>\$89</u>	\$499 <u>\$531</u>
Two Bedroom, Waterfront or Water View, Bear Creek Lake, Occoneechee, Lake Anna	\$97 <u>\$103</u>	\$581 <u>\$617</u>	\$87 <u>\$93</u>	\$522 <u>\$556</u>
Two Bedroom, First Landing, Chippokes Plantation	\$98 <u>\$104</u>	\$585 <u>\$623</u>	\$88 <u>\$91</u>	\$527 <u>\$561</u>
Three Bedroom, Standard, all parks where available unless noted below	\$95 <u>\$101</u>	\$570 <u>\$607</u>	\$85 <u>\$91</u>	\$512 <u>\$546</u>
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$110 <u>\$118</u>	\$664 <u>\$707</u>	\$99 <u>\$106</u>	\$597 <u>\$636</u>
Three Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage, Shenandoah, Natural Tunnel, Douthat	\$110 <u>\$117</u>	\$657 <u>\$699</u>	\$96 <u>\$105</u>	\$591 <u>\$629</u>
Hill Lodge (Twin Lakes)	\$124 <u>\$132</u>	\$741 <u>\$789</u>	\$111 <u>\$119</u>	\$667 <u>\$710</u>
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$222 <u>\$237</u>	\$1,332 <u>\$1,419</u>	\$201 <u>\$213</u>	\$1,199 <u>\$1,277</u>
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$263 <u>\$279</u>	\$1,573 <u>\$1,673</u>	\$237 <u>\$251</u>	\$1,415 <u>\$1,505</u>

Regulations

6-Bedroom Lodge, Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Shenandoah, Natural Tunnel, Douthat	\$275 <u>\$293</u>	\$1,649 <u>\$1,753</u>	\$249 <u>\$263</u>	\$1,483 <u>\$1,578</u>
CAMPING CABINS, CAMPING LODGES, YURTS, AND TRAVEL TRAILERS (camping cabins, camping lodges, yurts, and travel trailers located in campgrounds and operated in conjunction with the campground)	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Camping Cabin rental rate: (2-night minimum rental required)	\$49 <u>\$51</u>	NA	\$45 <u>\$47</u>	NA
Yurt rental: Standard fee	\$98 <u>\$103</u>	\$589 <u>\$618</u>	\$88 <u>\$92</u>	\$529 <u>\$555</u>
Travel Trailers: 25-30' Standard fee	\$98 <u>\$103</u>	\$589 <u>\$618</u>	\$88 <u>\$92</u>	\$529 <u>\$555</u>
Camping Lodges: Standard fee	\$98 <u>\$103</u>	\$589 <u>\$618</u>	\$88 <u>\$92</u>	\$529 <u>\$555</u>
Additional Cabin Fees:				
Cabin Transaction Fee: Applies to each purchase transaction of a visit to a cabin (i.e., one transaction fee per cabin visit per site no matter how many nights). Applies to Internet, reservation center, and walk up visits.	\$5.00			
Additional Bed Rentals	\$3.00 per rental night			
Additional linens at all parks unless otherwise noted. One set of linens is 1 sheet set (1 fitted sheet, 1 flat sheet, and 1 pillowcase) or 1 towel set (1 bath towel, 1 hand towel, and 1 washcloth or 2 bath towels and 1 washcloth)	\$2.00 per sheet set \$2.00 per towel set			
Cabin Cancellation Fee: Applies to all lodging in this section except as described below in "Lodge Cancellation Fee"	\$20 per cancellation period: See notes on Cabin Transfer/Cancellation/Early Departure Policy.			
Lodge Cancellation Fee: Applies to Fairy Stone Lodge, Douthat Lodge, Hungry Mother Lodge, Potomac River Retreat, and all 6-bedroom park lodges	\$50 per cancellation period: See notes on Cabin Transfer/Cancellation/Early Departure Policy			
Pet Fee (this fee does not apply to service or hearing dogs identifiable in accordance with § 51.5-44 of the Code of Virginia).	\$10 per pet per night			
Pocahontas Group Cabins	DAY		WEEK	
Algonquian Ecology Camp Dining Hall: 8 a.m. to 10 p.m. for day use, 24-hour use when rented with cabins	\$236		\$1,181	
Swift Creek Dining Hall: 8 a.m. to 10 p.m. for day use, 24-hour use when rented with cabins	\$275		\$1,375	
Dining Hall: fee for partial day rental when associated with full day rental as noted above	\$140		NA	
Cabin Units: per unit, per night	\$112		\$560	
Complete Algonquian Ecology Camp (4 units: 112 capacity) with Dining Hall	\$460		\$2,300	
Complete Swift Creek Camp (2 units: 56 capacity) with Dining Hall	\$375		\$1,875	
Refundable security deposit charged for all reservations	\$100 per reservation			

Notes on Pocahontas Group Cabins:

Pocahontas Group Cabins: Reservations of \$200 or more require a 25% prepayment, due within 14 days of making the reservation. Balance of fees is due 60 days prior to the reservation start date. Reservations of less than \$200 require payment in full to confirm the reservation, due within 14 days of making the reservation. Cancellations made 30 days or more prior to the first day of the reservation shall receive a refund less a \$30 per unit cancellation fee. Cancellations made less than 30 days prior to the first date of the reservation receive no refund unless the units are subsequently rented, in which case the refund shall be full price minus \$30 per unit.

Regulations

Notes on cabins and lodges:

1. Seasonal cabin and lodge rates shall be in effect according to the following schedule, except for camping cabins, camping lodges, yurts, and travel trailers, which operate on the same schedule and season as the campground at that particular park. In the event that a weekly rental period includes two seasonal rates, the higher rate will apply for the entire weekly rental period.

PARK	PRIME SEASON	MID-SEASON	OFF-SEASON
Bear Creek Lake Belle Isle Chippokes Plantation First Landing Kiptopeke Lake Anna Occoneechee Southwest Virginia Museum Staunton River Twin Lakes Westmoreland	Friday night prior to Memorial Day through the Sunday night prior to Labor Day	April 1 through the Thursday night prior to Memorial Day, and Labor Day through November 30	December 1 through March 31
Claytor Lake Douthat Fairy Stone Hungry Mother James River Smith Mountain Lake Shenandoah Natural Tunnel	Friday night prior to Memorial Day through the Sunday night prior to Labor Day, and October 1 through October 31	April 1 through the Thursday night prior to Memorial Day, and Labor Day through September 30, and November 1 through November 30	December 1 through March 31

2. All dates refer to the night of the stay; checkout time is 10 a.m. and check-in time is 3 p.m.

3. The following holiday periods are charged prime season weekend rates: the Wednesday, Thursday, Friday, and Saturday period that includes Thanksgiving Day; and Christmas Eve and Christmas Day; and New Year's Eve and New Year's Day.

4. Cabins and lodges require a two-night minimum stay.

5. Cabin guests are allowed two vehicles for a one or two bedroom cabin, and three vehicles for a three bedroom cabin per day without charge of parking fee. Additional vehicles must pay the prevailing parking fee for each day that the vehicle is parked in the park. The number of vehicles allowed to park at the cabin varies according to site design and other factors. All vehicles must park in designated parking areas, either at the cabin or in the designated overflow parking area.

6. Six-bedroom lodge guests are allowed six vehicles per lodge per day without charge of parking fee. Additional vehicles must pay the prevailing vehicle parking fee for each day the vehicle is parked in the park. The number of vehicles allowed to park at the lodge varies according to site design and other factors. All vehicles must park in designated parking areas, either at the lodge or in the designated overflow parking area.

7. Damage to cabins and other rental units under this section, not considered normal wear and tear, may be billed to the person registered for the cabin or rental unit on an itemized cost basis.

8. Each member of the rental party, up to the maximum allowable for the rented unit, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of rental. Passes are only issued during days and seasons of operation of the swimming facility and are only good during the member's registered stay.

9. Employees of DCR and the members of committees and boards of DCR shall receive a discount of 50% on applicable cabin or lodge rates for any season, when the rental of such cabins or lodge is in connection with the official business of DCR or its committees or boards.

Notes on cabin or lodge transfer/cancellation/early departure policy:

1. Any fees to be refunded are calculated less the applicable cancellation fees listed below.

2. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.

3. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.

4. A customer may move a cabin or lodge reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to 5 p.m. on the Monday before the scheduled date of arrival. After 5 p.m. on the Monday before the scheduled date of arrival, cancellation is the only option (see note 5 below) except that transfers to a different cabin or lodge for the same rental nights shall be allowed, subject to availability, up to the check in time for the original reservation.

5. Once the reservation is paid for, a customer may cancel in full with payment of the required cancellation fee if there are more than 30 days before the scheduled arrival date. As long as the reservation is not during the one-week minimum stay requirement period, the length of stay may be reduced without a fee as long as there are more than 30 days before the scheduled arrival. However, the length of stay cannot be less than two nights. During the 30 days prior to the scheduled arrival date, the cancellation fee is charged for each night cancelled or reduced from the stay. Once the official check-in time on the scheduled arrival date is reached, the cancellation policy is no longer in effect and the early departure policy applies.

6. Once the 3 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure. There is a two night minimum charge associated with all cabin, lodge, camping cabin, travel trailer, and camping lodge stays. Reducing the total nights stayed will incur a \$20 per night fee. If the original reservation was for a week, the weekly discount will no longer be valid and the fee will be adjusted to the nightly rate before any refunds are calculated.

4VAC5-36-110. Picnic shelters and event tents fees.

PICNIC SHELTERS AND EVENT TENTS (TAXABLE)

The shelter rental periods shall be from park opening until park closing, unless otherwise specified.	DAY
Standard Small Picnic Shelter Rental Fee: Bear Creek Lake, Belle Isle, Caledon, Chippokes Plantation, Claytor Lake (including gazebo) , Douthat, Holliday Lake, Hungry Mother (half shelter), Lake Anna, Natural Tunnel, New River Trail, Occoneechee, Pocahontas, Smith Mountain Lake, Twin Lakes, Westmoreland, York River, and all other small park picnic shelters.	\$53 <u>\$60</u>
Standard Large Picnic Shelter Rental Fee: Belle Isle, Chippokes Plantation, Claytor Lake, Douthat Fairy Stone, First Landing, Grayson Highlands, Hungry Mother (full shelter), James River, Kiptopeke, Lake Anna, Natural Tunnel, Occoneechee, Pocahontas, Shenandoah, Smith Mountain Lake (Pavilion), Staunton River, Staunton River Battlefield, Twin Lakes, Westmoreland, York River, and all other large park picnic shelters.	\$84 <u>\$90</u>
Shenandoah Large Group Shelter	\$95
Leesylvania Shelter, Shenandoah Large Group Shelter Rental	\$126 <u>\$130</u>
Leesylvania: Lee's Landing Picnic Area Rental	\$58 <u>\$64</u>
Leesylvania: Lee's Landing Picnic Shelter	\$315 <u>\$400</u>
With 15 tables and 100 chairs	\$735 <u>\$820</u>
Mason Neck Picnic Area Rental	
Without tent shelter	\$58 <u>\$64</u>
With tent shelter (seasonably available)	\$126 <u>\$130</u>
Chippokes Plantation Conference Shelter (with kitchen)	\$105 <u>\$315</u> per function
Chippokes Plantation Conference Shelter (without kitchen)	\$63 per function
<u>Chippokes Plantation Conference Shelter kitchen cleaning fee (only applicable is kitchen is used and not cleaned in accordance with rental agreement)</u>	<u>\$150</u> per function
Mini-Shelter: All parks where available unless otherwise noted.	\$21
Event Tent Rental: Full day in-park rental only. Price includes set up and take down.	
Standard fee: All parks where available unless otherwise noted.	\$0.45 per square foot
Chippokes Plantation, Douthat, Kiptopeke, Lake Anna, Pocahontas, Shenandoah River, Smith Mountain Lake, York River.	\$0.55 per square foot

Regulations

False Cape, First Landing, Leesylvania, Mason Neck.	\$0.60 per square foot
Standard 10' x 10' event tent	\$25 per day
Westmoreland, Caledon Natural Area: 20' x 40' tent with tables and chairs	\$400 per day
<u>Wilderness Road: 20' x 40'</u>	<u>\$350 per day</u>
White String Lights for Tent	\$0.80 per foot
Side Panels for Tent	\$1.50 per foot
Standard Shelter Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within 14 days prior to date. Shelter reservation may be transferred without penalty if the change is made through the reservations center prior to scheduled use.	\$10

4VAC5-36-115. Horse arena fees.

HORSE ARENAS (TAXABLE)

	HALF-DAY	DAY
Group Rental of Entire Horse Arena Facility		
New River Trail (includes lights)	\$250	\$450
Pocahontas (8 a.m. until dark, no lights available)	\$180 <u>NA</u>	\$300 <u>\$140</u>
	WEEKDAYS	WEEKENDS
Individual Horse Arena Facility Use Daily Pass (does not include parking fee)		
New River Trail and Pocahontas	\$5.00 per person	\$6.00 per person
Individual Horse Arena Facility Use Annual Pass (does not include parking fee) New River Trail and Pocahontas	\$30 per person	

4VAC5-36-120. Amphitheater and gazebo fees.

AMPHITHEATERS AND GAZEBOS (TAXABLE, Price here does not include tax)

Amphitheater or Gazebo Rental Fee: The amphitheater or gazebo rental periods shall be from park opening until park closing unless otherwise specified.	DAY
Leesylvania, Fairy Stone, Staunton River, Kiptopeke and all other amphitheaters and gazebos unless noted below.	\$32
Hungry Mother, Occoneechee, Westmoreland, New River Trail	\$53
Smith Mountain Lake, Natural Tunnel (gazebo at Cove Ridge), James River	\$74
Claytor Lake (gazebo), First Landing (gazebo at Chesapeake Bay Center).	\$84
<u>First Landing (gazebo at Chesapeake Bay Center): rental period is three hours</u>	<u>\$84 per 3 hours</u>
York River and Douthat Amphitheater.	\$105
Shenandoah Overlook Rental	\$16 per half-day \$32 per full day
Natural Tunnel and First Landing Amphitheaters: Private group or company rate	\$315
Natural Tunnel and First Landing Amphitheaters: Educational group.	\$158
Natural Tunnel Amphitheater Wedding Package: Three consecutive half-day rental periods.	\$420 per package
First Landing: Courtyard at Chesapeake Bay Center; includes amphitheater and gazebo.	\$788
First Landing: Additional hourly charge for hours beyond 10 p.m. for gazebo.	\$11 per hour

Regulations

First Landing: Additional hourly charge for hours beyond 10 p.m. for Courtyard.	\$53 per hour
Fishing Tournament Staging. All parks where available.	\$26
Pocahontas Amphitheater Area: Without Heritage Center. Includes Amphitheater, Exhibit Area, Restrooms and use of sound system.	\$630
Pocahontas Amphitheater Area Plus Heritage Center	\$840
Parking Attendant (per attendant).	\$11 per hour
Law Enforcement Officer (per officer).	\$26 per hour
Natural Tunnel: Rental of Observation Deck at mouth of tunnel for dinner parties. Includes use of chairlift for transportation of guests and supplies and set-up/take-down of tables and chairs.	\$300 per 4 hours
Natural Tunnel Amphitheater Concession Building	\$42
Natural Tunnel: Sound System Rental	\$32
Standard Amphitheater/Gazebo Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within fourteen days prior to date.	\$11
All parks unless listed below.	\$11
Pocahontas Amphitheater or First Landing Courtyard	\$105

4VAC5-36-130. Boat storage fees.

BOAT STORAGE (TAXABLE, Price here does not include tax)

Boat Storage Fees	FEE
Standard Annual Boat Storage Fee: Bear Creek Lake, Douthat, Hungry Mother, and all other parks where available unless noted below.	\$35
Leesylvania Boat Storage Fees: Annual Fee (Dec. 1 – Nov. 30). Fee prorated for partial year on a months-remaining basis. Fee includes one park/launch pass per storage rental space to coincide with the rental period.	
Boat Length Up To 16'	\$755
Boat Length Up To 17'	\$800
Boat Length Up To 18'	\$850
Boat Length Up To 19'	\$895
Boat Length Up To 20'	\$945
Boat Length Up To 21'	\$990
Boat Length Up To 22'	\$1,035
Boat Length Up To 23'	\$1,085
Boat Length Up To 24'	\$1,155
Boat Length Up To 25'	\$1,210
Leesylvania Canoe/Kayak Storage: Renter must possess an annual parking pass	\$10 per month
Staunton River Boat Shed Fees: Does not include parking or launching fee, if applicable	
Nightly Storage	\$4.00
Monthly Storage	\$15
Six-Month Storage	\$70

Regulations

One-year boat storage		\$120 without annual park/launch pass \$150 with Buggs Island Special pass
Claytor Lake: Boat Dock Slips:	FEE PER RENTAL SEASON	FEE PER RENTAL NIGHT
7' wide and under	\$425 <u>\$468</u>	\$10 <u>\$11</u>
9' wide and under	\$650 <u>\$715</u>	\$20 <u>\$22</u>
14' wide and under	\$825 <u>\$908</u>	\$20 <u>\$22</u>
Extended length slips	\$700 <u>\$770</u>	<u>NA</u>

4VAC5-36-140. Interpretive canoe, boat, and paddleboat fees.

INTERPRETIVE CANOE, BOAT, AND PADDLEBOAT PROGRAMS (NONTAXABLE)

Interpretive Canoe, Boat, and Paddleboat Tours:	FEE
Environmental Education Group Canoe Tour: Available only to bona fide educational groups. Requires previous reservation and arrangements. Minimum 10 persons. Mason Neck and all other parks where available unless otherwise noted.	\$3.00 per person
Standard Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours. Child riding as third passenger, where allowed, is free.	
Individuals at all parks unless noted below.	\$5.00 per person
Individuals at Leesylvania, York River, Pocahontas, Kiptopeke, Chippokes.	\$9.00 per person
Individuals at Mason Neck.	\$15 per person
Individuals at Natural Tunnel.	\$12 <u>\$15</u> per person
Individuals at False Cape: Back Bay Interpretive Tour.	\$16 per person
Family Groups at all parks unless noted below. Minimum 4 paying customers.	\$4.00 per person
Family Groups at Leesylvania, Pocahontas, York River, Kiptopeke. Minimum 4 paying customers.	\$6.00 per person
Family Groups at Mason Neck.	\$9.00 per person
Group rate at Natural Tunnel (minimum 10 paying customers).	\$12 per person
Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours.	
All parks where offered unless noted below.	\$6.00 per person
Sunset, Dawn, Extended Canoe Interpretive Tour Fee for Individuals: Leesylvania, York River, Chippokes, Kiptopeke.	\$11 per person
Sunset, Dawn, Extended Canoe Interpretive Tour Fee for Individuals: New River Trail, Mason Neck.	\$15 per person
Extended Canoe Interpretive Tour Fee for Individuals: Grayson Highlands, Hungry Mother, New River Trail, <u>Natural Tunnel</u> .	\$25 per person
Moonlight/Night Canoe Interpretive Tour Fee for Individuals: Leesylvania, York River, Chippokes.	\$13 per person
Moonlight/Night Canoe Interpretive Tour Fee for Individuals: Mason Neck.	\$20 per person
Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Applies to canoe, rowboat, or paddleboat tours. Minimum four paying customers.	

Regulations

All parks where offered unless otherwise noted.	\$5.00 per person
Sunset, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Leesylvania, York River, Chippokes. Requires 4 or more paying customers.	\$7.00 per person
Sunset, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: New River Trail, Mason Neck.	\$11 per person
Moonlight/Night Canoe Interpretive Tour Fee for Family Groups: Leesylvania, York River. Requires 4 or more paying customers.	\$8.00 per person
Extended Canoe Interpretive Tour Fee for Family Groups: Grayson Highlands.	\$25 per person
Bear Creek Lake: Willis River Interpretive Canoe Tour	
Short Trip.	\$8.00 per person
Long Trip.	\$10 per person
Natural Tunnel Clinch River:	
Half-Day Trip Group Rate. Requires 10 or more paying customers.	\$12 per person
Full-Day Trip. Group Rate. Requires 10 or more paying customers.	\$20 per person
Half-Day Trip. Individuals.	\$15 per person
Full-Day Trip. Individuals.	\$25 per person
Overnight Trip. Individuals.	\$45 per person
Short Trip. Clinchport to Copper Creek	\$7.00 per person
Interpretive Kayak Tour, Solo Kayak: All parks where available unless otherwise noted.	\$16 per person
Interpretive Kayak Tour, Solo Kayak: Westmoreland, Caledon	\$19 per person
<u>Interpretive Kayak Tour, Solo Kayak: False Cape</u>	<u>\$20 per person</u>
Interpretive Kayak Tour, Tandem Kayak: All parks where available unless otherwise noted.	\$22 per kayak
Interpretive Kayak Tour, Tandem Kayak: Westmoreland, Caledon	\$25 per kayak
Tag-along Fee: Participant provides their own canoe or kayak. Not available at all sites.	\$10 per person
Interpretive Pontoon Boat Tour: All parks where available.	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Interpretive Tube Tour: all parks where available unless otherwise noted.	\$6.00 per person
Lake Excursion and Ecology Tour	
Claytor Lake	\$10 (Age 13 and over) \$7.00 (Age 3 through 12)
Rental of Entire Boat (Exclusive Use): All parks where available	\$60 per tour

Notes on Interpretive Canoe, Boat, and Paddleboat Programs:

1. Cancellation Policy for group reservations: Guest must cancel four days prior to the tour date in order to receive a refund. Any guest canceling less than four days before the start of the reservation will not be eligible for a refund. A one-time \$10 cancellation fee will apply per reservation regardless of number of boats reserved. In the event of inclement weather where the park must cancel, the guest will be offered either a complete refund or reservation transfer to another date.
2. Additional costs for supplies and materials may apply.

Regulations

4VAC5-36-150. Interpretive and educational tours and program fees.

