



# VIRGINIA

## REGISTER OF REGULATIONS

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Virginia Code Commission

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# VIRGINIA REGISTER INFORMATION PAGE

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**THE VIRGINIA REGISTER OF REGULATIONS** is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, 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 18 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. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

*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**, Chair; **James A. "Jay" Leftwich**, Vice Chair; **Ryan T. McDougle**; **Nicole Cheuk**; **Rita Davis**; **Leslie L. Lilley**; **Thomas M. Moncure, Jr.**; **Christopher R. Nolen**; **Charles S. Sharp**; **Samuel T. Towell**; **Malfourd W. Trumbo**; **Mark J. Vucci**.

Staff of the Virginia Register: **Karen Perrine**, Registrar of Regulations; **Anne Bloomsburg**, Assistant Registrar; **Nikki Clemons**, Regulations Analyst; **Rhonda Dyer**, Publications Assistant; **Terri Edwards**, Senior Operations Staff Assistant.

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## PUBLICATION SCHEDULE AND DEADLINES

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This schedule is available on the Virginia Register of Regulations website (<http://register.dls.virginia.gov>).

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### December 2019 through December 2020

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
36:9	December 4, 2019	December 23, 2019
36:10	December 16, 2019 ( <b>Monday</b> )	January 6, 2020
36:11	January 1, 2020	January 20, 2020
36:12	January 15, 2020	February 3, 2020
36:13	January 29, 2020	February 17, 2020
36:14	February 12, 2020	March 2, 2020
36:15	February 26, 2020	March 16, 2020
36:16	March 11, 2020	March 30, 2020
36:17	March 25, 2020	April 13, 2020
36:18	April 8, 2020	April 27, 2020
36:19	April 22, 2020	May 11, 2020
36:20	May 6, 2020	May 25, 2020
36:21	May 20, 2020	June 8, 2020
36:22	June 3, 2020	June 22, 2020
36:23	June 17, 2020	July 6, 2020
36:24	July 1, 2020	July 20, 2020
36:25	July 15, 2020	August 3, 2020
36:26	July 29, 2020	August 17, 2020
37:1	August 12, 2020	August 31, 2020
37:2	August 26, 2020	September 14, 2020
37:3	September 9, 2020	September 28, 2020
37:4	September 23, 2020	October 12, 2020
37:5	October 7, 2020	October 26, 2020
37:6	October 21, 2020	November 9, 2020
37:7	November 4, 2020	November 23, 2020
37:8	November 16, 2020 ( <b>Monday</b> )	December 7, 2020
37:9	December 2, 2020	December 21, 2020

\*Filing deadlines are Wednesdays unless otherwise specified.

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# PETITIONS FOR RULEMAKING

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## TITLE 3. ALCOHOLIC BEVERAGES

### VIRGINIA ALCOHOLIC BEVERAGE CONTROL AUTHORITY

#### Agency Decision

Title of Regulation: 3VAC5-50. Retail Operations.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Name of Petitioner: Tom Stein, Deputy General Counsel for the Council on Licensure, Enforcement and Regulation (CLEAR).

Nature of Petitioner's Request: "CLEAR asks the Authority to consider amending 3VAC5-50-20 (proposed amendment below) of the Regulations of the Authority to recognize that licensed retailers of alcoholic beverages may utilize biometric identification, and specifically the patented processes of CLEAR, to make a determination of the legal age of a purchaser of alcoholic beverages. In addition to being far more reliable than human checking of identification, use of biometric verification processes is consistent with both the plain language and the spirit of the Virginia Alcoholic Beverage Control Act (the "Act") in ensuring that individuals under the legal age do not purchase alcohol.

3VAC5-50-20. Determination of Legal Age of Purchaser.

A. In determining whether a licensee, or his employee or agent, has reason to believe that a purchaser is not of legal age, the board will consider, but is not limited to, the following factors: (1) Whether an ordinary and prudent person would have reason to doubt that the purchaser is of legal age based on the general appearance, facial characteristics, behavior and manner of the purchaser; and (2) Whether the seller demanded, was shown and acted in good faith in reliance upon bona fide evidence of legal age, as defined herein, and that evidence contained a photograph and physical description consistent with the appearance of the purchaser; and (3) Whether the seller verified the age of the purchaser through the use of a biometric identity verification device approved by the Authority where the biometric is referenced against a record described in paragraph B.

B. Such bona fide evidence of legal age shall include a valid motor vehicle driver's license issued by any state of the United States or the District of Columbia, armed forces identification card, United States passport or foreign government visa, valid special identification card issued by the Virginia Department of Motor Vehicles, or any valid identification issued by any other federal or state government agency, excluding student university and college identification cards, provided such identification shall contain a photograph and signature of the subject, with the subject's height and date of birth.

C. It shall be incumbent upon the licensee, or his employee or agent, to scrutinize carefully the identification, if presented, and determine it to be authentic and in proper order. Identification which has been altered so as to be apparent to observation or has expired shall be deemed not in proper order."

Agency Decision: Granted.

Statement of Reason for Decision: The Virginia Alcoholic Beverage Control Authority held a public comment period concerning the petition requesting an amendment to 3VAC5-50-20 to recognize that licensed retailers of alcoholic beverages may utilize biometric identification, and specifically the patented processes of CLEAR, to make a determination of the legal age of a purchaser of alcoholic beverages. The board met on October 15, 2019, to review the petition and the comments that were received. The board decided to grant the request. The board agreed with the statements made by the petitioner that the software is more reliable than human checking of identification and consistent with the plain language and the spirit of the Virginia Alcoholic Beverage Control Act in ensuring that individuals younger than the legal age do not purchase alcohol. The amendment to the regulation was supported by two organizations dedicated to public safety and preventing underage consumption of alcohol.

Agency Contact: Latonya D. Hucks-Watkins, Legal Liaison, Alcoholic Beverage Control Authority, 2901 Hermitage Road, Richmond, VA 23220, telephone (804) 213-4698, or email [latonya.hucks-watkins@abc.virginia.gov](mailto:latonya.hucks-watkins@abc.virginia.gov).

VA.R. Doc. No. R20-03 Filed November 1, 2019, 2:36 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF DENTISTRY

#### Initial Agency Notice

Title of Regulation: 18VAC60-30. Regulations Governing the Practice of Dental Assistants.

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

Name of Petitioner: Misty Meismer for Virginia Dental Hygiene Program Directors' Consortium.

Nature of Petitioner's Request: The petitioner is requesting an amendment to require dental assistants to be certified in infection control procedures and radiation health and safety recognized by the Dental Assisting National Board or the National Entry Level Dental Assistant.

Agency Plan for Disposition of Request: The petition will be published on November 25, 2019, in the Virginia Register of

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# Petitions for Rulemaking

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Regulations and also posted on the Virginia Regulatory Town Hall at [www.townhall.virginia.gov](http://www.townhall.virginia.gov) to receive public comment ending December 25, 2019. The request to amend regulations and any comments for or against the petition will be considered by the board at the first scheduled meeting after close of comment, which will be March 13, 2020.

**Public Comment Deadline:** December 25, 2019.

**Agency Contact:** Sandra Reen, Executive Director, Board of Dentistry, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4437, or email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

VA.R. Doc. No. R20-15 Filed November 5, 2019, 3:38 p.m.

## BOARD OF NURSING

### Initial Agency Notice

**Title of Regulation:** 18VAC90-19. Regulations Governing the Practice of Nursing.

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

**Name of Petitioner:** Zenaida Laxa.

**Nature of Petitioner's Request:** To amend 18VAC90-19-130 to change the requirement for an applicant from another country to use the designation of "foreign nurse graduate" on a nametag to the designation of "RN Applicant."

**Agency Plan for Disposition of Request:** In accordance with Virginia law, the petition will be published on November 25, 2019, in the Virginia Register of Regulations and also posted on the Virginia Regulatory Town Hall at [www.townhall.virginia.gov](http://www.townhall.virginia.gov) to receive public comment ending December 25, 2019. Following receipt of all comments on the petition to amend regulations, the board will decide whether to make any changes to the regulatory language. This matter will be on the board's agenda for its first meeting after the comment period, which is scheduled for January 28, 2020.

**Public Comment Deadline:** December 25, 2019.

**Agency Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4520, or email [jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).

VA.R. Doc. No. R20-16 Filed October 25, 2019, 8:25 a.m.

## BOARD OF COUNSELING

### Initial Agency Notice

**Title of Regulation:** 18VAC115-20. Regulations Governing the Practice of Professional Counseling.

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

**Name of Petitioner:** Robin Usher.

**Nature of Petitioner's Request:** To accept 1500 direct or indirect service hours, 50 hours of supervision, and one year from a master's level internship so long as the internship hours were acquired after 30 course hours from a Council for Accreditation of Counseling and Related Educational Programs accredited counseling program and in not more than three years of study.

**Agency Plan for Disposition of Request:** In accordance with Virginia law, the petition will be filed with the Registrar of Regulations and published on November 25, 2019, with comment requested until December 25, 2019. It will also be placed on the Virginia Regulatory Town Hall and available for comments to be posted electronically. At its first meeting following the close of comment, which is scheduled for February 7, 2020, the board will consider the request to amend regulations and all comment received in support or opposition. The petitioner will be informed of the board's response and any action it approves.

**Public Comment Deadline:** December 25, 2019.

**Agency Contact:** Jaime Hoyle, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4406, or email [jaime.hoyle@dhp.virginia.gov](mailto:jaime.hoyle@dhp.virginia.gov).

VA.R. Doc. No. R20-17 Filed October 29, 2019, 9:49 a.m.

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# PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, **9VAC25-720, Water Quality Management Planning Regulation**; and **9VAC25-820, General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia** are undergoing a periodic review. The review of each regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

The Notice of Intended Regulatory Action for 9VAC25-720 and 9VAC25-820, which is published in this issue of the Virginia Register, serves as the announcement of the periodic review.

Contact Information: Gary E. Graham, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 689-4103, FAX (804) 698-4319, or email [gary.graham@deq.virginia.gov](mailto:gary.graham@deq.virginia.gov).



## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

#### Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the State Board of Health conducted a small business impact review of **12VAC5-115, Virginia Immunization Information System Regulations**, and determined that this regulation should be retained in its current form. The State Board of Health is publishing its report of findings dated September 20, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia. The regulation was promulgated in 2015.

There is a continued need for the regulation as it is essential to outline the protocols for the Virginia Immunization Information System, as required by § 32.1-46.01 of the Code of Virginia. The agency did not receive any complaints or comments from the public during the periodic review. The regulation is clearly written and easily understandable. The regulation does not overlap, duplicate, or conflict with any other federal or state law or regulation.

Retaining the regulation does not appear to cause an adverse economic impact on small businesses in the Commonwealth of Virginia.

Contact Information: Joseph Hilbert, Deputy Commissioner, Government and Regulatory Affairs, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7001, FAX (804) 864-7022, or email [joe.hilbert@vdh.virginia.gov](mailto:joe.hilbert@vdh.virginia.gov).



## TITLE 13. HOUSING

### BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

#### Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board of Housing and Community Development conducted a small business impact review of **13VAC5-11, Public Participation Guidelines**, and determined that this regulation should be amended.

The fast-track regulatory action to amend 13VAC5-11, which is published in this issue of the Virginia Register, serves as the report of findings.

Contact Information: Kyle Flanders, Senior Policy Analyst, Department of Housing and Community Development, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 786-6761, FAX (804) 371-7090, or email [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov).



## TITLE 16. LABOR AND EMPLOYMENT

### SAFETY AND HEALTH CODES BOARD

#### Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Safety and Health Codes Board conducted a small business impact review of **16VAC25-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors**, and determined that this regulation should be retained in its current form. The Safety and Health Codes Board is publishing its report of findings dated September 18, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

By requiring contract fee inspectors to provide annual proof of indemnification, this regulation protects small business owners of boiler and pressure vessels by providing proof that contract fee inspectors have indemnified these owners against losses caused by negligent inspection and certification. Although contract fee inspectors will have to invest a small portion of time in copying and mailing a certificate of insurance or proof of other indemnification, the regulation is



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## Periodic Reviews and Small Business Impact Reviews

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not overly complex and does not overlap, duplicate or conflict with federal or state law or regulation. Contract fee inspectors must also pay related copy and postage costs, but these are relatively small. This regulation provides flexible options for contract fee inspectors and minimizes, to the greatest extent possible, the impact on the regulated community.

No public comments were received.

Contact Information: Jay Withrow, Director of Legal Support, VPP, ORA, OWP, Department of Labor and Industry, 600 East Main Street, Suite 207, Richmond, VA 23233, telephone (804) 786-9873, or email [jay.withrow@doli.virginia.gov](mailto:jay.withrow@doli.virginia.gov).

### Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Safety and Health Codes Board conducted a small business impact review of **16VAC25-73, Regulation Applicable to Tree Trimming Operations**, and determined that this regulation should be retained in its current form. The Safety and Health Codes Board is publishing its report of findings dated October 15, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

Subdivision 5 of § 40.1-22 of the Code of Virginia mandates that the Safety and Health Codes Board adopt standards that most adequately assure "...employee safety and health in places of employment over which it has jurisdiction...", and that the standards be at least stringent as the standards promulgated by the federal Occupational Safety and Health Administration (OSHA), as required by the federal OSH Act of 1970 (P.L.91-596).

This regulation is based on the American National Standard's Institute (ANSI) Z133.1-2006, Safety Requirements for Arboricultural Operations (with Modifications), for Application to Tree Trimming Operations. The regulation addresses non-logging, tree-trimming, and cutting operations on residential and commercial work sites. The regulation was adopted at the request of and in consultation with representatives of the tree care industry. It is designed to eliminate or reduce injuries, illnesses, and fatalities associated with tree trimming hazards.

Prior to adoption, VOSH applied the Logging Standard, 1910.266, to arborists/tree trimming operations anytime a tree was "felled," or cut down. The Logging Standard did not apply to tree trimming activities where a tree was not felled or cut down, so there was no specific regulation to address hazards associated specifically with trimming trees. As noted above, this regulation was adopted at the request of and in consultation with representatives of the tree care industry.

The current regulation is the least burdensome alternative for the protection of employees working in tree trimming occupations. This regulation closely tracks the industry approved ANSI Z133.1-2006 and does not overlap, duplicate,

or conflict with federal or state law or regulation. No alternatives were considered for this regulation because there is no viable alternative to this regulation.

Because the regulation is based on ANSI Z133.1-2006, the regulated community is very familiar with the requirements and procedures designed to eliminate or reduce injuries, illnesses, and fatalities associated with tree trimming hazards.

No public comments were received.

Contact Information: Jay Withrow, Director of Legal Support, VPP, ORA, OWP, Department of Labor and Industry, 600 East Main Street, Suite 207, Richmond, VA 23233, telephone (804) 786-9873, or email [jay.withrow@doli.virginia.gov](mailto:jay.withrow@doli.virginia.gov).

### Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Safety and Health Codes Board conducted a small business impact review of **16VAC25-75, Telecommunications, General, Approach Distances**, and determined that this regulation should be retained in its current form. The Safety and Health Codes Board is publishing its report of findings dated October 15, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

There is a continued need for this regulation because it ensures uniformity of the regulation for general industry, construction, and telecommunications workers who perform the same type of electrical transmission work. The regulation makes telecommunications requirements identical to 16VAC25-90-1910.269(1)(3), Federal Identical General Industry Standards, and provides safety protections for telecommunications workers equal to those afforded general industry electrical transmission and distribution workers. In the past, the establishment of less stringent compliance requirements directly resulted in fatal electrocution hazards for employees.

