VIRGINIA REGISTER OF REGULATIONS

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Virginia Code Commission **http://register.dls.virginia.gov**

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THE VIRGINIA REGISTER INFORMATION PAGE

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing 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 proposed regulation 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 of Regulations 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 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 the final regulation contains changes made after publication of the proposed regulation that 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*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, 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 alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at https://register.dls.virginia.gov.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. 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.

PUBLICATION SCHEDULE AND DEADLINES

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

August 2025 through September 2026

Volume: Issue	Material Submitted By Noon*	Will Be Published On
42:1	August 6, 2025	August 25, 2025
42:2	August 20, 2025	September 8, 2025
42:3	September 3, 2025	September 22, 2025
42:4	September 17, 2025	October 6, 2025
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42:6	October 15, 2025	November 3, 2025
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42:9	November 24, 2025 **(Monday)**	December 15, 2025
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42:11	December 22, 2025 **(Monday)**	January 12, 2026
42:12	January 6, 2026 **(Tuesday)**	January 26, 2026
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42:14	February 4, 2026	February 23, 2026
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42:19	April 15, 2026	May 4, 2026
42:20	April 29, 2026	May 18, 2026
42:21	May 13, 2026	June 1, 2026
42:22	May 27, 2026	June 15, 2026
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42:26	July 22, 2026	August 10, 2026
43:1	August 5, 2026	August 24, 2026
43:2	August 19, 2026	September 7, 2026

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Agency Decision

Title of Regulation: **4VAC20-270. Pertaining to Blue Crab Fishery.**

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

Name of Petitioner: Center for Biological Diversity; Virginia Herpetological Society; Wild Virginia; Dr. Willem M. Roosenburg.

Nature of Petitioners' Request: The Center for Biological Diversity, Virginia Herpetological Society, Wild Virginia, and Dr. Willem M. Roosenburg petition the Marine Resources Commission to formally adopt a rule requiring bycatch reduction devices (BRD) in all licensed blue crab pots deployed in near-shore waters to protect the diamondback terrapin. Virginia's fishing regulations currently do not require the use of BRDs in licensed blue crab pots. To protect diamondback terrapins from incidental mortality in active and inactive blue crab pots, the petitioners request that the Marine Resources Commission adopt or amend regulations to require BRDs on licensed commercial and recreational blue crab pots in waters less than 150 yards from shore (at mean low water mark), including manmade lagoons, creeks, coves, rivers, tributaries, shallow bays, inlets, and near-shore harbors. To provide the fishery reasonable time to retrofit crab pots, the petitioners suggest a three-year grace period from the date of adoption or amendment of the regulation. The proposal also includes a provision to allow the use of other gear modifications that demonstrate through peer-reviewed study similar efficacy to 4.5-by-12 centimeter BRDs.

Agency Decision: Request denied.

Statement of Reason for Decision: A public hearing on the petition for rulemaking was held by the Marine Resources Commission on Tuesday, June 24, 2025, in Fort Monroe, Virginia. The petition was to require bycatch reduction devices in crab pots in near-shore waters to protect diamondback terrapins. The petition was denied by unanimous vote of the commission. However, the commission directed staff to conduct a broader review of recreational crab pot fisheries with respect to terrapin exclusion devices and provide that information to the Crab Management Advisory Committee for future consideration.

Agency Contact: Zachary Widgeon, Director of Communications, Marine Resources Commission, 380 Fenwick Road, Building 96, Fort Monroe, VA 23651, telephone (757) 414-0713, or email zachary.widgeon@mrc.virginia.gov.

VA.R. Doc. No. PFR25-48; Filed February 18, 2025, 8:06 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF COUNSELING

Initial Agency Notice

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

Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Name of Petitioner: Jamie Korth-Gibson.

Nature of Petitioner's Request: The petitioner requests that the Board of Counseling amend 18VAC115-20-52 to create an exception to the residency hours requirement for individuals who have engaged in providing clinical counseling services under supervision prior to holding a temporary license.

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on August 11, 2025. The petition will also be published on the Virginia Regulatory Town Hall at www.townhall.virginia.gov to receive public comment, which opens August 11, 2025, and closes September 10, 2025. The board will consider the petition and all comments in support or opposition at the next meeting after the close of public comment. That meeting is currently scheduled for October 17, 2025. The petitioner will be notified of the board's decision after that meeting.

Public Comment Deadline: September 10, 2025.

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

VA.R. Doc. No. PFR25-49; Filed July 17, 2025, 11:03 a.m.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 1. ADMINISTRATION

DEPARTMENT OF THE TREASURY

Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **1VAC75-11, Public Participation Guidelines; 1VAC75-20, Virginia Security for Public Deposits Act Regulations; 1VAC75-30, Regulations Governing Escheats;** and **1VAC75-40, Unclaimed Property Administrative Review Process.** The reviews will be guided by the principles in Executive Order 19 (2022). The purpose of these reviews is to determine whether the regulations should be repealed, amended, or retained in their current forms. Public comment is sought on the review of any issue relating to the regulations, including whether each 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.

Public comment period begins August 11, 2025, and ends September 1, 2025.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

<ins>Contact Information:</ins> William Watt, Senior Policy Analyst, Department of the Treasury, James Monroe Building, 101 North 14th Street, Third Floor, Richmond, VA 23219, telephone (804) 371-6011, fax (804) 225-3187, or email william.watt@trs.virginia.gov.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Health intends to consider promulgating **12VAC5-375, Certified Nursing Facility Staffing Standards Regulation**. The purpose of the proposed action is to conform the regulation to statutory changes made by Chapters 482 and 483 of the 2023 Acts of Assembly. Section 32.1-27.2 of the Code of Virginia, which the chapters add, requires the State Board of Health to promulgate regulations to effectuate minimum staffing standards for certified nursing facilities and administrative sanctions for noncompliance. Certified nursing facilities that only participate in Medicare and licensed nursing homes that do not participate in Medicare or Medicaid are excluded, and numerous exceptions to the applicability of the staffing standards are also provided. Chapters 482 and 483 specifically state that the new regulation cannot be part of the licensing regulations that are already in existence, so the board intends to promulgate a new regulatory chapter for these standards. Additionally, § 32.1-127 of the Code of Virginia, which the chapters amend, requires certified nursing facilities eligible to participate in the Virginia Medicaid Nursing Facility Value-Based Purchasing (VBP) program to provide at least 3.08 hours of case mix-adjusted total nurse staffing hours per resident per day on average as determined by the Department of Medical Assistance Services.

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

Statutory Authority: §§ 32.1-12, 32.1-27.2, and 32.1-127 of the Code of Virginia.

Public Comment Deadline: September 10, 2025.

Agency Contact: Kim Beazley, Director, Office of Licensure and Certification, Virginia Department of Health, 9960 Mayland Drive, Suite 401, Richmond, VA 23233, telephone (804) 367-2102, or email regulatorycomment@vdh.virginia.gov.

VA.R. Doc. No. R25-8379; Filed July 22, 2025, 10:26 a.m.

REGULATIONS

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

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF WILDLIFE RESOURCES

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-20. Definitions and Miscellaneous: In General (amending 4VAC15-20-50, 4VAC15-20-65, 4VAC15-20-130, 4VAC15-20-155; repealing 4VAC15-20-120).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments (i) remove the requirement that a written mandate must be obtained every five years for domesticated red foxes and European rabbits; (ii) add a resident three-day trip license to hunt and resident and nonresident elk hunt lottery applications; (iii) repeal 4VAC15-20-120 as cash-only license consignment agents are no longer utilized by the department; (iv) designate an eastern tiger salamander experimental population in Sussex County as a listed state endangered species to assist with population status recovery; and (v) clarify locations where camping is allowed in wildlife management areas and other department-owned and department-managed lands.

4VAC15-20-50. Definitions; "wild animal," "native animal," "naturalized animal," "nonnative (exotic) animal," and "domestic animal".

A. In accordance with § 29.1-100 of the Code of Virginia, the following terms shall have the meanings ascribed to them by this section when used in regulations of the board:

"Native animal" means those species and subspecies of animals naturally occurring in Virginia, as included in the department's 2024 "List of Native and Naturalized Fauna of Virginia," with copies available in the headquarters and regional offices of the department.

"Naturalized animal" means those species and subspecies of animals not originally native to Virginia that have established wild, self-sustaining populations, as included in the department's 2024 "List of Native and Naturalized Fauna of Virginia," with copies available in the headquarters and regional offices of the department.

"Nonnative (exotic) animal" means those species and subspecies of animals not naturally occurring in Virginia, excluding domestic and naturalized species.

The following animals are defined as domestic animals:

Domestic dog (Canis familiaris), including wolf hybrids.

Domestic cat (Felis catus), including hybrids with wild felines.

Domestic horse (Equus caballus), including hybrids with Equus asinus.

Domestic ass, burro, and donkey (Equus asinus).

Domestic cattle (Bos taurus and Bos indicus).

Domestic sheep (Ovis aries), including hybrids with wild sheep.

Domestic goat (Capra hircus).

Domestic swine (Sus scrofa), including pot-bellied pig and excluding any swine that are wild or for which no claim of ownership can be made.

Llama (Lama glama).

Alpaca (Lama pacos).

Camels (Camelus bactrianus and Camelus dromedarius).

Domesticated races of hamsters (Mesocricetus spp.).

Domesticated races of mink (Mustela vison) where adults are heavier than 1.15 kilograms or their coat color can be distinguished from wild mink.

Domesticated races of guinea pigs (Cavia porcellus).

Domesticated races of gerbils (Meriones unguiculatus).

Domesticated races of chinchillas (Chinchilla laniger).

Domesticated races of rats (Rattus norvegicus and Rattus rattus).

Domesticated races of mice (Mus musculus).

Domesticated breeds of European rabbit (Oryctolagus cuniculus) recognized by the American Rabbit Breeders Association, Inc. and any lineage resulting from crossbreeding recognized breeds. A list of recognized rabbit breeds is available on the department's website.

Domesticated races of chickens (Gallus).

Domesticated races of turkeys (Meleagris gallopavo).

Domesticated races of ducks and geese distinguishable morphologically from wild birds.

Feral pigeons (Columba domestica and Columba livia) and domesticated races of pigeons.

Domesticated races of guinea fowl (Numida meleagris).

Domesticated races of peafowl (Pavo cristatus).

Domesticated morphs of red cornsnake (Pantherophis guttatus) visibly distinguishable from native red cornsnakes based on their unique colors and patterns.

"Wild animal" means any member of the animal kingdom, except domestic animals, including any native, naturalized, or nonnative (exotic) mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate and any hybrid of these animals, except as otherwise specified in regulations of the board, or part, product, egg, or offspring of them, or the dead body or parts thereof.

B. Exception for red foxes and European rabbits. Domesticated red foxes (Vulpes vulpes) having coat colors distinguishable from wild red foxes and wild European rabbits possessed in captivity on July 1, 2017, may be maintained in captivity until the animal dies, but the animal may not be bred or sold without a permit from the department. Persons possessing domesticated red foxes or European rabbits without a permit from the department must declare such possession in writing to the department by January 1, 2018. This written declaration must include the number of individual animals in possession and date acquired, sex, estimated age, coloration, and a photograph of each fox or European rabbit. This written declaration (i) shall serve as a permit for possession only~~,~~ and (ii) is not transferable~~, and (iii) must be renewed every five years~~.

4VAC15-20-65. Hunting, trapping, and fishing license and permit fees.

In accordance with the authority of the board under subdivision 16 of § 29.1-103 of the Code of Virginia, the following fees are established for hunting, trapping, and fishing licenses and permits:

Virginia Resident Licenses to Hunt	
Type license	Fee
One-year Resident License to Hunt, for licensees 16 years of age or older	$22.00
Two-year Resident License to Hunt, for licensees 16 years of age or older	$43.00
Three-year Resident License to Hunt, for licensees 16 years of age or older	$64.00
Four-year Resident License to Hunt, for licensees 16 years of age or older	$85.00
Resident Three-Day Trip License to Hunt	$11.00
County or City Resident License to Hunt in County or City of Residence Only, for licensees 16 years of age or older	$15.00
Resident Senior Citizen Annual License to Hunt, for licensees 65 years of age or older	$8.00
Resident Junior License to Hunt, for licensees 12 through 15 years of age, optional for licensees younger than 12 years of age	$7.50
Resident Youth Combination License to Hunt, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, and to hunt with muzzleloading guns during muzzleloading hunting season, for licensees younger than 16 years of age	$15.00
Resident Sportsman License to Hunt and Freshwater Fish, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, to hunt with muzzleloading guns during muzzleloading hunting season, to fish in designated stocked trout waters (also listed under Virginia Resident Licenses to Fish)	$99.00
Resident Hunting License for Partially Disabled Veterans	$11.00
Resident Infant Lifetime License to Hunt	$130.00
Resident Junior Lifetime License to Hunt, for licensees younger than 12 years of age at the time of purchase	$260.00

Resident Lifetime License to Hunt, for licensees at the time of purchase:	
through 44 years of age	$265.00
45 through 50 years of age	$215.00
51 through 55 years of age	$165.00
56 through 60 years of age	$115.00
61 through 64 years of age	$65.00
65 years of age and older	$25.00
Totally and Permanently Disabled Resident Special Lifetime License to Hunt	$15.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Hunt or Freshwater Fish (also listed under Virginia Resident Licenses to Fish)	no fee

Virginia Resident Licenses for Additional Hunting Privileges	
Type license or permit	Fee
Resident Deer and Turkey Hunting License, for licensees 16 years of age or older	$22.00
Resident Junior Deer and Turkey Hunting License, for licensees younger than 16 years of age	$7.50
Resident Archery License to Hunt with archery equipment during archery hunting season	$17.00
Resident Bear Hunting License	$20.00
Resident Muzzleloading License to Hunt during muzzleloading hunting season	$17.00
Resident Bonus Deer Permit	$17.00
Resident Fox Hunting License to hunt foxes on horseback with hounds without firearms (not required of an individual holding a general License to Hunt)	$22.00
Resident Elk Hunt Lottery Application	$15.00
Resident Special Elk Hunting License (not required outside of the Elk Management Zone and only awarded to individuals through a department elk license program)	$40.00

Virginia Nonresident Licenses to Hunt	
Type license	Fee
Nonresident License to Hunt, for licensees 16 years of age or older	$110.00
Nonresident Three-Day Trip License to Hunt	$59.00
Nonresident Youth License to Hunt, for licensees:	
younger than 12 years of age	$12.00
12 through 15 years of age	$15.00
Nonresident Youth Combination License to Hunt, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, and to hunt with muzzleloading guns during muzzleloading hunting season, for licensees younger than 16 years of age	$30.00
Nonresident Annual Hunting License for Partially Disabled Veterans	$55.00
Nonresident Annual Hunting License for Totally and Permanently Disabled Veterans	$27.50
Nonresident Infant Lifetime License to Hunt	$275.00
Nonresident Lifetime License to Hunt	$580.00

Virginia Nonresident Licenses for Additional Hunting Privileges	
Type license or permit	Fee
Nonresident Deer and Turkey Hunting License, for licensees:	
16 years of age or older	$85.00
12 through 15 years of age	$15.00
younger than 12 years of age	$12.00
Nonresident Bear Hunting License	$150.00
Nonresident Archery License to Hunt with archery equipment during archery hunting season	$30.00
Nonresident Muzzleloading License to Hunt during muzzleloading hunting season	$30.00
Nonresident Shooting Preserve License to Hunt within the boundaries of a licensed shooting preserve	$22.00
Nonresident Bonus Deer Permit	$30.00
Nonresident Fox Hunting License to hunt foxes on horseback with hounds without firearms (not required of an individual holding a general License to Hunt)	$110.00
<u>Nonresident Elk Hunt Lottery Application</u>	<u>$20.00</u>
Nonresident Special Elk Hunting License (not required outside of the Elk Management Zone and only awarded to individuals through a department elk license program)	$400.00

Miscellaneous Licenses or Permits to Hunt	
Type license or permit	Fee
Waterfowl Hunting Stationary Blind in Public Waters License	$22.50
Waterfowl Hunting Floating Blind in Public Waters License	$40.00
Foxhound Training Preserve License	$17.00
Public Access Lands for Sportsmen Permit to Hunt, Trap, or Fish on Designated Lands (also listed under Miscellaneous Licenses or Permits to Fish)	$17.00

Virginia Resident and Nonresident Licenses to Trap	
Type license	Fee
One-year Resident License to Trap, for licensees 16 years of age or older	$45.00
Two-year Resident License to Trap, for licensees 16 years of age or older	$89.00
Three-year Resident License to Trap, for licensees 16 years of age or older	$133.00
Four-year Resident License to Trap, for licensees 16 years of age or older	$177.00
County or City Resident License to Trap in County or City of Residence Only	$20.00
Resident Junior License to Trap, for licensees younger than 16 years of age	$10.00
Resident Senior Citizen License to Trap, for licensees 65 years of age or older	$8.00
Resident Senior Citizen Lifetime License to Trap, for licensees 65 years of age or older	$25.00
Totally and Permanently Disabled Resident Special Lifetime License to Trap	$15.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Trap	$15.00
Nonresident License to Trap	$205.00

Virginia Resident Licenses to Fish	
Type license	Fee
One-year Resident License to Freshwater Fish	$22.00
Two-year Resident License to Freshwater Fish	$43.00
Three-year Resident License to Freshwater Fish	$64.00
Four-year Resident License to Freshwater Fish	$85.00
County or City Resident License to Freshwater Fish in County or City of Residence Only	$15.00
Resident License to Freshwater Fish, for licensees 65 years of age or older	$8.00
Resident License to Fish in Designated Stocked Trout Waters	$22.00
Resident License to Freshwater and Saltwater Fish	$38.50
Resident License to Freshwater Fish for Five Consecutive Days	$13.00
Resident License to Freshwater and Saltwater Fish for Five Consecutive Days	$23.00
Resident Sportsman License to Hunt and Freshwater Fish, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, to hunt with muzzleloading guns during muzzleloading hunting season, to fish in designated stocked trout waters (also listed under Virginia Resident Licenses to Hunt)	$99.00
Resident Fishing License for Partially Disabled Veterans	$11.00
Resident Infant Lifetime License to Fish	$130.00
Resident Special Lifetime License to Freshwater Fish, for licensees at the time of purchase:	
through 44 years of age	$265.00
45 through 50 years of age	$215.00
51 through 55 years of age	$165.00
56 through 60 years of age	$115.00
61 through 64 years of age	$65.00
65 years of age and older	$25.00
Resident Special Lifetime License to Fish in Designated Stocked Trout Waters, for licensees at the time of purchase:	
through 44 years of age	$265.00
45 through 50 years of age	$215.00
51 through 55 years of age	$165.00
56 through 60 years of age	$115.00
61 through 64 years of age	$65.00
65 years of age and older	$25.00

Totally and Permanently Disabled Resident Special Lifetime License to Freshwater Fish	$15.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Hunt and Freshwater Fish (also listed under Virginia Resident Licenses to Hunt)	no fee

Virginia Nonresident Licenses to Fish	
Type license	Fee
Nonresident License to Freshwater Fish	$46.00
Nonresident License to Freshwater Fish in Designated Stocked Trout Waters	$22.00
Nonresident License to Freshwater and Saltwater Fish	$70.00
Nonresident Fishing License for Partially Disabled Veterans	$23.00
Nonresident Annual Fishing License for Totally and Permanently Disabled Veterans	$11.50
Nonresident License to Freshwater Fish for One Day	$7.00
Nonresident License to Freshwater Fish for Five Consecutive Days	$20.00
Nonresident License to Freshwater and Saltwater Fish for Five Consecutive Days	$30.00
Nonresident Infant Lifetime License to Fish	$275.00
Nonresident Special Lifetime License to Freshwater Fish	$580.00
Nonresident Special Lifetime License to in Fish in Designated Stocked Trout Waters	$580.00

Miscellaneous Licenses or Permits to Fish	
Type license or permit	Fee
Permit to Fish for One Day at Board-Designated Stocked Trout Fishing Areas with Daily Use Fees	$7.00
Public Access Lands for Sportsmen Permit to Hunt, Trap, or Fish on Designated Lands (also listed under Miscellaneous Licenses or Permits to Hunt)	$17.00
Special Guest Fishing License	$60.00

4VAC15-20-120. ~~Appointment of new consignment agents for sale of hunting and fishing licenses.~~ (Repealed.)

~~A. Except as provided below, no person shall be appointed as a consignment agent for the sale of hunting and fishing licenses unless he first sells licenses on a cash basis for at least one year. In addition, the dollar volume of actual or projected sales must equal at least 90% of the average hunting and fishing license sales of consignment agents in the locality.~~

~~B. If the cash agent sells the required number of licenses, he may be appointed as a consignment agent, provided he is approved for a surety bond by the board's bonding company.~~

~~C. This chapter is applicable to new appointments and not to transfers of existing appointments; provided, that the director may appoint consignment agents as needed to provide for a minimum of two consignment agents within a locality. In addition, the director may appoint consignment agents on state-owned or state-leased facilities.~~

4VAC15-20-130. Endangered and threatened species; adoption of federal list; additional species enumerated.

A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered Species Act of December 28, 1973 (16 USC §§ ~~1531-1543~~ 1531 through 1543), as amended as of October 10, 2024, and declares all species listed thereon to be endangered or threatened species in the Commonwealth. Pursuant to subdivision 12 of § 29.1-103 of the Code of Virginia, the director is hereby delegated authority to propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List in accordance with the procedures of §§ 29.1-501 and 29.1-502 of the Code of Virginia.

B. In addition to the provisions of subsection A of this section, the following species are declared endangered or threatened in the Commonwealth and are afforded the protection provided by Article 6 (§ 29.1-563 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia:

1. Fish:	
Endangered:	
Dace, Clinch	Chrosomus sp. cf. saylori
Dace, Tennessee	Phoxinus tennesseensis
Darter, sharphead	Etheostoma acuticeps
Darter, variegate	Etheostoma variatum
Sunfish, blackbanded	Enneacanthus chaetodon
Threatened:	
Darter, Carolina	Etheostoma collis
Darter, golden	Etheostoma denoncourti
Darter, greenfin	Etheostoma chlorobranchium
Darter, western sand	Ammocrypta clara
Madtom, orangefin	Noturus gilberti
Paddlefish	Polyodon spathula
Shiner, emerald	Notropis atherinoides
Shiner, steelcolor	Cyprinella whipplei
Shiner, whitemouth	Notropis alborus
2. Amphibians:	
Endangered:	
Salamander, eastern tiger	Ambystoma tigrinum
Threatened:	
Salamander, Mabee's	Ambystoma mabeei
3. Reptiles:	
Endangered:	
Rattlesnake, canebrake (Coastal Plain population of timber rattlesnake)	Crotalus horridus
Turtle, bog	Glyptemys muhlenbergii
Turtle, eastern chicken	Deirochelys reticularia
Threatened:	
Lizard, eastern glass	Ophisaurus ventralis
Turtle, wood	Glyptemys insculpta
4. Birds:	
Endangered:	
Plover, Wilson's	Charadrius wilsonia

Rail, black	Laterallus jamaicensis
Woodpecker, red-cockaded	Dryobates borealis
Wren, Bewick's	Thryomanes bewickii
Threatened:	
Falcon, peregrine	Falco peregrinus
Shrike, loggerhead	Lanius ludovicianus
Sparrow, Bachman's	Aimophila aestivalis
Sparrow, Henslow's	Ammodramus henslowii
Tern, gull-billed	Sterna nilotica
5. Mammals:	
Endangered:	
Bat, Rafinesque's eastern big-eared	Corynorhinus rafinesquii macrotis
Bat, little brown	Myotis lucifugus
Bat, tri-colored	Perimyotis subflavus
Hare, snowshoe	Lepus americanus
Shrew, American water	Sorex palustris
Vole, rock	Microtus chrotorrhinus
6. Mollusks:	
Endangered:	
Coil, rubble	Helicodiscus lirellus
Coil, shaggy	Helicodiscus diadema
Deertoe	Truncilla truncata
Elephantear	Elliptio crassidens
Elimia, spider	Elimia arachnoidea
Floater, brook	Alasmidonta varicosa
Ghostsnail, thankless	Holsingeria unthanksensis
Heelsplitter, Tennessee	Lasmigona holstonia
Lilliput, purple	Toxolasma lividus
Mussel, slippershell	Alasmidonta viridis
Pigtoe, Ohio	Pleurobema cordatum
Pigtoe, pyramid	Pleurobema rubrum
Springsnail, Appalachian	Fontigens bottimeri
Springsnail (no common name)	Fontigens morrisoni
Supercoil, spirit	Paravitrea hera

Threatened:	
Floater, green	Lasmigona subviridis
Papershell, fragile	Leptodea fragilis
Pimpleback	Quadrula pustulosa
Pistolgrip	Tritogonia verrucosa
Riversnail, spiny	Iofluvialis
Sandshell, black	Ligumia recta
Supercoil, brown	Paravitrea septadens
7. Arthropods:	
Threatened:	
Amphipod, Madison Cave	Stygobromus stegerorum
Pseudotremia, Ellett Valley	Pseudotremia cavernarum
Xystodesmid, Laurel Creek	Sigmoria whiteheadi

C. It shall be unlawful to take, transport, process, sell, or offer for sale within the Commonwealth any threatened or endangered species of fish or wildlife except as authorized by law.

D. The incidental take of certain species may occur in certain circumstances and with the implementation of certain conservation practices as described in this subsection:

Species	Location	Allowable Circumstances	Required Conservation Measures	Expected Incidental Take
Little brown bat, Tri-colored bat	Statewide	Human health risk – need for removal of individual animals from human-habited structures.	Between May 15 and August 31, no exclusion of bats from maternity colonies, except for human health concerns. Department-permitted nuisance wildlife control operator with department-recognized certification in techniques associated with removal of bats. Use of exclusion devices that allow individual animals to escape. Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately permitted wildlife rehabilitator.	Little to no direct lethal taking expected.
		Public safety or property damage risk – need for tree removal, application of prescribed fire, or other land management actions affecting known roosts; removal of animals from known roosts.	Hibernacula: no tree removal, use of prescribed fire, or other land management action within a 250-foot radius buffer area from December 1 through April 30. Between September 1 and November 30, increase the buffer to a 1/4-mile radius with the following conditions: for timber harvests greater than 20 acres, retain snags and wolf trees (if not presenting public safety or property risk) and small tree groups up to 15 trees of 3-inch diameter at breast height (dbh) or greater, one tree group per 20 acres. Otherwise, document the need (public safety, property damage risk) for tree removal during this	Little to no direct lethal taking expected.

			period and verify that no known roost trees exist in the buffer area. Tree removal and prescribed fire are permitted outside of these dates. Known roost trees: no tree removal, use of prescribed fire, or other land management action within a 150-foot radius buffer area from June 1 through July 31, if possible. Otherwise, document public safety or property damage risk. Department-permitted nuisance wildlife control operator with department-recognized certification in techniques associated with removal of bats. Use of exclusion devices that allow individual animals to escape. Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately permitted wildlife rehabilitator.	

E. Experimental populations of certain species are described in the table in this subsection, consistent with the identification of these species in state conservation plans. These populations are geographically distinct from naturally occurring populations and are not subject to the penalties and prohibitions authorized under § 29.1-568 of the Code of Virginia.

Species	Designated Location of Experimental Population	County or City	Take Exemptions
Eastern tiger salamander (Ambystoma tigrinum)	Lands located within the 2025 boundaries of the department's Big Woods Wildlife Management Area and The Nature Conservancy's Piney Grove Preserve	Sussex County	Take is authorized unless otherwise prohibited by other Virginia laws or regulations

4VAC15-20-155. Camping on Wildlife Management Areas and other department-owned or department-managed lands.

A. Temporary dispersed camping, with no amenities provided, may only be performed on Wildlife Management Areas (WMAs) and other department-owned or managed lands when occupants are engaged in authorized activities and in strict compliance with established terms and conditions, including those listed in this section. Camping may be prohibited on certain portions or entire parcels of department-owned or managed lands, including certain WMAs.

B. Authorization. It shall be unlawful to camp without written authorization from the department. Written authorization to camp is required in addition to any and all other licenses, permits, or authorizations that may otherwise be required. Written authorization is obtained by completing and submitting a Camping Authorization Form. Only an individual 18 years of age or older who is a member of and accepts responsibility for the camp and camping group may be issued a camping authorization.

C. Camping periods. Unless otherwise posted or authorized, it shall be unlawful to camp for more than 14 consecutive nights, or more than 14 nights in a 28-day period on department-owned or controlled lands. At the end of the authorized camping period, all personal property and any refuse must be removed.

D. ~~Prohibited~~ Allowed and prohibited locations. ~~Camping~~ Back country camping is allowed. Adjacent to roadways, camping is allowed only ~~at~~ in previously cleared ~~and established sites~~ areas. No vegetation may be cut, damaged, or removed to establish a [~~camp site~~ campsite]. Enclosed camping trailers or camping vehicles are allowed if they do not occupy the entire available parking area in that location. It shall be unlawful to camp within 300 feet of any department-owned lake, boat ramp, or other facility. It shall be unlawful to camp at other specific locations as posted. This section shall not prohibit active angling at night along shorelines where permitted.

E. Removal of personal property and refuse. Any person who establishes or occupies a camp shall be responsible for the complete removal of all personal property and refuse when the camping authorization has expired. Any personal property or refuse that remains after the camping authorization has expired shall be considered litter and punishable pursuant to § 33.2-802 of the Code of Virginia.

F. It shall be unlawful when camping on department-owned or managed lands to store or leave unattended any food (including food for pets and livestock), refuse, bear attractant, or other wildlife attractant unless it is (i) in a bear-resistant container; (ii) in a trunk of a vehicle or in a closed, locked, hard-sided motor vehicle with a solid top; (iii) in a closed, locked, hard-body trailer; or (iv) suspended at least 10 feet clear of the ground at all points and at least four feet horizontally from the supporting tree or pole and any other tree or pole. It shall be unlawful to discard, bury, or abandon any food, refuse, bear attractant, or other wildlife attractant unless it is disposed of by placing it inside an animal-resistant trash receptacle provided by the department.

G. Any violation of this section or other posted rules shall be punishable as a Class III misdemeanor, and the camping permit shall become null and void. The permittee shall be required to immediately vacate the property upon summons or notification. A second or subsequent offense may result in the loss of camping privileges on department-owned or managed properties.

VA.R. Doc. No. R25-8246; Filed July 22, 2025, 1:01 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-30. Definitions and Miscellaneous: Importation, Possession, Sale, etc., of Animals (amending 4VAC15-30-40).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments (i) remove a requirement to report harvested northern snakehead fish; (ii) remove exemptions from the permit requirement on the import, possession, or sale of prairie dogs in the Commonwealth; and (iii) clarify an outdated provision regarding permit exemptions.

4VAC15-30-40. Importation requirements, possession, and sale of nonnative (exotic) animals.

A. Permit required. A special permit is required and may be issued by the department, if consistent with the department's fish and wildlife management program, to import, possess, or sell those nonnative (exotic) animals listed in the following table and in 4VAC15-20-210 that the board finds and declares to be predatory or undesirable within the meaning and intent of § 29.1-542 of the Code of Virginia, in that their introduction into the Commonwealth will be detrimental to the native fish and wildlife resources of Virginia.

AMPHIBIANS			
Order	Family	Genus/Species	Common Name
Anura	Bufonidae	Rhinella marina	Cane toad*
	Pipidae	Hymenochirus spp. Pseudohymenochiris merlini	African dwarf frog
		Xenopus spp.	Tongueless or African clawed frog
Caudata	Ambystomatidae	All species, except Ambystoma mexicanum	All mole salamanders, except Mexican axolotl
BIRDS			
Order	Family	Genus/Species	Common Name
Psittaciformes	Psittacidae	Myiopsitta monachus	Monk parakeet*
Anseriformes	Anatidae	Cygnus olor	Mute swan
FISH			
Order	Family	Genus/Species	Common Name
Cypriniformes	Catostomidae	Catostomus microps	Modoc sucker

		Catostomus santaanae	Santa Ana sucker
		Catostomus warnerensis	Warner sucker
		Ictiobus bubalus	Smallmouth* buffalo
		I. cyprinellus	Bigmouth* buffalo
		I. niger	Black buffalo*
	Characidae	Pygopristis spp. Pygocentrus spp. Rooseveltiella spp. Serrasalmo spp. Serrasalmus spp. Taddyella spp.	Piranhas
	Cobitidae	Misgurnus anguillicaudatus	Oriental weatherfish
	Cyprinidae	Aristichyhys nobilis	Bighead carp*
		Chrosomus saylori	Laurel dace
		Ctenopharyngodon idella	Grass carp or white amur
		Cyprinella caerulea	Blue shiner
		Cyprinella formosa	Beautiful shiner
		Cyprinella lutrensis	Red shiner
		Hypophthalmichthys molitrix	Silver carp*
		Mylopharyngodom piceus	Black carp*
		Notropis albizonatus	Palezone shiner
		Notropis cahabae	Cahaba shiner
		Notropis girardi	Arkansas River shiner
		Notropis mekistocholas	Cape Fear shiner
		Notropis simus pecosensis	Pecos bluntnose shiner
		Notropis topeka (= tristis)	Topeka shiner
		Phoxinus cumberlandensis	Blackside dace
		Rhinichthys osculus lethoporus	Independence Valley speckled dace
		Rhinichthys osculus nevadensis	Ash Meadows speckled dace
		Rhinichthys osculus oligoporus	Clover Valley speckled dace
		Rhinichthys osculus ssp.	Foskett speckled dace
		Rhinichthys osculus thermalis	Kendall Warm Springs dace
		Scardinius erythrophthalmus	Rudd
		Tinca tinca	Tench*
Cyprinodontiformes	Poeciliidae	Gambusia gaigei	Big Bend gambusia
		Gambusia georgei	San Marcos gambusia

		Gambusia heterochir	Clear Creek gambusia
		Gambusia nobilis	Pecos gambusia
		Peociliopsis occidentalis	Gila topminnow
Gasterosteiformes	Gasterosteidae	Gasterosteus aculeatus williamsoni	Unarmored threespine stickleback
Gobiesociformes	Gobiidae	Proterorhinus marmoratus	Tubenose goby
		Neogobius melanostomus	Round goby
Perciformes	Centrarchidae	Micropterus henshalli	Alabama bass
	Channidae	Channa spp. Parachanna spp.	Snakeheads
	Cichlidae	Tilapia spp.	Tilapia
		Gymnocephalus cernuum	Ruffe*
	Elassomatidae	Elassoma alabamae	Spring pygmy sunfish
	Percidae	Crystallaria cincotta	Diamond darter
		Etheostoma chermocki	Vermilion darter
		Etheostoma boschungi	Slackwater darter
		Etheostoma chienense	Relict darter
		Etheostoma etowahae	Etowah darter
		Etheostoma fonticola	Fountain darter
		Etheostoma moorei	Yellowcheek darter
		Etheostoma nianguae	Niangua darter
		Etheostoma nuchale	Watercress darter
		Etheostoma okaloosae	Okaloosa darter
		Etheostoma phytophilum	Rush darter
		Etheostoma rubrum	Bayou darter
		Etheostoma scotti	Cherokee darter
		Etheostoma sp.	Bluemask (= jewel) darter
		Etheostoma susanae	Cumberland darter
		Etheostoma wapiti	Boulder darter
		Percina antesella	Amber darter
		Percina aurolineata	Goldline darter
		Percina jenkinsi	Conasauga logperch
		Percina pantherina	Leopard darter
		Percina tanasi	Snail darter
Scorpaeniformes	Cottidae	Cottus sp.	Grotto sculpin
		Cottus paulus (= pygmaeus)	Pygmy sculpin

Siluriformes	Clariidae	All species	Air-breathing catfish
	Ictaluridae	Noturus baileyi	Smoky madtom
		Noturus crypticus	Chucky madtom
		Noturus placidus	Neosho madtom
		Noturus stanauli	Pygmy madtom
		Noturus trautmani	Scioto madtom
Synbranchiformes	Synbranchidae	Monopterus albus	Swamp eel
MAMMALS			
Order	Family	Genus/Species	Common Name
Artiodactyla	Suidae	All Species	Pigs or Hogs*
	Cervidae	All Species	Deer*
Carnivora	Canidae	All Species	Wild Dogs,* Wolves, Coyotes or Coyote hybrids, Jackals and Foxes
	Ursidae	All Species	Bears*
	Procyonidae	All Species	Raccoons and* Relatives
	Mustelidae	All Species	Weasels, Badgers,* Skunks and Otters
		(except Mustela putorius furo)	Ferret
	Viverridae	All Species	Civets, Genets,* Lingsangs, Mongooses, and Fossas
	Herpestidae	All Species	Mongooses*
	Hyaenidae	All Species	Hyenas and Aardwolves*
	Felidae	All Species	Cats*
Chiroptera		All Species	Bats*
Lagomorpha	Lepridae	Brachylagus idahoensis	Pygmy rabbit
		Lepus europeaeous	European hare
		Oryctolagus cuniculus	European rabbit
		Sylvilagus bachmani riparius	Riparian brush rabbit
		Sylvilagus palustris hefneri	Lower Keys marsh rabbit
Rodentia		All species native to Africa	All species native to Africa
	Dipodidae	Zapus hudsonius preblei	Preble's meadow jumping mouse
	Muridae	Microtus californicus scirpensis	Amargosa vole
		Microtus mexicanus hualpaiensis	Hualapai Mexican vole
		Microtus pennsylvanicus dukecampbelli	Florida salt marsh vole
		Neotoma floridana smalli	Key Largo woodrat

		Neotoma fuscipes riparia	Riparian (= San Joaquin Valley) woodrat
		Oryzomys palustris natator	Rice rat
		Peromyscus gossypinus allapaticola	Key Largo cotton mouse
		Peromyscus polionotus allophrys	Choctawhatchee beach mouse
		Peromyscus polionotus ammobates	Alabama beach mouse
		Peromyscus polionotus niveiventris	Southeastern beach mouse
		Peromyscus polionotus peninsularis	St. Andrew beach mouse
		Peromyscus polionotus phasma	Anastasia Island beach mouse
		Peromyscus polionotus trissyllepsis	Perdido Key beach mouse
		Reithrodontomys raviventris	Salt marsh harvest mouse
	Heteromyidae	Dipodomys heermanni morroensis	Morro Bay kangaroo rat
		Dipodomys ingens	Giant kangaroo rat
		Dipodomys merriami parvus	San Bernadino Merriam's kangaroo rat
		Dipodomys nitratoides exilis	Fresno kangaroo rat
		Dipodomys nitratoides nitratoides	Tipton kangaroo rat
		Dipodomys stephensi (including D. cascus)	Stephens' kangaroo rat
		Perognathus longimembris pacificus	Pacific pocket mouse
	Sciuridae	Cynomys spp.	Prairie dogs
		Spermophilus brunneus brunneus	Northern Idaho ground squirrel
		Tamiasciurus hudsonicus grahamensis	Mount Graham red squirrel
Soricomorpha	Soricidae	Sorex ornatus relictus	Buena Vista Lake ornate shrew
MOLLUSKS			
Order	Family	Genus/Species	Common Name
Neotaenioglossa	Hydrobiidae	Potamopyrgus antipodarum	New Zealand mudsnail
Veneroida	Dreissenidae	Dreissena bugensis	Quagga mussel
		Dreissena bugensis	Quagga mussel
REPTILES			
Order	Family	Genus/Species	Common Name
Crocodilia	Alligatoridae	All species	Alligators, caimans*
	Crocodylidae	All species	Crocodiles*
	Gavialidae	All species	Gavials*
Squamata	Colubridae	Boiga irregularis	Brown tree snake*
CRUSTACEANS			

Order	Family	Genus/Species	Common Name
Decapoda	Cambaridae	Cambarus aculabrum	Cave crayfish
		Cambarus zophonastes	Cave crayfish
		Orconectes rusticus	Rusty crayfish
		Orconectes shoupi	Nashville crayfish
		Pacifastacus fortis	Shasta crayfish
		Procambarus sp.	Marbled crayfish
	Parastacidae	Cherax spp.	Australian crayfish
	Varunidea	Eriocheir sinensis	Chinese mitten crab

B. Temporary possession permit for certain animals. Notwithstanding the permitting requirements of subsection A of this section, a person, company, or corporation possessing any nonnative (exotic) animal, designated with an asterisk (*) in subsection A of this section, prior to July 1, 1992, must ~~declare such possession~~ have proof that the animal was declared to the department in writing to the department ~~by~~ prior to January 1, 1993. This written declaration shall serve as a permit for possession only, is not transferable, and must be renewed every five years. This written declaration must include species name, common name, number of individuals, date or dates acquired, sex (if possible), estimated age, height or length, and other characteristics such as bands and band numbers, tattoos, registration numbers, coloration, and specific markings. Possession transfer will require a new permit according to the requirements of this subsection.

C. Exception for certain monk parakeets. ~~A~~ No permit is ~~not~~ required for monk parakeets (quakers) that have been captive bred and are closed-banded with a seamless band.

D. Exception for parts or products. ~~A~~ No permit is ~~not~~ required for parts or products of those nonnative (exotic) animals listed in subsection A of this section that may be used for personal use, in the manufacture of products, or ~~used~~ in scientific research, provided that such parts or products ~~be~~ are packaged outside the Commonwealth by any person, company, or corporation duly licensed by the state in which the parts originate. Such packages may be transported into the Commonwealth, consistent with other state laws and regulations, so long as the original package remains unbroken, unopened, and intact until its point of destination is reached. ~~Documentation~~ The person, business, or institution ordering such nonnative (exotic) animal parts shall keep documentation concerning the type and cost of the animal parts ordered, the purpose and date of the order, point and date of shipping, and date of receiving ~~shall be kept by the person, business, or institution ordering such nonnative (exotic) animal parts~~. Such documentation shall be open to inspection by a representative of the Department of Wildlife Resources.

~~E. Exception for prairie dogs. The effective date of listing of prairie dogs under subsection A of this section shall be January 1, 1998. Prairie dogs possessed in captivity in Virginia on December 31, 1997, may be maintained in captivity until the animals' deaths, but they may not be sold on or after January 1, 1998, without a permit.~~

~~F.~~ E. Exception for snakehead fish. Anglers may legally harvest snakehead fish of the family Channidae, provided that they immediately kill such fish ~~and that they notify the department, as soon as practicable, of such actions~~.

~~G.~~ F. Exception for feral hogs. Anyone may legally trap feral hogs with written permission of the landowner, provided that any trapped hogs are not removed from the trap site alive and are killed immediately.

~~H.~~ G. Exception for grass carp. Anglers may legally harvest grass carp of the family Cyprinidae only from public waters of the Commonwealth. It is unlawful to harvest grass carp from any public inland lake or reservoir. Anglers taking grass carp must ensure that harvested grass carp are dead.

~~I.~~ H. Exception for Alabama bass. Anglers may possess live Alabama bass of the family Centrarchidae only on the body of water from which the fish were captured, provided that the angler does not live transport these fish outside of the body of water from which the fish were captured. Anglers may only release live Alabama bass back into the body of water from which the fish were captured. Anglers may legally harvest Alabama bass, provided that the anglers ensure all harvested Alabama bass are dead.

~~J.~~ I. All other nonnative (exotic) animals. All other nonnative (exotic) animals not listed in subsection A of this section may be possessed, purchased, and sold~~;~~, provided~~,~~ that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to ~~threatened/endangered~~ threatened and endangered species, and ~~further provided,~~ that no such animals shall ~~not~~ be liberated within the Commonwealth.

VA.R. Doc. No. R25-8247; Filed July 22, 2025, 1:02 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-40. Game: In General (amending 4VAC15-40-70, 4VAC15-40-282; adding 4VAC15-40-61, 4VAC15-40-62, 4VAC15-40-310; repealing 4VAC15-40-60).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments (i) separate provisions regarding hunting with dogs and those regarding possession of certain weapons into separate sections to clarify when weapons may be possessed while hunting; (ii) establish provisions outlining the period during which hunting and trapping may occur on national forest lands, state forest lands, and department-owned and department-managed lands while maintaining the current timeframe for hunting and trapping on these lands; (iii) clarify lawful shooting activities on department-owned and department-managed lands; (iv) clarify provisions regarding the possession of firearms while training dogs; (v) remove the requirement that a person be notified by department personnel that they are purposefully or inadvertently feeding bears prior to being found in violation of the regulation; and (vi) establish provisions for department staff or designees of department staff to authorize citizens to dispatch severely injured or diseased game, fur-bearing animals, and nonmigratory game birds for animal welfare purposes.

Changes to the proposed regulation clarify that the authorization for persons to lawfully dispatch certain wildlife does not supersede any applicable firearms discharge or trespass laws.

4VAC15-40-60. ~~Hunting with dogs or possession of weapons in certain locations during closed season.~~ (Repealed.)

~~A. Department-owned and national forest lands statewide. It shall be unlawful to have in possession a firearm or any hunting weapon that is not unloaded and cased or dismantled on all national forest lands statewide and on department-owned lands and on other lands managed by the department under cooperative agreement except during the period when it is lawful to take bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, waterfowl, or migratory gamebirds on these lands.~~

~~B. Certain counties. Except as otherwise provided in 4VAC15-40-70, it shall be unlawful to have either a shotgun or a rifle in one's possession when accompanied by a dog in the daytime in the fields, forests or waters of the Counties of Augusta, Clarke, Frederick, Page, Shenandoah, and Warren, and in the counties east of the Blue Ridge Mountains, except Patrick, at any time except the periods prescribed by law to hunt game birds and animals.~~

~~C. Shooting ranges and authorized activities. The provisions of this section shall not prohibit the conduct of any activities authorized by the board or the establishment and operation of archery and shooting ranges on the lands described in subsections A and B of this section. The use of firearms or any hunting weapon in such ranges during the closed season period will be restricted to the area within the established range boundaries. Such weapons shall be required to be unloaded and cased or dismantled in all areas other than the range boundaries. The use of firearms or any hunting weapon during the closed hunting period in such ranges shall be restricted to target shooting only, and no birds or animals shall be molested.~~

~~D. It shall be unlawful to chase with a dog or train dogs on national forest lands or department-owned lands except during authorized hunting, chase, or training seasons that specifically permit these activities on these lands or during raccoon hound field trials on these lands between September 1 and March 31, both dates inclusive, that are sanctioned by bona fide national kennel clubs and authorized by permits issued by the department or the U.S. Forest Service.~~

~~E. It shall be unlawful to possess or transport any loaded firearm or loaded hunting weapon in or on any vehicle at any time on national forest lands or department-owned lands.~~

~~F. The provisions of this section shall not prohibit the possession, transport, and use of loaded firearms by employees of the Department of Wildlife Resources while engaged in the performance of their authorized and official duties, nor shall it prohibit possession and transport of loaded concealed handguns where the individual possesses a concealed handgun permit as defined in § 18.2-308 of the Code of Virginia.~~

~~G. Meaning of "possession" of any hunting weapon and definition of "loaded crossbow," "loaded arrowgun," "loaded muzzleloader," and "loaded firearm." For the purpose of this section, the word "possession" shall include having any firearm or weapon used for hunting in or on one's person, vehicle, or conveyance. For the purpose of this section, a "loaded firearm" means a firearm in which ammunition is chambered or loaded in the magazine or clip when such magazine or clip is engaged or partially engaged in a firearm. The definition of a "loaded muzzleloader" will include a muzzleloading rifle, pistol, or shotgun that is capped, has a charged pan, or has a primer or battery installed in~~

~~the muzzleloader. A "loaded crossbow" means a crossbow that is cocked and has either a bolt or arrow engaged or~~

~~partially engaged on the shooting rail or track of the crossbow, or with a "trackless crossbow" when the crossbow is cocked and a bolt or arrow is nocked. "Loaded arrowgun" means an arrowgun that has an arrow or bolt inserted on the arrow rest or in the barrel. "Hunting weapon" means any weapon allowable for hunting as defined in § 29.1-519 of the Code of Virginia.~~

4VAC15-40-61. Hunting and trapping on national forest, state forest, and department-owned or department-managed lands.

A. Except as provided in subsection B of this section, it shall be unlawful to hunt or trap, as defined in § 29.1-100 of the Code of Virginia, on all national forest lands and state forest lands statewide and on department-owned and department-managed lands, except during the period when it is lawful to take bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, waterfowl, or migratory game birds on these lands.

B. It shall be lawful to chase with a dog or train dogs on national forest lands, state forest lands, or department-owned and department-managed lands during authorized hunting, chase, or training seasons that specifically permit these activities on these lands or during raccoon hound field trials on these lands between September 1 and March 31, both dates inclusive, that are sanctioned by bona fide national kennel clubs and authorized by permits issued by the department or the U.S. Forest Service. Otherwise, such activities on these lands shall be unlawful.

4VAC15-40-62. Shooting ranges on department-owned and managed lands.

A. It shall be unlawful to use or discharge a weapon, as described in § 29.1-519 of the Code of Virginia, on department-owned and department-managed lands other than to take legal wildlife while hunting or trapping during open seasons, as defined in 4VAC15-40-61.

B. Discharge of a firearm or hunting weapon for target shooting is prohibited on department-owned and department-managed lands, except on designated shooting ranges designed for specific firearms and hunting weapons on posted days and hours during which the range is open for operation.

4VAC15-40-70. Open dog training season.

A. Private lands and certain military areas. It shall be lawful to train dogs during daylight hours on squirrels and nonmigratory game birds on private lands, and on rabbits and nonmigratory game birds on Fort A. P. Hill, Fort Pickett, and Quantico Marine Reservation. Participants in this dog training season shall not ~~have~~ use any weapons other than starter pistols ~~in their possession~~ to train dogs, must comply with all regulations and laws pertaining to hunting, and no game shall be taken; provided, however, that weapons may be ~~in possession~~ used on private lands when training dogs on captive raised and properly marked mallards and pigeons so that they may be immediately shot or recovered.

B. It shall be lawful to train dogs on rabbits on private lands from 1/2 hour before sunrise to midnight.

C. Designated portions of certain department-owned lands. It shall be lawful to train dogs on quail on designated portions of the Amelia Wildlife Management Area, Cavalier Wildlife Management Area, Chester F. Phelps Wildlife Management Area, Chickahominy Wildlife Management Area, Dick Cross Wildlife Management Area, Mattaponi Wildlife Management Area, and White Oak Mountain Wildlife Management Area from September 1 to the day prior to the opening date of the quail hunting season, both dates inclusive. Participants in this dog training season shall not ~~have~~ use any weapons other than starter pistols ~~in their possession~~ to train dogs, shall not release pen-raised birds, must comply with all regulations and laws pertaining to hunting, and no game shall be taken.

D. Designated department-owned lands. It shall be lawful to train dogs during daylight hours on rabbits and nonmigratory game birds on the Weston Wildlife Management Area from September 1 to March 31, both dates inclusive. Participants in this dog training season shall not ~~have~~ use any weapons other than starter pistols ~~in their possession~~ to train dogs, shall not release pen-raised birds, must comply with all regulations and laws pertaining to hunting, and no game shall be taken.

4VAC15-40-282. Unauthorized feeding of bear.

It shall be unlawful for any person, as defined in § 1-230 of the Code of Virginia, to place, distribute, or allow the placement of food, minerals, carrion, trash, or similar substances to feed or attract bear. ~~Nor, upon notification by department personnel,~~ No person shall ~~any person~~ continue to place, distribute, or allow the placement of any food, mineral, carrion, trash, or similar substances for any purpose if the placement of these materials results in the presence of bear. ~~After such notification, such person shall be in violation of this section if the placing, distribution, or presence of such food, minerals, carrion, trash, or similar substances continues. This~~ Nothing in this section shall ~~not~~ apply to wildlife management activities conducted or authorized by the department.

4VAC15-40-310. Dispatch of game or furbearers by authorized persons.

A. The director or the director's designee may, at the director's discretion, authorize a person to dispatch any nonmigratory game bird, fur-bearing animal, or game animal, except elk, as those animals are defined in § 29.1-100 of the Code of Virginia, provided that the authorizing official is satisfied that the animal is actively exhibiting clear signs of severe injury or disease.

B. The authorizing official may award the carcass of such animal or bird to any person, along with a call for service or report number, provided that no part of any animal dispatched pursuant to this section shall be used for the purposes of taxidermy, mounts, contests, or any public display, unless authorized by the director or the director's designee.

C. Where a deer is the animal authorized to be dispatched, the carcass or parts of it may not be removed from a disease management area, except according to the provisions of 4VAC15-90-293.

[D. This section is subject to all applicable firearm laws, including the safe discharge of firearms.

E. This section is subject to all applicable trespass laws.]

VA.R. Doc. No. R25-8248; Filed July 22, 2025, 1:03 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-50. Game: Bear (amending 4VAC15-50-11, 4VAC15-50-70, 4VAC15-50-71, 4VAC15-50-120).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments include (i) changes to archery, muzzleloading, and general firearms seasons for bears in various localities to meet population objectives; (ii) clarification of weapons possession by persons who are lawfully hunting bear and (iii) increases of bear hound chase seasons in certain localities.

Changes to the proposed regulation (i) add an assurance that the hunting seasons for bears will be re-evaluated in two years and (ii) further adjust the general firearms seasons for bears and the bear hound chase seasons.

4VAC15-50-11. Open season; generally.

A. It shall be lawful to hunt bears in the following localities, including the cities and towns therein, during the following seasons:

Location	**Season**
Accomack County	Closed
Albemarle County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Alleghany County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Amelia County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Amherst County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Appomattox County	Friday following the fourth Monday ~~nearest December 2 through~~ in November and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Arlington County	The fourth Monday in November through the first Saturday in January, both dates inclusive.
Augusta County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.

Bath County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Bedford County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Bland County	[~~Monday following the last Saturday in September and for two days following; and the~~ The] fourth Monday in November through the first Saturday in January, both dates inclusive.
Botetourt County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Brunswick County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Buchanan County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Buckingham County	Friday following the fourth Monday ~~nearest December 2 through~~ in November and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Campbell County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Caroline County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Carroll County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Charles City County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Charlotte County	~~Monday nearest December 2~~ Fourth Monday in November through the first Saturday in January, both dates inclusive.
Chesapeake (City of)	October 1 through the first Saturday in January, both dates inclusive.
Chesterfield County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Clarke County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Craig County	[~~Monday following the last Saturday in September and for two days following; and the~~ The] fourth Monday in November through the first Saturday in January, both dates inclusive.
Culpeper County	~~Fourth~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Cumberland County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Dickenson County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Dinwiddie County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Essex County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Fairfax County	The fourth Monday in November through the first Saturday in January, both dates inclusive.

Fauquier County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Floyd County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Fluvanna County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Franklin County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Frederick County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Giles County	[~~Monday following the last Saturday in September and for two days following; and the~~ The] fourth Monday in November through the first Saturday in January, both dates inclusive.
Gloucester County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Goochland County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Grayson County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Greene County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Greensville County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Halifax County	~~Monday nearest December 2~~ Fourth Monday in November through the first Saturday in January, both dates inclusive.
Hanover County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Henrico County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Henry County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Highland County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Isle of Wight County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
James City County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
King and Queen County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
King George County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
King William County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Lancaster County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Lee County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Loudoun County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Louisa County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Lunenburg County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.

Madison County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Mathews County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Mecklenburg County	~~Monday nearest December 2~~ Fourth Monday in November through the first Saturday in January, both dates inclusive.
Middlesex County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
~~Montgomery County (southeast of I-81)~~	~~Monday nearest December 2 through the first Saturday in January, both dates inclusive.~~
Montgomery County ~~(northwest of I-81)~~	[~~Monday following the last Saturday in September and for two days following; and the~~ The] fourth Monday in November through the first Saturday in January, both dates inclusive.
Nelson County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
New Kent County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Northampton County	Closed
Northumberland County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Nottoway County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Orange County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Page County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Patrick County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Pittsylvania County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Powhatan County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Prince Edward County	~~Monday nearest December 2~~ Fourth Monday in November through the first Saturday in January, both dates inclusive.
Prince George County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Prince William County	The fourth Monday in November through the first Saturday in January, both dates inclusive.
~~Pulaski County (southeast of I-81)~~	~~Monday nearest December 2 through the first Saturday in January, both dates inclusive.~~
Pulaski County ~~(northwest of I-81)~~	[~~Monday following the last Saturday in September and for two days following; and the~~ The] fourth Monday in November through the first Saturday in January, both dates inclusive.
Rappahannock County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Richmond County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Roanoke County	[~~Monday following the last Saturday in September and for two days following; and the~~ The] fourth Monday in November through the first Saturday in January, both dates inclusive.