INTERPRETIVE AND EDUCATIONAL TOURS AND PROGRAMS (NONTAXABLE)

Interpretive and Educational Tours and Programs		
PARK	PROGRAM	FEE
All parks unless otherwise noted:	Standard Interpretive Program or Tour: such as typical staff led nature hikes or campfire programs.	Free
	Fee-based Interpretive Program or Tour: (Fee only applies to programs or tours that have unusual costs or require special equipment, personnel, marketing, or other special arrangements).	\$2.00 per person \$6.00 per family
	Fee-based Night Hike or Evening Program or Evening Tour: (Fee only applies to programs or tours that have unusual costs or require special equipment, personnel, marketing, or other special arrangements).	\$3.00 per person \$8.00 per family
	Standard Workshop Fee	\$5.00 per child (Age 12 and under) \$15 per adult (Age 13 and over)
	Standard Wagon Ride Program	\$3.00 per person \$8.00 per family \$25 exclusive group
	Extended or Special Event Wagon Ride Program	\$4.00 per person \$10 per family \$75 exclusive group booking
	Park Outreach Program: Price per park staff member conducting program	\$10 for under 2 hours \$25 for 2 to 3 hours \$50 for 4 hours plus
	Standard Junior Ranger Program: 4-day program. All parks unless noted below.	\$10 full program \$3.00 per day
	Haunted Hike	\$1.00 (Age 3 through 12) \$3.00 (Age 13 and over)
	Geo Caching or Orienteering Interpretive Program.	\$3.00 per person \$8.00 per family \$25 per group
	Nature-Themed Birthday Party: Includes a nature talk, hike, games, songs, and time in the Nature Center for gifts and cakes. At least one staff member is present to conduct activities.	\$96 per hour plus materials cost for 12 children \$8.00 per additional child
	Standard Women's Wellness Weekend Program	\$149 per person
Grayson Highlands	Junior Ranger Program	\$5.00 per person per day
	Hayrides	\$2.00 per child \$3.00 per adult
	Adventure Rangers Interpretive Program	\$10 per person per day
	Make a Birdhouse Program	\$5.00 per person
	Make Your Own Hiking Stick Program	\$3.00 per person
	2-Day Photography Class	\$35 per person

Regulations

<u>Twin Lakes</u>	<u>Haunted Hike</u>	<u>\$3.00 (Age 3 through 12)</u> <u>\$5.00 (Age 13 and over)</u>
Occonechee, Caledon, Sky Meadows	Individual interpretive program pass: (Allows admission for one person to 4 interpretive programs valued at \$3.00 or less)	\$6.00 per pass
	Family interpretive program pass: (Allows admission for members of the same family to 4 interpretive programs valued at \$8.00 or less)	\$18 per pass
Pocahontas	Nature Camps	\$100 per child per program plus materials cost \$30 per child plus materials cost for Jr. Assistant. The Jr. Assistant helps the park staff in conducting camp programs.
	Curious Kids	\$3.00 per program
	Nature and Discovery Programs (School/Groups Outreach)	\$4.00 per child \$80 minimum \$15 additional if program is outside of Chesterfield County
Sky Meadows	Interpretive Program Series: 6-program series	\$15 per person per program \$45 per person per 4 programs \$60 per person per 6 programs
	Nature and Discovery Programs (School/Groups Outreach)	\$2.00 per child \$50 minimum \$15 additional if program is outside of the following counties: Fauquier, Frederick, Clark, and Loudoun
	House and Grounds Tour	\$3.00 per person age 13 and older \$2.00 per child age 6 through 12 \$8.00 per family
Smith Mountain Lake	Nature and Discovery Programs (School/Groups Outreach)	\$10 per school visit
Southwest Virginia Museum	How Our Ancestors Lived	\$5.00 per person
	Special Themed Interpretive Program	\$10 per person
	Music or Literary Event	\$5.00 per person
	Workshop (Adult)	\$10 per person
	Workshop (Children)	\$5.00 per person
	Nature and Discovery Programs (School/Groups Outreach)	\$25 for under 2 hours \$50 from 2 hours to under 4 hours \$75 for 4 or more hours
	Guided Tour or Activity	School Groups: \$1.50 per person Public Groups: \$2.50 per person
	Step-On Tour Guide Service	\$7.00 per person

Regulations

Caledon	Caledon Eagle Tours	\$6.00 per person \$50 Flat Rate (minimum: 10; maximum: 20)
	All Group Programs up to 2 hours long	\$5.00 per person
	Haunted Hay Ride	\$5.00 per person (age 7 and over) Children under 7 free
	Special Program Bus Fee: Programs involving transportation within the natural area.	\$3.00 per person
	Workshop (Adult)	\$15 per person
	Workshop (Children)	\$5.00 per person
Natural Tunnel: Cove Ridge	Guided Programs	\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)
	Environmental Education (Children's Activities)	\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)
	Environmental Education (Adult Facilitation)	\$15 per person
Hungry Mother/ Hemlock Haven	Junior Naturalist Program	\$4.00 per person per week \$12 unlimited participation in interpretive season
Kiptopeke	Birding Program (Group Rates)	\$35 (Corporate) \$25 (Nonprofit)
York River	Guided Adventure Programs	\$4.00 per person \$40 per group (Minimum 12 persons)
Westmoreland	Guided Program Fee	\$25 per person
Natural Tunnel	Junior Ranger Program (Includes T-Shirt)	\$35 per person
	Wagon Ride Program	\$50 Exclusive Education Group Booking
	Hay Wagon and Hot Dog Roast	\$10 per person
	Bike Tours - 2 hours	\$10 per person
	Extended Bike Tours - 4 hours	\$15 per person
	Canoe and Bike Tour - 4 hours	\$20 per person
	Halloween Haunted House/Hay Wagon Ride	\$3.00 (Age 3 through 12) \$5.00 (Age 13 and over)
Mason Neck	Junior Ranger Program	\$50 per person
Holliday Lake	Field Archaeology Workshop	\$25 per person
	Junior Ranger Program (3 half-day workshop) (Ages 6 to 13)	\$25 per child
False Cape	Wildlife Watch Tour – Per Person	\$8.00 per person
	<u>Wilderness Survival Weekend</u>	<u>\$200 per person</u>
	<u>Wilderness Survival Program</u>	<u>\$16</u>
	Astronomy Program	\$10 \$16 per person
Staunton River	Interpretive Craft	\$2.00 per person

First Landing	Junior Ranger Program 3 Hour Program 6 Hour Program	\$25 per person \$50 per person
Bear Creek Lake	Junior Ranger Program	\$20 per person
Leesylvania	Junior Ranger Program	\$50 per person
	Halloween Haunted Hike	\$2.00 per person \$6.00 per group (4 person maximum)
	Interpretive Programs	\$2.00 per person
	Kids Fishing Tournament	\$2.00 per child
Natural Tunnel	Pannel Cave Tour	\$10 per person \$7.00 per person (Family-Group; 8-person minimum)
	Bolling Cave Tours	\$15 per person \$12 per person (Family-Group; 8-person <u>10-person</u> minimum)
	Stock Creek Tunnel Tour/ <u>Snorkeling on the Clinch</u>	\$5.00 per person
New River Trail	New River Trail Seniors Van Tour Full Day	\$25 per person
	New River Trail Seniors Van Tour Half Day	\$15 per person
	Bertha Cave Tour	\$10 per person
James River	Haunted Wagon Ride	\$5.00 per person (Age 7 and over) Children 6 and under free
Belle Isle	Triple Treat Program: Hayride/Canoe/Campfire	\$10 per person
	Junior Ranger 3-day program	\$5.00 per class
	Bike Tour: visitors can supply their own bike or rent separately	\$2.00 per person \$6.00 per family

Notes on interpretive and educational tours and programs:

Additional costs for supplies and materials may apply.

4VAC5-36-160. Outdoor skill program fees.

OUTDOOR SKILL PROGRAMS (NONTAXABLE)

Outdoor Skill Programs		FEE
Grayson Highlands	Outdoor Survival Skills and Backpacking	\$95 per person
	Basic Map and Compass	\$25 per person
	Beginning Rock Climbing and Backpacking	\$95 per person
	Advanced Map and Compass Skills	\$25 per person
Westmoreland, Douthat, Hungry Mother, False Cape	Photography Workshop, with meals and lodging	\$325 per person
	Photography Workshop, with meals, no lodging	\$295 per person
	Photography Workshop, no meals, no lodging	\$225 per person
	Nonparticipant Lodging and Food	\$235 per person
	Nonparticipant Meals only	\$125 per person
Lake Anna	Prospecting for Gold Workshop	\$50 per person
<u>Kipotopeke</u>	<u>Kayak Fishing Program</u>	<u>\$35 per person</u>

Regulations

Hungry Mother	Mountain Empire Fly Fishing School	\$225 per person
Grayson Highlands	Guided Fly Fishing Trip: Half-day Guided Fly Fishing Trip: Full-day	\$50 per person \$75 per person
Sky Meadows	Outdoor Skills Workshop	\$5.00 per class per person \$10 per class per family
	Primitive Camping Series (3 classes = 1 series)	\$15 per series per person \$30 per series per family
	Backpacking Series (4 classes = 1 series)	\$20 per series per person \$40 per series per family

4VAC5-36-200. Miscellaneous rental fees.

RENTALS (TAXABLE; Price here does not include tax)

Bike Rentals (includes helmet)	FEE
All parks where available unless otherwise noted	\$3.00 per hour \$8.00 per half-day \$15 per full-day
Claytor Lake	\$4.00 per hour \$25 per day
New River Trail, James River, Mason Neck	\$5.00 per hour \$12 per half-day \$18 per day
First Landing	\$5.00 per hour \$16 per day
Bike Helmet without bike rental	\$1.00
Child Cart for bike	\$5.00
Boat Rentals	
Standard Paddle Boat Rental:	
All parks where available unless otherwise noted	\$4.00 per half-hour \$6.00 per hour
Fairy Stone, Westmoreland, Hungry Mother	\$5.00 per half-hour \$8.00 per hour
Smith Mountain Lake	\$10 \$25 per half-hour \$15 \$35 per one hour \$80 for 24 hours \$30 additional for each day after first day
Standard Canoe Rental:	
All parks where available unless otherwise noted.	\$8.00 per hour \$15 per half-day \$25 per full-day \$40 for 24 hours \$100 per week
Smith Mountain Lake	\$8.00 per half-hour \$12 per one hour \$60 for 24 hours \$30 additional for each day after first day

Regulations

Claytor Lake	\$12 per hour \$35 per half-day \$50 per day
Leesylvania, Mason Neck	\$7.00 per half-hour \$12 per hour \$35 per half-day \$50 per day
James River	\$10 per hour (does not include shuttle) \$40 per day (does not include shuttle) \$120 per week (does not include shuttle)
Standard Float Trips:	
James River	
Bent Creek to Canoe Landing:	
Canoe	\$45 Max 3 people
Single Kayak	\$35 per kayak
Canoe Landing to Dixon Landing:	
Tubes	\$12 per tube
Group of four or more	\$10 per tube
Canoe	\$15 per canoe
Single Kayak	\$15 per kayak
Bent Creek to Dixon Landing:	
Canoe	\$50 per canoe
Single Kayak	\$40 per kayak
Shuttle Service Only:	
Canoe Landing to Dixon Landing, canoe or single kayak, scheduled or unscheduled	\$2.00 per person \$5.00 per canoe/kayak
Bent Creek Shuttle (Scheduled)	\$5.00 per boat (canoe/kayak) \$5.00 per person
Bent Creek Shuttle (Unscheduled)	\$15 per boat (canoe/kayak) \$15 per person
Tubes	\$5.00 per person/Bent Creek Shuttle \$2.00 between landings in park
Late Rental Fee	\$15 per half hour past return time
New River Trail	\$7.00 per hour \$20 per half-day \$30 per day \$35 per half-day, includes canoe rental and shuttle \$50 per full day, includes canoe rental and shuttle
Canoe Rental (includes shuttle)	
Trip A: Austinville to Foster Falls	\$35 per canoe
Trip B: Ivanhoe to Austinville	\$45 per canoe
Trip C: Ivanhoe to Foster Falls	\$50 per canoe
Trip D: Foster Falls to Route 100	\$45 per canoe

Regulations

Trip E: Route 100 to Allisonia	\$50 per canoe
Trip F: Foster Falls to Allisonia	\$55 per canoe
Kayak Rental (includes shuttle)	
Trip A: Austinville to Foster Falls	\$25 per kayak
Trip B: Ivanhoe to Austinville	\$35 per kayak
Trip C: Ivanhoe to Foster Falls	\$40 per kayak
Trip D: Foster Falls to Route 100	\$35 per kayak
Trip E: Route 100 to Allisonia	\$40 per kayak
Trip F: Foster Falls to Allisonia	\$45 per kayak
Standard Rowboat Rental, without motor:	
All parks where available unless otherwise noted	\$6.00 per hour \$12 per half-day \$22 per full-day \$36 per 24 hours \$80 per week
Hungry Mother: Rowboats	\$4.00 per hour \$15 per day \$40 per week
New River Trail: Rafts and flat-bottom boats	\$7.00 per hour \$20 per half-day \$30 per day
Standard Rowboat Rental with electric motor and battery: All parks where available unless otherwise noted	\$10 per hour \$20 per 4 hours \$36 per day \$100 per 4 days \$150 per week
<u>Hungry Mother: Standard Rowboat Rental with electric motor and battery</u>	<u>\$12 per hour</u> <u>\$24 per 4 hours</u> <u>\$45 per day</u> <u>\$75 per 24 hours (limited to overnight guests)</u>
Standard Motorboat Rental, 16-foot console steering, 25-45 horsepower outboard. All parks where available.	\$18 per hour \$90 per day
Standard Fishing Boat Rental with gasoline motor and one tank of fuel: All parks where available.	\$10 per hour (2-hour minimum) \$50 per day
Pedal Craft Rental: (Hydro-Bike, Surf-Bike, etc.) All parks where available unless otherwise noted.	
One person.	\$8.00 per hour
Two person.	\$10 per hour
<u>Hungry Mother: Hydro Bike</u>	<u>\$5.25 per half hour</u> <u>\$8.00 per hour</u>
Smith Mountain Lake: Hydro Bike	\$8.00 per half hour \$12 per hour \$4.00 additional per hour after first hour \$60 per 24 hours \$30 additional per day after first day
Barracuda Boat. All parks where available	\$10 per hour

Regulations

Solo Kayak Rental:	
All parks where available unless otherwise noted	\$8.00 per hour \$20 per half-day \$30 per day \$40 for 24 hours \$100 per week
Westmoreland	\$9.00 per hour \$17 per half-day \$30 per day
Smith Mountain Lake	\$8.00 per half hour \$12 per hour \$60 per 24 hours \$30 additional per day after first day
Mason Neck	\$6.00 per half-hour \$10 per hour \$35 per half-day \$50 per day
James River	\$7.00 per hour (does not include shuttle) \$20 per day (does not include shuttle) \$80 per week (does not include shuttle) \$12 per half hour past return time
Claytor Lake	\$10 per hour \$25 per half-day \$40 per day
Tandem Kayak Rental:	
All parks where available unless otherwise noted.	\$10 per hour \$20 per half-day \$30 per full-day \$45 for 24 hours \$120 per week
Westmoreland	\$12 per hour \$22 per half-day \$36 per day
Smith Mountain Lake	\$10 per half-hour \$15 per hour \$80 for 24 hours \$30 additional for each day after first day
Mason Neck	\$8.00 per half-hour \$15 per hour \$45 per 4 hours \$60 per day
Smith Mountain Lake: 14-foot fishing boat with 5 hp (3 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$50 for 3 hours \$10 additional per hour after first 3 hours \$150 for 24 hours \$30 additional per day after first day
Claytor Lake: 16-foot Bass Tracker with 60 hp motor. Damage deposit of 50% required	\$30 per hour \$75 per half-day \$115 per day
Claytor Lake: 17-foot bowrider with 135 hp motor. Damage deposit of 50% required	\$45 per hour \$120 per half day \$185 per day

Regulations

Claytor Lake: 20-foot pontoon boat with 90 hp motor. Damage deposit of 50% required	\$45 per hour \$120 per half-day \$185 per day
Claytor Lake: 24-foot pontoon boat with 75 hp motor. Damage deposit of 50% required	\$50 per hour \$140 per half-day \$210 per day
Claytor Lake: 30-foot pontoon boat with 115 hp motor. Damage deposit of 50% required	\$60 per hour \$165 per half-day \$250 per day
Claytor Lake: 18-foot bowrider with 190 hp motor. Damage deposit of 50% required	\$50 per hour \$135 per half-day \$205 per day
Claytor Lake: 19-foot bowrider with 220 hp motor, Damage deposit of 50% required.	\$55 per hour \$150 per half-day \$225 per day
Occoneechee: 17-1/2-foot fishing boat. Rental includes 30 gallons of fuel. Damage deposit of \$200 required	\$85 per hour \$20 additional per hour after first hour \$175 per 8 hours \$875 per 7 day week
Occoneechee: 20-foot pontoon boat with motor (8 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$85 per hour \$20 additional per hour after first hour \$175 per 8 hours \$875 per 7 day week
Occoneechee: 22-foot pontoon boat with motor (10 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$95 per hour \$20 additional per hour after first hour \$185 per 8 hours \$925 per 7 day week
Occoneechee: 25-foot pontoon boat with motor (14 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$110 per hour \$25 additional per hour after first hour \$230 per 8 hours \$1,150 per 7 day week
Smith Mountain Lake: 18-20-foot Runabout with 190 hp (8 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$165 for 3 hours \$20 additional per hour after first 3 hours \$255 per 8 hours \$320 for 24 hours \$100 additional per day after first day
Claytor Lake: 18-foot pontoon boat (7 person capacity) or 21-foot pontoon boat (9 person capacity). Damage deposit of 50% required	\$40 per hour \$110 per half-day \$170 per day
Claytor Lake: Jet Ski/ <u>Personal Watercraft</u> (for use with rental of pontoon boat only):	\$110 per half day \$170 per day \$60 per hour \$150 per 4 hours \$225 per 8 hours
Smith Mountain Lake: 24-foot pontoon boat with 40 hp (10-12 person capacity). Damage deposit of \$200 required.	\$90 for 3 hours \$20 additional per hour after first 3 hours \$165 per 8 hours \$215 for 24 hours \$80 additional each day after first day

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Smith Mountain Lake: Personal Watercraft (Waverunner 700). Rental does not include fuel and oil. Damage deposit of \$500 required.	\$180 for 3 hours \$20 additional per hour after first 3 hours \$270 per 8 hours \$335 for 24 hours \$130 additional per day after first day
Belle Isle: Motorboat less than 25 horsepower (3 gallons of fuel included, 2 hour minimum)	\$15 per hour \$60 per half-day \$100 per day
Belle Isle: Motorboat 25-49 horsepower (11 gallons of fuel included, 2 hour minimum)	\$22 per hour \$70 per half-day \$110 per day
Standard Damage/Replacement Fees: All parks where available unless otherwise noted. Not required for damage due to normal wear and tear.	
Paddle	\$20
Anchor/Rope	\$40
Fuel Tank/Hose	\$60
Fire Extinguisher	\$25
Throw Cushion	\$10
Propeller (small)	\$100
Propeller (large)	\$135
Personal Flotation Device (PFD): replacement fee for lost/damaged PFD	\$25 each
Other Rentals:	
Personal Flotation Device (PFD): When separate from boat rental.	\$1.00 per day
Smith Mountain Lake, James River: Personal Flotation Device, type II.	\$5.00 for first day \$1.00 additional days
Smith Mountain Lake: Personal Flotation Device, type III	\$7.00 for first day \$2.00 additional days
Canoe/Kayak Paddles: All parks where available unless otherwise noted.	\$5.00 per day
New River Trail: Float Tubes	\$5.00 per hour \$12 per half-day \$18 per day
James River:	
Cooler Tubes	\$3.00 per day
Tubes	\$8.00 per hour (does not include shuttle) \$20 per day (does not include shuttle) \$12 per half hour past return time
Claytor Lake: 2-person tow tube and towrope (with rental of boat only)	\$20 per 2 hours \$25 per half-day \$30 per day
Claytor Lake: Water skis and towrope (with rental of boat only)	\$20 per 2 hours \$25 per half-day \$30 per day

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Claytor Lake: Kneeboard and towrope (with rental of boat only)	\$15 per 2 hours \$20 per half-day \$25 per day
Smith Mountain Lake: Tow tube; Water Skis; Knee Board	\$15 per day with boat rental \$5.00 per additional day \$25 per day without boat rental
Smith Mountain Lake: Wake Board	\$25 per day with boat rental \$10 per additional day \$30 per day without boat rental
Mobile Pig Cooker: All parks where available unless otherwise noted.	\$40 per day
GPS Units	\$6.00 per unit per half-day \$10 per unit per day
Volleyball Net and Ball Rental: All parks where available.	\$10
Binocular Rentals (2 hours): All parks where available.	\$2.00
Beach Floats: All parks where available.	\$1.00 per hour \$3.00 for 4-hours \$5.00 for full-day
Surf Lounge Floating Chair Rental. All parks where available.	\$2.00 per hour, single chair \$5.00 per half-day, single chair \$7.00 per full day, single chair \$3.00 per hour, double chair \$7.00 per half-day, double chair \$10 per full day, double chair
Body Board: First Landing	\$6.00 per day
Beach Umbrella: All parks where available unless otherwise noted.	\$3.00 per hour \$8.00 for 4 hours \$15 for full-day
First Landing	\$6.00 per day
Beach Chair: All parks where available	\$5.00 per day
First Landing	\$6.00 per day
Fishing Rods: All parks where available unless otherwise noted.	\$5.00 per half-day
First Landing	\$6.00 per day \$3.00 per rod per fishing program
Tents with a group camp reservation. All parks where available.	
2-person tent	\$12 per day
3-person tent	\$20 per day
4-person tent	\$25 per day
5-person tent	\$30 per day
Coleman Camp Stove Rental, includes fuel	\$10 per day
Tabletop Propane Grill, includes fuel	\$15 per day
Coin-Operated Washing Machine: All parks where available unless otherwise noted.	\$1.25 per load, tax included
First Landing	\$1.50 per load, tax included
Coin Operated Dryer: All parks where available unless otherwise noted.	\$1.25 per load, tax included

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First Landing	\$1.50 per load, tax included
Pump Out: All parks where available unless otherwise noted.	\$5.00
Horse Rentals:	
All parks where available unless otherwise noted.	\$20 per one-hour ride \$40 per two-hour ride \$100 per full day ride
Pony Rides: All parks where available unless otherwise noted.	\$5.00 per 15 minutes
Horseback Riding Lessons: All parks where available unless otherwise noted.	\$25 per lesson on group basis \$30 per lesson for individual
Horseback Summer Day Camp: All parks where available unless otherwise noted.	\$180 per person per week
Horseshoe or Croquet Rental for Campers. All parks where available.	\$1.00 per hour \$5.00 per day \$20 deposit

4VAC5-36-210. Conference center and meeting facility fees.