The Department of Labor and Industry did not consider an alternative because this regulation is the least burdensome alternative available for achieving the purpose of the regulation. It is not overly complex, has no negative impact on the regulated community, and does not overlap, duplicate, or conflict with federal or state law or regulation.

No alternatives were considered for this regulation because, in the past, the establishment of less stringent compliance requirements directly resulted in fatal electrocution hazards for employees. For the reasons noted above, this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No public comments were received.



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# Periodic Reviews and Small Business Impact Reviews

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Contact Information: Jay Withrow, Director of Legal Support, VPP, ORA, OWP, Department of Labor and Industry, 600 East Main Street, Suite 207, Richmond, VA 23233, telephone (804) 786-9873, or email [jay.withrow@doli.virginia.gov](mailto:jay.withrow@doli.virginia.gov).

Contact information (preferably an email address or, alternatively, a U.S. mailing address) must accompany a comment to receive a response. Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF PSYCHOLOGY

#### Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board of Psychology conducted a small business impact review of **18VAC125-20, Regulations Governing the Practice of Psychology**, and determined that this regulation should be amended.

The proposed regulatory action to amend 18VAC125-20, which is published in this issue of the Virginia Register, serves as the report of findings.

Agency Contact: Jaime Hoyle, Executive Director, Board of Psychology, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4406, FAX (804) 327-4435, or email [jaimе.һoуlе@dһp.virginia.gov](mailto:jaimе.һoуlе@dһp.virginia.gov).

Contact Information: Tatanishia Armstrong, Licensing Consultant, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7152, FAX (804) 726-7132, or email [tatanishia.armstrng@dss.virginia.gov](mailto:tatanishia.armstrng@dss.virginia.gov).

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## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

#### Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, **22VAC40-80, General Procedures and Information for Licensure**, is undergoing a periodic review. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

The purpose of this review is to determine whether this regulation should be repealed, 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.

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# NOTICES OF INTENDED REGULATORY ACTION

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## 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 **9VAC25-720, Water Quality Management Planning Regulation**, and **9VAC25-820, General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia**. The Water Quality Management Planning Regulation (9VAC25-720) includes wasteload allocations for dischargers of pollutants to various river basins throughout the Commonwealth of Virginia including total nitrogen (TN) and total phosphorus (TP) wasteload allocations necessary for the restoration of water quality in the Chesapeake Bay and its tidal tributaries. The purpose of the proposed action is to amend 9VAC25-720-50 C (Potomac-Shenandoah River Basin), 9VAC25-720-60 C (James River Basin), 9VAC25-720-70 C (Rappahannock River Basin), 9VAC25-720-110 C (Chesapeake Bay – Small Coastal – Eastern Shore River Basin), and 9VAC25-720-120 C (York River Basin) to (i) establish TN and TP wasteload allocations to meet revised water quality criteria for Chlorophyll-a in the tidal James River Basin; (ii) reallocate any unneeded significant industrial discharger allocations to other facilities registered under the General Virginia Pollutant Discharge Elimination System Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820) or reserve any unneeded allocations for future use; and (iii) establish floating wasteload allocations for significant municipal dischargers based on the average daily flow treated by the facility in a given year and nutrient concentrations of 4.0 mg/l TN and 0.30 mg/l TP. Existing "primary" wasteload allocations will remain, and in any given year the facility will be required to meet the lesser of the primary or floating allocations. Facilities with special circumstances could be assigned alternative floating wasteload allocations or possibly no floating wasteload allocation. The board may consider exempting a subset of the smallest significant dischargers that in aggregate represent a minor percentage of the expected load reductions from this regulatory action. Special consideration may also be appropriate for treatment plants that reclaim and reuse a significant portion of their wastewater flow. The board may, if necessary to implement amendments to 9VAC25-720, also propose amendments to 9VAC25-820.

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the Code of Virginia, the agency is conducting a periodic review and small business

impact review of 9VAC25-720 to determine whether this regulation should be repealed, 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; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

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

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

Public Comment Deadline: January 9, 2020.

Agency Contact: Gary E. Graham, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 689-4103, FAX (804) 698-4319, or email [gary.graham@deq.virginia.gov](mailto:gary.graham@deq.virginia.gov).

VA.R. Doc. No. R20-6191; Filed November 6, 2019, 7:57 a.m.

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# REGULATIONS

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

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## Symbol Key

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

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## TITLE 1. ADMINISTRATION

### STATE BOARD OF ELECTIONS

#### Proposed Regulation

**REGISTRAR'S NOTICE:** The State Board of Elections is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 8 of the Code of Virginia, which exempts agency action relating to the conduct of elections or eligibility to vote.

**Title of Regulation:** 1VAC20-50. Candidate Qualification (adding 1VAC20-50-50).

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

**Public Hearing Information:** No public hearings are scheduled.

**Public Comment Deadline:** December 25, 2019.

**Agency Contact:** Samantha Buckley, Policy Analyst II, Department of Elections, 1100 Bank Street, 1st Floor, Richmond, VA 23223, telephone (804) 864-8948, or email [samantha.buckley@elections.virginia.gov](mailto:samantha.buckley@elections.virginia.gov).

#### Summary:

*The amendment sets the rule for when a person may submit candidate qualification documents for a special election held at a time other than in May or in November.*

#### **1VAC20-50-50. Candidate filings for special elections.**

For special elections that are scheduled to be held in months other than May or November, no person may submit the candidate qualification documents required by Chapter 5 (§ 24.2-500 et seq.) of Title 24.2 of the Code of Virginia until an appropriate authority has issued the writ ordering the election.

VA.R. Doc. No. R20-6232; Filed November 4, 2019, 3:04 p.m.

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## TITLE 8. EDUCATION

### STATE BOARD OF EDUCATION

#### Notice of Extension of Emergency Regulation

**Title of Regulation:** 8VAC20-131. Regulations Establishing Standards for Accrediting Public Schools in Virginia (amending 8VAC20-131-110, 8VAC20-131-430).

**Statutory Authority:** §§ 22.1-16 and 22.1-253.13 of the Code of Virginia.

**Effective Date Extended Through:** May 7, 2020.

The Governor approved the request of the State Board of Education to extend the expiration date of the emergency regulation for six months as provided by § 2.2-4011 D of the Code of Virginia. Therefore, the emergency regulation will continue in effect through May 7, 2020. The emergency regulation relates to the provisions for high school students to earn locally-awarded verified credits for students who entered the ninth grade before the 2018-2019 school year with those who entered the ninth grade in the 2018-2019 school year and thereafter. Locally-awarded verified credits are an option available to meet graduation requirements when a student fails to earn a verified credit by passing an end-of-course Standards of Learning test. Without these regulations, students subject to the graduation requirements in effect for students who entered the ninth grade before the 2018-2019 school year would be limited to locally-awarded verified credits in social studies and science, while their younger peers would be able to earn locally-awarded verified credits in English and mathematics, in addition to social studies and science. Should these regulations expire, some students could be unable to graduate if they anticipated using a locally-awarded verified credit in English or mathematics to meet graduation requirements. The emergency regulation was published in [34:20 VA.R. 2069-2072 May 28, 2018](#).

**Agency Contact:** Dr. Cynthia Cave, Assistant Superintendent, Policy and Communications, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2092, FAX (804) 225-2524, or email [cynthia.cave@doe.virginia.gov](mailto:cynthia.cave@doe.virginia.gov).

VA.R. Doc. No. R18-5440; Filed November 7, 2019, 4:19 p.m.

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## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

#### Forms

**REGISTRAR'S NOTICE:** Forms used in administering the regulation have been 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 of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the

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Office of the Registrar of Regulations, 900 East Main Street,  
11th Floor, Richmond, Virginia 23219.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### Final Regulation

Title of Regulation: **12VAC5-421. Food Regulations.**

Contact Information: Kristin Clay, Senior Policy Analyst,  
Office of Environmental Health Services, Virginia  
Department of Health, 109 Governor Street, Richmond, VA  
23219, email [kristin.clay@vdh.virginia.gov](mailto:kristin.clay@vdh.virginia.gov).

FORMS (12VAC5-421)

~~Food Establishment Inspection Report Form — Cover Page  
(rev. 9/2017)~~

[Food Establishment Inspection Report Form - Cover Page  
\(rev. 1/2019\)](#)

[Food Establishment Inspection Report Form - Narrative  
\(rev. 9/2017\)](#)

[Food Establishment Inspection Report Form - Narrative  
with Temperatures \(rev. 9/2017\)](#)

VA.R. Doc. No. R20-5813; Filed November 6, 2019, 10:49 a.m.

### Final Regulation

Title of Regulation: **12VAC5-615. Authorized Onsite Soil  
Evaluator Regulations (repealing 12VAC5-615-10  
through 12VAC5-615-470).**

Statutory Authority: §§ 32.1-163.5 and 32.1-164 of the Code  
of Virginia.

Effective Date: January 3, 2020.

Agency Contact: Allen Knapp, Director, Office of  
Environmental Health Services, Virginia Department of  
Health, 109 Governor Street, Richmond, VA 23219,  
telephone (804) 864-7558, FAX (804) 864-7475, or email  
[allen.knapp@vdh.virginia.gov](mailto:allen.knapp@vdh.virginia.gov).

#### Summary:

*Chapter 892 of the 2007 Acts of Assembly transferred implementation, administration, and enforcement of licensing requirements for authorized onsite soil evaluators from the Virginia Department of Health (VDH) to the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, which promulgated regulations for onsite soil evaluators on July 1, 2009 (18VAC160-20). VDH successfully implemented statutory provisions for reports and designs independent of 12VAC5-615, making the chapter no longer necessary. This action repeals 12VAC5-615. There are no changes to the regulatory action from the proposed stage.*

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

VA.R. Doc. No. R13-3127; Filed October 24, 2019, 10:34 a.m.

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from Article 2 of 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 regulation provided such regulations do not differ materially from those required by federal law or regulation.

Title of Regulation: **12VAC30-60. Standards Established  
and Methods Used to Assure High Quality Care  
(amending 12VAC30-60-306).**

Statutory Authority: § 32.1-325 of the Code of Virginia;  
42 USC § 1396 et seq.

Effective Date: December 25, 2019.

Agency Contact: Emily McClellan, Regulatory Supervisor,  
Policy Division, Department of Medical Assistance Services,  
600 East Broad Street, Suite 1300, Richmond, VA 23219,  
telephone (804) 371-4300, FAX (804) 786-1680, or email  
[emily.mcclellan@dmas.virginia.gov](mailto:emily.mcclellan@dmas.virginia.gov).

Background: Federal law requires that individuals seeking nursing facility placement be screened prior to admission in order to determine if the nursing facility placement is medically appropriate. For a hospital discharging a Medicaid member to a nursing facility, Virginia regulations currently permit up to three days after a Medicaid member's discharge for the hospital to submit the required nursing facility screening forms via the electronic screening portal. This three-day period creates potential lag between the Medicaid member's hospital discharge and admission to a nursing facility.

#### Summary:

*The amendment removes the option for a hospital to take three days to complete the required screening of a Medicaid member prior to a member's admission to a nursing facility so that the nursing facility can directly admit Medicaid members and fully comply with federal screening requirements.*

### **12VAC30-60-306. Submission of screenings.**

A. The screening entity shall complete and submit the following forms to DMAS electronically via ePAS:

1. DMAS-95 - MI/IDD/RC (Supplemental Assessment Process Form Level I), as appropriate;
2. DMAS-96 (Medicaid-Funded Long-Term Care Service Authorization Form);
3. DMAS-97 (Individual Choice - Institutional Care or Waiver Services), as applicable;

- 4. UAI (Uniform Assessment Instrument);
- 5. DMAS-108 (Tech Waiver Adult Referral); and
- 6. DMAS-109 (Tech Waiver Pediatric Referral).

B. For screenings performed in the community, the screening entity shall submit to DMAS via ePAS each screening form listed in subsection A of this section within 30 days of the individual's request date for screening.

C. For screenings performed in a hospital, the hospital team shall submit to DMAS via ePAS each screening form listed in subsection A of this section, which shall be completed prior to the individual's discharge. ~~For individuals who will be admitted to a Medicare funded skilled NF or to a Medicare-funded rehabilitation hospital (or rehabilitation unit) directly upon discharge from the hospital, the hospital screener shall have up to an additional three days post discharge to submit the screening forms via ePAS.~~

VA.R. Doc. No. R20-6126; Filed October 25, 2019, 2:42 p.m.

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## TITLE 13. HOUSING

### BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

#### Fast-Track Regulation

Title of Regulation: **13VAC5-11. Public Participation Guidelines (amending 13VAC5-11-50).**

Statutory Authority: §§ 2.2-4007.02 and 36-137 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: December 25, 2019.

Effective Date: January 10, 2020.

Agency Contact: Kyle Flanders, Senior Policy Analyst, Department of Housing and Community Development, Main Street Centre, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 786-6761, FAX (804) 371-7090, TTY (804) 371-7089, or email [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov).

Basis: Section 2.2-4007.02 of the Code of Virginia mandates each agency develop, adopt, and use public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations. Chapter 795 of the 2012 Acts of Assembly provides that in formulating any regulation or in evidentiary hearings on regulations, an interested party shall be entitled to be accompanied by and represented by counsel or other qualified representative.

Purpose: This regulatory change is intended to bring the public participation guidelines into conformance with state code and model guidelines development by the Department of Planning and Budget. The change clarifies that public commenters may be represented by counsel or other representatives. Public participation is an integral part in the adoption of regulations that affect the public's health, safety, and welfare. This change will support public participation in the board's regulatory processes.

Rationale for Using Fast-Track Rulemaking Process: A periodic review of the regulation identified legislative changes to public participation guidelines that had not been incorporated into the regulation. As this change is intended to update the regulation to conform with statute it is expected to be noncontroversial, and the fast-track rulemaking process is appropriate.

Substance: The amendment clarifies that public commenters may be represented by counsel or other representatives and brings the regulation into conformance with the Code of Virginia.

Issues: This change clarifies language in the public participation guidelines stating that individuals may have counsel or other representatives represent them during regulatory processes. This will provide added assurance to those wishing to comment that they may be represented by counsel or others and have their views heard. There are no disadvantages to the public or the Commonwealth as a result of this change.

Small Business Impact Report of Findings: This fast-track regulatory action serves as the report of findings of the regulatory review pursuant to § 2.2-4007.1 of the Code of Virginia.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to Chapter 795 of the 2012 Acts of Assembly (Chapter 795),<sup>2</sup> the Board of Housing and Community Development (Board) proposes to specify in this regulation that interested persons shall be afforded an opportunity to be accompanied by and represented by counsel or other representative when submitting data, views, and arguments, either orally or in writing, to the agency.

Background. Chapter 795 added to § 2.2-4007.02 of the Code of Virginia. "Public participation guidelines" that persons interested in submitting data, views, and arguments, either orally or in writing, to the agency also be afforded an opportunity to be accompanied by and represented by counsel or other representative.

The current regulation Public Participation Guidelines states that: "In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons



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an opportunity to submit data, views, and arguments, either orally or in writing, to the agency." The Board proposes to append "and (ii) be accompanied by and represented by counsel or other representative."