Rockbridge County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Rockingham County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
Russell County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Scott County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Shenandoah County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
~~Smyth County (southeast of I-81)~~	~~Monday nearest December 2 through the first Saturday in January, both dates inclusive.~~
Smyth County ~~(northwest of I-81)~~	[~~Monday following the last Saturday in September and for two days following;, and the~~ The] fourth Monday in November through the first Saturday in January, both dates inclusive.
Southampton County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Spotsylvania County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Stafford County	The fourth Monday in November through the first Saturday in January, both dates inclusive.
Suffolk (City of)	October 1 through the first Saturday in January, both dates inclusive.
Surry County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Sussex County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Tazewell County	[~~Monday following the last Saturday in September and for two days following;, and the~~ The] fourth Monday in November through the first Saturday in January, both dates inclusive.
Virginia Beach (City of)	October 1 through the first Saturday in January, both dates inclusive.
Warren County	~~The~~ Friday following the fourth Monday in November ~~through~~ and for two consecutive days following, and 12 days immediately prior to and including the first Saturday in January~~, both dates inclusive~~.
~~Washington County (southeast of I-81)~~	~~Monday nearest December 2 through the first Saturday in January, both dates inclusive.~~
Washington County ~~(northwest of I-81)~~	Monday following the last Saturday in September and for two days following;, and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Westmoreland County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Wise County	Monday following the last Saturday in September and for two days following;, and the fourth Monday in November through the first Saturday in January, both dates inclusive.
~~Wythe County (southeast of I-81)~~	~~Monday nearest December 2 through the first Saturday in January, both dates inclusive.~~
Wythe County ~~(northwest of I-81)~~	[~~Monday following the last Saturday in September and for two days following;, and the~~ The] fourth Monday in November through the first Saturday in January, both dates inclusive.

York County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.

B. Notwithstanding provisions of subsection A of this section, bears may be hunted from the first Saturday in October through the first Saturday in January, both dates inclusive, within the incorporated limits of any town or city that allows bear hunting.

[C. Changes to seasons in this section for the 2025-2026 bear hunting season shall be in effect only through the 2026-2027 bear hunting season, except that the consistent, county-wide season in Montgomery, Pulaski, Smyth, Washington, and Wythe Counties shall be maintained to ensure the season in these counties follows the season that existed north or west of Interstate 81 during the 2024-2025 bear firearms season.]

4VAC15-50-70. Archery hunting.

A. It shall be lawful to hunt bear during the special archery season with archery equipment from the first Saturday in October through the Friday prior to the third Monday in November, both dates inclusive, except in the localities listed in subsection B of this section.

B. It shall be lawful to hunt bear during the special archery season with archery equipment from the third Saturday in October through the Friday prior to the third Monday in November, both dates inclusive, in the following counties, including the cities and towns within: Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Botetourt, Buckingham, Clarke, Culpeper, Fauquier, Frederick, Greene, Highland, Loudoun, Madison, Nelson, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, and Warren.

C. It shall be unlawful to ~~carry~~ use firearms to hunt any game species while hunting with archery equipment during the special archery seasons, except that hunters 15 years of age and under and apprentice hunters may ~~be in possession of~~ use firearms to hunt for bear while hunting on youth and apprentice hunter bear hunting weekend as authorized by 4VAC15-50-12 and except that a muzzleloading gun, as defined in 4VAC15-50-71, may be ~~in the possession of~~ used by a properly licensed muzzleloading gun hunter when and where the early special archery bear season overlaps the early special muzzleloading bear season.

~~C.~~ D. It shall be unlawful to use dogs when hunting with archery equipment during the special archery season, except that hounds may be used by hunters participating in the youth and apprentice hunter bear hunting weekend in areas as defined in 4VAC15-50-12, and that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

[E. Changes made to the 2025-2026 seasons in this section shall be in effect only through the 2026-2027 bear hunting season.]

4VAC15-50-71. Muzzleloading gun hunting.

A. It shall be lawful to hunt bears during the special muzzleloading season with muzzleloading guns from the Saturday prior to the second Monday in November through the Friday prior to the third Monday in November, both dates inclusive, except in the Cities of Chesapeake, Suffolk, and Virginia Beach, except in the localities listed in subsection B of this section.

B. It shall be lawful to hunt bear during the special muzzleloading season with muzzleloading guns from the Tuesday following the second Monday in November through the Friday prior to the third Monday in November, both dates inclusive, in the following counties, including the cities and towns within: Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Botetourt, Buckingham, Clarke, Culpeper, Fauquier, Frederick, Greene, Highland, Loudoun, Madison, Nelson, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, and Warren.

C. It shall be unlawful to hunt bear with dogs during any special season for hunting with muzzleloading guns, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

~~C.~~ D. Muzzleloading guns, for the purpose of this section, include:

1. ~~Single shot muzzleloading rifles.40~~ Muzzleloading rifles (one or more barrels) .40 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) where the projectile is loaded from the muzzle;

2. Muzzleloading shotguns (one or more barrels) not larger than 10 gauge where the projectiles are loaded from the muzzle;

3. Muzzleloading pistols ~~(one or more barrels).45~~ (one or more barrels) .44 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per barrel where the propellant and projectile are loaded from the muzzle; and

4. Muzzleloading revolvers .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per cylinder where the propellant and projectile are loaded from the forward end of the cylinder.

~~D.~~ E. It shall be unlawful to ~~have in immediate possession~~ hunt bear with any firearm other than a muzzleloading gun ~~while hunting with a muzzleloading gun in a~~ during the special muzzleloading bear season.

[F. Changes made to the 2025-2026 seasons in this section shall be in effect only through the 2026-2027 bear hunting season.]

4VAC15-50-120. Bear hound training season.

A. It shall be lawful to chase black bear with dogs, without capturing or taking, from August 1 through the last Saturday in September, both dates inclusive, in the Counties of Albemarle, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Carroll, Charlotte, Craig, Culpeper, Dickenson, Floyd, Franklin, Giles, Grayson (east of Route 16), Greene, Greensville, Highland, Lee, Lunenburg, Madison, Mecklenburg, Montgomery, Nelson, Page, Pulaski, Rappahannock, Roanoke (west of I-81), Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth (except for the part southeast of I-81 and west of State Route 16), Tazewell, Warren, Washington (northwest of I-81), Wise, and Wythe and in the Cities of Chesapeake, Suffolk, and Virginia Beach.

B. It shall be lawful to chase black bear with dogs, without capturing or taking, from the Saturday prior to the third Monday in November and for 14 days following, both dates inclusive, in the Counties of Amelia, ~~Appomattox, Buckingham,~~ Brunswick, Campbell (east of the Norfolk Southern Railroad), Charles City, [~~Charlotte,~~] Cumberland, Dinwiddie, Essex, Gloucester, Greensville, [~~Halifax,~~] Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, [~~Mecklenburg,~~] Middlesex, New Kent, Northumberland, Nottoway, Pittsylvania (east of the Norfolk Southern Railroad), [~~Prince Edward,~~] Prince George, Richmond, Southampton, Surry, Sussex, Westmoreland, and York.

C. It shall be lawful to chase black bear with dogs, without capturing or taking, from the Saturday prior to the third Monday in November and for 12 days following, both dates inclusive, in the Counties of Appomattox and Buckingham.

D. [It shall be lawful to chase black bear with dogs, without capturing or taking, from the Saturday prior to the third Monday in November and for eight days following, both dates inclusive, in the Counties of Charlotte, Halifax, Mecklenburg, and Prince Edward.

E.] It shall be lawful to chase black bear with dogs, without capturing or taking, from the first Monday of December and for 19 days following, excluding Sundays, in the Counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Botetourt, Buckingham, Clarke, Culpeper, Fauquier, Frederick, Greene, Highland, Madison, Nelson, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, and Warren.

[~~E.~~ F.] It shall be unlawful to ~~have in possession a~~ use any firearm, bow, crossbow, or any weapon ~~capable of~~ legally permissible for taking a black bear for the specific purpose of harvesting or killing a black bear while participating in the bear hound training season. ~~The meaning of "possession" for the purpose of this section shall include having a firearm, bow, crossbow, or any weapon capable of taking a black bear in or on one's person, vehicle, or conveyance.~~

VA.R. Doc. No. R25-8259; Filed July 22, 2025, 1:03 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-70. Game: Bobcat (amending 4VAC15-70-60).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments clarify language regarding the possession of a firearm during the bobcat archery season.

4VAC15-70-60. Archery hunting with bow and arrow, crossbow, or slingbow.

A. Season. It shall be lawful to hunt bobcats with bow and arrow, crossbow, or slingbow from the first Saturday in October through October 31, both dates inclusive.

B. ~~Carrying~~ Using firearms to hunt prohibited. It shall be unlawful to ~~carry~~ use firearms to hunt any game species while hunting with bow and arrow, crossbow, or slingbow during the special archery seasons.

C. Use of dogs prohibited during the special archery season. It shall be unlawful to use dogs when hunting with bow and arrow, crossbow, or slingbow during any special archery season.

VA.R. Doc. No. R25-8255; Filed July 22, 2025, 1:04 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-90. Game: Deer (amending 4VAC15-90-10, 4VAC15-90-70, 4VAC15-90-80, 4VAC15-90-89, 4VAC15-90-91, 4VAC15-90-530, 4VAC15-90-540, 4VAC15-90-550).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments (i) update deer hunting general firearm seasons, deer hunting archery seasons, and deer hunting muzzleloader seasons by management unit; (ii) clarify firearm possession and use terms in accordance with Second Amendment provisions; (iii) address which deer management units are part of the Earn A Buck program used to accomplish female deer harvest objectives to meet overall deer population harvest goals; (iv) update deer hunting either-sex days as part of overall deer seasons by management unit; (v) simplify language and remove unnecessary mandates; and (vi) allow the department the appropriate flexibility to take into account wildlife violations for those drawn in the elk lottery and landowner lottery.

Changes to the proposed regulation (i) clarify the late special archery season dates and (ii) lengthen the either-sex deer hunting season for Caroline County.

4VAC15-90-10. Open season; generally.

A. It shall be lawful to hunt deer in the following localities, including the cities and towns therein, during the following seasons, all dates inclusive.

Locality	Season
Accomack County	Saturday prior to the third Monday in November through the first Saturday in January
Albemarle County	Saturday prior to the third Monday in November through the first Saturday in January
Alleghany County (except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Alleghany County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Amelia County	Saturday prior to the third Monday in November through the first Saturday in January
Amherst County (~~west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River,~~ except on national forest lands)	Saturday prior to the third Monday in November ~~and for 28 consecutive days following~~ through the first Saturday in January
Amherst County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
~~Amherst County (east of Business U.S. 29, as defined above)~~	~~Saturday prior to the third Monday in November through the first Saturday in January~~
Appomattox County	Saturday prior to the third Monday in November through the first Saturday in January
Arlington County	Saturday prior to the third Monday in November through the first Saturday in January

Arlington County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Augusta County (except on national forest and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Augusta County (national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Bath County (except on national forest and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Bath County (national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Bedford County (except on national forest lands)	Saturday prior to the third Monday in November ~~and for 28 consecutive days following~~ through the first Saturday in January
Bedford County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Bedford County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through January 31
Bland County (except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Bland County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Botetourt County (except on national forest and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Botetourt County (national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Brunswick County	Saturday prior to the third Monday in November through the first Saturday in January
Buchanan County	Saturday prior to the third Monday in November and for ~~14~~ 28 consecutive days following
Buckingham County	Saturday prior to the third Monday in November through the first Saturday in January
Campbell County	Saturday prior to the third Monday in November through the first Saturday in January
Caroline County	Saturday prior to the third Monday in November through the first Saturday in January
Carroll County (~~private~~ except on national forest and department-owned lands)	Saturday prior to the third Monday in November ~~and for 28 consecutive days following~~ through the first Saturday in January
Carroll County (~~public~~ national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following

Carroll County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Charles City County	Saturday prior to the third Monday in November through the first Saturday in January
Charlotte County	Saturday prior to the third Monday in November through the first Saturday in January
Chesapeake (City of)	October 1 through November 30
Chesterfield County	Saturday prior to the third Monday in November through the first Saturday in January
Clarke County	Saturday prior to the third Monday in November through the first Saturday in January
Clarke County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Craig County (except on national forest and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Craig County (national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Culpeper County (except Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November through the first Saturday in January
Culpeper County (Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November and for 14 consecutive days following
Culpeper County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Cumberland County	Saturday prior to the third Monday in November through the first Saturday in January
Dickenson County (except on federal lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Dickenson County (federal lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Dinwiddie County	Saturday prior to the third Monday in November through the first Saturday in January
Essex County	Saturday prior to the third Monday in November through the first Saturday in January
Fairfax County	Saturday prior to the third Monday in November through the first Saturday in January
Fairfax County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Fauquier County (except Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November through the first Saturday in January

Fauquier County (Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November and for 14 consecutive days following
Fauquier County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Floyd County	Saturday prior to the third Monday in November ~~and for 28 consecutive days following~~ through the first Saturday in January
Floyd County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Fluvanna County	Saturday prior to the third Monday in November through the first Saturday in January
Franklin County (except on federal and department-owned lands)	Saturday prior to the third Monday in November through the first Saturday in January
Franklin County (federal and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Frederick County (non-national forest lands)	Saturday prior to the third Monday in November through the first Saturday in January
Frederick County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Frederick County (non-national forest lands antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Giles County (except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Giles County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Gloucester County	Saturday prior to the third Monday in November through the first Saturday in January
Goochland County	Saturday prior to the third Monday in November through the first Saturday in January
Grayson County (except on national forest lands and Grayson Highlands State Park)	Saturday prior to the third Monday in November and for 28 consecutive days following
Grayson County (national forest lands and Grayson Highlands State Park)	Saturday prior to the third Monday in November and for 14 consecutive days following
Greene County	Saturday prior to the third Monday in November through the first Saturday in January
Greene County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Greensville County	Saturday prior to the third Monday in November through the first Saturday in January

Halifax County	Saturday prior to the third Monday in November through the first Saturday in January
Hanover County	Saturday prior to the third Monday in November through the first Saturday in January
Hanover County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Henrico County	Saturday prior to the third Monday in November through the first Saturday in January
Henrico County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Henry County	Saturday prior to the third Monday in November and for 28 consecutive days following
Highland County (except on national forest and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Highland County (national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Isle of Wight County	Saturday prior to the third Monday in November through the first Saturday in January
James City County	Saturday prior to the third Monday in November through the first Saturday in January
James City County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
King and Queen County	Saturday prior to the third Monday in November through the first Saturday in January
King George County	Saturday prior to the third Monday in November through the first Saturday in January
King William County	Saturday prior to the third Monday in November through the first Saturday in January
Lancaster County	Saturday prior to the third Monday in November through the first Saturday in January
Lee County (except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Lee County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Loudoun County	Saturday prior to the third Monday in November through the first Saturday in January
Loudoun County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March

Louisa County	Saturday prior to the third Monday in November through the first Saturday in January
Lunenburg County	Saturday prior to the third Monday in November through the first Saturday in January
Madison County	Saturday prior to the third Monday in November through the first Saturday in January
Madison County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Mathews County	Saturday prior to the third Monday in November through the first Saturday in January
Mecklenburg County	Saturday prior to the third Monday in November through the first Saturday in January
Middlesex County	Saturday prior to the third Monday in November through the first Saturday in January
Montgomery County (non-national forest lands)	Saturday prior to the third Monday in November ~~and for 28 consecutive days following~~ through the first Saturday in January
Montgomery County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Montgomery County (non-national forest lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Nelson County (~~west of Route 151,~~ except on national forest lands)	[Saturday prior to the third Monday in November ~~and for 28 consecutive days following~~] through the first Saturday in January
Nelson County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
~~Nelson County (east of Route 151)~~	~~Saturday prior to the third Monday in November through the first Saturday in January~~
New Kent County	Saturday prior to the third Monday in November through the first Saturday in January
Northampton County	Saturday prior to the third Monday in November through the first Saturday in January
Northumberland County	Saturday prior to the third Monday in November through the first Saturday in January
Nottoway County	Saturday prior to the third Monday in November through the first Saturday in January
Orange County	Saturday prior to the third Monday in November through the first Saturday in January
Orange County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March

Page County (except on national forest lands)	Saturday prior to the third Monday in November through the first Saturday in January
Page County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Page County (non-national forest lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Patrick County	Saturday prior to the third Monday in November and for 28 consecutive days following
Pittsylvania County	Saturday prior to the third Monday in November through the first Saturday in January
Powhatan County	Saturday prior to the third Monday in November through the first Saturday in January
Prince Edward County	Saturday prior to the third Monday in November through the first Saturday in January
Prince George County	Saturday prior to the third Monday in November through the first Saturday in January
Prince William County	Saturday prior to the third Monday in November through the first Saturday in January
Prince William County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Pulaski County (except on New River Unit of the Radford Army Ammunition Plant adjacent to the Town of Dublin and national forest lands)	Saturday prior to the third Monday in November ~~and for 28 consecutive days following~~ through the first Saturday in January
Pulaski County (New River Unit of the Radford Army Ammunition Plant adjacent to the Town of Dublin)	Saturday prior to the second Monday in November through the first Saturday in January
Pulaski County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Pulaski County (non-national forest lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Rappahannock County	Saturday prior to the third Monday in November through the first Saturday in January
Rappahannock County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Richmond County	Saturday prior to the third Monday in November through the first Saturday in January
Roanoke County (~~private~~ except on national forest and department-owned lands)	Saturday prior to the third Monday in November ~~and for 28 consecutive days following~~ through the first Saturday in January
Roanoke County ~~(public~~ national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following

Rockbridge County (except on national forest and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Rockbridge County (national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Rockingham County (except on national forest lands and private lands west of Routes 613 and 731)	Saturday prior to the third Monday in November through the first Saturday in January
Rockingham County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Rockingham County (private lands west of Routes 613 and 731)	Saturday prior to the third Monday in November and for 28 consecutive days following
Russell County (except on national forest lands, Channels State Forest, and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Russell County (national forest lands, Channels State Forest, and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Scott County (except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Scott County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Shenandoah County (except on national forest lands)	Saturday prior to the third Monday in November through the first Saturday in January
Shenandoah County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Shenandoah County (non-national forest lands antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Smyth County (except on national forest lands, Hungry Mother State Park, and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Smyth County (national forest lands, Hungry Mother State Park, and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Southampton County	Saturday prior to the third Monday in November through the first Saturday in January
Spotsylvania County	Saturday prior to the third Monday in November through the first Saturday in January
Stafford County	Saturday prior to the third Monday in November through the first Saturday in January
Suffolk (City of) (east of Dismal Swamp Line)	October 1 through November 30
Suffolk (City of) (west of Dismal Swamp Line)	Saturday prior to the third Monday in November through the first Saturday in January
Surry County	Saturday prior to the third Monday in November through the first Saturday in January
Sussex County	Saturday prior to the third Monday in November through the first Saturday in January

Tazewell County (except on national forest and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Tazewell County (national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Virginia Beach (City of)	October 1 through November 30
Warren County (non-national forest lands)	Saturday prior to the third Monday in November through the first Saturday in January
Warren County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Warren County (non-national forest lands antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Washington County (except on national forest lands, Channels State Forest, and department-owned lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Washington County (national forest lands, Channels State Forest, and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Westmoreland County	Saturday prior to the third Monday in November through the first Saturday in January
Wise County (except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Wise County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Wythe County (except on national forest and department-owned lands)	Saturday prior to the third Monday in November through the first Saturday in January
Wythe County (national forest and department-owned lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
York County	Saturday prior to the third Monday in November through the first Saturday in January
York County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March

B. Except as provided in subsection A of this section, deer may be hunted from the Saturday prior to the third Monday in November through the first Saturday in January, both dates inclusive, within the incorporated limits of any city or town that allows deer hunting.

C. In addition to provisions of subsection A of this section, antlerless deer may be taken from the first Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March, both dates inclusive, within any disease focus zone designated by the department.

4VAC15-90-70. Archery hunting.

A. It shall be lawful to hunt deer during the early special archery season with archery equipment or a slingbow from the first Saturday in October through the Friday prior to the third Monday in November, both dates inclusive.

B. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer during the late special archery season with archery equipment or a slingbow~~: 1. From~~ from the [~~Sunday~~ day] following the close of the general firearms season on deer through the first Saturday in January, both dates inclusive, ~~(i)~~ in all cities, towns, and counties ~~west~~

~~of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County); (ii) in the Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), and Patrick; (iii) on the Chester F. Phelps Wildlife Management Area; and (iv) on national forest lands in Frederick County. 2. From December 1 through~~, or portions thereof, where the general firearms deer season closes before the first Saturday in January~~, both dates inclusive, in the Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach~~ [unless otherwise noted in this subsection]. [The late special archery season for the counties, including cities and towns within, of Alleghany, Bath, Bland, Buchanan, Dickenson, Highland, Lee, Rockingham (west of Routes 613 and 731), Russell, Scott, Tazewell, and Wise shall be from the day following the third Saturday of the general firearms season through the first Saturday in January, both dates inclusive.]

C. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section.

D. It shall be unlawful to ~~carry~~ use firearms to hunt any game species while hunting with archery equipment during the special archery seasons, except that a muzzleloading gun, as defined in 4VAC15-90-80, may be ~~in the possession of~~ used by a properly licensed muzzleloading gun hunter to hunt for deer when and where a special archery deer season overlaps a special muzzleloading deer season.

E. It shall be unlawful to use dogs when hunting with archery equipment during any special archery season, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

F. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, and from the Sunday following the first Saturday in January through the last Sunday in March, both dates inclusive, within the incorporated limits of any city or town in the Commonwealth (except on national forest and department-owned lands) and counties with a human population density of 300 persons per square mile or more (except on national forest and department-owned lands), provided that ~~its~~ the governing body of the city, county, or town submits by certified letter to the department prior to April 1~~,~~ its intent to participate in the special urban archery season. Any city, town, or county no longer participating in this season shall submit by certified letter to the department prior to April 1 notice of its intent not to participate in the special urban archery season. When consistent with the department's deer management objectives and subject to the director's approval, a participating county may exclude from this season a geographic area by submitting a clear description of such area in a certified letter to the department prior to April 1.

G. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow during dates specified in subsection F of this section within the boundaries of any common interest community as defined in § 54.1-2345 of the Code of Virginia provided that (i) the association submits by certified letter to the department prior to July 1 the association's request to participate in the special urban archery season and (ii) the department approves such request.

1. The special urban archery season will in no way supersede any local ordinance, any restriction in the association's governing documents, or the requirement to obtain a landowner's permission to hunt.

2. An association no longer participating in the special urban archery season shall submit notice of the association's intent not to participate in the special urban archery season. The association shall submit the certified letter to the department prior to July 1.

3. At its discretion, the department may suspend or revoke the special urban archery season in any association upon written notice to the association.

For the purposes of this subsection, "association" means the governing board or the authorized agent of the governing board of an association of property owners, condominium unit owners, or proprietary lessees.

H. It shall be lawful to hunt antlerless deer during the special antlerless archery season with archery equipment or a slingbow from the Monday following the last Sunday in March through the last Sunday in April, both dates inclusive, in the Counties of Arlington, Fairfax, Loudoun, and Prince William (including the cities and towns within).

4VAC15-90-80. Muzzleloading gun hunting.

A. It shall be lawful to hunt deer during the early special muzzleloading season with muzzleloading guns from the Saturday prior to the first Monday in November through the Friday prior to the third Monday in November, both dates inclusive, in all cities, towns, and counties where deer hunting with a rifle or muzzleloading gun is permitted, except in the Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

B. It shall be lawful to hunt deer during the late special muzzleloading season with muzzleloading guns starting 21 consecutive days immediately prior to and on the first Saturday in January~~: 1. In~~ in all cities, towns, and counties ~~west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County); 2. East of the Blue Ridge Mountains in the Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the~~

~~James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), and Patrick; 3. On national forest lands in Frederick County; and 4. In the Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach~~, or portions thereof, where the general firearms deer season closes before the first Saturday in January.

C. Deer of either sex may be taken during the entire early special muzzleloading season east of the Blue Ridge Mountains unless otherwise noted in this subsection:

1. Deer of either sex may be taken on the second Saturday only of the early special muzzleloading season on state forest lands, state park lands (except Occoneechee State Park), department-owned lands (except on Merrimac Farm Wildlife Management Area), and Philpott Reservoir.

2. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading season on national forest lands in Amherst, Bedford, and Nelson Counties.

D. Deer of either sex may be taken on the second Saturday only during the early special muzzleloading season west of the Blue Ridge Mountains unless otherwise noted in this subsection.

1. Deer of either sex may be taken during the entire early special muzzleloading season in Clarke and Floyd Counties and on private lands in Augusta, Botetourt, Carroll, Craig, Frederick, Giles, Grayson, Montgomery, Page, Pulaski, Roanoke, Rockingham (east of Routes 613 and 731), Scott, Smyth, Shenandoah, Warren, and Wythe Counties.

2. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading season ~~in Buchanan County;~~ on federal lands in Dickenson County; on department-owned land in Russell County; on national forest lands in Alleghany, Bland, Craig, Frederick, Giles, Grayson, Lee, Montgomery, Page, Pulaski, Rockingham, Scott, Shenandoah, Warren, and Wise Counties; on national forest and department-owned lands in Augusta, Bath, Botetourt, Carroll, Highland (except Highland Wildlife Management Area), Roanoke, Rockbridge, Smyth, Tazewell, Washington, and Wythe Counties; on Channels State Forest, Grayson Highlands State Park, Hungry Mother State Park; and on private lands west of Routes 613 and 731 in Rockingham County.

E. Deer of either sex may be taken during the last six days of the late special muzzleloading season unless otherwise listed in this subsection:

1. Deer of either sex may be taken full season during the entire late special muzzleloading season in the Counties (including the cities and towns within) of ~~Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River, except on national forest lands), Bedford (except on national forest lands), Floyd, Franklin,~~ Henry~~, Nelson (west of Route 151, except on national forest lands),~~ and Patrick ~~and~~; on private lands in Augusta, Botetourt, ~~Carroll,~~ Craig, Giles, Grayson, ~~Montgomery, Page, Pulaski, Roanoke, Rockingham (east of Routes 613 and 731),~~ Scott, and Smyth~~, Shenandoah, Warren, and Wythe~~ Counties; and on federal and department-owned lands in Franklin County.

2. Deer of either sex may be taken the last day only during the late special muzzleloading season in Alleghany, Bath, Buchanan, Highland, Lee, Russell, Tazewell, and Wise Counties; on national forest lands in Amherst, Bedford, Bland, Craig, Frederick, Giles, Grayson, Montgomery, Nelson, Page, Pulaski, Rockingham, Scott, Shenandoah, and Warren Counties; on national forest and department-owned lands in Augusta, Botetourt, Carroll, Roanoke, Rockbridge, Smyth, Washington, and Wythe Counties; on federal lands in Dickenson County; and on private lands west of Routes 613 and 731 in Rockingham County, Channels State Forest, Grayson Highlands State Park, and Hungry Mother State Park.

~~3. Antlered bucks only—no either-sex deer hunting days during the late special muzzleloading season in Buchanan County.~~

F. Deer of either sex may be taken full season during the special muzzleloading seasons within the incorporated limits of any city or town in the Commonwealth that allows deer hunting except in the Cities of Chesapeake, Suffolk, and Virginia Beach.

G. It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzleloading guns, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

H. Muzzleloading guns, for the purpose of this section, include:

1. ~~Single shot muzzleloading rifles .40~~ Muzzleloading rifles (one or more barrels) .40 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) where the projectile is loaded from the muzzle;

2. Muzzleloading shotguns (one or more barrels) not larger than 10 gauge where the projectiles are loaded from the muzzle;

3. Muzzleloading pistols (one or more barrels) .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per barrel where the propellant and projectile are loaded from the muzzle;

4. Muzzleloading ~~revolvers .45~~ revolvers .44 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per cylinder where the propellant and projectile are loaded from the forward end of the cylinder.

I. It shall be unlawful to ~~have in immediate possession~~ hunt deer with any firearm other than a muzzleloading gun ~~while hunting with a muzzleloading gun in a~~ during the special muzzleloading deer season.

4VAC15-90-89. Earn a buck.

A. For the purposes of this section, the term "license year" means the period between July 1 and June 30 of the following year.

B. Within a license year and within in each individual county listed in this subsection, a hunter must have taken at least one antlerless deer on private lands in that county before taking a second antlered deer on private lands in that county. In those counties listed in this subsection east of the Blue Ridge Mountains, a hunter must have taken at least two antlerless deer on private lands in that county before taking a third antlered deer on private lands in that county.

The counties subject to the provisions of this subsection are Accomack, Albemarle, Amherst (west of Route 29), Augusta, Bedford, Botetourt, Carroll, Chesterfield, Clarke, Craig, Culpeper, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Greene, Hanover, Henrico, James City, Madison, Montgomery, Orange, Page, Prince George, Pulaski, Rappahannock, Roanoke, Rockingham (east of Routes 613 and 731), Shenandoah, Spotsylvania, Stafford, Warren, Wythe, and York.

C. Within a license year and within each individual county listed in this subsection, a hunter must have taken at least one antlerless deer in that county before taking a second antlered deer in that county. A hunter must also have taken at least two antlerless deer in that county before taking a third antlered deer in that county.

The counties subject to the provisions of this subsection are Arlington, Fairfax, Loudoun, and Prince William (except on Department of Defense lands).

D. Within a license year and within any city or town, except the Cities of Chesapeake, Suffolk, and Virginia Beach, a hunter must have taken at least one antlerless deer in that city or town before taking a second antlered deer in that city or town. In those cities and towns east of the Blue Ridge Mountains, a hunter must have taken at least two antlerless deer in that city or town before taking a third antlered deer in that city or town.

E. The Earn A Buck Program does not apply to the Cities of Chesapeake, Suffolk, and Virginia Beach.

F. No deer taken under the provisions of § 29.1-529 of the Code of Virginia fulfills the requirement of subsections B, C, or D of this section.

4VAC15-90-91. General firearms season either-sex deer hunting days.

A. During the general firearms deer season, deer of either sex may be taken within:

Accomack County: full season.

Albemarle County: full season.

Alleghany County: the second Saturday, second Friday, and ~~the last day~~ third Saturday.

-National forest lands: the last day.

Amelia County: the second and third Saturdays and the last ~~13~~ 29 days.

-Amelia WMA: the second and third Saturdays and the last ~~six~~ 13 days.

Amherst County (east of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River): ~~the second and third Saturdays and the last 29 days~~ full season.

Amherst County (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River): full season.

-National forest lands: the last day.

Appomattox County: the second and third Saturdays and the last six days.

-Appomattox-Buckingham State Forest: the second and third Saturdays.

-Featherfin WMA: the second and third Saturdays and the last 29 days.

Arlington County: full season.

Augusta County: full season.

-National forest and department-owned lands: the last day.

Bath County: the second Saturday, second Friday, and ~~the last day~~ third Saturday.

-National forest and department-owned lands: the last day.

Bedford County: full season.

-National forest lands: the last day.

Bland County: the second Saturday ~~and~~ through the ~~last two days~~ third Saturday.

-National forest lands: the second Saturday and the last two days.

Botetourt County: full season.

-National forest and department-owned lands: the last day.

Brunswick County: the second and third Saturdays and the last six days.

Buchanan County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Buckingham County: the second and third Saturdays and the last six days.

-Horsepen Lake WMA: the second and third Saturdays and the last six days.

-Appomattox-Buckingham State Forest: the second and third Saturdays.

-Featherfin WMA: the second and third Saturdays and the last 29 days.

Campbell County (east of Norfolk Southern Railroad): ~~the second and third Saturdays and the last 29 days~~ full season.

Campbell County (west of Norfolk Southern Railroad): full season.

Caroline County: the second and third Saturdays and the last [~~six~~ 13] days.

~~-Mattaponi WMA~~ Department-owned lands: the second and third Saturdays and the last six days.

Carroll County: full season.

-National forest and department-owned lands: the second Saturday and the last day.

Charles City County: full season.

-Chickahominy WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Charlotte County: the second and third Saturdays and the last six days.

Chesapeake (City of): full season.

-Cavalier WMA: the second and third Saturdays and the last 13 days.

Chesterfield County: full season.

Clarke County: full season.

Craig County: full season.

-National forest and department-owned lands: the second Saturday and the last two days.

Culpeper County: full season.

-Chester F. Phelps WMA: the second Saturday.

Cumberland County: the second and third Saturdays and the last ~~13~~ 29 days.

-Cumberland State Forest: the second, ~~and~~ third, and fourth Saturdays.

Dickenson County: the third Saturday.

-Federal lands: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Dinwiddie County: the second and third Saturdays and the last six days.

Essex County: the second and third Saturdays and the last six days.

Fairfax County: full season.

Fauquier County: full season.

-G. Richard Thompson WMA: the second and third Saturdays and the last 13 days.

-Chester F. Phelps WMA: the second Saturday.

Floyd County: full season.

Fluvanna County: ~~second and third Saturdays and the last 29 days~~ full season.

-Hardware River WMA: the second and third Saturdays and the last 13 days.

Franklin County: full season.

-Philpott Reservoir: the second Saturday and the last six days.

-Turkeycock Mountain WMA: the second and third Saturday and the last six days.

Frederick County: full season.

-National forest lands: the last day.

Giles County: full season.

-National forest lands: the second Saturday and the last two days.

Gloucester County: the second and third Saturdays and the last ~~13~~ 29 days.

Goochland County: full season.

Grayson County: full season.

-National forest lands and Grayson Highlands State Park: the last day.

Greene County: full season.

Greensville County: ~~the second and third Saturdays and the last six days~~ full season.

Halifax County: ~~the second and third Saturdays and the last 13 days~~ full season.

Hanover County: full season.

Henrico County: full season.

Henry County: the second and third Saturdays and the last 13 days.

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six days.

-Turkeycock Mountain WMA: the second and third Saturday and the last six days.

Highland County: the second Saturday, second Friday, and ~~the last day~~ third Saturday.

-National forest lands: the last day.

-Department-owned lands: the second Saturday, second Friday, and ~~the last day~~ third Saturday.

Isle of Wight County: full season.

-Ragged Island WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

James City County: full season.

King and Queen County: the second and third Saturdays and the last 13 days.

King George County: ~~the second and third Saturdays and the last 29 days~~ full season.

King William County: the second and third Saturdays and the last 13 days.

Lancaster County: ~~the second and third Saturdays and the last 29 days~~ full season.

Lee County: the second Saturday, second Friday, and ~~the last two days~~ third Saturday.

-National forest lands: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Loudoun County: full season.

Louisa County: ~~the second and third Saturdays and the last 29 days~~ full season.

Lunenburg County: the second and third Saturdays and the last six days.

Madison County: full season.

-Rapidan WMA: the second and third Saturdays and the last 13 days.

Mathews County: the second and third Saturdays and the last six days.

Mecklenburg County: the second and third Saturdays and the last six days.

-Dick Cross WMA: the second and third Saturdays and the last six days.

Middlesex County: the second and third Saturdays and the last six days.

Montgomery County: full season.

-National forest lands: the second Saturday and the last day.

Nelson County (east of Route 151): ~~the second and third Saturdays and the last 29 days~~ full season.

-James River WMA and Tye River WMA: the second Saturday and the last six days.

Nelson County (west of Route 151): full season.

-National forest lands: the last day.

New Kent County: full season.

Northampton County: full season.

Northumberland County: ~~the second and third Saturdays and the last 29 days~~ full season.

Nottoway County: the second and third Saturdays and the last ~~13~~ 29 days.

Orange County: full season.

Page County: full season.

-National forest lands: the last day.

Patrick County: the second and third Saturdays and the last 13 days.

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six days.

Pittsylvania County (east of Norfolk Southern Railroad): ~~the second and third Saturdays and the last 29 days~~ full season.

-White Oak Mountain WMA: the second and third Saturday and the last three days.

Pittsylvania County (west of Norfolk Southern Railroad): full season.

Powhatan County: full season.

-Powhatan WMA: the second and third Saturdays and the last 13 days.

Prince Edward County: the second and third Saturdays and the last six days.

-Briery Creek WMA: the second and third Saturdays and the last six days.

-Featherfin WMA: the second and third Saturdays and the last 29 days.

-Prince Edward State Forest: the second and third Saturdays.

Prince George County: full season.

Prince William County: full season.

Pulaski County: full season.

-National forest lands: the second Saturday and the last day.

Rappahannock County: full season.

Richmond County: ~~the second and third Saturdays and the last 29 days~~ full season.

Roanoke County: full season.

-National forest and department-owned lands: the last day.

Rockbridge County: ~~the second Saturday and the last two days~~ full season.

-National forest and department-owned lands: the last day.

Rockingham County: full season.

-National forest lands: the last day.

-Private lands west of Routes 613 and 731: the second Saturday, second Friday, and ~~the last day~~ third Saturday.

Russell County: the second Saturday ~~and~~ through the ~~last two days~~ third Saturday.

-Department-owned lands and the Channels State Forest: the last day.

Scott County: the second Saturday ~~and~~ through the ~~last six days~~ third Saturday.

-National forest lands: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Shenandoah County: full season.

-National forest lands: the last day.

Smyth County: full season.

-National forest lands, department-owned lands, and Hungry Mother State Park: the last day.

Southampton County: full season.

Spotsylvania County: full season.

-Oakley Forest WMA: the second and third Saturdays and the last 13 days.

Stafford County: full season.

Suffolk: full season.

Surry County: full season.

-Carlisle and Stewart Tracts of the Hog Island WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Sussex County: full season.

-Big Woods WMA, Flippo-Gentry WMA, and Big Woods State Forest: full season.

Tazewell County: the second Saturday ~~and~~ through the ~~last two days~~ third Saturday.

-National forest and department-owned lands: the last day.

Virginia Beach (City of): full season.

Warren County: full season.

-National forest lands: the last day.

Washington County: ~~the second Saturday and the last six days~~ full season.

-National forest lands, department-owned lands, and the Channels State Forest: the last day.

Westmoreland County: ~~the second and third Saturdays and the last 29 days~~ full season.

Wise County: the third Saturday.

-National forest lands: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Wythe County: full season.

-National forest and department-owned lands: the second Saturday and the last two days.

York County: full season.

B. Except as provided in the subsection A of this section, deer of either sex may be taken full season during the general firearms deer season within the incorporated limits of any city or town, state park, national wildlife refuge, or military installation that allows deer hunting or within any common interest community participating in the special urban archery season according to provisions of 4VAC15-90-70.

4VAC15-90-530. Special elk hunting license, random drawing license program.

A. The dates for the ~~annual~~ application period to enter the random drawing for a special elk hunting license shall be published by the department ~~annually~~ and ~~shall~~ be no less than 30 days in duration. Individuals selected for special elk hunting licenses via the random drawing shall be notified no less than 60 days prior to the start of the elk hunt, and special elk hunting licenses must be purchased from the department within 30 days of notification.

~~B. To enter the random drawing for a special elk hunting license, applicants shall:~~

~~1. Complete the application for a special elk hunting license as provided by the department.~~

~~2. Pay a nonrefundable application fee.~~

~~3. Apply only once for each random drawing.~~

~~C.~~ B. Nonresidents shall not comprise more than 10%, or one drawn applicant, whichever is greater, of all drawn applicants in any application pool for the random drawing license program.

~~D.~~ C. Applicants who physically reside within the Elk Management Zone shall comprise no less than 10%, or a minimum of one, whichever is greater, of all drawn applicants in any application pool for the random drawing license program.

~~E.~~ D. A special elk hunting license awarded through the Random Drawing License Program shall not be transferable.

~~F.~~ E. An applicant drawn for a special elk hunting license may be rejected if it is determined that the applicant has (i) a hunting license revocation at the time the applicant is drawn, (ii) been convicted of ~~two~~ one or more wildlife violations within ~~three~~ five years prior to the last date of the application period, or (iii) been convicted of one or more violations involving elk. In determining an applicant's eligibility, the ~~director~~ department shall take into account the nature and severity of the violations.

~~G. The department will award unclaimed special elk hunting licenses to alternates who are drawn during the initial application and draw period in the order that the alternates are drawn.~~

4VAC15-90-540. Special elk hunting license, Landowner License Program.

A. Upon receipt of a valid Landowner License Program application from a landowner within the Elk Management Zone, the director or the director's designee shall verify the application materials and have sole discretion in enrolling the property in the Landowner License Program. The application deadline shall be published by the department ~~annually~~ no less than 30 days prior to the deadline.

~~B. A valid Landowner License Program application shall include:~~

~~1. Landowner's name, home address, telephone number, and address of the property to be enrolled in the program.~~

~~2. A recorded survey or other legal documentation certifying the acreage and ownership of the property to be enrolled.~~

~~3. Original signature of the landowner.~~

~~4. Only a single application per license year, per landowner.~~

~~C.~~ B. Landowners enrolled in the Landowner License Program maintain the right to limit access to certain areas of the property for safety or privacy reasons. ~~Areas of limited access must be outlined in the initial application.~~ Enrollment in the Landowner License Program does not preclude or limit in any way the landowner from allowing other hunting or other hunters on the property.

~~D.~~ C. The department shall determine and make available to the public a program guidance document outlining how landowners enrolled in the Landowner License Program shall accrue points toward a special elk hunting license, the number of points necessary to be awarded such license, ~~a list of criteria by which applications and associated properties will be evaluated for enrollment in the program,~~ and other program requirements. The program guidance document will be published ~~annually~~ no less than 30 days prior to the application deadline.

~~E.~~ D. Landowners who accrue the necessary number of points, as defined in the program guidance document, on an enrolled property may enter a landowner lottery for a special elk hunting license. ~~Once a special elk hunting license is awarded through the lottery, the landowner loses all accrued points. There is no time limit over which a landowner is required to accrue license points. Landowners shall not combine points from separate enrolled properties.~~

~~F.~~ E. Landowners enrolled in the Landowner License Program shall not subdivide contiguous properties under the same ownership into multiple, smaller parcels for the purposes of this program.

~~G.~~ F. License points cannot be sold or traded. License points are nontransferable if the property changes ownership, except that if the property is inherited from parents, grandparents, or children, resident or nonresident, license points may be transferred. The department may request documentation to certify the relationship between seller and purchaser as well as a copy of bill of sale.

~~H.~~ G. Landowners receiving a special elk hunting license shall comply with all of the requirements established in this section as well as 4VAC15-90-510, 4VAC15-90-520, and § 29.1-305.01 of the Code of Virginia. Landowners who fail to comply with this chapter may forfeit any accrued license points and may not be eligible to accrue new license points.

~~I. A special elk hunting license awarded to the landowner shall only be used on the property enrolled with the department in the Landowner License Program.~~

~~J. A landowner may transfer the special elk hunting license to any person eligible to hunt in Virginia. The special elk hunting license may not be sold. Transfer of the special elk hunting license must be reported to the department no less than one month prior to the opening day of the elk hunting season during the year in which the special elk hunting license is awarded. To report a transfer to the department, the landowner shall provide the department with the hunter's:~~

~~1. Name;~~

~~2. Department customer identification number;~~

~~3. Address; and~~

~~4. Telephone number.~~

~~K. A~~ H. No landowner shall ~~not~~ charge a fee for hunters to hunt elk on properties enrolled in the Landowner License Program ~~except as described in the program guidance document~~.

~~L.~~ I. A special elk hunting license transferee may be rejected if it is determined that the transferee has (i) a hunting license revocation at the time the transferee is drawn, (ii) been convicted of ~~two~~ one or more wildlife violations~~,~~ within ~~three~~ five years prior to the last date of the application period, or (iii) been convicted of one or more violations involving elk. In determining the transferee's eligibility, the ~~director~~ department shall take into account the nature and severity of the violations.

4VAC15-90-550. Special elk hunting license, Conservation License Program.

A. For the purposes of this section, the following words or terms shall have the following meanings, unless the context clearly indicates otherwise:

"Individual, cooperators, or wildlife conservation organizations" means those people or entities whose mission is to promote and ensure the conservation of Virginia's wildlife resources or to promote opportunities for hunting, fishing, trapping, boating, or other wildlife-related recreation within Virginia.

"Proceeds" means the amount of money received by the cooperator or organization from the transfer of a reserved special elk hunting license minus all expenses, including the fees associated with the license, and administrative costs directly attributable to the transfer of the permit or the implementation of the defined project.

B. Upon receipt of a valid Conservation License Program application from an officer or other designated official representative of any individual, cooperator, or wildlife conservation organization, the director or the director's designee shall verify the application materials and may select a program awardee annually. ~~Applications must be received or postmarked no later than April 1 to be eligible for the Conservation License Program during that calendar year.~~

~~C. A valid Conservation License Program application shall include:~~

~~1. Cooperator or organization name, name of the individual designated to submit and receive official correspondence, address for such correspondence, and a telephone number.~~

~~2. Cooperator or organization mission statement.~~

~~3. A written application describing:~~

~~a. Cooperator or organization role in wildlife conservation in Virginia.~~

~~b. Cooperator or organization purpose and intent for requesting a reserved special elk hunting license through the Conservation License Program.~~

~~c. Cooperator or organization proposal for method of generating funds from transfer of the reserved special elk hunting license to an eligible individual.~~

~~d. Cooperator or organization strategy to direct proceeds received from the transfer of the reserved special elk hunting license and any matching funding toward wildlife conservation or wildlife-related recreation in Virginia's Elk Management Zone.~~

~~D.~~ C. The director shall establish a Conservation License Program Committee to review program applications and submit a recommendation to the director to reserve no more than one special elk hunting license for a cooperator or organization whose application is deemed to provide the greatest benefit to ~~wildlife~~ elk conservation and ~~wildlife-related~~ elk-related recreation in Virginia per license year. This committee shall be composed of a minimum of three individuals and make a recommendation to the director ~~by May 1~~ each year.

~~E.~~ D. A cooperator or organization receiving a reserved special elk hunting license must direct all proceeds from the transfer of such reservation, toward a project to improve and enhance ~~wildlife~~ elk habitat, ~~wildlife~~ elk populations, or ~~wildlife-related~~ elk-related recreation within the Elk Management Zone. ~~The proposed strategy and requirements will be outlined in a memorandum of agreement between the department and the cooperator or organization.~~

~~F. A~~ E. In coordination with the department, a cooperator or organization may transfer the reserved special elk hunting license to any person eligible to hunt in Virginia. The generation of funds from the transfer of the reserved special elk hunting license may only be conducted through a raffle.

~~G. Transfer of the reserved special elk hunting license must be reported to the department no less than one month prior to the opening day of the elk hunting season during which the special elk hunting license is valid. To report a transfer to the department, the cooperator or organization shall provide the department with the hunter's:~~

~~1. Name;~~

~~2. Department customer identification number;~~

~~3. Address; and~~

~~4. Telephone number.~~

~~H.~~ F. A special elk hunting license transferee may be rejected if it is determined that the transferee has a hunting license revocation at the time the transferee is drawn, been convicted of ~~two~~ one or more wildlife violations within ~~three~~ five years prior to the last date of the application period, or convicted of one or more violations involving elk. In determining the transferee's eligibility, the ~~director~~ department shall take into account the nature and severity of the violations.

~~I. A cooperator or organization that receives a reserved special elk hunting license shall submit an annual report to the department regarding any proceeds received from the transfer of the reserved license and an accounting of how those funds were directed toward wildlife conservation or wildlife-related recreation in the Elk Management Zone.~~

VA.R. Doc. No. R25-8245; Filed July 22, 2025, 1:04 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-160. Game: Opossum (amending 4VAC15-160-31).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendment adds private lands where permission to trap has been granted by the landowner to the list of areas where a continuous open trapping season for opossum exists.

4VAC15-160-31. Open season for trapping.

It shall be lawful to trap opossum from November 15 through the last day of February, both dates inclusive, except there shall be a continuous open season to trap opossum within the incorporated limits of any city or town in the Commonwealth ~~and~~; in the ~~counties~~ Counties of Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke, and York; and on private lands throughout the Commonwealth with permission of the landowner.

VA.R. Doc. No. R25-8251; Filed July 22, 2025, 1:05 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-170. Game: Otter (amending 4VAC15-170-30).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendment enables the Department of Wildlife Resources to authorize individuals other than department staff to affix a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) tag to an otter pelt.

4VAC15-170-30. Pelts to be sealed before sale, etc.

It shall be unlawful to buy, sell, barter, exchange, traffic or trade in, bargain for, solicit for, purchase, or transport out of the Commonwealth~~,~~ any otter pelts until the pelts have been sealed by an agent of or other individual designated by the department. This requirement shall not apply to licensed taxidermists who ship otter pelts out of state for tanning purposes or to individuals who ship otter pelts out of state to be tanned for personal use. All otter pelts required to be sealed under the provisions of this chapter must be sealed not later than April 1 of the license year in which the animal is taken.

VA.R. Doc. No. R25-8252; Filed July 22, 2025, 1:06 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-210. Game: Raccoon (amending 4VAC15-210-10, 4VAC15-210-51).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments (i) clarify language regarding the possession of a firearm and other weapons while engaging in the act of chasing a raccoon and (ii) add private lands where permission to trap has been granted by the landowner to the list of areas where there is a continuous open trapping season for raccoon.

4VAC15-210-10. Open season; raccoon chase on areas open to bear hound training; possession of certain devices unlawful.

A. Except as otherwise specifically provided in the sections appearing in this chapter, there shall be a continuous open season for chasing raccoon with dogs, without capturing or taking, except on department-controlled lands west of the Blue Ridge Mountains and on national forest lands.

B. It shall be lawful to chase raccoon with dogs, without capturing or taking, on department-controlled lands west of the Blue Ridge Mountains and on national forest lands where bear hound training is permitted during the season dates specified in 4VAC15-50-120.

C. It shall be unlawful to ~~have in possession~~ use for the purpose of chasing or taking a raccoon a firearm, bow, or crossbow~~,~~ or to have in possession an axe, saw, or any tree climbing device while hunting during this chase season. ~~The meaning of "possession" for the purpose of this section shall include, but not be limited to, having these devices in or on one's person, vehicle, or conveyance while engaged in the act of chasing.~~

4VAC15-210-51. Open season for trapping.

It shall be lawful to trap raccoon from November 15 through the last day of February, both dates inclusive, except that there shall be a continuous open season to trap raccoon within the incorporated limits of any city or town in the Commonwealth ~~and~~; in the ~~counties~~ Counties of Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke and York; and on private lands throughout the Commonwealth with permission of the landowner.

VA.R. Doc. No. R25-8254; Filed July 22, 2025, 1:06 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-240. Game: Turkey (amending 4VAC15-240-60).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendment clarifies language regarding the possession of a firearm during the archery season for turkeys.

4VAC15-240-60. Archery hunting.

A. Season. It shall be lawful to hunt turkey with archery equipment or a slingbow in those counties and areas open to fall turkey hunting from the first Saturday in October through the Friday prior to the third Monday in November, both dates inclusive.

B. Bag limit. The daily and seasonal bag limit for hunting turkey with archery equipment or a slingbow shall be the same as permitted during the general turkey season in those counties and areas open to fall turkey hunting, and any turkey taken shall apply toward the total season bag limit.

C. ~~Carrying~~ Using firearms to hunt prohibited. It shall be unlawful to ~~carry~~ use firearms to hunt any game species while hunting with archery equipment or a slingbow during the special archery season.

D. Use of dogs prohibited during archery season. It shall be unlawful to use dogs when hunting with archery equipment from the first Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive.

VA.R. Doc. No. R25-8256; Filed July 22, 2025, 1:07 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-260. Game: Waterfowl and Waterfowl Blinds (amending 4VAC15-260-50).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments allow for the purchase of new riparian stationary waterfowl blind licenses on shore in the City of Virginia Beach.

4VAC15-260-50. Blinds in the City of Virginia Beach.

In the City of Virginia Beach, except for blinds and floating blind sites ~~which~~ that may be erected by the department, no new blinds in the public waters shall be erected and no licenses shall be issued for the erection of new ~~shore or~~ stationary water blinds ~~upon the shores or~~ in the public waters, nor may floating or mat blinds anchor within 500 yards of the shores of lands or blinds owned or controlled by the department, except that floating blinds may be stationed at sites designated by the department. Blinds and floating blind sites erected by the department shall not be licensed, but there shall be a metal plate affixed to such blinds for identification purposes.

VA.R. Doc. No. R25-8253; Filed July 22, 2025, 1:07 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 29.1-701 E of the Code of Virginia, which provides that the board shall promulgate regulations to supplement Chapter 7 (§ 29.1-700 et seq.) of Title 29.1 of the Code of Virginia as prescribed in Article 1 (§ 29.1-500 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia.

Title of Regulation: **4VAC15-410. Watercraft: Boating Safety Education (amending 4VAC15-410-40, 4VAC15-410-50, 4VAC15-410-70, 4VAC15-410-90, 4VAC15-410-100, 4VAC15-410-110, 4VAC15-410-130, 4VAC15-410-140; repealing 4VAC15-410-30, 4VAC15-410-80).**

Statutory Authority: §§ 29.1-701 and 29.1-735 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments (i) repeal requirements for phasing in of boater education certification completion, (ii) clarify the minimum standards for boating safety education course competency, (iii) remove outdated or obsolete references to CD-ROM course delivery, (iv) clarify that all boating courses offered by providers shall meet certain provisions, (v) remove requirements of an open-book test, (vi)

combine boating course documentation requirements into one section, and (vii) repeal outdated or unnecessary provisions.

4VAC15-410-30. ~~Compliance schedule and phase-in provisions.~~ (Repealed.)

~~The requirements for boating safety education shall be phased in according to the following provisions:~~

~~1. Personal watercraft operators 20 years of age or younger shall meet the requirements by July 1, 2009;~~

~~2. Personal watercraft operators 35 years of age or younger shall meet the requirements by July 1, 2010;~~

~~3. Personal watercraft operators 50 years of age or younger and motorboat operators 20 years of age or younger shall meet the requirements by July 1, 2011;~~

~~4. All personal watercraft operators, regardless of age, and motorboat operators 30 years of age or younger shall meet the requirements by July 1, 2012;~~

~~5. Motorboat operators 40 years of age or younger shall meet the requirements by July 1, 2013;~~

~~6. Motorboat operators 45 years of age or younger shall meet the requirements by July 1, 2014;~~

~~7. Motorboat operators 50 years of age or younger shall meet the requirements by July 1, 2015;~~

~~8. All motorboat operators, regardless of age, shall meet the requirements by July 1, 2016.~~

4VAC15-410-40. Provisions for compliance and minimum standards for boating safety education course competency.

A. A person shall be considered in compliance with the requirements for boating safety education if ~~he~~ the person meets one or more of the following provisions pursuant to § 29.1-735.2 B 1 through B 9 of the Code of Virginia:

1. Completes and passes a boating safety education course;

2. Passes an equivalency exam;

3. Possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government or possesses a Canadian Pleasure Craft Operator's Card. For the purposes of this subsection, a license is considered valid regardless of whether the license is current;

4. Possesses a temporary operator's certificate;

5. Possesses a rental or lease agreement from a motorboat or personal watercraft rental or leasing business that lists the person as the authorized operator of the motorboat;

6. Operates the motorboat under onboard direct supervision of a person who meets the requirements of this section;

7. Is a nonresident temporarily using the waters of Virginia for a period not to exceed 90 days (~~which means~~ i.e., operating a boat not registered in Virginia), and meets any applicable boating safety education requirements of the state of residency, or possesses a Canadian Pleasure Craft Operator's Card;

8. Has assumed operation of the motorboat or personal watercraft due to the illness or physical impairment of the initial operator~~,~~ and is returning the motorboat or personal watercraft to shore in order to provide assistance or care for the operator; or

9. Is or was previously registered as a commercial fisherman pursuant to § 28.2-241 of the Code of Virginia or is under the onboard direct supervision of the commercial fisherman while operating the commercial fisherman's boat. For the purpose of operating a recreational vessel, a registered commercial fishing license is considered valid regardless of whether the license is current.