CONFERENCE CENTERS (TAXABLE)

Prices may be discounted and/or waived by the director when necessary to create competitive bids for group sales.	FEE
Hemlock Haven Conference Center at Hungry Mother	
Main Hall (Capacity: 375) (Capacity: 240)	\$275 \$350 per day
Upper Level <u>Dogwood Room</u> (Capacity: 50)	\$175 \$200 per day
Redbud <u>Lower Level Board Room</u> : (Capacity 35) (Capacity: 16)	\$75 \$100 per day
Laurel Room (Capacity: 20)	\$40 per day
Entire Meeting Room Complex <u>Ferrell Hall</u> (Entire complex from 8 a.m. through 10 p.m.)	\$420 \$575 per day
Day Use Recreational Package (Includes all outside recreational facilities)	
0 – 250 Persons	\$300 per half-day \$600 per full-day
250 – 500 Persons	\$425 per half-day \$850 per full-day
500 + persons	\$575 per half-day \$1,200 per full-day
Cedar Crest Conference Center at Twin Lakes	
Complex: Doswell Hall with deck, grounds, volleyball, horseshoes; Kitchen, Latham and Hurt Rooms NOT included.	\$229 per 4 hours \$459 per day \$53 each extra hour
Doswell Meeting Room: Meeting Room Only <u>only</u> ; no kitchen or dining room.	\$164 per room per 4 hours \$328 per room per day \$37 each extra hour
Small breakout rooms with main room: Latham and Hurt.	\$65 per room per 4 hours \$131 per room per day \$21 each extra hour

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Small breakout rooms without main room.	\$98 per room per 4 hours \$196 per room per day \$37 each extra hour	
Picnic Shelter or Gazebo at Cedar Crest.	\$68 per 4 hours \$131 per day \$11 each extra hour	
Kitchen rental Only <u>only</u> available with complex rental.	\$105 per event	
Kitchen Cleaning Fee: Deposit.	\$150 per event	
Chippokes Plantation Meeting, Conference, and Special Use Facilities		
Mansion Conference Room.	\$26 per hour	
Mansion or Historic Area Grounds (Includes parking for party rental).	\$525 per 4 hours	
Mansion Board Room	\$105 per 4 hours	
Chippokes Plantation Conference Shelter (Available on reservation basis only).	\$105 per 4 hours	
Wedding Package (includes historic area grounds, gardens, tent set up and take down, 10 60-inch round tables, 10 standard size rectangle tables, 100 folding chairs, Wedding Coordinator, changing room for bride and groom, Mansion kitchen area, boardroom, no fee for wedding rehearsal).	\$1,412 per 4 hours \$2,073 per 8 hours \$50 nonrefundable reservation fee	
Southwest Virginia Museum	DAY	EVENING
Victorian Parlor		
Up to 30 People (8 tables – 30 chairs) OR Up to 50 people (50 chairs and head table)	\$42	\$68
Additional meeting rooms: Victorian Parlor must be rented in order to rent additional rooms.		
Hallway (downstairs) (Includes three existing tables with linens)	\$11	\$11
Additional Hours	\$10 per hour	\$10 per hour
Exceeding approved hours	\$20 per hour	\$20 per hour
Wedding Portraits	\$52 per 2 hours	\$78 per 2 hours
Wedding Packages	EVENT	
Wedding Package A: Accommodates 100 people. Use of arbor in Victorian Garden. Setup of 100 chairs. One parking attendant. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled).	\$500	
Wedding Package B: Accommodates 100 people. Use of a 40x40 Tent. Small platform stage (4"H x 8'W x 8'L). Accent rope lighting. Setup of 100 chairs. One parking attendant. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled).	\$1,500	
Wedding Package C: Accommodates 200 people (this requires an off-site reception area). Use of a 40x60 tent. Small platform stage (4"H x 8'W x 8'L). Accent rope lighting. Setup of 200 chairs. Two parking attendants. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled).	\$2,500	

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Reception Packages		
Casual Reception Package A: May be reserved with Wedding Package A or B. Use of Victorian Parlor or foyer; parlor set with serving tables and linens. Use of serving kitchen.	\$200	
Casual Reception Package B: May be reserved with Wedding Package A or B. Use of 20x30 tent; set with tables and linens. Use of serving kitchen.	\$300	
Formal Reception Package C: May be reserved with Wedding Package A or B. Use of 40x60 tent; sit-down reception for 100 to include tables, linens and chairs. Use of serving kitchen.	\$2,250	
Wedding and Reception Combination Package		
Wedding and Reception Combination Package: Accommodates 100 people. Both wedding and reception are held under the same tent. Use of a 40x60 tent. Small platform stage (4"H x 8"W x 8'L). Accent rope lighting. Setup of 100 chairs. One parking attendant. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled). Back of tent set with serving tables and linens. Use of serving kitchen.	\$2,500	
Damage Fee: a minimal damage fee will be assessed the person(s) renting the property for damage to the site.	\$200	
Wilderness Road (Mansion and Ground Rental)		
Karlan Mansion and Grounds Rental	\$350 for first day \$150 for each additional day	
Cove Ridge Center at Natural Tunnel:	PRIVATE FEE	EDUCATIONAL FEE
Cove Ridge Center Annual Membership: Membership entitles organization to a 25% discount on facility rental fees and group rates on all programming offered through the center.	\$1,050 per year	\$525 per year
Day Use: Exclusive use of the auditorium, meeting room, resource library, catering kitchen, great room with stone fireplace and deck for two consecutive half-day rental periods, and parking passes.	\$315	\$210
Overnight Use of one dorm: Includes Day Use Package plus one dorm rooms for one night and swimming (in season).	\$683	\$498
Overnight Use of both dorms: Includes Day Use Package plus two dorm rooms for one night and swimming (in season).	\$892	\$656
Wedding Package Day Use: Exclusive use of the auditorium, meeting room, resource library, catering kitchen, great room with stone fireplace and deck for three consecutive half-day rental periods, and parking passes.	\$525	NA
Wedding Package Overnight: Includes Day Use Package plus one dorm for one night and swimming (in season).	\$919	NA
Wedding Package Overnight: Includes Day Use Package plus both dorms for one night and swimming (in season).	\$1,102	NA
Wedding Package with Amphitheater: Rental of the park amphitheater in conjunction with any of the above wedding packages.	\$236 for the rental period	NA
Removal of furniture from great room (only available with exclusive use of the center).	\$42	\$42
Additional seating on deck (only available with exclusive use of the center).	\$42	\$0

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Auditorium	\$126 per half day \$231 per full day	\$99 per half day \$183 per full day
Classroom – Library (half-day)	\$63	\$47
One dorm: Overnight lodging for up to 30, includes swimming (in season) and parking passes.	\$420 per night April 1-October 31 \$378 per night November 1-March 31	\$315 per night April 1-October 31 \$283 per night November 1-March 31
Both Dorms: Overnight lodging for up to 60, includes swimming (in season) and parking passes.	\$630 per night April 1-October 31 \$567 per night November 1-March 31	\$472 per night April 1-October 31 \$425 per night November 1-March 31
Per Person Student Rate for Overnight Dorm Use	\$13 per person	\$13 per person
Kitchen Use (when not included in package)	\$50 per event	\$50 per event
Heritage Center at Pocahontas: All reservations require 50% down at time of reservation (Nonrefundable within 14 days of event)	PRIVATE FEE	EDUCATIONAL FEE
Large Room (Capacity: seated at tables 50; reception style 125, auditorium 80: includes tables, chairs, and warming kitchen)	\$131 per 4 hours \$236 per full-day \$26 each extra hour	\$78 per 4 hours \$141 per full-day \$15 each extra hour
Westmoreland	FEE	
Tayloe and Helen Murphy Hall Meeting Facility: Includes Main Meeting Room, Kitchen, and Grounds	\$500 (8 a.m. to 10 p.m.) \$350 additional rental days after first day \$75 per hour for usage beyond reservation period	
Potomac Overlook Rental	\$55 per day	
Breakout Meeting Room (May be rented separately from main meeting room only within 45 days of event.	\$75 (8 a.m. to 10 p.m.)	
Kitchen Clean Up Fee: (Waived if renter cleans facility)	\$250 per event	
Potomac River Retreat: Table and Chair Set-up	\$40	
Fairy Stone		
Fayerdale Hall Meeting Facility Weekend Rental. Includes Friday, Saturday, and Sunday		
One Day Rental	\$236 (8 a.m. to 10 p.m.)	
Two Consecutive Days Rental	\$315	
Three Consecutive Days Rental	\$366	
Fayerdale Hall Meeting Facility Weekday Rental. Includes Monday through Thursday only.		
One Day Rental	\$75 (8 a.m. to 10 p.m.)	
Two Consecutive Days Rental	\$125	
Three Consecutive Days Rental	\$174	
Four Consecutive Days Rental	\$225	

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Douthat	
Restaurant (includes table set-up)	\$236
Allegheny Room: Up to 30 persons.	\$158 per day
Wedding Package: Conference room and amphitheater (see "amphitheater section") on day of wedding, plus an extra half-day amphitheater for rehearsal.	\$289
First Landing	
Trail Center Conference Room <u>and Meeting Facility</u> (Capacity: 45)	\$42 per half day <u>\$280 per day</u> \$63 per full day
Lake Anna	
Visitor Center	\$32 per half-day \$53 per full day
Concessions Building Rental	\$100 per day
Bear Creek Lake	
Meeting facility	\$236 per day \$25 each extra hour
Wedding Package	\$315 per day
Claytor Lake	
Marina Meeting Facility: Includes facility, chairs, and tables.	\$550 per day, <u>Friday – Sunday</u> <u>\$275 per day, Monday – Thursday</u> \$825 per two days
Wedding Package: Includes rental of facility, chairs, tables, gazebo, and special use permit (\$10 permit fee is waived with package).	\$625 per day package \$995 per two-day package
Leesylvania Wedding/Function Package: Includes Rental of: Lee's Landing Picnic Shelter, 100 Chairs, 15 Tables, and Parking for up to 50 vehicles	\$840 per half-day \$945 per full-day
Mason Neck	
Wedding Package: 20 foot by 40 foot tent, 100 chairs, parking for up to 50 cars	\$788 per event
Parking Attendant	\$53 per 4 hours
Smith Mountain Lake	
Meeting room at Visitor Center	\$158 per day
Exceeding approved hours. All parks unless otherwise noted below.	\$25 per hour
Sky Meadows	
Timberlake House Meeting Room Capacity 15 people	\$50 per day 8 a.m. to 5 p.m. \$75 per evening beyond 5 p.m.
Timberlake House Kitchen (in conjunction with rental of meeting room)	\$25 per day or part of day
Equipment and Services Associated with Meetings and Rentals:	
Microphone/Podium Rental	\$15 per day
<u>Stage Section Rental: 4' x 4'</u>	<u>\$24 per event</u>
<u>First Landing</u>	

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<u>Trail Center Pergola</u>	<u>\$95 per 3 hours</u>
Chair Rentals	
White, padded	\$3.00
White, plastic event chair	\$1.50
Standard folding chair	\$1.00
Table Rentals	
Rectangular, 6'	\$7.50
Rectangular, 8'	\$8.00
Round, 4'	\$7.50
Round, 5'	\$8.75
Round, 6'	\$15
Linen Rentals: <u>All parks unless otherwise noted</u>	
Table cloth only Place settings	\$3.00 per table \$2.00 each
<u>Wilderness Road</u>	
<u>Table cloth</u>	<u>\$7.00</u>
Twin Lakes	
Overlay	\$1.25 per table
Napkins	\$0.40 per napkin
Fax	First 2 pages free \$2.00 each extra page
Copies	Single copy free \$0.15 each extra copy
Lost Key Fee	\$10
Easels	\$5.00 per day
Overhead Projector	\$10 per day
TV with VCR	\$10
Second TV	\$10
Overhead Projector with Screen	\$10
Slide Projector with Screen	\$10
Flip Chart	\$10
Event <u>Set-up and Clean Up Fees</u>	
<u>First Landing</u>	
<u>Table and Chair Set-up Fee</u>	<u>\$40 per event</u>
Park labor to clean up after special events and facility rentals if not done in accordance with rental agreement or use permit	\$50 per hour

Notes on conference and meeting facilities fees:

1. Conference and meeting facilities require a 30% prepayment due 10 days after making reservation, and payment of the full balance prior to or on the first day of the reservation. Cancellations made 14 or more days prior to the first day of the

reservation shall be charged the lesser of 10% of the total fee or \$100. Cancellations made less than 14 days prior to the first date of the reservation shall be charged 30% of the total fee.

2. Alcohol use during weddings at the Southwest Virginia Museum: Weddings held during public operating hours of the museum will not be allowed to serve alcohol. Weddings held after regular operating hours of the museum must comply with ABC permit laws and have alcohol in the designated reception areas.

VA.R. Doc. No. R12-3037; Filed November 1, 2011, 9:47 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

BOARD OF CORRECTIONS

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

Final Regulation

Title of Regulation: 6VAC15-20. Regulations Governing Certification and Inspection (amending 6VAC15-20-10, 6VAC15-20-30, 6VAC15-20-40, 6VAC15-20-50, 6VAC15-20-70, 6VAC15-20-80, 6VAC15-20-90, 6VAC15-20-100, 6VAC15-20-120).

Statutory Authority: § 53.1-5 of the Code of Virginia.

Effective Date: December 21, 2011.

Agency Contact: Jim Bruce, Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 23261-6963, telephone (804) 674-3303 ext. 1130, FAX (804) 674-3017, or email james.bruce@vadoc.virginia.gov.

Summary:

The amendments remove references to audits of state correctional facilities and probation and parole districts to reflect the changes in the authority of the Board of Corrections pursuant to Chapter 375 of the 2011 Acts of Assembly.

Part I
Definitions

6VAC15-20-10. Definitions.

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

"Appeal" means the action taken by a facility or program administrator when there is disagreement with a compliance audit finding.

"Audit report" means the official report of compliance audit findings prepared by the Compliance and Accreditation Unit supervisor for the department and submitted to the board.

"Board" means the State Board of Corrections.

"Certification analyst" means a person assigned to the Compliance and Accreditation Unit who serves as chairperson or team leader of the certification team.

"Certification/accreditation team" means persons appointed by the Compliance and Accreditation Unit manager or the American Correctional Association to conduct compliance audits.

"Community residential program" means any group home, halfway house, or other physically unrestricting facility used for the housing, treatment, or care of adult offenders established or operated with funds appropriated to the Department of Corrections from the state treasury and maintained or operated by any political subdivision, combination of political subdivisions, or privately operated agency within the Commonwealth.

"Compliance and Accreditation Unit" means the organizational unit of the department responsible for scheduling and conducting compliance audits to board standards.

"Compliance" means that no deficiency was cited by the certification team or that cited deficiencies have been corrected through completion of the tasks identified in the plan of action.

"Compliance audit" means an on-site official review of a facility or program by the certification team to evaluate compliance with standards promulgated by the board.

"Compliance and Accreditation Unit local facilities supervisor" means an individual responsible to the Compliance and Accreditation Unit manager for supervising the Board of Corrections' local facilities inspections.

"Compliance and Accreditation Unit manager" means an individual responsible to the Deputy Director of Administration for managing the Board of Corrections' certification process.

"Compliance and Accreditation Unit supervisor" means an individual responsible to the Compliance and Accreditation

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Unit manager for supervising the Board of Corrections' certification process.

"Compliance documentation" means specific documents or information including records, reports, observations and verbal responses required to verify compliance with standards by a facility or program.

"Decertified" means a status imposed by the board when it is determined that a facility or program has not met a minimum acceptable level of compliance with standards.

"Deficiency" means noncompliance with a specific standard.

"Department" means the Department of Corrections.

~~"Deputy director" means the administrative head or designee of a division of the Department of Corrections.~~

"Director" means the Director of the Department of Corrections.

"Facility" means the physical plant of a state, local or private correctional facility or community correctional facility.

"Facility or program administrator" means the individual responsible for the operation of a facility or program subject to standards, rules or regulations of the board.

"Inspection" means an on-site official review of a local correctional facility by local facilities managers to assess compliance with life, health and safety standards promulgated by the board.

"Interim compliance audit" means an on-site official review of a facility or program by the Compliance and Accreditation Unit to evaluate compliance with standards promulgated by the board which occurs at an interval other than the regular schedule as provided in 6VAC15-20-20. The interim compliance audit may consist of a determination of compliance with all standards applicable to the facility or program or may be limited to specific standards as directed by the board.

"Life, health and safety alert" means a process by which the board is provided immediate notice by department staff of life, health and safety deficiencies identified in local facilities/programs.

"Life, health, safety standards" means those standards directly related to life, health or safety issues as identified by the board.

"Local correctional facility" means a jail, regional jail, or lockup.

"Plan of action" means a document stating what has been or will be done to bring all deficiencies into compliance with standards, including a description of the activities undertaken, staff responsibilities, and a time table for completion.

"Preparatory audit" means an unofficial review of a facility or program by regional staff or the Compliance and

Accreditation Unit to evaluate compliance with standards promulgated by the board.

"Private correctional facility" means a facility that is operated by an entity which has entered into a legal agreement to provide any correctional services to the Department of Corrections with respect to inmates under the custody of the Commonwealth.

~~"Probation and parole district" means under the authority of the Director of the Department of Corrections, the Commonwealth is divided into as many separate districts as deemed necessary to provide professional investigation and supervision of the offender in the community under conditions of probation, parole or postrelease supervision and special conditions as set by the court or the Parole Board.~~

"Probationary certification" means a status granted by the board for a specific period of time to correct deficiencies within the control of the facility or program.

"Program" means a system of services provided to offenders by probation and parole offices and other community-based services.

"Region" means the geographic area in which a facility or program is located as established by the department.

~~"Regional director" means the administrative head of a specific geographic region within the department.~~

"Regional office" means the administrative offices of a specific region within the department.

"Unconditional certification" means that a facility or program is in 100% compliance with all applicable standards based upon the receipt of the plan of action.

"Variance" means a decision by the board to suspend the requirements of a specific standard for a specific period of time.

Part II Certification Process

6VAC15-20-30. Frequency of audits.

A. All ~~state, local, and private and community~~ correctional facilities and community residential programs ~~operated by or~~ affiliated with the department shall be audited every three years.

1. The regional office or ~~local facilities' office~~ facility staff shall notify the Compliance and Accreditation Unit supervisor in writing within 30 days after a new facility or program accepts the first offender.
2. The regional office staff shall conduct a preparatory audit of a new ~~facility or~~ community residential program during the first six months of operation.
3. The Compliance and Accreditation Unit shall conduct a compliance audit during the second six months of

operation and on a regular schedule thereafter as provided by this section.

B. The scheduled compliance audit may be postponed for up to six months due to bona fide security or emergency situations.

1. The facility or program administrator shall notify the Compliance and Accreditation Unit manager and provide details of the circumstances requiring the postponement.

2. The Compliance and Accreditation Unit supervisor shall complete a written notice of change and send copies of the approved written notice of change to the board, facility or program administrator, the appropriate regional director and the team members.

C. Any ~~state, local, or private or community~~ community residential correctional facility or community residential program may be scheduled for an interim compliance audit at the direction of the board. An interim audit may be scheduled for a facility or program that has:

1. Undergone renovations or additions that have resulted in additional inmate capacity or significant changes to the numbers and duties of security staff;

2. Exhibited difficulty in maintaining compliance with the board's standards;

3. Been cited for noncompliance with the board's standards as a result of Department of Corrections inspections, Department of Health inspections or informal visits made by Department of Corrections' staff; or

4. Been placed in probationary or decertified status.

6VAC15-20-40. Preparation for audit.

A. The Compliance and Accreditation Unit supervisor shall develop an annual audit schedule.

1. The schedule shall be submitted to the Compliance and Accreditation Unit manager for review, comment and approval.

2. Upon approval, the Compliance and Accreditation Unit supervisor shall:

a. Disseminate the final schedule as appropriate, and

b. Review the schedule as necessary and make adjustments for additional audits.

3. Changes to the final audit schedule shall be agreed upon by the Compliance and Accreditation Unit manager.

4. The Compliance and Accreditation Unit supervisor shall notify the facility or program administrator of the change. Changes shall not extend the audit date beyond the established frequency limits without board approval.

B. The Compliance and Accreditation Unit manager shall appoint certification team members.

1. Team members shall have prior audit experience or have completed certification training.

2. At least one person shall be a staff member of the same type of facility or program being audited.

3. ~~All team members shall be from outside of the region in which the facility or program is located.~~ The certification team auditing local correctional facilities shall consist at minimum of a certification analyst and a local facilities manager.

4. The certification analyst shall act as team leader and shall coordinate and facilitate the audit.

C. The Compliance and Accreditation Unit shall notify the facility or program administrator in writing at least 30 days prior to a compliance audit.

D. A certification analyst should visit the facility or program administrator prior to an audit to discuss the audit process as needed. The visit shall be documented and approved by the Compliance and Accreditation Unit supervisor.

6VAC15-20-50. On-site audit procedures.

A. The certification analyst shall, on the first day of the audit, orient the team to the audit process and afford the facility or program administrator an opportunity to brief the team on aspects of the facility or program that may have a bearing on the audit.

B. The facility or program administrator shall grant the team access to all documents, staff and areas of the facility or program that are relevant to establishing compliance.

C. A facility or community residential program with an approved variance shall provide such documentation to the certification team.

D. Data shall be collected through documentation, interview and observation.

E. The certification analyst shall brief the facility or program administrator daily on audit progress and preliminary findings. At this time, the facility or program administrator may introduce additional data having a bearing on the team's findings.

F. The entire certification team shall be included in compliance decisions.

1. When a team member finds an indication of noncompliance, the team member shall notify the entire team and provide all available information regarding the standard in question.

2. The team leader shall obtain consensus of the members to the compliance.

3. If a consensus cannot be obtained, the matter shall be referred to the Compliance and Accreditation Unit supervisor.

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G. The team shall hold a final debriefing with the facility or program administrator to discuss the team's compliance audit findings.

H. At the request of the facility or program administrator, the certification team shall report compliance audit findings to facility or program staff.

6VAC15-20-70. Development of a plan of action.

A. A plan of action shall be developed for all deficiencies noted in the compliance audit findings. The plan of action must identify the following:

1. The tasks required to correct a noted deficiency;
2. The personnel responsible for completing the tasks; and
3. The actual or proposed date of task completion.

B. The facility or program administrator shall submit the plan of action to the ~~regional office or~~ Compliance and Accreditation Unit ~~(for local facilities) as appropriate~~ within 10 working days of receipt of the notification of deficiencies.