**Estimated Benefits and Costs.** Since the Code of Virginia already specifies that interested persons shall be afforded an opportunity to be accompanied by and represented by counsel or other representative, the Board's proposal to add this language to the regulation would not change the law in effect, but would be beneficial in that it would inform interested parties who read this regulation but not the statute of their legal rights concerning representation.

**Businesses and Other Entities Affected.** The proposed amendment potentially affects all individuals who comment on pending regulatory changes. It would particularly affect those who are interested in being accompanied by and represented by counsel or other representative, and were not previously aware of this right. The proposal does not produce cost.

**Localities<sup>3</sup> Affected.<sup>4</sup>** The proposed amendment applies statewide. No locality would be particularly affected. The proposed amendment does not introduce costs for local governments.

**Projected Impact on Employment.** The proposed amendment is unlikely to affect total employment.

**Effects on the Use and Value of Private Property.** The proposed amendment does not affect the use and value of private property. The proposed amendment does not affect real estate development costs.

**Adverse Effect on Small Businesses.<sup>5</sup>** The proposed amendment does not adversely affect small businesses.

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<sup>2</sup>See <http://leg1.state.va.us/cgi-bin/legp504.exe?121+ful+CHAP0795+hil>

<sup>3</sup>"Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

<sup>4</sup>§ 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

<sup>5</sup>Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

**Agency's Response to Economic Impact Analysis:** The Board of Housing and Community Development staff concurs with the economic impact analysis.

**Summary:**

*Pursuant to § 2.2-4007.02 of the Code of Virginia, the amendment provides that interested persons submitting data, views, and arguments on a regulatory action may be*

*accompanied by and represented by counsel or another representative.*

Part III  
Public Participation Procedures

**13VAC5-11-50. Public comment.**

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency; and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
2. For a minimum of 60 calendar days following the publication of a proposed regulation.
3. For a minimum of 30 calendar days following the publication of a repropoed regulation.
4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § 2.2-4013 C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final



adoption of the regulation pursuant to § 2.2-4012 E of the Code of Virginia.

VA.R. Doc. No. R20-6036; Filed October 30, 2019, 3:03 p.m.

**TITLE 14. INSURANCE**

**STATE CORPORATION COMMISSION**

**Forms**

**REGISTRAR'S NOTICE:** Forms used in administering the regulation have been 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 of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

**Title of Regulation:** **14VAC5-395. Rules Governing Settlement Agents.**

**Agency Contact:** Raquel Pino, Insurance Policy Advisor, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9499, FAX (804) 371-9944, or email [raquel.pino@scc.virginia.gov](mailto:raquel.pino@scc.virginia.gov).

FORMS (14VAC5-395)

[Settlement Agent Official Registration Form for a Title Agent \(eff. 3/2012\)](#)

[Settlement Agent Official Registration Form for Licensed Title Insurance Company or Agency \(eff. 3/2012\)](#)

~~Title Settlement Agency/Agency Financial Responsibility Certification (undated, filed 11/2015)~~

~~Waiver of Blanket Fidelity Bond or Employee Dishonesty Insurance Policy for Title Insurance Settlement Agents (undated, filed 11/2015)~~

~~Bond for Title Insurance Settlement Agent (undated, filed 11/2015)~~

[Title Settlement Agent/Agency Financial Responsibility Certification \(rev. 10/2019\)](#)

[Waiver of Blanket Fidelity Bond or Employee Dishonesty Insurance Policy for Title Insurance Settlement Agents \(rev. 10/2019\)](#)

[Bond for Title Insurance Settlement Agent \(rev. 10/2019\)](#)

[Standard Report of Escrow Accounts Maintained by Title Insurance Agents \(eff. 10/2010\)](#)

VA.R. Doc. No. R20-6209; Filed October 25, 2019, 2:37 p.m.

**TITLE 16. LABOR AND EMPLOYMENT**

**VIRGINIA WORKERS' COMPENSATION COMMISSION**

**Final Regulation**

**REGISTRAR'S NOTICE:** The Virginia Workers' Compensation Commission is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 15 of the Code of Virginia, which exempts regulations adopted pursuant to § 65.2-605 of the Code of Virginia, including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the Workers' Compensation Commission (i) utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption. The commission will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** **16VAC30-110. Medical Fee Schedules Regulations (amending 16VAC30-110-10).**

**Statutory Authority:** § 65.2-605 of the Code of Virginia.

**Effective Date:** December 25, 2019.

**Agency Contact:** James Szablewicz, Chief Deputy Commissioner, Virginia Workers' Compensation Commission, 333 East Franklin Street, Richmond, VA 23219, telephone (804) 205-3097, FAX (804) 823-6936, or email [james.szablewicz@workcomp.virginia.gov](mailto:james.szablewicz@workcomp.virginia.gov).

**Summary:**

*The amendments define the 2020 medical fee schedules that will be applicable to medical services rendered in workers' compensation cases during the period from January 1, 2020, through December 31, 2021*

**16VAC30-110-10. Definitions.**

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

"Commission" means the Virginia Workers' Compensation Commission.

"Community" means one of the six medical communities as defined in § 65.2-605 A of the Code of Virginia.

"Ground rules" means:

1. For medical services rendered during the period from January 1, 2018, through December 31, 2019, the 2018 Medical Fee Schedule Ground Rules adopted by the ~~Commission~~ commission on June 13, 2017, and revised on November 14, 2017, incorporated by reference and

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available on the commission's website at <http://www.workcomp.virginia.gov/content/virginia-medical-fee-schedules-ground-rules>.

2. For medical services rendered during the period from January 1, 2020, through December 31, 2021, the 2020 Medical Fee Schedule Ground Rules adopted by the commission on July 18, 2019, and revised on October 17, 2019, incorporated by reference and available on the commission's website at <http://www.workcomp.virginia.gov/content/virginia-medical-fee-schedules-ground-rules>.

"Medical services" means any medical, surgical, or hospital service required to be provided to an injured person pursuant to Title 65.2 of the Code of Virginia, exclusive of a medical service provided in the treatment of a traumatic injury or serious burn as those terms are defined in § 65.2-605 A of the Code of Virginia.

"Virginia fee schedules" means:

1. For medical services rendered during the period from January 1, 2018, through December 31, 2019, the fee schedules 2018 Medical Fee Schedules adopted by the commission on June 13, 2017, and revised on November 14, 2017, incorporated by reference and available on the commission's website at <http://www.workcomp.virginia.gov/content/virginia-medical-fee-schedules>.

2. For medical services rendered during the period from January 1, 2020, through December 31, 2021, the 2020 Medical Fee Schedules adopted by the commission on July 18, 2019, and revised on October 17, 2019, incorporated by reference and available on the commission's website at <http://www.workcomp.virginia.gov/content/virginia-medical-fee-schedules>.

VA.R. Doc. No. R20-6210; Filed October 31, 2019, 1:06 p.m.

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

#### Forms

**REGISTRAR'S NOTICE:** Forms used in administering the regulation have been 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 of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

**Titles of Regulations:** **18VAC15-20. Virginia Asbestos Licensing Regulations.**

**18VAC15-30. Virginia Lead-Based Paint Activities Regulations.**

**18VAC15-40. Home Inspector Licensing Regulations.**

**Contact Information:** Joseph C. Haughwout, Jr., Regulatory Administrator, Department of Professional and Occupational Regulation, 9600 Mayland Drive, Perimeter Center, Suite 400, Richmond, VA 23233, telephone (804) 367-2684, or email [joseph.haughwout@dpor.virginia.gov](mailto:joseph.haughwout@dpor.virginia.gov).

FORMS (18VAC15-20)

[Asbestos Worker License Application, A506-3301LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Supervisor License Application, A506-3302LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Inspector License Application, A506-3303LIC-v5 \(rev. 8/2015\)](#)

[Asbestos Management Planner License Application, A506-3304LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Project Designer License Application, A506-3305LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Project Monitor License Application, A506-3309LIC-v5 \(rev. 8/2015\)](#)

[Individual - Asbestos License Renewal Form, A506-33AREN-v4 \(rev. 2/2018\)](#)

[Asbestos Analytical Laboratory License Renewal/Branch Office Renewal Form, A506-3333REN-v4 \(rev. 9/2019\)](#)

[Contractor - Asbestos & Lead License Renewal Form, A506-33CONREN-v5 \(rev. 9/2019\)](#)

~~[Asbestos Experience Verification Application, A506-33AEXP-v4 \(rev. 8/2015\)](#)~~

[Asbestos - Experience Verification Application, A506-33AEXP-v5 \(rev. 3/2019\)](#)

[Asbestos - Education Verification Application, A506-33AED-v3 \(rev. 8/2015\)](#)

[Virginia Asbestos Licensing Consumer Information Sheet, A506-33ACIS-v2 \(rev. 8/2013\)](#)

[Inspector/Project Designer/Contractor Disclosure Form, A506-33DIS-v2 \(rev. 8/2013\)](#)

[Asbestos Contractor License Application, A506-3306LIC-v5 \(rev. 9/2019\)](#)

[Asbestos Analytical Laboratory License Application, A506-3333LIC-v7 \(rev. 9/2019\)](#)

[Asbestos Analytical Laboratory - Branch Office Application, A506-3333BR-v1 \(rev. 9/2019\)](#)

[Change of Laboratory Analysis Type Form, A506-3333COA-v1 \(rev. 9/2019\)](#)

[Asbestos Training Program Review and Audit Application, A506-3331ACRS-v4 \(rev. 8/2015\)](#)

[Asbestos Project Monitor - Work Experience Log, A506-3309EXP-v3 \(rev. 8/2015\)](#)

**FORMS (18VAC15-30)**

[Lead Abatement Worker License Application, A506-3351LIC-v3 \(eff. 8/2015\)](#)

[Lead Abatement Supervisor License Application, A506-3353LIC-v4 \(eff. 8/2015\)](#)

[Lead Abatement Inspector License Application, A506-3355LIC-v3 \(eff. 8/2015\)](#)

[Lead Abatement Risk Assessor License Application, A506-3356LIC-v5 \(eff. 8/2015\)](#)

[Lead Abatement Project Designer License Application, A506-3357LIC-v3 \(eff. 8/2015\)](#)

[Lead Abatement Contractor License Application, A506-3358LIC-v3 \(eff. 8/2015\)](#)

~~[Contractor - Asbestos & Lead License Renewal Form, A506-33CONREN-v4 \(rev. 2/2018\)](#)~~

[Contractor - Asbestos & Lead License Renewal Form, A506-33CONREN-v5 \(rev. 9/2019\)](#)

[Individual - Lead License Renewal Form, A506-33LREN-v3 \(rev. 2/2018\)](#)

[Lead - Education Verification Application, A506-33LED-v3 \(rev. 8/2015\)](#)

[Lead - Experience Verification Application, A506-33LEXP-v3 \(rev. 8/2015\)](#)

[Lead Training Course Application, 3331LCRS-v4 \(eff. 8/2015\)](#)

[Inspector/Risk Assessor/Project Designer/Contractor Disclosure Form, A506-33LDIS-v2 \(eff. 8/2013\)](#)

[Virginia Lead Licensing Consumer Information Sheet, A506-33LCIS-v2 \(eff. 8/2013\)](#)

**FORMS (18VAC15-40)**

[Home Inspector License Application, A506-3380LIC-v3 \(eff. 9/2017\)](#)

[Home Inspector NRS Specialty Designation Application, A506-3380NRS-v1 \(eff. 7/2017\)](#)

[Home Inspector Experience Verification Form, A506-3380EXP-v7 \(eff. 9/2017\)](#)

[Home Inspectors - Inspection Log, A506-3380ILOG-v1 \(eff. 9/2017\)](#)

[Home Inspector Reinstatement Application, A506-3380REI-v2 \(eff. 2/2018\)](#)

~~[Home Inspector - Course Approval Application, Prelicense Education Course/NRS Training Module/NRS CPE, A506-3331HICRS-v1 \(eff. 4/2017\)](#)~~

[Home Inspector - Course Approval Application, Prelicense Education Course/NRS Training Module/NRS CPE, A506-3331HICRS-v2 \(eff. 8/2019\)](#)

VA.R. Doc. No. R20-6217; Filed October 24, 2019, 1:46 p.m.

## BOARD OF PHARMACY

### Forms

**REGISTRAR'S NOTICE:** Forms used in administering the regulation have been 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 of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

**Title of Regulation: 18VAC110-60. Regulations Governing Pharmaceutical Processors.**

**Contact Information:** Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, or email [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

**FORMS (18VAC110-60)**

Application for registration of a patient, online form available at <https://www.license.dhp.virginia.gov/apply>

Application for registration of a parent or legal guardian, online form available at <https://www.license.dhp.virginia.gov/apply>

Application for registration of a practitioner to issue certifications, online form available at <https://www.license.dhp.virginia.gov/apply>

[Application for Pharmaceutical Processor Permit \(eff. 6/2019\)](#)

[Patient Parent or Legal Guardian Reporting Requirements \(eff. 6/2019\)](#)

[Practitioner Reporting Requirements \(eff. 6/2019\)](#)

[Registration of CBD or THC-A Oil Products \(eff. 6/2019\)](#)

[Pharmaceutical Processor Inspection Form \(eff. 10/2019\)](#)

VA.R. Doc. No. R20-6224; Filed October 28, 2019, 8:37 a.m.

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# Regulations

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## BOARD OF PSYCHOLOGY

### Proposed Regulation

**Title of Regulation:** 18VAC125-20. **Regulations Governing the Practice of Psychology (amending 18VAC125-20-10, 18VAC125-20-41, 18VAC125-20-42, 18VAC125-20-54, 18VAC125-20-55, 18VAC125-20-56, 18VAC125-20-65, 18VAC125-20-80, 18VAC125-20-120, 18VAC125-20-121, 18VAC125-20-122, 18VAC125-20-130, 18VAC125-20-150, 18VAC125-20-160; adding 18VAC125-20-35).**

**Statutory Authority:** §§ 54.1-2400 and 54.1-3605 of the Code of Virginia.

**Public Hearing Information:**

December 3, 2019 - 9:30 a.m. - Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Conference Center, Richmond, VA

**Public Comment Deadline:** January 24, 2020.

**Agency Contact:** Jaime Hoyle, Executive Director, Board of Psychology, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4406, FAX (804) 327-4435, or email [jaime.hoyle@dhp.virginia.gov](mailto:jaime.hoyle@dhp.virginia.gov).

**Basis:** Regulations of the Board of Psychology are promulgated under the general authority of § 54.1-2400 of the Code of Virginia. The statutory powers and duties of the Board of Psychology are found in § 54.1-3605 of the Code of Virginia, and § 54.1-3606 of the Code of Virginia requires a license to practice.

**Purpose:** As a result of periodic review, additional standards of conduct and causes for disciplinary action clarify for psychologists the expectations for ethical practice and give the board more explicit grounds on which to discipline practitioners for the purpose of protecting the health, safety, and welfare of the public.

**Substance:** The proposed amendments provide consistency and clarity, reduce the regulatory requirements for licensure by endorsement, increase the opportunities for continuing education credits, specify a timeframe within which an applicant must pass the national examination, and simplify the requirement for individual supervision in a residency. The proposed amendments also require all psychology doctoral programs to be accredited by the American Psychological Association, the Canadian Psychological Association, or another accrediting body acceptable to the board within seven years of the effective date of the regulation. Finally, the proposed amendments emphasize rules for professionalism, confidentiality, client records, and prohibitions on dual relationships in the standards of conduct required by licensees.