B. The minimum standards for boating safety education course competency required by the department are~~: 1. Successful completion of a classroom boating safety education course in person and~~ (i) a passing score of ~~at least~~ 70% on a closed-book written test ~~administered closed-book at the conclusion of the course by the designated course instructor(s) or other designated course assistant; 2. Successful~~ upon completion of ~~a~~ an in-person classroom boating safety education course ~~in person and~~; (ii) a passing score of ~~at least~~ 90% on ~~a~~ an open-book written test ~~administered open-book at the conclusion of the~~ upon completion of an in-person classroom boating safety education course ~~by the designated course instructor(s) or other designated course assistant~~; ~~3. Successful completion of a boating safety education course offered through the Internet or through an electronic format such as CD-ROM and~~ (iii) a passing score of at least 90% on a self-test administered in conjunction with the course material of a boating safety education course delivered through the Internet; or ~~4. A~~ (iv) a score of at least 80% on a proctored equivalency exam.

4VAC15-410-50. Boating safety education course provider requirements.

~~A. To be an approved course provider, any individual, business, or organization that instructs or provides a boating safety education course shall execute and have on file a cooperative agreement with the department. It shall be the responsibility of the state boating law administrator to develop and execute such agreements. A list of approved course providers and boating safety education courses shall be kept by the department and made available to the public. Such list does not constitute any endorsement of any course or course provider by the department or the board.~~

~~B.~~ A. As of January 1, 2009, any boating safety education courses offered through the Internet and accepted by the department shall:

1. Be approved by NASBLA ~~in accordance with the National Boating Education Standards, updated January 1, 2012,~~ and the department for course ~~content/testing~~ content or testing; and

2. Be provided only by an approved course provider who has executed a valid cooperative agreement with the department. Such agreements may be amended at any time by the department and may be ~~cancelled~~ canceled with a 30 ~~days notice~~ day-notice upon failure of the course provider to comply with the terms and conditions of the agreement or its amendments.

~~C.~~ B. Any material ~~and/or~~ or products to be used by an approved course provider that make reference to the department must be approved by the department~~,~~ through the state boating law administrator~~,~~ before publishing ~~and/or~~ or distribution to the public.

~~D.~~ C. Any fees charged by a course provider are set by the course provider, but must be clearly communicated to the student prior to taking the course.

4VAC15-410-70. Boating safety education course certificates, recordkeeping, and student records.

A. Upon successful completion of a boating safety education course or proctored equivalency exam, the approved course provider shall provide the student with a course certificate ~~and/or~~ or pocket-size card. At a minimum, such ~~certificate/card~~ certificate or card shall include the student's name and date of birth, the issuance date, the name of the course, and indication of NASBLA course approval and acceptance by the department. ~~On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider shall provide to the department a copy of the record of those students issued a course certificate and/or pocket-size card. Upon request by the student and subject to verification of successful course completion, it shall be the responsibility of each approved course provider to issue duplicate certificates/cards.~~

~~B. Upon successful completion of the proctored equivalency exam, the department shall issue a completion certificate and/or card, which shall include the person's name, date of birth, and the issuance date. Upon request by the person to whom the certificate/card was originally issued and subject to verification of successful completion, the department shall issue a duplicate certificate/card.~~

B. The department shall maintain a database of all students successfully completing the department's classroom-based boating safety education course and all persons successfully completing the equivalency exam. Such database shall include the student's name, address, date of birth, course or equivalency exam completion date, and the specific name of the course.

C. Each approved course provider for boating safety education course shall maintain a database of all students successfully completing such course. The database shall include the student's name, address, date of birth, course completion date, and the specific name of the course. On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider shall provide to the department a copy of the record of those students successfully completing the course. Such record shall include the database information referenced in subsection B of this section. It shall be the responsibility of each approved course provider to ensure that reasonable measures, such as the Payment Card Industry (PCI) data security measures, are taken to protect any acquired student data. Further, such data shall not be sold or otherwise used in any way, except for the student's own completion of a boating safety education course and issuance of course completion documents.

4VAC15-410-80. ~~Recordkeeping and student records.~~ (Repealed.)

~~A. The department shall maintain a database of all students successfully completing the department's classroom-based boating safety education course and all persons successfully completing the equivalency exam. Such database shall include, but not be limited to, student name, address, date of birth, course/equivalency exam completion date, and the specific name of the course. On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider for other classroom-based boating safety education courses shall provide to the department a copy of the record of those students successfully completing such course and the department may add this information to the student database. A change in student address will be made only upon receipt of a written request from the affected student.~~

~~B. Each approved course provider for boating safety education courses offered over the Internet or through an electronic format such as CD-ROM shall maintain a database of all students successfully completing such course. The database shall include, but not be limited to, student name, address, date of birth, course completion date, and the specific name of the course. On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider shall provide to the department a copy of the record of those students successfully completing their course. Such record shall include the database information referenced in this section. It shall be the responsibility of each approved course provider to ensure that reasonable measures, such as the Payment Card Industry (PCI) data security measures, are taken to protect any acquired student data. Further, such data shall not be sold or otherwise used in any way except for the student's own completion of a boating safety education course and issuance of course completion documents.~~

4VAC15-410-90. Instructor certification.

A. To be certified as a boating safety education course instructor for the department's classroom-based boating safety education course, a person shall have successfully completed a classroom-based boating safety education course and be certified as an instructor by the United States Coast Guard Auxiliary, or the United States Power Squadrons®, ~~or~~ the National Safe Boating Council, or another certification program accepted by the department.

B. Applicants for certified instructor shall submit an application to the department on a form and in a manner determined by the state boating law administrator. ~~At a minimum, the application shall include:~~

~~1. The applicant's name;~~

~~2. The applicant's street address;~~

~~3. The applicant's telephone number;~~

~~4. The applicant's email address, if any;~~

~~5. Information describing the applicant's experience and training in boating safety and seamanship and proof of completion of a NASBLA-approved boating safety education course; and~~

~~6. Any other information deemed necessary after review of the initial application.~~

C. Applicants may be required to submit a written consent for a criminal history background check in a manner determined by the Law Enforcement Division of the department.

4VAC15-410-100. Provisions for open-book tests for classroom courses.

~~A.~~ A boating safety education course offered in a classroom setting by either the department or an approved course provider shall offer the student the option of taking the end-of-course exam either closed-book or open-book. The minimum standards for boating safety education course competency shall be as provided for in 4VAC15-410-40 B ~~1 and 2~~.

~~B. In taking the exam open-book, the student may use the course text, instructor handouts, any related course material, and any personal notes taken during the class instruction to assist in the completion of the exam. The exam must be completed in a single session with a time limit not to exceed two hours.~~

4VAC15-410-110. Equivalency exam criteria.

A. The department shall develop and make available a written equivalency exam to test the knowledge of information included in the curriculum of a boating safety education course. ~~Such exam shall provide experienced and knowledgeable boaters with the opportunity to meet the boating safety education compliance requirement set forth in § 29.1-735.2 of the Code of Virginia without having to take and successfully complete a boating safety education course.~~

B. The equivalency exam shall be proctored by an ~~individual(s)~~ individual specifically designated by the department. The use of reference materials shall not be allowed while the exam is being administered, and the exam shall be completed in a single session with a time limit not to exceed three hours. A person who fails an equivalency exam the second time is required to complete a ~~NASBLA approved~~ NASBLA-approved boating safety education course that is accepted by the department.

~~C. The equivalency exam shall be comprised of no less than 75 nor more than 100 exam questions and a minimum score of at least 80% shall be considered passing. Upon successful completion, an exam certificate and/or card shall be issued to the person completing the exam.~~

4VAC15-410-130. Temporary operator's certificate.

~~A.~~ The registered ~~owner(s)~~ owner of a motorboat or personal watercraft, if the boat is new or was sold with a transfer of ownership, shall be issued with the certificate of number for the motorboat or personal watercraft a temporary operator's certificate that shall allow the ~~owner(s)~~ owner to operate such boat in Virginia for 90 days.

~~B. A temporary operator's certificate shall be issued by the department, by any person authorized by the director to act as an agent to issue a certificate of number pursuant to § 29.1-706 of the Code of Virginia, or by a license agent of the department authorized to issue a temporary registration certificate for a motorboat.~~ A temporary operator's certificate shall not be renewable.

4VAC15-410-140. Virginia Boater Education Cards.

A. The department may establish an optional long-lasting and durable Virginia Boater Education Card for issuance to persons who ~~can show that they~~ have demonstrably met the minimum standard of boating safety education course competency ~~or~~, who ~~possesses~~ possess a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government, or ~~possesses~~ who possess a Canadian Pleasure Craft Operator's Card or ~~possesses~~ a commercial fisherman registration pursuant to § 28.2-241 of the Code of Virginia.

B. To obtain an optional Virginia Boater Education Card, a person must provide to the department:

1. A completed application on a form provided by the department. ~~The application shall require the applicant's name, current mailing address, and date of birth.~~ The applicant must also sign a statement declaring that statements made on the form are true and correct and that all documents submitted with the form are true and correct copies of documents issued to the applicant. Incomplete applications will be returned to the applicant;

2. A copy of the documentation ~~(such as the boating safety education course completion certificate/wallet card or~~

~~equivalency exam completion certificate/card)~~ that indicates that the minimum standards for boating safety education course competency have been met. Such documents must contain the name of the individual applying for the Virginia Boater Education Card. The department may require the applicant to provide the original document in the event that the copy submitted with the application is illegible or if the authenticity of the copy is not certain.

C. Upon receipt by the applicant, the optional Virginia Boater Education Card will serve in lieu of any other certificates or cards that have been issued to the bearer as a result of meeting the minimum standards for boating safety education course competency. As such, the Virginia Boater Education Card will not be transferable or revocable and will have no expiration date.

~~D. A person may apply, on a form provided by the department, for a replacement Virginia Boater Education Card. A replacement card may be issued if the original card is lost, stolen or destroyed, if misinformation is printed on the card, or if the bearer has legally changed their name. The application shall include an affidavit stating the circumstances that led to the need for replacement of the original card.~~

VA.R. Doc. No. R25-8243; Filed July 22, 2025, 1:08 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 29.1-701 E of the Code of Virginia, which provides that the board shall promulgate regulations to supplement Chapter 7 (§ 29.1-700 et seq.) of Title 29.1 of the Code of Virginia as prescribed in Article 1 (§ 29.1-500 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia.

Title of Regulation: **4VAC15-430. Watercraft: Safety Equipment Requirements (amending 4VAC15-430-60, 4VAC15-430-150, 4VAC15-430-170, 4VAC15-430-210).**

Statutory Authority: §§ 29.1-701 and 29.1-735 of the Code of Virginia.

Effective Date: September 1, 2025.

Agency Contact: Aaron Proctor, Policy Manager, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 801-8199, or email aaron.proctor@dwr.virginia.gov.

Summary:

The amendments (i) remove the requirement that life jackets be used according to label; (ii) remove requirements regarding engine compartment ventilation on boats; (iii) remove the requirement that boaters ensure that handheld fire extinguishers have a metal information plate affixed; and (iv) replace the in-depth requirements for backfire flame controls with a requirement that vessels comply with backfire flame control regulations at the federal level.

4VAC15-430-60. Personal flotation device condition; size and fit; approval marking.

It shall be unlawful to use a recreational vessel unless each PFD required by 4VAC15-430-30 or allowed by 4VAC15-430-40 is:

1. In serviceable condition as provided in 4VAC15-430-70;

2. Of an appropriate size and fit for the intended wearer, as marked on the approval label; and

3. Legibly marked with its U.S. Coast Guard approval number~~; and~~

~~4. Used in accordance with any requirements or restrictions on the approval label~~.

4VAC15-430-150. Ventilation.

~~A. All motorboats or motor vessels, except open boats and as provided in subsections D and E of this section, the construction or decking over of which is commenced after April 25, 1940, and which use fuel having a flashpoint of 110°F, or less, shall have at least two ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.~~

~~B. As used in this section, the term open boats means those motorboats or motor vessels with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the vessel.~~

~~C. Vessels built after~~ No person shall operate a boat built after July 31, 1980, ~~which are manufactured or used primarily for noncommercial use; which are leased, rented, or chartered to another for the latter's noncommercial use; which are engaged in the carriage of six or fewer passengers for consideration; or which are in compliance with the requirements of~~ that has a gasoline engine for electrical generation, mechanical power, or propulsion, unless the boat is equipped with an operable ventilation system that meets the requirements of 33 CFR 183.610(a) through (f) and 33 CFR 183.620(a) as established by the U.S. Coast Guard ~~are exempted from these requirements~~.

~~D. Vessels built after July 31, 1978, which are manufactured or used primarily for noncommercial use; which are rented, leased, or chartered to another for the latter's noncommercial use; or which engage in conveying six or fewer passengers for~~

~~consideration are exempted from the requirements of subsection A of this section for fuel tank compartments that:~~

~~1. Contain a permanently installed fuel tank if each electrical component is ignition protected; and~~

~~2. Contain fuel tanks that vent to the outside of the boat.~~

4VAC15-430-170. Hand-portable fire extinguishers and semiportable fire extinguishing systems.

A. Hand-portable fire extinguishers and semiportable fire extinguishing systems are classified by a combination letter and number symbol, the letter indicating the type of fire that the unit could be expected to extinguish, and the number indicating the relative size of the unit.

B. For the purpose of this section, all required hand-portable fire extinguishers and semiportable fire extinguishing systems are of the "B" type; that is, suitable for extinguishing fires involving flammable liquids~~,~~ and greases~~, etc~~.

C. All fire extinguishers must be on board and readily accessible, in good and serviceable working condition, and comply with the following:

1. If the extinguisher has a pressure gauge reading or indicator, it must be in the operable range or position.

2. The extinguisher may not be expired or appear to have been previously used.

3. The lock pin is firmly in place.

4. The discharge nozzle is clean and free of obstruction.

5. The extinguisher ~~does not show~~ shows no visible signs of significant corrosion or damage.

~~D. All hand-portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.~~

~~E.~~ D. Vaporizing-liquid type fire extinguishers containing carbon tetrachloride ~~or~~, chlorobromomethane, or other toxic vaporizing liquids are not acceptable as equipment required by this section.

~~F.~~ E. Hand-portable or semiportable extinguishers that are required ~~on their~~ by the name plates to be protected from freezing shall not be located where freezing temperatures may be expected.

~~G.~~ F. The use of dry chemical, stored pressure~~,~~ fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965, may be permitted on motorboats and other vessels so long as such extinguishers are maintained in good and serviceable condition. The following maintenance and inspections are required for such extinguishers:

1. When the date on the inspection record tag on the extinguishers shows that six months have elapsed since last weight check ashore, then such extinguisher is no longer accepted as meeting required maintenance conditions until reweighed ashore and found to be in a serviceable condition and within required weight conditions.

2. If the weight of the container is one-fourth ounce less than that stamped on container, it shall be serviced.

3. If the outer seals ~~(~~that indicate tampering or use when broken~~)~~ are not intact, the boarding officer or marine inspector will inspect such extinguisher to see that the frangible disc in the neck of the container is intact~~;~~, and if such disc is not intact, the container shall be serviced.

4. If there is evidence of damage, use, or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the container shall be replaced with a new one and the extinguisher properly serviced or the extinguisher replaced with another approved extinguisher.

~~H. The~~ G. No dry chemical, stored pressure~~,~~ fire extinguishers without pressure gauges or indicating devices manufactured after January 1, 1965, shall ~~not~~ be carried on board motorboats or other vessels as required equipment.

4VAC15-430-210. Backfire flame control.

~~A.~~ Every ~~gasoline~~ engine ~~installed in a motorboat or motor~~, except outboard motors, using gasoline as fuel and installed in a vessel ~~after April 25, 1940, except outboard motors,~~ shall be equipped with an acceptable means of backfire flame control that meets the requirements of 46 CFR 25.35.

~~B. Installations made before November 19, 1952, may be continued in use as long as they are serviceable and in good condition. Replacements shall comply with any applicable standards established by the U.S. Coast Guard and be marked accordingly. The flame arrester must be suitably secured to the air intake with a flametight connection.~~

~~C. Installations consisting of backfire flame arresters bearing basic approval nos. 162.015 or 162.041 or engine air and fuel induction systems bearing basic approval nos. 162.015 or 162.042 may be continued in use as long as they are serviceable and in good condition. New installations or replacements must comply with any applicable standards established by the U.S. Coast Guard and be marked accordingly. The flame arrester must be suitably secured to the air intake with a flametight connection.~~

VA.R. Doc. No. R25-8244; Filed July 22, 2025, 1:08 p.m.

MARINE RESOURCES COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4VAC20-490. Pertaining to Sharks (amending 4VAC20-490-42).**

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

Effective Date: August 1, 2025.

Agency Contact: Zachary Widgeon, Director of Communications, Marine Resources Commission, 380 Fenwick Road, Building 96, Fort Monroe, VA 23651, telephone (757) 247-2200, FAX (757) 247-2002, or email zachary.widgeon@mrc.virginia.gov.

Summary:

The amendment clarifies language regarding the prohibition from November through March of overnight soaks in specified areas in Virginia coastal waters for spiny dogfish gill net gear with a mesh size of 5.25 inches to 10 inches.

4VAC20-490-42. Spiny dogfish commercial quota and harvest limitations.

A. The fishing year for spiny dogfish shall be from May 1 of the current calendar year through April 30 of the following calendar year. For the fishing year, the commercial spiny dogfish landings quota shall be limited to annual quota except as specified in subsection B of this section.

B. If a quota transfer occurs between Virginia and another state or region participating in the Interstate Fishery Management Plan for spiny dogfish, Virginia's annual quota for the fishing year shall be limited to the annual quota amount as adjusted for transfers.

C. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any spiny dogfish harvested from federal waters for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.

D. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia more than 7,500 pounds of spiny dogfish per day for commercial purposes.

E. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any spiny dogfish for commercial purposes after the annual quota specified in subsections A and B of this section has been landed and announced as such.

F. Any spiny dogfish harvested from state waters or federal waters for commercial purposes shall only be sold to a federally permitted dealer.

G. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or annual quota described in this section has been landed and announced as such.

H. It shall be unlawful for any person ~~fishing for spiny dogfish with~~ possessing a Virginia Spiny Dogfish Permit to leave any gill net gear with a mesh size equal to or greater than 5.25 inches and less than 10 inches in the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area or the Virginia Atlantic Sturgeon Bycatch Reduction Area between 8 p.m. through 5 a.m. the following day from November 1 through March 31.

VA.R. Doc. No. R26-8354; Filed July 24, 2025, 10:34 a.m.

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4VAC20-1390. Pertaining to Shrimp (amending 4VAC20-1390-20, 4VAC20-1390-50, 4VAC20-1390-60, 4VAC20-1390-70).**

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

Effective Date: August 1, 2025.

Agency Contact: Zachary Widgeon, Director of Communications, Marine Resources Commission, 380 Fenwick Road, Building 96, Fort Monroe, VA 23651, telephone (757) 247-2200, fax (757) 247-2002, or email zachary.widgeon@mrc.virginia.gov.

Summary:

The amendments (i) increase to 17 the number of Commercial Shrimp Trawl Licenses available; (ii) include the coastal waters of the Eastern Shore as trawl waters; (iii) expand the trawl season; (iv) increase to five feet the maximum frame for trawl gear size and (v) modify how bycatch is reported to the Marine Resources Commission.

4VAC20-1390-20. Definitions.

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

"Agent" means an individual who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of any registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman's harvest.

"Commission" means the Virginia Marine Resources Commission.

"Eastern Shore Shrimp Trawl Harvest Area" means all tidal waters of the Atlantic Ocean, excluding all inlets, creeks, bays, and sounds, that are bounded by a line east of the Cape Charles Lighthouse, beginning at Latitude 37° 07.3582045' N, Longitude 75° 53.6101246' W; thence easterly to the Three Nautical Mile Limit, Latitude 37° 07.2446251' N, Longitude 75° 48.5565844' W; thence northerly following the Three Nautical Mile Limit to an intersection point on the Virginia-Maryland state line, Latitude 38° 01.5500408' N, Longitude 75° 10.1645912' W; thence westerly along the Virginia-Maryland state line to the mean low waterline at a point on Assateague Island, Latitude 38° 01.6369555' N, Longitude 75° 14.5347806' W; thence southerly along the mean low water line to a point east of the Cape Charles Lighthouse, Latitude 37° 07.3582045' N, Longitude 75° 53.6101246' W; said point being the point of beginning.

"Fishing year" means the time period from ~~October 1~~ September 15 of the current calendar year through January 31 of the following calendar year.

"Heads-on" means any shrimp possessed, landed, or sold with the head (carapace) intact.

"Shrimp" means any native penaeid shrimp species, including white shrimp (Penaeus setiferus), brown shrimp (Penaeus aztecus), pink shrimp (Penaeus duorarum), or the nonnative tiger shrimp (Penaeus monodon).

"Tails" means any shrimp possessed, landed, or sold with the head (carapace) removed.

"Virginia Beach Shrimp Trawl Harvest Area" means all tidal waters of the Atlantic Ocean that are bounded by a line beginning at a point on the Three Nautical Mile Limit, Latitude 36° 55.5436667' N, Longitude 75° 55.9015000' W; thence southerly following the Three Nautical Mile Limit to an intersection point on the Virginia-North Carolina state line, Latitude 36° 33.0224955' N, Longitude 75° 48.2662043' W; thence westerly to a point along the Virginia-North Carolina state line at its intersection with the mean low water line, Latitude 36° 33.0224003' N, Longitude 75° 52.0510498' W; thence northerly, following the mean low water line to the Rudee Inlet weir; thence easterly along the weir to the stone breakwater; thence following the stone breakwater to its northernmost point; thence northerly to the mean low water line at the most northeastern point of the northern stone jetty; thence westerly along the mean low water line of said stone jetty to the mean low water line along the shore; thence northerly following the mean low water line to a point, Latitude 36° 55.5781102' N, Longitude 76° 00.1530758' W, said point being the intersection of the mean low water line with the line from Cape Henry Lighthouse easterly to a point on the Three Nautical Mile Limit, Latitude 36° 55.5436667' N, Longitude 75° 55.9015000' W, said point being the point of beginning.

4VAC20-1390-50. Shrimp trawl licensing and entry requirements.

A. The maximum number of Commercial Shrimp Trawl Licenses issued in any fishing year shall be ~~12~~ 17.

B. ~~Any~~ An individual ~~who meets all of the following criteria~~ shall be eligible for a Commercial Shrimp Trawl License if they possess a valid Commercial Fishing Registration License and meet either of the following criteria:

1. The individual shall ~~possess~~ have possessed a ~~valid~~ Commercial ~~Fisherman Registration~~ Shrimp Trawl License and reported harvest of at least 500 pounds by shrimp trawl gear to the Marine Resources Commission's Mandatory Harvest Reporting Program in at least one of the previous two fishing years.

2. The individual shall have possessed ~~a Commercial Shrimp Trawl License~~ an Experimental Fishing Permit for shrimp trawling and reported harvest of at least 500 pounds by shrimp trawl gear to the Marine Resources Commission's Mandatory Harvest Reporting Program ~~in at least one of the previous two fishing years. An individual shall be exempt from this requirement if they have been eligible for the Commercial Shrimp Trawl License for fewer than two fishing years~~ during any year from 2022 through 2024 and received approval of all shrimp trawl gear prior to July 22, 2025.

C. If the number of individuals eligible for a Commercial Shrimp Trawl License pursuant to subsection B of this section is fewer than ~~12~~ 17 by July 1 in the current calendar year, a lottery will be conducted, including any individual who meets all of the following criteria:

1. The individual shall possess a valid Commercial Fisherman Registration License.

2. The individual shall complete and submit a Commercial Shrimp Trawl Application that must be received by the Marine Resources Commission by the advertised deadline of the current calendar year.

3. The individual shall have reported harvest to the Marine Resources Commission's Mandatory Harvest Reporting Program of at least 1,000 pounds of harvest per year in at least three of the previous five calendar years.

D. Any individual selected under subsection C of this section who fails to return a completed Commercial Shrimp Trawl License Acceptance Form provided by the commission indicating their acceptance within 14 days of selection shall forfeit their eligibility for the current fishing year and another individual shall be selected from the list of eligible individuals pursuant to subsection C of this section.

E. The commission shall approve all shrimp trawl gear, as referenced in 4VAC20-1390-60, prior to the issuance of a Commercial Shrimp Trawl License.

F. Transfers of any Commercial Shrimp Trawl License shall be prohibited without written request to the Marine Resources Commission and approval by the Commissioner of the Marine Resources Commission or the commissioner's designee. Exceptions to transfers shall only be granted due to death, medical hardships, or military service.

G. The use of agents shall be prohibited for any Commercial Shrimp Trawl Licensee without written request to the Marine Resources Commission and approval by the commissioner or the commissioner's designee. Exceptions to the use of agents shall only be granted due to death, medical hardships, or military service. The use of agents shall only be approved for a consecutive two-week period during any fishing season.

H. Each Commercial Shrimp Trawl Licensee shall report to the Marine Resources ~~Commission Fisheries Management Staff the harvest of shrimp in pounds,~~ Commission's Mandatory Harvest Reporting Program an estimate of total bycatch in pounds~~, and~~ for each fishing trip.

I. Each Commercial Shrimp Trawl Licensee shall report to the Marine Resources Commission Fisheries Management Staff interactions with any protected or endangered species within 24 hours ~~of landing~~ of each trip.

4VAC20-1390-60. Shrimp trawl gear restrictions.

A. Any shrimp trawl placed, set, or used for fishing in Virginia shall be constructed as follows:

1. With a beam or fixed frame opening no larger than ~~4.0~~ five feet in height and 16 feet in width.

2. With a minimum net mesh of 1.5 inches and maximum net mesh of 2.0 inches stretched mesh.

3. With a properly installed National Marine Fisheries Service or North Carolina Division of Marine Fisheries approved bycatch reduction device.

B. It shall be unlawful for any shrimp trawl tow to exceed 30 minutes in duration.

4VAC20-1390-70. Commercial shrimp trawl harvest limits, seasons, and areas.

A. It shall be unlawful for any Commercial Shrimp Trawl Licensee to harvest or land any Virginia quota managed species (Black Drum, Black Sea Bass, Bluefish, Atlantic Horseshoe Crab, Atlantic Menhaden, Scup, Speckled Sea Trout, Spiny and Smooth Dogfishes, Striped Bass, and Summer Flounder) caught by shrimp trawl.

B. It shall be unlawful to trawl for shrimp outside of the Virginia Beach Shrimp Trawl Harvest Area or the Eastern Shore Shrimp Trawl Harvest Area.

C. It shall be unlawful for any Commercial Shrimp Trawl Licensee to harvest shrimp by shrimp trawl from February 1 through September ~~30~~ 14 of each calendar year.

D. It shall be unlawful to trawl for shrimp more than 30 minutes before sunrise or 30 minutes after sunset.

E. It shall be unlawful to trawl for shrimp within 100 yards of any marked commercial fishing gear.

F. It shall be unlawful to trawl for shrimp within 300 yards of any navigable inlet, public boat ramp, fishing pier, or beach.

VA.R. Doc. No. R26-8346; Filed July 28, 2025, 1:00 p.m.

TITLE 8. EDUCATION

CHRISTOPHER NEWPORT UNIVERSITY

Final Regulation

REGISTRAR'S NOTICE: Christopher Newport University is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: **8VAC5-10. Prohibition of Weapons on Campus (adding 8VAC5-10-10, 8VAC5-10-20, 8VAC5-10-30).**

Statutory Authority: § 23.1-1301 of the Code of Virginia

Effective Date: August 11, 2025.

Agency Contact: Tom Kramer, Regulatory Coordinator, Christopher Newport University, One Avenue of the Arts, Newport News, VA 23606, telephone (757) 594-8671, or email tkramer@cnu.edu.

Summary:

The new regulation establishes requirements that (i) prohibit the possession or carrying of any weapon in or on all buildings and grounds owned, leased, operated, or controlled by Christopher Newport University (CNU), including in vehicles and (ii) provide exceptions for sworn police officers in the performance of their duties, visitors who are licensed to carry concealed firearms who may store their weapon in a personal vehicle, and persons given express permission by the CNU Police Department.

Chapter 10

Prohibition of Weapons on Campus

8VAC5-10-10. Definitions.

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

"Police officer" means law-enforcement officials authorized to make arrests pursuant to § 9.1-101 of the Code of Virginia and sworn federal law-enforcement officers.

"University property" means any land, buildings, vehicles, or property owned, leased, rented, or otherwise controlled by Christopher Newport University.

"Weapon" means (i) any pistol, revolver, rifle, shotgun, air pistol, paintball gun, or any instrument intended to propel ammunition or other missile of any kind; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, butterfly knife, retractable blade, sword, machete, or other bladed instrument longer than four inches that is not used to prepare or cook food within campus apartments with kitchens or for authorized university purposes through dining services; (iii) any nun chahka, nunchuck, nunchaku, fighting chain, or any flailing instrument with two parts joined together loosely; (iv) any disc having at least two points or blades that is designed to be thrown or propelled; or (v) any conducted energy device used to incapacitate or temporarily disable an individual, such as a taser or stun gun.

8VAC5-10-20. Possession of weapons prohibited.

Possession or carrying of any weapon by any person is prohibited in or on all buildings and grounds owned, leased, operated, or controlled by Christopher Newport University, wherever located and for whatever purpose used. This prohibition, which also includes any university-owned, university-operated, or university-contracted vessels or vehicles, exists even if the owner has a valid permit issued pursuant to § 18.2-308.01 of the Code of Virginia. Sworn police officers engaged in the performance of their duties or providing services to the university are exempted from this prohibition. The university's employees, students, volunteers, and visitors are prohibited from storing a firearm on university property without the expressed permission of the Christopher Newport University Chief of Police or the chief's designee. Visitors who are licensed carriers may store their weapon in their personal vehicle while on university property.

Entry upon university property in violation of this prohibition is expressly forbidden. Persons violating this prohibition will be asked to remove the weapon immediately from university property. Failure to comply with this request may result in arrest for trespass. Members of the university community are also subject to disciplinary action.

8VAC5-10-30. Person lawfully in charge.

In addition to individuals authorized by university policy, Christopher Newport University police officers are lawfully in charge for the purposes of forbidding entry upon or remaining upon university property while possessing or carrying weapons in violation of this chapter.

VA.R. Doc. No. R25-8233; Filed July 22, 2025, 1:53 p.m.

STATE BOARD OF EDUCATION

Fast-Track Regulation

Title of Regulation: **8VAC20-180. Regulations Governing School Community Programs (repealing 8VAC20-180-10).**

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: September 10, 2025.

Effective Date: September 25, 2025.

Agency Contact: Jim Chapman, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 750-8750, or email jim.chapman@doe.virginia.gov.

Basis: Section 22.1-16 of the Code of Virginia authorizes the State Board of Education to adopt bylaws for its own government and promulgate regulations necessary to carry out its powers and duties.

Purpose: A periodic review of this regulation found that the chapter is obsolete and is therefore no longer essential to protect the health, safety, or welfare of citizens.

Rationale for Using Fast-Track Rulemaking Process: This action is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because it repeals a regulation that no longer reflects statute.

Substance: Pursuant to a periodic review, the action repeals Regulations Governing School Community Programs (8VAC20-180), which is obsolete.

Issues: The advantage of this action to the public, Commonwealth, and agency it removes requirements that overlap and conflict with statutory requirements. This action presents no disadvantages to the public or the Commonwealth.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPBs best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. Following a periodic review, the Board of Education determined that 8VAC20-180, Regulations Governing School Community Programs (regulation), is obsolete and consequently proposes to repeal it.

Background. This regulation was promulgated in 1980 and concerns the six-year school improvement plan. Prior to 2004, § 22.1-253.13:6 of the Code of Virginia required local school divisions to revise, extend, and adopt biennially a divisionwide six-year improvement plan that shall be developed with staff and community involvement. The identical Chapters 939 and 955 of the 2004 Acts of Assembly amended that requirement so that the regulation has not been applicable since then. Consequently, the board proposes to repeal the regulation.

Estimated Benefits and Costs. Since the requirements in the regulation have not been applicable since 2004, repealing it would have no impact on requirements in practice. The repeal would be beneficial since it would eliminate the chance members of the public would read the regulation and mistakenly believe the listed requirements were in effect.

Businesses and Other Entities Affected. The regulation pertains to the 131 school divisions in the Commonwealth. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[2] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[3] As the proposed repeal of the regulation neither increases cost nor reduces benefit, no adverse impact is indicated.

Small Businesses[4] Affected.[5] The proposed repeal of the regulation does not adversely affect small businesses.

Localities[6] Affected[7]. The proposed repeal of the regulation neither disproportionally affects particular localities nor affects costs for local governments.

Projected Impact on Employment. The proposed repeal of the regulation does not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of the regulation neither affects the use and value of private property nor costs related to the development of real estate.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[3] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[4] Pursuant to § 2.2-4007.04, 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."

[5] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[6] "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.

[7] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The State Board of Education thanks the Department of Planning and Budget for its thorough economic impact analysis.

Summary:

As a result of periodic review, the action repeals Regulations Governing School Community Programs (8VAC20-180), which is obsolete.

VA.R. Doc. No. R25-8018; Filed July 22, 2025, 11:15 a.m.

Fast-Track Regulation

Title of Regulation: **8VAC20-240. Regulations Governing School Activity Funds (amending 8VAC20-240-10, 8VAC20-240-20, 8VAC20-240-40; repealing 8VAC20-240-30, 8VAC20-240-50).**

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: September 10, 2025.

Effective Date: September 25, 2025.

Agency Contact: Jim Chapman, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 750-8750, or email jim.chapman@doe.virginia.gov.

Basis: Section 22.1-16 of the Code of Virginia authorizes the State Board of Education to adopt bylaws for its own government and to promulgate regulations necessary to carry out its powers and duties.

Purpose: This action is necessary to protect the health, safety, and welfare of the public because it increases the clarity of the regulation by removing outdated and unnecessary information regarding school activity funds.

Rationale for Using Fast-Track Rulemaking Process: This action is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because it brings the regulation into conformance with current statutory language, amends incorrect references, and corrects outdated information.

Substance: This action (i) makes stylistic changes to 8VAC20-240-10, 8VAC20-240-20, and 8VAC20-240-40 to conform to style and formatting of the Virginia Administrative Code and (ii) repeals 8VAC20-240-30 and 8VAC20-240-50, which are obsolete.

Issues: The primary advantage to the public and the Commonwealth is that the regulation will be consistent with the current statutory language and provide accurate information and references. There are no disadvantages.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. As a result of a 2024 periodic review, the State Board of Education (board) proposes to amend 8VAC20-240 Regulations Governing School Activity Funds to conform with the Virginia Administrative Code style and formatting[2] and remove obsolete language.

Background. The proposed amendments would remove 8VAC20-240-30 and 8VAC20-240-50, both of which are related to forms that the board has determined to be unnecessary. According to DOE, the board no longer issues forms for the use of school activity funds. The board also proposes other amendments that have no impact on requirements but align text with the language with the Style Manual.

Estimated Benefits and Costs. None of the proposed amendments change requirements in practice. Nevertheless, removing obsolete text would be beneficial for readers of the regulation in understanding the requirements in practice and conforming text to the style and formatting conventions of the Virginia Administrative Code may also help improve clarity readers of regulations accustomed to that style.

Businesses and Other Entities Affected. The proposed amendments pertain to the 131 school divisions in the Commonwealth. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[3] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[4] As the proposed amendments neither increase cost nor reduce benefit, no adverse impact is indicated.

Small Businesses[5] Affected.[6] The proposed repeal of the regulation does not adversely affect small businesses.

Localities[7] Affected.[8] The proposed repeal of the regulation neither disproportionally affects particular localities nor affects costs for local governments.

Projected Impact on Employment. The proposed repeal of the regulation does not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of the regulation neither affects the use and value of private property nor costs related to the development of real estate.

[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] See https://register.dls.virginia.gov/documents/agency_resources/stylemanual.pdf.

[3] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[4] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[5] Pursuant to § 2.2-4007.04, 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."

[6] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[7] "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.

[8] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The State Board of Education thanks the Department of Planning and Budget for its thorough economic impact analysis.

Summary:

As a result of periodic review, the amendments (i) repeal obsolete and unnecessary sections and (ii) conform the regulation to style and formatting conventions of the Virginia Administrative Code.

8VAC20-240-10. Classification; responsibility for administration of regulations, exclusion of specific funds.

All funds derived from extracurricular school activities, ~~such as~~ including entertainment, athletic contest, cafeteria, and club dues, ~~etc.,~~ and from ~~any and~~ all activities of the school involving ~~personnel~~ staff, students, or property are by this chapter classified as school activity funds ~~(internal accounts)~~. The local school boards shall be responsible for the administration of this chapter in the schools under ~~their~~ the board's control and may determine which funds in ~~any~~ a school may be excluded from those subject to this chapter. ~~(Funds defined by law as public funds are not subject to this chapter and are to be handled as provided by law.)~~

8VAC20-240-20. Records, school finance officer, bonds.

~~Each~~ The school shall keep an accurate record of all receipts and disbursements so that a clear and concise statement of the condition of ~~each~~ the fund may ~~be determined at all times~~ always be determined. ~~It shall be the duty of each~~ The principal ~~to see~~ must ensure that such records are maintained in accordance with this chapter and rules promulgated by the local school board. The principal or ~~person designated by him~~ the principal's designee shall perform the duties of school finance officer or central treasurer. The school finance officer shall be bonded, and the local school board shall prescribe rules governing ~~such~~ the bonds for employees who are responsible for these funds.

8VAC20-240-30. ~~Forms.~~ (Repealed.)

~~The use of forms prescribed by the Board of Education is not mandatory but the basic information required by the uniform system must be incorporated in any system substituted for that designed by the Board of Education.~~

8VAC20-240-40. Audits; monthly and annual reports.

School activity funds ~~(internal accounts)~~ shall be audited at least once a year by a duly qualified accountant or accounting firm approved by the local school board and a copy of the audit report shall be filed in the office of the division superintendent. Monthly reports of ~~such~~ the funds shall be prepared and filed in the principal's office, and annual reports shall be filed in the office of the principal or division superintendent. The cost of ~~such~~ an audit is a proper charge against the school operating fund or school activity funds.

8VAC20-240-50. ~~Interpretation of regulations and forms.~~ (Repealed.)

~~Nothing in this chapter or suggested forms shall be construed as superseding or modifying the federal-state plan for operation of cafeterias under the National School Lunch Act, 42 USC § 1751 et seq.~~

VA.R. Doc. No. R25-8022; Filed July 22, 2025, 11:13 a.m.

Fast-Track Regulation

Title of Regulation: **8VAC20-290. Regulations Governing School Lunch Sale of Food Items (repealing 8VAC20-290-10).**

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: September 10, 2025.

Effective Date: September 25, 2025.

Agency Contact: Jim Chapman, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 750-8750, or email jim.chapman@doe.virginia.gov.

Basis: Section 22.1-16 of the Code of Virginia authorizes the State Board of Education to adopt bylaws for its own government and promulgate regulations necessary to carry out its powers and duties.

Purpose: A periodic review of this regulation found that the chapter is obsolete and is therefore no longer essential to protect the health, safety, or welfare of citizens.

Rationale for Using Fast-Track Rulemaking Process: The board believes that this action is noncontroversial and therefore appropriate for the fast-track rulemaking process because it improves consistency with federal and state law.

Substance: Pursuant to a periodic review, the action repeals Regulations Governing School Lunch Sale of Food Items (8VAC20-290), which is obsolete.

Issues: The board is unaware of any disadvantages to the public or the Commonwealth. The primary advantage of this action is that it makes the board's regulations easier for the public and the Commonwealth to understand.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. According to the Department of Education (DOE), the agency conducted a review of 8VAC20-290, Regulations Governing School Lunch Sale of Food Items (regulation) and found that all of the contents of the regulation are obsolete. Consequently, the Board of Education proposes to repeal the regulation.

Background. The regulation concerns the former federally defined Type A meals. According to DOE, the Type A lunch was phased out in 1977 and Regulations Governing School Lunch Sale of Food Items is no longer used or relied upon by the agency or the regulated population.

Estimated Benefits and Costs. Since the regulation is in its entirety obsolete, repealing it would have no impact on requirements. The repeal would be beneficial since it would eliminate the chance members of the public would read the regulation and mistakenly believe the listed requirements were in effect.

Businesses and Other Entities Affected. The regulation pertains to the 131 school divisions in the Commonwealth. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[2] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[3] As the proposed repeal of the regulation neither increases cost nor reduces benefit, no adverse impact is indicated.

Small Businesses[4] Affected.[5] The proposed repeal of the regulation does not adversely affect small businesses.

Localities[6] Affected.[7] The proposed repeal of the regulation neither disproportionally affects particular localities nor affects costs for local governments.

Projected Impact on Employment. The proposed repeal of the regulation does not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of the regulation neither affects the use and value of private property nor costs related to the development of real estate.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[3] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[4] Pursuant to § 2.2-4007.04, 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."

[5] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[6] "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.

[7] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The State Board of Education thanks the Department of Planning and Budget for its thorough economic impact analysis.

Summary:

As a result of periodic review, the action repeals Regulations Governing School Lunch Sale of Food Items (8VAC20-290), which is obsolete.

VA.R. Doc. No. R25-8051; Filed July 22, 2025, 11:20 a.m.

Fast-Track Regulation

Title of Regulation: **8VAC20-320. Regulations Governing Physical and Health Education (repealing 8VAC20-320-10).**

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: September 10, 2025.

Effective Date: September 25, 2025.

Agency Contact: Jim Chapman, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 750-8750, or email jim.chapman@doe.virginia.gov.

Basis: Section 22.1-16 of the Code of Virginia authorizes the State Board of Education to adopt bylaws for its own government and promulgate regulations necessary to carry out its powers and duties.

Purpose: A periodic review of this regulation found that the chapter is obsolete and is therefore no longer essential to protect the health, safety, or welfare of citizens.

Rationale for Using Fast-Track Rulemaking Process: The board believes that this action is noncontroversial and therefore appropriate for the fast-track rulemaking process because it improves consistency with federal and state law.

Substance: Pursuant to a periodic review, the action repeals Regulations Governing Physical and Health Education (8VAC20-320), which is obsolete.

Issues: The board is unaware of any disadvantages to the public or the Commonwealth. The primary advantage of this action is that it makes the board's regulations easier for the public and the Commonwealth to understand.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. According to the Department of Education (DOE), the agency conducted a review of 8VAC20-320 Regulations Governing Physical and Health Education (regulation) and found that all of the content of the regulation is obsolete. Consequently, the Board of Education proposes to repeal the regulation.

Background. Section 22.1-253.13:1 of the Code of Virginia requires that the board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program. The Standards of Learning cover physical and health education, which according to DOE supersedes the regulation.

Estimated Benefits and Costs. Since the regulation is superseded by the Standards of Learning, repealing it would have no impact on requirements. The repeal would be beneficial since it would eliminate the chance members of the public would read the regulation and mistakenly believe the listed requirements were in effect.

Businesses and Other Entities Affected. The regulation pertains to the 131 school divisions in the Commonwealth. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[2] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[3] As the proposed repeal of the regulation neither increases cost nor reduces benefit, no adverse impact is indicated.

Small Businesses[4] Affected.[5] The proposed repeal of the regulation does not adversely affect small businesses.

Localities[6] Affected.[7] The proposed repeal of the regulation neither disproportionally affects particular localities nor affects costs for local governments.

Projected Impact on Employment. The proposed repeal of the regulation does not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of the regulation neither affects the use and value of private property nor costs related to the development of real estate.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[3] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[4] Pursuant to § 2.2-4007.04, 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."

[5] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[6] "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.

[7] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The State Board of Education thanks the Department of Planning and Budget for its thorough economic impact analysis.

Summary:

As a result of periodic review, the action repeals Regulations Governing Physical and Health Education (8VAC20-320), which is obsolete.

VA.R. Doc. No. R25-8100; Filed July 22, 2025, 11:11 a.m.

Fast-Track Regulation

Titles of Regulations: **8VAC20-490. Regulations Governing School Boards Local (repealing 8VAC20-490-10 through 8VAC20-490-60).**

8VAC20-720. Regulations Governing Local School Boards and School Divisions (amending 8VAC20-720-170; adding 8VAC20-720-20).

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: September 10, 2025.

Effective Date: September 25, 2025.

Agency Contact: Jim Chapman, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 750-8750, or email jim.chapman@doe.virginia.gov.

Basis: Section 22.1-16 of the Code of Virginia authorizes the State Board of Education to adopt bylaws for its own government and to promulgate regulations necessary to carry out its powers and duties.

Purpose: This regulatory change is essential to the health, safety, and welfare of the public because it eliminates unnecessary regulations and consolidates requirements directed at school divisions in a common chapter.

Rationale for Using Fast-Track Rulemaking Process: This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because it brings the chapter into conformance with current statutory language, amends incorrect references, and corrects outdated information.

Substance: Pursuant to a periodic review, the amendments (i) repeal Regulations Governing School Boards Local (8VAC20-490), which is obsolete, (ii) consolidate certain provisions from the repealed chapter into Regulations Governing Local School

Boards and School Divisions (8VAC20-720), and (iii) make stylistic changes for clarity.

Issues: The primary advantage to the public and the Commonwealth is that the regulation will be consistent with the current statutory language and provide accurate information and references. There are no disadvantages.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. Following a periodic review, the Board of Education proposes to repeal all of 8VAC20-490 Regulations Governing School Boards Local and add two portions of it to 8VAC20-720 Regulations Governing Local School Boards and School Divisions.

Background. 8VAC20-490 Regulations Governing School Boards Local consists of six sections: 8VAC20-490-10 Familiarity with and implementation of school laws and regulations, 8VAC20-490-20 Teacher contracts, 8VAC20-490-30 Length of the school day, 8VAC20-490-40 Textbooks, 8VAC20-490-50 Policy manual, and 8VAC20-490-60 Annual report. The board proposes to repeal all of it and add the current contents of 8VAC20-490-30 Length of the school day and one sentence of 8VAC20-490-40 Textbooks to 8VAC20-720 Regulations Governing Local School Boards and School Divisions.

Estimated Benefits and Costs. 8VAC20-490-10 in its entirety is "It is the duty of all school officials to acquaint themselves with the school laws and regulations and to see that they are implemented." Whether or not this is explicitly stated in regulation, school officials would be required to do this in practice. Thus, repealing the text should not have substantive impact. 8VAC20-490-20 has two relevant components: the use of written contracts or agreements, and the qualifications of teachers. In its entirety, this section states "The school board shall enter into written agreements with teachers before they begin their duties, but no teacher may be employed or paid from public funds who is not certified to teach in the public schools of Virginia. Contracts with teachers shall be executed on behalf of the board by the chairman and the clerk." Regarding the first component, § 22.1-302 A of the Code of Virginia states in part that a written contract shall be made by the [local] school board with each teacher employed by it, except those who are temporarily employed, before such teacher enters upon his duties. It does not specify who executes the contracts on behalf of the board. As long as the contract is executed by the local board, which members are directly involved appears to be immaterial. Regarding the second component § 22.1-299 C of the Code of Virginia states in part that a person not meeting the requirements for a license or provisional license issued by the Board or for a one-year local eligibility license issued by a school board may be employed by a school board temporarily as a substitute teacher to meet an emergency. Since statutes prevail over regulations, the current regulatory text that no teacher may be employed or paid from public funds who is not certified to teach in the public schools of Virginia is more restrictive but would not be applicable in practice. Repealing this text is beneficial in that it would no longer mislead readers of regulations of the effective requirements. The requirements within 8VAC20-490-30 would remain in practice as the proposal is to move all the text into 8VAC20-720 Regulations Governing Local School Boards and School Divisions. The majority of 8VAC20-490-40 overlaps with 8VAC20-720. However, the following is in Section 40, but not 8VAC20-720: "In the case of children whose parents or guardians are financially unable to furnish them, local school boards shall provide, free of charge, any workbooks required for courses of instruction." The board proposes to add this to 8VAC20-720. Thus, there would be no change in requirements in practice. 8VAC20-490-50 in its entirety is "Each local school board shall maintain an up-to-date policy manual which shall include: 1. The grievance procedure prescribed by the Board of Education; 2. A system of communication between the local school board and its employees in order that views of all school employees may be received in an orderly and constructive manner in matters of concern to them; and 3. A cooperatively developed procedure for personnel evaluation. An up-to-date copy of the local school board policy manual shall be kept in the library of each school in that division, and shall be available to employees and to the public." Almost all of 8VAC20-490-50 is fully consistent with § 22.1-253.13:7 of the Code of Virginia. Standard 7. School board policies. However, the last sentence is not fully consistent with the Code, which instead states that a current copy of all school division policies and regulations approved by the local school board shall be posted on the division's website and shall be available to employees and to the public. School boards shall ensure that printed copies of such policies and regulations are available as needed to citizens who do not have online access. The majority of the public have online access and obtaining policy information from the school division's website would be more convenient than traveling to a school library for those individuals. Since the Code specifies that school boards shall ensure that printed copies of such policies and regulations are available as needed to citizens who do not have online access, no one should be worse off by no longer requiring that policy manuals be kept specifically in the library of each school. The requirements in this section are the same as in § 22.1-81 of the Code of Virginia, Annual report. Thus, repealing it would have no impact on requirements in practice.

Businesses and Other Entities Affected. The regulation pertains to the 131 school divisions in the Commonwealth. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[2] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[3] As the proposed repeal of the regulation neither increases cost nor reduces benefit, no adverse impact is indicated.

Small Businesses[4] Affected.[5] The proposed repeal of the regulation does not adversely affect small businesses.

Localities[6] Affected.[7] The proposed repeal of the regulation neither disproportionally affects particular localities nor affects costs for local governments.

Projected Impact on Employment. The proposed repeal of the regulation does not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of the regulation neither affects the use and value of private property nor costs related to the development of real estate.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[3] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[4] Pursuant to § 2.2-4007.04, 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."

[5] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[6] "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.

[7] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The State Board of Education thanks the Department of Planning and Budget for its thorough economic impact analysis.

Summary:

As a result of periodic review, the amendments repeal Regulations Governing School Boards Local (8VAC20-490) and move provisions regarding length of the school day and textbooks from 8VAC20-490 into Regulations Governing Local School Boards and School Divisions (8VAC20-720).

8VAC20-720-20. Length of school day.

The time for opening and closing schools shall be prescribed by the local school board upon recommendation of the division superintendent, provided that the daily program for students in grades kindergarten through 12 shall average at least 5-1/2 hours, not including meal intermissions. If the required program length is maintained, the local school board may approve occasional shortened days for staff development, conferences, planning, and other activities designed to improve the instructional program, provided that no more than one day in each five-day week may be shortened to no less than four hours. The student day described in this section shall be considered a minimum day rather than an optimum day; a longer student day is encouraged to accommodate the instructional program and student needs.

When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts, and scheduling or other unusual situations, the local board shall request approval of the exception by the Superintendent of Public Instruction by August 1 preceding the school year for which the exception is applicable. The affected programs must be in compliance with any other regulations that apply to the programs.

The length of the workday for employees shall be determined by the local school board, but it shall be of sufficient length to allow for the daily program for students and additional time as may be necessary for activities such as planning, preparation, meetings, workshops, conferences, meal intermissions, or other contractual obligations.

8VAC20-720-170. Textbooks.

A. Textbook approval.

1. The State Board of Education shall have the authority to approve textbooks for use in the public schools of Virginia.

2. In approving basal textbooks for reading in kindergarten and first grade, the State Board of Education shall report to local school boards those textbooks with a minimum decodability standard based on words that students can correctly read by properly attaching speech sounds to each letter to formulate the word at 70% or above for such textbooks in accordance with § 22.1-239 of the Code of Virginia.

3. Any local school board may use textbooks not approved by the State Board of Education, provided the local school board selects ~~such~~ books in accordance with this chapter.

4. Contracts and purchase orders with publishers of textbooks approved by the State Board of Education for use in grades ~~6-12~~ six through 12 shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. Each local school board shall have the

authority to purchase an assortment of textbooks in any of the three forms listed in this subdivision.

B. Procedures for selection of textbooks by local school boards. Local school boards shall adopt procedures for the selection of textbooks. These procedures shall include, at a minimum, the following:

1. Appointment of evaluation committees by the local school board to review and evaluate textbooks in each of the subject areas.

2. Notice to parents that textbooks under consideration for approval will be listed on the school division's website and made available at designated locations for review by any interested citizens.

3. Opportunities for those reviewing ~~such~~ textbooks to present ~~their~~ comments and observations, if any, to the local school board through locally approved procedures.

4. Procedures to ensure appropriate consideration of citizen comments and observations.

5. Selection criteria.

C. Local school board selection of textbooks other than those approved by the State Board of Education.

1. The selection process for ~~non-Board~~ non-State Board of Education approved textbooks is subject to the procedures outlined in subsection B of this section.

2. The selection process for ~~such~~ textbooks pertaining to Virginia Standards of Learning subjects shall include at the local level a correlation of the content to the Virginia Standards of Learning in the content area and an analysis of strengths and weaknesses of the textbook in terms of instructional planning and support.

3. The publisher of such textbooks shall:

a. Provide to the local school board a certification that the content of the textbook is accurate; and

b. Sign an agreement with the local school board to correct all factual and editing errors found in a textbook at its own expense.

D. Purchasing State Board of Education approved textbooks.

1. Local school divisions shall purchase textbooks approved by the State Board of Education directly from the publishers of the textbooks by either entering into written term contracts or issuing purchase orders on an as-needed basis in accordance with § 22.1-241 of the Code of Virginia.

2. Such written contracts or purchase orders shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia).

E. Purchasing ~~non-Board~~ non-State Board of Education approved textbooks. The purchase of textbooks other than those approved by the State Board of Education is not exempt from the Virginia Public Procurement Act.

F. Distribution of textbooks. Each local school board shall provide, free of charge, ~~such~~ textbooks required for courses of instruction for each child attending public schools. In the case of children whose parents or guardians are financially unable to furnish workbooks, local school boards shall provide, free of charge, any workbooks required for courses of instruction.

G. Certifications.

1. The division superintendent and chairperson of the local school board shall annually certify to the Virginia Department of Education that:

a. All textbooks were selected and purchased in accordance with this chapter; and

b. The price paid for each textbook in accordance with § 22.1-241 of the Code of Virginia.

2. The certification shall include a list of all textbooks adopted by the local school board.

VA.R. Doc. No. R25-8023; Filed July 22, 2025, 11:18 a.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Proposed Regulation

Title of Regulation: **9VAC25-875. Virginia Erosion and Stormwater Management Regulation (amending 9VAC25-875-1360, 9VAC25-875-1380 through 9VAC25-875-1420; adding 9VAC25-875-1375).**

Statutory Authority: §§ 62.1-44.15:28 and 62.1-44.15:52 of the Code of Virginia.

Public Hearing Information:

September 23, 2025 - 10 a.m. - Department of Environmental Quality, Central Office, Bank of America Building, Third Floor Conference Room, 1111 East Main Street, Richmond, VA 23219.

Public Comment Deadline: October 10, 2025.

Agency Contact: April Rhodes, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (571) 866-6091, or email april.rhodes@deq.virginia.gov.

Basis: Section 62.1-44.15:28 of the Code of Virginia authorizes the State Water Control Board to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources, and requires the board to include a statewide fee schedule to cover all costs associated with the implementation of a Virginia Erosion and Stormwater Management Program (VESMP) related to land-disturbing activities where permit coverage is required, and for land-disturbing activities where the board serves as a VESMP authority or Virginia Stormwater Management Program (VSMP) authority. Item 363 J of Chapter 2 of the 2024 Acts of Assembly, Special Session I, directs the board to set fees for the VPDES Permit for Discharges of Stormwater from Construction Activities and MS4 permits at an amount representing no less than 60% nor more than 62% of the direct costs for the administration, compliance, and enforcement of those permits.

Purpose: This action is required by Item 363 J of Chapter 2 of the 2024 Acts of Assembly, Special Session I, and protects the water quality in the Commonwealth of Virginia, which is essential to the health, safety, and welfare of Virginia's citizens and is needed in order to effectively administer an erosion and stormwater management program in Virginia.

Substance: The proposed amendments conform the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) to Item 363 J of Chapter 2 of the 2024 Acts of Assembly, Special Session I by (i) setting the existing statewide permit fee schedules for the VPDES Permit for Discharges of Stormwater from Construction Activities, MS4 permits, permit modification, and permit maintenance to an amount representing no less than 60% but not more than 62% of the direct costs for the administration, compliance, and enforcement of such permits; (ii) adding a consumer price index annual adjustment factor to provide a mechanism to ensure that fees keep pace with the costs of doing business; and (iii) increasing to 30% the portion of the total permit fee paid to the department by local VESM Program authorities.