C. The ~~regional director or designee,~~ or Compliance and Accreditation Unit manager shall ~~review the plan of action. If approved, it shall be submitted within 10 working days of receipt as follows:~~

- ~~1. Regional director to the Deputy Director of Community Corrections;~~
- ~~2. Regional director to the Deputy Director of Operations;~~
- ~~3. Compliance and Accreditation Unit manager.~~

D. The Deputy Director of Community Corrections/~~Deputy Director of Operations/~~Compliance and Accreditation Unit manager shall approve, amend, or return the plan of action to the ~~regional director or local facility or program~~ administrator for revision within 10 working days of receipt.

~~E. D.~~ The ~~regional director or local facilities~~ facility or program administrator shall complete any revision requested and return the plan to the ~~Deputy Director of Community Corrections/Deputy Director of Operations/~~Compliance and Accreditation Unit manager within 10 working days of receipt.

F. E. The Compliance and Accreditation Unit manager may grant one 30-day extension to a facility or program administrator for the development of a plan of action. The Compliance and Accreditation Unit manager shall notify the board of the extension and its justification. The board may grant additional extensions.

~~G. F.~~ If a facility or program administrator fails to submit a plan of action within the time specified, the Compliance and Accreditation Unit supervisor shall submit the audit report with recommendations to the board.

6VAC15-20-80. Variance requests.

A variance may be requested by a facility or program administrator when unable to comply with a standard.

1. Variance requests shall be submitted along with the plan of action for any deficiencies cited during the audit. ~~Local correctional facilities shall submit the variance request directly to the board with the plan of action. Variance requests from other facilities/programs shall follow the procedures listed below.~~ Variance requests shall include:

- a. The standard that cannot be met;
- b. Justification for variance; and
- c. The time frame for the variance.

2. Local correctional facilities and community adult residential programs shall submit the variance request directly to the board.

~~3. The regional director shall make a recommendation on the variance request and submit it and the plan of action to either the Deputy Director of Operations or Deputy Director of Community Corrections.~~

~~4. The Deputy Director of Operations or Deputy Director of Community Corrections shall review the variance request or requests and either submit them to the board with a recommendation for approval or return the disapproved request to the regional director.~~

~~5. The Compliance and Accreditation Unit manager, for the deputy director, shall forward the variance request to the board with a recommendation for approval.~~

6VAC15-20-90. Appeal process for audits/inspections and schedule.

A. ~~The appeal review levels are:~~ Board of Corrections will review appeals for locally or privately operated community facilities or community residential programs.

- ~~1. Deputy Director of Operations for state correctional facilities;~~
- ~~2. Deputy Director of Community Corrections for state community correctional units and probation and parole districts;~~
- ~~3. Board of Corrections for locally or privately operated community facilities or programs.~~

B. Appeals shall be submitted to ~~either the regional office or the Compliance and Accreditation Unit (as noted above)~~ along with the plan of action within 10 working days of receipt of the notification of deficiencies. The ~~regional director or the~~ Compliance and Accreditation Unit supervisor shall submit the appeal ~~and the plan of action to the Deputy Director of Operations/Deputy Director of Community Corrections within five working days of receipt to the board.~~

~~C. If the appeal is denied at any level, the facility or program administrator may request that the appeal be forwarded to the next level.~~

~~D. Each appeal level shall complete its review of the appeal and notify the Compliance and Accreditation Unit supervisor of its decision within five working days upon receipt of the appeal.~~

~~E. C.~~ Upon completion of the board's review of the appeal, notification of the decision shall be forwarded no later than five days after the board meeting to the facility or program administrator.

~~F. D.~~ If the appeal is ultimately denied by the board, the Compliance and Accreditation Unit will review and confirm the submitted plan of action and present a final recommendation for consideration by the board at the following board meeting.

6VAC15-20-100. Board action on audit results.

A. The Compliance and Accreditation Unit supervisor shall submit audit reports to the board no later than 60 days after completion of the audit. Audit reports shall include:

1. A list of deficiencies;
2. Plans of corrective action and completion status;
3. Similar deficiencies from the previous audit; and
4. Recommended action for consideration by the board.

B. Based upon the audit report the board shall take one of the following actions:

1. A letter requesting corrective action on deficiencies within a specific time frame shall be issued to the facility or program.
2. A certificate of unconditional certification shall be issued to a facility or community residential program that has complied with all applicable standards.
3. A letter of probationary certification may be issued to a facility or community residential program that has not met all applicable standards if the board grants a specific period of time to correct deficiencies. The department shall provide periodic status reports to the board.
4. A letter of decertification will be issued by the board when a facility or community residential program does not meet the requirements for certification within the time limits approved by the board. The Compliance and Accreditation Unit supervisor shall provide status reports to the board during this period and notify the board when all deficiencies have been corrected.

C. A facility or community residential program's certification status shall remain in effect until subsequent board action.

6VAC15-20-120. Actions that can be taken when decertified.

When a facility or community residential program is decertified the board may consider taking the following actions in compliance with statutes, policies, and procedures established by the board, the department, or other state or federal agencies:

1. Board action for facilities or community residential programs that are ~~state~~ or privately operated may include, but not be limited to, the following:

- a. The facility or program administrator authorized to take action may bring about a reorganization of the facility or community residential program structure or other personnel actions deemed necessary to bring it into compliance with standards; or
- b. The facility or community residential program may be closed in accordance with established procedures.

2. Board action for facilities and community residential programs that are locally operated may include, but not be limited to, the following:

- a. Recommend that the facility or program administrator authorized to take action bring about a reorganization of the facility or community residential program structure or other personnel actions deemed necessary to bring it into compliance with standards;
- b. Recommend that the facility or community residential program be closed or contractual agreements terminated in accordance with established procedures; or
- c. Initiate proceedings for the withholding of funds under the appropriate sections of the Code of Virginia.

VA.R. Doc. No. R12-2951; Filed October 21, 2011, 12:53 p.m.

Final Regulation

Title of Regulation: **6VAC15-31. Standards for State Correctional Facilities (repealing 6VAC15-31-10 through 6VAC15-31-410).**

Statutory Authority: § 53.1-5 of the Code of Virginia.

Effective Date: December 21, 2011.

Agency Contact: Jim Bruce, Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 23261-6963, telephone (804) 674-3303 ext. 1130, FAX (804) 674-3017, or email james.bruce@vadoc.virginia.gov.

Summary:

This regulation was established under the authority of § 53.1-5 of the Code of Virginia, which was amended by Chapter 375 of the 2011 Acts of Assembly. The Board of Corrections no longer has the authority to set standards

Regulations

for state correctional facilities and is, therefore, repealing the regulation.

VA.R. Doc. No. R12-2899; Filed October 21, 2011, 10:46 a.m.

Final Regulation

Title of Regulation: 6VAC15-62. Standards for State Community Corrections Units (repealing 6VAC15-62-10 through 6VAC15-62-120).

Statutory Authority: § 53.1-5 of the Code of Virginia.

Effective Date: December 21, 2011.

Agency Contact: Jim Bruce, Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 23261-6963, telephone (804) 674-3303 ext. 1130, FAX (804) 674-3017, or email james.bruce@vadoc.virginia.gov.

Summary:

This regulation was established under the authority of § 53.1-5 of the Code of Virginia, which was amended by Chapter 375 of the 2011 Acts of Assembly. The Board of Corrections no longer has the authority to set standards for state correctional facilities and is, therefore, repealing the regulation.

VA.R. Doc. No. R12-2947; Filed October 21, 2011, 10:55 a.m.

FORENSIC SCIENCE BOARD

Proposed Regulation

Title of Regulation: 6VAC40-60. DNA Data Bank Regulations (adding 6VAC40-60-10 through 6VAC40-60-60).

Statutory Authority: §§ 9.1-1110 and 19.2-310.5 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: January 20, 2012.

Agency Contact: Stephanie Merritt, Department Counsel, Department of Forensic Science, 700 North Fifth Street, Richmond, VA 23219, telephone (804) 786-6848, FAX (804) 786-6857, or email stephanie.merritt@dfs.virginia.gov.

Basis: Section 9.1-1110 of the Code of Virginia authorizes the Board of Forensic Science to adopt regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) for the administration of § 19.2-310.5 of the Code of Virginia. Section 19.2-310.5 of the Code of Virginia authorizes the Department of Forensic Science to adopt regulations governing (i) the methods of obtaining information from the data bank in accordance with § 19.2-310.5 and (ii) procedures for verification of the identity and authority of the requestor.

Purpose: The proposed regulation will establish the methods for obtaining information from the Virginia DNA data bank

and procedures for verifying the identity and authority of persons requesting information from the Virginia DNA data bank pursuant to the requirements of § 19.2-310.5 of the Code of Virginia. In fulfilling this statutory mandate, the proposal also achieves the important goal of fully informing stakeholders, meaning law-enforcement agencies tasked with, among other things, protecting the health, safety, or welfare of the public, of processes related to the Virginia DNA data bank. The proposed regulation does not have any known environmental benefit.

Substance: The proposed regulation details the process by which a law-enforcement officer may:

1. Inquire whether or not an individual's DNA profile is in the DNA data bank;
2. Obtain information relating to specific Virginia forensic laboratory examinations involving the analysis and comparison of two or more DNA samples; and
3. Request DNA data bank information relating to out-of-state forensic laboratory examination.

Additionally, the proposal directs that the provision of data bank information to the Department of Corrections and the Department of Juvenile Justice shall be by a secure electronic exchange of data and directs the Department of Forensic Science to maintain a list of employee positions requiring regular data bank access on its website.

Issues: The proposed regulation poses no known disadvantages to the public or the Commonwealth. In fulfilling the statutory mandate, the proposal also provides the advantage of fully informing stakeholders, meaning law-enforcement agencies tasked with, among other things, protecting the health, safety, or welfare of the public, of processes related to the Virginia DNA data bank. By informing law-enforcement agencies of these processes, the regulation benefits the public and the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to a legislative mandate in § 19.2-310.5, the Forensic Science Board (Board) proposes to promulgate new regulations that will govern access to DNA databases.

Result of Analysis. Benefits likely outweigh costs for implementing these proposed changes.

Estimated Economic Impact. Currently, the Department of Forensic Science (DFS) does not have regulations that govern access to DNA databases but does have policies that are equivalent in their requirements. Pursuant to a legislative mandate, the Board now proposes to promulgate new regulations that allow police departments, the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), attorneys for the United States Department of Justice and the

Office of the Chief Medical Examiner to gain access to information in the State or federal DNA databases in connection with the submission of physical evidence for forensic laboratory examination. The proposed regulations specify how law enforcement officers may submit a request for information (by mail, fax or in person) as well as mandating that information provided to DOC and DJJ be transmitted through a secure electronic exchange. The proposed regulations also specify that information requested about out-of-state forensic examinations will be governed by the Combined DNA Index System (CODIS) manual and clarifies that the rules by which criminal defendants and their lawyers may access information in DNA databanks are in § 9.1-1104 of the Code of Virginia.

Because these regulations do not vary in any substantive way from policies already in place, no affected entity is likely to incur any costs on account of this proposed regulatory action. Interested individuals will, however, benefit from these rules being promulgated into regulations that are readily available and that will not change except through an act of the General Assembly or through a Board action that is open to the public and governed by the Administrative Process Act.

Businesses and Entities Affected. DFS reports that there are currently approximately 600 law enforcement and state agencies that may submit evidence for DNA analysis.

Localities Particularly Affected. No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment. This proposed regulatory action is unlikely to have any effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property. These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects. No small business is likely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact. No small business is likely to incur any costs on account of this regulatory action.

Real Estate Development Costs. This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the Board the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 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, § 2.2-4007.04 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 Economic Impact Analysis: The Department of Forensic Science concurs with the economic impact analysis.

Summary:

Pursuant to § 19.2-310.5 of the Code of Virginia, the proposed regulation establishes the methods for obtaining information from the Virginia DNA data bank and procedures for verifying the identity and authority of persons requesting information from the Virginia DNA data bank.

The proposed regulations (i) allow police departments, the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), attorneys for the Commonwealth or the United States Department of Justice, and the Office of the Chief Medical Examiner to gain access to information in the Virginia or federal DNA databases in connection with the submission of physical evidence for forensic laboratory examination; (ii) specify how law-enforcement officers may submit a request for information; (iii) mandate that information provided to DOC and DJJ be transmitted through a secure electronic exchange; (iv) specify that information requested about out-of-state forensic examinations will be governed by the Combined DNA Index System (CODIS) manual; and (v) clarify that the rules by which criminal defendants and their lawyers may access information in DNA databanks are found in § 9.1-1104 of the Code of Virginia.

**CHAPTER 60
DNA DATA BANK REGULATIONS**

6VAC40-60-10. Definitions.

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

"CODIS" means the Combined DNA Index System.

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"Department" means the Virginia Department of Forensic Science.

"DNA" means deoxyribonucleic acid.

"DNA data bank" means the Virginia State DNA Index System (SDIS) maintained by the department, which is a database of DNA profiles associated with the corresponding personally identifying information.

"DNA profile" means the results of DNA analysis of a sample of human biological evidence.

"Law-enforcement agency" means any federal, state, or local government law-enforcement organization.

"RFLE" means Request for Laboratory Examination, an official form provided by the department.

"Subject" means the individual from whom a sample of human biological evidence has been obtained.

6VAC40-60-20. Request for information from a law-enforcement officer regarding whether an individual's DNA profile is in the DNA data bank.

A. A request for information regarding whether an individual's DNA profile is in the DNA data bank shall be in writing, addressed to the department's DNA data bank administrator, and signed by the requesting law-enforcement officer.

1. The request shall contain as much of the following information as is available to the requestor at the time of the request: the individual's full name, known aliases, assigned or claimed social security number, date of birth, race, gender, and state identification number.

2. The request shall state that the information is being obtained in furtherance of an official investigation of a specified criminal offense that occurred within the jurisdiction of the requesting law-enforcement agency.

B. The written request shall be on the official letterhead of the requesting officer's law-enforcement agency and sent to the department's central laboratory at 700 North Fifth Street, Richmond, Virginia 23219, via United States mail or commercial mail delivery service, or by facsimile.

C. In the alternative, the request may be made in person at the department's central laboratory at 700 North Fifth Street, Richmond, Virginia 23219. If not presented on the official letterhead of the requesting officer's law-enforcement agency, the requesting officer shall reduce the request to writing consistent with subsection A of this section and certify his authority to request such information. Thereupon, the identity of the requestor shall be verified by department personnel by inspection of the requestor's identification card and badge number. Department personnel shall (i) affirm in writing, below the signature of the requesting officer, that the officer's

identification was verified; (ii) record the officer's badge number; and (iii) sign and date such verification.

6VAC40-60-30. Request for DNA data bank information relating to specific Virginia forensic laboratory examinations involving the analysis and comparison of two or more samples.

A. A duly authorized member of a law-enforcement agency or private police department designated as a criminal justice agency by the Department of Criminal Justice Services as defined in § 9.1-101 of the Code of Virginia, attorneys for the Commonwealth, attorneys for the United States Department of Justice, or a duly authorized member of the Office of the Chief Medical Examiner may obtain information from the DNA data bank in connection with the submission of physical evidence for forensic laboratory examination. A request for such laboratory examination shall be submitted in writing on the department's Request for Laboratory Examination (RFLE) form. The RFLE and any related physical evidence shall be submitted pursuant to the procedures established in the department's Evidence Handling & Laboratory Capabilities Guide, which is available online at the department's website.

B. A request from an accused or his attorney shall be governed by the provisions of § 9.1-1104 of the Code of Virginia.

C. A request for information from the DNA data bank concerning the results of an analysis and comparison of the identification characteristics of human biological evidence shall be in writing, addressed to the department's DNA data bank administrator, and signed by the requestor.

1. The request shall contain as much of the following information as is available to the requestor at the time of the request: the subject's full name, known aliases, assigned or claimed social security number, date of birth, race, gender, and state identification number.

2. The request shall state that the information is being obtained in furtherance of an official investigation of a specified criminal offense that occurred within the jurisdiction of the requesting law-enforcement agency.

3. The written request shall be on the official letterhead of the requestor's agency and sent to the department's central laboratory at 700 North Fifth Street, Richmond, Virginia 23219, via United States mail or commercial mail delivery service, or by facsimile.

4. In the alternative, the request may be made in person at the department's central laboratory at 700 North Fifth Street, Richmond, Virginia 23219. If not presented on the official letterhead of the requestor's agency, the requestor shall reduce the request to writing consistent with subsection A of this section and certify his authority to request such information. Thereupon, the identity of the requestor shall be verified by department personnel by

inspection of the requestor's agency identification card. Department personnel shall (i) affirm in writing, below the signature of the requestor, that the requestor's identification was verified; (ii) record the requestor's agency identification number if applicable; and (iii) sign and date such verification.

6VAC40-60-40. Requests for DNA data bank information relating to out-of-state forensic laboratory examination.

Requests for DNA data bank information relating to out-of-state forensic laboratory examinations shall be submitted pursuant to the procedures established in the CODIS Operating Policies and Procedures Manual, which is available online at the department's website.

6VAC40-60-50. Provision of DNA data bank information to the Virginia Department of Corrections and the Department of Juvenile Justice.

Any information from the DNA data bank provided to a duly authorized representative of the Department of Corrections pursuant to § 19.2-310.2 of the Code of Virginia or to the Department of Juvenile Justice pursuant to § 16.1-299.1 of the Code of Virginia shall be by a secure electronic exchange of data.

6VAC40-60-60. Department employee access to the DNA data bank.

The department shall maintain a list of employee positions that require regular access to the DNA data bank and samples submitted as a necessary function of the job. This list shall be available online at the department's website.

NOTICE: The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (6VAC40-60)

[Virginia Department of Forensic Science Request for Laboratory Examination, 100-F100 \(eff. 8/08\).](#)

DOCUMENTS INCORPORATED BY REFERENCE (6VAC40-60)

[CODIS Operating Policies and Procedures Manual, 210-D100, Revision 2, July 27, 2009, Biology Program Manager, Virginia Department of Forensic Science.](#)

[Evidence Handling & Laboratory Capabilities Guide, February 2010 edition, Forensic Training Section, Virginia Department of Forensic Science.](#)

VA.R. Doc. No. R10-2425; Filed October 26, 2011, 10:41 a.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Final Regulation

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

Title of Regulation: **12VAC30-120. Waivered Services (adding 12VAC30-120-925).**

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

Effective Date: January 1, 2012.

Agency Contact: Brian McCormick, Regulatory Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680, or email brian.mccormick@dmas.virginia.gov.

Summary:

The amendment permits individuals with special needs who are enrolled in the Elderly and Disabled with Consumer Direction Waiver and who have a diagnosis of intellectual disability to be eligible to receive respite services in children's residential facilities that are licensed for respite services for children with intellectual disability. The amendment is mandated by Item 297 WWW of Chapter 890 of the 2011 Acts of Assembly.

12VAC30-120-925. Respite coverage in children's residential facilities.

A. Individuals with special needs who are enrolled in the EDCD waiver and who have a diagnosis of intellectual disability (ID) shall be eligible to receive respite services in children's residential facilities that are licensed for respite services for children with ID.

B. These respite services shall be covered consistent with the requirements of 12VAC30-120-925 or 12VAC30-120-960, whichever is in effect at the time of service delivery.

VA.R. Doc. No. R12-2948; Filed October 25, 2011, 10:55 a.m.

Regulations

TITLE 16. LABOR AND EMPLOYMENT

SAFETY AND HEALTH CODES BOARD

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

Final Regulation

Titles of Regulations: 16VAC25-90. Federal Identical General Industry Standards (amending 16VAC25-90-1910.145, 16VAC25-90-1910.147, 16VAC25-90-1910.177).

16VAC25-100. Federal Identical Shipyard Employment Standards (amending 16VAC25-100-1915.92, 16VAC25-100-1915.163, 16VAC25-100-1915.181; adding 16VAC25-100-1915.80, 16VAC25-100-1915.81, 16VAC25-100-1915.82, 16VAC25-100-1915.83, 16VAC25-100-1915.84, 16VAC25-100-1915.85, 16VAC25-100-1915.86, 16VAC25-100-1915.87, Appendix A to 16VAC25-100-1915.87, 16VAC25-100-1915.88, 16VAC25-100-1915.89, Appendix A to 16VAC25-100-1915.89, 16VAC25-100-1915.90, 16VAC25-100-1915.91, 16VAC25-100-1915.93, 16VAC25-100-1915.94, 16VAC25-100-1915.162, 16VAC25-100-1915.164).

Statutory Authority: § 40.1-22(5) of the Code of Virginia; Occupational Safety and Health Act of 1970 (P.L. 91-596).

Effective Date: January 15, 2012, for all sections except 16VAC25-100-1915.89. The effective date of 16VAC25-100-1915.89 is April 15, 2012.

Effective Date: January 15, 2012.

Agency Contact: John J. Crisanti, Planning and Evaluation Manager, Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, TTY (804) 786-2376, or email john.crisanti@doli.virginia.gov.

Summary:

Federal OSHA has revised Subparts J and N of 29 CFR Part 1910 and Subparts F and J of 29 CFR Part 1915 regarding hazards in general working conditions in shipyard employment. The amendments reflect advances in industry practices and technology, consolidate certain safety and health requirements into a single subpart, and provide protection from hazards not previously addressed, including the control of hazardous energy. The final rule covers diverse working conditions in shipyard employment,

including sanitation, medical services and first aid, motor vehicle and pedestrian safety, lighting, housekeeping, and hazardous energy. It applies to all shipyard employment at landside facilities, on vessels, and in vessel sections. The revised final rule does not apply to landside fish-processing facilities, which will continue to be covered by Part 1910, general industry requirements. 16VAC25-90 and 16VAC25-100 are revised accordingly.

The amendments also implement a correction to §§ 1910.145 and 1910.147 of this revised standard, published on July 25, 2011, by federal OSHA.

Note on Incorporation by Reference: Pursuant to § 2.2-4103 of the Code of Virginia, 29 CFR Part 1910, Occupational Safety and Health Standards, and 29 CFR Part 1915, Occupational Safety and Health Standards for Shipyard Employment, are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. A copy of each of these documents is available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

Statement of Final Agency Action: On October 13, 2011, the Safety and Health Codes Board adopted federal OSHA's revised final rule for (i) Occupational Safety and Health Standards, §§ 1910.145, 1910.147, and 1910.177, and (ii) Occupational Safety and Health Standards for Shipyard Employment, §§ 1915.80 through 1915.94, 1915.162 through 1915.164, and 1915.181 as published in 76 FR 24698 through 24711 on May 2, 2011, with an effective date of April 15, 2012, for § 1915.89 and an effective date of January 15, 2012, for all other sections. The board also adopted the subsequent corrections to §§ 1910.145 and 1910.147 published in 76 FR 44265.