**Issues:** The primary advantage of the amendments for the public is greater protection for clients who receive treatment with psychologists through enhanced and clarified standards

of practice and grounds for disciplinary action. There are no disadvantages to the public. There are no advantages or disadvantages to the Commonwealth.

**Small Business Impact Review Report of Findings:** This proposed regulatory action serves as the report of the findings of the regulatory review pursuant to § 2.2-4007.1 of the Code of Virginia.

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

Summary of the Proposed Amendments to Regulation. Following a periodic review,<sup>1</sup> the Board of Psychology (Board) proposes to 1) require accreditation for all psychology doctoral programs, 2) reduce the duration of active licensure required for licensure by endorsement from ten to five years, 3) allow counting of supervision hours obtained outside of Virginia toward residency, 4) expand the opportunities for earning continuing education credits, and 5) clarify numerous existing requirements.

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

**Estimated Economic Impact.** One of the substantive changes the Board proposes is to require all psychology doctoral programs to be accredited by the American Psychological Association (APA), the Canadian Psychological Association or another accrediting body acceptable to the Board within seven years of the effective date of the regulation. Currently, APA accreditation is required from U.S. institutions, but there are provisions under which an applicant can submit information indicating APA-equivalency. Under the proposed change, graduates of programs outside the U.S. or Canada would still be able to submit documentation from a credentialing evaluation service verifying equivalency. However, two online U.S. based programs, Capella and Walden Universities,<sup>2</sup> are not APA-accredited. According to the Department of Health Professions (DHP), it is unlikely for these programs to become accredited because one of the issues that the APA has with accrediting online programs is their lack of internships. DHP believes that APA accreditation of the two programs is necessary to ensure patient health and safety.

If the two programs fail to obtain accreditation from APA, they will likely no longer accept students intending to practice in Virginia and lose revenues. DHP estimates each program has fewer than ten students enrolled nationwide and the tuition is \$110,000 to 120,000 per graduate. Similarly, prospective students intending to practice in Virginia would have to seek entry into alternative programs. However, because of the delayed effective date of the proposed requirement for accreditation, any current students in those programs intending to work in Virginia should not be affected.



The Board also proposes to reduce the duration of active licensure required for licensure by endorsement from ten to five years, but proposes to require 24 months of active practice within the last 60 months immediately preceding application. According to DHP, this change will make the experience standard substantially equivalent to the licensure by exam standard in Virginia, which is up to three years. Currently, approximately 90 licenses per year are granted by endorsement. A reduced requirement for years of licensure may make it possible or encourage a few psychologists to apply for licensure by endorsement (e.g., a military spouse with only five years of license history in another state).

In another proposed change, the Board would allow counting of supervision hours obtained outside of Virginia, provided there is evidence of board approval in the other jurisdiction. This proposed change would reduce the cost of acquiring supervised hours for those coming from other jurisdictions because generally students would have to pay for supervision.

Another change would expand the opportunities for earning continuing education credits. Under the proposed language, licensees may be credited four hours of continuing education credits for being an editor of a professional journal and ten hours for taking an academic course.

Finally, the remaining changes the Board proposes include clarifying that the internship hours do not count toward the required residency hours; changing the timeframe for the minimum of two hours of individual supervision from "per week" to "per 40 hours" to allow for gaps when a resident or supervisor is on vacation or ill (as it is currently written, if the applicant does not complete the 2 hours of supervision in any given week because of sickness or vacation, he or she would not be eligible for the license); specifying the last two years immediately preceding the licensure as the timeframe within which an applicant must have passed the national examination; clarifying current grounds for denial of licensure or disciplinary action and adding several others (e.g., including performance of an act likely to deceive, defraud or harm the public and knowingly allowing a person under supervision to jeopardize client safety, adding a section to ensure that psychological services, whether face-to-face or by another delivery method, are subject to these standards, adding that the Board have disciplinary grounds based on action taken by another health or mental health regulatory board, for failure to cooperate with a DHP investigator, or for failure to report child abuse or elder abuse, etc.). The benefit of these changes are greater clarity of existing requirements and greater accountability to clients.

**Businesses and Entities Affected.** In Virginia, there are 32 applied psychologists, 3,447 clinical psychologists, 104 school psychologists, 664 school psychologists-limited, and 878 residents subject to this regulation. There were 92 individuals licensed by endorsement in 2017. Also, there are

two online clinical psychology doctoral programs based out of Minnesota.

**Localities Particularly Affected.** The proposed regulation does not affect any particular locality more than others.

**Projected Impact on Employment.** The accreditation status of two affected online programs based out of Minnesota should not affect employment in Virginia. Reduced years of active licensure for licensure by endorsement may have a small, but positive impact on employment.

**Effects on the Use and Value of Private Property.** The proposed regulation will likely have a negative impact on the asset values of two online clinical psychology doctoral programs in Minnesota. The proposed regulation should also have positive impact on asset values of clinical psychology practices by reducing some of their compliance costs as explained.

**Real Estate Development Costs.** No impact on real estate development costs is expected.

**Small Businesses:**

**Definition.** Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

**Costs and Other Effects.** DHP estimates that approximately 50 percent of the clinical psychologists are small business owners. The effects on clinical psychologists are as discussed.

**Alternative Method that Minimizes Adverse Impact** The proposed amendments do not have adverse effects on small businesses.

**Adverse Impacts:**

**Businesses:** The proposed regulation would adversely affect two online clinical psychology doctoral programs in Minnesota as discussed.

**Localities:** The proposed amendments would not adversely affect localities.

**Other Entities:** The proposed amendments would not adversely affect other entities.

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<sup>1</sup> <http://townhall.virginia.gov/ViewPReview.cfm?PRid=1543>

<sup>2</sup> Capella and Walden Universities are for-profit, online institution of higher learning, both headquartered in Minnesota.

**Agency's Response to Economic Impact Analysis:** The Board of Psychology concurs with the analysis of the Department of Planning and Budget.

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## Summary:

*The proposed amendments (i) improve consistency and clarity, reduce requirements for licensure by endorsement, increase the opportunities for continuing education credits, specify a timeframe within which an applicant must pass the national examination, and simplify the requirement for individual supervision in a residency; (ii) require all psychology doctoral programs to be accredited by the American Psychological Association, the Canadian Psychological Association, or another accrediting body acceptable to the board within seven years of the effective date of the regulation; and (iii) adjust standards of conduct to emphasize rules for professionalism, confidentiality, client records, and prohibitions on dual relationships.*

## Part I General Provisions

### 18VAC125-20-10. Definitions.

The following words and terms, in addition to the words and terms defined in § 54.1-3600 of the Code of Virginia, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"APA" means the American Psychological Association.

"APPIC" means the Association of Psychology Postdoctoral and Internship Centers.

"Board" means the Virginia Board of Psychology.

~~"Candidate for licensure" means a person who has satisfactorily completed the appropriate educational and experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.~~

"CAEP" means Council for the Accreditation of Educator Preparation.

"CPA" means Canadian Psychological Association.

"Demonstrable areas of competence" means those therapeutic and assessment methods and techniques, ~~and for~~ for the populations served, and for which one can document adequate graduate training, workshops, or appropriate supervised experience.

"Face-to-face" means in person.

"Intern" means an individual who is enrolled in a professional psychology program internship.

"Internship" means an ongoing, supervised, and organized practical experience obtained in an integrated training program identified as a psychology internship. Other supervised experience or on-the-job training does not constitute an internship.

"NASP" means the National Association of School Psychologists.

~~"NCATE" means the National Council for the Accreditation of Teacher Education.~~

"Practicum" means the pre-internship clinical experience that is part of a graduate educational program.

"Practicum student" means an individual who is enrolled in a professional psychology program and is receiving pre-internship training and seeing clients.

"Professional psychology program" means an integrated program of doctoral study in clinical or counseling psychology or a master's degree or higher program in school psychology designed to train professional psychologists to deliver services in psychology.

"Regional accrediting agency" means one of the six regional accrediting agencies recognized by the ~~United States~~ U.S. Secretary of Education established to accredit senior institutions of higher education.

"Residency" means a post-internship, post-terminal degree, supervised experience approved by the board.

"Resident" means an individual who has received a doctoral degree in a clinical or counseling psychology program or a master's degree or higher in school psychology and is completing a board-approved residency.

"School psychologist-limited" means a person licensed pursuant to § 54.1-3606 of the Code of Virginia to provide school psychology services solely in public school divisions.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual consultation, guidance, and instruction with respect to the skills and competencies of the person supervised.

"Supervisor" means an individual who assumes ~~full~~ responsibility for the education and training activities of a person under supervision and for the care of such person's clients and who provides the supervision required by such a person consistent with the training and experience of both the supervisor and the person under supervision and with the type of services being provided.

### 18VAC125-20-35. Change of name or address.

Licensees or registrants shall notify the board in writing within 60 days of:

1. Any legal name change; or

2. Any change of address of record or of the licensee's or registrant's public address if different from the address of record.

### 18VAC125-20-41. Requirements for licensure by examination.

A. Every applicant ~~for examination~~ for licensure by ~~the board~~ examination shall:



1. Meet the education requirements prescribed in 18VAC125-20-54, 18VAC125-20-55, or 18VAC125-20-56 and the experience requirement prescribed in 18VAC125-20-65 as applicable for the particular license sought; and

2. Submit the following:

- a. A completed application on forms provided by the board;
- b. A completed residency agreement or documentation of having fulfilled the experience requirements of 18VAC125-20-65;
- c. The application processing fee prescribed by the board;
- d. Official transcripts documenting the graduate work completed and the degree awarded; transcripts previously submitted for registration of supervision do not have to be resubmitted unless additional coursework was subsequently obtained. Applicants who are graduates of institutions that are not regionally accredited shall submit documentation from an accrediting agency acceptable to the board that their education meets the requirements set forth in 18VAC125-20-54, 18VAC125-20-55, or 18VAC125-20-56;
- e. A current report from the National Practitioner Data Bank; and
- f. Verification of any other health or mental health professional license ~~or~~, certificate, or registration ever held in Virginia or another jurisdiction. The applicant shall not have surrendered a license, certificate, or registration while under investigation and shall have no unresolved action against a license, certificate, or registration.

B. In addition to fulfillment of the education and experience requirements, each applicant for licensure by examination must achieve a passing score on all parts of the Examination for Professional Practice of Psychology required at the time the applicant took the examination.

C. Every applicant shall attest to having read and agreed to comply with the current standards of practice and laws governing the practice of psychology in Virginia.

**18VAC125-20-42. Prerequisites for licensure by endorsement.**

Every applicant for licensure by endorsement shall submit:

- 1. A completed application;
- 2. The application processing fee prescribed by the board;
- 3. An attestation of having read and agreed to comply with the current Standards of Practice and laws governing the practice of psychology in Virginia;

4. Verification of all other health and mental health professional licenses ~~or~~, certificates, or registrations ever held in Virginia or any jurisdiction of the United States or Canada. In order to qualify for endorsement, the applicant shall not have surrendered a license ~~or~~, certificate, or registration while under investigation and shall have no unresolved action against a license ~~or~~, certificate, or registration;

5. A current report from the National Practitioner Data Bank; and

6. Further documentation of one of the following:

- a. A current ~~listing in the~~ credential issued by the National Register of Health Service Psychologists;
- b. Current diplomate status in good standing with the American Board of Professional Psychology in a category comparable to the one in which licensure is sought;
- c. A Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards;
- d. ~~Ten~~ Five years of active licensure in a category comparable to the one in which licensure is sought, ~~with an appropriate degree as required in this chapter documented by an official transcript with at least 24 months of active practice within the last 60 months immediately preceding licensure application~~; or
- e. If less than ~~40~~ five years of active licensure or less than 24 months of active practice within the last 60 months, documentation of current psychologist licensure in good standing obtained by standards substantially equivalent to the education, experience, and examination requirements set forth in this chapter for the category in which licensure is sought as verified by a certified copy of the original application submitted directly from the out-of-state licensing agency or a copy of the regulations in effect at the time of initial licensure and the following: (1) ~~Documentation of post licensure active practice for at least 24 of the last 60 months immediately preceding licensure application~~; (2) Verification of a passing score on all parts of the Examination for Professional Practice of Psychology ~~as established in Virginia for the year of that administration that were required at the time of original licensure~~; and

~~(3)~~ (2) Official transcripts documenting the graduate work completed and the degree awarded in the category in which licensure is sought.

**18VAC125-20-54. Education requirements for clinical psychologists.**

A. ~~The~~ Beginning (insert a date seven years after the effective date of this regulation), an applicant shall hold a

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doctorate in clinical or counseling psychology from a professional psychology program in a regionally accredited university, ~~which that~~ was accredited at the time the applicant graduated from the program by the APA ~~in clinical or counseling psychology within four years after the applicant graduated from the program, or shall meet the requirements of subsection B of this section, CPA, or an accrediting body acceptable to the board.~~ Graduates of programs that are not within the United States or Canada shall provide documentation from an acceptable credential evaluation service that provides information verifying that the program is substantially equivalent to an APA-accredited program.

~~B. If the~~ Prior to (insert a date seven years after the effective date of this regulation), an applicant does not shall either hold a doctorate from an APA accredited program, as specified in subsection A of this section, the applicant or shall hold a doctorate from a professional psychology program which that documents that it the program offers education and training which that prepares individuals for the practice of clinical psychology as defined in § 54.1-3600 of the Code of Virginia and which meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the ~~United States~~ U.S. Department of Education or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from an acceptable credential evaluation service ~~which that~~ provides information that allows the board to determine if the program meets the requirements set forth in this chapter.

2. The program shall be recognizable as an organized entity within the institution.

3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program; and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills, and competencies consistent with the program's training goals.

4. The program shall encompass a minimum of three academic years of full-time graduate study or the equivalent thereof.

5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas:

a. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology,

sensation and perception, health psychology, pharmacology, neuroanatomy).

b. Cognitive-affective bases of behavior (e.g., learning theory, cognition, motivation, emotion).

c. Social bases of behavior (e.g., social psychology, group processes, organizational and systems theory, community and preventive psychology, multicultural issues).

d. Psychological measurement.

e. Research methodology.

f. Techniques of data analysis.

g. Professional standards and ethics.

6. The program shall include a minimum of at least three or more graduate semester credit hours or five or more graduate quarter hours in each of the following clinical psychology content areas:

a. Individual differences in behavior (e.g., personality theory, cultural difference and diversity).

b. Human development (e.g., child, adolescent, geriatric psychology).

c. Dysfunctional behavior, abnormal behavior, or psychopathology.

d. Theories and methods of intellectual assessment and diagnosis.

e. Theories and methods of personality assessment and diagnosis including its practical application.

f. Effective interventions and evaluating the efficacy of interventions.

C. Applicants shall submit documentation of having successfully completed practicum experiences ~~in involving assessment and, diagnosis, psychotherapy, consultation and supervision~~ psychological interventions. The practicum experiences shall include a minimum of nine graduate semester hours or 15 or more graduate quarter hours or equivalent in appropriate settings to ensure a wide range of supervised training and educational experiences.

D. An applicant shall graduate from an educational program in clinical psychology that includes an appropriate emphasis on and experience in the diagnosis and treatment of persons with moderate to severe mental disorders.