Issues: The primary advantage of this regulatory change for the public is an enhanced statewide erosion and stormwater management program that will be properly funded and administered, which will improve compliance and consistency with the VESM Regulation and thus improve water quality. The regulated community will also benefit from properly funded and staffed stormwater management programs because the department uses program funds to provide support and assistance to local program authorities, develop guidance to assist local authorities and the regulated community, and operate as the program authority for localities that chose to opt out of adopting a program. There are no expected disadvantages to localities or to the department from the fees associated with permits for construction activities or MS4s. The primary disadvantage of this proposed regulation is increased permit fees for the regulated community; however, the existing fees for permits associated with construction activities are set at levels insufficient to support the vast majority of responsibilities associated with administering an erosion and stormwater management program. The fees proposed by this action will allow for proper funding of permit oversight and administration.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. To implement a 2024 legislative mandate, the State Water Control Board (board) proposes to amend the Virginia Erosion and Stormwater Management (VESM) regulation to increase fees so that they provide 60% to 62% of the direct costs for the administration, compliance, and enforcement of Department of Environmental Quality (DEQ) erosion and stormwater management program. The proposed fee increases would apply to an individual Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities, a VPDES General Permit for Discharges of Stormwater from Construction Activities, municipal separate storm sewer system (MS4) permits, permit modification fees, and permit maintenance fees.

Background. Item 363 J of Chapter 2 of the 2024 Acts of Assembly, Special Session I, directs the board to amend the existing permit fee schedule such that the fees for the VPDES Permit for Discharges of Stormwater from Construction Activities and MS4 permits are set at an amount representing no less than 60% and not to exceed 62% of the direct costs for the administration, compliance, and enforcement of such permits. The board reports that the total personnel and discretionary costs of the stormwater program in fiscal year (FY) 2024 was $8,201,057, with permit fees providing a revenue of $3,173,629, or 38.7% of those costs. Thus, the proposed changes are aimed at increasing the fee revenue to fall between $4,920,634 (60% of costs) and $5,084,655 (62% of costs), which necessitates that the fee revenue increase by 56% to 61%. The board notes that with the exception of General or Stormwater Management Phase I and Phase II permits (9VAC25-875-1400), permit fees in this regulation have not been adjusted since 2010. The proposed changes have three broad components: (i) increasing the fees in 9VAC25-875-1380, 9VAC25-875-1390, 9VAC25-875-1400, 9VAC25-875-1410, 9VAC25-875-1420. Unless specified in the text, these fees are either paid to one of the 93 local Virginia Erosion and Stormwater Management Programs (VESMP) or to DEQ for the remaining localities; (ii) increasing the share of fees paid to DEQ by local VESMP authorities from 28% to 30%, which is the statutory limit as per § 62.1-44.15:28 of the Code of Virginia. This would apply to fees in all sections listed in (i) in the localities that operate a VESMP; and (iii) adding an annual inflation adjustment (in a new section 1375) based on changes to the Consumer Price Index (CPI) for all urban consumers in the United States relative to its level in July 2024. This adjustment would apply to fees in 9VAC25-875-1380, 9VAC25-875-1400, and 9VAC25-875-1420. It would not apply to the fees in 9VAC25-875-1390 and 9VAC25-875-1410, which pertain to modifications. The proposed fee increases are listed in the following tables. The new permit fees in Tables 1, 3, and 5 would be the base rates that adjust every year for inflation.

Table 1: Fee schedules for municipal separate storm sewer system new permit issuance (9VAC25-875-1380)				
FEE TYPE	CURRENT ($)	NEW ($)	CHANGE ($)	CHANGE (%)
Municipal Stormwater / MS4 Individual (Large and Medium)	16,000	25,000	9,000	56.25
Municipal Stormwater / MS4 Individual (Small)	8,000	13,000	5,000	62.50
Municipal Stormwater / MS4 General Permit (Small)	4,000	6,500	2,500	62.50
Table 2: Fee schedules for major modification of MS4 individual permits requested by the operator (9VAC25-875-1390)				
FEE TYPE	CURRENT ($)	NEW ($)	CHANGE ($)	CHANGE (%)
Municipal Stormwater / MS4 Individual (Large and Medium)	5,000	8,000	3,000	60.00
Municipal Stormwater / MS4 Individual (Small)	2,500	4,000	1,500	60.00

The fee table in 9VAC25-875-1400 includes a column with the DEQ portion of the fee, which would also increase from 28% to 30% of the fee paid by permit applicants as result of the proposed changes. The table below shows changes to the fees that would be charged to permit applicants. It should be noted that although permit fees would increase by 49 to 60 percent, as shown in the following table, the DEQ share of the fees would increase by 59% to 67%.

Table 3: Fees for individual permit or coverage under the General Permit of for Discharges of Stormwater from Construction Activities (9VAC25-875-1400)				
FEE TYPE	CURRENT ($)	NEW ($)	CHANGE ($)	CHANGE (%)
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than	290	450	160	55.17

one acre, except for single-family detached residential structures)				
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres)	2,700	4,100	1,400	51.85
General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	3,400	5,100	1,700	50.00
General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	4,500	6,800	2,300	51.11
General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	6,100	9,100	3,000	49.18
General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	9,600	14,300	4,700	48.96
Individual VPDES Permit for Discharges of Stormwater from Construction Activities (This will be administered by the department)	15,000	24,000	9,000	60.00

Table 4: Fees for the modification or transfer of individual permits or of registration statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-875-1410)				
FEE TYPE	CURRENT ($)	NEW ($)	CHANGE ($)	CHANGE (%)
General / Stormwater Management Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)	20	30	10	50.00
General / Stormwater Management Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one and less than five acres)	200	320	120	60.00
General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	250	400	150	60.00
General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	300	480	180	60.00
General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	450	720	270	60.00

General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	700	1,120	420	60.00
Individual VPDES Permit for Discharges of Stormwater from Construction Activities	5,000	8,000	3,000	60.00

Table 5: Permit maintenance fees (9VAC25-875-1420)

FEE TYPE	CURRENT ($)	NEW ($)	CHANGE ($)	CHANGE (%)
Municipal Stormwater / MS4 Individual (Large and Medium)	8,800	14,100	5,300	60.23
Municipal Stormwater / MS4 Individual (Small)	6,000	9,600	3,600	60.00
Municipal Stormwater / MS4 General Permit (Small)	3,000	4,800	1,800	60.00
Land-Disturbing Activity in a Chesapeake Bay Preservation Area (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	50	80	30	60.00
General / Stormwater Management Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)	50	80	30	60.00
General / Stormwater Management Small Construction Activity/Land-Disturbing Activity in a Chesapeake Bay Preservation Area (not subject to General Permit coverage)/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than five acres where the locality is the VESMP authority)	50	80	30	60.00
General / Stormwater Management Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance equal to or greater than one acre and less than five acres)	400	650	250	62.50
General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	500	800	300	60.00
General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	650	1,050	400	61.54
General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	900	1,450	550	61.11

General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater 100 acres)	1,400	2,250	850	60.71
Individual VPDES Permit for Discharges from Construction Activities	3,000	4,800	1,800	60.00

The proposed inflation adjustment broadly aligns with the approach currently taken in Permit maintenance fees (9VAC25-20-142), and uses the U.S. Bureau of Labor Statistics CPI for urban consumers (CPI-U) in aggregate for all U.S. consumers, without seasonal adjustments. The permit fee in any year would be the base rate (as revised in Tables 1, 3, and 5) multiplied by an adjustment factor C. C would be given by $1 + \Delta CPI$, where ΔCPI equals the proportional change in the CPI-U relative to its value in July 2024. Specifically, the formula uses the average CPI-U for the 12-month period ending on April 30 of the calendar year preceding the year the fee is due. The reference value for July 2024, which is 314.54, would be subtracted from this number. The resulting difference would be divided by 314.54 to give ΔCPI. DEQ has confirmed that updated fees, based on this formula, would be posted on their website following the release of the April CPI-U data each year. The inflation adjustment would not apply to modifications of permits; this is consistent with 9VAC25-20. The board needs to increase fee revenues by roughly 56% to 61% relative to the 2024 fee revenues to meet the 60% to 62% limit set in the budget bill. The proposed changes to the permit fees and the increased share to DEQ could be expected to increase aggregate revenues by the requisite 56% to 61%, provided the numbers of applicants or permit holders paying each type of fee remains roughly the same as it was in 2024. If the DEQ costs change by an amount that is not well represented by the CPI-U or the number and composition of permittees change significantly, actual revenues may fall outside the 60% to 62% range.

Estimated Benefits and Costs. DEQ reports that the primary advantage of this regulatory change for the public is an enhanced statewide erosion and stormwater management program that will be properly funded and administered. The aim of this program is to ensure land-disturbing activities and post-construction stormwater management in the Commonwealth do not result in excessive runoff, flooding, or other negative impacts on public health, water quality, and the environment. DEQ uses program funds to provide support and assistance to local program authorities, develop guidance to assist local authorities and the regulated community with how to the comply with state law and regulations, and operate as the program authority for localities that chose to opt out of adopting a program. DEQ reports that the existing fees for permits associated with construction activities, which have not been revised since 2010, are set at levels insufficient to support the vast majority of responsibilities associated with administering an erosion and stormwater management program. To the extent that the increased fees allow DEQ to improve compliance and consistency with the VESM regulation, the public would benefit from improved water quality, reduced flooding, and resulting health and environmental impacts. On the other hand, new and existing permittees would face higher fees; these entities are described.

Businesses and Other Entities Affected. The increased fees would increase costs for all developers that perform land disturbing activities that require a CGP as well as all current and future MS4 permittees. DEQ reports that the Virginia Department of Transportation (VDOT) would be particularly affected due to the amount of land disturbing activities undertaken by the agency that require a CGP. Other public entities or private businesses that undertake construction would also require CGPs and would face higher fees. In addition, VDOT and 25 other state entities (colleges, universities, etc.), as well as 59 localities, 26 federal entities (including military bases), and one airport authority have a MS4 permit. On the other hand, the 93 localities that operate a VESMP would benefit from increased fee revenue, even if a slightly larger share of those fees would be transferred to DEQ. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[2] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[3] Although the proposed changes would increase costs to a number of entities, the fee increases appear to have been set such that the revenue from the fees would account for 60% to 62% of the direct costs of the DEQ stormwater management program, as required by statute. Thus, an adverse impact from the regulation itself is not indicated.

Small Businesses[4] Affected.[5] Types and Estimated Number of Small Businesses Affected: Some construction businesses may meet the definition of small business; however, DEQ does not collect this data from permit applicants. Costs and Other Effects: Small construction businesses would face fee increases. Alternative Method that Minimizes Adverse Impact: There are no clear alternative methods that both reduce adverse impact and meet the intended policy goals.

Localities[6] Affected.[7] 93 localities that operate a VESMP and administer construction permits would benefit via higher fee revenue, even if they have to transfer a slightly increased share of the fee revenue to DEQ. 59 localities that have a MS4 permit would have to pay higher fees to maintain or modify them, and any localities newly obtaining an MS4 permit would face higher fees for new permits. Thus, the net impact would vary depending on the locality but are not intended to disproportionately affect any particular locality. DEQ notes that the Regulatory Advisory Panel for this proposal considered increasing fees only for the localities that do not run their own VESMP and rely on DEQ to administer permits. This approach was not taken as it would disproportionately increase costs for those localities.

Projected Impact on Employment. The proposed higher fees may discourage some construction projects, which could moderately reduce employment in the industry. This is due to the legislation rather than the regulation.

Effects on the Use and Value of Private Property. The proposed amendments may modestly decrease the value of private construction businesses as well as private entities that hold MS4 permits by increasing their operating costs. The CGP fee increases would also increase real estate development costs.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[3] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[4] Pursuant to § 2.2-4007.04, 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."

[5] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[6] "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.

[7] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

<u>Agency Response to Economic Impact Analysis:</u> The Department of Environmental Quality has reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comment.

<u>Summary:</u>

The proposed amendments conform the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) to Item 363 J of Chapter 2 of the 2024 Acts of Assembly, Special Session I by (i) setting the existing statewide permit fee schedules for the Virginia Erosion and Stormwater Management Program Permit for Discharges of Stormwater from Construction Activities, MS4 permits, permit modification or transfer, and permit maintenance to an amount representing no less than 60% but not more than 62% of the direct costs for the administration, compliance, and enforcement of such permits; (ii) adding a consumer price index annual adjustment factor to provide a mechanism to ensure that fees keep pace with the costs of doing business; and (iii) increasing to 30% the portion of the total permit fee paid to the department by local VESM Program authorities.

9VAC25-875-1360. Deposit and use of fees.

A. All fees collected by the department pursuant to this chapter shall be deposited into the Virginia Stormwater Management Fund and shall be used and accounted for as specified in § 62.1-44.15:29 of the Code of Virginia. Fees collected by the department shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

B. All fees collected by a VESMP authority pursuant to this chapter shall be subject to accounting review and shall be used solely to carry out the VESMP authority's responsibilities pursuant to the VESMA, Article 3 (9VAC25-875-100 et seq.) of Part II (9VAC25-875-40 et seq.) and Part V (9VAC25-875-470 et seq.) of this chapter, local ordinances, or standards and specifications.

Pursuant to subdivision A 9 of § 62.1-44.15:28 of the Code of Virginia, whenever the department has authorized the administration of a VESMP by a VESMP authority, ~~28%~~ <u>30%</u> of the total revenue generated by the statewide stormwater management fees collected in accordance with 9VAC25-875-1400 shall be remitted on a schedule determined by the department to the State Treasurer for deposit in the Virginia Stormwater Management Fund unless otherwise collected electronically. If the VESMP authority waives or reduces any fee due in accordance with 9VAC25-875-1400, the VESMP authority shall remit the ~~28%~~ <u>30%</u> portion that would be due to the Virginia Stormwater Management Fund if such fee were charged in full. Any fee increases established by the VESMP authority beyond the base fees established in this part shall not be subject to the fee distribution formula.

<u>**9VAC25-875-1375. Fee calculation.**</u>

<u>A. Fees set forth in sections 9VAC25-875-1380, 9VAC25-875-1400, and 9VAC25-875-1420 shall be adjusted annually by the change in the Consumer Price Index (CPI). The Consumer Price Index is the Consumer Price Index for all-urban consumers (CPI-U) for the 12-month period ending on</u>

April 30 of the calendar year preceding the year the fee is due. The Consumer Price Index for all-urban consumers is published by the U.S. Department of Labor, Bureau of Labor Statistics, U.S. All items, CUUR0000SA0.

B. The permit fee due shall be calculated according to the following formulas:

$$F = B \times C$$

$$C = 1 + \Delta CPI$$

$$\Delta CPI = \frac{(CPI-U - 314.54)}{314.54}$$

Where:

F = the permit fee due (in $)

B = the base fee rate for the type of MS4 or Construction General Permit

C = the Consumer Price Index adjustment factor

ΔCPI = the difference between CPI-U and 314.54, expressed as a proportion of 314.54 (the reference base is 1982-84 = 100; 314.54 is the unadjusted average CPI for all urban consumers for July 2024)

CPI-U = the Consumer Price Index for all-urban consumers for the 12-month period ending on April 30 of the calendar year preceding the year the fee is due, CUUR0000SA0.

For example, if calculating the hypothetical 2026 permit fee (F) for a General / Stormwater Management – Large Construction Activity/Land Clearing permit (> 5 acres < 10 acres):

CPI-U = 317.67 (hypothetical CPI-U for April 30, 2025, which would be used for the 2026 permit fee calculation).

ΔCPI = 0.01 for the 2026 permit fee calculation (i.e., (317.67 – 314.54) / 314.54 = (3.13) / 314.54 = 0.01).

C = 1.01 for the 2026 permit fee calculation (i.e., 1 + 0.01 = 1.01).

B = $5,100 (i.e. the fee for a General / Stormwater Management – Large Construction Activity/Land Clearing permit (> 5 acres < 10 acres), taken from subsection A of 9VAC25-875-1400).

F = $5,151 for the hypothetical 2026 permit fee calculation for this General / Stormwater Management – Large Construction Activity/Land Clearing permit (i.e., $5,100 x 1.01 = $5,150.75).

C. Permit fees (F) calculated for each facility or permitted land-disturbing activity shall be rounded to the nearest dollar.

D. The total amount of permit fees collected by the department (permit application fees plus permit maintenance fees) shall not exceed 62% of direct costs for administration, compliance, and enforcement of MS4 permits and VPDES Permits for Discharges of Stormwater from Construction Activities. The director shall take whatever action is necessary to ensure that this limit is not exceeded.

9VAC25-875-1380. Fee schedules for municipal separate storm sewer system new permit issuance.

A. The following fee schedule applies to permit applications for issuance of a new individual municipal separate storm sewer system permit or coverage under a MS4 General Permit. All regulated MS4s that apply for joint coverage under an individual permit or general permit registration shall each pay the appropriate fees set out in the following table.

Municipal Stormwater / MS4 Individual (Large and Medium)	~~$16,000~~ $25,000
Municipal Stormwater / MS4 Individual (Small)	~~$8,000~~ $13,000
Municipal Stormwater / MS4 General Permit (Small)	~~$4,000~~ $6,500

B. The amount of the permit fee due for a MS4 permit for a specified year as required by subsection A of this section shall be calculated according to the formulas in 9VAC25-875-1375 B.

9VAC25-875-1390. Fee schedules for major modification of MS4 individual permits requested by the operator.

The following fee schedule applies to applications for major modification of an individual MS4 permit requested by the permittee:

Municipal Stormwater / MS4 Individual (Large and Medium)	~~$5,000~~ $8,000
Municipal Stormwater / MS4 Individual (Small)	~~$2,500~~ $4,000

9VAC25-875-1400. Fees for individual permit or coverage under the General Permit ~~of~~ for Discharges of Stormwater from Construction Activities.

A. The following total fees to be paid by an applicant apply to any operator seeking coverage under a General VPDES Permit for Discharges of Stormwater from Construction Activities or a state agency or federal entity that does not file standards and specifications or an individual permit issued by the department. On and after approval by the department ~~of~~ or a VESMP authority for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities, no more than 50% of the total fee to be paid by an applicant set out in this part shall be due at the time that a stormwater management plan or an initial stormwater management plan is submitted for review in accordance with 9VAC25-875-530. The remaining total fee balance to be paid by an applicant shall be due prior to the issuance of coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities.

When a site is purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees ("total fee to be paid by applicant" column) in accordance with the disturbed acreage of the applicant's site according to the following table.

Fee type	Total fee to be paid by applicant (includes both VESMP authority and department portions where applicable)	Department portion of "total fee to be paid by applicant" (based on ~~28%~~ 30% of total fee paid*)
Land-Disturbing Activity in a Chesapeake Bay Preservation Area (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	$290	$0
General / Stormwater Management - Small Construction Activity/ Land-Disturbing Activity in a Chesapeake Bay Preservation Area (not subject to General Permit coverage)/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than five acres)	$209	$0
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)	~~$290~~ $450	~~$81~~ $135
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres)	~~$2,700~~ $4,100	~~$756~~ $1,230
General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	~~$3,400~~ $5,100	~~$952~~ $1,530
General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	~~$4,500~~ $6,800	~~$1,260~~ $2,040
General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	~~$6,100~~ $9,100	~~$1,708~~ $2,730
General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	~~$9,600~~ $14,300	~~$2,688~~ $4,290
Individual VPDES Permit for Discharges of Stormwater from Construction Activities (This will be administered by the department)	~~$15,000~~ $24,000	~~$15,000~~ $24,000
If the project is completely administered by the department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the department.		

The following fees apply to coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities issued by the department for a state agency or federal entity that has standards and specifications approved by the department.

General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or common plans of development equal to or greater than five acres)	~~$750~~ $1,200
General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Sites or common plans of development equal to or greater than one acre and less than five acres)	~~$450~~ $700

B. The amount of the permit fee due for a General VPDES Permit for Discharges of Stormwater from Construction Activities for a specified year as required by subsection A of this section shall be calculated according to the formulas in 9VAC25-875-1375 B.

9VAC25-875-1410. Fees for the modification or transfer of individual permits or of registration statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities.

The following fees apply to modification or transfer of individual permits or of registration statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities issued by the department. If the permit modifications result in changes to stormwater management plans that require additional review by the VESMP authority, such reviews shall be subject to the fees set out in this section. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in 9VAC25-875-1400. No modification or transfer fee shall be required until such department-approved programs exist. These fees shall only be effective when assessed by a VESMP authority, including the department when acting in that capacity, that has been approved by the department. No modification fee shall be required for the General VPDES Permit for Discharges of Stormwater from Construction Activities for a state agency or federal entity that is administering a project in accordance with approved standards and specifications but shall apply to all other state or federal agency projects.

General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)	~~$20~~ $30
General / Stormwater Management – Small Construction Activity/Land-Disturbing Activity in a Chesapeake Bay Preservation Area (not subject to General Permit coverage)/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than five acres where the locality is the VESMP authority)	$20
General / Stormwater Management – Small Construction Activity/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than five acres where the department is the VSMP authority)	$0
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one and less than five acres)	~~$200~~ $320
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	~~$250~~ $400
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	~~$300~~ $480
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	~~$450~~ $720
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	~~$700~~ $1,120
Individual VPDES Permit for Discharges of Stormwater from Construction Activities	~~$5,000~~ $8,000

9VAC25-875-1420. Permit maintenance fees.

A. The following annual permit maintenance fees apply to each permit identified below, including expired permits that have been administratively continued. With respect to the General VPDES Permit for Discharges of Stormwater from Construction Activities, these fees shall apply until the permit coverage is terminated and shall only be effective when assessed by a VESMP authority, including the department when acting in that capacity that has been approved by the department. No maintenance fee shall be required for the General VPDES Permit for Discharges of Stormwater from Construction Activities for a state agency or federal entity that is administering a project in accordance with approved standards and specifications but shall apply to all other state or federal agency projects. All regulated MS4s that are issued joint coverage under an individual permit or general permit registration shall each pay the appropriate fees set out in the following table:

Municipal Stormwater / MS4 Individual (Large and Medium)	~~$8,800~~ $14,100
Municipal Stormwater / MS4 Individual (Small)	~~$6,000~~ $9,600
Municipal Stormwater / MS4 General Permit (Small)	~~$3,000~~ $4,800
Land-Disturbing Activity in a Chesapeake Bay Preservation Area (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	~~$50~~ $80
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)	~~$50~~ $80
General / Stormwater Management – Small Construction Activity/Land-Disturbing Activity in a Chesapeake Bay Preservation Area (not subject to General Permit coverage)/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than five acres where the locality is the VESMP authority)	~~$50~~ $80
General / Stormwater Management – Small Construction Activity/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than five acres where the department is the VSMP authority)	$0
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance equal to or greater than one acre and less than five acres)	~~$400~~ $650
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	~~$500~~ $800
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	~~$650~~ $1,050
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	~~$900~~ $1450
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater 100 acres)	~~$1,400~~ $2,250
Individual VPDES Permit for Discharges from Construction Activities	~~$3,000~~ $4,800

B. The amount of the annual permit maintenance fee due for a MS4 permit or permit for discharges of stormwater from construction activities for a specified year as required by subsection A of this section shall be calculated according to the formulas in 9VAC25-875-1375 B.

VA.R. Doc. No. R25-8011; Filed July 22, 2025, 4:14 p.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Final Regulation

Title of Regulation: **12VAC5-90. Regulations for Disease Reporting and Control (amending 12VAC5-90-10, 12VAC5-90-80, 12VAC5-90-90, 12VAC5-90-103, 12VAC5-90-107, 12VAC5-90-140, 12VAC5-90-215, 12VAC5-90-225, 12VAC5-90-280, 12VAC5-90-370).**

Statutory Authority: §§ 32.1-12, 32.1-35, and 32.1-42 of the Code of Virginia.

Effective Date: September 10, 2025.

Agency Contact: Karen Mask, Senior Policy Analyst, Office of Epidemiology, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 654-9351, or email karen.mask@vdh.virginia.gov.

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

Summary:

The amendments include (i) updating and clarifying terms and definitions; (ii) specifying new timelines for the submission of isolates or specimens for state public health laboratory testing; (iii) removing the list of isolates or specimens that must be forwarded for public health laboratory testing from 12VAC5-90-90 to avoid redundancy with 12VAC5-90-80; (iv) removing the requirement to report weekly counts of influenza diagnoses; (v) establishing morbidity reporting through the Virginia Department of Health (VDH) online reporting portal instead of reporting by way of the Form Epi-1, Confidentiality Morbidity Report; (vi) providing that reference laboratory findings do not need to be reported by the laboratory of origin if the laboratory ascertains that the reference laboratory reports to VDH electronically; (vii) clarifying that if a facility director reports on behalf of the laboratory, the laboratory is still responsible for submitting isolates or specimens for public health testing unless the laboratory has submitted an exemption request that has been approved by the department; (viii) referring only to medications that are available in the United States for the treatment of ophthalmia neonatorum; (ix) clarifying that confirmatory testing is not required for blood lead levels that are below the U.S. Centers for Disease Control and Prevention (CDC) reference range on screening test; (x) limiting the reporting of select agents to only an annual report and those scenarios in which such agents are released, lost, or stolen; (xi) requiring that health care facilities share with VDH data supplied to CDC due as a result of a requirement of the U.S. Centers for Medicare and Medicaid Services and not limited to the Hospital Inpatient Quality Reporting Program of that agency and (xii) requiring laboratory-confirmed cases of influenza be reported.

Changes to the proposed regulation include (i) adding a definition of laboratory-confirmed influenza, (ii) consolidating orthopoxviruses into one category, (iii) requiring physicians to include telephone numbers when reporting, and (iv) making technical updates.

12VAC5-90-10. Definitions.

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

"Affected area" means any part or the whole of the Commonwealth, which has been identified as where persons reside~~,~~ or may be located~~,~~ who are known to have been exposed to or infected with, or who are reasonably suspected to have been exposed to or infected with, a communicable disease of public health threat. "Affected area" shall include~~, but not be limited to,~~ cities, counties, towns, and subsections of such areas, public and private property, buildings, and other structures.

"Arboviral infection" means a viral illness that is transmitted by a mosquito, tick, or other arthropod. This includes~~, but is not limited to,~~ chikungunya (CHIK), dengue, eastern equine encephalitis (EEE), LaCrosse encephalitis (LAC), also known as California encephalitis, St. Louis encephalitis (SLE), West Nile virus (WNV), and Zika virus (Zika) infection.

"Board" means the State Board of Health.

"Cancer" means all carcinomas, sarcomas, melanomas, leukemias, and lymphomas excluding localized basal and squamous cell carcinomas of the skin, except for lesions of the mucous membranes.

"CDC" means the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services.

"Child care center" means a child day center, child day program, family day home, family day system, or registered family day home as defined by § 63.2-100 of the Code of Virginia, or a similar place providing day care of children by such other name as may be applied.

"Clinic" means any facility, freestanding or associated with a hospital, that provides preventive, diagnostic, therapeutic, rehabilitative, or palliative care or services to outpatients.

"Commissioner" means the State Health Commissioner or ~~his~~ <u>the State Health Commissioner's</u> duly designated officer or agent, unless stated in a provision of this chapter that it applies to the State Health Commissioner in ~~his~~ <u>the State Health Commissioner's</u> sole discretion.

"Communicable disease" means an illness due to an infectious agent or its toxic products ~~which~~ <u>that</u> is transmitted, directly or indirectly, to a susceptible host from an infected person, animal, or arthropod or through the agency of an intermediate host or a vector or through the inanimate environment.

"Communicable disease of public health significance" means an illness caused by a specific or suspected infectious agent that may be transmitted directly or indirectly from one individual to another. This includes ~~but is not limited to~~ infections caused by human immunodeficiency viruses, bloodborne pathogens, and tubercle bacillus. The State Health Commissioner may determine that diseases caused by other pathogens constitute communicable diseases of public health significance.

"Communicable disease of public health threat" means an illness of public health significance, as determined by the State Health Commissioner in accordance with this chapter, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual to another and has been found to create a risk of death or significant injury or impairment; this definition shall not, however, be construed to include human immunodeficiency viruses or the tubercle bacilli, unless used as a bioterrorism weapon.

"Companion animal" means, consistent with the provisions of § 3.2-6500 of the Code of Virginia, any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purpose of this chapter.

"Condition" means any adverse health event, such as a disease, an infection, a syndrome, or as indicated by a procedure ~~(~~, including ~~but not limited to~~ the results of a physical exam, laboratory test, or imaging interpretation~~)~~, suggesting that an exposure of public health importance has occurred.

"Contact" means a person or animal known to have been in such association with an infected person or animal as to have had an opportunity of acquiring the infection.

"Contact services" means a broad array of services that are offered to persons with infectious diseases and their contacts. Contact services include contact tracing, providing information about current infections, developing risk reduction plans to reduce the chances of future infections, and connecting to appropriate medical care and other services.

"Contact tracing" means the process by which an infected person or health department employee notifies others that they may have been exposed to the infected person in a manner known to transmit the infectious agent in question.

"Coronavirus infection, severe" means suspected or confirmed infection with severe acute respiratory syndrome (SARS)-associated coronavirus (SARS-CoV), Middle East respiratory syndrome (MERS)-associated coronavirus (MERS-CoV), or another coronavirus causing a severe acute illness.

"Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy hazardous substances or organisms from a person, surface, or item to the point that such substances or organisms are no longer capable of causing adverse health effects and the surface or item is rendered safe for handling, use, or disposal.

"Department" means the State Department of Health, also referred to as the Virginia Department of Health (VDH).

"Designee" or "designated officer or agent" means any person, or group of persons, designated by the State Health Commissioner, to act on behalf of the commissioner or the board.

"Ehrlichiosis/Anaplasmosis" means human infections caused by Ehrlichia chaffeensis (formerly included in the category "human monocytic ehrlichiosis" or "HME"), Ehrlichia ewingii or Anaplasma phagocytophilum (formerly included in the category "human granulocytic ehrlichiosis" or "HGE").

"Epidemic" means the occurrence in a community or region of cases of an illness clearly in excess of normal expectancy.

"Essential needs" means basic human needs for sustenance, including ~~but not limited to~~ food, water, clothing, and health care (e.g., medications, therapies, testing, and durable medical equipment).

"Exceptional circumstances" means the presence, as determined by the commissioner in ~~his~~ the commissioner's sole discretion, of one or more factors that may affect the ability of the department to effectively control a communicable disease of public health threat. Factors to be considered include ~~but are not limited to:~~ (i) characteristics or suspected characteristics of the disease-causing organism or suspected disease-causing organism such as virulence, routes of transmission, minimum infectious dose, rapidity of disease spread, the potential for extensive disease spread, and the existence and availability of demonstrated effective treatment; (ii) known or suspected risk factors for infection; (iii) the potential magnitude of the effect of the disease on the health and welfare of the public; and (iv) the extent of voluntary compliance with public health recommendations. The determination of exceptional circumstances by the commissioner may take into account the experience or results of investigation in Virginia, another state, or another country.

"Foodborne outbreak" means two or more cases of a similar illness acquired through the consumption of food contaminated with chemicals or an infectious agent or its toxic products. Such illnesses include ~~but are not limited to~~ heavy metal intoxication, staphylococcal food poisoning, botulism, salmonellosis, shigellosis, Clostridium perfringens food poisoning, hepatitis A, and Shiga toxin-producing Escherichia coli infection.

~~"Healthcare-associated~~ "Health care-associated infection" (also known as nosocomial infection) means a localized or systemic condition resulting from an adverse reaction to the presence of an infectious agent ~~or agents~~ or its toxin ~~or toxins~~ that (i) occurs in a patient in a health care ~~setting~~ facility (e.g., a ~~hospital~~ medical care facility or outpatient clinic), and (ii) was not found to be present or incubating at the time of admission unless the infection was related to a previous admission to the same setting~~, and (iii) if the setting is a hospital, meets the criteria for a specific infection site as defined by CDC~~.

~~"Hepatitis C, acute" means the following clinical characteristics are met: (i) discrete onset of symptoms indicative of viral hepatitis and (ii) jaundice or elevated serum aminotransferase levels and the following laboratory criteria are met: (a) serum alanine aminotransferase levels (ALT) greater than 200 IU/L; (b) IgM anti-HAV negative (if done); (c) IgM anti-HBc negative (if done); and (d) hepatitis C virus~~

~~antibody (anti-HCV) positive, HCV antigen positive, or HCV RNA positive by nucleic acid test.~~

~~"Hepatitis C, chronic" means that the laboratory criteria specified in clauses (b), (c) and (d) listed above for an acute case are met but clinical signs or symptoms of acute viral hepatitis are not present and serum alanine aminotransferase (ALT) levels do not exceed 200 IU/L. This category will include cases that may be acutely infected but not symptomatic.~~

"Immunization" means a procedure that increases the protective response of an individual's immune system to specified pathogens.

"Independent pathology laboratory" means a nonhospital or a hospital laboratory performing surgical pathology, including fine needle aspiration biopsy and bone marrow specimen examination services, ~~which~~ that reports the results of such tests directly to physician offices, without reporting to a hospital or accessioning the information into a hospital tumor registry.

"Individual" means a person or companion animal. When the context requires it, "person ~~or persons~~" shall be deemed to include any individual.

"Infection" means the entry and multiplication or persistence of a disease-causing organism (prion, virus, bacteria, fungus, parasite, or ectoparasite) in the body of an individual. An infection may be inapparent (i.e., without recognizable signs or symptoms but identifiable by laboratory means) or manifest (clinically apparent).

["Influenza, laboratory-confirmed" means by culture, antigen detection by direct fluorescent antibody (DFA), or nucleic acid detection. Influenza rapid antigen tests are not reportable.]

"Influenza A, novel virus" means infection of a human with an influenza A virus subtype that is different from currently circulating human influenza H1 and H3 viruses. Novel subtypes include H2, H5, H7, and H9 subtypes or influenza H1 and H3 subtypes originating from a nonhuman species or from genetic reassortment of human and animal influenza viruses.

"Invasive" means the organism is affecting a normally sterile site, including ~~but not limited to~~ blood or cerebrospinal fluid.

"Investigation" means an inquiry into the incidence, prevalence, extent, source, mode of transmission, causation of, and other information pertinent to a disease occurrence.

"Isolation" means the physical separation, including confinement or restriction of movement, of ~~an individual or~~ [~~individuals who are~~ an individual who is] infected with, or [~~are~~ is] reasonably suspected to be infected with, a communicable disease in order to prevent or limit the transmission of the communicable disease to uninfected and unexposed individuals.

"Isolation, complete" means the full-time confinement or restriction of movement of an individual ~~or individuals~~ infected with, or reasonably suspected to be infected with, a communicable disease in order to prevent or limit the transmission of the communicable disease to uninfected and unexposed individuals.

"Isolation, modified" means a selective, partial limitation of freedom of movement or actions of an individual ~~or individuals~~ infected with, or reasonably suspected to be infected with, a communicable disease. Modified isolation is designed to meet particular situations and includes ~~but is not limited to~~ the exclusion of children from school, the prohibition or restriction from engaging in a particular occupation or using public or mass transportation, or requirements for the use of devices or procedures intended to limit disease transmission.

"Isolation, protective" means the physical separation of a susceptible individual ~~or individuals~~ not infected with, or not reasonably suspected to be infected with, a communicable disease from an environment where transmission is occurring, or is reasonably suspected to be occurring, in order to prevent the individual ~~or individuals~~ from acquiring the communicable disease.

"Laboratory" means a clinical laboratory that examines materials derived from the human body for the purpose of providing information on the diagnosis, prevention, or treatment of disease.

"Laboratory director" means any person in charge of supervising a laboratory conducting business in the Commonwealth of Virginia.

"Law-enforcement agency" means any sheriff's office, police department, adult or youth correctional officer, or other agency or department that employs persons who have law-enforcement authority that is under the direction and control of the Commonwealth or any local governing body. "Law-enforcement agency" shall include, by order of the Governor, the Virginia National Guard.

["Lead, reportable blood levels" means any detectable blood lead level in children 15 years of age and younger and levels greater than or equal to 5 µg/dL in a person older than 15 years of age.]

"Least restrictive" means the minimal limitation of the freedom of movement and communication of an individual while under an order of isolation or an order of quarantine that also effectively protects unexposed and susceptible individuals from disease transmission.

"Medical care facility" means any hospital or nursing home licensed in the Commonwealth~~,~~ or any hospital operated by or contracted to operate by an entity of the United States government or the Commonwealth of Virginia.

"Midwife" means any person who is licensed as a nurse midwife by the Virginia Boards of Nursing and Medicine or who is licensed by the Board of Medicine as a certified professional midwife.

"National Healthcare Safety Network" or "NHSN" means a surveillance system created by the CDC for accumulating, exchanging, and integrating relevant information on infectious adverse events associated with health care delivery.

"Nucleic acid detection" means laboratory testing of a clinical specimen to determine the presence of deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) specific for an infectious agent using any method, including hybridization, sequencing, or amplification such as polymerase chain reaction.

"Nurse" means any person licensed as a professional nurse or as a licensed practical nurse by the Virginia Board of Nursing.

"Occupational outbreak" means a cluster of illness or disease that is indicative of a work-related exposure. Such conditions include ~~but are not limited to~~ silicosis, asbestosis, byssinosis, pneumoconiosis, and tuberculosis.

"Outbreak" means the occurrence of more cases of a disease than expected.

"Period of communicability" means the time ~~or times~~ during which the etiologic agent may be transferred directly or indirectly from an infected person to another person~~,~~ or from an infected animal to a person.

"Physician" means any person licensed to practice medicine or osteopathy by the Virginia Board of Medicine.

"Quarantine" means the physical separation, including confinement or restriction of movement, of ~~an individual or~~ individuals who are present within an affected area or who are known to have been exposed, or may reasonably be suspected to have been exposed, to a communicable disease and who do not yet show signs or symptoms of infection with the communicable disease in order to prevent or limit the transmission of the communicable disease of public health threat to unexposed and uninfected individuals.

"Quarantine, complete" means the full-time confinement or restriction of movement of ~~an individual or~~ individuals who do not have signs or symptoms of infection but may have been exposed, or may reasonably be suspected to have been exposed, to a communicable disease of public health threat in order to prevent the transmission of the communicable disease of public health threat to uninfected individuals.

"Quarantine, modified" means a selective, partial limitation of freedom of movement or actions of ~~an individual or~~ individuals who do not have signs or symptoms of the infection but have been exposed to, or are reasonably suspected to have been exposed to, a communicable disease of public health threat. Modified quarantine may be designed to meet particular situations and includes ~~but is not limited to~~ limiting movement to the home, work, or one or more other locations, the prohibition or restriction from using public or mass transportation, or requirements for the use of devices or procedures intended to limit disease transmission.

"Reportable disease" means an illness due to a specific toxic substance, occupational exposure, or infectious agent, ~~which~~ that affects a susceptible individual, either directly, as from an infected animal or person, or indirectly through an intermediate host, vector, or the environment, as determined by the board.

"School" means (i) any public school from kindergarten through grade 12 operated under the authority of any locality within the Commonwealth~~,~~; (ii) any private or religious school that offers instruction at any level or grade from kindergarten through grade 12; and (iii) any private or religious nursery school or preschool, or any private or religious child care center required to be licensed by the Commonwealth.

"Serology" means the testing of blood, serum, or other body fluids for the presence of antibodies or other markers of an infection or disease process.

"Surveillance" means the ongoing systematic collection, analysis, and interpretation of outcome-specific data for use in the planning, implementation, and evaluation of public health practice. A surveillance system includes the functional capacity for data analysis as well as the timely dissemination of these data to persons who can undertake effective prevention and control activities.

"Susceptible individual" means a person or animal who is vulnerable to or potentially able to contract a disease or condition. Factors that affect an individual's susceptibility include ~~but are not limited to~~ physical characteristics, genetics, previous or chronic exposures, chronic conditions or infections, immunization history, or use of medications.

"Toxic substance" means any substance, including any raw materials, intermediate products, catalysts, final products, or by-products of any manufacturing operation conducted in a commercial establishment, that has the capacity~~,~~ through its physical, chemical, or biological properties~~,~~ to pose a substantial risk of death or impairment either immediately or over time~~,~~ to the normal functions of humans, aquatic organisms, or any other animal but not including any pharmaceutical preparation, which deliberately or inadvertently is consumed in such a way as to result in a drug overdose.

"Tubercle bacilli" means disease-causing organisms belonging to the Mycobacterium tuberculosis complex and includes Mycobacterium tuberculosis, Mycobacterium africanum, Mycobacterium bovis, ~~and Mycobacterium africanum~~ Mycobacterium canetti, Mycobacterium microti, Mycobacterium caprae, or other members as may be established by the commissioner.

~~"Tuberculin skin test (TST)" means a test for demonstrating infection with tubercle bacilli, performed according to the Mantoux method, in which 0.1 ml of 5 TU strength tuberculin~~

~~purified protein derivative (PPD) is injected intradermally on the volar surface of the arm. Any reaction is observed 48-72 hours after placement and palpable induration is measured across the diameter transverse to the long axis of the arm. The measurement of the indurated area is recorded in millimeters and the significance of the measured induration is based on existing national and department guidelines.~~

~~"Tuberculosis" means a disease caused by tubercle bacilli.~~

"Tuberculosis, active disease" (also "active tuberculosis disease" and "active TB disease"), as defined by § 32.1-49.1 of the Code of Virginia, means a communicable disease caused by an airborne microorganism and characterized by the presence of either (i) a specimen of sputum or other bodily fluid or tissue that has been found to contain tubercle bacilli as evidenced by culture or nucleic acid amplification, including preliminary identification by rapid methodologies; (ii) a specimen of sputum or other bodily fluid or tissue that is suspected to contain tubercle bacilli as evidenced by smear, and where sufficient clinical and radiographic evidence of active tuberculosis disease is present as determined by a physician licensed to practice medicine in Virginia; or (iii) sufficient clinical and radiographic evidence of active tuberculosis disease as determined by the commissioner is present, but a specimen of sputum or other bodily fluid or tissue containing, or suspected of containing, tubercle bacilli is unobtainable.

"Tuberculosis infection ~~in children age <4 years~~" means a ~~significant reaction resulting from a tuberculin skin test (TST) or other approved test for latent infection without~~ positive result from a test for tuberculosis infection without clinical or ~~radiographic~~ other evidence of active tuberculosis disease~~, in children from birth up to their fourth birthday~~.

"Vaccinia, disease or adverse event" means vaccinia infection or serious or unexpected events in persons who received the smallpox vaccine or their contacts, including ~~but not limited to~~ bacterial infections, eczema vaccinatum, erythema multiforme, generalized vaccinia, progressive vaccinia, inadvertent inoculation, post-vaccinial encephalopathy or encephalomyelitis, ocular vaccinia, and fetal vaccinia.

"Waterborne outbreak" means two or more cases of a similar illness acquired through the ingestion of or other exposure to water contaminated with chemicals or an infectious agent or its toxic products. Such illnesses include ~~but are not limited to~~ giardiasis, viral gastroenteritis, cryptosporidiosis, hepatitis A, cholera, and shigellosis. A single case of laboratory-confirmed primary amebic meningoencephalitis or of waterborne chemical poisoning is considered an outbreak.

12VAC5-90-80. Lists of diseases that shall be reported.

A. [~~Reportable disease list. The board declares suspected or confirmed cases of the following named diseases, toxic effects, and conditions to be reportable by the~~ The] persons enumerated in 12VAC5-90-90 [~~. Conditions~~ shall report the following named diseases, toxic effects, and conditions pursuant to this chapter. A condition] identified by an asterisk (*) [~~require~~ requires] immediate communication to the local health department by the most rapid means available upon suspicion or confirmation, as defined in subsection C of this section. Other conditions [~~should~~ shall] be reported within three days of suspected or confirmed diagnosis, unless otherwise specified in this section. Neonatal Abstinence Syndrome shall be reported as specified in subsection E of this section. Coronavirus disease 2019 (SARS-CoV-2) shall be reported as specified in subsection I of the section.

Amebiasis (Entamoeba histolytica)

*Anthrax (Bacillus anthracis)

Arboviral infections (e.g., CHIK, dengue, EEE, LAC, SLE, WNV, Zika)

Babesiosis (Babesia spp.)

*Botulism (Clostridium botulinum)

*Brucellosis (Brucella spp.)

Campylobacteriosis (Campylobacter spp.)

Candida auris, infection or colonization

Carbapenemase-producing organism, infection or colonization

Chancroid (Haemophilus ducreyi)

Chickenpox (Varicella virus)

Chlamydia trachomatis infection

*Cholera (Vibrio cholerae O1 or O139)

*Coronavirus infection, severe (e.g., SARS-CoV, MERS-CoV)

Coronavirus disease 2019 (COVID-19 or SARS-CoV-2)

Cryptosporidiosis (Cryptosporidium spp.)

Cyclosporiasis (Cyclospora spp.)

*Diphtheria (Corynebacterium diphtheriae)

*Disease caused by an agent that may have been used as a weapon

Ehrlichiosis/Anaplasmosis (Ehrlichia spp., Anaplasma phagocytophilum)

Giardiasis (Giardia spp.)

Gonorrhea (Neisseria gonorrhoeae)

Granuloma inguinale (Calymmatobacterium granulomatis)

*Haemophilus influenzae infection, invasive

Hantavirus pulmonary syndrome

Hemolytic uremic syndrome (HUS)

*Hepatitis A

Hepatitis B (acute and chronic)

Hepatitis C (acute and chronic)

Hepatitis, other acute viral

Human immunodeficiency virus (HIV) infection

Influenza, [~~confirmed~~ laboratory-confirmed]

*Influenza-associated deaths if younger than 18 years of age

Lead, [reportable] blood levels

Legionellosis (Legionella spp.)

Leprosy (Hansen's disease) (Mycobacterium leprae)

Leptospirosis (Leptospira interrogans)

Listeriosis (Listeria monocytogenes)

Lyme disease (Borrelia spp.)

Lymphogranuloma venereum (Chlamydia trachomatis)

Malaria (Plasmodium spp.)

*Measles (Rubeola)

*Meningococcal disease (Neisseria meningitidis)

Mumps

Neonatal abstinence syndrome (NAS)

Ophthalmia neonatorum

[*Orthopoxviruses (e.g., Monkeypox virus, Variola virus, Vaccinia disease or adverse event)]

*Outbreaks, all (including foodborne, health care-associated, occupational, toxic substance-related, waterborne, and any other outbreak)

*Pertussis (Bordetella pertussis)

*Plague (Yersinia pestis)

*Poliovirus infection, including poliomyelitis

*Psittacosis (Chlamydophila psittaci)

*Q fever (Coxiella burnetii)

*Rabies, human and animal

Rabies treatment, post-exposure

*Rubella, including congenital rubella syndrome

Salmonellosis (Salmonella spp.)

Shiga toxin-producing Escherichia coli infection

Shigellosis (Shigella spp.)

[~~*Smallpox (Variola virus)~~]

Spotted fever rickettsiosis (Rickettsia spp.)

Streptococcal disease, Group A, invasive or toxic shock

Streptococcus pneumoniae infection, invasive if younger than five years of age

Syphilis (Treponema pallidum) report *congenital, *primary, *secondary, and other

Tetanus (Clostridium tetani)

Toxic substance-related illness

Trichinosis (Trichinellosis) (Trichinella spiralis)

*Tuberculosis, active disease (Mycobacterium tuberculosis complex)

Tuberculosis infection

*Tularemia (Francisella tularensis)

*Typhoid/Paratyphoid infection (Salmonella Typhi, Salmonella Paratyphi)

*Unusual occurrence of disease of public health concern

[~~*Vaccinia, disease or adverse event~~]

Vancomycin-intermediate or vancomycin-resistant Staphylococcus aureus infection

*Vibriosis (Vibrio spp.)

*Viral hemorrhagic fever

*Yellow fever

Yersiniosis (Yersinia spp.)

B. [~~Conditions reportable by directors of laboratories. Laboratories~~ A laboratory director] shall report [~~all~~] test results indicative of and specific for the diseases, infections, microorganisms, conditions, and toxic effects specified in this subsection for humans. [~~Such tests~~ Tests] include microbiological culture, isolation, or identification; assays for specific antibodies; and identification of specific antigens, toxins, or nucleic acid sequences. Additional condition-specific requirements are noted in this subsection and subsection D of this section. [~~Conditions~~ A condition] identified by an asterisk (*) [~~require~~ requires] immediate communication to the local health department by the most rapid means available upon suspicion or confirmation, as defined in subsection C of this section. Other conditions [~~should~~ shall] be reported within three days of suspected or confirmed diagnosis.

Amebiasis (Entamoeba histolytica)

*Anthrax (Bacillus anthracis)

Arboviral infection, for example, CHIK, dengue, EEE, LAC, SLE, WNV, or Zika

Babesiosis (Babesia spp.)

*Botulism (Clostridium botulinum)

*Brucellosis (Brucella spp.)

Campylobacteriosis (Campylobacter spp.)

Candida auris - Include available antimicrobial susceptibility findings in report.

Carbapenemase-producing organism - Include available antimicrobial susceptibility findings in report.

Chancroid (Haemophilus ducreyi)

Chickenpox (Varicella virus)

Chlamydia trachomatis infection

*Cholera (Vibrio cholerae O1 or O139)

*Coronavirus infection, severe (e.g., SARS-CoV, MERS-CoV)

Coronavirus disease 2019 (COVID-19 or SARS-CoV-2)

Cryptosporidiosis (Cryptosporidium spp.)

Cyclosporiasis (Cyclospora spp.)

*Diphtheria (Corynebacterium diphtheriae)

Ehrlichiosis/Anaplasmosis (Ehrlichia spp., Anaplasma phagocytophilum)

Giardiasis (Giardia spp.)

Gonorrhea (Neisseria gonorrhoeae) - Include available antimicrobial susceptibility findings in report.

*Haemophilus influenzae infection, invasive

Hantavirus pulmonary syndrome

*Hepatitis A

Hepatitis B (acute and chronic) - For All hepatitis B patients, also report available results of serum alanine aminotransferase (ALT) and all available results from the hepatitis panel.

Hepatitis C (acute and chronic) - For all patients with any positive HCV test, also report all results of HCV viral load tests, including undetectable viral loads and report available results of serum alanine aminotransferase (ALT) and all available results from the hepatitis panel.

Hepatitis, other acute viral - Any finding indicative of acute infection with hepatitis D, E, or other cause of viral hepatitis. For any reportable hepatitis finding, submit all available results from the hepatitis panel.

Human immunodeficiency virus (HIV) infection - For HIV-infected patients, report all results of CD4 and HIV viral load tests, including undetectable viral loads. For HIV-infected patients, report all HIV genetic nucleotide sequence data associated with HIV drug resistance tests by electronic submission. For children younger than three years of age, report all tests regardless of the test findings (e.g., negative or positive).

Influenza, [~~confirmed~~ laboratory-confirmed] - By culture, antigen detection by direct fluorescent antibody (DFA), or nucleic acid detection.

Lead, [reportable] blood levels - All lead results from tests of venous or capillary blood performed by a laboratory certified by the Centers for Medicare and Medicaid Services in accordance with 42 USC § 263a, the Clinical Laboratory Improvement Amendment of 1988 (CLIA-certified).

Legionellosis (Legionella spp.)

Leptospirosis (Leptospira interrogans)

Listeriosis (Listeria monocytogenes), invasive or if associated with miscarriage or stillbirth from placental or fetal tissue

Lyme disease (Borrelia spp.)

Malaria (Plasmodium spp.)

*Measles (Rubeola)

*Meningococcal disease (Neisseria meningitidis), invasive - Include identification of gram-negative diplococci.

Mumps

*Mycobacterial diseases - (See 12VAC5-90-225 [~~B~~]) Report any of the following:

1. Acid fast bacilli;
2. M. tuberculosis complex or any other mycobacteria; or
3. Antimicrobial susceptibility results for M. tuberculosis complex.

[*Orthopoxviruses (e.g., Monkeypox virus, Variola virus, Vaccinia disease or adverse event]

*Pertussis (Bordetella pertussis)

*Plague (Yersinia pestis)

*Poliovirus infection

*Psittacosis (Chlamydophila psittaci)

*Q fever (Coxiella burnetii)

*Rabies, human and animal

*Rubella

Salmonellosis (Salmonella spp.)

Shiga toxin-producing Escherichia coli infection

Shigellosis (Shigella spp.)

[~~*Smallpox (Variola virus)~~]

Spotted fever rickettsiosis (Rickettsia spp.)

Streptococcal disease, Group A, invasive or toxic shock

Streptococcus pneumoniae infection, invasive if younger than five years of age

*Syphilis (Treponema pallidum)

Toxic substance-related illness - By blood or urine laboratory findings above the normal range, including heavy metals, pesticides, and industrial-type solvents and gases. When applicable and available, report speciation of metals when blood or urine levels are elevated in order to differentiate the chemical species (elemental, organic, or inorganic).

Trichinosis (Trichinellosis) (Trichinella spiralis)

Tuberculosis infection

*Tularemia (Francisella tularensis)

*Typhoid/Paratyphoid infection (Salmonella Typhi, Salmonella Paratyphi A, Salmonella Paratyphi B, Salmonella Paratyphi C)

[~~*Vaccinia, disease or adverse event~~]

Vancomycin-intermediate or vancomycin-resistant Staphylococcus aureus infection - Include available antimicrobial susceptibility findings in report.

*Vibriosis (Vibrio spp., Photobacterium damselae, Grimontia hollisae), other than toxigenic Vibrio cholera O1 or O139, which are reportable as cholera

*Viral hemorrhagic fever

*Yellow fever

Yersiniosis (Yersinia spp.)

C. [~~Reportable diseases requiring rapid communication.~~] Certain of the diseases in the list of reportable diseases because of their extremely contagious nature, potential for greater harm, or availability of a specific intervention that must be administered in a timely manner require immediate identification and control. Reporting of persons confirmed or suspected of having these diseases, listed in this subsection, shall be made immediately by the most rapid means available, preferably by telephone to the local health department. (These same diseases are also identified by an asterisk (*) in subsections A and B, where applicable, of this section.)

Anthrax (Bacillus anthracis)

Botulism (Clostridium botulinum)

Brucellosis (Brucella spp.)

Cholera (Vibrio cholerae O1 or O139)

Coronavirus infection, severe (e.g., SARS-CoV, MERS-CoV)

Diphtheria (Corynebacterium diphtheriae)

Disease caused by an agent that may have been used as a weapon

Haemophilus influenzae infection, invasive

Hepatitis A

Influenza-associated deaths if younger than 18 years of age

Influenza A, novel virus

Measles (Rubeola virus)

Meningococcal disease (Neisseria meningitidis)

Outbreaks, all

[<u>Orthopoxviruses (e.g., Monkeypox virus, Variola virus, Vaccinia disease or adverse event)</u>]

Pertussis (Bordetella pertussis)

Plague (Yersinia pestis)

Poliovirus infection, including poliomyelitis

Psittacosis (Chlamydophila psittaci)

Q fever (Coxiella burnetii)

Rabies, human and animal

Rubella, including congenital rubella syndrome

[~~Smallpox (Variola virus)~~]

Syphilis, congenital, primary, and secondary (Treponema pallidum)

Tuberculosis, active disease (Mycobacterium tuberculosis complex)

Tularemia (Francisella tularensis)

Typhoid/Paratyphoid infection (Salmonella Typhi, Salmonella Paratyphi (all types))

Unusual occurrence of disease of public health concern

[~~Vaccinia, disease or adverse event~~]

Vibriosis (Vibrio spp., Photobacterium damselae, Grimontia hollisae), other than toxigenic Vibrio cholerae O1 or O139, which are reportable as cholera

Viral hemorrhagic fever

Yellow fever

D. [~~Submission of initial isolate or other specimen for further public health testing.~~] A laboratory identifying evidence of any of the conditions in this subsection shall notify the local health department of the positive culture or other positive test result within the timeframes specified in subsection B of this section and submit the initial isolate (preferred) ~~or other initial specimen~~ <u>within five days or the clinical specimen within two days of a positive result</u> to the Division of Consolidated Laboratory Services or other public health laboratory where specified in this subsection ~~within seven days of identification~~. [~~All specimens~~ A specimen or isolate] must be identified with the patient and physician information required in 12VAC5-90-90 [~~B~~ C].