Federal Terms and State Equivalents: When the regulations, as set forth in the revised final rule for Occupational Safety and Health Standards and Occupational Safety and Health Standards for Shipyard Employment are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

Federal Terms	VOSH Equivalent
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
August 1, 2011	January 15, 2012
October 31, 2011	April 15, 2012

Final Regulation

Titles of Regulations: **16VAC25-90. Federal Identical General Industry Standards (amending 16VAC25-90-1910.33, 16VAC25-90-1910.34, 16VAC25-90-1910.35, 16VAC25-90-1910.36, 16VAC25-90-1910.132, 16VAC25-90-1910.134, 16VAC25-90-1910.141, 16VAC25-90-1910.184, 16VAC25-90-1910.440, 16VAC25-90-1910.1001, 16VAC25-90-1910.1003, 16VAC25-90-1910.1017, 16VAC25-90-1910.1018, 16VAC25-90-1910.1020, 16VAC25-90-1910.1025, 16VAC25-90-1910.1027, 16VAC25-90-1910.1028, 16VAC25-90-1910.1029, 16VAC25-90-1910.1030, 16VAC25-90-1910.1043, 16VAC25-90-1910.1044, 16VAC25-90-1910.1045, 16VAC25-90-1910.1047, 16VAC25-90-1910.1050, 16VAC25-90-1910.1051, 16VAC25-90-1910.1450; adding Appendix C to § 1910.134, Appendix A to § 1910.1450).**

16VAC25-100. Federal Identical Shipyard Employment Standards (amending Appendix A to Subpart B of Part 1915, 16VAC25-100-1915.112, 16VAC25-100-1915.118, 16VAC25-100-1915.152, 16VAC25-100-1915.1001, Appendix C to § 1915.1001; adding 16VAC25-100-1915.113).

16VAC25-120. Federal Identical Marine Terminals Standards (amending 16VAC25-120-1917.2, 16VAC25-120-1917.127).

16VAC25-130. Federal Identical Longshoring Standards for Hazard Communications (amending 16VAC25-130-1918.2, 16VAC25-130-1918.95).

16VAC25-137. Federal Identical Gear Certification (adding 16VAC25-137-1919.6, 16VAC25-137-1919.11, 16VAC25-137-1919.12, 16VAC25-137-1919.15, 16VAC25-137-1919.18).

16VAC25-175. Federal Identical Construction Industry Standards (amending 16VAC25-175-1926.60, 16VAC25-175-1926.62, 16VAC25-175-1926.1101, 16VAC25-175-1926.1127; adding 16VAC25-175-1926.251).

Statutory Authority: § 40.1-22(5) of the Code of Virginia; Occupational Safety and Health Act of 1970 (P.L. 91-596).

Effective Date: January 15, 2012.

Agency Contact: John J. Crisanti, Planning and Evaluation Manager, Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, TTY (804) 786-2376, or email john.crisanti@doli.virginia.gov.

Summary:

In Phase III of its Standards Improvement Project (SIP-III), federal OSHA revised the general industry, maritime, construction, and agricultural standards by removing or revising individual requirements within rules that were

confusing, outdated, duplicative, or inconsistent. This regulatory action adopts most of SIP-III, including:

1. Revising the title of the Means of Egress standard to "Exit Routes and Emergency Planning;"

2. Adding another compliance alternative to the exit routes standards so employers can comply with the exit-route provisions of either the National Fire Protection Association 2009 Life Safety Code or the International Code Council 2009 International Fire Code;

3. Removing requirements from several general industry substance-specific standards for employers to prepare and maintain training-certification records;

4. Clarifying and updating numerous provisions related to respiratory protection in 16VAC25-90-1910.134, 16VAC25-90-1910.1003, 16VAC25-90-1910.1051, 16VAC25-100-1915.1001, and 16VAC25-175-1926.1101;

5. Revising and updating two definitions of the general environmental controls in 16VAC25-90-1910.141 and 16VAC25-120-1917.127;

6. Updating the standards regulating slings for general industry (16VAC25-90-1910.184), shipyard employment (16VAC25-100-1915.112, 16VAC25-100-1915.113, and 16VAC25-100-1915.118), and construction (16VAC25-175-1926.251) by removing outdated tables for consistency with current ANSI standards;

7. Removing two obsolete recordkeeping requirements in commercial diving operations standards in 16VAC25-90-1910.440;

8. Removing several standards in toxic and hazardous substances standards that required employers to transfer medical records to the National Institute for Occupational Safety and Health (NIOSH);

9. Revising the monitoring requirements under the lead standards for general industry (16VAC25-90-1910.25) and construction (16VAC25-175-1926.62) to require employers to provide follow-up blood sampling tests when an employee's blood lead level is at or above the numerical criterion for medical removal;

10. Removing an outdated medical recommendation in the standard on occupational exposure to hazardous chemicals in laboratories (16VAC25-90-1910.1450);

11. Clarifying that the original purpose of the shipyard confine-space standard (i.e., that OSHA does not consider abrasive blasting of the external surface of the vessel (the hull) to be hot work);

12. Adding a definition to the longshoring standards of the term "ship's stores" (16VAC25-120-1917.2) to

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eliminate confusion regarding the meaning of this term; and

13. Adding updated OSHA requirements for inspecting a vessel's cargo-handling gear consistent with ILO Convention 152 (16VAC25-137-1919.6, 16VAC25-137-1919.11, 16VAC25-137-1919.12, and 16VAC25-137-1919.15) to mandate that gear be thoroughly examined before initial use, as well as every 12 months, and retested every five years, instead of every four years.

Note on Incorporation by Reference: Pursuant to § 2.2-4103 of the Code of Virginia, 29 CFR Part 1910, Occupational Safety and Health Standards; 29 CFR Part 1915, Occupational Safety and Health Standards for Shipyard Employment; 29 CFR Part 1917, Marine Terminals Standards; 29 CFR Part 1918, Safety and Health Regulations for Longshoring; 29 CFR Part 1919, Gear Certification; and 29 CFR Part 1926, Safety and Health Regulations for Construction are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the documents will not be printed in the Virginia Register of Regulations. A copy of each of these documents is available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

Statement of Final Agency Action: On October 13, 2011, the Safety and Health Codes Board adopted Phase III of federal OSHA's final rule for the Standards Improvement Project, with an effective date of January 15, 2012. The only standards of Phase III not adopted by the board were 29 CFR 1910.6, 29 CFR 1926.51, and 29 CFR 1928.110.

Federal Terms and State Equivalents: When the regulations as set forth in the revised final rule for Standards Improvement Project - Phase III are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

Federal Terms	VOSH Equivalent
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
July 8, 2011	January 15, 2012

VA.R. Doc. No. R12-3035; Filed November 2, 2011, 9:55 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Final Regulation

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

Title of Regulation: 18VAC65-30. Regulations for Preneed Funeral Planning (amending 18VAC65-30-230).

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

Effective Date: December 21, 2011.

Agency Contact: Lisa Russell Hahn, Executive Director, Board of Funeral Directors and Embalmers, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4424, FAX (804) 527-4637, or email lisa.hahn@dhp.virginia.gov.

Summary:

The amendment makes providing an authorized written statement to each person who arranges a funeral or other disposition of human remains a requirement rather than an option as required by federal regulation.

18VAC65-30-230. Content of disclosure statements.

The following disclosure statements shall be provided as a part of any contract used for preneed funeral planning:

We are required by law and/or the Virginia Board of Funeral Directors and Embalmers to provide access to and the opportunity for you to read the following information to assist you in preplanning. A question and answer format is used for clarity and includes the most commonly asked questions.

PRENEED CONTRACTS

-- Is there more than one type of preneed agreement?

Yes. Guaranteed contracts mean that the costs of certain individual items or the cost of the total package will never be more to your family or estate. Nonguaranteed means just the opposite. (See the section entitled "General Funding Information" for more information on guaranteed and nonguaranteed costs.)

Contracts may be funded by insurance/annuity policies, trusts, or transfer of real estate/personal property.

-- What are my protections?

You should take your completed preneed contract home before you sign it and review it with your family or your legal advisor. You have a right to this review before you sign the contract or pay any money.

You should also read carefully the information in this disclosure statement. If you have any questions, contact the seller for more information or contact your legal advisor.

CANCELLATION

-- Can I cancel my preneed agreement if I change my mind? Will I get my money back?

You may cancel payment for supplies or services within 30 days after signing the agreement. If you funded your preneed arrangement through a trust, the contract seller will refund all the money you have paid plus any interest or income you have earned.

If you funded your preneed arrangement through a revocable trust and you cancel the preneed contract AFTER the 30-day deadline, you will be refunded all of your money on the items that are not guaranteed and 90% of all your money on the items that are guaranteed. You will also receive any interest or income on that amount. A revocable trust is a trust that you can cancel.

There may be a penalty to withdraw money from a revocable trust account which has already been established in your name. If there is, your contract will give you this information. (See the first question under the section entitled "Payment" below.)

If you have funded your preneed arrangement through an irrevocable trust you will not be able to cancel the trust agreement or receive a refund. An irrevocable trust is one that cannot be cancelled.

If you funded your preneed arrangement through an insurance policy/annuity contract which will be used at the time of your death to purchase the supplies and services you have selected, you will need to pay careful attention to the cancellation terms and conditions of the policy. You may not be eligible for a refund.

PAYMENT

-- What happens to my money after the contract is signed?

Your money will be handled in one of several ways. It may be deposited in a separate trust account in your name. The trust account will list a trustee who will be responsible for handling your account. The funeral home you have selected as your beneficiary will also be listed. You have the right to change the funeral home and the trustee of your

account prior to receiving the supplies and services under the preneed contract.

Your money may be used to purchase a preneed life insurance policy which may be used to pay for your arrangements upon your death. The proceeds of the policy will be assigned to the funeral home of your choice. You may change the funeral home assignment at any time prior to receiving the supplies and services under the preneed contract.

You may decide to choose a life insurance policy or a trust account that requires regular premium payments and not have to make an up-front, lump sum payment.

-- May I pay for goods and services with real estate or personal property?

Yes. When you pay for these supplies and services in whole or in part with any real estate you may own, the preneed contract that you sign will be attached to the deed on the real estate and the deed will be recorded in the clerk's office of the circuit court in the city or county where the real estate is located.

If you pay for goods and services with personal property other than cash or real estate, the contract seller, will declare in writing that the property will be placed in a trust until the time of your death and will give you written information on all the terms, conditions, and considerations surrounding the trust. The contract seller will confirm in writing that he has received property.

You may decide not to transfer the title of the personal property to the contract seller of your preneed contract. In this situation, you will have to submit information to the contract seller in writing that you are giving him the property without a title, and describe the property and where it will be kept until the time of your death.

In either case, the written statements will be recorded in the clerk's office of the circuit court of the city or county in which you live. The written statement does not have to be a separate document.

GENERAL FUNDING INFORMATION

-- If the prices of the goods and services are affected by inflation between now and my death, will the funding I choose be adjusted accordingly?

There is a possibility that the funding may fail to keep up with inflation. This could mean that the funding you choose could have insufficient value to cover all expenses.

-- What happens if my funding is not enough to cover the full cost of these arrangements?

If the entire funeral or specific items in the agreement are guaranteed by the contract seller, your family or estate will not have to pay any more for those items provided that you

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have paid the grand total in full and all interest earned is allowed to accumulate in your account. However, if you have not paid the account in full and have not allowed the interest to accumulate in the account and any items increase in price, your family or estate would be responsible for the extra amount if the funds are not sufficient. In some situations where you pay toward your funding with regular premiums rather than in one lump sum, your account may not be enough at the time of your death to cover everything.

-- What happens to the extra money if my funding is more than what is needed to pay for these arrangements?

Sometimes, as explained in the answer above, your funding account may not have had the time to grow sufficiently before your death to cover items which are guaranteed in price to you, yet have increased in price for the funeral home.

After funeral expenses are paid, there may be money left over. Because of the ongoing risk that a funeral home takes in guaranteeing prices for you, the funeral home may not be required to return this excess money.

Some funding agreements and funeral homes, however, require that extra money be returned to the estate or family. Others do not. You should obtain information concerning this in writing before signing the preneed contract.

The answers to the following questions will depend upon the terms and conditions of the individual's funding and preneed agreements.

Please review your preneed contract and/or funding agreement for answers to these questions.

-- What happens to my preneed contract if I change my assignment from one funeral home to another?

(Funeral home shall place answer here)

-- What happens to my preneed contract if I change the beneficiary of my funding or the use of my proceeds from the funding.

If you make such changes, it could void your contract. You should request specific information from the contract seller and the funding arrangement.

-- What will happen to my preneed contract if I fail to make agreed to premium payments to my funding source?

(Funeral home shall place answer here)

-- Do I get any money back if I surrender or cancel my funding arrangements?

(Funeral home shall place answer here)

TRUST ACCOUNT

-- If my money goes into a trust account, what information will I receive about that account?

If you want your money to go into a trust fund, the trust agreement must furnish you with information about the amount to be deposited into the account, the name of the trustee, information about what happens to the interest your trust account will earn, and information about your responsibility to file and pay taxes on that interest.

If there are filing expenses connected with your trust account, you will be notified what the expenses are and whether you or the contract seller is the responsible party for paying those.

-- What happens to the interest earned by the trust?

The interest earned by the trust may be handled in different ways by different trust arrangements. The interest may have to go back into your account if items on your contract are guaranteed. You may be responsible for reporting that interest to the Internal Revenue Service and paying taxes on it. You will be responsible to pay any taxes on the interest earned even if you cancel your trust account.

Some trust accounts cannot be cancelled.

There may be special fees deducted from your interest. However, you may still be responsible for paying taxes on the entire amount of interest earned before the fees were deducted. Please ask your contract seller for a written list of any fees so you will have a clear understanding about them before you sign the contract.

-- If I pay my trust in premium payments, what happens if I die before the grand total of the funeral has been placed in trust?

(Funeral home shall place answer here)

CLAIMS AGAINST THIS CONTRACT

-- Can someone to whom I owe money make a claim against the money, personal property, or real estate that I have used to pay for this contract?

No. This money or property cannot be used to settle a debt, a bankruptcy, or resolve a claim. These funds cannot be garnished.

-- Can the money or property be taxed?

No. Currently, interest earned on the money you deposit in a trust, savings account, or the value of the property you used for payment can be taxed but not the original amount which you invested. Interest earned on annuities is generally deferred until withdrawal.

GENERAL GOODS AND SERVICES

-- If I choose goods and services that might not be available at the time of my death, what is the provider required to do?

The funeral home which you select is required to furnish supplies and services that are similar in style and equal in value and quality if what you choose is no longer made or is not available at the time of your death.

Your representative or next-of-kin will have the right to choose the supplies or services to be substituted. However, if the substitute is more expensive than the item originally selected by you, your designee or next-of-kin would be responsible for paying the difference. Under no circumstances will the funeral establishment be allowed to substitute lesser goods and services than the ones you chose.

If, before your death, the funeral home goes out of business or is otherwise unable to fulfill its obligation to you under the preneed contract, you have the right to use the proceeds at the funeral home of your choice.

If the inability to provide services does not become apparent until the time of your death, the individual that you named as your designee could use the funds for services at another funeral home.

-- May I choose the exact item I want now and have the funeral home store it until my death?

If the funeral home or supplier has a storage policy you may ask for this service. If the funeral home or contract seller agrees to store these items, the risk of loss or damage shall be upon the funeral home during the storage period.

For example, what would happen if you select a casket which is in-stock at the time you make these arrangements and the funeral home or supplier agrees to store it for you in their warehouse and: (i) damage occurs, (ii) the funeral home or supplier goes out of business, (iii) the funeral home or supplier is sold, etc.? You need to be assured in writing of protection in these types of situations.

-- What happens if I choose to have a unique service that is not customary or routine in my community? Must the funeral home comply with my wishes?

The funeral home which you have chosen to conduct your service may be able to only provide certain types of services. They may not be able to fulfill your request. If there is a restriction on what they can provide, you will be notified in writing before you sign the preneed contract.

If the funeral home agrees in writing before you sign the contract to perform such services, the funeral home shall provide you a written, itemized statement of fees which you will be charged.

-- Will the funeral home agree to transport my body to another area for burial?

Again, the funeral home may have restrictions on the distance they are willing to travel to conduct a burial. If restrictions apply, you will be notified in writing.

If the funeral home agrees in writing before you sign the contract to honor your wishes, the funeral home shall provide you a written, itemized statement of any penalties (fees) which you will be charged.

-- I may die and be buried in a city other than one where the funeral home that I select for my goods and services is located. Will the funeral home that I select under this contract deliver my merchandise to the city where I die and am to be buried?

This is entirely up to the funeral home to decide. If the funeral home has restrictions on this, they will notify you in writing. If they agree to ship merchandise to another area for your funeral, you will be notified before signing this contract of the fees involved if they can be determined and guaranteed at this time.

However, the preneed contract arrangements and funding is considered portable. This means that they are available for transfer from one locality to another. It is unusual for actual goods and merchandise to be transferred.

PRICING

-- How will I know that the prices of items which I select are the same for everyone?

The funeral home maintains a general price list and a casket and outer burial container price list. Your contract seller will give this to you before you begin talking about arrangements. After your discussion is finished, you will be given a copy of your preneed contract on which charges will be listed. Charges will only be made for the items you select. If there are any legal or other requirements that mandate that you must buy any items you did not specifically ask for, the contract seller will explain the reason for the charges to you in writing.

You may ask a funeral home to purchase certain items or make special arrangements for you. If the funeral home charges you for these services, you will receive an explanation in writing. The charges to you for these services may be higher than if you or your family purchased them directly.

At the time of your death, your family or estate will be given an itemized statement which will list all of the specific charges. ~~This is a requirement of the Federal Trade Commission. Although not required to do so, some funeral homes may also choose to give you an itemized statement when you make these arrangements.~~

-- What is meant by guaranteed and nonguaranteed prices?

Some contract sellers may agree that certain prices are guaranteed. Some may guarantee the price of the total package. Other funeral homes may not guarantee any prices.

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Guaranteed prices are those that will not increase for your family or estate at the time of your death. Basically, this means that your funeral arrangement for those items will be covered by and will not exceed your funding and the interest it earns. Nonguaranteed prices are those which might increase or decrease. The nonguaranteed prices may be written in at the time of this contract with you understanding that the price is an estimate only and may increase or decrease. A settlement to that effect may have to be made with your family or representative after your death.

-- Can the contract seller and I negotiate a projected charge for the nonguaranteed items based on the rate of inflation?

It is entirely up to the contract seller to inform you of the funeral home policy in that regard.

CASKETS AND CONTAINERS

-- Do I have to buy a vault or a container to surround the casket in the grave?

In most areas of the country, state and local laws do not require that you buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container to support the earth above the grave. Either a burial vault or a grave liner will satisfy if such requirements exist.

-- Is a casket required?

A casket is not required for direct cremation. If you want to arrange a direct cremation, you may use an unfinished wood box or an alternative container made of heavy cardboard or composition materials. You may choose a canvas pouch.

-- Do certain cemeteries and crematoriums have special requirements?

Particular cemeteries and crematoriums may have policies requiring that certain goods and services be purchased. If you decide not to purchase goods and services required by a particular cemetery or crematorium, you have the right to select another location that has no such policy.

EMBALMING

-- Is embalming always required?

Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as viewing or visitation with an open casket. You do not have to pay for embalming you did not approve if you select arrangements such as a direct cremation or immediate burial. If the funeral home must charge to conduct an embalming, your designee will be notified of the reasons in writing.

ASSISTANCE

-- This is all very confusing to me. May I pick someone close to me to help with all of this? May this person also work with the funeral home to ensure that my wishes as written in the preneed contract are carried out?

You may designate in writing a person of your choice to work with the funeral home and contract seller either before or after your death to ensure that your wishes are fulfilled. You must sign the statement and have it notarized. The person that you designate must agree to this in writing. Under the laws governing preneed contracts, the individual whom you designate has final authority at the time of your death.

-- Where can I complain if I have a problem concerning my preneed contract, the contract seller, or the funeral home?

You may direct your complaints or concerns to:

The Board of Funeral Directors and Embalmers
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233
Telephone Number (804) 367-4479
Toll Free Number 1-800-533-1560
Fax: (804) 527-4413

VA.R. Doc. No. R12-2958; Filed October 31, 2011, 2:39 p.m.

BOARD OF PHARMACY

Proposed Regulation

Title of Regulation: 18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-20, 18VAC110-20-275, 18VAC110-20-690, 18VAC110-20-700; adding 18VAC110-20-685, 18VAC110-20-725, 18VAC110-20-726, 18VAC110-20-727, 18VAC110-20-728).

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

Public Hearing Information:

December 14, 2011 - 9 a.m. - Perimeter Center, 9960 Mayland Drive, Suite 201, Board Room 2, Richmond, VA

Public Comment Deadline: January 20, 2012.

Agency Contact: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4416, FAX (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

Basis: Section 54.1-2400 of the Code of Virginia provides the Board of Pharmacy with the general authority to promulgate regulations to administer the regulatory system.

Chapter 28 of the 2010 Acts of Assembly mandates that the board promulgate regulations to establish criteria for possession and repackaging of drugs by community services boards and behavioral health authorities.

Purpose: The purpose of the proposed regulatory action is to comply with a legislative mandate to promulgate a regulation for community services boards (CSBs), behavioral health authorities (BHAs), and clinics established by the Virginia Department of Behavioral Health and Developmental Services to receive, store, retain, and repackage prescription drug orders dispensed to a patient for the purpose of assisting a client with self-administration of the drug. The regulation will provide for registration of crisis stabilization units to maintain stocks of Schedule VI drugs necessary for immediate treatment of patients admitted to the unit.

Chapter 28 of the 2010 Acts of Assembly was enacted to address a problem CSBs and BHAs in handling the unique prescription needs of its patient population following closure by the state of the Community Resource Pharmacy, which had provided most pharmacy services to the CSBs. The legislation does three things:

1. Authorizes the CSBs and BHAs to retain prescription medications for certain patients including but not limited to those who may be homeless or live in a residence where prescriptions are likely to be stolen, who may need assistance or monitoring of self administration, who may not be capable of self administering, or who may not be a good candidate for keeping the entire dispensed prescription due to suicide risks.
2. Authorizes CSB and BHA personnel who hold appropriate licensure or who have passed a training course approved by the Board of Pharmacy to repackage a portion of a patient's medication to assist that patient with self-administration and compliance with dosage instructions.
3. Authorizes residential crisis stabilization units to maintain a floor-stock of Schedule VI controlled substances that may be needed for immediate administration for patients admitted to the units in order to treat a crisis situation and prevent inpatient hospitalization.