E. Candidates for clinical psychologist licensure shall have successfully completed an internship in a program that is either accredited by APA or CPA, or is a member of APPIC, or the Association of State and Provincial Psychology Boards/National Register of Health Service Psychologists, or one that meets equivalent standards. If the internship was obtained in an educational program outside of the United

States or Canada, a credentialing service approved by the board shall verify equivalency to an internship in an APA-accredited program.

~~D.~~ F. An applicant for a clinical license may fulfill the residency requirement of 1,500 hours, or some part thereof, as required for licensure in 18VAC125-20-65 ~~B~~, in the ~~pre-doctoral~~ doctoral practicum supervised experience, which occurs prior to the internship, and that meets the following standards:

1. The supervised professional experience shall be part of an organized sequence of training within the applicant's doctoral program, ~~which that~~ that meets the criteria specified in ~~subsection A or B~~ of this section.
2. The supervised experience shall include face-to-face direct client services, service-related activities, and supporting activities.
  - a. "Face-to-face direct client services" means ~~treatment/intervention~~ treatment or intervention, assessment, and interviewing of clients.
  - b. "Service-related activities" means scoring, reporting or treatment note writing, and consultation related to face-to-face direct services.
  - c. "Supporting activities" means time spent under supervision of face-to-face direct services and service-related activities provided ~~on-site~~ onsite or in the trainee's academic department, as well as didactic experiences, such as laboratories or seminars, directly related to such services or activities.
3. In order for pre-doctoral practicum hours to fulfill all or part of the residency requirement, the following shall apply:
  - a. Not less than one-quarter of the hours shall be spent in providing face-to-face direct client services;
  - b. Not less than one-half of the hours shall be in a combination of face-to-face direct service hours and hours spent in service-related activities; and
  - c. The remainder of the hours may be spent in a combination of face-to-face direct services, service-related activities, and supporting activities.
4. A minimum of one hour of individual face-to-face supervision shall be provided for every eight hours of supervised professional experience spent in direct client contact and service-related activities.
5. Two hours of group supervision with up to five practicum students may be substituted for one hour of individual supervision. In no case shall the hours of individual supervision be less than one-half of the total hours of supervision.

6. The hours of pre-doctoral supervised experience reported by an applicant shall be certified by the program's director of clinical training on a form provided by the board.

7. If the supervised experience hours completed in a series of practicum experiences do not total 1,500 hours or if a candidate is deficient in any of the categories of hours, a candidate shall fulfill the remainder of the hours by meeting requirements specified in 18VAC125-20-65.

**18VAC125-20-55. Education requirements for applied psychologists.**

A. The applicant shall hold a doctorate from a professional psychology program from a regionally accredited university ~~which that~~ that meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the ~~United States~~ U.S. Department of Education; or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from a credential evaluation service acceptable to the board ~~which that~~ that demonstrates that the program meets the requirements set forth in this chapter.
2. The program shall be recognizable as an organized entity within the institution.
3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program; and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills, and competencies consistent with the program's training goals.
4. The program shall encompass a minimum of three academic years of full-time graduate study or the equivalent thereof.
5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas:
  - a. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, health psychology, pharmacology, neuroanatomy).
  - b. Cognitive-affective bases of behavior (e.g., learning theory, cognition, motivation, emotion).

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- c. Social bases of behavior (e.g., social psychology, group processes, organizational and systems theory, community and preventive psychology, multicultural issues).
- d. Psychological measurement.
- e. Research methodology.
- f. Techniques of data analysis.
- g. Professional standards and ethics.

B. Demonstration of competence in applied psychology shall be met by including a minimum of at least 18 semester hours or 30 quarter hours in a concentrated program of study in an identified area of psychology, ~~e.g. for example~~, developmental, social, cognitive, motivation, applied behavioral analysis, industrial/organizational, human factors, personnel selection and evaluation, program planning and evaluation, teaching, research or consultation.

## **18VAC125-20-56. Education requirements for school psychologists.**

A. The applicant shall hold at least a master's degree in school psychology, with a minimum of at least 60 semester credit hours or 90 quarter hours, from a college or university accredited by a regional accrediting agency, which was accredited by the ~~APA, NCATE or CAEP~~ or was approved by NASP, or shall meet the requirements of subsection B of this section.

B. If the applicant does not hold a master's degree in school psychology from a program accredited by the ~~APA, NCATE or CAEP~~ or approved by NASP, the applicant shall have a master's degree from a psychology program ~~which that~~ offers education and training to prepare individuals for the practice of school psychology as defined in § 54.1-3600 of the Code of Virginia and ~~which that~~ meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the ~~United States U.S.~~ Department of Education; or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from a credential evaluation service acceptable to the board ~~which that~~ demonstrates that the program meets the requirements set forth in this chapter.
2. The program shall be recognizable as an organized entity within the institution.
3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program; and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and

supervision. The faculty shall provide appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills, and competencies consistent with the program's training goals.

4. The program shall encompass a minimum of two academic years of full-time graduate study or the equivalent thereof.

5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas:

- a. Psychological foundations (e.g., biological bases of behavior, human learning, social and cultural bases of behavior, child and adolescent development, individual differences).
- b. Educational foundations (e.g., instructional design, organization and operation of schools).
- c. Interventions/problem-solving (e.g., assessment, direct interventions, both individual and group, indirect interventions).
- d. Statistics and research methodologies (e.g., research and evaluation methods, statistics, measurement).
- e. Professional school psychology (e.g., history and foundations of school psychology, legal and ethical issues, professional issues and standards, alternative models for the delivery of school psychological services, emergent technologies, roles and functions of the school psychologist).

6. The program shall be committed to practicum experiences ~~which that~~ shall include:

- a. Orientation to the educational process;
- b. Assessment for intervention;
- c. Direct intervention, including counseling and behavior management; and
- d. Indirect intervention, including consultation.

C. Candidates for school psychologist licensure shall have successfully completed an internship in a program accredited by APA or CAEP, or approved by NASP, or is a member of APPIC or one that meets equivalent standards.

## **18VAC125-20-65. Supervised experience Residency.**

### ~~A. Internship requirement.~~

~~1. Candidates for clinical psychologist licensure shall have successfully completed an internship that is either accredited by APA, APPIC, or the Association of State and Provincial Psychology Boards/National Register of Health Service Psychologists, or one that meets equivalent standards.~~

~~2. Candidates for school psychologist licensure shall have successfully completed an internship accredited by the APA, APPIC, or NASP.~~

A. Candidates for clinical or school psychologist licensure shall have successfully completed a residency consisting of a minimum of 1,500 hours of supervised experience in the delivery of clinical or school psychology services acceptable to the board.

1. For clinical psychology candidates, the hours of supervised practicum experiences in a doctoral program may be counted toward the residency hours, as specified in 18VAC125-20-54. Hours acquired during the required internship shall not be counted toward the 1,500 residency hours. If the supervised experience hours completed in a practicum do not total 1,500 hours or if a candidate is deficient in any of the categories of hours, a candidate may fulfill the remainder of the hours by meeting requirements specified in subsection B of this section.

2. School psychologist candidates shall complete all the residency requirements after receipt of their final school psychology degree.

**B. Residency ~~requirement~~ requirements.**

1. Candidates for clinical or school psychologist licensure shall have successfully completed a residency consisting of a minimum of 1,500 hours in a period of not less than 12 months and not to exceed three years of supervised experience in the delivery of clinical or school psychology services acceptable to the board, or the applicant may request approval to ~~begin~~ extend a residency if there were extenuating circumstances that precluded completion within three years.

2. Supervised experience obtained in Virginia without prior written board approval will not be accepted toward licensure. Candidates shall not begin the residency until after completion of the required degree as set forth in 18VAC125-20-54 or 18VAC125-20-56.

~~A~~ 3. In order to have the residency accepted for licensure, an individual who proposes to obtain supervised post-degree experience in Virginia shall, register with the board prior to the onset of such supervision, submit by submission of:

a. A supervisory contract along with the application package; and pay

the b. The registration of supervision fee set forth in 18VAC125-20-30; and

c. An official transcript documenting completion of educational requirements as set forth in 18VAC125-20-54 or 18VAC125-20-56 as applicable.

4. If board approval was required for supervised experience obtained in another United States jurisdiction or

Canada in which residency hours were obtained, a candidate shall provide evidence of board approval from such jurisdiction.

~~3.~~ 5. There shall be a minimum of two hours of individual supervision per week 40 hours of supervised experience. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week 40 hours.

~~4. Residents may not refer to or identify themselves as applied psychologists, clinical psychologists, or school psychologists; independently solicit clients; bill for services; or in any way represent themselves as licensed psychologists. Notwithstanding the above, this does not preclude supervisors or employing institutions for billing for the services of an appropriately identified resident. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Psychology," in the licensure category in which licensure is sought.~~

~~5.~~ 6. Supervision shall be provided by a psychologist who holds a current, unrestricted license in the jurisdiction in which supervision is being provided and who is licensed to practice in the licensure category in which the resident is seeking licensure.

~~6.~~ 7. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.

~~7.~~ 8. The supervising psychologist shall maintain records of supervision performed and shall regularly review and co-sign case notes written by the supervised resident during the residency period. At the end of the residency training period, the supervisor or supervisors shall submit to the board a written evaluation of the applicant's performance.

~~8.~~ 9. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability that limits the resident's access to qualified supervisors.

~~C. For a clinical psychologist license, a candidate may submit evidence of having met the supervised experience requirements in a pre-doctoral doctoral practicum as specified in 18VAC125-20-54 D in substitution for all or part of the 1,500 residency hours specified in this section. If the supervised experience hours completed in a practicum do not total 1,500 hours, a person may fulfill the remainder of the hours by meeting requirements specified in subsection B of this section.~~

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~~D. Candidates for clinical psychologist licensure shall provide documentation that the internship and residency included appropriate emphasis and experience in the diagnosis and treatment of persons with moderate to severe mental disorders.~~

C. Residents shall not refer to or identify themselves as clinical psychologists or school psychologists, independently solicit clients, bill directly for services, or in any way represent themselves as licensed psychologists. Notwithstanding, this does not preclude supervisors or employing institutions from billing for the services of an appropriately identified resident. During the residency period, residents shall use their names, the initials of their degree, and the title "Resident in Psychology" in the licensure category in which licensure is sought.

## Part III Examinations

### **18VAC125-20-80. General examination requirements.**

~~A. An applicant for clinical or school psychologist licensure enrolled in an approved residency training program required in 18VAC125-20-65 who has met all requirements for licensure except completion of that program shall be eligible to take the national written examination. B. A candidate approved by the board to sit for an examination shall take that examination within two years of the date of the initial board approval immediately preceding licensure. A candidate may request an extension of the two-year limitation for extenuating circumstances. If the candidate has not taken the examination by the end of the two-year period here prescribed, the applicant shall reapply according to the requirements of the regulations in effect at that time.~~

~~C. B.~~ The board shall establish passing scores on all steps of the examination.

## Part V Licensure Renewal; Reinstatement

### **18VAC125-20-120. Annual renewal of licensure.**

Every license issued by the board shall expire each year on June 30.

1. Every licensee who intends to continue to practice shall, on or before the expiration date of the license, submit to the board a license renewal form supplied by the board and the renewal fee prescribed in 18VAC125-20-30.

2. Licensees who wish to maintain an active license shall pay the appropriate fee and verify on the renewal form compliance with the continuing education requirements prescribed in 18VAC125-20-121. First-time licensees by examination are not required to verify continuing education on the first renewal date following initial licensure.

3. A licensee who wishes to place his license in inactive status may do so upon payment of the fee prescribed in 18VAC125-20-30. No A person with an inactive license is not authorized to practice; no person shall practice psychology in Virginia unless he holds without a current active license. An inactive licensee may activate his a license by fulfilling the reactivation requirements set forth in 18VAC125-20-130.

~~4. Licensees shall notify the board office in writing of any change of address of record or of the public address, if different from the address of record. Failure of a licensee to receive a renewal notice and application forms from the board shall not excuse the licensee from the renewal requirement.~~

### **18VAC125-20-121. Continuing education course requirements for renewal of an active license.**

A. Licensees shall be required to ~~have completed~~ complete a minimum of 14 hours of board-approved continuing education courses each year for annual licensure renewal. A minimum of 1.5 of these hours shall be in courses that emphasize the ethics, laws, and regulations governing the profession of psychology, including the standards of practice set out in 18VAC125-20-150. A licensee who completes continuing education hours in excess of the 14 hours may carry up to seven hours of continuing education credit forward to meet the requirements for the next annual renewal cycle.

B. For the purpose of this section, "course" means an organized program of study, classroom experience, or similar educational experience that is directly related to the practice of psychology and is provided by a board-approved provider that meets the criteria specified in 18VAC125-20-122.

1. At least six of the required hours shall be earned in face-to-face or real-time interactive educational experiences. Real-time interactive shall include a course in which the learner has the opportunity to interact with the presenter ~~and participants~~ during the time of the presentation.

2. The board may approve up to four hours per renewal cycle for each of the following specific educational experiences ~~to include:~~

a. Preparation for and presentation of a continuing education program, seminar, workshop, or academic course offered by an approved provider and directly related to the practice of psychology. Hours may only be credited one time, regardless of the number of times the presentation is given, and may not be credited toward the face-to-face requirement.

b. Publication of an article or book in a recognized publication directly related to the practice of psychology. Hours may only be credited one time, regardless of the



number of times the writing is published, and may not be credited toward the face-to-face requirement.

c. Serving at least six months as editor or associate editor of a national or international, professional, peer-reviewed journal directly related to the practice of psychology.

3. Ten hours will be accepted for one or more three-credit-hour academic courses completed at a regionally accredited institution of higher education that are directly related to the practice of psychology.

4. The board may approve up to two hours per renewal cycle for membership on a state licensing board in psychology.

C. Courses must be directly related to the scope of practice in the category of licensure held. Continuing education courses for clinical psychologists shall emphasize, but not be limited to, the diagnosis, treatment, and care of patients with moderate and severe mental disorders.

D. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

E. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

F. Up to two of the 14 continuing education hours required for renewal may be satisfied through delivery of psychological services, without compensation, to low-income individuals receiving mental health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services as verified by the department or clinic. Three hours of volunteer service is required for one hour of continuing education credit.

**18VAC125-20-122. Continuing education providers.**

A. The following organizations, associations, or institutions are approved by the board to provide continuing education:

1. Any psychological association recognized by the profession or providers approved by such an association.
2. Any association or organization of mental health, health, or psychoeducational providers recognized by the profession or providers approved by such an association or organization.
3. ~~Any association or organization providing courses related to forensic psychology recognized by the profession or providers approved by such an association or organization.~~ 4. Any regionally accredited institution of higher learning. ~~A maximum of 14 hours will be accepted~~

~~for each academic course directly related to the practice of psychology.~~

~~5.~~ 4. Any governmental agency or facility that offers mental health, health, or psychoeducational services.

~~6.~~ 5. Any licensed hospital or facility that offers mental health, health, or psychoeducational services.

~~7.~~ 6. Any association or organization that has been approved as a continuing ~~competency~~ education provider by a psychology board in another state or jurisdiction.

B. Continuing education providers approved under subsection A of this section shall:

1. Maintain documentation of the course titles and objectives and of licensee attendance and completion of courses for a period of four years.