Anthrax (Bacillus anthracis)

Botulism (Clostridium botulinum)

Brucellosis (Brucella sp.)

Candida auris

Candida haemulonii

Carbapenem-resistant ~~Enterobacteriaceae~~Enterobacterales

Carbapenem-resistant Pseudomonas aeruginosa

Cholera (Vibrio cholerae O1 or O139)

Coronavirus infection, severe (e.g., SARS-CoV, MERS-CoV)

Diphtheria (Corynebacterium diphtheriae)

Haemophilus influenzae infection, invasive

Influenza, unsubtypeable

Listeriosis (Listeria monocytogenes)

Meningococcal disease (Neisseria meningitidis)

[Pertussis (Bordetella pertussis)]

Plague (Yersinia pestis)

Poliovirus infection

Q fever (Coxiella burnetii)

Salmonellosis (Salmonella spp.)

Shiga toxin-producing E. coli infection [~~(Laboratories that identify~~. A laboratory that identifies] a Shiga toxin but [~~do~~ does] not perform simultaneous culture for Shiga toxin-producing E. coli should forward all positive stool specimens or positive enrichment broths to the Division of Consolidated Laboratory Services for confirmation and further characterization. [~~)~~]

Shigellosis (Shigella spp.)

Streptococcal disease, Group A, invasive

Tuberculosis [~~(~~.] A laboratory identifying Mycobacterium tuberculosis complex (see 12VAC5-90-225) shall submit a representative and viable sample of the initial culture to the Division of Consolidated Laboratory Services or other laboratory designated by the board to receive [~~such~~ the] specimen. [~~)~~]

Tularemia (Francisella tularensis)

Typhoid/Paratyphoid infection (Salmonella Typhi, Salmonella Paratyphi (all types))

Vancomycin-intermediate or vancomycin-resistant Staphylococcus aureus infection

Vibriosis (Vibrio spp., Photobacterium damselae, Grimontia hollisae)

Yersiniosis (Yersinia spp.)

Other diseases as may be requested by the health department.

E. [~~Neonatal abstinence syndrome. Neonatal~~ A physician or director of a medical care facility shall report neonatal] abstinence syndrome [~~shall be reported by physicians and directors of medical care facilities when~~ if] a newborn has been diagnosed with neonatal abstinence syndrome, a condition characterized by clinical signs of withdrawal from exposure to prescribed or illicit drugs. [~~Reports~~ A report] shall be submitted within one month of diagnosis by entering the information into the Department of Health's online Confidential Morbidity Report portal ([~~http://www.vdh.virginia.gov/clinicians~~ https://www.vdh.virginia.gov/clinicians/disease-reporting-and-control-regulations/]).

F. [~~Outbreaks.~~] The occurrence of [~~outbreaks or clusters~~ an outbreak or cluster] of any illness that may represent a group expression of an illness that may be of public health concern shall be reported to the local health department immediately by the most rapid means available, preferably by telephone.

G. Toxic [~~substance-related illnesses. All toxic~~] substance-related illnesses, including pesticide and heavy metal poisoning or illness resulting from exposure to an occupational dust or fiber or radioactive substance, shall be reported.

If [~~such~~ the] illness is verified or suspected and presents an emergency or a serious threat to public health or safety, the report of such illness shall be made immediately by the most rapid means available, preferably by telephone.

H. [~~Unusual occurrence of disease of public health concern. Unusual~~ An unusual] or emerging [~~conditions~~ condition] of public health concern shall be reported to the local health department immediately by the most rapid means available, preferably by telephone. In addition, the commissioner or the commissioner's designee may establish surveillance systems for diseases or conditions that are not on the list of reportable diseases [~~. Such surveillance may be established~~] to identify cases (delineate the magnitude of the situation), to identify the mode of transmission and risk factors for the disease, and to identify and implement appropriate action to protect public health. [~~Any~~ A] person reporting information at the request of the department for special surveillance or other epidemiological studies shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

I. [~~Coronavirus~~ A physician or medical care facility director shall report coronavirus] disease 2019 [~~(SARS-CoV-2).~~ , also known as "] COVID-19 [~~shall be reported by physicians and~~

~~directors of medical care facilities when~~, if] a person who is infected with [SARS-CoV-2] or who is suspected of having COVID-19 is treated or examined, hospitalized, or admitted into the intensive care unit. [~~Physicians and directors of medical care facilities~~ A physician or medical care facility director] shall report [~~that~~ the] person's name, telephone number, address, age, date of birth, race, ethnicity, sex, and pregnancy status; name of disease diagnosed or suspected; the medical record number (if applicable); the date of onset of illness; available laboratory tests and results; and the name, address, and telephone number of the physician and medical facility where the examination was made. [~~Case reports~~ A case report] shall be submitted within three days of the suspicion or confirmation of disease by entering the information into the Department of Health online Confidential Morbidity Report portal at [~~http://www.vdh.virginia.gov/clinicians~~ https://www.vdh.virginia.gov/clinicians/disease-reporting-and-control-regulations/] or via electronic case reporting (https://www.vdh.virginia.gov/meaningful-use/meaningful-use-submissions-of-electronic-case-reports/).

J. [~~Positive SARS-CoV-2 tests shall be reported by directors of laboratories, including other entities that hold~~ A laboratory director, including a director of another entity that holds] Clinical Laboratory Improvement Amendments Certificates of Waiver [~~. Each report shall give~~, shall report a positive SARS-CoV-2 test within three days of identification of evidence of disease. The report shall include] the source of the specimen and the laboratory method and result; the name, telephone number, email address, address, age, date of birth, race, ethnicity, sex, and pregnancy status (if known) of the person from whom the specimen was obtained; and the name, address, and telephone number of the physician at whose request and medical facility at which the examination was made. [~~Reports shall be submitted within three days of identification of evidence of disease. Reports~~ A report] shall be made by entering information into the department's available portal for laboratory reporting at [~~http://www.vdh.virginia.gov/clinicians~~ https://www.vdh.virginia.gov/clinicians/disease-reporting-and-control-regulations/] or via electronic laboratory reporting at http://www.vdh.virginia.gov/meaningful-use/submissionofreportablelabresults.

12VAC5-90-90. Those required to report.

A. [~~Physicians. Each~~ A] physician who treats or examines any person who is suffering from or who is suspected of having a reportable disease or condition shall report, at a minimum, that person's name, [telephone number,] address, age, date of birth, race, ethnicity, sex, and pregnancy status for females; name of disease diagnosed or suspected; the date of onset of illness; available laboratory tests and results; and the name, address, and telephone number of the physician and medical facility where the examination was made~~, except that influenza should be reported by number of cases only (and type of influenza, if available)~~. [~~Reports are to be made to the local health department serving the jurisdiction where the physician practices.~~] A physician may designate someone to report on [~~his~~ the physician's] behalf, but the physician [~~remains responsible for ensuring~~ shall ensure] that the appropriate report is made. [~~Any~~ A] physician, designee, or organization making [~~such~~ a] report as authorized ~~herein~~ in this section shall be immune from liability as provided by § 32.1-38 of the Code of Virginia. [~~Such reports shall be made~~ The physician shall send the report] ~~on a Form Epi-1, a computer generated printout containing the data items requested on Form Epi-1,~~ within the timeframes specified in 12VAC5-90-80 to the local health department serving the jurisdiction in which the facility is located [~~. Reports shall be made~~] via the Virginia Department of Health's online Confidential Morbidity Report portal at [~~http://www.vdh.virginia.gov/clinicians~~ https://www.vdh.virginia.gov/clinicians/disease-reporting-and-control-regulations/] or a CDC or VDH disease-specific surveillance form ~~that provides the same information and shall be made within three days of the suspicion or confirmation of disease except that those identified in 12VAC5-90-80 C shall be reported immediately by the most rapid means available, preferably by telephone, to the local health department serving the jurisdiction in which the facility is located~~. [~~Reporting may be done by means of secure electronic transmission upon agreement of the physician and the department.~~

~~Additional elements are required to be reported for individuals with confirmed or suspected active tuberculosis disease. Refer to Part X (12VAC5-90-225 et seq.) for details on these requirements.~~]

B. [~~Directors of laboratories. Laboratory directors~~ A laboratory director] shall report [~~any~~ a] laboratory examination of [~~any~~ a] clinical specimen~~, whether performed in-house or referred to an out-of-state laboratory, which~~ that yields evidence~~, by the laboratory method indicated or any other confirmatory test,~~ of a disease listed in 12VAC5-90-80 B. [~~Laboratory directors~~ A laboratory director] shall report results that are performed in-house or referred to a reference laboratory, with the following exception: if the laboratory director ascertains that the reference laboratory that tests a specimen reports to the department electronically, then [~~those~~ the] reference laboratory findings do not need to be reported by the laboratory of origin.

[~~Each~~ C. A] report [from a laboratory director] shall give the source of the specimen and the laboratory method and result; the name, address, age, date of birth, race, ethnicity, sex, and pregnancy status for females (if known) of the person from whom the specimen was obtained; and the name, address, and telephone number of the physician at whose request and medical facility at which the examination was made. [~~When~~ If] the influenza virus is isolated, the type [~~should~~ shall] be reported, if available. [~~Reports shall be made~~ A laboratory director shall make the report] within ~~three days of identification of evidence of disease, except that those identified in 12VAC5-90-80 C shall be reported immediately by the most rapid means available, preferably by telephone,~~ the timeframes specified in 12VAC5-90-80 to the local health department serving the jurisdiction in which the laboratory is located [~~. Reports shall be made~~] ~~on Form Epi-1~~ via the department's online Confidential Morbidity Report portal or on the laboratory's own form [, including a computer-generated report] if it includes the required information. [~~Computer generated reports containing the required information may be submitted. Reporting may be done~~ A laboratory director may make the required reports] by means of secure electronic transmission upon agreement of the laboratory director and the department. [~~Reports~~ A laboratory director shall submit a report] of HIV genetic nucleotide sequence data associated with HIV drug resistance tests [~~must be submitted~~] electronically. [~~Any~~ A] person making [~~such~~ a] report as authorized ~~herein~~ in this section shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

~~A laboratory identifying evidence of any of the following conditions shall notify the local health department of the positive culture or other positive test result within the timeframes specified in 12VAC5-90-80 and submit the initial isolate or other initial specimen to the Division of Consolidated Laboratory Services within seven days of identification. All specimens must be identified with the patient and physician information required in this subsection.~~

~~Anthrax~~

~~Botulism~~

~~Brucellosis~~

~~Cholera~~

~~Diphtheria~~

~~E. coli infection, Shiga toxin-producing. (Laboratories that use a Shiga toxin EIA methodology but do not perform simultaneous culture for Shiga toxin-producing E. coli should forward all positive stool specimens or positive enrichment broths to the Division of Consolidated Laboratory Services for confirmation and further characterization.)~~

~~Haemophilus influenzae infection, invasive~~

~~Influenza A, novel virus~~

~~Listeriosis~~

~~Meningococcal disease~~

~~Pertussis~~

~~Plague~~

~~Poliovirus infection~~

~~Q fever~~

~~Salmonellosis~~

~~Shigellosis~~

~~Streptococcal disease, Group A, invasive~~

~~Tuberculosis (A laboratory identifying Mycobacterium tuberculosis complex (see 12VAC5-90-225) shall submit a representative and viable sample of the initial culture to the Division of Consolidated Laboratory Services or other laboratory designated by the board to receive such specimen.)~~

~~Tularemia~~

~~Typhoid/Paratyphoid fever~~

~~Vancomycin-intermediate or vancomycin-resistant Staphylococcus aureus infection~~

~~Vibrio infection, including infections due to Photobacterium damselae and Grimontia hollisae~~

~~Yersiniosis~~

~~Other diseases as may be requested by the health department~~

[~~When~~ D. If] a clinical specimen yields evidence indicating the presence of a select agent or toxin as defined [~~by federal regulations~~] in 42 CFR Part 73, the [~~person in charge of the~~] laboratory [director] shall contact the Division of Consolidated Laboratory Services and arrange to forward an isolate for confirmation. If a select agent or toxin has been confirmed in a clinical specimen, the laboratory director shall consult with Division of Consolidated Laboratory Services or CDC regarding isolate transport or destruction.

[~~Laboratories~~ E. A laboratory] operating within a medical care facility shall be considered to be in compliance with the requirement to notify the local health department [~~when~~ if] the director of [~~that~~ the] medical care facility assumes the reporting responsibility; however, [~~laboratories are still required to~~ the laboratory director shall still] submit isolates to the Division of Consolidated Laboratory Services or other designated laboratory as noted in ~~this subsection~~ 12VAC5-90-80 D unless the laboratory has submitted an exemption request that has been approved by the department.

[~~C. Persons in charge of a medical care facility. Any~~ F. A] person in charge of a medical care facility shall make a report to the local health department serving the jurisdiction where the facility is located of the occurrence in or admission to the facility of a patient with a reportable disease listed in 12VAC5-90-80 A unless ~~he~~ the person in charge of a medical care facility has evidence that the occurrence has been reported by a physician. [~~Any~~ A] person making [~~such~~ a] report as authorized ~~herein~~ in this section shall be immune from liability as provided by § 32.1-38 of the Code of Virginia. The requirement to report shall include all inpatient, outpatient, and emergency care departments within the medical care facility. [~~Such~~ A] report shall contain the patient's name, address, age, date of birth, race, ethnicity, sex, and [, if the patient is female,] pregnancy status [~~for females~~]; name of disease being reported; available laboratory tests and results; the date of admission; medical record number; date expired ([~~when~~ if] applicable); and attending physician. ~~Influenza should be reported by number of cases only (and type of influenza, if available).~~ [~~Reports~~ A report] shall be made within ~~three days of the suspicion or confirmation of disease except that those identified in 12VAC5-90-80 C shall be reported immediately by the most rapid means available, preferably by telephone,~~ the timeframes specified in 12VAC5-90-80 to the local health department serving the jurisdiction in which the facility is located [~~. Reports shall be made~~] ~~on Form Epi-1, a computer generated printout containing the data items requested on Form Epi-1,~~ via the Virginia Department of Health's online Confidential Morbidity Report portal at [~~http://www.vdh.virginia.gov/clinicians~~ https://www.vdh.virginia.gov/clinicians/disease-reporting-and-control-regulations/] or a CDC or VDH disease-specific surveillance form ~~that provides the same information~~. [~~Reporting may be done~~ The person in charge of the medical facility may make the reports] by means of secure electronic transmission upon agreement of the medical care facility and the department.

[G.] A person in charge of a medical care facility may assume the reporting responsibility on behalf of the director of the laboratory operating within the facility.

[~~D. Persons in charge of a residential or day program, service, or facility licensed or operated by any agency of the Commonwealth, or a school, child care center, or summer camp. Any~~ H. The] person in charge of a residential or day program, service, or facility licensed or operated by any agency of the Commonwealth, or a school, child care center, or summer camp as defined in § 35.1-1 of the Code of Virginia shall report immediately to the local health department the presence or suspected presence in ~~his~~ the person in charge's program, service, facility, school, child care center, or summer camp of persons who have common symptoms suggesting an outbreak situation. [~~Such~~ The] ~~persons~~ person in charge [~~may~~ shall] report additional information, including identifying and contact information for individuals with communicable diseases of public health concern or individuals who are involved in outbreaks that occur in ~~their~~ the person in charge's facilities, as necessary to facilitate public health investigation and disease control. [~~Any person so reporting~~ Identifying and contact information, at minimum, shall include a name and telephone number. A person making a report pursuant to this section] shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

[~~E. Local health directors.~~ I.] The local health director shall forward [~~any~~ a] report of a disease or report of evidence of a disease ~~which~~ that has been made on a resident of ~~his~~ the local health director's jurisdiction to the Office of Epidemiology within three days of receipt. [~~This~~ The] report shall be submitted immediately by the most rapid means available if the disease is one requiring rapid communication, as required in 12VAC5-90-80 C. [~~All such rapid~~ Rapid] reporting shall be confirmed in writing and submitted to the Office of Epidemiology, by either a paper report or entry into a shared secure electronic disease surveillance system, within three days. [~~Furthermore, the~~ A] local health director shall immediately forward to the appropriate local health director [~~any disease reports on individuals~~ a disease report on an individual] residing in ~~the latter's~~ the appropriate local health director's jurisdiction or to the Office of Epidemiology [~~on individuals residing~~ if the individual resides] outside Virginia. The Office of Epidemiology shall [~~be responsible for notifying~~ notify] other state health departments of reported illnesses in ~~their~~ residents of [the] other state [~~health departments~~] and [~~for notifying~~ shall notify] CDC as necessary and appropriate.

[~~F. Persons in charge of hospitals, nursing facilities or nursing homes, assisted living facilities, and correctional facilities.~~ J.] In accordance with § 32.1-37.1 of the Code of Virginia, [~~any~~ a] person in charge of a hospital, nursing facility or nursing home, assisted living facility, or correctional facility shall, at the time of transferring custody of [~~any~~ a] dead body to [~~any~~ a] person practicing funeral services, notify the person practicing funeral services or ~~his~~ the person practicing funeral services's agent if the dead person was known to have had, immediately prior to death, an infectious disease which may be transmitted through exposure to any bodily fluids. These include any of the following infectious diseases:

Coronavirus, severe (e.g., SARS-CoV, MERS-CoV)

Creutzfeldt-Jakob disease

Human immunodeficiency virus (HIV) infection

Hepatitis B (acute and chronic)

Hepatitis C (acute and chronic)

Rabies

Smallpox (Variola virus)

Syphilis, infectious (Treponema pallidum)

Tuberculosis, active disease (Mycobacterium tuberculosis complex)

Vaccinia, disease or adverse event

Viral hemorrhagic fever

[~~G. Employees, conditional employees, and persons in charge of food establishments.~~ K. Pursuant to] 12VAC5-421-80 ~~of the Food Regulations~~ [~~requires~~] a food employee or conditional employee [~~to~~ shall] notify the person in charge of the food establishment when diagnosed with certain diseases that are transmissible through food, and [~~requires~~] the person in charge of the food establishment [~~to~~ shall] notify the [~~regulatory authority. Refer to 12VAC5-421-80 for further guidance and clarification regarding these reporting requirements~~ department].

12VAC5-90-103. Isolation for communicable disease of public health threat.

A. [~~Application.~~] The commissioner, in ~~his~~ the commissioner's sole discretion, may invoke the provisions of Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia and may declare the isolation of any individual ~~or individuals~~ upon a determination that:

1. [~~Such~~ The] individual ~~or individuals are~~ is known to have been infected with or ~~are~~ is reasonably suspected to have been infected with a communicable disease of public health threat;

2. Exceptional circumstances render the procedures of Article 3.01 (§ 32.1-48.01 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia to be insufficient, or the individual ~~or individuals have~~ has failed or refused to comply voluntarily with the control measures directed by the commissioner in response to a communicable disease of public health threat; and

3. Isolation is the necessary means to contain a communicable disease of public health threat, to ensure that [~~such~~ the] isolated individual ~~or individuals receive~~ receives appropriate medical treatment subject to the provisions of § 32.1-44 of the Code of Virginia, or to protect health care providers and others who may come into contact with [~~such~~ the] infected individual ~~or individuals~~.

The commissioner, in ~~his~~ the commissioner's sole discretion, may also order the isolation of an affected area if, in addition to the ~~above~~ the provisions of this subsection, the Governor has declared a state of emergency for such affected area of the Commonwealth.

B. [~~Documentation.~~] For isolation for a communicable disease of public health threat, [the local health department shall record] information about the infection or suspected infection, the individual~~, individuals, and/or~~ or affected area, and the nature or suspected nature of the exposure [~~shall be duly recorded by the local health department~~] in consultation with the Office of Epidemiology. This information shall be sufficient to enable documenting a record of findings and to enable the commissioner to prepare the order of isolation, including the information required in § 32.1-48.12 of the Code of Virginia. In addition, [the local health department shall maintain] sufficient information on individuals [~~shall be maintained by the local health department~~] to enable appropriate follow-up of individuals for health status evaluation and treatment as well as compliance with the order of isolation. The commissioner shall ensure that the protected health information of [~~any~~ an] individual ~~or individuals~~ subject to the order of isolation is disclosed only in compliance with state and federal law.

C. [~~Means of isolation.~~] The local health department shall assess the situation, and in consultation with the Office of Epidemiology, identify the least restrictive means of isolation that effectively protects unexposed and susceptible individuals. The place of isolation selected shall allow the most freedom of movement and communication with family members and other contacts without allowing disease transmission to other individuals and shall allow the appropriate level of medical care needed by isolated individuals to the extent practicable. The commissioner, in ~~his~~ the commissioner's sole discretion, may order [~~the~~ an] isolated [individual] ~~or~~ [~~individuals~~] to remain in [~~their residences,~~ the individual's residence,] to remain in another place where [~~they are~~ the individual is] present, or to report to a place ~~or places~~ designated by the commissioner for the duration of [~~their~~ the] isolation.

[D.] The commissioner's order of isolation shall be for a duration consistent with the known period of communicability of the communicable disease of public health threat or, if the course of the disease is unknown or uncertain, for a period anticipated as being consistent with the period of communicability of other similar infectious agents. In the situation where an area is under isolation, the duration of isolation shall take into account the transmission characteristics and known or suspected period of communicability.

[~~D. Delivery.~~ E.] The local health department shall deliver the order of isolation, or ensure its delivery by an appropriate party such as a law-enforcement officer or health department employee, to the affected individual ~~or individuals~~ in person to the extent practicable. If, in the opinion of the commissioner, the scope of the notification would exceed the capacity of the local health department to ensure individual notification in a timely manner, then print, radio, television, Internet, ~~and/or~~ or other available means shall be used to inform those affected.

[~~E. Enforcement.~~ F.] ~~Upon finding that there is probable cause to believe that any individual or individuals who are subject to an order of isolation may fail or refuse to comply with such order, the commissioner in his sole discretion may include in the order a requirement that such individual or individuals are to be taken immediately into custody by law-enforcement agencies and detained for the duration of the order of isolation or until the commissioner determines that the risk of noncompliance is no longer present.~~ For [~~any~~ an] individual ~~or individuals~~ identified as, or for whom probable cause exists that ~~he~~ the individual may be, in violation of [~~any~~ an] order of isolation, or for whom probable cause exists that ~~he~~ the individual may fail or refuse to comply with [~~any such~~ the] order, the enforcement authority directed by the commissioner to law-enforcement agencies shall include ~~but need not be limited to~~ the power to detain or arrest.

[~~Any~~ An] individual ~~or individuals~~ so detained shall be held in the least restrictive environment that can provide any required health care or other services for such individual. The commissioner shall ensure that law-enforcement personnel responsible for enforcing an order ~~or orders~~ of isolation are informed of appropriate measures to take to protect themselves from contracting the disease of public health threat.

[~~F. Health status monitoring.~~ G.] The local health department shall monitor the health of those under isolation either by regular telephone calls, visits, self-reports, or by reports of caregivers or ~~healthcare~~ health care providers or by other means.

[~~G. Essential needs.~~ H.] Upon issuance of an order of isolation to an individual ~~or individuals~~ by the commissioner, the local health department shall manage the isolation, in conjunction with local emergency management resources, such that ~~individual~~ the individual's essential needs can be met to the extent practicable. Upon issuance of an order of isolation by the commissioner for an affected area, existing emergency protocols pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 of the Code of Virginia shall be utilized for mobilizing appropriate resources to ensure essential needs are met.

[~~H. Appeals. Any~~ I. An] individual ~~or individuals~~ subject to an order of isolation or a court-ordered confirmation or extension of [~~any such~~ the] order may file an appeal of the order of isolation in accordance with the provisions of § 32.1-48.13 of the Code of Virginia. An appeal shall not stay any order of isolation.

[~~I. Release from isolation.~~ J.] Once the commissioner determines that ~~an individual or~~ individuals no longer pose a threat to the public health, the order of isolation has expired, or the order of isolation has been vacated by the court, the ~~individual or~~ individuals under the order of isolation shall be released immediately. If the risk of an infected individual transmitting the communicable disease of public health threat to other individuals continues to exist, an order of isolation may be developed to extend the restriction prior to release from isolation.

[~~J. Affected area.~~ K.] If the criteria in subsection A of this section are met and an area is known or suspected to have been affected, then the commissioner shall notify the Governor of the situation and the need to order isolation for the affected area during the known or suspected time of exposure. In order for an affected area to be isolated, the Governor must declare a state of emergency for the affected area.

[L.] If an order of isolation is issued for an affected area during the known or suspected time of exposure, the commissioner shall cause the order of isolation to be communicated to the individuals residing or located in the affected area. The use of multiple forms of communication, including ~~but not limited to~~ radio, television, ~~internet~~ Internet, ~~and/or~~ or other available means~~,~~ may be required in order to reach the individuals who were in the affected area during the known or suspected time of exposure.

[M.] The provisions for documentation, means of isolation, enforcement, health status monitoring, essential needs, and release from isolation as described ~~above~~ in this section [~~will~~] apply to the isolation of affected areas. Appropriate management of a disease of public health threat for an affected area may require the coordinated use of local, regional, state, and national resources. In specifying one or more affected areas to be placed under isolation, [the commissioner shall maintain] the objective [~~will be~~] to protect as many people as possible using the least restrictive means. As a result, defining the precise boundaries and ~~time frame~~ timeframe of the exposure may not be possible~~,~~ or may change as additional information becomes available. [~~When~~ If] this occurs, the commissioner shall ensure that the description of the affected area is in congruence with the Governor's declaration of emergency and shall ensure that the latest information is communicated to those in or exposed to the affected area.

12VAC5-90-107. Quarantine.

A. [~~Application.~~] The commissioner, in ~~his~~ the commissioner's sole discretion, may invoke the provisions of Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia and may order a complete or modified quarantine of [~~any~~ an] individual ~~or individuals~~ upon a determination that:

1. [~~Such~~ The] individual ~~or individuals are~~ is known to have been exposed to or ~~are~~ is reasonably suspected to have been exposed to a communicable disease of public health threat;

2. Exceptional circumstances render the procedures of Article 3.01 (§ 32.1-48.01 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia to be insufficient, or the individual ~~or individuals have~~ has failed or refused to comply voluntarily with the control measures directed by the commissioner in response to a communicable disease of public health threat; and

3. Quarantine is the necessary means to contain a communicable disease of public health threat to which an individual ~~or individuals have~~ has been or may have been exposed and thus may become infected.

The commissioner, in ~~his~~ the commissioner's sole discretion, may also order the quarantine of an affected area if, in addition to the ~~above~~ the provisions of this subsection, the Governor has declared a state of emergency for such affected area of the Commonwealth.

B. [~~Documentation.~~] For quarantine for a communicable disease of public health threat, [the local health department shall record] information about the infection or suspected infection; the individual~~, individuals, and/or~~ or affected area; and the nature or suspected nature of the exposure [~~shall be duly recorded by the local health department,~~] in consultation with the Office of Epidemiology. This information shall be sufficient to enable documenting a record of findings and enable the commissioner to prepare a written order of quarantine, including the information required in § 32.1-48.09 of the Code of Virginia. In addition, [the local health department shall maintain] sufficient information on individuals [~~shall be maintained by the local health department~~] to enable appropriate follow-up of individuals for health status evaluation and treatment as well as compliance with the order of quarantine. The commissioner shall ensure that the protected health information of any individual ~~or individuals~~ subject to the order of quarantine is disclosed only in compliance with state and federal law.

C. [~~Means of quarantine.~~] The local health department shall assess the situation~~,~~ and, in consultation with the Office of Epidemiology, shall recommend to the commissioner the least restrictive means of quarantine that effectively protects unexposed and susceptible individuals. The place of quarantine selected shall allow the most freedom of movement and communication with family members and other contacts without allowing disease transmission to others. The commissioner, in ~~his~~ the commissioner's sole discretion, may order the quarantined ~~individual or~~ individuals to remain in their residences, to remain in another place where they are present, or to report to a place ~~or places~~ designated by the commissioner for the duration of their quarantine.

[D.] The commissioner's order of quarantine shall be for a duration consistent with the known incubation period of the communicable disease of public health threat or, if the incubation period is unknown or uncertain, for a period anticipated as being consistent with the incubation period for other similar infectious agents. [~~In the situation where~~ If] an area is under quarantine, the duration of quarantine shall take into account the transmission characteristics and known or suspected incubation period.

[~~D. Delivery.~~ E.] The local health department shall deliver the order of quarantine, or ensure its delivery by an appropriate party such as a law-enforcement officer or health department employee, to the affected individual ~~or individuals~~ in person to the extent practicable. If, in the opinion of the commissioner, the scope of the notification would exceed the capacity of the local health department to ensure notification in a timely manner, then print, radio, television, Internet, ~~and/or~~ or other available means shall be used to inform those affected.

[~~E. Enforcement.~~ F.] ~~Upon finding that there is probable cause to believe that any individual or individuals who are subject to an order of quarantine may fail or refuse to comply with such order, the commissioner in his sole discretion may include in the order a requirement that such individual or individuals are to be taken immediately into custody by law-enforcement agencies and detained for the duration of the order of quarantine or until the commissioner determines that the risk of and from noncompliance is no longer present.~~ For [~~any~~ an] individual ~~or individuals~~ identified as, or for whom probable cause exists that ~~he~~ the individual may be, in violation of [~~any~~ an] order of quarantine, or for whom probable cause exists that ~~he~~ the individual may fail or refuse to comply with [~~any such~~ an] order, the enforcement authority directed by the commissioner to law-enforcement agencies shall include ~~but need not be limited to~~ the power to detain or arrest.

[~~Any~~ An] individual ~~or individuals~~ so detained shall be held in the least restrictive environment that can provide any required health care or other services for such individual. The commissioner shall ensure that law-enforcement personnel responsible for enforcing an order ~~or orders~~ of quarantine are informed of appropriate measures to take to protect themselves from contracting the disease of public health threat.

[~~F. Health status monitoring.~~ G.] The local health department shall monitor the health of [~~those~~ individuals] under quarantine either by regular telephone calls, visits, self-reports, or by reports of caregivers or ~~healthcare~~ health care providers or by other means. If ~~an individual or~~ individuals develop symptoms compatible with the communicable disease of public health threat, then 12VAC5-90-103 would apply to the ~~individual or~~ individuals.

[~~G. Essential needs.~~ H.] Upon issuance of an order of quarantine to an individual ~~or individuals~~ by the commissioner, the local health department shall manage the quarantine, in conjunction with local emergency management resources, such that ~~individual~~ the individual's essential needs can be met to the extent practicable. Upon issuance of an order of quarantine by the commissioner for an affected area, existing emergency protocols pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 of the Code of Virginia shall be utilized for mobilizing appropriate resources to ensure essential needs are met.

[~~H. Appeals. Any~~ I. An] individual ~~or individuals~~ subject to an order of quarantine or a court-ordered confirmation or extension of [~~any such~~ an] order may file an appeal of the order of quarantine in accordance with the provisions of § 32.1-48.10 of the Code of Virginia. An appeal shall not stay any order of quarantine.

[~~I. Release from quarantine.~~ J.] Once the commissioner determines that ~~an individual or~~ individuals are no longer at risk of becoming infected and pose no risk of transmitting the communicable disease of public health threat to other individuals, the order of quarantine has expired, or the order of quarantine has been vacated by the court, the individuals under the order of quarantine shall be released immediately. If the risk of an individual becoming infected and transmitting the communicable disease of public health threat to other individuals continues to exist, an order of quarantine may be developed to extend the restriction prior to release from quarantine.

[~~J. Affected area.~~ K.] If the criteria in subsection A of this section are met and an area is known or suspected to have been affected, then the commissioner shall notify the Governor of the situation and the need to order quarantine for the affected area. In order for an affected area to be quarantined, the Governor must declare a state of emergency for the affected area.

[L.] If an order of quarantine is issued for an affected area, the commissioner shall cause the order of quarantine to be communicated to the individuals residing or located in the affected area. The use of multiple forms of communication, including ~~but not limited to~~ radio, television, Internet, ~~and/or~~ or other available means~~,~~ may be required in order to reach the individuals who were in the affected area during the known or suspected time of exposure.

[M.] The provisions for documentation, means of quarantine, enforcement, health status monitoring, essential needs, and release from quarantine as described ~~above~~ in this section [~~will~~] apply to the quarantine of affected areas. Appropriate management of a disease of public health threat for an affected area may require the coordinated use of local, regional, state, and national resources. In specifying one or more affected areas to be placed under quarantine, [the commissioner shall maintain] the objective [~~will be~~] to protect as many people as possible using the least restrictive means. As a result, defining the precise boundaries and ~~time frame~~ timeframe of the exposure may not be possible~~,~~ or may change as additional information becomes available. [~~When~~ If] this occurs, the commissioner shall ensure that the description of the affected area is in congruence with the Governor's declaration of emergency and shall ensure that the latest information is communicated to those in or exposed to the affected area.

12VAC5-90-140. Procedure for preventing ophthalmia neonatorum.

The physician, nurse, or midwife in charge of the infant's care after delivery of a baby shall ensure that ~~one of the following is administered in each eye of that newborn baby as soon as possible after birth: (i) two drops of a 1.0% silver nitrate solution; (ii) a 1-cm ribbon of 1.0% tetracycline ophthalmic ointment; or (iii)~~ a 1-cm ribbon of 0.5% erythromycin ophthalmic ointment is administered in each eye of [~~that newborn baby~~ the infant] as soon as possible [~~. This~~ after birth and shall record the] treatment [~~shall be recorded~~] in the medical record of the infant.

12VAC5-90-215. Schedule and criteria for and confirmation of blood lead testing and information to be provided.

A. [~~Schedule for testing. Every~~ A] child shall be tested to determine the blood lead level at 12 months and 24 months of age if the health care provider determines that the child meets any of the criteria listed in subsection B of this section. [~~Children~~ A child] 25 months through 72 months of age who [~~present~~ presents] for medical care and [~~meet~~ meets] any of [the] criteria of subsection B of this section shall also be tested if [~~they have~~ the child has] either not previously been tested for blood lead level or [~~were~~ was] previously tested but experienced a change since testing that has resulted in an increased risk of lead exposure based on the criteria listed in subsection B of this section.

B. [~~Criteria for testing.~~ The criteria for blood lead testing are as follows:]

1. The child is eligible for or receiving benefits from Medicaid or the Special Supplemental Nutrition Program for Women, Infants and Children (WIC);

2. The child is living in or regularly visiting a house, apartment, dwelling, structure, or child care facility built before ~~1960~~ 1950;

3. The child is living in or regularly visiting a house, apartment, dwelling, structure, or child care facility built before 1978 that has (i) peeling or chipping paint or (ii) recent (within the last six months) ongoing or planned renovations;

4. The child is living in or regularly visiting a house, apartment, dwelling, or other structure in which one or more persons have blood lead testing yielding evidence of lead exposure;

5. The child is living with an adult whose job, hobby, or other activity involves exposure to lead;

6. The child is living near an active lead smelter, battery recycling plant, or other industry likely to release lead;

7. The child's parent, guardian, or other person standing in loco parentis requests the child's blood be tested due to any suspected exposure; or

8. The child is a recent refugee or immigrant or is adopted from outside of the United States.

C. [~~Exceptions.~~] A child who does not meet any of the schedule or criteria provided in subsection A or B of this section is considered to be at low risk, and testing is not required but may be conducted at the discretion of the health care provider. The testing requirement shall be waived if the parent, guardian, or other person standing in loco parentis of a child objects to the testing on the basis that the procedure conflicts with his religious tenets or practices.

D. [~~Confirmation of blood lead levels.~~] Blood lead level testing shall be performed on venous or capillary blood. Tests of venous blood performed by a laboratory certified by the federal Centers for Medicare & Medicaid Services in accordance with 42 USC § 263a, the Clinical Laboratory Improvement Amendment of 1988 (CLIA-certified), are considered confirmatory. Tests of venous blood performed by any other laboratory and tests of capillary blood shall be confirmed by a repeat blood test, preferably venous, performed by a CLIA-certified laboratory. [~~Such confirmatory~~ Confirmatory testing is not required if the result of the capillary test is below the CDC reference value. Confirmatory] testing shall be performed [~~in accordance with the following schedule~~]:

1. [~~Confirmatory testing is not required if the result of the capillary test is below CDC's reference value.~~

~~2.~~] Within one to three months if the result of the capillary test is at or above the [~~CDC's~~ CDC] reference value and up to ~~9~~ nine micrograms of lead per deciliter of whole blood (µg/dL) [~~.~~;]

[2. ~~3.~~] Within one week to one month if the result of the capillary test is 10-44 µg/dL. The higher this test result, the more urgent the need for a confirmatory test [~~.~~ is;]

[3. ~~4.~~] Within 48 hours if the result of the capillary test is 45-59 µg/dL [~~.~~;]

[4. ~~5.~~] Within 24 hours if the result of the capillary test is 60-69 µg/dL [~~.~~; and]

[5. ~~6.~~] Immediately as an emergency laboratory test if the result of the capillary test is 70 µg/dL or higher.

E. [~~Information to be provided.~~] As part of regular well-check visits for all children, the health care provider shall make available to parents, guardians, or other persons standing in loco parentis information on the dangers of lead poisoning, potential sources of lead and ways to prevent exposure, and a list of available lead-related resources. When blood lead level testing is performed, the health care provider shall share the child's blood lead level test result with the child's parent, guardian, or other person standing in loco parentis and [shall] report to the local health department in accordance with the requirements of 12VAC5-90-80.

12VAC5-90-225. Additional data to be reported related to persons with active tuberculosis disease (confirmed or suspected).

A. Physicians and directors of medical care facilities [~~are required to~~ shall] submit [~~all of~~] the following [to the department]:

1. An initial report to be completed when there are reasonable grounds to suspect that a person has active TB disease, but no later than when antituberculosis drug therapy is initiated. The [~~reports must~~ report shall] include the following: the affected person's name; age; date of birth; gender; address; pertinent clinical, radiographic, microbiologic, and pathologic reports, whether pending or final; [~~such~~] other information as may be needed to locate the patient for follow-up; and name, address, and telephone number of the treating physician.

2. A secondary report to be completed simultaneously or within one to two weeks following the initial report. The report [~~must~~ shall] include: the date, method, and results of ~~tuberculin skin test (TST)~~ tests for tuberculosis infection; the date and results of the initial and [~~any~~] follow-up chest radiographs; the dates and results of bacteriologic or pathologic testing, the antituberculosis drug regimen, including names of the drugs, dosages and frequencies of administration, and start date; the date and results of drug susceptibility testing; HIV status; contact screening information; and name, address, and telephone number of treating physician.

3. Subsequent reports [~~are to be made~~] when updated information is available. Subsequent reports are required when~~:~~ clinical status changes, the treatment regimen changes; treatment ceases for any reason; or there are any updates to laboratory results, treatment adherence, name, address, and telephone number of current provider, patient location or contact information, or other additional clinical information.

[~~4.~~ B.] Physicians ~~and/or~~ or directors of medical care facilities responsible for the care of a patient with active tuberculosis disease [~~are required to~~ shall] develop and maintain a written treatment plan [~~. This plan must~~ that shall] be in place no later than the time when antituberculosis drug therapy is initiated. Patient adherence to this treatment plan must be documented. The treatment plan and adherence record are subject to review by the local health director or ~~his~~ the local health director's designee at any time during the course of treatment.

[~~5.~~ C.] The treatment plan for the following categories of patients [~~must~~ shall] be submitted to the local health director or ~~his~~ the local health director's designee for approval no later than the time when antituberculosis drug therapy is started or modified:

[~~a. For individuals~~ 1. Individuals] who are inpatients or incarcerated, [for whom] the responsible provider or facility [~~must~~ shall] submit the treatment plan for approval prior to discharge or transfer.

[~~b.~~ 2.] Individuals, whether inpatient, incarcerated, or outpatient, who also have one of the following conditions:

[~~(1)~~ a.] HIV infection [~~.~~;]

[~~(2)~~ b.] Known or suspected active TB disease resistant to rifampin, rifabutin, rifapentine, or other rifamycin with or without resistance to any other drug [~~.~~;]

[~~(3)~~ c.] A history of prior treated or untreated active TB disease, or a history of relapsed active TB disease [~~.~~; or]

[~~(4)~~ d.] A demonstrated history of nonadherence to any medical treatment regimen.

[~~B. Laboratories are required to~~ D. A laboratory director shall] submit the following:

1. Results of smears that are positive for acid fast bacilli [~~.~~;]

2. Results of cultures positive for any member of the Mycobacterium tuberculosis complex ~~(i.e., M. tuberculosis, M. bovis, M. africanum)~~ or any other mycobacteria [~~.~~;]

3. Results of rapid methodologies, including acid hybridization or nucleic acid amplification, which are indicative of M. tuberculosis complex or any other mycobacteria [~~.~~;]

4. Results of tests for antimicrobial susceptibility performed on cultures positive for ~~tubercle bacilli~~ M. tuberculosis complex [~~.~~; and]

5. Results of tests for tuberculosis infection.

[~~6. Laboratories, whether~~ Whether] testing is done in-house or referred to an out-of-state laboratory, [a laboratory director] shall submit a representative and viable sample of the initial culture positive for any member of the M. tuberculosis complex to the ~~Virginia~~ Division of Consolidated Laboratory Services or other laboratory designated by the board to receive such specimen.

12VAC5-90-280. Reporting of dangerous microbes and pathogens.

A. Definitions. The following words and terms when used in this part shall have the following meanings unless the context clearly indicates otherwise:

~~"Biologic agent" means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substance, or any naturally occurring, bioengineered, or synthesized component of any such microorganism or infectious substance, capable of causing death, disease, or other biological malfunction in a human, an animal, a plant, or other living organism; deterioration of food, water, equipment, supplies, or material of any kind; or deleterious alteration of the environment.~~

~~"CDC" means the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services.~~

~~"Diagnosis" means the analysis of specimens for the purpose of identifying or confirming the presence or characteristics of a select agent or toxin, provided that such analysis is directly related to protecting the public health or safety.~~

~~"Proficiency testing" means a sponsored, time-limited analytical trial whereby one or more analytes, previously confirmed by the sponsor, are submitted to the testing laboratory for analysis and where final results are graded, scores are recorded and provided to participants, and scores for participants are evaluated.~~

~~"Responsible official" means any person in charge of directing or supervising a laboratory conducting business in the Commonwealth of Virginia. At colleges and universities, the responsible official shall be the president of the college or university or his designee. At private, state, or federal organizations, the responsible official shall be the laboratory director or a chief officer of the organization or his designee.~~

"Select agent or toxin" or "select agent and toxin" means all those biological agents or toxins as defined by federal regulations in 42 CFR Part 73, including Health and Human Services select agents and toxins and overlap select agents and toxins. "Dangerous microbes and pathogens" will be known as "select agents and toxins."

~~"Toxin" means the toxic material or product of plants, animals, microorganisms (including but not limited to bacteria, viruses, fungi, rickettsiae, or protozoa); or infectious substances; or a recombinant or synthesized molecule, whatever the origin and method of production; and includes any poisonous substance or biological product that may be engineered as a result of biotechnology or produced by a living organism; or any poisonous isomer or biological product, homolog, or derivative of such a substance.~~

~~"Verification" means the process required to assure the accuracy, precision, and the analytical sensitivity and specificity of any procedure used for diagnosis.~~

~~B. Administration. The dangerous microbes and pathogens will be known as "select agents and toxins." The select agent and toxin registry will be maintained by the Virginia Department of Health, Office of Epidemiology, Division of Surveillance and Investigation.~~

~~C. Reportable agents. The board declares the select agents and toxins and overlap select agents and toxins outlined in 42 CFR Part 73 to be reportable and adopts it herein by reference including subsequent amendments and editions. The select agents and toxins are to be reportable by the persons enumerated in subsection F of this section.~~

~~D.~~ B. Items to report. Each report shall ~~be made on a form determined by the department and shall~~ contain the following: name, source, and characterization information on select agents and toxins and quantities held~~; objectives of the work with the agent; location (including building and room) where each select agent or toxin is stored or used; identification information of persons with access to each agent; identification information of the person in charge of each of the agents;~~ and the name and address of the laboratory and the name, position, and identification information of one responsible official as a single point of contact for the organization. ~~The report shall also indicate whether the laboratory is registered with the CDC Select Agent Program and may contain additional information as required by 42 CFR Part 73 or the department.~~

~~E.~~ C. Timing of reports. ~~Reports shall be made to the department within seven calendar days of submission of an application to the CDC Select Agent Program.~~ By January 31 of every year, ~~laboratories~~ the responsible official at a laboratory as designated by the [~~federal select agent program~~ Federal Select Agent Program] shall provide a written [~~update~~ report] to the ~~department, which shall include a copy of the federal registration certificate received through the CDC Select Agent Program~~ Division of Surveillance and Investigation in the Office of Epidemiology containing the information specified in subsection B of this section.

~~In the event that a select agent or toxin that has previously been reported to the department is destroyed, a copy of federal forms addressing the destruction of the select agent or toxin must be submitted to the department within seven calendar days of submission to the CDC Select Agent Program.~~

~~In the event that a select agent or toxin, or a specimen or isolate from a specimen containing a select agent or toxin, has previously been reported to the department and is subsequently transferred to a facility eligible for receiving the items, a copy of federal forms addressing the transfer of the select agent or toxin must be submitted to the department within seven calendar days of submission to the CDC Select Agent Program.~~

In the event of a suspected release, loss, or theft of any select agent or toxin, the responsible official at a laboratory as designated by the [~~federal select agent program~~ Federal Select Agent Program] shall make a report to the department immediately by the most rapid means available, preferably by telephone. The report shall be submitted to the Division of Surveillance and Investigation in the Office of Epidemiology. The rapid report shall be followed up by a written report within seven calendar days and shall include the following information:

1. The name of the biologic agent and any identifying information (e.g., strain or other characterization information);

2. An estimate of the quantity released, lost, or stolen;

3. An estimate of the time during which the release, loss, or theft occurred; [~~and~~]

4. The location (building, room) from or in which the release, loss, or theft occurred. The report may contain additional information as required by 42 CFR Part 73 or the department [; and

5.] If a release has occurred, the report shall also include the nature, environment, and location of the release; number, names, and position of exposed individuals; and actions taken as a result of the release.

~~The department shall be notified in writing of any change to information previously submitted to the department. If a new application or an amendment to an existing application is filed with the CDC Select Agent Program, a copy of the application or amendment shall be submitted to the department within seven calendar days of submission to the CDC Select Agent Program.~~

~~F. Those required to report. The laboratory director shall be responsible for annual reporting of select agents and toxins to the Virginia Department of Health and for the reporting of any changes within the time periods as specified within these regulations. Such reports shall be made on forms to be determined by the department. Any person making such reports as authorized herein shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.~~

~~G. Exemption from reporting. A person who detects a select agent or toxin for the purpose of diagnosing a disease, verification, or proficiency testing and either transfers the specimens or isolates containing the select agent or toxin to a facility eligible for receiving them or destroys them on site is not required to make a report except as required by 12VAC5-90-80 and 12VAC5-90-90. Proper destruction of the agent shall take place through autoclaving, incineration, or by a sterilization or neutralization process sufficient to cause inactivation. The transfer or destruction shall occur within seven calendar days after identification of a select agent or toxin used for diagnosis or testing and within 90 calendar days after receipt for proficiency testing.~~

~~Any additional exemptions from reporting under 42 CFR Part 73, including subsequent amendments and editions, are also exempt from reporting under this regulation; however, the department shall be notified of the exemption by submitting a copy of federal forms addressing the exemption within seven calendar days of submission to the CDC Select Agent Program.~~

~~H.~~ D. Release of reported information. Reports submitted to the select agent and toxin registry shall be confidential and shall not be a public record pursuant to the Freedom of Information Act, regardless of submitter. Release of information on select agents or toxins shall be made only by order of the State Health Commissioner to the CDC and state and federal law-enforcement agencies in any investigation involving the release, theft, or loss of a select agent or toxin required to be reported to the department under this regulation. [~~Any~~ A] person making [~~such reports~~ a report] as authorized in this section shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

12VAC5-90-370. Reporting of ~~healthcare-associated~~ health care-associated infections.

A. [~~Reportable infections.~~] ~~Facilities~~ [~~Health care facilities~~ A health care facility] that [~~report~~ reports] data into the Centers for Disease Control and Prevention's National Healthcare Safety Network (NHSN) ~~for~~ as a requirement of the Centers for Medicare and Medicaid Services ~~Hospital Inpatient Quality Reporting Program~~ shall share the data, through the NHSN, with the department.

B. [~~Liability protection and data release. Any~~ A] person making [~~such~~ a] report as authorized ~~herein~~ in this section shall be immune from liability as provided by § 32.1-38 of the Code of Virginia. Infection rate data may be released to the public by the department upon request. Data shall be aggregated to ensure that no individual patient may be identified.

FORMS (12VAC5-90)

~~Confidential Morbidity Report, Epi-1 (rev. 10/2011)~~

~~Virginia Cancer Registry Reporting Form (rev. 1/1998)~~

No form is currently required by the regulation.

VA.R. Doc. No. R20-5357; Filed July 15, 2025, 2:07 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Fast-Track Regulation

Title of Regulation: **12VAC30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12VAC30-50-140, 12VAC30-50-220).**

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: September 10, 2025.

Effective Date: September 25, 2025.

Agency Contact: Emily McClellan, Regulatory Supervisor, 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.

Basis: Section 32.1-325 of the Code of Virginia authorizes the Board of Medical Assistance Services to administer and amend the State Plan for Medical Assistance and to promulgate regulations. Section 32.1-324 of the Code of Virginia grants the Director of Medical Assistance Services the authority of the board when it is not in session.

Purpose: This action is mandated by Item 288 ZZZ of Chapter 2 of the 2024 Acts of Assembly, Special Session I, and is essential to protect the health, safety, or welfare of citizens because it allows the Department of Medical Assistance Services (DMAS) to cover preventive services for all full-benefit Medicaid members, not just expansion adults, which will allow for more equitable, widespread access to preventive services.

Rationale for Using Fast-Track Rulemaking Process: This action is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because the amendments align with Patient Protection and Affordable Care Act (PPACA) standards, care already covered for pediatric and Medicaid adult expansion members, and services covered by the majority of insurance products nationwide.

Substance: The amendments align the scope of coverage for preventive services with PPACA standards by specifying that preventive care for adults includes (i) services that have in effect a rating of "A" or "B" in the current recommendations of the U.S. Preventive Services Task Force and (ii) immunizations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

Issues: The primary advantage of this action to the public and the Commonwealth is that it ensures full-benefit adult Medicaid members, including those not covered by Medicaid Expansion, have equitable access to preventive care, which can help reduce the risk of developing serious health problems and help detect illnesses at an early stage when treatment may be more effective. This action presents no disadvantages to the public, the agency, the Commonwealth, or the regulated community.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. Pursuant to Item 304 EEEE in the 2022 Appropriations Act,[2] the Director of Medical Assistance Services (DMAS), on behalf of the Board of Medical Assistance Services, proposes to update the regulation for coverage of preventive care services for adult, full-benefit Medicaid individuals (non-expansion adults). This action is a housekeeping measure to align the regulatory text with changes already made pursuant to the Appropriations Act and the state plan, and to conform to existing practice.

Background. According to DMAS, full preventive services coverage has historically been available to all Medicaid and Family Access to Medical Insurance Security children and to all Medicaid expansion adults, while only limited preventive services coverage was available to non-expansion adults. The 2022 General Assembly has addressed this coverage gap for non-expansion adults by authorizing provision of full preventive services to these individuals as of July 1, 2022. Relatedly, Item 288 ZZZ of the 2024 Appropriations Act[3] modified the 2022 language to address a language concern. This proposal would update the regulatory language to reflect the existing provision of preventive services to non-expansion adults.

Estimated Benefits and Costs. The primary impact of this action is to incorporate in the regulatory language the provision of preventive care services to non-expansion adults; this coverage has already been provided since July 2022 under the authority of the 2022 Appropriation Act. For fiscal year 2024, DMAS allocated $62,446 in general funds and $57,458 in federal funds as a result of the expanded coverage. However, the increase in expenditures was a direct result of the legislation rather than this proposed regulation.

Businesses and Other Entities Affected. The proposed regulatory text should help clarify the availability of full preventive care services for non-expansion adults for the readers of the regulation. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[4] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[5] As noted above, the proposal would update the regulatory language to reflect the provision of preventive services to non-expansion adults. Thus, an adverse impact is not indicated.

Small Businesses[6] Affected.[7] The proposed amendments do not adversely affect small businesses.

Localities[8] Affected.[9] The proposed amendments do not introduce costs for localities nor do they particularly affect any locality more than others.

Projected Impact on Employment. The proposed amendments do not affect total employment.

Effects on the Use and Value of Private Property. No impact on the use and value of private property nor on real estate development costs is expected.

[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] https://budget.lis.virginia.gov/item/2022/2/HB30/Chapter/1/304/.

[3] https://budget.lis.virginia.gov/item/2024/1/HB30/Enrolled/1/288/.

[4] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[5] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[6] Pursuant to § 2.2-4007.04, 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."

[7] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[8] "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.

[9] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Department of Medical Assistance Services has reviewed the economic impact analysis prepared by the Department of Planning and has no issues.

Summary:

In accordance with Item 288 ZZZ of Chapter 2 of the 2024 Acts of Assembly, Special Session I, the amendments align the scope of coverage for preventive services with Patient Protection and Affordable Care Act standards by specifying that preventive care for adults includes (i) services that have a rating of "A" or "B" in the current recommendations of the U.S. Preventive Services Task Force and (ii) immunizations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

12VAC30-50-140. Physician's services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility, or elsewhere.

A. Elective surgery as defined by the Program is surgery that is not medically necessary to restore or materially improve a body function.

B. Cosmetic surgical procedures are not covered unless performed for physiological reasons and require Program prior approval.

C. Routine physicals and immunizations are ~~not~~ covered ~~except when the services are provided under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and when a well-child examination is performed in a private physician's office for a foster child of the local social services department on specific referral from those departments~~.

D. Outpatient psychiatric services.

1. Psychiatric services can be provided by or under the supervision of an individual licensed under state law to practice medicine or osteopathy. Only the following licensed providers are permitted to provide psychiatric services under the supervision of an individual licensed under state law to practice medicine or osteopathy: an LMHP, LMHP-R, LMHP-RP, or LMHP-S as defined in 12VAC30-50-130, or a licensed school psychologist as defined in § 54.1-3600 of the Code of Virginia. Medically necessary psychiatric services shall be covered by the Department of Medical Assistance Services (DMAS) or its designee and shall be directly and specifically related to an active written plan designed and signature dated by one of the health care professionals listed in this subdivision.

2. Psychiatric services shall be considered appropriate when an individual meets the following criteria:

a. Requires treatment in order to sustain behavioral or emotional gains or to restore cognitive functional levels that have been impaired;

b. Exhibits deficits in peer relations, dealing with authority; is hyperactive; has poor impulse control; is clinically depressed or demonstrates other dysfunctional clinical symptoms having an adverse impact on attention and concentration, ability to learn, or ability to participate in employment, educational, or social activities;

c. Is at risk for developing or requires treatment for maladaptive coping strategies; and

d. Presents a reduction in individual adaptive and coping mechanisms or demonstrates extreme increase in personal distress.

E. Any procedure considered experimental is not covered.

F. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment of life to the mother if the fetus was carried to term.

G. Physician visits to inpatient psychiatric hospital patients are restricted to medically necessary authorized (for enrolled ~~providers)/approved~~ providers) or approved (for nonenrolled providers) inpatient psychiatric hospital days as determined by DMAS or its contractor.

H. (Reserved.)

I. Reimbursement shall not be provided for physician services provided to recipients in the inpatient setting whenever the facility is denied reimbursement.

J. (Reserved.)

K. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys, corneas, hearts, lungs, and livers shall be covered for all eligible persons. High dose chemotherapy and bone ~~marrow/stem~~ marrow or stem cell transplantation shall be covered for all eligible persons with a diagnosis of lymphoma, breast cancer, leukemia, or myeloma. Transplant services for any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (~~under~~ younger than 21 years of age). Kidney, liver, heart, and bone ~~marrow/stem~~ marrow or stem cell transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require service authorization by DMAS. Cornea transplants do not require service authorization. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing ~~high quality~~ high-quality care in the performance of the requested transplant. Standards for coverage of organ transplant services are in 12VAC30-50-540 through 12VAC30-50-580.