Because of the urgent need for the change in law and for regulations to implement those changes, Chapter 28 contained an emergency enactment clause as well as a provision for emergency regulations by the Board of Pharmacy. Regulations addressing storage, repackaging, recordkeeping, and training of persons who handle drugs will ensure that client or patient needs are being met while protecting the security and integrity of the drugs and the health and safety of the client and general population.

Substance: The proposed regulations set forth requirements for registration of a CSB or BHA to possess, repackage, and deliver or administer drugs and for a program to train nonpharmacists in repackaging for CSBs or BHAs. The proposed regulations include labeling, storage, recordkeeping, destruction, and other requirements for repackaging in these facilities (which do not have a pharmacy); persons authorized to repackage; and information to clients about repackaged

drugs. There are also curricula and instructional criteria for approval of repackaging training programs and for expiration and renewal of program approval. Finally, there are provisions for stocking, recordkeeping, and administration of Schedule VI at a crisis stabilization unit for immediate treatment of patients as necessary.

Issues: The advantage to the public is assurance that a board-registered community service board or behavioral health authority facility has followed appropriate procedures in the storing, retaining, and repackaging of dispensed prescription drug orders for the purpose of assisting clients with self-administration. Without proper training, there are concerns about drug safety and security and about improper dispensing of prescriptions. There are no disadvantages.

The advantage to the Commonwealth is facilitation of community treatment for persons who might otherwise require inpatient care.

The proposed regulation replaces the emergency regulation in effect from December 10, 2010, to December 9, 2011.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to Chapter 28 of the 2010 Acts of the Assembly, the Board of Pharmacy (Board) proposes to amend its regulations to set rules for community service boards (CSBs) and behavioral health authorities (BHAs) that will be able to possess, repackage, deliver, and administer prescription medications. These proposed regulations, and the mandating legislation, will also allow crisis stabilization units to store and administer drugs need for emergency treatment.

Result of Analysis. Benefits likely outweigh costs for implementing these proposed changes.

Estimated Economic Impact. In 2009, budget cuts forced the closing of the Community Resource Pharmacy, which dispensed drugs that were distributed through community service boards (CSBs). With the closing of this pharmacy CSBs lost the ability to distribute drugs to their clients, some of whom are homeless or otherwise lacking for a safe place to store drugs, and monitor how they were used. To address the issues caused by the closing of the Community Resource Pharmacy, the General Assembly passed legislation in 2010 and directed the Board to promulgate regulations to implement the legislative changes.

In response to this legislative mandate, the Board now proposes regulatory changes that will allow CSBs, behavioral health authorities (BHAs) and crisis stabilization units to obtain controlled substances registration and will also allow properly trained staff for these entities to have access to prescription drugs so that they can repackage them for clients. The Board also proposes fees for approval (and renewal and late renewal) of repackaging training programs (\$50, \$30 and

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\$10, respectively) and criteria for these training programs as well as rules that trained individuals must follow in repackaging drugs. The proposed rules for repackaging include information that must be on packaging labels, information that must be dispensed to clients with the drugs, rules for storage and destruction of drugs and recordkeeping requirements.

Board staff reports that the only explicit costs CSBs and BHAs are likely to incur would be the \$50 fee for approval of a repackaging training program to train their staff (as well as biennial fees of \$30 for renewal of these programs). These entities will also incur implicit costs for staff time spent in training. CSBs and BHAs will likely only incur these costs if they believe that they are outweighed by the benefits that will accrue to themselves and their clients. The benefits of these proposed regulations have the potential to be quite large, especially for mental health clients who lack the capacity to independently follow a prescribed drug regimen or who are at risk for suicide if they are in possession of a whole months prescription of their drugs.

Businesses and Entities Affected. The Department of Health Professions (DHP) reports that there are 40 locally run CSBs and that the number of BHAs is unknown. All of these entities and their clients will be affected by these regulations.

Localities Particularly Affected. Localities with CSBs will be particularly affected by this proposed regulatory action.

Projected Impact on Employment. This proposed regulatory action is unlikely to have any effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property. These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects. No small business is likely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact. No small business is likely to incur any costs on account of this regulatory action.

Real Estate Development Costs. This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 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, § 2.2-4007.04 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 Economic Impact Analysis: The Board of Pharmacy concurs with the economic impact analysis of the Department of Planning and Budget.

Summary:

Chapter 28 of the 2010 Acts of the Assembly requires the Board of Pharmacy to promulgate regulations to authorize (i) community services boards (CSBs) and behavioral health authorities (BHSs) to possess, repackage, and deliver or administer medications and (ii) crisis stabilization units to store and administer a stock of drugs needed for emergency treatment. The proposed amendments set forth requirements for registration of a CSB or BHA to possess, repackage, and deliver or administer drugs and for a program to train nonpharmacists in repackaging for CSBs or BHAs. The proposed regulations include labeling, storage, recordkeeping, destruction, and other requirements for repackaging in these facilities (which do not have a pharmacy); persons authorized to repackage; and information to clients about repackaged drugs. In addition, the proposed regulations include curricula and instructional criteria for approval of repackaging training programs and for expiration and renewal of program approval and include provisions for stocking, recordkeeping, and administration of Schedule VI controlled substances at a crisis stabilization unit for immediate treatment of patients as necessary.

18VAC110-20-20. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Unless otherwise provided, any fees for taking required examinations shall be paid directly to the examination service as specified by the board.

C. Initial application fees.

1. Pharmacist license	\$180
2. Pharmacy intern registration	\$15
3. Pharmacy technician registration	\$25
4. Pharmacy permit	\$270
5. Permitted physician licensed to dispense drugs	\$270
6. Medical equipment supplier permit	\$180
7. Humane society permit	\$20
8. Nonresident pharmacy	\$270
9. Controlled substances registrations	\$90
10. Innovative program approval.	\$250

If the board determines that a technical consultant is required in order to make a decision on approval, any consultant fee, not to exceed the actual cost, shall also be paid by the applicant in addition to the application fee.

11. Approval of a pharmacy technician training program	\$150
12. Approval of a continuing education program	\$100
<u>13. Approval of a repackaging training program</u>	<u>\$50</u>

D. Annual renewal fees.

1. Pharmacist active license – due December 31	\$90
2. Pharmacist inactive license – due December 31	\$45
3. Pharmacy technician registration – due December 31	\$25
4. Pharmacy permit – due April 30	\$270
5. Physician permit to practice pharmacy – due February 28	\$270
6. Medical equipment supplier permit – due February 28	\$180
7. Humane society permit – due February 28	\$20
8. Nonresident pharmacy – due April 30	\$270

9. Controlled substances registrations – due February 28	\$90
10. Innovative program continued approval based on board order not to exceed \$200 per approval period.	
11. Approval of a pharmacy technician training program	\$75 every two years
<u>12. Approval of a repackaging training program</u>	<u>\$30 every two years</u>

E. Late fees. The following late fees shall be paid in addition to the current renewal fee to renew an expired license within one year of the expiration date or within two years in the case of a pharmacy technician training program. In addition, engaging in activities requiring a license, permit, or registration after the expiration date of such license, permit, or registration shall be grounds for disciplinary action by the board.

1. Pharmacist license	\$30
2. Pharmacist inactive license	\$15
3. Pharmacy technician registration	\$10
4. Pharmacy permit	\$90
5. Physician permit to practice pharmacy	\$90
6. Medical equipment supplier permit	\$60
7. Humane society permit	\$5
8. Nonresident pharmacy	\$90
9. Controlled substances registrations	\$30
10. Approval of a pharmacy technician training program	\$15
<u>11. Approval of a repackaging training program</u>	<u>\$10</u>

F. Reinstatement fees. Any person or entity attempting to renew a license, permit, or registration more than one year after the expiration date, or more than two years after the expiration date in the case of a pharmacy technician training program, shall submit an application for reinstatement with any required fees. Reinstatement is at the discretion of the board and, except for reinstatement following license revocation or suspension, may be granted by the executive director of the board upon completion of an application and payment of any required fees.

1. Pharmacist license	\$210
2. Pharmacist license after revocation or suspension	\$500

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3. Pharmacy technician registration	\$35
4. Pharmacy technician registration after revocation or suspension	\$125
5. Facilities or entities that cease operation and wish to resume shall not be eligible for reinstatement but shall apply for a new permit or registration. Facilities or entities that failed to renew and continued to operate for more than one renewal cycle shall pay the current and all back renewal fees for the years in which they were operating plus the following reinstatement fees:	
a. Pharmacy permit	\$240
b. Physician permit to practice pharmacy	\$240
c. Medical equipment supplier permit	\$210
d. Humane society permit	\$30
e. Nonresident pharmacy	\$115
f. Controlled substances registration	\$180
g. Approval of a pharmacy technician training program	\$75
<u>h. Approval of a repackaging training program</u>	<u>\$50</u>
G. Application for change or inspection fees for facilities or other entities.	
1. Change of pharmacist-in-charge	\$50
2. Change of ownership for any facility	\$50
3. Inspection for remodeling or change of location for any facility	150
4. Reinspection of any facility	\$150
5. Board-required inspection for a robotic pharmacy system	\$150
6. Board-required inspection of an innovative program location	\$150
7. Change of pharmacist responsible for an approved innovative program	\$25
H. Miscellaneous fees.	
1. Duplicate wall certificate	\$25
2. Returned check	\$35

I. For the annual renewal due on the stated dates, the following fees shall be imposed for a license, permit or registration:

1. Pharmacist active license – December 31, 2009	\$50
2. Pharmacist inactive license – December 31, 2009	\$25
3. Pharmacy technician registration – December 31, 2009	\$15
4. Pharmacy permit – April 30, 2010	\$210
5. Physician permit to practice pharmacy – February 28, 2010	\$210
6. Medical equipment supplier permit – February 28, 2010	\$140
7. Humane society permit – February 28, 2010	\$20
8. Nonresident pharmacy – April 30, 2010	\$210
9. Controlled substances registrations – February 28, 2010	\$50

18VAC110-20-275. Delivery of dispensed prescriptions.

A. Pursuant to § 54.1-3420.2 B of the Code of Virginia, in addition to direct hand delivery to a patient or patient's agent or delivery to a patient's residence, a pharmacy may deliver ~~prescriptions~~ a dispensed prescription drug order for Schedule VI controlled substances to another pharmacy, to a practitioner of the healing arts licensed to practice pharmacy or to sell controlled substances, or to an authorized person or entity holding a controlled substances registration issued for this purpose in compliance with this section and any other applicable state or federal law. Prescription drug orders for Schedule II through Schedule V controlled substances may not be delivered to an alternate delivery location unless such delivery is authorized by federal law and regulations of the board.

B. Delivery to another pharmacy.

1. One pharmacy may fill prescriptions and deliver the prescriptions to a second pharmacy for patient pickup or direct delivery to the patient provided the two pharmacies have the same owner, or have a written contract or agreement specifying the services to be provided by each pharmacy, the responsibilities of each pharmacy, and the manner in which each pharmacy will comply with all applicable federal and state law.

2. Each pharmacy using such a drug delivery system shall maintain and comply with all procedures in a current

policy and procedure manual that includes the following information:

- a. A description of how each pharmacy will comply with all applicable federal and state law;
- b. The procedure for maintaining required, retrievable dispensing records to include which pharmacy maintains the hard-copy prescription, which pharmacy maintains the active prescription record for refilling purposes, how each pharmacy will access prescription information necessary to carry out its assigned responsibilities, method of recordkeeping for identifying the pharmacist or pharmacists responsible for dispensing the prescription and counseling the patient, and how and where this information can be accessed upon request by the board;
- c. The procedure for tracking the prescription during each stage of the filling, dispensing, and delivery process;
- d. The procedure for identifying on the prescription label all pharmacies involved in filling and dispensing the prescription;
- e. The policy and procedure for providing adequate security to protect the confidentiality and integrity of patient information;
- f. The policy and procedure for ensuring accuracy and accountability in the delivery process;
- g. The procedure and recordkeeping for returning to the initiating pharmacy any prescriptions that are not delivered to the patient; and
- h. The procedure for informing the patient and obtaining consent for using such a dispensing and delivery process.

3. Drugs waiting to be picked up at or delivered from the second pharmacy shall be stored in accordance with subsection A of 18VAC110-20-200.

C. Delivery to a practitioner of the healing arts licensed by the board to practice pharmacy or to sell controlled substances or other authorized person or entity holding a controlled substances registration authorized for this purpose.

1. A prescription may be delivered by a pharmacy to the office of such a practitioner or other authorized person provided there is a written contract or agreement between the two parties describing the procedures for such a delivery system and the responsibilities of each party.
2. Each pharmacy using this delivery system shall maintain a policy and procedure manual that includes the following information:

- a. Procedure for tracking and assuring security, accountability, integrity, and accuracy of delivery for the dispensed prescription from the time it leaves the

pharmacy until it is handed to the patient or agent of the patient;

- b. Procedure for providing counseling;
- c. Procedure and recordkeeping for return of any prescription medications not delivered to the patient;
- d. The procedure for assuring confidentiality of patient information; and
- e. The procedure for informing the patient and obtaining consent for using such a delivery process.

3. Prescriptions waiting to be picked up by a patient at the alternate site shall be stored in a lockable room or lockable cabinet, cart, or other device that cannot be easily moved and that shall be locked at all times when not in use. Access shall be restricted to the licensed practitioner of the healing arts or the responsible party listed on the application for the controlled substances registration, or either person's designee.

D. The contracts or agreements and the policy and procedure manuals required by this section for alternate delivery shall be maintained both at the originating pharmacy as well as the alternate delivery site.

E. A controlled substances registration as an alternate delivery site shall only be issued to an entity without a prescriber or pharmacist present at all times the site is open if there is a valid patient health or safety reason not to deliver dispensed prescriptions directly to the patient and if compliance with all requirements for security, policies, and procedures can be reasonably assured.

Part XVI

Controlled Substances Registration for Other Persons or Entities

18VAC110-20-685. Definitions for controlled substances registration.

For purposes of this part, the following definitions shall apply:

"BHA" means a behavioral health authority facility licensed by the Department of Behavioral Health and Developmental Services that holds a controlled substances registration issued by the board.

"CSB" means a community services board facility licensed by the Department of Behavioral Health and Developmental Services that holds a controlled substances registration issued by the board.

18VAC110-20-690. Persons or entities authorized or required to obtain a controlled substances registration.

A. A person or entity which maintains or intends to maintain a supply of Schedule II through Schedule VI controlled substances, other than manufacturers' samples, in accordance

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with provisions of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) may apply for a controlled substances registration on forms approved by the board.

B. Persons or entities which may be registered by the board shall include, but not be limited to, hospitals without in-house pharmacies, nursing homes without in-house pharmacies that use automated drug dispensing systems, ambulatory surgery centers, outpatient clinics, alternate delivery sites, crisis stabilization units, and emergency medical services agencies provided such persons or entities are otherwise authorized by law and hold required licenses or appropriate credentials to administer the drugs for which the registration is being sought.

C. In determining whether to register an applicant, the board shall consider factors listed in subsections A and D of § 54.1-3423 of the Code of Virginia and compliance with applicable requirements of this chapter.

1. The proposed location shall be inspected by an authorized agent of the board prior to issuance of a controlled substances registration.
2. Controlled substances registration applications that indicate a requested inspection date, or requests that are received after the application is filed, shall be honored provided a 14-day notice is allowed prior to the requested inspection date.
3. Requested inspection dates that do not allow a 14-day notice to the board may be adjusted by the board to provide 14 days for the scheduling of the inspection.
4. Any person wishing to change an approved location of the drug stock, make structural changes to an existing approved drug storage location, or make changes to a previously approved security system shall file an application with the board and be inspected consistent with subsection B of this section.
5. Drugs shall not be stocked within the proposed drug storage location or moved to a new location until approval is granted by the board.

D. The application shall be signed by a person who will act as a responsible party for the controlled substances. The responsible party may be a prescriber, nurse, pharmacist, or pharmacy technician for alternate delivery sites or other person approved by the board who is authorized to administer ~~or otherwise possess~~ the controlled substances ~~for that type entity~~.

E. The board may require a person or entity to obtain a controlled substances registration upon a determination that Schedule II through VI controlled substances have been obtained and are being used as common stock by multiple practitioners and that one or more of the following factors exist:

1. A federal, state, or local government agency has reported that the person or entity has made large purchases of controlled substances in comparison with other persons or entities in the same classification or category.
2. The person or entity has experienced a diversion, theft, or other unusual loss of controlled substances which requires reporting pursuant to § 54.1-3404 of the Drug Control Act.
3. The person or entity has failed to comply with recordkeeping requirements for controlled substances.
4. The person or entity or any other person with access to the common stock has violated any provision of federal, state, or local law or regulation relating to controlled substances.

18VAC110-20-700. Requirements for supervision for controlled substances registrants.

A. A practitioner licensed in Virginia shall provide supervision for all aspects of practice related to the maintenance and use of controlled substances as follows:

1. In a hospital or nursing home without an in-house pharmacy, a pharmacist shall supervise.
2. In an emergency medical services agency, the operational medical director shall supervise.
3. For any other type of applicant or registrant, a pharmacist or a prescriber whose scope of practice is consistent with the practice of the applicant or registrant and who is approved by the board may provide the required supervision.

B. The supervising practitioner shall approve the list of drugs which may be ordered by the holder of the controlled substances registration; possession of controlled substances by the entity shall be limited to such approved drugs. The list of drugs approved by the supervising practitioner shall be maintained at the address listed on the controlled substances registration.

C. Access to the controlled substances shall be limited to (i) the supervising practitioner or to those persons who are authorized by the supervising practitioner and who are authorized by law to administer drugs in Virginia, (ii) such other persons who have successfully completed a training program for repackaging of prescription drug orders in a CSB or BHA as authorized in § 54.1-3420.2 of the Code of Virginia, or ~~to~~ (iii) other such persons as designated by the supervising practitioner or the responsible party to have access in an emergency situation. If approved by the supervising practitioner, pharmacy technicians may have access for the purpose of delivering controlled substances to the registrant, stocking controlled substances in automated dispensing devices, conducting inventories, audits and other recordkeeping requirements, ~~and~~ overseeing delivery of

dispensed prescriptions at an alternate delivery site, and repackaging of prescription drug orders retained by a CSB or BHA as authorized in § 54.1-3420.2 of the Code of Virginia. Access to stock drugs in a crisis stabilization unit shall be limited to prescribers, nurses, or pharmacists.

D. The supervising practitioner shall establish procedures for and provide training as necessary to ensure compliance with all requirements of law and regulation, including, but not limited to, storage, security, and recordkeeping.

E. Within 14 days of a change in the responsible party or supervising practitioner assigned to the registration, either the responsible party or outgoing responsible party shall inform the board and a new application shall be submitted indicating the name and license number, if applicable, of the new responsible party or supervising practitioner.

18VAC110-20-725. Repackaging by a CSB or BHA.

A. Definition. For purposes of this section, "repackaging" shall mean removing a drug from a container already dispensed and labeled by a pharmacy or medical practitioner authorized to dispense, for a particular client of a CSB or BHA, and placing it in a container designed for a person to be able to repackage his own dispensed prescription medications to assist with self-administration and compliance with dosage instructions. Such repackaging shall not include the preparation of a patient-specific label that includes drug name, strength, or directions for use or any other process restricted to a pharmacist or pharmacy technician under the direct supervision of a pharmacist.

B. Persons authorized to repackage. Repackaging shall be performed by a pharmacist, pharmacy technician, nurse, or such other person who has successfully completed a board-approved training program for repackaging of prescription drug orders as authorized in § 54.1-3420.2 of the Code of Virginia. A CSB or BHA using such other person shall maintain documentation of completion of an approved training program for at least one year from date of termination of employment or cessation of repackaging activities.

C. Requirements for repackaging.

1. The repackaging of a dispensed prescription drug order pursuant to § 54.1-3420.2 of the Code of Virginia shall only be done at a CSB or BHA.

2. The repackaging of dispensed prescription drugs shall be restricted to solid oral dosage forms and a maximum of a 14-day supply of drugs.

3. The drug container used for repackaging pursuant to this section shall bear a label containing the client's first and last name, and name and 24-hour contact information for the CSB or BHA.

4. A clean, well-closed container that assists the client with self-administration shall be used when multiple doses of a repackaged drug are provided to the client at one time.

5. A prescription drug order shall not be repackaged beyond the assigned expiration date noted on the prescription label of the dispensed drug, if applicable, or beyond one year from the date the drug was originally dispensed by a pharmacy, whichever date is earlier.

D. Written information for client. At the time a repackaged drug is initially given to a client, and upon any subsequent change in the medication order, the client shall be provided written information about the name and strength of the drug and the directions for use. Such written information shall have been prepared by a pharmacy or by a nurse at the CSB or BHA.

E. Retention, storage, and destruction of repackaged drugs.

1. Any portion of a client's prescription drug order not placed into a container intended to assist with self-administration may be either given to the client or retained by the CSB or BHA for subsequent repackaging. If retained by the CSB or BHA, the remaining portion shall be stored within the board-approved drug storage location in the original labeled container, and shall only be used for the client for whom the drug was originally dispensed.

2. Any portion of a prescription drug order remaining at the CSB or BHA that has exceeded any labeled expiration date or one year from the original pharmacy dispensing date on the label shall be separated from unexpired drugs, stored within a designated area of the board-approved drug storage location, and destroyed within 30 days of expiration with the written agreement of the client. Remaining portions of discontinued prescription drug orders retained by the CSB or BHA shall also be separated from active stock and either returned to the client or destroyed within 30 days of discontinuance with the written agreement of the client.

F. Recordkeeping.

1. A record of repackaging shall be made and maintained for one year from the date of repackaging and shall include the following:

a. Date of repackaging;

b. Name of client;

c. Prescription number of the originally dispensed prescription drug order;

d. Pharmacy name;

e. Drug name and strength;

f. Quantity of drug repackaged; and

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g. Initials of the person performing the repackaging and verifying the accuracy of the repackaged drug container.

2. A record of destruction shall be made and maintained for one year for any prescription drug orders destroyed by the CSB or BHA and shall include the following:

a. Date of destruction:

b. Name of client:

c. Prescription number of the originally dispensed prescription drug order;

d. Drug name and strength;

e. Quantity of drug destroyed; and

f. Initials of the person performing the destruction.