2. Monitor attendance at classroom or similar face-to-face educational experiences.

3. Provide a certificate of completion for licensees who successfully complete a course. The certificate shall indicate the number of continuing education hours for the course and shall indicate hours that may be designated as ethics, laws, or regulations governing the profession, if any.

**18VAC125-20-130. Late renewal; reinstatement; reactivation.**

A. A person whose license has expired may renew it within one year after its expiration date by paying the ~~penalty~~ late fee prescribed in 18VAC125-20-30 and the license renewal fee for the year the license was not renewed and by completing the continuing education requirements specified in 18VAC125-20-121 for that year.

B. A person whose license has not been renewed for one year or more and who wishes to resume practice shall:

1. Present evidence to the board of having met all applicable continuing education requirements equal to the number of years the license has ~~lapsed~~ been expired, not to exceed four years;

2. Pay the reinstatement fee as prescribed in 18VAC125-20-30; and

3. Submit verification of any professional certification or licensure obtained in any other jurisdiction subsequent to the initial application for licensure.

C. A psychologist wishing to reactivate an inactive license shall submit the renewal fee for active licensure minus any fee already paid for inactive licensure renewal; and document completion of continued ~~competency~~ education hours equal to the number of years the license has been inactive, not to exceed four years.

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## Part VI

Standards of Practice; Unprofessional Conduct; Disciplinary Actions; Reinstatement

### 18VAC125-20-150. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Psychologists respect the rights, dignity, and worth of all people, and are mindful of individual differences. Regardless of the delivery method, whether face-to-face or by use of technology, these standards shall apply to the practice of psychology.

B. Persons ~~licensed~~ regulated by the board shall:

1. Provide and supervise only those services and use only those techniques for which they are qualified by education, training, and appropriate experience;

~~2. Delegate to their employees, supervisees, residents and research assistants persons under their supervision only those responsibilities such persons can be expected to perform competently by education, training, and experience. Take ongoing steps to maintain competence in the skills they use;~~

~~2. When making public statements regarding~~ 3. Maintain current competency in the areas of practices through continuing education, consultation, or other procedures consistent with current standards of scientific and professional knowledge;

~~4. Accurately represent their areas of competence, education, training, experience, professional affiliations, credentials, and published findings, directory listings, curriculum vitae, etc., to ensure that such statements are neither fraudulent nor misleading;~~

~~3. 5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services. Make appropriate consultations and referrals consistent with the law and based on the interest of patients or clients;~~

4. 6. Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services;

~~5. 7. Avoid harming, exploiting, misusing influence, or misleading patients or clients, research participants, students, and others for whom they provide professional services and minimize harm when it is foreseeable and unavoidable. Not exploit or mislead people for whom they provide professional services. Be alert to and guard against misuse of influence;~~

~~6. Avoid dual relationships with patients, clients, residents or supervisees that could impair professional judgment or~~

~~compromise their well-being (to include but not limited to treatment of close friends, relatives, employees);~~

8. Not engage in, direct, or facilitate torture, which is defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, or in any other cruel, inhuman, or degrading behavior that causes harm;

~~7. 9. Withdraw from, avoid, adjust, or clarify conflicting roles with due regard for the best interest of the affected party or parties and maximal compliance with these standards;~~

~~8. Not engage in sexual intimacies or a romantic relationship with a student, supervisee, resident, therapy patient, client, or those included in collateral therapeutic services (such as a parent, spouse, or significant other) while providing professional services. For at least five years after cessation or termination of professional services, not engage in sexual intimacies or a romantic relationship with a therapy patient, client, or those included in collateral therapeutic services. Consent to, initiation of, or participation in sexual behavior or romantic involvement with a psychologist does not change the exploitative nature of the conduct nor lift the prohibition. Since sexual or romantic relationships are potentially exploitative, psychologists shall bear the burden of demonstrating that there has been no exploitation;~~

~~9. Keep confidential their professional relationships with patients or clients and disclose client records to others only with written consent except: (i) when a patient or client is a danger to self or others, (ii) as required under § 32.1-127.1:03 of the Code of Virginia, or (iii) as permitted by law for a valid purpose;~~

10. Make reasonable efforts to arrangements for another professional to deal with emergency needs of clients during periods of foreseeable absences from professional availability and provide for continuity of care when services must be interrupted or terminated;

11. Conduct financial responsibilities to clients in an ethical and honest manner by:

~~Inform a. Informing clients of fees for professional services, fees, and billing arrangements and limits of confidentiality before rendering services. as soon as is feasible;~~

~~Inform the consumer b. Informing clients prior to the use of collection agencies or legal measures to collect fees and provide opportunity for prompt payment;~~

c. Obtaining written consent for fees that deviate from the practitioner's usual and customary fees for services;

Avoid bartering goods and services.

~~Participate~~ d. Participating in bartering only if it is not clinically contraindicated and is not exploitative; and

e. Not obtaining, attempting to obtain, or cooperating with others in obtaining payment for services by misrepresenting services provided, dates of service, or status of treatment.

12. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes;

~~12.~~ 13. Construct, maintain, administer, interpret, and report testing and diagnostic services in a manner and for purposes which that are current and appropriate;

~~13. Keep pertinent, confidential records for at least five years after termination of services to any consumer;~~

14. Design, conduct, and report research in accordance with recognized standards of scientific competence and research ethics. Practitioners shall adhere to requirements of § 32.1-162.18 of the Code of Virginia for obtaining informed consent from patients prior to involving them as participants in human research, with the exception of retrospective chart reviews; ~~and~~

15. Report to the board known or suspected violations of the laws and regulations governing the practice of psychology;

16. Accurately inform a client or a client's legally authorized representative of the client's diagnoses, prognosis, and intended treatment or plan of care. A psychologist shall present information about the risks and benefits of and alternatives to the recommended treatments in understandable terms and encourage participation in the decisions regarding the patient's care;

17. Clearly document at the outset of service delivery what party the psychologist considers to be the client and what, if any, responsibilities the psychologist has to all related parties;

18. Determine whether a client is receiving services from another mental health service provider, and if so, document efforts to coordinate care; and

19. Document the reasons for and steps taken if it becomes necessary to terminate a therapeutic relationship (e.g., when it becomes clear that the client is not benefiting from the relationship or when the psychologist feels endangered). Document assistance provided in making arrangements for the continuation of treatment for clients, if necessary, following termination of a therapeutic relationship.

C. In regard to confidentiality, persons regulated by the board shall:

1. Keep confidential their professional relationships with patients or clients and disclose client information to others

only with written consent except as required or permitted by law. Psychologists shall inform clients of legal limits to confidentiality;

2. Protect the confidentiality in the usage of client information and clinical materials by obtaining informed consent from the client or the client's legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using clinical information in teaching, writing, or public presentations; and

3. Not willfully or negligently breach the confidentiality between a practitioner and a client. A disclosure that is required or permitted by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

D. In regard to client records, persons regulated by the board shall:

1. Maintain timely, accurate, legible, and complete written or electronic records for each client that includes:

a. The name of the client and other identifying information;

b. The presenting problem, purpose, or diagnosis;

c. Documentation of the fee arrangement;

d. The date and clinical summary of each service provided;

e. Any test results, including raw data, or other evaluative results obtained;

f. Notation and results of formal consults with other providers; and

g. Any releases by the client;

2. Maintain client records securely, inform all employees of the requirements of confidentiality and dispose of written, electronic, and other records in such a manner as to ensure their confidentiality; and

3. Maintain client records for a minimum of five years or as otherwise required by law from the last date of service, with the following exceptions:

a. At minimum, records of a minor child shall be maintained for five years after attaining 18 years of age;

b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time; or

c. Records that have been transferred pursuant to § 54.1-2405 of the Code of Virginia pertaining to closure, sale, or change of location of one's practice.

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E. In regard to dual relationships, persons regulated by the board shall:

1. Not engage in a dual relationship with a person under supervision that could impair professional judgment or increase the risk of exploitation or harm. Psychologists shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;

2. Not engage in sexual intimacies or a romantic relationship with a student, supervisee, resident, intern, therapy patient, client, or those included in collateral therapeutic services (such as a parent, spouse, or significant other of the client) while providing professional services. For at least five years after cessation or termination of professional services, not engage in sexual intimacies or a romantic relationship with a therapy patient, client, or those included in collateral therapeutic services. Consent to, initiation of, or participation in sexual behavior or romantic involvement with a psychologist does not change the exploitative nature of the conduct nor lift the prohibition. Because sexual or romantic relationships are potentially exploitative, psychologists shall bear the burden of demonstrating that there has been no exploitation, based on factors such as duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, and adverse impact on the client;

3. Not engage in a personal relationship with a former client in which there is a risk of exploitation or potential harm or if the former client continues to relate to the psychologist in his professional capacity; and

4. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

F. Upon learning of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct as defined in statute or regulation, persons licensed by the board shall advise their clients of their right to report such misconduct to the Department of Health Professions in accordance with § 54.1-2400.4 of the Code of Virginia.

## **18VAC125-20-160. Grounds for disciplinary action or denial of licensure.**

The board may take disciplinary action or deny a license or registration for any of the following causes:

1. Conviction of a felony, or a misdemeanor involving moral turpitude (i.e., relating to lying, cheating, or stealing);

2. Procuring ~~or~~ or attempting to procure or maintaining a license or registration by fraud or misrepresentation;

~~3. Misuse of drugs or alcohol to the extent that it interferes with professional functioning~~ Conducting practice in such a manner so as to make it a danger to the health and welfare of clients or to the public;

~~4. Negligence in professional conduct or violation of practice standards including but not limited to this chapter~~ Engaging in intentional or negligent conduct that causes or is likely to cause injury to a client;

5. Performing functions outside areas of competency;

~~6. Mental, emotional, or physical incompetence to practice the profession~~ Demonstrating an inability to practice psychology with reasonable skill and safety to clients by reason of illness or substance misuse, or as a result of any mental, emotional, or physical condition;

~~7. Failure~~ Failing to comply with the continued competency continuing education requirements set forth in this chapter; or

8. Violating or aiding and abetting another to violate any statute applicable to the practice of the profession ~~regulated or any provision of this chapter~~, including § 32.1-127.1:03 of the Code of Virginia relating to health records;

9. Knowingly allowing persons under supervision to jeopardize client safety or provide care to clients outside of such person's scope of practice or area of responsibility;

10. Performing an act or making statements that are likely to deceive, defraud, or harm the public;

11. Having an action taken against a health or mental health license, certification, registration, or application in Virginia or other jurisdiction;

12. Failing to cooperate with an employee of the Department of Health Professions in the conduct of an investigation;

13. Failing to report evidence of child abuse or neglect as required in § 63.2-1509 of the Code of Virginia, or abuse of aged and incapacitated adults as required in § 63.2-1606 of the Code of Virginia; or

14. Violating any provisions of this chapter, including practice standards set forth in 18VAC125-20-150.

VA.R. Doc. No. R18-5213; Filed November 5, 2019, 7:06 a.m.

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

### **Forms**

REGISTRAR'S NOTICE: Forms used in administering the regulation have been 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 of a

form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

**Titles of Regulations: 18VAC160-30. Waterworks and Wastewater Works Operators Licensing Regulations.**

**18VAC160-40. Onsite Sewage System Professionals Licensing Regulations.**

**Contact Information:** Joseph C. Haughwout, Jr., Regulatory Administrator, Department of Professional and Occupational Regulation, 9600 Mayland Drive, Perimeter Center, Suite 400, Richmond, VA 23233, telephone (804) 367-2684, or email [joseph.haughwout@dpor.virginia.gov](mailto:joseph.haughwout@dpor.virginia.gov).

FORMS (18VAC160-30)

~~Waterworks Operator License Application, A436-1955LIC-v3 (eff. 4/2017)~~

[Waterworks Operator License Application, A436-1955EXLIC-v1 \(eff. 4/2017\)](#)

[Provisional Waterworks Operator License Application, A436-1955PLIC-v2 \(eff. 4/2017\)](#)

~~Wastewater Works Operator License Application, A436-1965LIC v2 (eff. 4/2017)~~

[Wastewater Works Operator License Application, A436-1965EXLIC-v2 \(eff. 4/2017\)](#)

[Provisional Wastewater Works Operator License Application, A436-1965PLIC-v2 \(eff. 4/2017\)](#)

~~Waterworks and Wastewater Works Operator Upgrade Provisional License Application, A436-1955\_65UPG v3 (eff. 4/2017)~~

[Waterworks and Wastewater Works Operator - Provisional License Change in Classification Application, A436-1955\\_65CHG-v1 \(eff. 4/2017\)](#)

[Out-of-State Facility Description and Experience Verification Application, A436-19STATE\\_EXP-v3 \(eff. 4/2015\)](#)

~~Waterworks and Wastewater Works Operator Experience Verification Application, A436-19WWEXP v3 (eff. 1/2014)~~

[Waterworks and Wastewater Works Operator Virginia Experience Verification Application, A436-19WWEXP-v4 \(eff. 4/2017\)](#)

[Provisional Description and Experience Verification Application, A436-1955\\_65PEXP-v3 \(eff. 12/2014\)](#)

[Continuing Professional Education \(CPE\) Application - Certificate of Completion, A436-19CPE-v3 \(eff. 10/2015\)](#)

~~Training Course Approval Application, A465-19CRS v3 (eff. 2/2016)~~

[Training Course Approval Application, A465-19CRS-v4 \(eff. 2/2019\)](#)

[Education and Training Substitution Form, A436-19EDTRv4, \(eff. 4/2017\)](#)

[Wastewater Works Operator Class 4 Application - Department of Corrections Apprenticeship Program, A436-1965APLIC-v3 \(eff. 6/2019\)](#)

FORMS (18VAC160-40)

~~Onsite Soil Evaluator License Application, A465-1940LIC v2 (eff. 4/2017)~~

~~Onsite Sewage System Operator License Application, A465-1942LIC v2 (eff. 4/2017)~~

~~Waiver of Examination - Master Conventional Onsite Sewage System Operator License Application, A436-1942WAIV v2 (eff. 4/2017)~~

~~Onsite Sewage System Installer License Application, A465-1944LIC v3 (eff. 4/2017)~~

~~Onsite Sewage System Applicant Experience Verification Application, A436-19OSSPEXP v4 (eff. 4/2017)~~

[Conventional Onsite Sewage System Installer License Application, A465-1944CONLIC-v1 \(eff. 4/2017\)](#)

[Alternative Onsite Sewage System Installer License Application, A465-1944ALTLIC-v1 \(eff. 4/2017\)](#)

[Conventional Onsite Sewage System Operator License Application, A465-1942CONLIC-v1 \(eff. 4/2017\)](#)

[Alternative Onsite Sewage System Operator License Application, A465-1942ALTLIC-v2 \(eff. 4/2018\)](#)

[Waiver of Examination - Master Conventional Onsite Sewage System Operator License Application, A436-1942WAIV-v2 \(eff. 4/2017\)](#)

[Continuing Professional Education \(CPE\) Application - Certificate of Completion, A436-19CPE-v3 \(eff. 10/2015\)](#)

~~Training Course Approval Application, A465-19CRS v3 (eff. 2/2016)~~

[Training Course Approval Application, A465-19CRS-v4 \(eff. 2/2019\)](#)

[Education and Training Substitution Form, A436-19EDTRv4 \(eff. 4/2017\)](#)

[Onsite Sewage System Applicant Experience Verification Application, A436-19OSSPEXP-v4 \(eff. 4/2017\)](#)

V.A.R. Doc. No. R20-6219; Filed October 24, 2019, 1:36 p.m.