L. Breast ~~reconstruction/prostheses~~ reconstruction or protheses following mastectomy and breast reduction.

1. If prior authorized, breast reconstruction surgery and prostheses may be covered following the medically necessary complete or partial removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorized, for all medically necessary indications. Such procedures shall be considered noncosmetic.

2. Breast reconstruction or enhancements for cosmetic reasons shall not be covered. Cosmetic reasons shall be defined as those that are not medically indicated or are intended solely to preserve, restore, confer, or enhance the aesthetic appearance of the breast.

M. Admitting physicians shall comply with the requirements for coverage of out-of-state inpatient hospital services. Inpatient hospital services provided out of state to a Medicaid recipient who is a resident of the Commonwealth of Virginia shall only be reimbursed under at least one the ~~following~~ conditions in subdivisions 1 through 4 of this subsection. It shall be the responsibility of the hospital, when requesting service authorization for the admission, to demonstrate that one of the ~~following~~ conditions in subdivisions 1 through 4 of this subsection exists in order to obtain authorization. Services provided out of state for circumstances other than these specified reasons shall not be covered.

1. The medical services must be needed because of a medical emergency;

2. Medical services must be needed and the recipient's health would be endangered if ~~he~~ the recipient were required to travel to his state of residence;

3. The state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state; or

4. It is general practice for recipients in a particular locality to use medical resources in another state.

N. In compliance with 42 CFR ~~441.200,~~ Part 441 Subparts E and F, claims for hospitalization in which sterilization, hysterectomy, or abortion procedures were performed shall be subject to review of the required DMAS forms corresponding to the procedures. The claims shall suspend for manual review by DMAS. If the forms are not properly completed or not attached to the bill, the claim will be denied or reduced according to DMAS policy.

O. Prior authorization is required for the following nonemergency outpatient procedures: Magnetic Resonance Imaging (MRI), including Magnetic Resonance Angiography (MRA), Computerized Axial Tomography (CAT) scans, including Computed Tomography Angiography (CTA), or Positron Emission Tomography (PET) scans performed for the purpose of diagnosing a disease process or physical injury. The referring physician ordering nonemergency outpatient Magnetic Resonance Imaging (MRI), Computerized Axial Tomography (CAT) scans, or Positron Emission Tomography (PET) scans must obtain prior authorization from DMAS for those scans. The servicing provider will not be reimbursed for the scan unless proper prior authorization is obtained from DMAS by the referring physician.

P. Addiction and recovery treatment services shall be covered in physician services consistent with Part XX (12VAC30-130-5000 et seq) of this chapter.

12VAC30-50-220. Diagnostic, screening, preventive, and rehabilitative services other than those provided elsewhere in this plan.

A. Diagnostic services are provided but only when necessary to confirm a diagnosis.

B. ~~Screening~~ Preventive services.

~~1. Screening mammograms for the female recipient population aged 35 and over shall be covered, consistent with the guidelines published by the American Cancer Society.~~

~~2.~~ 1. Screening PSA (i.e., prostate specific antigen) and the related DRE (i.e., digital rectal examination) for males shall be covered, consistent with the guidelines ~~published by~~ of the American Cancer Society.

~~3. Screening Pap smears shall be covered annually for females, consistent with the guidelines published by the American Cancer Society.~~

~~4. Screening services for colorectal cancer, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations.~~

~~5. Low-dose computed tomography lung cancer screening shall be covered annually for individuals between the ages of 55 years and 80 years who are current smokers, have quit smoking within the last 15 years, or have a history of smoking at least one pack of cigarettes per day for 30 or more years.~~

~~C.~~ 2. Maternity length of stay and early discharge.

~~1.~~ a. If the mother and newborn, or the newborn alone, are discharged earlier than 48 hours after the day of delivery, DMAS will cover one early discharge follow-up visit ~~as recommended by the physicians in accordance with and as indicated by the "Guidelines for Perinatal Care," 4th Edition, August 1997, as developed by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists~~. The mother and newborn, or the newborn alone if the mother has not been discharged, must meet the criteria for early discharge to be eligible for the early discharge follow-up visit. This early discharge follow-up visit does not affect or apply to any usual postpartum or well-baby care or any other covered care to which the mother or newborn is entitled; it is tied directly to an early discharge.

~~2.~~ b. The early discharge follow-up visit must be provided as directed by a physician. The physician may coordinate with the provider of ~~his~~ the physician's choice to provide the early discharge follow-up visit, within the following limitations. Qualified providers are those hospitals, physicians, nurse midwives, nurse practitioners, federally qualified health clinics, rural health clinics, and health ~~departments'~~ department clinics that are enrolled as Medicaid providers and are qualified by the appropriate state authority for delivery of the service. The staff providing the follow-up visit, at a minimum, must be a registered nurse having training and experience in maternal and child health. The visit must be provided within 48 hours of discharge.

3. Any clinical preventive services that are assigned a grade of A or B by the United States Preventive Services Task Force (USPSTF) along with approved vaccines and vaccine administration recommended by the Advisory Committee on Immunization Practices (ACIP) for adult, full-Medicaid individuals.

VA.R. Doc. No. R25-7647; Filed July 22, 2025, 11:54 a.m.

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Fast-Track Regulation

Title of Regulation: **12VAC35-225. Requirements for Virginia Early Intervention System (amending 12VAC35-225-430).**

Statutory Authority: § 2.2-5304 of the Code of Virginia.

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: September 10, 2025.

Effective Date: September 25, 2025.

Agency Contact: Kyla Patterson, Early Intervention Program Manager, Department of Behavioral Health and Developmental Services, 1220 Bank Street, Richmond, VA 23218, telephone (804) 402-8759, fax (804) 371-7959, TDD (804) 371-8977, or email k.patterson@dbhds.virginia.gov.

Basis: Section 2.2-5304 of the Code of Virginia authorizes the State Board of Behavioral Health and Developmental Services to promulgate regulations necessary to implement an early intervention services system and ensure consistent and equitable access to such services. This regulation also implements Part C of the Individuals with Disabilities Education Act (20 USC §1435(a) and 34 CFR Part 303) (IDEA) in Virginia.

Purpose: Personnel shortages in Virginia's birth-through-three early intervention system have the potential to negatively impact outcomes for eligible infants, toddlers, and families. By broadening the provider types eligible for early intervention certification, Virginia can maximize the pool of qualified providers, better meet the social-emotional and mental health needs of infants and toddlers with disabilities and their families, and improve outcomes. Ensuring these needs are met early through effective intervention benefits public health by improving the lives of Virginia's children and families and reducing future costs to the Commonwealth.

Rationale for Using Fast-Track Rulemaking Process: This action is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because the new language allows, but does not require, individuals in certain professional disciplines to apply for early intervention certification and provide early intervention services.

Substance: The amendments (i) add child life specialists, physicians, and teachers of English as a second language to the list of qualified personnel who may seek certification from the Department of Behavioral Health and Developmental Services (DBHDS) as early intervention professionals and (ii) adds licensed mental health professionals, qualified mental health professionals and trainees, and speech-language pathology assistants to the list of qualified personnel who may seek certification from DBHDS as early intervention specialists.

Issues: The primary advantages of this action to the public are that (i) families will have a greater choice of providers, (ii) early intervention programs will have a broader provider pool from which to hire and contract for services, and (iii) individuals with licensure in the added disciplines will have expanded employment opportunities. Ensuring programs and families have access to broad qualified providers who can provide the full array of early intervention services in a timely and effective manner has the further advantage of improving developmental outcomes for the infants and toddlers served. There is no disadvantage to the public. The primary advantage to DBHDS is meeting the federally required assurance under Part C of IDEA that all eligible infants, toddlers, and their families receive the early intervention services necessary to meet their needs in a timely manner. A possible disadvantage to the Department of Medical Assistance Services and the Commonwealth is the additional cost for services provided as a result of adding new provider disciplines. However, these services are already entitled under Part C of IDEA and, by accepting federal Part C funding, Virginia is obligated to provide these services with or without the additional provider disciplines. In addition, any financial disadvantage is offset by the fact that this investment in early intervention services will reduce future costs to the Commonwealth. Estimates on the cost savings vary, but the long-term study associated with the Perry Preschool Project indicates that every $1.00 invested in early education will lead to at least a $7.00 return.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. The State Board of Behavioral Health and Developmental Services (board) proposes to add new professional disciplines that would qualify individuals to seek certification as an early intervention professional or specialist.

Background. Early intervention providers are categorized into two groups, professionals and specialists, and serve children younger than three years old who have a developmental disability. Early intervention professionals are required to have a license in a professional discipline (e.g., licensed counselor, teacher, therapist, nurse, psychologist, physician, etc.) as a prerequisite for certification and can perform their services independently (i.e., no supervision required). Early intervention specialists must also have a license in a professional discipline (e.g., assistant behavior analyst, residents in counseling, certified nurse aide, physical therapy assistant) but must work under the supervision of a certified early intervention professional. Following a 2024 periodic review of this regulation[2] and based on data and input from local early intervention programs, providers and families, the Department of Behavioral Health and Developmental Services (DBHDS) has determined that changes to the regulation are necessary. The proposed changes would help expand the early intervention workforce in order to meet the needs of all eligible infants, toddlers and families and improve child and family outcomes resulting from participation in early intervention. Accordingly, the board proposes to add certain disciplines which would qualify as a prerequisite for a certified early intervention professional or specialist, as follows:

New qualified disciplines for early intervention professional certification: Child life specialists certified by the Association of Child Life Professionals, Child Life Certification Commission; Educators licensed by the Virginia Board of Education with endorsement in English as a Second Language; Physicians licensed in medicine or osteopathic medicine by the Virginia Board of Medicine.

New qualified disciplines for early intervention specialist certification: Residents in counseling with temporary licensure as a resident in counseling by Virginia Board of Counseling; residents in psychology with registration of residency in clinical or school psychology by the Virginia Board of Psychology; and supervisees in social work with registration of supervised experience by the Virginia Board of Social Work; Qualified mental health professional or qualified mental health professional-trainee approved and registered by the Virginia Board of Counseling; Speech-language pathology assistant meeting the qualifications of, and supervised in accordance with, 18VAC30-21-140.

Estimated Benefits and Costs. The proposed changes would expand the eligible pool of providers to deliver early intervention services for infants and toddlers with disabilities and their families. DBHDS estimates that approximately 50 to 100 additional providers may start offering early intervention services in response to these changes. DBHDS states that the proposed changes would also: give families additional choices of providers who can meet their child's and family's needs; give early intervention programs a broader provider pool from which to hire and contract for services; and give individuals with licensure in the added disciplines expanded employment opportunities or higher earning potential. Ensuring programs and families have access to broad qualified providers who can provide the full array of early intervention services in a timely and effective manner may have the further advantage of improving developmental outcomes for the infants and toddlers served and provide long term cost savings. According to DBHDS, estimates on cost savings vary, but a long-term study associated with the Perry Preschool Project indicates that every dollar invested in early education would lead to at least a seven-dollar return.[3] The proposal would help DBHDS stay compliant with the federal grant requirement under Part C of the Individuals with Disabilities Education Act that all eligible infants, toddlers, and their families receive the early intervention services necessary to meet their needs in a timely manner. If DBHDS fails to meet this requirement, the U.S. Department of Education may withhold funding to the Commonwealth; Virginia received $13.1 million in federal Part C funding in federal fiscal year 2024. On the other hand, a larger workforce that can deliver early intervention services would be expected to increase utilization and expenditures. Although Medicaid is the largest payer for these services (serving approximately half of the eligible recipients), other payers include private insurance, TRICARE,[4] and other state or federal funds for all early intervention services delivered. DBHDS estimates that 84 children waited for services in fiscal year 2024. If 42 of these children were served by Medicaid as a result of expanded service capacity under the proposal, the increase in expenditures would amount to approximately $188,609 per year of which one half would be paid by state funds and the other half would be paid by federal funds. However, how many of the 84 children would be actually served and which payers would be responsible for what portion of the expenditures are not known.

Businesses and Other Entities Affected. According to DBHDS, currently there are 1,160 certified early intervention professionals and 120 specialists. The proposal is estimated to expand the total number of providers by approximately 50 to 100 individuals. DBHDS also states that last year over 23,000 infants and toddlers and their families benefited from early intervention services and 84 children and families had unmet needs. No entity appears to be disproportionately affected. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[5] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[6] The proposal does not mandate that affected professionals become certified and provide early intervention services. Although the proposal has the potential to increase early intervention utilization and increase expenditures for payers indirectly, the insurance coverage must exist for early intervention services which is independent from the proposed amendments. Thus, no adverse impact (especially no direct adverse impact) on any entity is indicated.

Small Businesses[7] Affected.[8] DBHDS states that most local lead agencies contract with private provider agencies to deliver some of the early intervention services in the locality. Some of these private provider agencies are small businesses. The proposed amendments do not appear to have a direct adverse impact on small businesses, and some may benefit from having a larger qualified pool from which to hire.

Localities[9] Affected.[10] DBHDS contracts with 39 public local lead agencies to facilitate implementation of local early intervention services statewide and states that localities cannot be mandated to provide funding for any costs under this early intervention regulation, either directly or through participating local public agencies. Although not required to do so, local lead agencies contributed $13.9 million in local funding in fiscal year 2023 and another $763,101 of in-kind contribution toward the cost of implementing the early intervention system and providing early intervention services to infants and toddlers with disabilities and their families. Thus, the proposed amendments would have no direct cost impact on localities and are not expected to affect any locality disproportionately.

Projected Impact on Employment. The proposed amendments would expand the pool of eligible individuals to become an early intervention provider. However, these individuals are required to have a license as a prerequisite to be certified and are already likely employed. Thus, the proposed changes may indirectly reduce under-employment but the impact on total employment is unknown.

Effects on the Use and Value of Private Property. The proposed amendments are not expected to have a direct impact on the use and value of private property. Also, no impact on real estate development costs is expected.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] https://townhall.virginia.gov/L/ViewPReview.cfm?PRid=2477.

[3] https://highscope.org/wp-content/uploads/2024/04/perry-preschool-summary-40-1.pdf.

[4] TRICARE is the U.S. Department of Defense's health care program for active-duty service members, their families, retirees, and certain veterans. It provides health benefits, including medical, dental, and vision care, through a combination of military treatment facilities and a network of civilian providers. Source: https://tricare.mil/Plans/Eligibility.

[5] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[6] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[7] Pursuant to § 2.2-4007.04, 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."

[8] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping,

and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[9] "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.

[10] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The State Board of Behavioral Health and Developmental Services concurs with the Department of Planning and Budget's economic impact analysis.

Summary:

As a result of periodic review, the amendments add a total of six professional disciplines to the list of qualified personnel who may seek certification from the Department of Behavioral Health and Developmental Services as early intervention professionals, which expands the eligible pool of providers to deliver early intervention services for infants and toddlers with disabilities and their families.

12VAC35-225-430. Certification required for early intervention professionals and early intervention specialists.

A. Individual practitioners of early intervention services, with the exception of physicians, audiologists, and registered dietitians, shall be certified by the department as early intervention professionals or early intervention specialists.

B. Certified early intervention professionals shall have expertise in a discipline trained to enhance the development of children with a disability, as evidenced by state licensure, including application for state licensure if the discipline authorizes practice in Virginia while the application is pending and the individual practitioner meets all applicable requirements for such practice; state endorsement; or certification by a national professional organization. Qualified personnel in the following disciplines may seek certification from the department as early intervention professionals:

1. Child life specialists certified by the Association of Child Life Professionals, Child Life Certification Commission;

2. Counselors.

a. Licensed professional counselors licensed by the Virginia Board of Counseling; and

b. School counselors (Pre K - 12) endorsed by the Virginia Board of Education;

~~2.~~ 3. Behavior analysts licensed by the Virginia Board of Medicine;

~~3.~~ 4. Educators.

a. Educators licensed by the Virginia Board of Education with endorsement in Special Education - Early Childhood (Birth - 5);

b. Educators licensed by the Virginia Board of Education with endorsement in Early/Primary Education (Pre K - 3 or NK - 4);

c. Educators licensed by the Virginia Board of Education with endorsement in Elementary Education (Pre K - 6);

d. Educators licensed by the Virginia Board of Education with endorsement in Career and Technical Education - Family and Consumer Services;

e. Educators licensed by the Virginia Board of Education with endorsement in Special Education - Hearing Impairments (Pre K - 12);

f. Educators licensed by the Virginia Board of Education with endorsement in Special Education - Visual Impairments (Pre K - 12);

g. Educators with a technical professional license issued by the Virginia Board of Education in Career and Technical Education - Family and Consumer Sciences;

h. Educators licensed by the Virginia Board of Education with Endorsement in adapted curriculum K - 12; ~~and~~

i. Educators licensed by the Virginia Board of ~~education~~ Education with Endorsement in general curriculum K - 12; and

j. Educators licensed by the Virginia Board of Education with endorsement in English as a Second Language;

~~4.~~ 5. Family and consumer science professionals certified through the American Association of Family and Consumer Sciences (AAFCS). Individuals certified by the AAFCS after June 30, 2009, shall meet certification requirements in family and consumer sciences - human development and family studies;

~~5.~~ 6. Marriage and family therapists licensed by the Virginia Board of Counseling;

~~6.~~ 7. Music therapists certified by the Certification Board for Music Therapists (CBMT);

~~7.~~ 8. Nurses.

a. Nurse practitioners licensed by the Virginia Board of Nursing; and

b. Registered nurses licensed by the Virginia Board of Nursing;

~~8.~~ 9. Occupational therapists licensed by the Virginia Board of Medicine;

~~9.~~ 10. Orientation and mobility specialists certified by the National Blindness Professional Certification Board as a National Orientation and Mobility Certificant (NOMC) or certified by the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) as a Certified Orientation and Mobility Specialist (COMS);

~~10.~~ 11. Physical therapists licensed by the Virginia Board of Physical Therapy;

~~11.~~ 12. Physicians licensed in medicine or osteopathic medicine by the Virginia Board of Medicine;

13. Psychologists.

a. Applied psychologists licensed by the Virginia Board of Psychology;

b. Clinical psychologists licensed by the Virginia Board of Psychology; and

c. School psychologists licensed by the Virginia State Board of Education with an endorsement in school psychology;

~~12.~~ 14. Social workers.

a. Licensed clinical social workers licensed by the Virginia Board of Social Work; and

b. School social workers licensed by the Virginia State Board of Education with an endorsement as a school social worker;

~~13.~~ 15. Speech-language pathologists licensed by the Virginia Board of Audiology and Speech-Language Pathology; and

~~14.~~ 16. Therapeutic recreation specialists certified by the National Council on Therapeutic Recreation.

C. Certified early intervention specialists shall hold a minimum of a high school diploma or general equivalency diploma. Qualified personnel in the following disciplines may seek certification from the department as early intervention specialists:

1. Assistant behavior analysts licensed by the Virginia Board of Medicine.

2. Early intervention assistants whose qualifications have been approved by the Department of Behavioral Health and Developmental Services.

3. Residents in counseling with temporary licensure as a resident in counseling by the Virginia Board of Counseling; residents in psychology with registration of residency in clinical or school psychology by the Virginia Board of Psychology; and supervisees in social work with registration of supervised experience by the Virginia Board of Social Work.

4. Licensed social workers licensed by the Virginia Board of Social Work.

~~4.~~ 5. Nurses.

a. Certified nurse aides certified by the Virginia Board of Nursing; and

b. Licensed practical nurses licensed by the Virginia Board of Nursing.

~~5.~~ 6. Occupational therapy assistants licensed by the Virginia Board of Medicine.

~~6.~~ 7. Physical therapy assistants licensed by the Virginia Board of Physical Therapy.

8. Qualified mental health professionals or qualified mental health professional-trainees approved and registered by the Virginia Board of Counseling.

9. Speech-language pathology assistants meeting the qualifications of, and supervised in accordance with, 18VAC30-21-140.

D. Certified early intervention professionals and certified early intervention specialists shall demonstrate knowledge of early intervention principles and practices, including infant and toddler development, family-centered practice, and multidisciplinary team practice, by successful completion of the early intervention principles and practices online training modules administered by the department. A score of at least 80% accuracy on each module's competency test shall be required for successful completion.

VA.R. Doc. No. R25-8107; Filed July 21, 2025, 11:22 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

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

Proposed Regulation

Title of Regulation: **18VAC10-20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations (amending 18VAC10-20-10, 18VAC10-20-15, 18VAC10-20-20, 18VAC10-20-35, 18VAC10-20-40, 18VAC10-20-50, 18VAC10-20-85, 18VAC10-20-87, 18VAC10-20-90, 18VAC10-20-150, 18VAC10-20-160, 18VAC10-20-170, 18VAC10-20-210, 18VAC10-20-230 through 18VAC10-20-340, 18VAC10-20-350 through 18VAC10-20-392, 18VAC10-20-400, 18VAC10-20-420, 18VAC10-20-430 through 18VAC10-20-770, 18VAC10-20-790, 18VAC10-20-795; adding 18VAC10-20-105, 18VAC10-20-191, 18VAC10-20-785; repealing 18VAC10-20-17, 18VAC10-20-25, 18VAC10-20-55, 18VAC10-20-70, 18VAC10-20-75, 18VAC10-20-110 through 18VAC10-20-140, 18VAC10-20-200, 18VAC10-20-220, 18VAC10-20-345, 18VAC10-20-425, 18VAC10-20-780).**

Statutory Authority: §§ 54.1-201 and 54.1-404 of the Code of Virginia.

Public Hearing Information:

September 9, 2025 - 2 p.m. - Department of Professional and Occupational Regulation, 9960 Mayland Drive, Training Room Two, Richmond, VA 23233.

Public Comment Deadline: October 10, 2025.

Agency Contact: Kathleen R. Nosbisch, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, fax (866) 465-6206, or email apelscidla@dpor.virginia.gov.

Basis: Section 54.1-201 of the Code of Virginia authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects to establish the qualifications of applicants for certification or licensure that are necessary to ensure competence or integrity to engage in such profession or occupation and to promulgate regulations necessary to ensure continued competency, to prevent deceptive or misleading practices by practitioners, and to effectively administer the regulatory system. Section 54.1-404 of the Code of Virginia authorizes the board to promulgate regulations governing organization, professional qualifications of applicants, requirements necessary for passing examinations, proper conduct of examinations, implementation of exemptions from license requirements, and the proper discharge of the board's duties, including a code of professional practice and conduct.

Purpose: The board is responsible for regulating (i) those who practice or offer to practice as an architect, professional engineer, land surveyor, or landscape architect by requiring such individuals obtain a license in order to engage in these occupations and (ii) those who practice interior design by providing that such individuals may obtain certification as a certified interior designer as evidence of qualification to engage in this occupation. The performance of professional work by those who lack sufficient expertise poses a risk to the public health, safety, and welfare, including the potential for damage to property, personal injury, and death, and risk of financial harm to property owners and the public. This action updates and clarifies the provisions of the regulation and reduces the regulatory burden while still protecting the public health, safety, and welfare.

Substance: The proposed amendments (i) add and update definitions; (ii) repeal obsolete and unnecessary sections and consolidate language; (iii) reduce notification requirements regarding disciplinary actions and criminal convictions; (iv) eliminate the business branch office registration requirement; (v) expand the pathways for engineer-in-training, professional engineer, and surveyor-in-training credentials; (vi) eliminate certain application requirements, including an application to the board to sit for the licensing examination and letters of reference; (vii) replace licensure by comity with licensure by endorsement and set out requirements for licensure by endorsement; (viii) update minimum field and office procedures and standards related to land surveying; (ix) accommodate virtual supervision; (x) update and clarify general standards of practice; (xi) clarify renewal and reinstatement procedures; and (xii) prohibit dishonesty, fraud, misrepresentation, and breach of fiduciary duty.

Issues: The primary advantages of this action to the public and businesses are improved clarity, transparency, and efficiency in licensure and registration processes. The primary advantages to the agency and the Commonwealth are administrative efficiency and regulatory streamlining. There are no identified disadvantages to the public, the Commonwealth, or the agency.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (board) proposes to (i) expand the pathways for engineer-in-training, professional engineer, and surveyor-in-training credentials; (ii) eliminate the business branch office registration requirement; (iii) require the use of more accurate angular measurement instruments; and (iv) revise several administrative requirements.

Background. This regulation sets the rules to effectively administer the regulatory system for licensed architects, professional engineers, land surveyors, landscape architects, certified interior designers and businesses providing professional services in Virginia that are required to be registered with the Board. This includes the minimum qualifications for entry, standards for continued competency, and minimum standards for conduct. Pursuant to the Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor to initiate regulatory processes to reduce by at least 25% the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth. The Board has conducted a general review of this regulation. The proposed substantive changes to achieve the executive directive are discussed.

Estimated Benefits and Costs.

Pathways to engineer-in-training, professional engineer, and surveyor-in-training credentials: The board has previously eliminated five educational pathways to obtain the engineer-in-training (EIT) designation in a 2021 regulatory action.[2] These pathways applied to students enrolled in Accreditation Board for Engineering and Technology (ABET) accredited undergraduate and graduate programs, graduates of approved engineering or engineering technology programs, dual degree holders, graduates of nonapproved engineering programs, and those who have obtained equivalent education to that of ABET accreditation. In that action, the board stipulated that an individual may only qualify for an EIT designation if they have graduated from an engineering program that is accredited by ABET or that meets the education standards of the National Council of Examiners for Engineering and Surveying (NCEES). However, the board has since determined that these 2021 amendments unintentionally created barriers to licensure for individuals who may not have graduated from an ABET accredited curriculum by requiring such individuals to take additional schooling to qualify for an EIT designation. In this action, the board proposes to restore the five previously repealed pathways to earn the EIT designation and eliminate the reliance on only the ABET and NCEES standards. The 2021 amendments also unintentionally limited pathways to obtain the professional engineer credential. For one of the pathways, the board now proposes to restore eligibility for those applicants who meet each of the following: (i) have graduated from a nonapproved engineering technology program of at least four years; (ii) have an EIT designation to qualify with at least 10 years of qualifying experience; and (iii) pass the fundamentals of engineering exam. For another pathway, the board proposes to restore eligibility to those who (i) have graduated from an engineering, engineering technology, or related science curriculum of four years or more; and (ii) also have at least 20 years of qualifying experience (these applicants are not required to pass the fundamentals exam but must have at least 20 years of qualifying experience). For the professional engineer credential, in addition to restoring the two pathways that existed before 2021, the board also proposes to allow individuals who have graduated from an ABET accredited engineering program to qualify based on (i) having passed the fundamentals examination; and (ii) also having four years of qualifying experience. Moreover, another pathway would be revised to allow individuals who have graduated from a four-year, related science program, engineering technology program, or non-ABET accredited engineering program to qualify based on (i) having passed the fundamentals examination; and (ii) also having six years of qualifying experience. This change would allow individuals who have graduated from a nonapproved engineering technology program to qualify with six years of experience, instead of 10. Provisions for professional engineer licensure by endorsement would be revised to allow international applicants who hold a valid license from a country that is a signatory to the mobility agreements of the International Engineering Alliance to qualify for licensure in Virginia. The Board also proposes to revise entry qualifications for the surveyor-in-training (SIT) designation. The proposal potentially allows more individuals to qualify for the SIT designation more quickly than the regulation currently provides. The proposed changes include allowing applicants with an acceptable associate degree to qualify for the fundamentals of surveying examination with two years of land surveying experience (instead of the currently required four years); reducing the required experience from eight years to six years for applicants who have graduated from high school and completed coursework in algebra, geometry, and trigonometry; introducing a new pathway that permits individuals who have earned a certificate or diploma in a minimum 30-hour surveying curriculum to qualify for the fundamentals examination with three years of land surveying experience. Moreover, provisions regarding the apprenticeship pathway to SIT qualification would be revised to provide that applicants must possess a minimum of three years of approved land surveying experience instead of the current requirement of six years of experience. As a result of these changes, some individuals who currently do not have qualifying education or experience would not be required to take additional education or to gain additional experience to meet the requirements for EIT or SIT designation and to become a professional engineer; this change would therefore potentially allow more individuals to qualify. The elimination of potential additional education would allow an individual to become licensed more quickly and is expected to provide savings to affected individuals in terms of money for schooling and the time it would take to earn educational credits. A reduction in experience requirements would allow higher earning potential, thereby allowing them to use their resources and time for other preferred activities. However, a reduction in educational requirements would also reduce revenues of affected education providers.

Business branch office registration: The board proposes to repeal the provisions that require branch offices for professional service businesses to register with the board, which the board states would reduce unnecessary regulatory burdens on businesses. Professional services include architecture, engineering, land surveying, landscape architecture, and interior design. Currently, business entities with a branch office must pay a $45 application fee for initial registration and a $35 renewal fee every two years thereafter for each branch. Going forward, only the primary business entity would be required to register. As a result of this change, the Department of Professional and Occupational Regulation (DPOR) is expected to see a loss in revenue of about $100,000 per year. This would also represent a reduction in fee payments for businesses with branch offices, and affected businesses should also see a reduction in administrative costs associated with registering their branches.

Technical changes: Angular measurement standards for land surveys would be revised to provide that measuring instruments must have a minimum accuracy of six seconds of arc or equivalent. The current requirement is 20 seconds of arc or equivalent. The board reports that this change is needed as the modern instruments are capable of achieving much more accuracy. This change would increase the stringency of a current technical standard for land surveyors. Some surveyors may have to purchase new equipment if their current equipment does not meet the proposed accuracy standard. On the other hand, landowners can be expected to benefit from more accurate surveys.

Administrative changes: The board proposes to eliminate requirements for applicants for licensed professions to apply to the board to receive approval to sit for the respective licensing examination. Currently, individuals seeking credentials must first apply to the board, have their applications reviewed by the board staff (and potentially by the board members), and then receive approval to take the applicable examination. Under the proposal, applicants would be permitted to apply to the board after successfully passing the applicable examination. Applicants for licensure should experience time savings as a result of no longer being required to apply to the board to receive approval to sit for a licensing examination. The proposal would also eliminate a requirement for applicants for licensure to submit letters of reference as part of an application for licensure. Applicants are expected to experience reduced administrative burden and time costs as a result of eliminating the requirement to provide letters of reference with a license application. The board proposes to eliminate a requirement that each registered business entity designate a resident responsible person for each of the professional services offered at each place of business for the business entity. Business entities would still be required to designate a responsible person for each of the professional services the business offers. Currently, each resident responsible person designated by the firm must exercise direct control and personal supervision of the work being offered or practiced at each place of business. The responsible person is required to be present for the majority of operating hours at the place of business. However, the board determined that with the widespread adoption of telework and virtual supervision practices, it is now possible to oversee work effectively without requiring a professional to be physically present at each business location. Business entities should experience reduced administrative burdens as a result of eliminating the requirement for each place of business for the business entity to have a resident responsible person for each of the professional services offered or provided at each location. This change has the potential to reduce the demand for office space. The prohibited act provisions would be revised to add that the board may discipline or sanction a regulant if the regulant has committed acts involving dishonesty, fraud, misrepresentation, or breach of fiduciary duty related to the practice of the profession. As a result, there may be additional administrative costs for regulants associated with requirements to report additional acts and for the Board to evaluate such reported acts. However, the Board anticipates that these costs would apply to only a very small number of regulants.

Businesses and Other Entities Affected. According to DPOR, as of April 1, 2025, approximately 42,500 individuals are licensed by the board and would be affected by the proposed changes. This includes 4,923 architects, 31,842 professional engineers, 1,386 land surveyors, 995 landscape architects, and 995 certified interior designers. Additionally, approximately 5,000 business entities registered with the Board would also be impacted. No entity appears to be disproportionately affected. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[3] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[4] The proposal is expected to indirectly reduce revenues of education providers for EIT and SIT designations as well as professional engineer credential; and reduce the revenues of office space suppliers. Thus, an adverse impact is indicated for those entities.

Small Businesses[5] Affected.[6] DPOR believes that a majority of the affected businesses required to be registered would be considered small businesses. There may be also small businesses among adversely affected educational providers and office space suppliers.

Types and Estimated Number of Small Businesses Affected: The exact number of small businesses (education and office space providers) that may be adversely affected is not known.

Costs and Other Effects: The proposed amendments would reduce revenues of certain educational and office space providers.

Alternative Method that Minimizes Adverse Impact: There are no clear alternative methods that both reduce adverse impact and meet the intended policy goals.

Localities[7] Affected.[8] The proposed amendments do not introduce costs for localities.

Projected Impact on Employment. By allowing licensure sooner, the proposal would help with underemployment. However, the net impact on total employment is not known.

Effects on the Use and Value of Private Property. The proposed elimination of business branch office registration, and the reduction in educational and experience requirements as well as administrative burdens, should reduce regulatory compliance costs and add to the asset values of regulated businesses. On the other hand, the expected revenue reduction for educational providers and office space suppliers is expected to have the opposite impact on those entities. No impact on real estate development costs is expected.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] https://townhall.virginia.gov/L/ViewStage.cfm?stageid=8822.

[3] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[4] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[5] Pursuant to § 2.2-4007.04, 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."

[6] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[7] "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.

[8] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects concurs with the Department of Planning and Budget's economic impact analysis.

Summary:

The proposed amendments (i) add and update definitions; (ii) repeal obsolete and unnecessary sections and consolidate language; (iii) reduce notification requirements regarding disciplinary actions and criminal convictions; (iv) eliminate the business branch office registration requirement; (v) expand the pathways for engineer-in-training, professional engineer, and surveyor-in-training credentials; (vi) eliminate certain application requirements, including application to the board to sit for the licensing examination and letters of reference; (vii) replace licensure by comity with licensure by endorsement and set out requirements for licensure by endorsement; (viii) update minimum field and office procedures and standards related to land surveying; (ix) accommodate virtual supervision; (x) update and clarify general standards of practice; (xi) clarify renewal and reinstatement procedures; and (xii) prohibit dishonesty, fraud, misrepresentation, and breach of fiduciary duty.

18VAC10-20-10. Definitions.

A. Section 54.1-400 of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

Architect

Board

Certified interior designer

Interior design. When used in this chapter, interior design ~~shall~~ will only be applicable to interior design performed by a certified interior designer.

Land surveyor. When used in this chapter, land surveyor ~~shall~~ will include surveyor photogrammetrist, unless stated otherwise or if the context requires a different meaning.

Landscape architect

Practice of architecture

Practice of engineering

Practice of land surveying

Practice of landscape architecture

Professional engineer

Responsible charge

B. The following words, terms, and phrases when used in this chapter ~~shall~~ have the following meanings ~~ascribed to them~~ except where the context clearly indicates otherwise or requires different meanings:

"Application" means a completed application with the appropriate fee and any other required documentation ~~including references, experience verification, degree verification, and verification of examination and licensure or certification~~.

~~"Comity" means the recognition of licenses or certificates issued by other states or other jurisdictions of the United States as permitted by § 54.1-103 C of the Code of Virginia.~~

"Department" means the Department of Professional and Occupational Regulation.

"Direct control and personal supervision" means supervision by a professional who oversees and is responsible for the work of another individual.

~~"Good moral character" may be established if the applicant or regulant:~~

~~1. Has not been convicted of a non-marijuana misdemeanor in the last 10 years or has ever been convicted of a felony that would render the applicant unfit or unsuited to engage in the occupation or profession applied for in accordance with § 54.1-204 of the Code of Virginia;~~

~~2. Has not committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, negligence, or incompetence reasonably related to:~~

~~a. The proposed area of practice within 10 years prior to application for licensure, certification, or registration; or~~

~~b. The area of practice related to licensure, certification, or registration by the board while under the authority of the board;~~

~~3. Has not engaged in fraud or misrepresentation in connection with the application for licensure, certification, or registration, or related exam;~~

~~4. Has not had a license, certification, or registration revoked or suspended for cause or been disciplined by the Commonwealth or by any other jurisdiction, or surrendered or has surrendered a license, certificate, or registration in lieu of disciplinary action; or~~

~~5. Has not practiced without the required license, registration, or certification in the Commonwealth or in another jurisdiction within the five years immediately preceding the filing of the application for licensure, certification, or registration by the Commonwealth.~~

"Endorsement" means a method of obtaining a license or certification by a person who is currently licensed or certified in another state.

"Good standing" means that the regulant holds a current or active license, certificate, or registration issued by any regulatory body ~~that~~ and is not subject to a current sanction. ~~The regulant shall be in good standing in every jurisdiction where licensed, certified, or registered.~~

"NAAB" means the National Architectural Accrediting Board.

"NCARB" means the National Council of Architectural Registration Boards.

"NCEES" means the National Council of Examiners for Engineering and Surveying.

"Place of business" means any location that, through professionals, offers or provides the services of architecture, engineering, land surveying, landscape architecture, interior design, or any combination thereof. A temporary field office established and utilized for the duration of a specific project ~~shall~~ will not qualify as a place of business under this chapter.

"Profession" means the practice of architecture, engineering, land surveying, landscape architecture, or interior design.

"Professional" means an architect, professional engineer, land surveyor, landscape architect, or certified interior designer who holds a license or certificate issued by the board pursuant to the provisions of this chapter and is in good standing with the board to practice his profession in the Commonwealth.

"Registrant" means a business entity holding a registration issued by the board and in good standing to offer or provide one or more of the professions regulated by the board.

"Regulant" means an architect, professional engineer, land surveyor, or landscape architect holding a license issued by the board ~~and is in good standing~~; a certified interior designer holding a valid certification issued by the board ~~and is in good standing~~; or a registrant.

~~"Resident" means physically present at the place of business a majority of its operating hours.~~

"Responsible person" means the professional named by the registrant to be responsible and have control of the registrant's regulated services offered~~,~~ or rendered~~, or both~~. A professional can only be the responsible person for the profession indicated on ~~his~~ the person's licenses or certifications.

"Surveyor photogrammetrist" means a person who by reason of specialized knowledge in the area of photogrammetry has been granted a license by the board to survey land in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia for the determination of topography, contours, or location of planimetric features using photogrammetric methods or similar remote sensing technology.

18VAC10-20-15. Board organization.

The board's organization ~~shall~~ will be consistent with applicable provisions of the Code of Virginia. The board may have the following sections: Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects. Each section may meet as necessary.

18VAC10-20-17. ~~Replacement of wall certificate.~~ (Repealed.)

~~Any professional may obtain a replacement for a lost, destroyed, or damaged wall certificate upon submission of a department fee accompanied by a written request indicating that the certificate was lost, destroyed, or damaged. Multiple copies may be available at the discretion of the board or its agent.~~

18VAC10-20-20. General application requirements.

A. Applicants must be of good moral character. Good moral character may be established if the applicant:

1. Has not been convicted of a non-marijuana misdemeanor in the last 10 years or been convicted of a felony that would render the applicant unfit or unsuited to engage in the occupation or profession applied for in accordance with § 54.1-204 of the Code of Virginia;

2. Has not committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, negligence, or incompetence reasonably related to:

a. The proposed area of practice within 10 years prior to application for licensure, certification, or registration; or

b. The proposed area of practice related to licensure, certification, or registration by the board while under the authority of the board.

3. Has not engaged in fraud or misrepresentation in connection with the application for licensure, certification, or registration, or related exam;

4. Has not had a license, certification, or registration revoked or suspended for cause or been disciplined by the Commonwealth or by any other jurisdiction or surrendered or has surrendered a license, certificate, or registration in lieu of disciplinary action; or

5. Has not practiced without the required license, registration, or certification in the Commonwealth or in another jurisdiction within the five years immediately preceding the filing of the application for licensure, certification, or registration by the Commonwealth.

B. Applications ~~shall~~ must be completed in accordance with instructions contained in this chapter and on the application.

~~C. Applications for licensure requiring an exam shall be received in the board's office by the application deadline established in Part III (18VAC10-20-90 et seq.) of this chapter for each profession's exam. The date the application is received~~

~~in the board's office shall determine if the application has been received on time. Applications, accompanying materials, and references become the property of the board upon receipt by the board.~~

~~D.~~ C. Applicants ~~shall~~ must meet all entry requirements in effect at the time application is made.

~~E.~~ D. Applicants ~~shall~~ must provide the board with all required documentation and fees to complete the application for licensure or certification no later than three years from the date of the board's receipt of the initial application fee. Applications that remain incomplete after that time will no longer be processed by the board and the applicant ~~shall~~ must submit a new application.

~~F.~~ E. The board may make further inquiries and investigations with respect to an applicant's qualifications and documentation to confirm or amplify information supplied.

~~G.~~ F. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

~~H.~~ G. Applicants who do not meet the requirements of 18VAC10-20-20 or 18VAC10-20-40 may be approved following consideration by the board in accordance with the provisions of the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18VAC10-20-25. ~~References.~~ (Repealed.)

~~In addition to the requirements found in 18VAC10-20-130, 18VAC10-20-220, 18VAC10-20-345, and 18VAC10-20-425, as applicable, references that are submitted as part of an application must comply with the following:~~

~~1. Written references shall be on the board-approved form and shall be no more than one year old at the time the application is received in the board's office; and~~

~~2. The individual providing this reference must have known the applicant within the last five years from the date of this application and for at least one year.~~

18VAC10-20-35. Experience.

All experience or training requirements contained in this chapter ~~shall~~ must be on the board-approved form and will be evaluated based on the applicant working a minimum of 30 hours per week. Any experience gained at less than 30 hours per week may be prorated at the sole discretion of the board.

18VAC10-20-40. Good standing of applicants.

A. Applicants currently licensed, certified, or registered to practice architecture, engineering, land surveying, landscape architecture, or interior design in another jurisdiction ~~shall~~ must be in good standing in every jurisdiction where licensed, certified, or registered.

B. Applicants ~~shall not have had a~~ must report any disciplinary action related to the profession, including any suspended, revoked, or surrendered license, certificate, or registration ~~to practice architecture, engineering, land surveying, landscape architecture, or interior design that was suspended, revoked, or surrendered in connection with a disciplinary action or have been the subject of a disciplinary action in any jurisdiction~~.

C. Applicants must report any felony or misdemeanor convictions in any jurisdiction, excluding any misdemeanor marijuana convictions.

18VAC10-20-50. Transfer of scores to other boards.

The board, at its discretion and upon proper application, may forward the scores achieved by an applicant in the various exams given under the board's jurisdiction ~~to any other duly constituted registration board~~ for use in evaluating the applicant's eligibility for registration within another board's jurisdiction or evaluation of the applicant's national certification. An applicant requesting that ~~his~~ the score be transferred to another registration board ~~shall~~ will state ~~his~~ the applicant's reason for the request in writing.

18VAC10-20-55. ~~Language and comprehension.~~ (Repealed.)

~~Applicants for licensure or certification shall be able to speak and write English to the satisfaction of the board. Applicants whose primary language has not always been English, or who have not graduated from a college or university in which English is the language of instruction, shall submit to the board a Test of English as a Foreign Language Internet-based Test (TOEFL iBT) score report. Score reports shall not be over two years old at the time of application and must reflect a score acceptable to the board. In lieu of the TOEFL, other evidence such as significant academic or work experience in English may be acceptable as determined by the board.~~

18VAC10-20-70. ~~Modifications to examination administration.~~ (Repealed.)

~~The board and the department support and comply with the provisions of the Americans with Disabilities Act (ADA), 42 USC § 12101 et seq. Contracts between the board, department, and vendors for exams contain provisions for compliance with the ADA. Requests for accommodations must be in writing and received in the board's office within a reasonable time before the exam. The board may require a report from a medical professional along with supporting data confirming the nature and extent of the disability. The applicant is responsible for providing the required information in a timely manner including the costs for providing the information. The board or its designee will determine, consistent with applicable law, any accommodations to be made.~~

18VAC10-20-75. ~~Conduct at examination.~~ (Repealed.)

~~Applicants approved for an exam will be given specific instructions as to the conduct of each division of the exam at the exam site. Applicants are required to follow these instructions to ensure fair and equal treatment to all applicants during the course of the exam. Misconduct may result in removal from the exam site, voided exam scores, and restriction from future exam access.~~

18VAC10-20-85. Examination on regulations.

The board ~~shall~~ will provide applicants with an exam on ~~its~~ the board's regulations and statutes. All applicants for licensure or certification must achieve a passing score on this exam.

18VAC10-20-87. Expiration of ~~initial~~ licenses, certificates, and registrations.

A. ~~Initial licenses~~ Licenses, certificates, and registrations ~~shall expire as follows: 1. Individual licenses and certificates shall~~ will be valid for two years from the last day of the month in which they are issued.

~~2. Registrations for professional corporations, professional limited liability companies, and business entities shall expire on December 31 of the odd-numbered year following issuance.~~

~~3. Registrations for branch offices shall expire the last day of February of the even-numbered year following issuance.~~

B. Licenses, certificates, and registrations ~~shall~~ will expire in accordance with this section unless renewed pursuant to 18VAC10-20-670 or reinstated pursuant to 18VAC10-20-680.

18VAC10-20-90. Fee schedule.

All fees are nonrefundable and ~~shall~~ will not be prorated.

Application for Initial Architect License	$150
Application for Architect License by ~~Comity~~ Endorsement	$150
Renewal	$110

18VAC10-20-105. Qualifications for licensure as an architect.

A. Upon completing the requirements of this section, applicants may apply for licensure with the board.

B. Education.

1. Applicants for original licensure must hold a professional degree in architecture from a program accredited by NAAB. The degree program must have been accredited by NAAB no later than two years after the date of the applicant's graduation from the program.

2. Applicants seeking credit for a degree or coursework that is not NAAB-accredited, whether foreign or domestic, must establish an NCARB record and have that degree or coursework evaluated for equivalency to a NAAB-accredited professional degree in architecture through NAAB's evaluation service. The board reserves the right to reject any evaluation submitted. Any costs attributable to evaluation will be borne by the applicant.

C. Experience.

1. Applicants for original licensure must successfully complete the NCARB-administered architectural experience program, which satisfies the experience requirement outlined in 18VAC10-20-35.

2. Applicants with a NAAB-accredited degree or who are actively participating in or who have completed the NCARB-accepted integrated path to architectural licensure option are required to document experience or training in architecture before licensure.

D. Examination. The board is a member board of NCARB and applicants for original licensure are required to pass the NCARB-prepared exam.

18VAC10-20-110. ~~Education.~~ (Repealed.)

~~A. Applicants for original licensure shall hold a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB). The degree program must have been accredited by NAAB no later than two years after the date of the applicant's graduation from the program.~~

~~B. Applicants seeking credit for a degree or coursework that is not NAAB-accredited, whether foreign or domestic, shall establish an National Council of Architectural Registration Boards record and have that degree or coursework evaluated for equivalency to a NAAB-accredited professional degree in architecture through NAAB's evaluation service. The board reserves the right to reject any evaluation submitted. Any costs attributable to evaluation shall be borne by the applicant.~~

18VAC10-20-120. ~~Experience.~~ (Repealed.)

~~A. Applicants for original licensure shall successfully complete the National Council of Architectural Registration Boards (NCARB) administered architectural experience program, which satisfies the experience requirement outlined in 18VAC10-20-35.~~

~~B. Applicants with a National Architectural Accrediting Board-accredited degree or who are actively participating in or who have completed the NCARB-accepted integrated path to architectural licensure option are required to document their experience or training in architecture before licensure.~~

18VAC10-20-130. ~~References.~~ (Repealed.)

~~Applicants shall submit three references with the application, all of which shall be from currently licensed architects in a state or other jurisdiction of the United States or a country in which a mutual recognition agreement has been executed between itself and National Council of Architectural Registration~~

~~Boards and accepted by the board. In addition to the requirements found in 18VAC10-20-25, the applicant shall only submit references from licensed architects who have personal knowledge of the applicant's architectural experience that demonstrates the applicant's competence and integrity.~~

18VAC10-20-140. ~~Examination.~~ (Repealed.)

~~A. The board is a member board of National Council of Architectural Registration Boards (NCARB) and is authorized to make available the NCARB-prepared exam. Applicants for original licensure are required to pass this exam.~~

~~B. Applications for original licensure shall be approved by the board before applicants will be allowed to sit for the exam. Applicants who have satisfied the requirements of 18VAC10-20-110 and 18VAC10-20-130 and who are currently enrolled in or have completed the NCARB-administered architectural experience program or are actively participating in an integrated path accepted by NCARB to architectural licensure option with a National Architectural Accrediting Board-accredited professional degree program in architecture option shall be admitted to the exam.~~

~~C. Applicants approved by the board to sit for the exam shall register and submit the required exam fee and follow NCARB procedures when taking the exam. Applicants not properly registered will not be allowed to sit for the exam.~~

~~D. Applicants approved to sit for the exam shall be eligible for a period of three years from the date of their initial approval. Applicants who do not pass all sections of the exam during their eligibility period are no longer eligible to sit for the exam. To become exam-eligible again, applicants shall reapply to the board as follows:~~

~~1. Applicants who have taken at least one section of the exam and who reapply to the board no later than six months after the end of their eligibility may be approved to sit for the exam for an additional three years. The original application requirements shall apply.~~

~~2. Applicants who do not meet the criteria of subdivision 1 of this subsection shall reapply to the board and meet all entry requirements current at the time of reapplication.~~

~~E. Applicants will be notified of whether they passed or failed the exam. The exam shall not be reviewed by applicants. Unless authorized by NCARB rules and procedures, exam scores are final and not subject to change.~~

~~F. Scoring of the exam shall be in accordance with the national grading procedure administered by NCARB.~~

~~G. The board may approve transfer credits for parts of the exam taken and passed in accordance with national standards.~~

~~H. Applicants who have been approved for and subsequently pass the exam and who have satisfied 18VAC10-20-110, 18VAC10-20-120, and 18VAC10-20-130 shall be issued an architect license.~~

18VAC10-20-150. Licensure by ~~comity~~ endorsement.

~~A.~~ Applicants who hold a valid active license in another state or other jurisdiction ~~of the United States~~ or a country in which a mutual recognition agreement has been executed between itself and ~~National Council of Architectural Registration Boards (~~NCARB~~)~~ and accepted by the board may be granted a license, provided that ~~they meet the requirements of 18VAC10-20-25 and~~ the applicant:

1. ~~They possess~~ Possesses an NCARB certificate~~;~~ or submits to the board verifiable documentation for education, experience, and exam meeting current requirements in Virginia; and

2. ~~They met the~~ Satisfies all other applicable requirements ~~for licensure that were substantially equivalent to those in effect in Virginia at the time they were originally licensed~~ of this chapter.

~~B. Applicants who do not satisfy the requirements of subsection A of this section shall meet the entry requirements for initial licensure pursuant to this chapter.~~

18VAC10-20-160. Definitions.

The following words, terms, and phrases when used in this part ~~shall~~ have the following meanings ~~ascribed to them~~ except where the context clearly indicates otherwise or requires different meanings:

"ABET" means the Accreditation Board for Engineering and Technology.

"Approved engineering program" means an undergraduate engineering program of four years or more or a graduate engineering program approved by the board. ABET-approved EAC programs are approved by the board. Programs that are accredited by ABET not later than two years after an applicant's graduation ~~shall~~ will be deemed as ABET-approved.

"Approved engineering technology program" means an undergraduate engineering technology program of four years or more approved by the board. ABET-approved ETAC programs of four years or more are approved by the board. Programs that are accredited by ABET not later than two years after an applicant's graduation ~~shall~~ will be deemed as ABET-approved.

"EAC" means Engineering Accreditation Commission.

~~"Engineer-in-training" or "EIT" means an applicant who has completed any one of several combinations of education, or education and experience, and has passed the Fundamentals of Engineering exam.~~

"ETAC" means Engineering Technology Accreditation Commission.

"Related science program" means a four-year program in biology, chemistry, geology, geophysics, mathematics, physics, or other programs approved by the board. Programs must have a minimum of six semester hours of mathematics courses beyond algebra and trigonometry and a minimum of six semester hours of science courses in calculus-based physics in order to be considered a related science program.

"Qualifying engineering experience" means a record of progressive experience on engineering work during which the applicant has made a practical utilization of acquired knowledge and has demonstrated ~~progressive~~ improvement, growth, and development through the utilization of that knowledge as revealed in the complexity and technical detail of the applicant's work product or work record. The applicant must show progressive assumption of greater individual responsibility for the work product over the relevant period. ~~The progressive experience on engineering work shall be of a type and quality that indicates to the board that the applicant is minimally competent to practice engineering.~~ Qualifying engineering experience ~~shall~~ must be ~~progressive in complexity and~~ based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design.

18VAC10-20-170. Fee schedule.

All fees are nonrefundable and ~~shall~~ will not be prorated.

Application for Engineer-in-Training Designation	$60
Application for Initial Professional Engineer License	$120
Application for Professional Engineer License by ~~Comity~~ Endorsement	$120
Renewal	$160

18VAC10-20-191. Requirements for an engineer-in-training designation.

Applicants must apply directly with NCEES to take the Fundamentals of Engineering (FE) exam. An applicant qualified under subdivision 1, 2, or 3 of this section will receive the engineer-in training (EIT) designation upon passing the FE exam and verification of the applicant's degree by the board. All other applicants will receive the EIT designation upon passing the FE exam. The EIT designation will remain valid indefinitely.

EDUCATIONAL REQUIREMENTS	NUMBER OF YEARS OF QUALIFYING ENGINEERING EXPERIENCE
1. Student applicants must meet one of the following: a. Be enrolled in an ABET-accredited undergraduate EAC or ETAC curriculum, have 12 months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or the dean's designee; b. Be enrolled in an ABET-accredited graduate or doctorate EAC or ETAC curriculum, have six months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or the dean's designee; or c. Be enrolled in a graduate curriculum that is ABET-accredited EAC or ETAC at the undergraduate level at the institution at which the graduate degree is being sought, have six months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or the dean's designee.	0
2. Graduated from an approved engineering or an approved engineering technology curriculum.	0
3. Dual degree holders must: a. Have graduated from a non-ABET-accredited undergraduate engineering curriculum of four years or more; and b. Have graduated from a graduate or doctorate engineering curriculum that is ABET accredited at the undergraduate level.	0
4. Graduated from a nonapproved engineering curriculum or from a related science curriculum of four years or more.	2
5. Obtained, by documented academic coursework, the equivalent of education that meets the requirements of ABET accreditation for the baccalaureate engineering technology curricula. Whether an education is considered to be equivalent will be determined by the judgment of the board.	6

18VAC10-20-200. ~~Requirements for engineer-in-training designation.~~ (Repealed.)

~~In order to receive the EIT designation, applicants shall:~~

~~1. Graduate from an engineering program of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduate from an engineering master's program accredited by EAC/ABET, or meet the requirements of the NCEES Engineering Education Standard;~~

~~2. Pass the NCEES Fundamentals of Engineering (FE) exam; and~~

~~3. Apply to the board.~~

18VAC10-20-210. Requirements for licensure as a professional engineer.

~~A. In order to be licensed as a professional engineer, applicants shall:~~

~~1. Satisfy one requirement of subdivisions B 1 through B 4 of this section;~~

~~2. Pass the Principles and Practice of Engineering (PE) exam;~~

~~3. Meet all the requirements of this chapter; and~~

~~4. Apply to and be approved by the board.~~

~~B.~~ In general, the required education ~~shall~~ will be applied as follows:

EDUCATIONAL REQUIREMENTS	~~EIT~~ PASSING OF FUNDAMENTALS EXAM REQUIRED?	NUMBER OF REQUIRED YEARS OF QUALIFYING ENGINEERING EXPERIENCE
1. Have graduated from an ~~approved~~ ABET- accredited engineering program.	YES	4
2. Dual degree holders. a. Have graduated from an ABET-accredited undergraduate engineering program; and b. Have graduated from a doctorate engineering program that is ABET accredited at the undergraduate level.	NO	4
3. Have graduated from ~~a nonapproved engineering program of four years or more,~~ a four-year related science program, ~~or an approved~~ engineering technology program, or a non-ABET-accredited engineering program.	YES	6
4. Have ~~graduated from a nonapproved~~ obtained, by documented academic coursework, the equivalent of education that meets the requirements of ABET accreditation for the baccalaureate engineering technology ~~program of four years or more~~. Whether an education is considered to be equivalent will be determined by the judgment of the board.	YES	10
5. Have graduated from an engineering, engineering technology, or related science curriculum of four years or more.	NO	20

18VAC10-20-220. ~~References.~~ (Repealed.)