18VAC110-20-726. Criteria for approval of repackaging training programs.

A. Application. Any person wishing to apply for approval of a repackaging training program shall submit the application fee prescribed in 18VAC110-20-20 and an application on a form approved by the board and shall meet the criteria established in this section. The application shall name a program director who is responsible for compliance with this section.

B. Curriculum. The curriculum for a repackaging training program shall include instruction in current laws and regulations applicable to a CSB or BHA for the purpose of assisting a client with self-administration pursuant to § 54.1-3420.2 of the Code of Virginia and in the following repackaging tasks:

1. Selection of an appropriate container;

2. Proper preparation of a container in accordance with instructions for administration;

3. Selection of the drug;

4. Counting of the drug;

5. Repackaging of the drug within the selected container;

6. Maintenance of records;

7. Proper storage of drugs;

8. Translation of medical abbreviations;

9. Review of administration records and prescriber's orders for the purpose of identifying any changes in dosage administration;

10. Reporting and recording the client's failure to take medication;

11. Identification, separation, and removal of expired or discontinued drugs; and

12. Prevention and reporting of repackaging errors.

C. Instructors and program director. Instructors for the program shall be either (i) a pharmacist with a current license in any jurisdiction and who is not currently suspended or revoked in any jurisdiction in the United States or (ii) a pharmacy technician with at least one year of experience performing technician tasks who holds a current registration in Virginia or current PTCB certification and who is not currently suspended or revoked in any jurisdiction in the United States. The program director shall maintain a list of instructors for the program.

D. Program requirements.

1. The length of the program shall be sufficient to prepare a program participant to competently perform repackaging consistent with § 54.1-3420.2 of the Code of Virginia and 18VAC110-20-725.

2. The program shall include a post-training assessment to demonstrate the knowledge and skills necessary for repackaging with safety and accuracy.

3. A program shall provide a certificate of completion to participants who successfully complete the program and provide verification of completion of the program for a participant upon request by a CSB, BHA, or the board.

4. The program shall maintain records of training completion by persons authorized to repackage in accordance with § 54.1-3420.2 of the Code of Virginia. Records shall be retained for two years from date of completion of training or termination of the program.

5. The program shall report within 14 days any substantive change in the program to include a change in program name, program director, name of institution or business if applicable, address, program content, length of program, or location of records.

E. Expiration and renewal of program approval. A repackaging training program approval expires after two years, after which the program may apply for renewal. For continued approval, the program shall submit the renewal application, renewal fee, and a self-evaluation report on a form provided by the board at the time of renewal notification. Renewal of a program's approval is at the discretion of the board, and the decision to renew shall be based on documentation of continued compliance with the criteria set forth in this section.

18VAC110-20-727. Pharmacists repackaging for clients of a CSB or BHA.

As an alternative to repackaging as defined in 18VAC110-20-725, a pharmacist at a CSB or BHA may repackage a client's prescription drugs that have been dispensed by another pharmacy into compliance packaging that complies with the requirements of 18VAC110-20-340 B and subsections G, H, and J of 18VAC110-20-725. A primary

provider pharmacy may also provide this service in compliance with the provisions of 18VAC110-20-535.

18VAC110-20-728. Drugs for immediate treatment in crisis stabilization units.

A. In accordance with § 54.1-3423 of the Code of Virginia, a crisis stabilization unit shall apply for and obtain a controlled substances registration in order to maintain a stock of Schedule VI controlled substances for immediate treatment of patients in crisis. Schedule II through V controlled substances shall not be stocked. The responsible party listed on the application shall be a nurse who regularly administers controlled substances at the crisis stabilization unit and the supervising practitioner shall be either the medical director for the unit or a pharmacist from a provider pharmacy.

B. In consultation with a provider pharmacist, the medical director for the unit shall determine the list of controlled substances to be stocked at the crisis stabilization unit. The list shall be limited to Schedule VI controlled substances and only those drugs routinely used for treatment of patients admitted for crisis stabilization. Only drugs on this drug list may be stocked.

C. A nurse administering a drug from this stock pursuant to an oral order of a prescriber in accordance with § 54.1-3423 of the Code of Virginia shall record such order in the patient's medical record.

D. Records.

1. A record shall be maintained of all drugs received as stock by the crisis stabilization unit.

2. A record shall be made documenting administration or other authorized disposition of stocked drugs that includes the following:

a. Name of patient;

b. Date and time of administration;

c. Drug name, strength, and quantity administered;

d. Name or initials of person administering; and

e. Prescriber name.

3. Records shall be maintained at the same location listed on the controlled substances registration or, if maintained in an off-site database, retrieved and made available for inspection or audit within 48 hours of a request by the board or an authorized agent. Any computerized system used to maintain records shall also provide retrieval via computer monitor display or printout of the history for drugs administered during the past two years. It shall also have the capacity of producing a printout of any data which the registrant is responsible for maintaining.

4. Manual records may be maintained as an electronic image that provides an exact image of the document and is clearly legible.

NOTICE: The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (18VAC110-20)

[Application for Registration as a Pharmacy Intern \(rev. 8/07\).](#)

[Affidavit of Practical Experience, Pharmacy Intern \(rev. 8/07\).](#)

[Application for Licensure as a Pharmacist by Examination \(rev. 11/09\).](#)

[Instructions for Reinstating or Reactivating a Pharmacist License \(rev. 3/11\).](#)

[Application for Approval of a Continuing Education Program \(rev. 8/07\).](#)

[Application for Approval of ACPE Pharmacy School Course\(s\) for Continuing Education Credit \(rev. 6/09\).](#)

[Application for License to Dispense Drugs \(rev. 8/07\).](#)

[Application for a Pharmacy Permit \(rev. 6/10\).](#)

[Application for a Nonresident Pharmacy Registration \(rev. 7/08\).](#)

[Application for a Permit as a Medical Equipment Supplier \(rev. 3/09\).](#)

[Application for a Controlled Substances Registration Certificate \(rev. 4/09\).](#)

[Application for Registration as a Pharmacy Intern for Graduates of a Foreign College of Pharmacy \(rev. 8/07\).](#)

[Closing of a Pharmacy \(rev. 8/07\).](#)

[Application for Approval of an Innovative \(Pilot\) Program \(rev. 8/07\).](#)

[Pharmacy Technician Registration Instructions and Application \(rev. 3/09\).](#)

[Instructions for Reinstating a Pharmacy Technician Registration \(rev. 3/11\).](#)

[Application for Approval of a Pharmacy Technician Training Program \(rev. 8/07\).](#)

[Application for Registration for Volunteer Practice \(rev. 8/07\).](#)

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[Sponsor Certification for Volunteer Registration \(rev. 8/08\).](#)

[Application for Reinstatement of Registration as a Pharmacy Intern \(eff. 9/07\).](#)

[Affidavit for Limited-Use Pharmacy Technician \(rev. 8/07\).](#)

[Limited-Use Pharmacy Technician Registration Instructions and Application \(rev. 7/08\).](#)

[Registration for a Pharmacy to be a Collection Site for Donated Drugs \(eff. 4/09\).](#)

[Application for Approval of Repackaging Training Program \(eff. 12/10\).](#)

VA.R. Doc. No. R11-2366; Filed October 31, 2011, 3:05 p.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Final 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.

Title of Regulation: 20VAC5-315. Regulations Governing Net Energy Metering (amending 20VAC5-315-20, 20VAC5-315-50).

Statutory Authority: §§ 12.1-13 and 56-594 of the Code of Virginia.

Effective Date: November 16, 2011.

Agency Contact: Kelli Gravely, Senior Utility Analyst, Energy Division, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9765, FAX (804) 371-9350, or email kelli.gravely@scc.virginia.gov.

Summary:

The amendments (i) increase the maximum capacity of an electrical generation facility of a residential customer that qualifies for participation in a net energy metering program from 10 to 20 kilowatts and (ii) require that a residential customer-generator whose generating facility has a capacity that exceeds 10 kilowatts shall pay a monthly standby charge that allows the supplier to recover that portion of its infrastructure costs that are properly associated with serving the eligible customer-generator. The amendments conform to Chapter 239 of the 2011 Acts of Assembly.

AT RICHMOND, NOVEMBER 1, 2011

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE-2011-00079

Ex Parte: In the matter of amending regulations governing net energy metering

ORDER ADOPTING REGULATIONS

The Regulations Governing Net Energy Metering, 20 VAC 5-315-10 *et seq.* ("Net Energy Metering Rules"), adopted by the State Corporation Commission ("Commission") pursuant to § 56-594 of the Code of Virginia, establish the requirements for participation by an eligible customer-generator in net energy metering in the Commonwealth of Virginia. The Net Energy Metering Rules include conditions for interconnection and metering, billing, and contract requirements between net metering customers, electric distribution companies, and energy service providers.

On July 12, 2011, the Commission entered an Order Establishing Proceeding ("Order") to consider revisions to the Net Energy Metering Rules to reflect statutory changes enacted by Chapter 239 of the 2011 Acts of Assembly ("Chapter 239"), which amended § 56-594 of the Code of Virginia to: (1) increase, from 10 to 20 kilowatts, the maximum capacity of an electrical generation facility of a residential customer that qualifies for participation in a net energy metering program; and (2) require that a residential customer-generator whose generating facility has a capacity that exceeds 10 kilowatts shall pay a monthly standby charge that allows the supplier to recover that portion of its infrastructure costs that are properly associated with serving the eligible customer-generator. Chapter 239 requires the Commission to approve of any such standby charges proposed by an electric utility upon finding that the standby charges are properly associated with serving the eligible customer-generator.

The Commission appended to its Order proposed amendments ("Proposed Rules") revising the Net Energy Metering Rules, which were prepared by the Staff of the Commission to reflect the permitted increase in residential capacity and to require residential customer-generators with an installed capacity of more than 10 kilowatts to pay a tariffed monthly standby charge to their respective suppliers.

Notice of the proceeding and the Proposed Rules were published in the Virginia Register of Regulations on August 1, 2011. Additionally, each Virginia electric distribution company was directed to serve a copy of the Order upon each of their respective net metering customers. Interested persons were directed to file any comments and requests for hearing on the Proposed Rules on or before September 26, 2011.¹

The Virginia Electric Cooperatives ("Cooperatives")² and Virginia Power as well as several other persons and entities filed comments. No one requested a hearing on the Proposed Rules.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the regulations attached hereto as Appendix A should be adopted as final rules. To the extent parties have requested changes to the Proposed Rules that go beyond the scope of such rules, we will not expand the scope of this proceeding to consider issues beyond those required to implement the amendments to § 56-594 of the Code of Virginia.

Virginia Power and the Cooperatives both generally stated that they support the Proposed Rules and that the Proposed Rules accurately and closely reflect the statutory requirements. The Cooperatives also expressed a concern that net metering customers are subsidized by non-net metering customers, an issue that the Cooperatives believe will be partially remedied by implementing the proposed standby charge.

The other comments filed relevant to the Proposed Rules generally stated that, while the increase in the capacity limit to 20 kilowatts is welcome, the statutory standby charge is not desirable since it will discourage residential net metering development, particularly for installations exceeding 10 kilowatts. Some commenters also believe that the standby charge would cause reductions in small-scale generation deployment, job growth, and use of renewable energy.

The Commission believes that the Proposed Rules are consistent with Chapter 239 and the Commission's statutory authority; therefore, the Proposed Rules should be adopted as final rules.

Accordingly, IT IS ORDERED THAT:

(1) The Regulations Governing Net Energy Metering, as shown in Appendix A to this Order, are hereby adopted and are effective as of November 16, 2011.

(2) A copy of this Order with Appendix A including the Regulations Governing Net Energy Metering shall be forwarded to the Registrar of Regulations for publication in the Virginia Register of Regulations.

(3) On or before January 11, 2012, each electric utility in the Commonwealth subject to Chapter 10 (§ 56-232 *et seq.*) of Title 56 of the Code of Virginia shall file with the Clerk of the Commission, in this docket, one (1) original document containing any revised tariff provisions necessary to implement the regulations adopted herein, excluding any tariff provisions implementing standby charges, and shall also file a copy of the document containing the revised tariff provisions with the Commission's Division of Energy Regulation. The Clerk of the Commission need not distribute copies but shall make such filings available for public

inspection in the Clerk's Office and post them on the Commission's website at: <http://www.scc.virginia.gov/case>.

(4) All electric utilities in the Commonwealth subject to Chapter 10 (§ 56-232 *et seq.*) of Title 56 of the Code of Virginia desiring to implement standby charges as contemplated by the regulations adopted herein shall file with the Commission, for consideration in separate dockets, applications for approval of the proposed methodologies for such charges.

(5) This docket shall remain open to receive the filings from electric utilities pursuant to Ordering Paragraph (3).

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all electric distribution companies licensed in Virginia as shown on Appendix B, hereto; and a copy shall be sent to the Commission's Office of General Counsel and Divisions of Energy Regulation, Public Utility Accounting, and Economics and Finance.

¹ The Commission's Order originally specified that comments were to be filed on or before August 22, 2011. On August 11, 2011, Virginia Electric and Power Company ("Virginia Power") filed a motion for additional time to complete service on its net metering customers and to extend the public comment period, citing an administrative problem in mailing the Order to its net metering customers. On August 19, 2011, the Commission entered an Order Extending Procedural Schedule granting Virginia Power's motion and providing interested persons until September 26, 2011, to file comments and requests for hearing.

² The filing entitled "Comments of the Virginia Electric Cooperatives" was submitted jointly on behalf of: A&N Electric Cooperative, BARC Electric Cooperative, Central Virginia Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Northern Virginia Electric Cooperative, Powell Valley Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, and Southside Electric Cooperative, as well as the Virginia, Maryland & Delaware Association of Electric Cooperatives.

20VAC5-315-20. Definitions.

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

"Billing period" means, as to a particular customer, the time period between the two meter readings upon which the electric distribution company and the energy service provider calculate the customer's bills.

"Billing period credit" means, for a nontime-of-use net metering customer, the quantity of electricity generated and fed back into the electric grid by the customer's renewable fuel generator in excess of the electricity supplied to the customer over the billing period. For time-of-use net metering customers, billing period credits are determined separately for each time-of-use tier.

"Demand charge-based time-of-use tariff" means a retail tariff for electric supply service that has two or more time-of-

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use tiers for energy-based charges and an electricity supply demand (kilowatt) charge.

"Electric distribution company" means the entity that owns and/or operates the distribution facilities delivering electricity to the net metering customer's premises.

"Energy service provider (supplier)" means the entity providing electricity supply service to a net metering customer either as tariffed or competitive service.

"Excess generation" means the amount of electricity generated by the renewable fuel generator in excess of the electricity consumed by the customer over the course of the net metering period. For time-of-use net metering customers, excess generation is determined separately for each time-of-use tier.

"Net metering customer (customer)" means a customer owning and operating, or contracting with other persons to own or operate, or both, a renewable fuel generator under a net metering service arrangement.

"Net metering period" means each successive 12-month period beginning with the first meter reading date following the date of final interconnection of the renewable fuel generator with the electric distribution company's facilities.

"Net metering service" means providing retail electric service to a customer operating a renewable fuel generator and measuring the difference, over the net metering period, between electricity supplied to the customer from the electric grid and the electricity generated and fed back to the electric grid by the customer.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity and the Commonwealth or any municipality.

"Renewable Energy Certificate (REC)" represents the renewable energy attributes associated with the production of one megawatt-hour (MWh) of electrical energy generated by a renewable fuel generator.

"Renewable fuel generator" means an electrical generating facility that:

1. Has an alternating current capacity of not more than ~~40~~ 20 kilowatts for residential customers and not more than 500 kilowatts for nonresidential customers unless the electric distribution company has chosen a higher capacity limit for nonresidential customers in its net metering tariff;
2. Uses renewable energy, as defined by § 56-576 of the Code of Virginia, as its total fuel source;
3. The net metering customer owns and operates, or has contracted with other persons to own or operate, or both;

4. Is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor;

5. Is interconnected pursuant to a net metering arrangement and operated in parallel with the electric distribution company's facilities; and

6. Is intended primarily to offset all or part of the net metering customer's own electricity requirements.

"Time-of-use net metering customer (time-of-use customer)" means a net metering customer receiving retail electricity supply service under a demand charge-based time-of-use tariff.

"Time-of-use period" means an interval of time over which the energy (kilowatt-hour) rate charged to a time-of-use customer does not change.

"Time-of-use tier (tier)" means all time-of-use periods given the same name (e.g., on-peak, off-peak, critical peak, etc.) for the purpose of time-differentiating energy (kilowatt-hour)-based charges. The rates associated with a particular tier may vary by day and by season.

20VAC5-315-50. Metering, billing, payment and contract or tariff considerations.

Net metered energy shall be measured in accordance with standard metering practices by metering equipment capable of measuring (but not necessarily displaying) power flow in both directions. Each contract or tariff governing the relationship between a net metering customer, electric distribution company or energy service provider shall be identical, with respect to the rate structure, all retail rate components, and monthly charges, to the contract or tariff under which the same customer would be served if such customer was not a net metering customer with the ~~exception~~ exceptions that a residential customer-generator whose generating facility has a capacity that exceeds 10 kilowatts shall pay any applicable tariffed monthly standby charges to his supplier, and that time-of-use metering under an electricity supply service tariff having no demand charges is not permitted. Said contract or tariff shall be applicable to both the electric energy supplied to, and consumed from, the grid by that customer.

In instances where a net metering customer's metering equipment is of a type for which meter readings are made off site and where this equipment has, or will be, installed for the convenience of the electric distribution company, the electric distribution company shall provide the necessary additional metering equipment to enable net metering service at no charge to the net metering customer. In instances where a net metering customer has requested, and where the electric distribution company would not have otherwise installed, metering equipment that is intended to be read off site, the electric distribution company may charge the net metering customer its actual cost of installing any additional equipment

necessary to implement net metering service. A time-of-use net metering customer shall bear the incremental metering costs associated with net metering. Any incremental metering costs associated with measuring the total output of the renewable fuel generator for the purposes of receiving renewable energy certificates shall be installed at the customer's expense unless otherwise negotiated between the customer and the REC purchaser.

A net metering customer shall receive no compensation for excess generation unless the net metering customer has entered into a power purchase agreement with its supplier.

Upon the written request of the net metering customer, the customer's supplier shall enter into a power purchase agreement for the excess generation for one or more net metering periods, as requested by the net metering customer. The written request of the net metering customer shall be submitted prior to the beginning of the first net metering period covered by the power purchase agreement. The power purchase agreement shall be consistent with this chapter. If the customer's supplier is an investor-owned electric distribution company, the supplier shall be obligated by the power purchase agreement to purchase the excess generation for the requested net metering periods at a price equal to the PJM Interconnection, L.L.C. (PJM) zonal day-ahead annual, simple average LMP (locational marginal price) for the PJM load zone in which the electric distribution company's Virginia retail service territory resides (simple average of hourly LMPs, by tiers, for time-of-use customers), as published by the PJM Market Monitoring Unit, for the most recent calendar year ending on or before the end of each net metering period, unless the electric distribution company and the net metering customer mutually agree to a higher price or unless, after notice and opportunity for hearing, the commission establishes a different price or pricing methodology. If the Virginia retail service territory of the investor-owned electric distribution company does not reside within a PJM load zone, the power purchase agreement shall obligate the electric distribution company to purchase excess generation for the requested net metering periods at a price equal to the systemwide PJM day-ahead annual, simple average LMP (simple average of hourly LMPs, by tiers, for time-of-use customers), as published by the PJM Market Monitoring Unit, for the most recent calendar year ending on or before the end of each net metering period, unless the electric distribution company and the net metering customer mutually agree to a higher price or unless, after notice and opportunity for hearing, the commission establishes a different price or pricing methodology.

If the customer's supplier is a member-owned electric cooperative, the supplier shall be obligated by the power purchase agreement to purchase excess generation for the requested net metering periods at a price equal to the simple average (by tiers for time-of-use customers) of the electric cooperative's hourly avoidable cost of energy, including fuel,

based on the energy and energy-related charges of its primary wholesale power supplier for the net metering period, unless the electric distribution company and the net metering customer mutually agree to a higher price or unless, after notice and opportunity for hearing, the commission establishes a different price or pricing methodology.

If the customer's supplier is a competitive supplier, the supplier shall be obligated by the power purchase agreement to purchase the excess generation for the requested net metering periods at a price equal to the systemwide PJM day-ahead annual, simple average LMP (simple average of hourly LMPs, by tiers, for time-of-use customers), as published by the PJM Market Monitoring Unit, for the most recent calendar year ending on or before the end of each net metering period, unless the supplier and the net metering customer mutually agree to a higher price or unless, after notice and opportunity for hearing, the commission establishes a different price or pricing methodology.

The customer's supplier shall make full payment annually to the net metering customer within 30 days following the latter of the end of the net metering period or, if applicable, the date of the PJM Market Monitoring Unit's publication of the previous calendar-year's applicable zonal or systemwide PJM day-ahead annual, simple average LMP, or hourly LMP, as appropriate. The supplier may offer the net metering customer the choice of an account credit in lieu of a direct payment. The option of a net metering customer to request payment from its supplier for excess generation and the price or pricing formula shall be clearly delineated in the net metering tariff of the electric distribution company or timely provided by the customer's competitive supplier, as applicable. A copy of such tariff, or an Internet link to such tariff, at the option of the customer, shall be provided to each customer requesting interconnection of a renewable fuel generator. A competitive supplier shall provide in its contract with the net metering customer the price or pricing formula for excess generation.

For a nontime-of-use net metering customer, in any billing period in which there is a billing period credit, the customer shall be required to pay only the nonusage sensitive charges, including any applicable standby charges, for that billing period. For a time-of-use net metering customer, in any billing period for which there are billing period credits in all tiers, the customer shall be required to pay only the demand charge or charges ~~and~~ nonusage sensitive charges, and any applicable standby charges, for that billing period. Any billing period credits shall be accumulated, carried forward, and applied at the first opportunity to any billing periods having positive net consumptions (by tiers, in the case of time-of-use customers). However, any accumulated billing period credits remaining unused at the end of a net metering period shall be carried forward into the next net metering period only to the extent that such accumulated billing period credits carried forward do not exceed the net metering customer's billed consumption for the current net metering

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period, adjusted to exclude accumulated billing period credits carried forward and applied from the previous net metering period (recognizing tiers for time-of-use customers).

A net metering customer owns any renewable energy certificates associated with the total output of its renewable fuel generator. A supplier is only obligated to purchase a net metering customer's RECs if the net metering customer has exercised its one-time option at the time of signing a power purchase agreement with its supplier to include a provision requiring the purchase by the supplier of all generated RECs over the duration of the power purchase agreement.