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# Regulations

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## TITLE 21. SECURITIES AND RETAIL FRANCHISING

### STATE CORPORATION COMMISSION

#### Proposed Regulation

**REGISTRAR'S NOTICE:** The State Corporation Commission is claiming an exemption 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:** 21VAC5-110. Retail Franchising Act Rules (amending 21VAC5-110-55).

**Statutory Authority:** §§ 12.1-13 and 13.1-572 of the Code of Virginia.

**Public Hearing Information:** A public hearing will be held upon request.

**Public Comment Deadline:** December 9, 2019.

**Agency Contact:** Timothy O'Brien, Manager, Securities and Retail Franchising, State Corporation Commission, Tyler Building, 9th Floor, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9415, FAX (804) 371-9911, or email [timothy.o'brien@scc.virginia.gov](mailto:timothy.o'brien@scc.virginia.gov).

#### Summary:

*The proposed amendment requires franchisors to include with the franchise disclosure document three "state cover sheets" and a "state effective dates page" in accordance with the requirements of Part III B of the 2008 Franchise Registration and Disclosure Guidelines, as adopted in 2019, by the North American Securities Administrators Association, Inc.*

AT RICHMOND, NOVEMBER 1, 2019

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. SEC-2019-00052

Ex Parte: In the matter of  
Adopting a Revision to the Rules  
Governing the Virginia Retail Franchising Act

#### ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia ("Code") provides that the State Corporation Commission ("Commission") shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction. Section 13.1-572 of the Virginia Retail Franchising Act ("Act"), §§ 13.1-557 et seq. of the Code provides that the Commission may issue any rules and

regulations necessary or appropriate for the administration and enforcement of the Act. The Retail Franchising Act Rules are set forth in Chapter 110 of Title 21 of the Virginia Administrative Code, 21 VAC 5-110-10 et seq. ("Rules").<sup>1</sup>

Proposed Revision to Section 55 of Chapter 110 regarding the Requirements for the Franchise Disclosure Document.

Section 55 of Chapter 110 of the Rules sets forth the requirements for the content and format of a franchisor's Franchise Disclosure Document ("FDD"). Currently under this section, a franchisor's FDD must include one (1) state cover page immediately following the Federal Trade Commission ("FTC") required cover page and 21 VAC 5-110-55 (C) sets forth the content requirements for such a state cover page.

The proposed amendment to 21 VAC 5-110-55 (C) requires franchisors to include with the FDD three "State Cover Sheets" and a "State Effective Dates Page" in accordance with the requirements of Part III B of the North American Securities Administrators Association, Inc. ("NASAA") 2008 Franchise Registration and Disclosure Guidelines, as adopted in 2019. A copy of the new NASAA State Cover Sheets and State Effective Dates Page requirements, including instructions to franchisors, a sample State Cover Sheet, and a sample State Effective Dates Page, is attached hereto as Exhibit A. A copy of the proposed revised Section 55 of Chapter 110 of the Rules is attached hereto as Exhibit B.

The new three State Cover Sheets requirement includes a page about how to use the FDD, a separate page with general cautionary information about franchising, and a third page to disclose risk factors specific to the franchise being offered. The new State Effective Dates Page is a separate document that includes the date when a franchise registration is made effective in Virginia.<sup>2</sup>

The Division recommended to the Commission that the proposed revisions should be considered for adoption, with an effective date of January 3, 2020. The Division also has recommended to the Commission that a hearing should be held only if requested by those interested parties who specifically indicate that a hearing is necessary and the reasons therefore.

A copy of the proposed revisions may be requested by interested parties from the Division by telephone, by mail or e-mail request and also can be found at the Division's website: <http://www.scc.virginia.gov/srf/index.aspx>. Any comments on the proposed rules must be received by December 9, 2019.

IT IS THEREFORE ORDERED that:

(1) The proposed revisions are appended hereto and made a part of the record herein.

(2) Comments or request for hearing on the proposed revisions must be submitted in writing to Joel H. Peck, Clerk

of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, on or before December 9, 2019. Requests for hearing shall state why a hearing is necessary and why the issues cannot be adequately addressed in written comments. All correspondence shall reference Case No. SEC-2019-00052. Interested persons desiring to submit comments electronically may do so by following the instructions available at the Commission's website: <http://www.scc.virginia.gov/case>.

(3) The proposed revisions shall be posted on the Commission's website at <http://www.scc.virginia.gov/case> and on the Division's website at <http://www.scc.virginia.gov/srf/index.aspx>. Interested persons may also request a copy of the proposed revisions from the Division by telephone, mail or e-mail.

AN ATTESTED COPY hereof, together with a copy of the proposed revisions, shall be provided to the Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

AN ATTESTED COPY hereof shall be sent to the Director of the Division of Securities and Retail Franchising, who shall forthwith provide notice of this Order via U.S. mail or e-mail a copy of this Order to any interested persons as he may designate.

<sup>1</sup>A copy of the Rules may be found at the Commission's website ([www.scc.virginia.gov/srf/lawsregs.aspx](http://www.scc.virginia.gov/srf/lawsregs.aspx)).

<sup>2</sup>Under the current rule, such information is included in the one (1) state cover page.

**21VAC5-110-55. The Franchise Disclosure Document.**

A. Format. The Franchise Disclosure Document must be prepared in accordance with §§ 436.3-436.5 of the Federal Trade Commission Franchise Rule (16 CFR 436.3-436.5), subject to the modifications set forth in subsections B and C of this section.

B. Financial statements. Notwithstanding § 436.5(u)(2) of the Federal Trade Commission Franchise Rule (16 CFR 436.5), a start-up franchisor in its first partial or full fiscal year selling franchises shall provide an opening balance sheet that has been audited by an independent certified public accountant using generally accepted United States auditing standards.

C. State cover page sheets and effective dates page. The Franchise Disclosure Document shall include the following state cover page prepared in accordance with this subsection, which must immediately follow the Federal Trade Commission required cover page:

1. State the following legend:

STATE COVER PAGE

~~Your state may have a franchise law that requires a franchisor to register or file with a state franchise administrator before offering or selling in your state. REGISTRATION OF A FRANCHISE BY A STATE DOES NOT MEAN THAT THE STATE RECOMMENDS THE FRANCHISE OR HAS VERIFIED THE INFORMATION IN THIS DISCLOSURE DOCUMENT.~~

~~Call the state franchise administrator listed in Exhibit \_\_\_ for information about the franchisor or about franchising in your state.~~

2. State the following:

~~MANY FRANCHISE AGREEMENTS DO NOT ALLOW YOU TO RENEW UNCONDITIONALLY AFTER THE INITIAL TERM EXPIRES. YOU MAY HAVE TO SIGN A NEW AGREEMENT WITH DIFFERENT TERMS AND CONDITIONS IN ORDER TO CONTINUE TO OPERATE YOUR BUSINESS. BEFORE YOU BUY, CONSIDER WHAT RIGHTS YOU HAVE TO RENEW YOUR FRANCHISE, IF ANY, AND WHAT TERMS YOU MIGHT HAVE TO ACCEPT IN ORDER TO RENEW.~~

3. If any of the following apply, state the following, using capital letters as shown:

~~Please consider the following RISK FACTORS before you buy this franchise:~~

~~THE FRANCHISE AGREEMENT REQUIRES YOU TO RESOLVE DISPUTES WITH US BY [LITIGATION/ARBITRATION/MEDIATION] ONLY IN [STATE]. OUT OF STATE [LITIGATION/ARBITRATION/MEDIATION] MAY FORCE YOU TO ACCEPT A LESS FAVORABLE SETTLEMENT FOR DISPUTES. IT MAY ALSO COST YOU MORE TO [LITIGATE/ARBITRATE/MEDIATE] WITH US IN [STATE] THAN IN YOUR OWN STATE.~~

~~THE FRANCHISE AGREEMENT STATES THAT [STATE] LAW GOVERNS THE AGREEMENT, AND THIS LAW MAY NOT PROVIDE THE SAME PROTECTIONS AND BENEFITS AS LOCAL LAW. YOU MAY WANT TO COMPARE THESE LAWS.~~

4. In addition to the above, disclose other risk factors required by the state administrator.

5. If one or more risk factors applies, also state:

~~THERE MAY BE OTHER RISKS CONCERNING THIS FRANCHISE.~~

6. If you use the services of a franchise broker or referral source, state the following:

~~We use the services of one or more FRANCHISE BROKERS or referral sources to assist us in selling our~~



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~~franchise. A franchise broker or referral source represents us, not you. We pay this person a fee for selling our franchise or referring you to us. You should be sure to do your own investigation of the franchise.~~

~~7. State the following:~~

~~Effective Date:~~

~~a. Leave the effective date blank until notified of effectiveness by the state administrator.~~

~~b. If an applicant is using a multistate disclosure document, the applicant may list multiple state effective dates together on a separate page that is to be inserted immediately following the state cover page. state cover sheets and state effective dates page prepared in accordance with the requirements set forth in Part III B of the 2008 Franchise Registration and Disclosure Guidelines, as adopted May 19, 2019, by the North American Securities Administrators Association, Inc.~~

DOCUMENTS INCORPORATED BY REFERENCE  
(21VAC5-110)

[2008 Franchise Registration and Disclosure Guidelines, adopted May 19, 2019, North American Securities Administrators Association, Inc.](#)

VA.R. Doc. No. R20-6153; Filed November 1, 2019, 3:48 p.m.

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## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

#### Final Regulation

Title of Regulation: **22VAC40-211. Foster and Adoptive Home Approval Standards for Local Departments of Social Services (amending 22VAC40-211-10, 22VAC40-211-40, 22VAC40-211-60, 22VAC40-211-80; adding 22VAC40-211-120).**

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

Effective Date: December 26, 2019.

Agency Contact: Keisha Williams, Program Consultant, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7550, FAX (804) 819-7173, or email [k.williams@dss.virginia.gov](mailto:k.williams@dss.virginia.gov).

Summary:

*The amendments (i) clarify that background checks conducted for youth 18 years of age and older in the Fostering Futures program are used for the sole purpose of determining whether other children should be placed or remain in the same foster home as the Fostering Futures*

*program participant and are not to be used as a basis for terminating or suspending the approval of the foster home, pursuant to Chapter 194 of the 2017 Acts of Assembly; (ii) require local departments of social services to use the mutual family assessment home study template for foster home assessment, pursuant to Chapter 193 of the 2017 Acts of Assembly; and (iii) update training requirements for current and prospective foster and adoptive providers by requiring the Normalcy for Youth in Foster Care training as part of preservice training, pursuant to Chapter 631 of the 2016 Acts of Assembly.*

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

#### **22VAC40-211-10. Definitions.**

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

"Adoptive parent" means any provider selected and approved by a parent or a local department for the placement of a child with the intent of adoption.

"Adult" means any person 18 years of age or over.

"Applicant" means an individual or couple applying to be approved as a foster or adoptive home provider or to provide respite services.

"Background checks" means a sworn statement or affirmation disclosing whether the individual has a criminal conviction, is the subject of any pending charges within or outside the Commonwealth of Virginia, and is the subject of a founded complaint of abuse or neglect within or outside the Commonwealth; criminal history record information; child abuse and neglect central registry check; and any other requirement as set forth in § 63.2-901.1 of the Code of Virginia.

"Caretaker" means any individual having the responsibility of providing care for a child and includes the following: (i) parent or other person legally responsible for the child's care; (ii) an adult who by law, social custom, express or implied acquiescence, collective consensus, agreement, or any other legally recognizable basis has an obligation to look after the well-being of a child left in his care; and (iii) persons responsible by virtue of their positions of conferred authority.

"Central registry" means a subset of the child abuse and neglect information system and is the name index with identifying information on an individual named as an abuser or neglector in founded child abuse or neglect complaints or reports not currently under administrative appeal, maintained by the department.

"Child" means any natural person under 18 years of age.



"Child-placing agency" means any person who places children in foster or adoptive homes or independent living arrangements pursuant to § 63.2-1819 of the Code of Virginia or a local board of social services that places children in foster homes or adoptive homes pursuant to § 63.2-900, 63.2-903 or 63.2-1221 of the Code of Virginia. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child abuse and neglect information system" means the computer system that collects and maintains information regarding incidents of child abuse and neglect involving parents or other caretakers. The computer system is composed of three parts: the statistical information system with nonidentifying information, the central registry of founded complaints not on appeal, and a database that can be accessed only by the department and local departments that contains all nonpurged child protective services reports. This system is the official state automated system.

"Commissioner" means the commissioner of the department, his designee or authorized representative.

"Corporal punishment" means punishment administered through the intentional infliction of pain or discomfort to the body through actions such as, but not limited to, (i) striking, or hitting with any part of the body or with an implement; (ii) pinching, pulling, or shaking; or (iii) any similar action that normally inflicts pain or discomfort.

"Department" means the State Department of Social Services.

"Dually approved" means applicants have met the required standards to be approved as a foster and adoptive family home provider.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board of social services where the legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board of social services or licensed child-placing agency.

"Foster parent" means an approved provider who gives 24-hour substitute family care, room and board, and services for children or youth committed or entrusted to a child-placing agency.

"In-service training" means the ongoing instruction received by providers after they complete their preservice training.

"Interstate Compact on the Placement of Children" means a uniform law that has been enacted by all 50 states, the District of Columbia, and the U.S. Virgin Islands that establishes orderly procedures for the interstate placement of children and sets responsibility for those involved in placing those children.

"Kinship foster parent" means an approved relative provider who gives 24-hour substitute family care, room and board, and services for children or youth committed or entrusted to a child-placing agency.

"Local department" means the local department of social services of any county or city in the Commonwealth.

"Normalcy" means allowing children and youth in foster care to experience childhood and adolescence in ways similar to their peers who are not in foster care by empowering foster parents and congregate care staff to use the reasonable and prudent parent standard as referenced in 42 USC § 675(10)(A) when making decisions regarding extracurricular, enrichment, and social activities.

"Parent" means the birth or adoptive parent of a child.

"Preservice training" means the instruction received by providers during the initial approval process.

"Provider" means an approved foster, adoptive, or kinship foster parent, or an individual approved to provide respite services. Individuals who wish to provide only respite services must meet all standards in this chapter unless there is a noted exception for respite providers.

"Respite care" means the provision of the service of temporary care for children on an emergency or planned basis for the purposes of providing placement stability, supporting the achievement of timely permanency, and promoting connections to relatives. Respite care services shall not exceed 14 consecutive days.

## **22VAC40-211-40. Mutual family assessment requirements.**

A. An applicant shall complete and submit an application in accordance with department requirements and on department-approved forms or other forms that address all of the department's requirements.

B. Upon submission of a completed provider application, the local department is responsible for ensuring the initiation of the approval process. If at any point in the approval process the local department determines the home may not be approved, the application may be denied, and the process ended.

C. Local departments shall conduct a minimum of three face-to-face interviews on three separate days with each applicant, at least one interview shall be in the applicant's home. If there are two individuals listed as applicants, at least one interview must be with both individuals. At least one interview shall be with all individuals who reside in the home.

D. The local department shall obtain at least three references from persons who have knowledge of each applicant's character and applicable experience with children and

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caretaking of others. At least one reference per applicant shall be from a nonrelative.