~~In addition to the requirements found in 18VAC10-20-25, applicants shall satisfy one of the following:~~

~~1. An applicant for the engineer-in-training designation shall provide one reference that indicates the applicant's personal integrity from one of the following:~~

~~a. A professional engineer;~~

~~b. The dean, or the dean's designee, of the engineering school attended by the applicant; or~~

~~c. An immediate work supervisor.~~

~~2. An applicant for licensure as a professional engineer shall submit three references from professional engineers currently licensed in a state or other jurisdiction of the United States. The applicant shall only submit references given by professional engineers who have personal knowledge of the applicant's competence and integrity relative to his engineering experience.~~

18VAC10-20-230. Education.

A. An applicant who is seeking credit for a degree that is not ABET accredited as ETAC or EAC and was earned from an institution outside the United States ~~shall~~ and its territories must have the degree authenticated and evaluated by an educational credential evaluation service. The board may consider the degree as an approved engineering program or approved engineering technology program. The board reserves the right to reject any evaluation submitted by the applicant.

B. Degrees earned within the United States for any nonapproved engineering program, related science program, or nonapproved engineering technology program of four years or more ~~shall~~ must be from an accredited college or university that is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

18VAC10-20-240. Experience.

A. Each applicant ~~shall complete the board's Professional Engineer and Engineer-in-Training Experience Verification Form, documenting~~ must document all of ~~his~~ the applicant's engineering experience using a board-provided form. The information provided on the form ~~shall~~ must clearly describe the engineering work or research that the applicant personally performed; delineate ~~his~~ the applicant's role in any group engineering activity; provide an overall description of the nature and scope of ~~his~~ the applicant's work; and include a detailed description of the engineering work personally performed by ~~him~~ the applicant. The experience must be obtained in an organization with an engineering practice and must be verified on the board's experience verification form by a licensed professional engineer in the organization's engineering practice.

B. In general, the required experience ~~shall~~ will be applied as follows:

Type of Experience	Qualifying	Nonqualifying
1. Design experience.	A demonstrated use of engineer-ing computation and problem-solving skills.	Drafting of design by others.
2. Con-struction experience.	A demonstrated use of engineering computation and problem-solving skills.	The execution as a contractor of work designed by others, the supervision of construction, and similar nonengineering tasks.
3. Military experience.	Engineering of a character substantially equivalent to that required in the civilian sector for similar work.	Nonengineering military training and supervision.
4. Sales experience.	A demonstrated use of engineer-ing computational and problem-solving skills.	The selection of data or equipment from a company catalogue, similar publication, or database.
5. Industrial experience.	Work directed toward the identification and solution of practice problems in the applicant's area of engineering specialization including engineering analysis of existing systems or the design of new ones.	The performance of maintenance of existing systems, replacement of parts or components, and other nonengineering tasks.
6. Graduate or doctoral degree.	Only one year of qualifying experience will be given for any combination of advanced degrees in an engineering program. In addition, if a degree is used to satisfy the education requirement, it cannot also be used toward satisfying the experience requirement.	Research conducted as part of a graduate or doctoral degree ~~shall~~ will not count as additional experience if credit for the degree is granted pursuant to 18VAC10-20-210.
7. Teaching.	For teaching experience to be considered	

	qualifying by the board, the applicant ~~shall~~ must have taught in an engineering program approved by the board and ~~shall~~ must have been employed in the level of instructor or higher.	
8. Co-op or internship.	Engineering experience gained during a co-op or internship may be deemed qualifying engineering experience to a maximum of one year of credit.	
9. General.		Experience in claims consulting, drafting, estimating, and field surveying.

C. The board, in its sole discretion, may permit partial credit for approved qualifying engineering experience obtained prior to graduation from an engineering program. Partial credit ~~shall~~ will not exceed one-half of that required for any method of initial licensure.

18VAC10-20-260. Examinations.

~~A. Applicants who do not complete their application and receive their designation within the three years from the date that they apply must reapply to the board as follows:~~

~~1. Applicants who reapply to the board no later than six months after the end of their eligibility may be approved to sit for the exam for an additional three years. The original application requirements shall apply.~~

~~2. Applicants who do not meet the criteria of subdivision 1 of this subsection shall reapply to the board and meet all entry requirements current at the time of reapplication.~~

~~3. All professional engineer applications shall be received in the board's office no later than 130 days prior to the scheduled exam.~~

~~B.~~ A. The board is a member board of the ~~National Council of Examiners for Engineering and Surveying (~~NCEES~~)~~ and is authorized to administer the NCEES exams, including the Fundamentals of Engineering exam and the Principles and Practice of Engineering exam.

~~C.~~ B. The exam may not be reviewed by applicants. Unless authorized by NCEES rules and procedures, exam scores are final and are not subject to change.

18VAC10-20-270. Licensure by ~~comity~~ endorsement.

A. Applicants holding a valid license to practice engineering in other states or jurisdictions ~~of the United States~~ may be licensed, provided ~~they satisfy~~ that the applicant satisfies the provisions of this subsection. Applicants ~~shall~~ must:

1. Submit to the board verifiable documentation ~~that the~~ for education, experience, and exam that meets the requirements by which ~~they were~~ the applicant was first licensed in the original jurisdiction were and is substantially equivalent to the requirements in Virginia ~~at the same time~~;

~~2. Have passed an exam in another jurisdiction that was substantially equivalent to that approved by the board at the time of their original licensure;~~

~~3. Be in good standing in all jurisdictions where they are currently licensed;~~

~~4. Submit three references from professional engineers currently licensed in a state or other jurisdiction of the United States. The applicant shall only submit references given by professional engineers who have personal knowledge of the applicant's competence and integrity relative to his engineering experience;~~ and

~~5.~~ 2. Satisfy all other applicable requirements of this chapter.

B. International endorsement. Applicants ~~who do not meet the requirements for licensure in Virginia that were in effect at the time of their original licensure shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office~~ holding a valid license in a country that is a signatory to the mobility agreements of the International Engineering Alliance may be licensed provided the applicant satisfies the provisions of this subsection. Applicants must:

1. Submit evidence of education meeting the requirements of 18VAC10-20-230.

2. Submit evidence of seven years of qualifying engineering experience in accordance with 18VAC10-20-240.

3. Satisfy all other applicable requirements of this chapter.

18VAC10-20-280. Fee schedule.

All fees are nonrefundable and ~~shall~~ will not be prorated.

Application for Surveyor-in-Training Designation	$85
Application for Initial Land Surveyor License	$150
Application for Initial Surveyor Photogrammetrist License	$150

Application for Initial Land Surveyor B License	$150
Application for License by ~~Comity~~ Endorsement	$150
Renewal	$180

18VAC10-20-295. Definitions.

"Absolute horizontal positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to systematic and random errors in measurements in the location of any point on a survey relative to the defined datum at the 95% confidence level.

"Approved land surveying experience" means progressive and diversified office and field training and experience under the direct control and personal supervision of a licensed land surveyor. ~~This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative, and professional skill. Written verification of such work experience shall be on forms provided by the board. Experience may be gained either prior to or after education is obtained. Notwithstanding the definition of "approved land surveying experience," the requirements set forth in 18VAC10-20-310 shall not be waived.~~

"Approved photogrammetric surveying or similar remote sensing technology experience" means progressive and diversified office and field training and experience in photogrammetric surveying or similar remote sensing technology under the direct control and personal supervision of a licensed land surveyor or licensed surveyor photogrammetrist. ~~This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative, and professional skill. Written verification of such work experience shall be on forms provided by the board. Experience may be gained either prior to or after education is obtained. Notwithstanding the definition of "approved photogrammetric surveying or similar remote sensing technology experience," the requirements set forth in 18VAC10-20-310 shall not be waived.~~

"Relative horizontal positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95% confidence level.

"Rural land surveys" include surveys on properties located outside urban/suburban properties.

"Urban/suburban land surveys" include surveys on properties that lie within or adjoin city or town limits, suburban areas, or other high-valued properties.

18VAC10-20-300. Requirements for surveyor-in-training designation.

A. Applicants must apply directly with NCEES for the FS exam. All applicants will receive the surveyor-in-training (SIT) designation upon passing the Fundamentals of Surveying (FS) exam, receiving approval from a board-reviewed application, and meeting all other board requirements. All applicants must satisfy one of the following conditions in subdivisions 1 through 8 of this subsection. Applicants who do not complete their applications and receive their designations within the three years from the date ~~that they apply~~ of application must reapply and satisfy one of the following:

1. Be enrolled in an EAC/ABET-accredited surveying or surveying technology program ~~acceptable to the board~~, have 12 months or less remaining before completion of degree requirements, and provide a certificate of good standing from the dean of the school or the dean's designee;

2. Have earned an undergraduate degree from an EAC/ABET-accredited surveying or surveying technology program ~~acceptable to the board~~;

3. Have earned an undergraduate degree related to surveying acceptable to the board and possess a minimum of one year of approved land surveying experience;

4. Have earned an undergraduate degree in a field unrelated to surveying in conjunction with an additional 30 credit hours in ~~an approved~~ surveying ~~program~~ acceptable to the board and possess a minimum of two years of approved land surveying experience;

~~5. Have earned a board-approved undergraduate degree in a field unrelated to surveying and possess a minimum of two years of approved land surveying experience;~~

~~6.~~ 5. Have earned a board-approved associate's degree related to surveying acceptable to the board and possess a minimum of ~~four~~ two years of approved land surveying experience;

6. Have earned a certificate or diploma in a surveying curriculum of a minimum of 30 credit hours in a surveying program acceptable to the board and possess a minimum of three years of approved land surveying experience;

7. Have successfully completed a ~~board-approved~~ registered survey apprenticeship program~~. The apprenticeship program shall include a minimum of 480 hours of surveying-related classroom instruction with~~ approved by the board, including all work hours and required related technical instruction and possess a minimum of ~~six~~ three years of approved land surveying experience; or

8. Have graduated from high school with evidence of successful completion of courses in algebra, geometry, and trigonometry and possess a minimum of ~~eight~~ six years of approved land surveying experience.

B. Applicants seeking approval to sit for the ~~Fundamentals of Surveying (FS) exam~~ SIT designation pursuant to subdivisions A 3 through A 8 of this section may apply board-approved college credits ~~to help meet~~ toward the experience requirement. The maximum rate of college credit substitution for experience ~~shall~~ will be one year of experience credit for each 40 credit hours of board-approved college credits completed. College credits applicable toward the completion of any degree used to satisfy a requirement of subsection A of this section ~~shall~~ will not be eligible for experience substitution.

~~C. All applicants shall receive the SIT designation upon passing the FS exam, receiving approval from a board reviewed application, and meeting all other board requirements.~~

18VAC10-20-310. Requirements for the land surveyor and surveyor photogrammetrist licenses.

A. Land surveyor license.

1. A surveyor-in-training (SIT) who has ~~met the requirements of 18VAC10-20-300 and has~~ a minimum of four years of approved land surveying experience ~~shall~~, in addition to the requirements of 18VAC10-20-300, will be approved to sit for:

a. The Principles and Practice of Land Surveying exam;

b. The Virginia-specific land surveying exam; and

c. The ~~board supplied~~ board-supplied exam on regulations.

2. A qualified applicant ~~shall~~ will be granted a license to practice land surveying upon passing all three exams and meeting all other board requirements.

B. Surveyor photogrammetrist license.

1. An SIT who has ~~met the requirements of 18VAC10-20-300 and has~~ a minimum of four years of approved photogrammetric surveying or similar remote sensing technology experience ~~shall~~, in addition to the requirements of 18VAC10-20-300, will be approved to sit for ~~the following board-approved exams~~:

a. The board-approved surveyor photogrammetrist exam;

~~b. The Virginia-specific land surveying exam;~~ and

~~c.~~ b. The ~~board supplied~~ board-supplied exam on regulations.

2. A qualified applicant ~~shall~~ will be granted a license to practice photogrammetric surveying upon passing ~~all three~~ both exams and meeting all other board requirements.

18VAC10-20-320. Requirements for the land surveyor B license.

A. An applicant ~~shall~~ must:

1. Hold a valid Virginia license as a land surveyor;

2. Present satisfactory evidence of a minimum of two years of land surveying experience that is progressive in complexity ~~in land surveyor B land surveying~~, as provided in § 54.1-408 of the Code of Virginia, under the direct control and personal supervision of a licensed land surveyor B or professional engineer;

3. Present satisfactory evidence of having passed college-level courses in hydrology and hydraulics that are acceptable to the board; and

4. Pass ~~an~~ a board-approved exam ~~developed by the board~~.

B. A qualified applicant ~~shall~~ will be issued a land surveyor B license upon passing the ~~board-developed~~ board-approved exam and meeting all board requirements of in subsection A of this section.

18VAC10-20-330. Education.

An applicant who is seeking credit for a degree earned from an institution outside of the United States ~~shall~~ must have ~~his~~ the applicant's degree authenticated and evaluated by an education evaluation service ~~approved by the board~~. The board reserves the right to reject any evaluation submitted by the applicant. Any cost of evaluation ~~shall~~ will be borne by the applicant.

18VAC10-20-340. Experience standards.

In order to demonstrate meeting the experience requirements of 18VAC10-20-300, 18VAC-10-20-310, and 18VAC10-20-320, ~~applicants shall document experience that has been gained under the direct control and personal supervision of a licensed land surveyor or licensed surveyor photogrammetrist on the appropriate board-provided forms. Experience shall be verified by a licensed land surveyor or licensed surveyor photogrammetrist in an organization with a surveying practice and will be evaluated by the board in accordance with 18VAC10-20-35.~~ the following requirements must be met:

1. Written verification of work experience must document experience that has been gained under the direct control and supervisor of a licensed land surveyor or licensed surveyor photogrammetrist on forms provided by the board.

2. This experience must have been acquired in positions requiring the exercise of independent judgment, initiative, and professional skill.

3. Experience may be gained either prior to or after education is obtained.

4. Experience must be verified by a licensed land surveyor or licensed surveyor photogrammetrist in an organization with a surveying practice and will be evaluated by the board in accordance with 18VAC10-20-35.

5. Notwithstanding the definition of "approved land surveying experience" or "approved photogrammetric surveying or similar remote sensing technology experience," the requirements set forth in 18VAC10-20-310 will not be waived.

18VAC10-20-345. ~~References.~~ (Repealed.)

~~Applicants shall submit three references on a board-approved form with the application, all of which shall be from currently licensed land surveyors in a state or other jurisdiction of the United States. In addition to the requirements found in 18VAC10-20-25, the applicant shall only submit references from licensed land surveyors who have personal knowledge of the applicant's surveying experience that demonstrates the applicant's competence and integrity.~~

18VAC10-20-350. Examinations.

A. Applications for initial licensure ~~shall be~~ are received by the board in accordance with the following ~~deadlines~~:

~~1. Applicants for the surveyor-in-training designation submitted pursuant to 18VAC10-20-300 A are eligible to sit for the Fundamentals of Surveying (FS) exam.~~

~~2.~~ 1. Upon successful completion of the ~~FS exam~~ achievement of the surveyor-in-training designation, applicants who qualify may apply to sit for the other surveying exams.

~~3. All applications for the Virginia-specific exam shall be received in the board's office no later than 130 days prior to the scheduled exam.~~

2. Upon successful completion of the land surveyor licensure requirements, applicants who qualify under 18VAC10-20-320 may apply to sit for the land surveyor B exam.

B. ~~The board is a member board of the National Council of Examiners for Engineering and Surveying (NCEES) and authorizes NCEES to administer the national surveying related exam.~~ Applicants ~~sitting for the exam shall follow NCEES procedures~~ must apply to the board to be approved to sit for examinations. Applicants must register and submit the required exam fee to the board's designee. Applicants must follow all board regulations and designee requirements.

~~C. The exams for Virginia board regulations, the Virginia-specific, the surveyor photogrammetrist, and the land surveyor B shall be given at times designated by the board.~~

~~D. Unless otherwise stated, applicants approved to sit for an exam must register and submit the required exam fee to be received by the board or the board's designee at a time designated by the board. Applicants not properly registered will not be allowed to sit for the exam.~~

~~E. The exam shall not be reviewed by applicants. Unless authorized by NCEES rules and procedures, exam scores are final and are not subject to change.~~

~~F.~~ C. Applicants approved to sit for the exam ~~shall~~ will be eligible for a period of three years from the date of ~~their~~ initial approval. Applicants who do not pass the exam during ~~their~~ the eligibility period are no longer eligible to sit for the exam. To become exam-eligible again, applicants ~~shall~~ must reapply to the board, meet all current entry requirements, and demonstrate successful completion of 16 hours of educational activities that meet the requirements of 18VAC10-20-683 E and F.

18VAC10-20-360. Licensure by ~~comity~~ endorsement.

A. ~~Applicants holding a valid license~~ In order to become licensed as a land surveyor in Virginia, any person currently licensed to practice land surveying in another state or other jurisdiction ~~of the United States may be licensed as a land surveyor in Virginia. To become licensed, applicants shall~~ must:

1. Submit to the board verifiable documentation ~~that the~~ of education, experience, and exam ~~requirements by which they were first licensed in the original jurisdiction were substantially equivalent to the~~ meeting current requirements in Virginia ~~at the same time~~;

~~2. Have passed an exam in another jurisdiction that was substantially equivalent to that approved by the board at the time of the original licensure;~~

~~3. Be in good standing in all jurisdictions where licensed;~~

~~4.~~ 2. Pass the Virginia-specific exam; and

~~5.~~ 3. Satisfy all other applicable requirements of this chapter.

~~B. Applicants who do not meet the requirements for licensure in Virginia that were in effect at the time of their original licensure shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office;~~

~~C. Applicants holding a current license~~ B. In order to become licensed as a land surveyor photogrammetrist in Virginia, any person currently licensed to practice land surveying or photogrammetric surveying issued by another state or other jurisdiction ~~of the United States may be licensed in Virginia as a surveyor photogrammetrist provided they meet one of the following criteria~~ must:

1. ~~Applicants who were originally licensed prior to December 1, 2009, shall meet the requirements of the board's regulations effective December 1, 2008, and pass the Virginia-specific exam~~ Submit to the board verifiable documentation of education and experience, and pass the Virginia-approved mapping sciences or submit proof of passing a substantial equivalent meeting current requirements in Virginia; ~~or~~ and

2. ~~Applicants who were originally licensed on or after December 1, 2009, shall meet the requirements of the board's regulations effective at the time of original licensure and pass the Virginia-specific exam~~ Satisfy all other applicable requirements of this chapter.

18VAC10-20-370. Minimum standards and procedures for land boundary surveying practice.

A. The minimum standards and procedures set forth in this section are to be used for land boundary surveys performed in the Commonwealth of Virginia. The application of the professional's seal, signature, and date as required by ~~these regulations shall~~ this regulation will be evidence that the land boundary survey is correct to the best of the professional's knowledge, information, and belief and complies with the minimum standards and procedures set forth in this chapter.

B. Research procedure. The professional ~~shall~~ must search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The professional ~~shall~~ must have the additional responsibility to utilize such other available data pertinent to the survey being performed from any other known sources. Evidence found from all known sources, including evidence found in the field, ~~shall~~ must be carefully compared in order to aid in the establishment of the correct boundaries of the land being surveyed. The professional ~~shall~~ must clearly identify on the plats, maps, and reports inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land. It is not the intent of this regulation to require the professional to research the question of title or encumbrances on the land involved.

C. Minimum field procedures.

1. Angular measurement. Angle measurements made for traverse or land boundary survey lines will be made by using a properly adjusted transit-type total-station or scan-station instrument that allows a direct reading to a minimum accuracy of ~~20~~ six seconds of arc or equivalent. The number of angles turned at a given station or corner will be the number that, in the judgment of the professional, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

2. Linear measurement. Distance measurement for the lines of traverse or lines of the land boundary survey ~~shall~~ must be made (i) with metal tapes that have been checked and are properly calibrated as to incremental distances or (ii) with properly calibrated electronic distance measuring equipment, preferably included within the properly adjusted total-station or scan-station instrument, following instructions and procedures established by the manufacturer of such equipment. All linear measurements ~~shall~~ must be reduced to the horizontal plane and distances between monuments must be reported as ground plane measurement, and other necessary corrections ~~shall~~ must be performed before using such linear measurements for computing purposes.

~~3.~~ D. Field traverse and land boundary closure and accuracy standards.

1. For a land boundary survey located in a rural area, the maximum permissible error of closure for a field traverse ~~shall~~ will be one part in 10,000 (1/10,000). The attendant angular closure ~~shall~~ will be that which will sustain the one part in 10,000 (1/10,000) maximum error of closure. The angular error of closure must not exceed 20 seconds times the square root of the number of angles turned. The ratio of precision must not exceed an error of closure of one foot per 10,000 feet of perimeter of closed loop control traverse (1:10,000). Based on the network adjustment at the 95% confidence level, neither axis of the 95% confidence level error ellipse for any control point, property corner, or independent point located on the boundary may exceed 0.10 feet (or 0.030 meters) plus 50 ppm measured relative to any other point on the survey.

2. For land boundary surveys located in an urban/suburban area, the angular error of closure for the closed loop control traverse must not exceed 10 seconds times the square root of the number of angles turned. The ratio of precision must not exceed an error of closure of one foot per 20,000 feet of the perimeter of the closed loop control traverse (1:20,000). Based on the network adjustment at the 95% confidence level, neither axis of the 95% confidence level error ellipse for any control point, property corner, or independent point located on the boundary may exceed 0.05 feet (or 0.015 meters) plus 30 ppm measured relative to any other point on the survey. For a land boundary survey located in an urban area, the maximum permissible error of closure for a traverse ~~shall~~ will be one part in 20,000 (1/20,000). ~~The attendant angular closure shall be that which will sustain the one part in 20,000 (1/20,000) maximum error of closure.~~

The maximum permissible positional uncertainty based on the 95% confidence level of any independent boundary corner or independent point located on a boundary that has been established by utilizing global positioning systems ~~shall~~ must not exceed the positional tolerance of 0.07 feet (or 20 mm ~~%~~ +/- 2B 50 ppm).

E. When using GNSS for land boundary surveying, in order to meet error of closure and relative positional accuracy standards, multiple simultaneous and concurrent observations must be used to obtain baseline solutions to compute network or closed traverse errors of closure as outlined in this section. A single real-time kinematic (RTK) vector solution yields a "no check" solution and therefore, by itself, does not meet minimum standards and must not be used without additional independent checks.

~~4.~~ 1. Monumentation. As a requisite for completion of the work product, each land boundary survey of a tract or parcel of land ~~shall~~ must be monumented with objects made of permanent material at all corners and changes of direction on the land boundary with the exceptions of meanders, such as meanders of streams, tidelands, lakes, swamps and prescriptive rights-of-way, and each such monument, other than a natural monument, ~~shall~~ must, when physically feasible, be identified by a temporary witness marker. Where it is not physically feasible to set actual corners, appropriate reference monuments ~~shall~~ must be set, preferably on the boundary line, and the location of each ~~shall~~ must be shown on the plat or map of the land boundary.

All boundaries, both exterior and interior, of the original survey for any division or partition of land ~~shall~~ must be monumented in accordance with the provisions of this ~~subdivision,~~ section when such monumentation is not otherwise regulated by the provisions of a local subdivision ordinance.

~~5.~~ 2. For land boundary surveys providing for a division when only the division, in lieu of the entire parcel, is being surveyed, any new corners established along existing property lines ~~shall~~ will require that those existing property lines be established through their entire length. This ~~shall~~ will include the recovery or reestablishment of the existing corners for each end of the existing property lines.

~~D.~~ F. Office procedures.

1. Computations. The computation of field work data ~~shall~~ must be accomplished by using the mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations ~~shall~~ must be used to determine the final land boundary of the land involved.

2. Plats and maps. The following information ~~shall~~ must be shown on all plats and maps used to depict the results of the land boundary survey:

a. The title of the land boundary plat identifying the land surveyed and showing the district, town, and county or city in which the land is located and scale of drawing.

b. The name of the owner of record and recording references.

c. Names of all adjoining owners of record with recording references, or with subdivision name and lot designations and recording references.

d. Inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land. The inconsistencies ~~shall~~ must be clearly noted by the professional.

e. Names of highways and roads with route number and widths of right-of-way or distance to the center of the physical pavement and pavement width, name of railroads, streams adjoining, crossing, or in close proximity to the boundary and other prominent or well-known objects that are informative as to the location of the land boundary.

f. A distance to the nearest road intersection or prominent or well-known object. In cases of remote areas, a scaled position with the latitude and longitude or state plane coordinates must be provided.

g. Items crossing any property lines such as~~, but not limited to,~~ physical ~~encroachments~~ improvements and evidence of easements such as utilities and other physical features pertinent to the boundary of the property.

h. Bearings of all property lines and meanders to nearest one second of arc or equivalent. Distances of all property lines and meanders to the nearest one hundredth (.01) of a foot or equivalent. Meanders are defined as lines of convenience used to close the figure along an irregular geometry of natural boundary course, such as a river or shoreline, or along a boundary at the center of a roadway.

i. Adequate curve data to accomplish mathematical closures.

j. Distances of all property lines and meanders to the nearest one hundredth (.01) of a foot or equivalent.

k. Pursuant to subdivision ~~C 5~~ E 2 of this section, the bearing and distances from the new corners to the existing corners on each end of the existing property lines.

l. For property located in rural areas, area to the nearest hundredth (.01) of an acre or equivalent.

m. For property located in ~~urban~~ urban/suburban areas, area to the nearest square foot or thousandth (0.001) of an acre or equivalent.

n. North arrow and source of meridian used for the survey.

o. For interior surveys, when the new parcel is entirely surrounded by the parent tract, a reference bearing and distance to a property corner of an adjoining owner or other prominent object, including intersecting streets or roads.

p. Tax map designation or geographic parcel identification number, if available, for surveyed parcel and adjoining parcels.

q. Description of each monument found and each monument set by the professional.

r. A statement that the land boundary survey shown is based on a current field survey ~~or~~ and includes the closed-loop traverse methodology, such as total station or redundant GNSS observations, used to perform the field survey, a compilation from deeds, plats, surveys by others, or combination thereof. If the land boundary shown is a compilation from deeds or plats, or a survey by others, the title of the plat ~~shall~~ must clearly depict that the plat does not represent a current land boundary survey and the plat must not be titled as a land boundary survey.

s. A statement as to whether a current title report has been furnished to the professional.

t. A statement as to whether any or all easements, ~~encroachments~~ physical improvements, and improvements are shown on the plat.

u. Name, address, and contact information for the land surveyor or the registered business.

v. The professional's seal, signature, and date.

3. Metes and bounds description. The professional ~~shall~~ must prepare a metes and bounds description in narrative form, if requested by the client or the client's agent, for completion of any newly performed land boundary survey. The description ~~shall~~ must reflect all metes and bounds, to include bearings, distances, and curve data sufficient to reconstruct the geometry, the area of the property described, all pertinent monumentation, names of record owners or other appropriate identification of all adjoiners, and any other data or information deemed as warranted to properly describe the property. Customarily, the metes and bounds ~~shall~~ must be recited in a clockwise direction around the property. The professional ~~shall~~ must clearly identify in the metes and bounds description any inconsistencies found in the research of common boundaries between land being surveyed and the adjoining land. For subdivisions, the professional ~~shall~~ must prepare a metes and bounds description in narrative form for only the exterior boundaries of the property.

No metes and bounds description ~~shall~~ will be required for the verification or resetting of the corners of a lot or other parcel of land in accordance with a previously performed land boundary survey, such as a lot in a subdivision where it is unnecessary to revise the record boundaries of the lot.

18VAC10-20-380. Minimum standards and procedures for surveys determining the location of physical improvements; field procedures; office procedures.

A. The following minimum standards and procedures are to be used for surveys determining the location of physical improvements on any parcel of land or lot containing less than two acres or equivalent (~~sometimes also known as~~ e.g., "building location survey," "house location surveys," "physical surveys," ~~etc.~~) in the Commonwealth of Virginia. The application of the professional's seal, signature, and date as required by this chapter ~~shall~~ will be evidence that the survey determining the location of physical improvements is correct to the best of the professional's knowledge, information, and belief and complies with the minimum standards and procedures set forth in this chapter.

B. The professional ~~shall~~ must determine the position of the lot or parcel of land in accordance with the intent of the original survey and ~~shall~~ must set or verify permanent monumentation at each corner of the property, consistent with the monumentation provisions of subdivision ~~C 4~~ E 1 of 18VAC10-20-370. All such monumentation~~,~~ other than natural monumentation ~~shall~~ must, when physically feasible, be identified by temporary witness markers.

When the professional finds discrepancies of sufficient magnitude to warrant, in ~~his~~ the professional's opinion, the performance of a land boundary survey (pursuant to the provisions of 18VAC10-20-370), ~~he shall so~~ the professional must inform the client or the client's agent that such land boundary survey is deemed warranted as a requisite to completion of the physical improvements survey.

The location of the following ~~shall~~ must be determined in the field:

1. Fences in near proximity to the land boundary lines and other fences that may reflect lines of occupancy or possession.

2. Other physical improvements on the property and all man-made or installed structures, including buildings, stoops, porches, chimneys, visible evidence of underground features (~~such as~~ e.g., manholes, catch basins, telephone pedestals, power transformers~~, etc.~~), utility lines, and poles.

3. Cemeteries, if known ~~or~~, disclosed, or discovered in the process of performing the survey; roads or traveled ways crossing the property that serve other properties; and streams, creeks, and other defined drainage ways.

4. Other visible evidence of physical ~~encroachment~~ improvements on the property.

C. The plat reflecting the work product ~~shall~~ must be drawn to scale and ~~shall~~ must show the following, unless requested otherwise by the client and so noted on the plat:

1. The bearings and distances for the boundaries and the area of the lot or parcel of land ~~shall~~ must be shown in accordance with record data, unless a current, new land boundary survey has been performed in conjunction with the physical improvements survey. If needed to produce a closed polygon, the meander lines necessary to verify locations of streams, tidelands, lakes, and swamps ~~shall~~ must be shown. All bearings ~~shall~~ must be shown in a clockwise direction, unless otherwise indicated.

2. North arrow~~, in accordance with record data~~ and source of meridian used for the survey.

3. Fences in the near proximity to the land boundary lines and other fences that may reflect lines of occupancy or possession.

4. Improvements and other pertinent features on the property as located in the field pursuant to subsection B of this section.

5. ~~Physical encroachment~~ All physical improvements, including fences, across a property line ~~shall~~ must be identified and dimensioned with respect to the property line.

6. The closest dimension (to the nearest 0.1 foot or equivalent) from the front property line, side property line, and if pertinent, rear property line to the principal walls of each building. Also, all principal building dimensions (to the nearest 0.1 foot or equivalent).

7. Building street address numbers, as displayed on the premises, or so noted if no numbers are displayed. In absence of physical numbers, an address as shown on the locality's geographic information system.

8. Stoops, decks, porches, chimneys, balconies, floor projections, and other similar type features.

9. Street names, as posted or currently identified and as per record data if different from posted name.

10. Distance to nearest road intersection from a property corner, based upon record data. If not available from record data, distance to nearest intersection may be determined from best available data, and so qualified.

11. Building restriction or setback lines per restrictive covenants if shown or noted on the record subdivision plat.

12. The caption or title of the plat ~~shall~~ must include the type of survey performed; lot number, block number, section number, and name of subdivision, as appropriate, or if not in a subdivision, the names of the record owner; town, county, or city; date of survey; and scale of drawing.

13. Adjoining property identification.

14. Easements and other encumbrances set forth on the record subdivision plat, and those otherwise known to the professional.

15. A statement as to whether or not a current title report has been furnished to the professional.

16. Inconsistencies found in the research or field work of common boundaries between the land being surveyed and the adjoining land ~~shall~~ must be clearly noted.

17. Name, address, and contact information for the individual or entity for whom the survey is being performed.

18. Professional's seal, signature, and date.

19. Name, address, and contact information for the land surveyor or registered business.

D. In performing a physical improvements survey, a professional ~~shall~~ will not be required to set corner monumentation on any property when:

1. It is otherwise required to be set pursuant to the provisions of a local subdivision ordinance as mandated by § 15.2-2240 of the Code of Virginia or by subdivision A 7 of § 15.2-2241 of the Code of Virginia;

2. Eventual placement is covered by a surety bond, cash escrow, set-aside letter, letter of credit, or other performance guaranty; or

3. Exempt by § 54.1-407 of the Code of Virginia.

E. A professional performing a physical improvements survey when monumentation is not required as stated in subsection D of this section ~~shall~~ must clearly note on the plat "no corner markers set," the reason why it is not required, and the name of guarantors providing the performance guaranty.

18VAC10-20-382. Minimum standards and procedures for surveys determining topography; field procedures; office procedures.

A. The minimum standards and procedures set forth in this section are to be used for topographic surveys performed in the Commonwealth of Virginia pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia. The application of the professional's seal, signature, and date as required by this chapter ~~shall~~ will be evidence that the topographic survey is correct to the best of the professional's knowledge and belief and complies with the minimum standards and procedures.

B. Minimum field and office procedures. The following information ~~shall~~ will be shown on, or contained in, all plats, maps, or digital geospatial data, including metadata, used to depict the results of the topographic survey:

1. Physical improvements on the property, all man-made or installed structures, as well as visible evidence of underground features (~~such as~~ e.g., manholes, catch basins, telephone pedestals, power transformers~~, etc.~~), and utility lines and poles ~~shall~~ must be shown or depicted when they are visible based on the methodology and scale. If the methodology or scale prevents depiction of the improvements as described in this ~~subdivision~~ section, then notice ~~shall~~ must be clearly stated on or contained in the map, plat, or digital geospatial data, including metadata, indicating the improvements that are not depicted.

2. Elevations ~~shall~~ must be provided as spot elevations, contours, or digital terrain models.

3. Onsite, or in close proximity, benchmarks ~~shall~~ must be established on site or in close proximity of the project and shown in the correct location, with correct reference to vertical datum, preferably North American Vertical Datum (NAVD), and shown in the correct location. Clearly state reference and basis of vertical datum. Elevations must be provided as spot elevations, contours, or digital terrain models.

4. The title of the topographic survey identifying the land surveyed and showing the state, county, or city in which property is located.

5. Name, address, and contact information of the individual or entity for whom the survey is being performed.

6. Name, address, and contact information for the land surveyor, surveyor photogrammetrist, or registered business.

7. Date, graphic scale, numerical scale, and contour interval of plat, map, or digital geospatial data, including metadata.

8. North arrow and source of meridian used for the survey.

9. Names or route numbers of highways, streets, and named waterways ~~shall~~ must be shown.

10. A distance to the nearest road intersection or prominent or well-known object. In cases of remote areas, latitude and longitude or state plane coordinates must be provided.

11. The horizontal and vertical unit of measurement, coordinate system, and data, including adjustments if applicable.

~~11.~~ 12. A statement, in the following form, ~~shall~~ must be shown on or contained in plats, maps, or digital geospatial data, including metadata:

This ________________ (provide description of the project) was completed under the direct and responsible charge of ________________________________ (Name of Professional) from an actual ~~Ground~~ Ground/Conventional RTKGPS (or GNSS) or ~~Remote Sensing~~ Remotely Sensed (check ~~the one~~ all that ~~is~~ are applicable) survey made under my supervision; that the imagery ~~and/or~~ or original data was obtained on ______________ (Date); and that this plat, map, or digital geospatial data including metadata meets minimum accuracy standards unless otherwise noted.

For the purposes of the certification above, remotely sensed data includes photogrammetry, airborne LIDAR, terrestrial and mobile LIDAR, and for hydrographic surveys, sonar or other acoustic type technologies for measurements.

C. Minimum positional accuracies ~~shall~~ must be met in accordance with the tables in subdivisions 1, 2, and 3 of this subsection. These tables are not intended to be acceptable in all situations, and the professional ~~shall~~ will be responsible to perform the work to the appropriate quality and extent that is prudent or warranted under the existing field conditions and circumstances. Metric or other unit of measurements ~~shall~~ must meet an equivalent positional accuracy. Map or plat scales, or contour intervals, other than those defined in these tables ~~shall~~ must meet an equivalent positional accuracy. The minimum positional accuracy tables are as follows:

1. Scale and contour interval combinations.

Map or Plat Scale	Contour Interval
1" = 20'	1 or 2 feet
1" = 30'	1 or 2 feet
1" = 40'	1 or 2 feet
1" = 50'	1 or 2 feet
1" = 100'	1 or 2 feet
1" = 200'	2, 4, or 5 feet
1" = 400'	4, 5, or 10 feet

2. Vertical accuracy standards.

	Contours - Vertical Positional Accuracy	Spot Elevations - Vertical Positional Accuracy
Contour line 1' interval	± 0.60 feet	± 0.30 feet
Contour line 2' interval	± 1.19 feet	± 0.60 feet
Contour line 4' interval	± 2.38 feet	± 1.19 feet
Contour line 5' interval	± 2.98 feet	± 1.49 feet
Contour line 10' interval	± 5.96 feet	± 2.98 feet
Positional Accuracy is given at the 95% confidence level.		

3. Horizontal accuracy standards.

Well defined ground points - Horizontal (Radial) Positional Accuracy		
Map or Plat Scale	Absolute Horizontal Positional Accuracy	Relative Horizontal Positional Accuracy
1" = 20'	± 0.8 feet	± 0.20 feet
1" = 30'	± 1.1 feet	± 0.30 feet
1" = 40'	± 1.5 feet	± 0.40 feet
1" = 50'	± 1.9 feet	± 0.50 feet
1" = 100'	± 3.8 feet	± 1.00 feet
1" = 200'	± 7.6 feet	± 2.00 feet
1" = 400'	± 15.2 feet	± 4.00 feet
Positional Accuracy is given at the 95% confidence level.		

18VAC10-20-390. Geodetic surveys.

All geodetic surveys, including~~, but not limited to,~~ the determination and publication of horizontal and vertical values utilizing Global Positioning Systems (GPS), ~~which~~ that relate to the practice of land surveying as defined in § 54.1-400 of the Code of Virginia, ~~shall~~ must be performed under the direct control and personal supervision of a professional as defined in Part I (18VAC10-20-10 et seq.) of this chapter.

18VAC10-20-392. Photogrammetric surveys or similar remote sensing technology.

The use of photogrammetric methods or similar remote sensing technology to perform any part of the practice of land surveying as defined in Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia ~~shall~~ must be performed under the direct control and supervision of a licensed land surveyor or a licensed surveyor photogrammetrist.

18VAC10-20-400. Fee schedule.

All fees are nonrefundable and ~~shall~~ will not be prorated.

Application for Initial Landscape Architect License	$150
Application for Landscape Architect License by ~~Comity~~ Endorsement	$150
Renewal	$190

18VAC10-20-420. Requirements for licensure.

Applicants for licensure as a landscape architect ~~shall~~ must satisfy the requirements of subdivision 1 or 2 of this section.

1. An applicant who has graduated from a landscape architecture program accredited by the Landscape Architectural Accreditation Board (LAAB) ~~shall~~ must have:

a. Obtained a minimum of 36 months of experience as follows:

(1) A minimum of 12 months of experience under the direct control and personal supervision of a licensed or certified landscape architect;

(2) The remaining 24 months of experience under the direct control and personal supervision of a licensed or certified landscape architect or a licensed architect, professional engineer, or land surveyor in accordance with the Landscape Architects Experience Credit Table; or

(3) In lieu of the provision in subdivisions 1 a (1) and 1 a (2) of this section, a minimum of 48 months of experience under the direct control and personal supervision of a licensed architect, professional engineer, or land surveyor; and

b. Passed all sections of the Council of Landscape Architectural Registration Board (CLARB)-prepared exam.

2. Applicants who have not graduated from a LAAB-accredited landscape architecture program ~~shall~~ must have obtained a minimum of eight years of combined education and work experience in accordance with this subsection.

a. Only semester and quarter hours with passing scores ~~shall~~ will be accepted. Credit ~~shall~~ will be calculated as follows:

(1) 32 semester credit hours or 48 quarter credit hours ~~shall~~ will be worth one year.

(2) Fractions greater than or equal to one half-year, but less than one year, will be counted as one-half year.

(3) Fractions smaller than one half-year will not be counted.

b. The maximum years indicated in subdivisions a through d of the Landscape Architects Education Credit Table ~~shall~~ will apply regardless of the length of the degree program.

c. All applicants ~~shall~~ must have a minimum of two years of experience under the direct control and personal supervision of a licensed or certified landscape architect.

d. Education and experience ~~shall~~ will be evaluated against the Landscape Architects Education Credit Table and the Landscape Architects Experience Credit Table to determine if an applicant has met the minimum eight years required in this subsection.

LANDSCAPE ARCHITECTS EDUCATION CREDIT TABLE		
Categories	Values	Examples
(1) Credits completed applicable toward a LAAB-accredited degree.	Credit ~~shall~~ will be given at the rate of 100% with a maximum of four years allowable.	An applicant has 86 semester hours of credit. Calculation: 86/32 = 2.6875 years 100% credit for a maximum of four years (2.6875 x 100% = 2.6875 years). 0.6875 is ≥ 0.5 years, which is worth 0.5 years. Final result: 86 semester hours equals 2.5 years.
(2) A degree in landscape architecture, or credits completed applicable toward a degree in landscape architecture, from a non-LAAB-accredited program.		

(3) A degree, or credits completed applicable toward a degree, in an allied professional discipline approved by the board (i.e., architecture, civil engineering, environmental science).	Credit ~~shall~~ will be given at the rate of 75% for the first two years and 100% for succeeding years with a maximum of three years allowable.	An applicant has 101 semester hours of credit. Calculation: 101/32 = 3.15625 years 75% credit for the first two years (2 x 75% = 1.5 years). 100% credit for succeeding years (1.15625 x 100% = 1.15625 years). 1.5 + 1.15625 = 2.65625 years. 0.65625 is ≥ 0.5 years, which is worth 0.5 years. Final result: 101 semester hours equals 2.5 years.
(4) Any other undergraduate degree or credits completed applicable toward that degree.	Credit ~~shall~~ will be given at the rate of 50% for the first two years and 75% for succeeding years with a maximum of two years allowable.	An applicant has 95 semester hours of credit. Calculation: 95/32 = 2.96875 years 50% credit for the first two years (2 x 50%= 1 year). 75% credit for succeeding years (.96875 x 75%=.72656 years). 1 +.72656 = 1.72656 years. 0.72656 is ≥ 0.5 years, which is worth 0.5 years. Final result: 95 semester hours equals 1.5 years.
(5) Experience gained under the direct control and personal supervision of a licensed or certified landscape architect.	Credit ~~shall~~ will be given at the rate of 100% of work experience gained with no maximum.	An applicant worked under a landscape architect for 3.7 years. Calculation: 3.7 years x 100% = 3.7 years (no maximum). Final result: An applicant with 3.7 years of work experience will be credited for the entire 3.7 years.
(6) Experience gained under the direct control and personal supervision of a licensed architect, professional engineer, or land surveyor.	Credit ~~shall~~ will be given at the rate of 50% of work experience gained with a maximum of four years allowable.	An applicant has worked under a land surveyor for eight years or more. Calculation: 8 years x 50% = 4 years. Final result: eight years or more of experience is worth only four years based on the maximum allowable.

18VAC10-20-425. ~~References.~~ (Repealed.)

~~In addition to the requirements found in 18VAC10-20-25, applicants shall submit three references with the application, one of which shall be from a currently licensed, certified, or registered landscape architect in a state or other jurisdiction of the United States. An applicant shall only submit references from a licensed professional engineer, architect, land surveyor, or a landscape architect who has personal knowledge of the applicant's competence and integrity relative to his landscape architectural experience.~~

18VAC10-20-430. Experience standard.

Qualifying landscape architectural training and experience ~~shall~~ must be progressive in complexity and based on knowledge of natural, physical, and mathematical sciences~~,~~ and the principles and methodology of landscape architecture.

The experience must be obtained in an organization with a landscape architecture practice and must be verified on the board experience verification form by a licensed landscape architect, professional engineer, architect, or land surveyor in the organization's practice.

18VAC10-20-440. Examination.

A. Applicants with a LAAB-accredited degree may be approved to sit for the exam prior to completing the 36-month experience requirement contained in subdivision 1 a of 18VAC10-20-420.

B. The Virginia board is a member of the Council of Landscape Architectural Registration Boards (CLARB) and is authorized to make available the CLARB prepared exams. All applicants for original licensure in Virginia are required to pass the CLARB-prepared exam.

C. Applicants approved to sit for the exam ~~shall~~ must register and submit the required exam fee to be received in the board office, or by the board's designee. Applicants not properly registered will not be allowed to sit for the exam.

D. Grading of the exam ~~shall~~ will be in accordance with the national grading procedures administered by CLARB. The board ~~shall~~ will utilize the scoring procedures recommended by CLARB.

E. Applicants ~~shall~~ will be advised only of their passing or failing score and the CLARB minimum passing score.

F. The board may approve transfer credits for parts of the exam taken and passed in accordance with national standards.

G. Applicants approved to sit for the exam ~~shall~~ will be eligible for a period of three years from the date of their initial approval. Applicants who do not pass all sections of the exam during their eligibility period are no longer eligible to sit for the exam. To become exam-eligible again, applicants ~~shall~~ must reapply to the board as follows:

1. Applicants who have taken at least one section of the exam and who reapply to the board no later than six months after the end of their eligibility may be approved to sit for the exam for an additional three years. The original application requirements ~~shall~~ will apply.

2. Applicants who do not meet the criteria of subdivision 1 of this subsection ~~shall~~ must reapply to the board and meet all entry requirements current at the time of reapplication.

18VAC10-20-450. Licensure by ~~comity~~ endorsement.

~~A.~~ Applicants ~~with~~ who hold a valid active license in ~~good standing to practice landscape architecture issued by~~ another state or other jurisdiction ~~of the United States~~ that is accepted by the board may be ~~licensed by the board without further examination~~ granted a license provided ~~they~~ the applicant:

~~1. Were issued the original license based on requirements that do not conflict with and that are substantially equivalent to the board's regulations that were in effect at the time of original licensure;~~

~~2. Passed an exam in another jurisdiction that was substantially equivalent to that approved by the board at that time or met the regulations in effect at that time; and~~

~~3. Possess~~ 1. Possesses a CLARB certificate.

2. Submits to the board verifiable documentation for education, experience, and exam meeting current requirements in Virginia; and

3. Satisfies all other applicable requirements of this chapter.

~~B. Applicants who do not qualify under subsection A of this section shall be required to meet current entry requirements at the time the application for comity is received in the board's office.~~

18VAC10-20-460. Definitions.

The following words, terms, and phrases when used in this part ~~shall~~ have the following meanings ~~ascribed to them~~ except where the context clearly indicates otherwise or requires different meanings.

"CIDA" means the Council for Interior Design Accreditation, formerly known as the Foundation of Interior Design Education Research (FIDER).

"Diversified experience" includes the identification, research, and creative solution of problems pertaining to the function and quality of the interior environment including code analysis, fire safety consideration, and ~~barrier free~~ barrier-free evaluations that relate to the health, safety, and welfare of the public.

"Monitored experience" means diversified experience in interior design under the direct control and personal supervision of a certified or licensed interior designer, architect, or professional engineer.

"Professional program approved by the board" means an evaluated degree or combination of evaluated degrees as follows:

1. A minimum of an undergraduate degree in an interior design program that is deemed by the board to be substantially equivalent to an undergraduate degree in interior design from a CIDA-accredited program;

2. A graduate degree from a CIDA-accredited program; or

3. A graduate degree in interior design plus an undergraduate degree that in combination are deemed by the board to be substantially equivalent to an undergraduate degree program from a CIDA-accredited program at the time of the applicant's graduation.

For the purposes of this definition, a degree program that met CIDA accreditation requirements not later than two years after the date of the applicant's graduation ~~shall~~ must be determined to be CIDA accredited.

18VAC10-20-470. Fee schedule.

All fees are nonrefundable and ~~shall~~ will not be prorated.

Application for Initial Interior Designer Certification	$90
Application for Interior Designer Certification by ~~Comity~~ Endorsement	$90
Renewal	$90

18VAC10-20-490. Requirements for certification.

A. Applicants ~~shall~~ must possess a degree from a professional program approved by the board.

B. The board reserves the right to reject any evaluation submitted. Any costs attributable to evaluation ~~shall~~ will be borne by the applicant.

C. Applicants ~~shall~~ must possess a minimum of two years of monitored experience. Any monitored experience gained under the direct control and personal supervision of a professional engineer ~~shall~~ will be reduced by 50% and ~~shall~~ will not account for more than six months of the two years required by this subsection.

D. Applicants ~~shall~~ must have passed the board-approved exam and provide documentation acceptable to the board verifying that the exam has been passed.

18VAC10-20-495. Examination.

A. The National Council of Interior Design Qualification exam is approved by the board.

B. Applicants ~~shall~~ must apply directly to the Council for Interior Design Qualifications for the exam.

18VAC10-20-505. Certification by ~~comity~~ endorsement.

Applicants who hold a license or certificate in good standing in another jurisdiction of the United States or province of Canada may be issued a certificate if the board is provided with satisfactory evidence that the license or certificate was issued based on qualifications equal to those required by this chapter as of the date the application is received by the board.

Part X

~~Renumber Part X as Part VIII~~ Qualifications for Registration as a Business Entity

18VAC10-20-627. Registration required.

Any business entity offering or rendering professional services in the Commonwealth of Virginia ~~shall~~ must register with the board and designate a responsible person for each professional service offered. Professional services ~~shall~~ include architecture, engineering, land surveying, landscape architecture, or interior design.

18VAC10-20-630. Fee schedule.

All fees are nonrefundable and ~~shall~~ will not be prorated.

Application for business entity registration	$180
~~Application for business entity branch office registration~~	~~$90~~
Renewal of business entity registration	$90
~~Renewal of business entity branch office registration~~	~~$90~~

18VAC10-20-640. Application requirements.

A. All applicants ~~shall~~ must be appropriately credentialed to do business in the Commonwealth of Virginia by the State Corporation Commission in accordance with the Code of Virginia. The business entity ~~shall~~ must be in good standing with the State Corporation Commission at the time of application to the board office, at the time of board approval, and at all times when the board registration is in effect.

B. The name of the business and any assumed, fictitious, trading as, or doing business as names of the firm ~~shall~~ must be disclosed on the application.

~~C. Any branch office offering or rendering professional services shall complete a branch office registration application from the board. Each branch office shall have a responsible person resident at the branch office for each professional offered or rendered.~~

18VAC10-20-650. Registration certification.

The application ~~shall~~ must contain an affidavit by an authorized official in the business entity that the practice of architecture, engineering, land surveying, landscape architecture, or interior design to be done by that entity ~~shall~~ will be under the direct control and personal supervision of the licensed or certified full-time employees or licensed or certified ~~resident~~ principals identified in the application as responsible persons for the practice. In addition, the licensed or certified employees or principals responsible for the practice ~~shall~~ must sign their names indicating that they are responsible persons ~~who are resident~~, and that they understand and ~~shall~~ will comply with all statutes and regulations of the board.

18VAC10-20-660. Change of status.

A. Any changes of status, including~~, but not limited to,~~ change in entity, name (including assumed names), address, place of business, or responsible persons at each place of business, ~~shall~~ must be reported to the board by the registered entity within 30 days of the occurrence. In addition, any licensed or certified employee responsible for such practice ~~shall~~ must notify the board in writing of any changes of ~~his~~ employment status within 30 days of the change.

B. In the event there is a change in the responsible person, whether the change is temporary or permanent ~~and whether it may be caused by death, resignation or otherwise~~, the registration ~~shall~~ will be automatically modified to be limited to that professional practice permitted by the remaining licensed or certified employees, or ~~shall~~ will be automatically suspended until such time as the entity comes into compliance with ~~these regulations~~ this chapter.

Part XI

~~Renumber Part XI as Part IX~~ Renewal and Reinstatement

18VAC10-20-670. Renewal.

A. Regulants ~~shall~~ must not practice with an expired license, certificate, or registration. The following timeframes ~~shall~~ will determine the required fees for renewal based on the date the fee is received in the board's office:

1. If the renewal fee is received by the board by the expiration date of the license, certificate, or registration, no additional fee ~~shall~~ will be required to renew.

2. If the renewal fee is not received by the board within 30 days following the expiration date of the license or certificate, a $50 late fee ~~shall~~ will be required in addition to the renewal fee. For renewal of a business entity ~~or branch office~~ registration, a $50 late renewal fee shall be required in addition to the renewal fee.

3. If the renewal fee and applicable late fee are not received by the board within six months following the expiration date of the license, certificate, or ~~nonbranch office~~ registration, the reinstatement fee ~~shall~~ will be required pursuant to 18VAC10-20-680.

B. Upon receipt of the required fee, licenses, certificates, and registrations not currently sanctioned by the board ~~shall~~ will be renewed for a two-year period from the previous expiration date.

~~C. Branch offices shall not renew or reinstate until the main office registration is properly renewed or reinstated.~~

~~D.~~ C. The board may deny renewal of a license, certificate, or registration for the same reasons as it may refuse initial licensure, certification, or registration or for the same reasons that it may discipline a regulant for noncompliance with the ~~standards of practice and conduct as well as the continuing education~~ requirements contained in this chapter. The regulant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

~~E.~~ D. By submitting the renewal fee, the regulant is certifying continued compliance with ~~the standards of practice and conduct as established by the board. In addition, by submitting the renewal fee, licensees are certifying compliance with the continuing education requirements as contained in~~ this chapter.

~~F.~~ E. Failure to receive a renewal notice ~~shall~~ will not relieve the regulant of the responsibility to renew. In the absence of a renewal notice, the regulant may submit a copy of the license, certificate, or registration with the required fee for renewal.

~~G.~~ F. A license, certificate, or registration that is renewed ~~shall~~ will be regarded as having been current without interruption and under the authority of the board.

~~H.~~ G. Failure to pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order ~~shall~~ will result in a delay or withholding of services provided by the department such as, but not limited to, renewal, reinstatement, or processing a new application~~, or exam administration~~.

18VAC10-20-680. Reinstatement.

A. Applicants whose license, certificate, or ~~main office~~ business entity registration has expired for more than six months~~, and applicants whose branch office registration has expired for more than 30 days, shall~~ will be required to submit a reinstatement application, which ~~shall~~ will be evaluated by the board to determine if the applicant remains qualified to be a regulant of the board.

B. Applicants whose license or certificate has expired for more than five years ~~shall~~ will be required to reapply for licensure or certification on the initial application and document experience from the date of expiration of the license or certificate to the present.

C. The board may require an exam, ~~additional~~ continuing education, or experience for architects, professional engineers, land surveyors, landscape architects, and interior designers whose license or certificate has expired for more than five years.

D. The board may deny reinstatement of a license, certificate, or registration for the same reasons as it may refuse initial licensure, certification, or registration or for the same reasons that it may discipline a regulant for noncompliance with the ~~standards of practice and conduct, as well as the continuing education~~ requirements~~,~~ contained in this chapter. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

E. The date the reinstatement fee is received in the board's office ~~shall~~ will determine the amount to be paid pursuant to the following requirements:

1. Licenses, certificates, and registrations that have been expired for more than six months, but less than five years, ~~shall~~ will require a reinstatement fee that ~~shall~~ will equal the renewal fee plus $200.

2. Licenses, certificates, and registrations that have been expired for more than five years ~~shall~~ will require a reinstatement fee that ~~shall~~ will equal the renewal fee plus $300.

F. Licensees ~~shall~~ will remain under and be subject to all laws and regulations as if the licensee had been continuously licensed. The licensee will remain under and be subject to the disciplinary authority of the board during this entire period at all times, regardless of whether the license is reinstated, pursuant to § 54.1-405 of the Code of Virginia.

G. A certificate or registration holder who reinstates ~~shall~~ will be regarded as having been current and without interruption and under the authority of the board.

H. Failure to pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order ~~shall~~ will result in a delay or withholding of services provided by the department such as, but not limited to, renewal, reinstatement, or processing a new application~~, or exam administration~~.

18VAC10-20-683. Continuing education requirements for renewal or reinstatement.

A. Licensees are required to complete continuing education (CE) pursuant to the provisions of § 54.1-404.2 of the Code of Virginia for any renewal or reinstatement.

B. CE for renewal ~~shall~~ must be completed during the two-year license period immediately prior to the expiration date of the license and ~~shall~~ will be valid for that renewal only; additional hours ~~shall~~ will not be valid for subsequent renewal.