Payment for all whole RECs purchased by the supplier during a net metering period in accordance with the purchase power agreement shall be made at the same time as the payment for any excess generation. The supplier will post a credit to the customer's account, or the customer may elect a direct payment. Any fractional REC remaining shall not receive immediate payment, but may be carried forward to subsequent net metering periods for the duration of the power purchase agreement.

The rate of the payment by the supplier for a customer's RECs shall be the daily unweighted average of the "CR" component of Virginia Electric and Power Company's Virginia jurisdiction Rider G tariff in effect over the period for which the rate of payment for the excess generation is determined, unless the customer's supplier is not Virginia Electric and Power Company, and that supplier has an applicable Virginia retail renewable energy tariff containing a comparable REC commodity price component, in which case that price component shall be the basis of the rate of payment. The commission may, with notice and opportunity for hearing, set another rate of payment or methodology for setting the rate of payment for RECs.

To the extent that RECs are not sold to the net metering customer's supplier, they may be sold to any willing buyer at any time at a mutually agreeable price.

VA.R. Doc. No. R11-2900; Filed November 1, 2011, 12:50 p.m.

GENERAL NOTICES/ERRATA

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Notice of Periodic Review

Pursuant to Executive Order 14 (2010) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Behavioral Health and Developmental Services is conducting a periodic review of 12VAC35-115, Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services. The review of this regulation will be guided by the principles in Executive Order 14 (2010) and § 2.2-4007.1 of the Code of Virginia. The purpose of this review is to determine whether this regulation should be terminated, amended, or retained in its current form.

Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins November 21, 2011, and ends on December 19, 2011.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Margaret Walsh, State Human Rights Director, State Board of Behavioral Health and Developmental Services, 1220 Bank Street, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-2008, FAX (804) 371-6638, or email margaret.walsh@dbhds.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of the periodic review will be posted on the Town Hall and published in the Virginia Register of Regulations.

Notice of Periodic Review

Pursuant to Executive Order 14 (2010) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Behavioral Health and Developmental Services is conducting a periodic review of 12VAC35-210, Regulations to Govern Temporary Leave from State Mental Health and Mental Retardation Facilities. The review of this regulation will be guided by the principles in Executive Order 14 (2010) and § 2.2-4007.1 of the Code of Virginia. The purpose of this review is to determine whether this regulation should be terminated, amended, or retained in its current form.

Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins November 21, 2011, and ends on December 19, 2011.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Linda Grasewicz, Regulatory Coordinator, Department of Behavioral Health and Developmental Services, 1220 Bank Street, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-0040, FAX (804) 371-0092, or email linda.grasewicz@dbhds.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of the periodic review will be posted on the Town Hall and published in the Virginia Register of Regulations.

STATE CORPORATION COMMISSION

Bureau of Insurance

October 25, 2011

Administrative Letter 2011-07

To: All Property and Casualty Insurers and Rate Service Organizations Licensed in Virginia

Re: Rate Service Organizations - Advisory Filings

The Bureau of Insurance (Bureau) is announcing that, effective immediately, Rate Service Organizations (RSOs) will be permitted to submit Advisory Filings in addition to filing forms and supplementary rate information on behalf of insurers that are members or subscribers of the RSO ("participating insurers").

In order to administer the filing and adoption of Advisory Filings, the Bureau has established a process for RSOs and insurers to follow, which is outlined below:

- An RSO may identify certain products or programs that it elects not to "file on behalf of" its participating insurers. Instead, the RSO will be permitted to submit an Advisory Filing for any product or program that will allow the filing to be available for use by the RSO's participating insurers.
- Advisory Filings will not include an effective date or implementation date. The Bureau will acknowledge an

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Advisory Filing with a disposition date, which is the earliest date that the filing may be adopted by the RSO's participating insurer. Adoption instructions will be provided by the RSO.

- Participating insurers must independently determine whether to adopt an Advisory Filing.
- If a participating insurer decides to adopt the Advisory Filing, the insurer must notify the Bureau on or before the insurer's implementation/effective date of the materials in the Advisory Filing.
- The participating insurer's notification of adoption of the Advisory Filing must include the following information:
 1. The RSO's Advisory Filing Number(s);
 2. The insurer's proposed implementation/effective date; and
 3. Any other information necessary for implementation of the product or program.
- The Bureau has established an Advisory Filing Adoption Form (AFAF-1 10/2011) outlining the information that will be required when an RSO's participating insurer decides to adopt an Advisory Filing. Insurers are required to use this form.

The following list of questions and answers provides guidance regarding adoption of an RSO's Advisory Filing(s):

1. Will an insurer that is not a participating insurer of an RSO be allowed to adopt an RSO's Advisory Filing?

No.

2. Will RSOs still be allowed to "file on behalf of" their participating insurers?

Yes. It is important to note that no changes are being made to the "file on behalf of" process that RSOs currently utilize.

3. Can a participating insurer use the adoption process outlined in this administrative letter to adopt materials that were submitted by an RSO on a "file on behalf of" basis?

No. This adoption process is only available for a filing that an RSO has submitted on an advisory basis.

4. What information is important for an RSO's participating insurer to know regarding the difference(s) between an RSO's "file on behalf of" filing and an RSO's Advisory Filing?

With regard to "file on behalf of" filings:

If a participating insurer has authorized an RSO to file forms and/or supplementary rate information on its behalf for a line or program, the insurer is not required to notify the Bureau of its intentions to use the submission unless the insurer intends to take exception

to the implementation date or the content of the submission.

With regard to the adoption of an Advisory Filing:

The only way that a participating insurer can adopt an Advisory Filing is for the insurer to take specific and necessary actions, which include (i) notifying the Bureau of the insurer's intention to adopt the Advisory Filing, (ii) providing the RSO's Advisory Filing Number, and (iii) providing an implementation/effective date for implementation of the Advisory Filing. The insurer's submission of properly completed Advisory Filing Adoption Form (AFAF-1 10/2011) will be sufficient to satisfy the insurer's obligation to comply with the filing requirements set forth in § 38.2-317 for forms and § 38.2-1906 for supplementary rate information.

It is important to note that an insurer's failure to comply with the applicable filing requirements as stated above may result in penalties as set forth in § 38.2-218 of the Code of Virginia.

1. How will a participating insurer know whether a filing has been submitted as "file on behalf of" versus filed as an Advisory Filing?

In the information that is distributed to their participating insurers, RSOs must clearly distinguish between submissions that are "file on behalf of" and those that are submitted as an Advisory Filing.

2. Will this process affect the filing of advisory loss costs by an RSO?

No. Administrative Letter 2005-3 (workers' compensation loss costs) and Administrative Letter 2006-16 (other than workers' compensation loss costs) apply to advisory loss costs.

3. Are participating insurers required to notify the Bureau if they intend to adopt subsequent revisions to an Advisory Filing?

Yes. Participating insurers must notify the Bureau and provide an implementation/effective date every time they decide to adopt an RSO's Advisory Filing or any subsequent revisions to an Advisory Filing.

Questions regarding this letter may be directed to the Property and Casualty Division's Rates and Forms Sections at:

Personal Lines: Rebecca Nichols, CPCU, CIC, CIE, AIC, CCP, ALMI, Principal Insurance Market Examiner, telephone (804) 371-9331, or email rebecca.nichols@scc.virginia.gov.

Commercial Multi-Lines: Betty Branum, CPCU, CIC, Principal Insurance Market Examiner, telephone (804) 371-9242, or email betty.branum@scc.virginia.gov.

Commercial Casualty: Melinda Willis, CPCU, CIE, AIC,
ALMI, Principal Insurance Market Examiner, telephone (804)
371-9667, or email melinda.willis@scc.virginia.gov.

Jacqueline K. Cunningham
Commissioner of Insurance

Virginia Advisory Filing Adoption Form (AFAF-1)

This form specifies the process that a Rate Service Organization's (RSO's) participating insurer must use to adopt an Advisory Filing(s) **for other than Loss Costs**.

RSOs are now permitted to file forms and/or supplementary rate information on an advisory basis, which will be available for adoption by the RSO's participating insurers. Each insurer must individually determine whether to use the Advisory Filing based on its own independent company decision-making process.

In order to satisfy the filing requirements set forth in § 38.2-317 (forms) and/or § 38.2-1906 (supplementary rate information), the insurer must complete and submit the following information on or before the insurer's proposed effective/implementation date. The Bureau's disposition date of the Advisory Filing is the earliest effective/implementation date that the Advisory Filing may be used by an RSO's participating insurer.

INSURER ADOPTION OF ADVISORY FILING – OTHER THAN LOSS COSTS

- 1. INSURER NAME(s): _____
- 2. ADDRESS: _____
- 3. PERSON RESPONSIBLE FOR MAKING THE FILING: _____
 TITLE: _____ PHONE NO. _____
- 4. INSURER NAIC NO.(s) _____
- 5. LINE(S) OF INSURANCE: _____
- 6. NAME OF RSO: _____
- 7. RSO'S ADVISORY FILING NO.(s): _____
- 8. EFFECTIVE/IMPLEMENTATION DATE: _____
- 9. DETAILED DESCRIPTION OF ADDITIONAL MATERIALS ATTACHED FOR USE WITH
 THE ADVISORY FILING (use additional sheets, if necessary): _____

Advisory Filing Adoption Form (AFAF-1 Edition 10/2011)

General Notices/Errata

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load for Lower Banister River

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of an implementation plan (IP) for bacteria total maximum daily loads (TMDLs) on a 13.18 miles segment of the Lower Banister River from Elkhorn Creek to Banister Lake, the entire 9.66 miles of Polecat Creek, and 11.78 miles of Sandy Creek from Johns Run to its mouth. These portions of the Banister River watershed are located in Halifax County, including the Town of Halifax. The TMDL study for these stream impairments was completed in November, 2007, and can be found in the Bacteria TMDLs for Banister River, Bearskin Creek, Cherrystone Creek, Polecat Creek, Stinking River, Sandy Creek, and Whitethorn Creek Watersheds study report on DEQ's website at <http://www.deq.virginia.gov/tmdl/apptmdls/roankrvr/banister.pdf>.

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 meetings to discuss the development of the IP for the bacteria TMDLs will be held on Tuesday, November 29, 2011, at 7 p.m. at the Virginia Extension Office, USDA Farm Services Building, 171 South Main Street, Halifax, VA 24558. At this meeting, development of the implementation plan will be discussed and citizens will learn how they can be part of the public participation process.

The 30-day public comment period on the information presented at the meeting will end on December 29, 2011. A fact sheet on the development of the IP is available upon request. Questions or information requests should be addressed to Eileen Rowan 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 Eileen Rowan, Virginia Department of Conservation and Recreation, 8 Radford Street, Suite 102A, Christiansburg, VA 24073, email eileen.rowan@dcr.virginia.gov, telephone (540) 394-2586.

Water Quality in the North Fork Holston River - Hiltons, Virginia

Announcement of an effort to restore water quality in the North Fork Holston River and the following tributaries: Lick Creek, Beaver Creek, Laurel Creek, Locust Cove Creek, Robertson Branch, Turkey Run Creek, Logan Creek, Toole Creek, Tumbling Creek, Wolf Creek, Burmley Creek, Cove

Creek, Abrams Creek, Little Moccasin Creek, Nordyke Creek, Smith Creek, Blue Springs Branch, Dowell Branch, Hilton Creek, Possum Creek, and Big Moccasin Creek in Bland, Smyth, Tazewell, Washington, and Scott Counties, Virginia.

Public meeting location: Hiltons Elementary School, 303 Academy Road, in Hiltons, Virginia on December 6, 2011, from 6 p.m. to 8 p.m.

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation are announcing an effort to restore water quality, a public comment opportunity, and public meeting.

Meeting description: First public meeting on a study to restore water quality.

Description of study: DEQ has been working to identify sources of bacterial contamination and sources of pollutants affecting aquatic organisms. The mainstem of the North Fork Holston River in Bland, Smyth, Washington, and Scott Counties is impaired for failure to meet the recreational use because of fecal coliform bacteria violations and violations of the E. coli standard. Lick Creek, Beaver Creek, Locust Cove Creek, Robertson Branch, Turkey Run Creek, and Tumbling Creek in Smyth County, as well as Laurel Creek in Smyth, Bland, and Tazewell Counties are impaired for failure to meet the recreational use because of fecal coliform bacteria violations and violations of the E. coli standard. Logan Creek, Toole Creek, Wolf Creek, Brumley Creek, Abrams Creek, Little Moccasin Creek, Nordyke Creek, and Smith Creek in Washington County, as well as Cove Creek and Big Moccasin Creek in Scott and Washington Counties are impaired for failure to meet the recreational use because of fecal coliform bacteria violations and violations of the E. coli standard. Blue Springs Branch, Dowell Branch, Hilton Creek, and Possum Creek in Scott County are impaired for failure to meet the recreational use because of fecal coliform bacteria violations and violations of the E. coli standard. Lick Creek, Laurel Creek, and the North Fork Holston River from the Cove Creek confluence downstream to the Tennessee state line are impaired for failing to meet the aquatic life use (benthic impairment) based on violations of the general standard for aquatic organisms. Laurel Creek is also impaired for failure to meet the aquatic life use based on violations of the temperature water quality standard.

During the study, DEQ will determine the sources of bacterial contamination and pollutants impairing the aquatic community will be identified and total maximum daily loads (TMDL) developed for the impaired waters. To restore water quality, contamination levels must be reduced to the TMDL amount. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards.

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, December 6, 2011, to January 6, 2012. DEQ also accepts written and oral comments at the public meeting announced in this notice.

To review fact sheets: Fact sheets are available on the impaired waters from the contacts below or on the DEQ website at www.deq.virginia.gov/tmdl.

Contact for additional information: Martha Chapman, TMDL Coordinator, Virginia Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212-1688, telephone (276) 676-4800, FAX (276) 676-4899, or email martha.chapman@deq.virginia.gov.

Water Quality in the North Fork Holston River - Saltville, Virginia

Announcement of an effort to restore water quality in the North Fork Holston River and the following tributaries: Lick Creek, Beaver Creek, Laurel Creek, Locust Cove Creek, Robertson Branch, Turkey Run Creek, Logan Creek, Toole Creek, Tumbling Creek, Wolf Creek, Burmley Creek, Cove Creek, Abrams Creek, Little Moccasin Creek, Nordyke Creek, Smith Creek, Blue Springs Branch, Dowell Branch, Hilton Creek, Possum Creek, and Big Moccasin Creek in Bland, Smyth, Tazewell, Washington, and Scott Counties, Virginia.

Public meeting location: Friends Community Church, 145 Palmer Avenue, in Saltville, Virginia on December 1, 2011, from 6 p.m. to 8 p.m.

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation are announcing an effort to restore water quality, a public comment opportunity, and public meeting.

Meeting description: First public meeting on a study to restore water quality.

Description of study: DEQ has been working to identify sources of bacterial contamination and sources of pollutants affecting aquatic organisms. The mainstem of the North Fork Holston River in Bland, Smyth, Washington, and Scott Counties is impaired for failure to meet the recreational use because of fecal coliform bacteria violations and violations of the E. coli standard. Lick Creek, Beaver Creek, Locust Cove Creek, Robertson Branch, Turkey Run Creek, and Tumbling Creek in Smyth County, as well as Laurel Creek in Smyth, Bland, and Tazewell Counties are impaired for failure to meet

the recreational use because of fecal coliform bacteria violations and violations of the E. coli standard. Logan Creek, Toole Creek, Wolf Creek, Burmley Creek Abrams Creek, Little Moccasin Creek, Nordyke Creek, and Smith Creek in Washington County, as well as Cove Creek and Big Moccasin Creek in Scott and Washington Counties are impaired for failure to meet the recreational use because of fecal coliform bacteria violations and violations of the E. coli standard. Blue Springs Branch, Dowell Branch, Hilton Creek, and Possum Creek in Scott County are impaired for failure to meet the recreational use because of fecal coliform bacteria violations and violations of the E. coli standard. Lick Creek, Laurel Creek, and the North Fork Holston River from the Cove Creek confluence downstream to the Tennessee state line are impaired for failing to meet the aquatic life use (benthic impairment) based on violations of the general standard for aquatic organisms. Laurel Creek is also impaired for failure to meet the aquatic life use based on violations of the temperature water quality standard.

During the study, DEQ will determine the sources of bacterial contamination and pollutants impairing the aquatic community will be identified and total maximum daily loads (TMDL) developed for the impaired waters. To restore water quality, contamination levels must be reduced to the TMDL amount. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards.

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, December 1, 2011, to January 3, 2012. DEQ also accepts written and oral comments at the public meeting announced in this notice.

To review fact sheets: Fact sheets are available on the impaired waters from the contacts below or on the DEQ website at www.deq.virginia.gov/tmdl.

Contact for additional information: Martha Chapman, TMDL Coordinator, Virginia Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212-1688, telephone (276) 676-4800, FAX (276) 676-4899, or email martha.chapman@deq.virginia.gov.

General Notices/Errata

BOARD OF HEALTH PROFESSIONS

Notice of Periodic Review

Pursuant to Executive Order 14 (2010) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Health Professions is currently reviewing each of the regulations listed below to determine whether the regulations should be terminated, amended, or retained in their current form. The review of the regulations will be guided by the principles in Executive Order 14 (2010) and § 2.2-4007.1 of the Code of Virginia. Each regulation will be reviewed to determine whether the regulations (i) are necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimize the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) are clearly written and easily understandable.

18VAC75-20, Regulations Governing Practitioner Self-Referral

18VAC75-30, Regulations Governing Standards for Dietitians and Nutritionists

18VAC75-40, Regulations Governing Certification of Dialysis Technicians

The comment period begins on November 21, 2011, and ends on January 20, 2012. Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Elaine J. Yeatts, Agency Regulatory Coordinator, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, FAX (804) 527-4434, or email elaine.yeatts@dhp.virginia.gov. Comments must include the commenter's name and address information (physical or email) in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of the periodic review will be posted on the Town Hall and published in the Virginia Register of Regulations.

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 October 31, 2011. The orders may be viewed at the State Lottery Department, 900 East Main Street, Richmond, VA, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, VA.

Director's Order Number Ninety-Seven (11)

Virginia Lottery's "Holiday Subscriptions Sweepstakes" Final Rules for Game Operation (effective on October 27, 2011)

Director's Order Number Ninety-Eight (11)

Virginia's Instant Game Lottery 1285; "Straight 9'S Tripler" Final Rules for Game Operation (effective on October 28, 2011)

Director's Order Number One Hundred (11)

Virginia's On-Line Game "Virginia's New Year Millionaire Raffle" Final Rules for Game Operation (effective on October 28, 2011)

DEPARTMENT OF REHABILITATIVE SERVICES

Small Business Impact Analysis for 22VAC30-30, Provision of Independent Living Rehabilitation Services

Pursuant to §§ 2.2-4007.1 E and 2.2-4007.1 F of the Code of Virginia, the Department of Rehabilitative Services has conducted a review of 22VAC30-30, Provision of Independent Living Rehabilitation Services, to determine whether the regulation should be continued without change, amended, or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses. A public notice of this was review was issued, but no public comment was received by the department. This regulation is needed to govern the provision of independent living services. The regulation has been written to be consistent with the Rehabilitation Act of 1973, as amended, and with 34 CFR Part 364, 34 CFR Part 365, and 34 CFR Part 366. This regulation was last reviewed in September 2008. At that time, the State Independent Living Council and directors of Centers for Independent Living reviewed the proposed amendments and indicated the regulation was clearly written and easily understandable. The regulation has no economic impact on small businesses. Thus, the regulation will be retained as is.

Contact Information: Vanessa S. Rakestraw, Policy Analyst, Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23229, telephone (804) 662-7612, FAX (804) 662-7663, TDD (800) 464-9950, or email vanessa.rakestraw@drs.virginia.gov.

Small Business Impact Analysis for 22VAC30-50, Policies and Procedures for Administering Commonwealth Neurotrauma Initiative Trust Fund

Pursuant to §§ 2.2-4007.1 E and 2.2-4007.1 F of the Code of Virginia, the Department of Rehabilitative Services has conducted a review of 22VAC30-50, Policies and Procedures for Administering Commonwealth Neurotrauma Initiative Trust Fund. This regulation is needed in order to provide policies and procedures for the administration of the Commonwealth Neurotrauma Initiative Trust Fund and for the awarding of trust fund monies to the specific entities for the research and treatment of neurotrauma. The specific

entities are Virginia based organizations, institutions and researchers that must apply and be qualified to receive these funds. The department has collaborated with the Board of the Commonwealth Neurotrauma Initiative Trust Fund in an effort to develop regulations that are simple and easy to understand. Some board members are trained and employed in the field of neurotrauma; therefore, they are familiar with the language utilized in this professional field. Board members continue to advise the department during periodic reviews of this regulation.

This regulation governs the awarding of trust fund monies to specific entities for basic science and clinical research on the mechanisms and treatment of neurotrauma, and for community-based rehabilitative services for individuals with traumatic spinal cord or brain injuries. It does not appear that this regulation overlaps, duplicates, or conflicts with any existing state or federal regulation.

This regulation was reviewed in May of 2007 and was revised in August of 2009. There have been no significant changes in technology, economic conditions, or other factors that would affect this regulation.

The regulation does not impact small businesses in Virginia unless the business provides research on the mechanisms and treatment of neurotrauma or community based rehabilitative services for individuals with traumatic spinal cord or brain injuries. If a small business does conduct research in this field or provide community based rehabilitative services, the regulation would have a positive impact by providing a means by which a small business could apply for short-term funding to conduct research or develop rehabilitative services.

Contact Information: Vanessa S. Rakestraw, Policy Analyst, Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23229, telephone (804) 662-7612, FAX (804) 662-7663, TDD (800) 464-9950, or email vanessa.rakestraw@dhs.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; FAX (804) 692-0625; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the

regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/cumultab.htm>.

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 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 system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

ERRATA

STATE BOARD OF HEALTH

Title of Regulation: **12VAC5-613. Regulations for Alternative Onsite Sewage Systems (adding 12VAC5-613-10 through 12VAC5-613-210).**

Publication: 28:5 VA.R. 458-472 November 7, 2011.

Correction to Final Regulation:

Page 467, 12VAC5-613-100 B, line 4, change "12VAC5-610-90 or 12VAC5-610-210" to "12VAC5-613-90 or 12VAC5-613-210"

VA.R. Doc. No. R10-2164; Filed November 2, 2011, 2:21 p.m.