E. Local departments shall ask if an applicant previously applied to, or was approved by, another local department or licensed child-placing agency. The local department shall have the applicant sign a request to release information from the other agency in order to obtain information about previous applications and performance and shall use that information in considering approval of the applicant.

F. As part of the approval process, the local department shall conduct a mutual family assessment (MFA). The MFA shall be completed on the approved MFA template and address all elements required by this standard and be documented by a combination of narrative and other data collection formats, and shall be signed and dated by the individual completing the MFA and the director of the local department or his designee. The information contained in the MFA shall include:

1. Demographic information including:
  - a. Age of applicant;
  - b. Marital status and history including verifications; and
  - c. Family composition and history.
2. Financial information (not required for applicants to be only respite providers) including:
  - a. Employment information on applicant;
  - b. Assets and resources of applicant; and
  - c. Debts and obligations of applicant.
3. List of individuals involved in completing the MFA process and their roles.
4. Narrative documentation shall include information from the interviews, references, observations and other available information and shall be used to assess and document that the applicant:
  - a. Is knowledgeable about the necessary care for children and physically and mentally capable of providing the necessary care for children;
  - b. Is able to articulate a reasonable process for managing emergencies and ensuring the adequate care, safety, and protection of children;
  - c. Expresses attitudes that demonstrate the capacity to love and nurture a child born to someone else;
  - d. Expresses appropriate motivation to foster and adopt;
  - e. Shows stability in all household relationships;
  - f. Has the financial resources to provide for current and ongoing household needs; and
  - g. Has complied with 22VAC40-211-70.

G. The individual completing the MFA for the local department shall have met the training requirements. The local department worker shall have knowledge related to foster care and adoption policy and the skills and standards for developing the MFA and approving a foster or adoptive home.

## **22VAC40-211-60. Training.**

A. The local department shall ensure that preservice training is provided for foster and adoptive providers. This training shall address but not be limited to the following core competencies:

1. Factors that contribute to neglect, emotional maltreatment, physical abuse, and sexual abuse, and the effects thereof;
2. Conditions and experiences that may cause developmental delays and affect attachment;
3. Stages of normal human growth and development;
4. Concept of permanence for children and selection of the permanency goal;
5. Reunification as the primary child welfare goal, the process and experience of reunification;
6. Importance of visits and other contacts in strengthening relationships between the child and his birth family, including his siblings;
7. Legal and social processes and implications of adoption;
8. Support of older youth's transition to independent living;
9. The professional team's role in supporting the transition to permanency and preventing unplanned placement disruptions;
10. Relationship between child welfare laws, the local department's mandates, and how the local department carries out its mandates;
11. Purpose of service planning;
12. Impact of multiple placements on a child's development;
13. Types of and response to loss, and the factors that influence the experience of separation, loss, and placement;
14. Cultural, spiritual, social, and economic similarities and differences between a child's primary family and foster or adoptive family;
15. Preparing a child for family visits and helping him manage his feelings in response to family contacts;
16. Developmentally appropriate, effective and nonphysical disciplinary techniques;

17. Promoting a child's sense of identity, history, culture, and values;
18. Respecting a child's connection to his birth family, previous foster families or adoptive families;
19. Being nonjudgmental in caring for the child, working with his family, and collaborating with other members of the team;
20. Roles, rights, and responsibilities of foster parents and adoptive parents;
21. Maintaining a home and community environment that promotes safety and well-being; ~~and~~
22. Mandated child abuse and neglect reporter laws and responsibilities; and
23. Normalcy for youth in foster care.

B. Local departments shall ensure that each foster and adoptive home provider receives annual in-service training.

1. Training shall be relevant to the needs of children and families and may be structured to include multiple types of training modalities (for example, online foster parent training courses; seminars and conferences).
2. The department shall provide opportunities for training on an annual basis.

C. The provider is required to complete preservice and annual in-service trainings. As a condition of reapproval each provider shall complete in-service training.

D. Local departments shall explain confidentiality requirements to providers and require providers to keep confidential all information regarding the child, his family, and the circumstances that resulted in the child coming into care.

### **22VAC40-211-80. Standards of care for continued approval.**

A. The provider shall provide care that does not discriminate on the basis of race, color, sex, national origin, age, religion, political beliefs, sexual orientation, disability, or family status.

B. The provider shall ensure the child receives meals and snacks appropriate to his daily nutritional needs. The child shall receive a special diet if prescribed by a licensed health care provider or designee or in accordance with religious or ethnic requirements or other special needs.

C. The provider shall ensure that he can be responsive to the special mental health and medical needs of the child.

D. The provider shall establish rules that encourage desired behavior and discourage undesired behavior. The provider shall not use corporal punishment or give permission to others to do so and shall sign an agreement to this effect.

E. The provider shall provide clean and seasonal clothing appropriate for the age and size of the child.

F. Providers and any other adults who transport children shall use functioning child restraint devices in accordance with requirements of Virginia law.

G. In the reapproval process the local department shall verify that the requirements for approval, including background checks, are still being met by the provider.

H. Results of background checks for Fostering Futures program participants shall be used for the sole purpose of determining whether other children should be placed or remain in the same foster home as the participant.

### **22VAC40-211-120. Normalcy for children in foster care.**

Local departments will support the foster parent in exercising the reasonable and prudent parent standard in decisions regarding the child's participation in age-appropriate activities, in accordance with subsection D of § 63.2-904 of the Code of Virginia and with this chapter.

**NOTICE:** Forms used in administering the regulation have been 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 of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

### **FORMS (22VAC40-211)**

[Resource Family Assessment Template, 032-04-0060-01-eng \(eff. 10/2010\)](#)

VA.R. Doc. No. R18-5306; Filed October 28, 2019, 11:07 a.m.

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# GUIDANCE DOCUMENTS

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## PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, Richmond, Virginia 23219.

### DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

Title of Document: [Senior Community Service Employment Program Operations Manual.](#)

Public Comment Deadline: December 25, 2019.

Effective Date: December 26, 2019.

Agency Contact: Charlotte Arbogast, Senior Policy Advisor, Department for Aging and Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23229, telephone (804) 662-7093, or email [charlotte.arbogast@dars.virginia.gov](mailto:charlotte.arbogast@dars.virginia.gov).

### BOARD FOR CONTRACTORS

Title of Document: [Contractor License Requirement for Onsite Sewage System Maintenance.](#)

Public Comment Deadline: December 25, 2019.

Effective Date: December 27, 2019.

Agency Contact: Trisha Henshaw, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, or email [contractors@dpor.virginia.gov](mailto:contractors@dpor.virginia.gov).

### BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Titles of Documents:

[Agreed Upon Procedures for CPA Attestation Grant Year 2019.](#)

[Job Creation Grant Instruction Manual - Grant Year 2019.](#)

[Local Zone Administrator's Management Manual.](#)

[Real Property Investment Grant Instruction Manual - Grant Year 2019.](#)

Public Comment Deadline: December 25, 2019.

Effective Date: December 26, 2019.

Agency Contact: Kyle Flanders, Senior Policy Analyst, Department of Housing and Community Development, Main Street Centre, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 786-6761, or email [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov).

### DEPARTMENT OF TAXATION

Title of Document: [Guidelines Regarding the Business Interest Limitation.](#)

Public Comment Deadline: December 25, 2019.

Effective Date: December 26, 2019.

Agency Contact: James Savage, Tax Policy Analyst, Department of Taxation, P.O. Box 27185, Richmond, VA 23261-7185, telephone (804) 371-2301, or email [james.savage@tax.virginia.gov](mailto:james.savage@tax.virginia.gov).

### BOARD OF VETERINARY MEDICINE

Title of Document: [Virginia Board of Veterinary Medicine Bylaws.](#)

Public Comment Deadline: December 25, 2019.

Effective Date: December 26, 2019.

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](mailto:elaine.yeatts@dhp.virginia.gov).

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

Title of Document: [Contractor License Requirement for Onsite Sewage System Maintenance.](#)

Public Comment Deadline: December 25, 2019.

Effective Date: December 27, 2019.

Agency Contact: Trisha Henshaw, Executive Director, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, or email [waterwasteoper@dpor.virginia.gov](mailto:waterwasteoper@dpor.virginia.gov).

## **STATE WATER CONTROL BOARD**

### Titles of Documents:

Virginia Water Protection (VWP) Permit and Compliance Manual - Memo and Introduction.

Chapter 1: Virginia Water Protection (VWP) Program Overview.

Chapter 2: No Permit Required.

Chapter 3: Joint Permit Application Review.

Chapter 4: Virginia Water Protection General Permits.

Chapter 5: VWP Permit Program Individual Permits.

Chapter 6: State Programmatic General Permit (SPGP).

Chapter 7: Changes to General Permits.

Chapter 8: Changes to Individual Permits.

Chapter 9: Permit Termination.

Chapter 10: Transfer of Permit Coverage or Permit.

Chapter 11: VWP Compliance Program.

Public Comment Deadline: December 25, 2019.

Effective Date: January 7, 2020.

Agency Contact: Brenda Winn, Senior Program Coordinator, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 698-4516, or email [vwppublicnotices@deq.virginia.gov](mailto:vwppublicnotices@deq.virginia.gov).

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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### **Halifax Solar LLC Withdrawal of Notice of Intent for Small Renewable Energy Project (Solar) - Halifax County**

Halifax Solar LLC has withdrawn its notice of intent to submit the necessary documentation for a permit by rule for a small renewable energy project (solar) in Halifax County to be located on a single parcel totaling 125 acres off Dryburg Road - Route 716 at the intersection of Route 360 in Clover. The original notice of intent was published in the Virginia Register of Regulations on March 6, 2017.

Contact Information: Mary E. Major, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4319, or email [mary.major@deq.virginia.gov](mailto:mary.major@deq.virginia.gov).

### **VEPCO Fort Powhatan Solar Notice of Intent for Small Renewable Energy Project (Solar) - Prince George County**

Virginia Electric and Power Company d/b/a Dominion Energy has provided the Department of Environmental Quality a notice of intent to submit the necessary documentation for a permit by rule for a small renewable energy project (solar) in Prince George County. The notice is for a 150-megawatt, alternating current solar project. The project will be constructed on an approximately 3,100-acre parcel located outside of Disputanta, north of Route 10 in the Wards Creek and Fort Powhatan Road area.

Contact Information: Mary E. Major, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4319, or email [mary.major@deq.virginia.gov](mailto:mary.major@deq.virginia.gov).

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### **Draft Consumer-Directed Employer of Record Manual for Stakeholder Input**

Comment period: November 5, 2019, to December 5, 2019.

The draft Consumer-Directed Employer of Record Manual is now available on the Department of Medical Assistance Services website at <http://www.dmas.virginia.gov/#/manualdraft> for public comment until December 5, 2019.

Contact Information: Emily McClellan, Regulatory Manager, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, TDD (800) 343-0634, or email [emily.mcclellan@dmas.virginia.gov](mailto:emily.mcclellan@dmas.virginia.gov).

### **Draft Durable Medical Equipment Provider Manual for Stakeholder Input**

Comment period: November 1, 2019, to December 1, 2019.

The draft Durable Medical Equipment Manual (Chapter IV and Appendix D) is now available on the Department of Medical Assistance Services website at <http://www.dmas.virginia.gov/#/manualdraft> for public comment until December 1, 2019.

The updates include changes to the sole source vendor contract for incontinence supplies, which will end effective December 31, 2019. Please see pages 91-95 of Chapter IV and page 14 of Appendix D for more details.

Contact Information: Emily McClellan, Regulatory Manager, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, TDD (800) 343-0634, or email [emily.mcclellan@dmas.virginia.gov](mailto:emily.mcclellan@dmas.virginia.gov).

### **Draft Hospice Provider Manual for Stakeholder Input**

Comment period: November 1, 2019, to December 1, 2019.

The draft Hospice Provider Manual (Chapters IV, V, and VI) is now available on the Department of Medical Assistance Services website at <http://www.dmas.virginia.gov/#/manualdraft> for public comment until December 1, 2019.

Updates include changes to the instructions for submitting hospice admissions and discharges for fee-for-service individuals. Chapter V has been updated regarding the changes in the payment of hospice services provided for individuals who reside in a nursing facility or intermediate care facility, that is, institutional hospice services.

Contact Information: Emily McClellan, Regulatory Manager, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, TDD (800) 343-0634, or email [emily.mcclellan@dmas.virginia.gov](mailto:emily.mcclellan@dmas.virginia.gov).

### **Draft Rehabilitation Provider Manual for Stakeholder Input**

Comment period: October 28, 2019, to November 27, 2019.

The draft Rehabilitation Provider Manual (Appendix D) is now available on the Department of Medical Assistance Services website at <http://www.dmas.virginia.gov/#/manualdraft> for public comment until November 27, 2019.



Updates include information regarding outpatient rehabilitation CPT code changes for physical and occupational therapy evaluations.

**Contact Information:** Emily McClellan, Regulatory Manager, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, TDD (800) 343-0634, or email [emily.mcclellan@dmas.virginia.gov](mailto:emily.mcclellan@dmas.virginia.gov).

## **Draft Residential Treatment Services Provider Manual for Stakeholder Input**

Comment period: November 6, 2019, to December 6, 2019.

The draft Residential Treatment Services Provider Manual (Chapters II, IV,V, VI, and Appendices C and D) is now available on the Department of Medical Assistance Services at <http://www.dmas.virginia.gov/#/manualdraft> for public comment until December 6, 2019.

**Contact Information:** Emily McClellan, Regulatory Manager, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, TDD (800) 343-0634, or email [emily.mcclellan@dmas.virginia.gov](mailto:emily.mcclellan@dmas.virginia.gov).

## **VIRGINIA WASTE MANAGEMENT BOARD**

### **Proposed Consent Order for Zestron Corporation**

An enforcement action has been proposed for Zestron Corporation for violations of the Virginia Waste Management Act and regulations at the Zestron Americas facility located in Manassas, Virginia. The Virginia Waste Management Board proposes to issue a consent order to resolve violations associated with the Zestron Americas facility. A description of the proposed action is available at the Department of Environmental Quality office listed or online at [www.deq.virginia.gov](http://www.deq.virginia.gov). Benjamin Holland will accept comments by email at [benjamin.holland@deq.virginia.gov](mailto:benjamin.holland@deq.virginia.gov) or by postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from November 26, 2019, to December 26, 2019.

## **STATE WATER CONTROL BOARD**

### **Proposed Consent Order for Woodford Estates MHC LLC**

An enforcement action has been proposed for Woodford Estates MHC LLC for violations of the State Water Control Law and regulations at the Woodford Estates wastewater treatment plant located in Woodford, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with the Woodford Estates facility. A description of the proposed action is available at the Department of Environmental Quality office listed or

online at [www.deq.virginia.gov](http://www.deq.virginia.gov). Benjamin Holland will accept comments by email at [benjamin.holland@deq.virginia.gov](mailto:benjamin.holland@deq.virginia.gov) or by postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from November 26, 2019, to December 26, 2019.

## **VIRGINIA CODE COMMISSION**

### **Notice to State Agencies**

**Contact Information:** *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th Floor, Richmond, VA 23219; *Telephone:* (804) 698-1810; *Email:* [varegs@dls.virginia.gov](mailto: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 <https://commonwealthcalendar.virginia.gov>.

**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/documents/cumultab.pdf>.

**Filing Material for Publication in the *Virginia Register of Regulations*:** Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works 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.