C. CE for reinstatement ~~shall~~ must be completed during the two years immediately prior to the date of the board's receipt of a reinstatement application and ~~shall~~ will be valid for that reinstatement only; additional hours ~~shall~~ will not be valid for subsequent renewal.

D. Licensees ~~shall~~ must maintain records of completion of CE used to renew a license for three years from the date of expiration of the license. Licensees ~~shall~~ must provide those records to the board or its authorized agents upon request.

E. CE activities completed by licensees may be accepted by the board provided the activity:

1. Consists of content and subject matter related to the practice of the profession;

2. Has a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of practice and may be in areas related to business practices, including project management, risk management, ethics, and public health, safety, and welfare, that have demonstrated relevance to the licensee's area of practice as defined in § 54.1-400 of the Code of Virginia;

3. Is taught by instructors who are competent in the subject matter, either by education or experience, for those activities involving an interaction with an instructor;

4. If self-directed, contains an assessment by the sponsor at the conclusion of the activity that verifies that the licensee has successfully achieved the purpose and objective of the activity; and

5. Results in documentation that verifies the licensee's successful completion of the activity.

F. Computation of credit.

1. Fifty contact minutes ~~shall~~ will equal one hour of CE. For activities that consist of segments that are less than 50 minutes, those segments ~~shall~~ will be totaled for computation of CE for that activity.

2. One semester hour of college credit ~~shall~~ will equal 15 hours of CE and one-quarter hour of college credit ~~shall~~ will equal 10 hours of CE.

3. The number of hours required to successfully complete any CE activity must have been determined by the sponsor. A licensee ~~shall~~ must not claim more credit for any CE activity than the number of hours that was predetermined by the sponsor at the time the activity was completed.

4. CE may be granted for the initial development, substantial updating, or the initial teaching of a CE activity that meets the requirements of this chapter at twice the amount of credit that participants receive. CE claimed pursuant to this subdivision ~~shall~~ must not be claimed for subsequent offerings of the same activity.

5. A licensee applying for renewal ~~shall~~ will not receive credit for completing a CE activity with the same content more than once during the two years prior to license expiration.

6. A licensee applying for reinstatement ~~shall~~ will not receive credit more than once for completing a CE activity with the same content during the two years immediately prior to the date of the board's receipt of ~~his~~ the licensee's reinstatement application.

G. The board may periodically conduct a random audit of ~~its~~ the board's licensees who have applied for renewal to determine compliance. Licensees who are selected for audit ~~shall~~ must provide all documentation of all CE activities utilized to renew their license within 21 calendar days of the date of the board's notification of audit.

H. If the board determines that CE was not obtained properly to renew or reinstate a license, the licensee ~~shall~~ will be required to make up the deficiency to satisfy the CE requirement for that license renewal or reinstatement. Any CE activity used to satisfy the deficiency ~~shall~~ will not be applied to ~~his~~ the licensee's current license CE requirement or any subsequent renewal or reinstatement.

18VAC10-20-687. Exemptions and waivers.

Pursuant to § 54.1-404.2 of the Code of Virginia, the board may grant exemptions to, waive, or reduce the number of continuing education activities required in cases of certified illness or undue hardship. However, such exemptions, waivers, or reductions ~~shall~~ will not relieve the individual of ~~his~~ the obligation to comply with any other requirements of this chapter, including~~, but not limited to,~~ the provisions of 18VAC10-20-670 or 18VAC10-20-680.

Part XII

~~Renumber Part XII as Part X~~ Standards of Practice and Conduct

18VAC10-20-690. Responsibility to the public.

The primary obligation of the regulant is to the public. The regulant ~~shall~~ must recognize that the health, safety, and welfare of the general public are dependent upon professional judgments, decisions, and practices. If the judgment of the regulant is overruled resulting in circumstances when the health, safety, or welfare of the public is endangered, the regulant ~~shall~~ must inform the employer, client, and appropriate authorities in writing of the possible consequences.

18VAC10-20-700. Public statements.

A. The regulant ~~shall~~ must be truthful in all professional matters and ~~shall~~ must include all relevant information in professional reports, statements, or testimony, which ~~shall~~

must include the date indicating when such information was current.

B. When serving as an expert or technical witness, the regulant ~~shall~~ must express an opinion only when it is based on an adequate knowledge of the facts in the issue and a background of competence in the subject matter.

C. Except when appearing as an expert witness in court or in an administrative proceeding when the parties are represented by counsel, the regulant ~~shall~~ must issue no statements, reports, criticisms, or arguments on matters relating to professional practice that are inspired by or paid for by interested persons, unless the regulant has prefaced the comment by disclosing any self-interest and the identities of all persons on whose behalf the regulant is speaking.

D. A regulant ~~shall~~ must not knowingly make a materially false statement or deliberately withhold a material fact ~~requested in connection with his application for licensure, certification, registration, renewal, or reinstatement~~ in any professional matter.

18VAC10-20-710. Conflicts of interest.

A. The regulant ~~shall~~ must promptly and fully inform an employer or client of any business association, interest, or circumstance ~~which~~ that may influence the regulant's judgment or the quality of service.

B. The regulant ~~shall~~ must not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project unless the circumstances are fully disclosed and agreed to in writing by all interested~~.~~ parties.

C. The regulant ~~shall~~ must not solicit or accept financial or other valuable consideration from material or equipment suppliers for specifying ~~their~~ the supplier's products or services.

D. The regulant ~~shall~~ must not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the regulant is responsible.

18VAC10-20-720. Solicitation of work or employment.

A. In the course of soliciting work from~~,~~ or employment by~~,~~ a public authority, the regulant ~~shall~~ must not directly or indirectly:

1. Give, solicit, or receive any gratuity, contribution, or consideration to unlawfully influence the award of a contract;

2. Give, solicit, or receive any gratuity, contribution, or consideration that may reasonably be construed as an intention to influence the awarding of a contract; or

3. Offer or provide any gift or other valuable consideration in order to secure work.

B. The regulant ~~shall~~ must not pay, directly or indirectly, a commission, percentage, or brokerage fee to a potential or existing client in order to secure work.

C. The regulant ~~shall~~ must not falsify or knowingly allow misrepresentation of ~~his~~ the regulant's or an associate's:

1. Academic or professional qualifications or work; or

2. Degree of responsibility for prior assignments.

D. Materials, content, and information used in the solicitation of ~~employment shall~~ work must not misrepresent facts concerning employers, employees, associates, joint ventures, or past accomplishments of any kind.

18VAC10-20-730. Competency for assignments.

A. The professional ~~shall~~ must undertake to perform professional assignments only when qualified by education or experience~~, or both,~~ and licensed or certified in the profession involved. Licensed professionals may perform assignments related to interior design, provided ~~they do not hold themselves out~~ the professional does represent himself as certified in ~~this~~ the profession unless ~~they are so~~ the professional is certified by ~~this~~ the board. The professional may accept an assignment requiring education or experience outside of the field of the professional's competence, but only to the extent that services are restricted to those phases of the project ~~in~~ for which the professional is qualified. All other phases of such project ~~shall~~ must be the responsibility of licensed or certified associates, consultants, or employees.

B. A professional ~~shall~~ must not misrepresent to a prospective or existing client or employer ~~his~~ the professional's qualifications and the scope of ~~his~~ the professional's responsibility in connection with work for which ~~he~~ the professional is claiming credit.

C. The professional ~~shall adhere to~~ must meet the minimum standards and requirements pertaining to the practice of ~~his~~ the professional's own profession, as well as other professions if incidental work is performed.

18VAC10-20-740. Professional responsibility.

A. Unless exempt by statute, all architectural, engineering, land surveying, landscape architectural, and interior design work must be completed by a professional or a person performing the work who is under the direct control and personal supervision of a professional.

B. A professional ~~shall~~ must be able to clearly define ~~his~~ the professional's scope and degree of direct control and personal supervision, clearly define how it was exercised, and demonstrate that ~~he~~ the professional was responsible within that capacity for the work that ~~he~~ the professional has sealed, signed, and dated. For the work prepared under ~~his~~ the professional's supervision, a professional ~~shall~~ must:

1. Have detailed professional knowledge of the work;

2. Exercise the degree of direct control over work that includes:

a. Having control over decisions on technical matters of policy and design;

b. Personally making professional decisions or the review and approval of proposed decisions prior to implementation, including the consideration of alternatives to be investigated and compared for designed work, whenever professional decisions are made that could affect the health, safety, and welfare of the public involving permanent or temporary work;

c. The selection or development of design standards and materials to be used; and

d. Determining the validity and applicability of recommendations prior to incorporation into the work, including the qualifications of those making the recommendations;

3. Have exercised ~~his~~ professional judgment in professional matters that are embodied in the work and the drawings, specifications, or other documents involved in the work; and

4. Have exercised critical examination and evaluation of an employee's, consultant's, subcontractor's, or project team member's work product, during and after preparation, for purposes of compliance with applicable laws, codes, ordinances, regulations, and usual and customary standards of care pertaining to professional practice.

C. The regulant ~~shall~~ must not knowingly associate in a business venture with or permit the use of ~~his~~ the regulant's name by any person or firm when there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating statutes or any of these regulations.

D. A regulant who has knowledge that any person may have violated or may currently be violating any of these provisions, or the provisions of Chapters 7 (§ 13.1-542.1 et seq.) and 13 (§ 13.1-1100 et seq.) of Title 13.1 or Chapters 1 (§ 54.1-100 et seq.) through 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, ~~shall~~ must inform the board in writing and ~~shall~~ must cooperate in furnishing any further information or assistance that may be required by the board or any of its agents.

E. Upon request by the board or any of ~~its~~ the board's agents, the regulant ~~shall~~ must produce any plan, plat, document, sketch, book, record, or copy thereof concerning a transaction covered by this chapter and ~~shall~~ must cooperate in the investigation of a complaint filed with the board against a regulant.

F. Except as authorized by 18VAC10-20-760 A 2, a regulant ~~shall~~ must not utilize the design, drawings, specifications, or work of another regulant to complete or to replicate any work without the written consent of the person or organization that owns the design, drawings, specifications, or work.

G. Utilization and modification of work.

1. A regulant who utilizes the designs, drawings, specifications, or work of another regulant pursuant to subsection F of this section or 18VAC10-20-760 A 2, or who modifies any plats or surveys, ~~shall~~ must conduct a thorough review of the work to verify that it has been accomplished to the same extent that would have been done under the direct control and personal supervision of the regulant affixing the professional seal, signature, and date. The regulant ~~shall~~ must assume full responsibility for the utilization of any unsealed work or any changes or modifications to previously sealed work.

2. Information from recorded plats or surveys may be utilized without permission. However, the modification of the actual recorded plat or survey is prohibited without written permission of the regulant.

18VAC10-20-760. Use of seal.

A. Affixing of a professional seal, signature, and date ~~shall~~ will indicate that the professional has exercised direct control and personal supervision over the work to which it is affixed. Affixing of the seal, signature, and date also indicates the professional's acceptance of responsibility for the work shown ~~thereon~~.

1. No professional ~~shall~~ may affix a seal, signature, and date or certification to plans, plats, documents, drawings, or other works constituting the practice of the professions regulated that has been prepared by an unlicensed or uncertified person unless such works were performed under the direct control and personal supervision of the professional while the unlicensed or uncertified person was an employee of the same firm as the professional or was under written contract to the same firm that employs the professional.

2. If the original professional of record is no longer able to seal, sign, and date completed professional work, such work may be sealed, signed, and dated by another qualified professional pursuant to the standards established in 18VAC10-20-740 G 1.

B. Documents to be sealed.

1. All final documents, including cover sheet of plans, plats, documents, drawings, technical reports, and specifications, and each sheet of plans or plats~~,~~ or drawings prepared by the professional~~,~~ or someone under ~~his~~ the professional's direct control and personal supervision, ~~shall~~ must be sealed, signed, and dated by the professional. All final documents ~~shall~~ must also bear the professional's name or firm name, address, and project name.

2. For projects involving multiple professional services in the same project, each professional ~~shall~~ must seal, sign, and date the final documents for the work component that ~~he~~ the professional completed or that was completed under ~~his~~ the professional's direct control and personal supervision. The professional responsible for the compilation of the project ~~shall~~ must seal, sign, and date the cover sheet of the aggregate collection of final documents for the project.

C. An electronic seal, signature, and date are permitted to be used in lieu of an original seal, signature, and date when the following criteria, and all other requirements of this section, are met:

1. It is a unique identification of the professional;

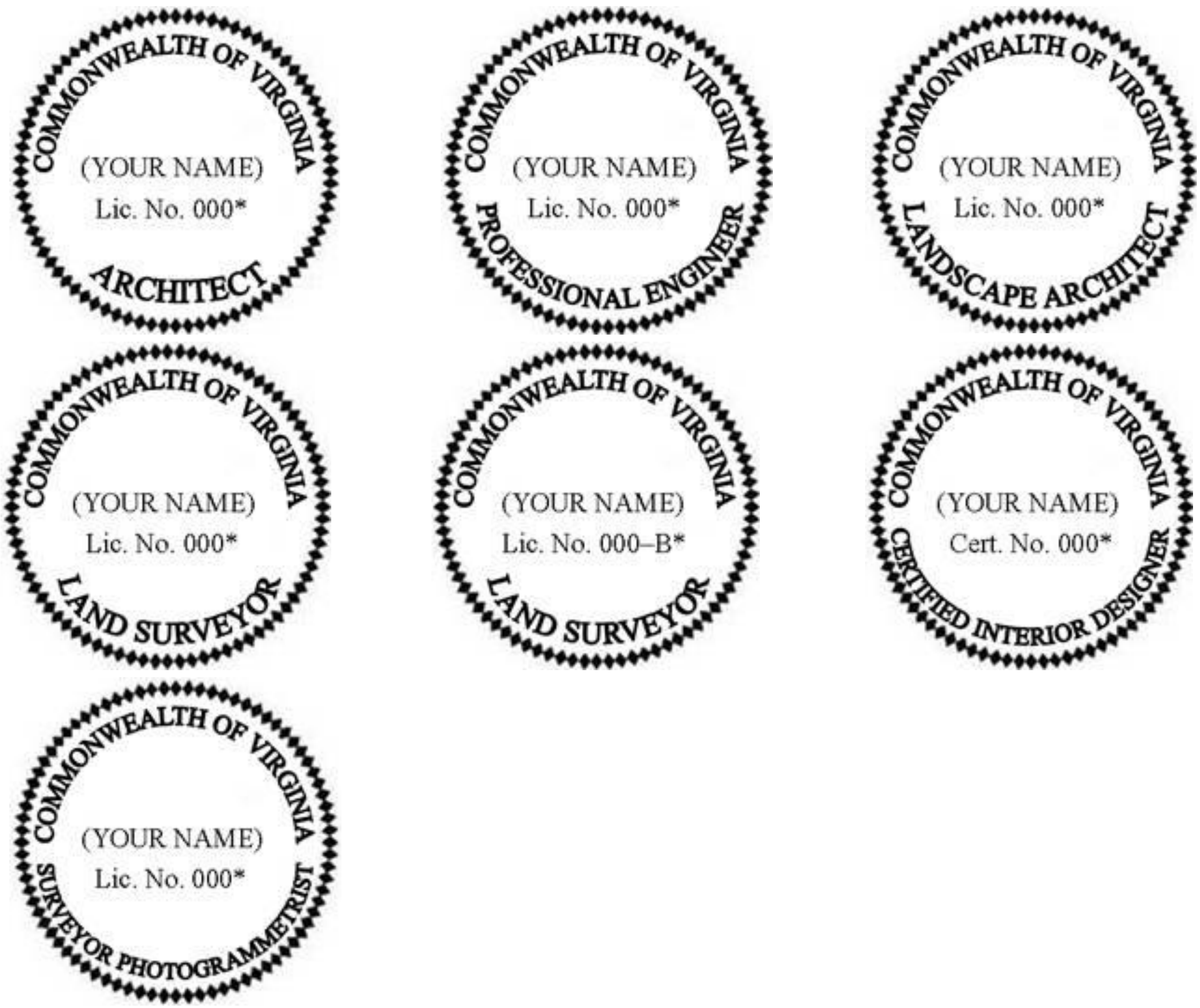
2. It is verifiable; and

3. It is under the professional's direct control.

D. Incomplete plans, plats, documents, and drawings, whether advance or preliminary copies, ~~shall~~ <u>must</u> be so identified on the plans, plats, documents, or drawings and need not be sealed, signed, or dated. Advance or preliminary copies of incomplete plans, plats, documents, and drawings, must be clearly identified as not complete but need not be sealed, signed, or dated

E. All work performed by a professional who is licensed or certified by this board, including work that is exempt from licensure pursuant to § 54.1-402 of the Code of Virginia, ~~shall~~ <u>must</u> be sealed, signed, and dated pursuant to subsection B of this section.

F. The original seal ~~shall~~ <u>must</u> conform in detail and size to the design illustrated in this subsection and ~~shall~~ <u>must</u> be two inches in diameter. The designs illustrated may not be shown to scale:



*The number referred to is the last six-digit number as shown on the license or certificate. The number is permanent. Leading zeros contained in the six-digit number may be omitted from the seal.

18VAC10-20-770. Organization and styling of practice.

A. A firm ~~shall~~ <u>must</u> offer or practice only the professions shown on its board-issued registration. <u>The regulant designated by the firm to be the responsible person must exercise direct control and personal supervision of the work being offered or practiced.</u>

B. Nothing ~~shall~~ will be contained in the name, letterhead, or other styling of a professional practice implying a relationship, ability, or condition ~~which~~ that does not exist. Professional services that the firm is not properly registered to provide ~~shall~~ must not be included in the name.

C. An assumed, fictitious, or corporate name ~~shall~~ must not be misleading as to the identity, responsibility, or status of those practicing professionals employed or contracted by the registrant. Any advertisement, sign, letterhead, business card, directory, or any other form of representation ~~shall~~ must avoid reference to any service that cannot be provided for under a resident responsible person.

18VAC10-20-780. ~~Professional required at each place of business.~~ (Repealed.)

~~A. Any regulant maintaining a place of business that offers or practices architectural, engineering, land surveying, landscape architectural, or certified interior design services in Virginia, shall name at least one responsible person for each profession offered or practiced at each place of business.~~

~~B. Each resident responsible person designated by the firm shall exercise direct control and personal supervision of the work being offered or practiced at each place of business. Each resident responsible person may be responsible for more than one location provided that he is resident at each place of business during a majority of its operating hours.~~

18VAC10-20-785. Notice of adverse action.

A. A regulant must notify the board of the following actions against the regulant:

1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including any (i) reprimand; (ii) license or certificate revocation, suspension, or denial; (iii) monetary penalty; (iv) requirement for remedial education; or (v) other corrective action.

2. Any voluntary surrender of a related license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.

3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, in any jurisdiction of the United States of any (i) misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or relating to providing professional services or (ii) felony, there being no appeal pending therefrom or the time for appeal having lapsed. Review of convictions will be subject to the requirements of § 54.1-204 of the Code of Virginia.

B. The notice must be made to the board in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice.

18VAC10-20-790. ~~Sanctions~~ Prohibited acts.

A license, certificate, or registration ~~shall~~ will not be sanctioned unless a majority of the eligible voting members of the entire board vote for the action. The board may discipline or sanction any regulant if the board finds that:

1. The regulant failed to maintain good moral character ~~pursuant to the definition in 18VAC10-20-10~~ as described in 18VAC10-20-20 A;

2. The license, certification, or registration was obtained or renewed through fraud or misrepresentation;

3. The regulant has been found guilty by a court ~~of competent jurisdiction~~ of any material misrepresentation in the course of professional practice or has been convicted, pleaded guilty, or ~~has been~~ found guilty, regardless of adjudication or deferred adjudication, of any felony or non-marijuana misdemeanor that, in the judgment of the board, adversely affects the regulant's ability to perform satisfactorily within the regulated discipline. The board ~~shall~~ will review the conviction pursuant to the provisions of § 54.1-204 of the Code of Virginia;

4. The regulant has committed acts constituting professional incompetence~~,~~ or negligence~~, or gross negligence~~ or involving dishonesty, fraud, misrepresentation, or breach of fiduciary duty related to the practice of the profession;

5. The regulant has abused drugs or alcohol to the extent that professional competence is adversely affected;

6. The regulant fails to comply, or misrepresents any information pertaining to ~~their~~ compliance, with ~~any of~~ the ~~continuing education~~ requirements ~~as~~ contained in this chapter;

~~7. The regulant violates any standard of practice and conduct as defined in this chapter;~~

~~8.~~ 7. The regulant violates or induces others to violate any provision of ~~Chapters~~ Chapter 7 (§ 13.1-542.1 et seq.) ~~and~~ or 13 (§ 13.1-1100 et seq.) of Title 13.1~~, or~~, Chapters 1 (§ 54.1-100 et seq.) through 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, or any other statute applicable to the practice of the professions regulated by this chapter;

~~9.~~ 8. The regulant has been disciplined by any county, city, town, state, or federal governing body. For purposes of this section, "discipline" means reprimand; civil or monetary penalty; probation, suspension, or revocation of a license; or cease and desist order. The board will review such discipline before taking any disciplinary action of its own; or

~~10.~~ 9. The regulant fails to notify the board within 30 days of having been disciplined by any county, city, town, state, or federal governing body as stipulated in subdivision ~~9~~ 8 of this section.

18VAC10-20-795. Change of address.

All regulants ~~shall~~ must notify the board of a change of mailing address on the designated address change form within 30 days of making the change. When submitting a change of address, regulants holding more than one license, certificate, or registration ~~shall~~ must inform the board of each affected by the change. A post office box will not be accepted in lieu of a physical address.

VA.R. Doc. No. R24-7640; Filed July 23, 2025, 7:47 a.m.

BOARD OF DENTISTRY

Proposed Regulation

Title of Regulation: **18VAC60-30. Regulations Governing the Practice of Dental Assistants (amending 18VAC60-30-120).**

Statutory Authority: §§ 54.1-2400 and 54.1-2729.01 of the Code of Virginia.

Public Hearing Information:

September 12, 2025 - 9:05 a.m. - Department of Health Professions, Commonwealth Conference Center, Board Room One, 9960 Mayland Drive, Henrico, VA 23223-1463.

Public Comment Deadline: October 10, 2025.

Agency Contact: Jamie Sacksteder, Acting Executive Director, Board of Dentistry, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4581, or email jamie.sacksteder@dhp.virginia.gov.

Basis: Section 54.1-2400 of the Code of Virginia authorizes the Board of Dentistry to promulgate regulations that are reasonable and necessary to effectively administer the regulatory system. Section 54.1-2729.01 of the Code of Virginia requires the board to promulgate regulations regarding duties dental assistants may perform.

Purpose: The purpose of this action is to protect patients in dental offices who receive services from a dental assistant II. While dental assistants receive laboratory and clinical training in indirect pulp capping, board members believe that direct pulp capping, which requires covering a completely exposed nerve with a protective coating, should only be performed by a dentist because it presents a risk of harm to patients.

Substance: The proposed amendment eliminates the practice of direct pulp capping from the list of practices that can be delegated to an appropriately trained dental assistant II. Appropriately trained dental assistants II may still perform delegated tasks related to indirect pulp capping.

Issues: The primary advantage to the public is assurance that a procedure with a high risk of harm to patients will not be performed by dental assistants. There are no disadvantages to the public. There are no advantages or disadvantages to the agency or the Commonwealth.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. The Board of Dentistry (board) proposes to make clarifying changes to the regulation to indicate that only indirect pulp capping, but not direct pulp capping, can be delegated to Dental Assistants II (DAIIs).

Background. This regulation covers the training requirements for DAIIs. Currently, it includes pulp capping in the description of the training required without specifying whether it is direct or indirect. Direct pulp capping is an invasive procedure covering an exposed dental pulp (tooth nerve) with material to protect against external influences and to encourage healing. Indirect pulp capping on the other hand does not involve exposing dental pulp as some decay is left intact above the dental pulp over which covering is applied. At the board's Regulatory-Legislative Committee meeting on April 23, 2021, committee members reviewed standards from other states, and found that dental assistants were either directly prohibited from pulp capping (Tennessee and North Carolina), implicitly prohibited (Kentucky) or implicitly allowed with additional training (Maryland). At that meeting, the Department of Health Professions (DHP) staff reported that there is a distinction between direct and indirect pulp capping, and that dental assistant training programs only cover indirect pulp capping, where there is no exposure of dental pulp. The staff stated that it has never been the intention of the board to allow direct pulping as a delegable task to DAIIs. Since the committee meeting, the board has already updated its guidance document on delegation to dental assistants to specify indirect next to pulp capping procedures.[2] This regulation itself does not provide a list of delegable tasks. Instead it describes the training requirements, which include pulp capping. Dental assistants receive a registration card that must be displayed in their place of work that contains a list of procedures that are delegable to them. Because of the existing language in the training requirements the current card lists pulp capping, which is to be replaced with indirect pulp capping. The board proposes to add the qualifier indirect before pulp capping procedures in training requirements to clarify that only indirect pulp capping is delegable. In addition, the board seeks to add after July 1, 2022[3] in parenthesis to indicate that the required educational requirement after that date be specifically restricted to indirect pulp capping.

Estimated Benefits and Costs. Changing the education requirements after a certain date in the text of the regulation and changing the registration cards issued subsequent to that date to list indirect pulp capping rather than pulp capping would clarify that DAIIs can only be delegated indirect pulp capping if they register with the board after the proposed changes become effective. Under the proposed language, it would be clear that only indirect pulp capping can be delegated to future dental assistants. Improved clarity would be beneficial for readers of the regulation. DHP reports that specifying an effective date in the regulation would allow existing dental assistants to keep their current registration cards, and as a result any currently registered DAII who is performing direct pulp capping under supervision would be allowed to continue to do so. However, although currently 38 DAIIs are permitted to perform direct pulp capping, the board has no information regarding whether any of those individuals are delegated that task by their supervising dentist. Given the invasive nature of the procedure, the Board believes that very few, if any, DAIIs are performing direct pulp capping. Additionally, DHP reports that dental assistant training programs (which are all accredited by the Commission on Dental Accreditation) do not currently teach direct pulp capping. Thus, the change in the text would not affect current students, or training programs in Virginia, or the education requirements for out-of-state candidates to obtain registration as a DAII in Virginia.

Businesses and Other Entities Affected. The proposed amendments apply to dental assistant training programs and dental assistants themselves. There are currently 38 registered DAIIs in Virginia. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[4] An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined.[5] Current dental assistants would be allowed to practice direct pulp capping if they are delegated this task by the supervising dentist, which appears to be very unlikely according to the board. Because current assistants would be essentially grandfathered, but future assistants would be prohibited from performing direct pulp capping, the latter group appears to be adversely affected in theory. In practice, however, the board believes that very few, if any, DAIIs would be delegated direct pulp capping by their supervisor due to the invasive nature of the procedure. Additionally, direct pulp capping is not within the scope of current training. Thus, it appears there would not be a discernible adverse impact on any entity in practice.

Small Businesses[6] Affected.[7] The proposed amendments do not appear to adversely affect small businesses.

Localities[8] Affected.[9] The proposed amendments do not introduce costs for local governments or disproportionately affect any particular locality.

Projected Impact on Employment. The proposed amendments do not appear to affect total employment.

Effects on the Use and Value of Private Property. The proposed amendments do not appear to affect the use and value of private property or the real estate development costs.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] Guidance Document 60-7, see Duties that may only be delegated to Dental Assistants II under direct supervision of a dentist (p. 2): https://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=4386.

[3] This date is a placeholder for the time being and to be replaced with July 1 of the year following the finalization of the regulatory change.

[4] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[5] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[6] Pursuant to § 2.2-4007.04, 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."

[7] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[8] "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.

[9] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Board of Dentistry concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendment eliminates the practice of direct pulp capping from the list of practices that can be delegated to an appropriately trained dental assistant II by clarifying that the pulp capping for which dental assistants will be trained is restricted to indirect pulp capping.

18VAC60-30-120. Educational requirements for dental assistants II.

A. A prerequisite for entry into an educational program preparing a person for registration as a dental assistant II shall be current certification as a Certified Dental Assistant (CDA) conferred by the Dental Assisting National Board or active licensure as a dental hygienist.

B. To be registered as a dental assistant II, a person shall complete a competency-based program from an educational institution that meets the requirements of 18VAC60-30-116. An applicant may be registered as a dental assistant II with specified competencies completed in education as described in this subsection:

1. Didactic coursework in dental anatomy that includes basic histology, understanding of the periodontium and temporal mandibular joint, pulp tissue and nerve innervation, occlusion and function, muscles of mastication, and any other item related to the restorative dental process.

2. Didactic coursework in operative dentistry, to include materials used in direct and indirect restorative techniques, economy of motion, fulcrum techniques, tooth preparations, etch and bonding techniques and systems, and luting agents.

3. Laboratory training to be completed in the following modules:

a. No less than 15 hours of placing, packing, carving, and polishing of amalgam restorations, placement of a non-epinephrine retraction cord, and indirect pulp capping procedures and no less than six class I and six class II restorations completed on a manikin simulator to competency;

b. No less than 40 hours of placing and shaping composite resin restorations, placement of a non-epinephrine retraction cord, and indirect pulp capping procedures, and no less than 12 class I, 12 class II, five class III, five class IV, and five class V restorations completed on a manikin simulator to competency; and

c. At least 10 hours of making final impressions, placement of a non-epinephrine retraction cord, final cementation of crowns and bridges after preparation, and adjustment and fitting by the dentist, and no less than four crown impressions, two placements of retraction cord, five crown cementations, and two bridge cementations on a manikin simulator to competency.

4. Clinical experience applying the techniques learned in the preclinical coursework and laboratory training in the following modules:

a. At least 30 hours of placing, packing, carving, and polishing of amalgam restorations, placement of a non-epinephrine retraction cord, and no less than six class I and six class II restorations completed on a live patient to competency;

b. At least 60 hours of placing and shaping composite resin restorations, placement of a non-epinephrine retraction cord, and no less than six class I, six class II, five class III, three class IV, and five class V restorations completed on a live patient to competency; and

c. At least 30 hours of making final impressions; placement of non-epinephrine retraction cord; final cementation of crowns and bridges after preparation, adjustment, and fitting by the dentist; and no less than four crown impressions, two placements of retraction cord, five crown cementations, and two bridge cementations on a live patient to competency.

5. Successful completion of the following competency examinations given by the accredited educational programs:

a. A written examination at the conclusion of didactic coursework; and

b. A clinical competency exam.

VA.R. Doc. No. R22-7061; Filed July 22, 2025, 9:02 a.m.

BOARD OF MEDICINE

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, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

Titles of Regulations: **18VAC85-20. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic.**

18VAC85-40. Regulations Governing the Practice of Respiratory Therapists.

18VAC85-50. Regulations Governing the Practice of Physician Assistants.

18VAC85-80. Regulations Governing the Practice of Occupational Therapy.

18VAC85-101. Regulations Governing the Practice of Radiologic Technology.

18VAC85-110. Regulations Governing the Practice of Licensed Acupuncturists.

18VAC85-120. Regulations Governing the Licensure of Athletic Trainers.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, or email erin.barrett@dhp.virginia.gov.

FORMS (18VAC85-20)

Instructions for Completing an Application to Practice Medicine in Virginia for Graduates of Allopathic Medical Schools and Osteopathic Medical Schools (rev. 12/2017)

Instructions for Completing an Application to Practice Chiropractic in Virginia (rev. 12/2017)

Instructions for Completing an Application for Licensure by Endorsement (rev. 8/2020)

Instructions for Completing Podiatric Medicine Application (rev. 12/2017)

Form A, Intern/Resident, Memorandum from Associate Dean of Graduate Medical Education or Program Director (rev. 8/2007)

Form B, Intern/Resident Certificate of Professional Education (rev. 8/2007)

Form G, Intern Resident, Request for Status Report of ECFMG Certification (eff. 8/2007)

Intern/Resident, Transfer Request (rev. 6/2016)

Instructions for Completing an Application for a Limited License to Foreign Medical Graduates Pursuant to § 54.1-2936 (rev. 8/2007)

Application for a Limited License to Foreign Medical Graduates Pursuant to § 54.1-2936 (rev. 8/2007)

Form A, MD Reinstatement, Claims History Sheet (rev. 9/2009)

MD/DO Reinstatement Instructions and Application for MD and DO Licenses in Expired Status for More than Two Years Only (rev. 8/2020)

Instructions for Reinstatement of a Chiropractic Licensure Application (rev. 4/2018)

~~Application for Registration for Volunteer Practice (rev. 2/2025)~~

<u>Application for Registration for Volunteer Practice without fee (rev. 7/2025)</u>

Sponsor Certification for Volunteer Registration (rev. 3/2018)

Application for Restricted Volunteer License (rev. 12/2007)

License Verification Request (rev. 2/2024)

FORMS (18VAC85-40)

Instructions for Completing an Application to Practice Respiratory Therapy in Virginia (rev. 5/2022)

~~Application for Registration for Volunteer Practice (8/2015)~~

<u>Application for Registration for Volunteer Practice (rev. 7/2025)</u>

Sponsor Certification for Volunteer Registration (rev. 3/2018)

Application for Restricted Volunteer License (rev. 8/2015)

Continued Competency Activity and Assessment Form (rev. 4/2000)

Application to Reactivate an Inactive License for a Respiratory Therapist (rev. 5/2019)

Instructions and Application for Reinstatement of a Respiratory Therapist License (4/2018)

License Verification Request (rev. 2/2024)

FORMS (18VAC85-50)

Instructions for Completing an Application to Practice as a Physician Assistant in Virginia (rev. 11/2017)

ARRT Fluoroscopy Examination Application for a Physician Assistant (rev. 2/2014)

Physician Assistant Authorization to Use Fluoroscopy (rev. 1/2014)

Practice Agreement as a Physician Assistant (PA) (rev. 10/2019)

~~Application for Registration for Volunteer Practice (rev. 2/2025)~~

<u>Application for Registration for Volunteer Practice (rev. 7/2025)</u>

Sponsor Certification for Volunteer Registration (rev. 3/2018)

Application for Restricted Volunteer License (rev. 8/2015)

License Verification Request (rev. 2/2024)

FORMS (18VAC85-80)

Instructions for Completing an Application to Practice as an Occupational Therapist/Occupational Therapy Assistant in Virginia (rev. 12/2017)

Instructions and Application for Reinstatement of a License to Practice as an Occupational Therapist/Occupational Therapy Assistant (rev. 4/2018)

Application to Reactivate an Occupational Therapist Assistant License from Inactive Status (rev. 3/2024)

Application to Reactivate an Inactive License for an Occupational Therapist Pursuant to Virginia Regulations 18VAC85-80-72 (rev. 1/2018)

Board-Approved Occupational Therapy Practice to Reinstate an Inactive License (rev. 3/2024)

Supervised Occupational Therapy Services (lapse six years or more) (rev. 5/2017)

Continued Competency Activity and Assessment Form (rev. 4/2000)

Application for Restricted Volunteer License (rev. 8/2015)

~~Application for Registration for Volunteer Practice (rev. 2/2025)~~

<u>Application for Registration for Volunteer Practice (rev. 7/2025)</u>

Sponsor Certification for Volunteer Registration (rev. 3/2018)

License Verification Request (rev. 2/2024)

FORMS (18VAC85-101)

Instructions for Completing an Application to Practice as a Radiologic Technologist in Virginia (rev. 12/2017)

Instructions for Completing an Application to Practice as a Limited Radiologic Technologist in Virginia (rev. 12/2017)

Instructions for Completing an Application to Practice as a Radiologist Assistant in Virginia (rev. 12/2017)

Form C, Radiologic Technologist/Radiologist Assistant, Clearance from Other States (rev. 11/2010)

Instructions and Application for Reinstatement of a License to Practice as a Radiologic Technologist/Limited Radiologic Technologist (rev. 12/2019)

~~Application for Registration for Volunteer Practice (rev. 2/2025)~~

Application for Registration for Volunteer Practice without fee (rev. 7/2025)

Sponsor Certification for Volunteer Registration (rev. 7/2018)

Continued Competency Activity and Assessment Form (eff. 7/2008).

License Verification Request (rev. 2/2024)

FORMS (18VAC85-110)

Instructions for Completing an Application to Practice as an Acupuncturist in Virginia (rev. 3/2017)

Form A, Claims History (rev. 11/2010)

Form C, Clearance from Other State Boards (rev. 11/2010)

Form L, Certificate of Professional Education (rev. 8/2007)

Verification of NCCAOM Certification (rev. 3/2008)

Recommendation for Examination by a Physician (rev. 11/2006)

License Verification Request (rev. 2/2024)

~~Application for Registration for Volunteer Practice (rev. 2/2025)~~

Application for Registration for Volunteer Practice (rev. 7/2025)

Sponsor Certification for Volunteer Registration (rev. 3/2018)

Instructions and Application for Reinstatement of an Acupuncture Licensure (rev. 4/2018)

Application to Reactivate an Inactive License for a Licensed Acupuncturist (rev. 1/2018)

FORMS (18VAC85-120)

Instructions for Completing an Athletic Trainer Licensure Application (12/2017)

~~Application for Registration for Volunteer Practice (rev. 2/2025)~~

Application for Registration for Volunteer Practice without fee (rev. 7/2025)

Sponsor Certification for Volunteer Registration (rev. 3/2018)

Instructions and Application for Reinstatement of an Athletic Trainer Licensure (rev. 4/2018)

Certificate of Professional Education (rev. 8/2007)

License Verification Request (rev. 2/2024)

VA.R. Doc. No. R25-8378; Filed July 21, 2025, 4:01 p.m.

BOARD OF PHARMACY

Proposed Regulation

Title of Regulation: **18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-200, 18VAC110-20-275, 18VAC110-20-490, 18VAC110-20-555, 18VAC110-20-700, 18VAC110-20-728).**

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

Public Hearing Information:

September 30, 2025 - 9:06 a.m. - Department of Health Professions, Board Room Two, 9960 Mayland Drive, Suite 201, Henrico, VA 23233.

Public Comment Deadline: October 10, 2025.

Agency Contact: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4456, fax (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

Basis: Section 54.1-2400 of the Code of Virginia authorizes the Board of Pharmacy to promulgate regulations that are reasonable and necessary to effectively administer the regulatory system.

Purpose: This action benefits public health through innovative pilot programs, which remove a prohibition on (i) crisis stabilization units (CSUs) and other types of facilities storing drugs in automated dispensing devices or remote dispensing systems and (ii) CSUs stocking Schedules II through V drugs, which hindered the ability of these facilities to care for individuals without first obtaining approval from the board.

Substance: The amendments (i) allow onsite storage and administration of necessary medications in Schedules II through V in CSUs; (ii) permit the use of remote dispensing systems in certain health care facilities using the same requirements that are currently in place for automated drug dispensing systems; and (iii) permit state facilities and services licensed by the Department of Behavioral Health and Developmental Services that serve as site-based CSUs to use automated drug dispensing devices and remote dispensing systems.

Issues: The primary advantage to the public is increased access to full crisis stabilization services under the regulatory purview of the board. There are no disadvantages to the public. There are no advantages or disadvantages to the agency or the Commonwealth.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. The Board of Pharmacy (board) proposes to make an emergency regulation permanent. The emergency regulation was adopted pursuant to Chapters 63[2] and 513[3] of the 2024 Acts of Assembly (identical), which authorize the use of automated drug dispensing systems and remote drug dispensing systems by certain facilities.

Background. Prior to Chapters 63 and 513 (legislation), of the Code of Virginia only authorized hospitals to use automated drug dispensing systems[4] and it was silent regarding the use of remote drug dispensing systems.[5] However, use of remote dispensing by crisis stabilization services had been allowed through 14 innovative pilot programs approved by the board pursuant to § 54.1-3307 of the Code of Virginia between 2014 and 2024. In essence, these pilot programs led to the enactment of the legislation. The legislation directed the board to adopt emergency regulations to permit use of automated drug dispensing systems and remote dispensing systems by certain facilities. The legislation made two significant changes to the then status quo regarding these systems. First, it expanded the type of facilities that are authorized to use an automated drug dispensing system (in addition to hospitals) to also include (i) nursing homes licensed pursuant to Title 32.1 of the Code of Virginia, (ii) state facilities as defined in § 37.2-100 of the Code of Virginia established pursuant to Title 37.2 of the Code of Virginia, (iii) facilities as defined in § 37.2-100 of the Code of Virginia that are licensed by the Department of Behavioral Health and Developmental Services (DBHDS) and provide site-based crisis stabilization services, and (iv) other facilities authorized by the board. Second, the legislation authorized, for the first time, the use of remote dispensing systems by all the same entities noted in items (i) through (iv), and hospitals, without the need to obtain approval from the board through a pilot program. Pursuant to the legislative directive, the board adopted an emergency regulation effective August 12, 2024.[6] In this action, the board proposes to make the emergency regulation permanent.

Estimated Benefits and Costs. The proposed permanent regulation mandated by the legislation permits but does not require certain entities to utilize either automatic or remote drug dispensing systems. Thus, it can be reliably inferred that any entity that chooses to use these systems has determined that the expected benefits are greater than the expected costs to them. However, DHP believes that crisis stabilization units are the most likely potential users of remote dispensing systems, and that other potential users such as hospitals are unlikely to use remote drug dispensing because they traditionally rely on nurses to administer drugs to patients. Moreover, because some crisis stabilization units are already utilizing remote dispensing option under pilot programs, it is likely that any additional effects from this regulation are limited. Prior to the legislative mandate, the Code of Virginia did not directly authorize the use of remote drug dispensing at crisis stabilization units licensed by DBHDS. Instead, some units were allowed to use remote dispensing systems through pilot programs approved by the board. Following the enactment of the legislation and subsequent adoption of the emergency regulation the crisis stabilization units no longer needed an approved innovative pilot program from the board to use remote dispensing systems. Thus, the main economic impact of the legislation and the regulation on pilot entities and the board is the elimination of administrative costs associated with obtaining and approving a pilot program and ensuring compliance with the terms of the pilot. For example, according to the Department of Health Professions (DHP), the board would no longer have to process applications for innovative pilot programs that wish to perform the actions permitted under the proposed regulations. Similarly, the crisis stabilization units interested in using remote dispensing would not have to devote resources to prepare a pilot application and obtain approval. The board would likewise not have to conduct innovative pilot program hearings or monitor conditions and terms of board orders resulting from hearings. Previously, each pilot board order required staff to monitor for receipt and review compliance of quarterly performance reports. Additionally, staff were required to perform one unannounced inspection. The proposed regulation would save DHP money because the board would no longer need to convene an informal conference of two board members to approve the request, pay the administrative proceedings unit for staffing the conference and drafting the associated board order; in addition, the staff members responsible for reviewing quarterly reports and performing inspections could use their time to address other types of work. From a public health perspective, the use of these drug dispensing systems may increase medicine security and efficiency in distribution.

Businesses and Other Entities Affected. The proposal allows hospitals, nursing homes licensed pursuant to Title 32.1 of the Code of Virginia, state facilities as defined in § 37.2-100 of the Code of Virginia established pursuant to Title 37.2 of the Code of Virginia, facilities as defined in § 37.2-100 of the Code of Virginia that are licensed by DBHDS and provide site-based crisis stabilization services, and other facilities authorized by the board to use remote drug dispensing systems. In addition, the proposal expands the authorized use of automated drug dispensing to the same entities (except hospitals, which were already authorized previously). DHP does not have information regarding the number of such facilities. DBHDS reports that there are 56 licensed crisis stabilization units operating at 64 locations (number of units in parenthesis) as follows: counties of Chesterfield (9), Fairfax (3), Halifax (1), Henrico (17), Isle of Wight (1), Roanoke (1), Russell (1), Smyth (1), Spotsylvania (1), Washington (1), Wythe (1); cities of Charlottesville (1), Fredericksburg (1), Hampton (2), Harrisonburg (1), Hopewell (2), Newport News (1), Norfolk (1), Petersburg (5), Portsmouth (1), Radford (1), Richmond (9), Suffolk (1), and Virginia Beach (1). The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[7] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[8] The legislation and the proposal permits but does not mandate the use of automated or remote drug dispensing systems for any entity. Thus, no adverse impact is indicated.

Small Businesses[9] Affected.[10] The proposed amendments do not adversely affect small businesses.

Localities[11] Affected.[12] The proposed regulation does not introduce costs or other effects on localities, nor does it disproportionately affect any locality.

Projected Impact on Employment. To the extent it is utilized by authorized entities, the use of automated or remote drug dispensing system may result in more efficient drug distribution and provide some staff savings to the regulants. On the other hand, DHP may also have to devote more staff time to monitor regulants and ensure compliance with proposed rules to the extent automated or remote systems are utilized by authorized entities. In any case, the potential impact on total employment is not known.

Effects on the Use and Value of Private Property. Because the proposal allows for but does not mandate the use of certain drug dispensing systems, it would likely provide benefit to the private regulated entities that choose to use such systems and have a positive impact on their asset values. No impact on the real estate development costs is expected.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] https://legacylis.virginia.gov/cgi-bin/legp604.exe?241+ful+CHAP0063.

[3] https://legacylis.virginia.gov/cgi-bin/legp604.exe?241+ful+CHAP0513.

[4] Section 54.1-3401 of the Code of Virginia defines "Automated drug dispensing system" as a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

[5] Section 54.1-3401 defines "Remote dispensing system" as a profile-driven automated drug dispensing system that performs operations or activities relative to the storage, packaging, labeling, or dispensing of medications employing bidirectional audio-visual technology to facilitate pharmacist communication with a patient, authorized agent of the patient, or person licensed to administer drugs, and collects, controls, and maintains all information online. Drugs intended to be administered by the patient or a person not licensed to administer drugs must fully comply with the labeling requirements in §§ 54.1-3410 and 54.1-3463 of the Code of Virginia and board regulations. Directions for use may only be abbreviated when drugs are administered exclusively by persons licensed to administer drugs.

[6] https://townhall.virginia.gov/L/ViewStage.cfm?stageid=10323.

[7] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[8] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[9] Pursuant to § 2.2-4007.04, 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."

[10] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[11] "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.

[12] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Board of Pharmacy concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

Pursuant to Chapters 63 and 513 of the 2024 Acts of Assembly and based on the innovative pilot programs currently approved by the Board of Pharmacy pursuant to § 54.1-3307.2 of the Code of Virginia, the proposed amendments (i) allow onsite storage and dispensing of necessary medications in crisis stabilization units (CSUs); (ii) permit the use of remote dispensing systems in certain health care facilities using the same requirements that are currently in place for automated drug dispensing systems; and (iii) permit state facilities and services licensed by the Department of Behavioral Health and Developmental Services that serve as site-based CSUs to use automated drug dispensing devices and remote dispensing systems.

18VAC110-20-200. Storage of drugs, devices, and controlled paraphernalia; expired drugs.

A. Prescriptions awaiting delivery. Prescriptions prepared for delivery to the patient may be placed in a secured area outside of the prescription department, not accessible to the public, where access to the prescriptions is restricted to individuals designated by the pharmacist. With the permission of the pharmacist, the prepared prescriptions may be transferred to the patient at a time when the pharmacist is not on duty. If a prescription is delivered at a time when the pharmacist is not on duty, written procedures shall be established and followed by the pharmacy that detail security of the dispensed prescriptions and a method of compliance with counseling requirements of § 54.1-3319 of the Code of Virginia. Additionally, a log shall be made and maintained of all prescriptions delivered to a patient when a pharmacist is not present to include the patient's name, prescription number, date of delivery, and signature of the person receiving the prescription. Such log shall be maintained for a period of one year. Notwithstanding the provisions of this subsection, prescriptions prepared for delivery to the patient may also be secured in an area outside of the prescription department in a remote dispensing system as defined in § 54.1-3401 of the Code of Virginia and pursuant to subsection A of 18VAC110-20-490.

B. Dispersion of Schedule II drugs. Schedule II drugs shall either be dispersed with other schedules of drugs or shall be maintained within a securely locked cabinet, drawer, or safe or maintained in a manner that combines the two methods for storage. The cabinet, drawer, or safe may remain unlocked during hours that the prescription department is open and a pharmacist is on duty.

C. Safeguards for controlled paraphernalia and Schedule VI medical devices. Controlled paraphernalia and Schedule VI medical devices shall not be placed in an area completely removed from the prescription department whereby patrons will have free access to such items or where the pharmacist cannot exercise reasonable supervision and control.

D. Expired, or otherwise adulterated or misbranded drugs; security. Any drug that has exceeded the expiration date or is otherwise adulterated or misbranded shall not be dispensed or sold; it shall be separated from the stock used for dispensing. Expired prescription drugs shall be maintained in a designated area within the prescription department until proper disposal.

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

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

B. Delivery to another pharmacy.

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

2. Each pharmacy using such a drug delivery system shall maintain and comply with all procedures in a current policy and procedure manual that includes the following information:

a. A description of how each pharmacy will comply with all applicable federal and state law;

b. The procedure for maintaining required, retrievable dispensing records to include which pharmacy maintains the hard-copy prescription, which pharmacy maintains the active prescription record for refilling purposes, how each pharmacy will access prescription information necessary to carry out its assigned responsibilities, method of recordkeeping for identifying the pharmacist responsible for dispensing the prescription and counseling the patient, and how and where this information can be accessed upon request by the board;

c. The procedure for tracking the prescription during each stage of the filling, dispensing, and delivery process;

d. The procedure for identifying on the prescription label all pharmacies involved in filling and dispensing the prescription;

e. The policy and procedure for providing adequate security to protect the confidentiality and integrity of patient information;

f. The policy and procedure for ensuring accuracy and accountability in the delivery process;

g. The procedure and recordkeeping for returning to the initiating pharmacy any prescriptions that are not delivered to the patient; and

h. The procedure for informing the patient and obtaining consent for using such a dispensing and delivery process.

3. Drugs waiting to be picked up at or delivered from the second pharmacy shall be stored in accordance with subsection A of 18VAC110-20-200 and subsection A of 18VAC110-20-490, if applicable.

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

1. A prescription may be delivered by a pharmacy to the office of such a practitioner or other authorized person provided there is a written contract or agreement between

the two parties describing the procedures for such a delivery system and the responsibilities of each party.

2. Each pharmacy using this delivery system shall maintain a policy and procedure manual that includes the following information:

a. Procedure for tracking and ~~assuring~~ ensuring security, accountability, integrity, and accuracy of delivery for the dispensed prescription from the time it leaves the pharmacy until it is handed to the patient or agent of the patient;

b. Procedure for providing counseling;

c. Procedure and recordkeeping for return of any prescription medications not delivered to the patient;

d. The procedure for ~~assuring~~ ensuring confidentiality of patient information; and

e. The procedure for informing the patient and obtaining consent for using such a delivery process.

3. Prescriptions waiting to be picked up by a patient at the alternate site shall be stored in a lockable room or lockable cabinet, cart, remote dispensing system as defined in § 54.1-3401 of the Code of Virginia and pursuant to subsection A of 18VAC110-20-490, or other device that cannot be easily moved and that shall be locked at all times when not in use. Access shall be restricted to the licensed practitioner of the healing arts or the responsible party listed on the application for the controlled substances registration, or either person's designee.

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

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

F. The pharmacy and alternate delivery site shall be exempt from compliance with subsections B through E of this section if (i) the alternate delivery site is a pharmacy, a practitioner of healing arts licensed by the board to practice pharmacy or sell controlled substances, or other entity holding a controlled substances registration for the purpose of delivering controlled substances; (ii) the alternate delivery site does not routinely receive deliveries from the pharmacy; and (iii) compliance with subsections B through E of this section would create a delay in delivery that may result in potential patient harm. However, the pharmacy and alternate delivery site shall comply with following requirements:

1. To ensure appropriate coordination of patient care, the pharmacy shall notify the alternate delivery site of the anticipated arrival date of the shipment, the exact address to where the drug was shipped, the name of the patient for whom the drug was dispensed, and any special storage requirements.

2. The pharmacy shall provide counseling or ensure a process is in place for the patient to receive counseling.

3. Prescriptions delivered to the alternate delivery site shall be stored in a lockable room or lockable cabinet, cart, remote dispensing system as defined in § 54.1-3401 of the Code of Virginia and pursuant to subsection A of 18VAC110-20-490, or other device that cannot be easily moved and that shall be locked at all times when not in use. Access shall be restricted to the licensed prescriber, pharmacist, or either person's designee.

4. The pharmacy shall provide a procedure for the return of any prescription drugs not delivered or subsequently administered to the patient.

G. A pharmacy shall not deliver dispensed drugs to a patient's residence that are intended to be subsequently transported by the patient or patient's agent to a hospital, medical clinic, prescriber's office, or pharmacy for administration and that require special storage, reconstitution or compounding prior to administration. An exception to this requirement may be made for patients with inherited bleeding disorders who may require therapy to prevent or treat bleeding episodes.

18VAC110-20-490. Automated devices for dispensing and administration of drugs.

A. A hospital, state facility as defined in § 37.2-100 of the Code of Virginia that is established pursuant to Title 37.2 of the Code of Virginia, facility as defined in § 37.2-100 of the Code of Virginia that is licensed by the Department of Behavioral Health and Developmental Services and provides site-based crisis stabilization services, or other facility authorized by the board may use automated ~~devices~~ drug dispensing systems and remote dispensing systems for the dispensing and administration of drugs pursuant to § 54.1-3301 of the Code of Virginia and §§ 54.1-3401 and 54.1-3434.02 of the Drug Control Act and in accordance with 18VAC110-20-270, 18VAC110-20-420, or 18VAC110-20-460 as applicable. Unless prohibited under federal law, a remote dispensing system that solely stores drugs labeled and verified by the provider pharmacist for patients to obtain medication may be placed within close proximity of a permitted pharmacy or at a location issued a controlled substance registration pursuant to § 54.1-3420.2 of the Code of Virginia in a secure area under constant surveillance to ensure security of drugs, confidentiality of protected health information, and appropriate recordkeeping.

B. Policy and procedure manual; access codes.

1. Proper use of the automated drug dispensing ~~devices~~ system and remote dispensing system and means of compliance with requirements shall be set forth in the pharmacy's policy and procedure manual, which shall include provisions for granting and terminating user access.

2. Personnel allowed access to an automated drug dispensing ~~device~~ system and remote dispensing system shall have a specific access code ~~that records~~ or other means to record the identity of the person accessing the device. The device may verify access codes using biometric identification or other coded identification after the initial log-on in order to eliminate sharing or theft of access codes.

C. Distribution of drugs from the pharmacy.

1. Except when the automated drug dispensing system or remote dispensing system is used exclusively for administration of drugs for emergencies, a pharmacy located outside of the hospital or facility it services shall first obtain a controlled substance registration issued in the name of the pharmacy at the address of the hospital or facility and a registration from the Drug Enforcement Administration, if required, prior to stocking controlled substances in Schedules II through VI.

2. Drugs authorized pursuant to § 54.1-3434.02 of the Code of Virginia may be placed into and removed from automated drug dispensing systems or remote dispensing systems. Pharmacies servicing remote dispensing systems that package and label drugs for a specific patient may repackage drugs into bulk bins that are verified for accuracy by a pharmacist pursuant to 18VAC110-20-355. Pharmacies using a remote dispensing device that only stores patient-specific dispensed drugs for patients to obtain medication may place pharmacist-verified dispensed drug into the device.

3. Prior to removal of drugs from the pharmacy, a delivery record shall be generated for all drugs to be placed in an automated drug dispensing ~~device~~ system or remote dispensing system. The delivery record shall include the date; drug name, dosage form, and strength; quantity; hospital or facility unit and a unique identifier for the specific device receiving the drug; initials of the person loading the automated drug dispensing ~~device~~ system or remote dispensing system; and initials of the pharmacist checking the drugs to be removed from the pharmacy and the delivery record for accuracy.

~~2.~~ 4. At the time of loading any Schedules II through V drug, the person loading will verify that the count of that drug in the automated drug dispensing ~~device~~ system or remote dispensing system is correct. Any discrepancy noted shall be recorded on the delivery record and immediately reported to the pharmacist in charge, who shall be responsible for ensuring reconciliation of the discrepancy or properly reporting of a loss.

D. Distribution and dispensing of drugs from the device.

1. Automated drug dispensing ~~devices in hospitals~~ and remote dispensing systems shall be capable of producing a hard-copy record of distribution that shall show patient name, drug name and strength, dose withdrawn, date and time of withdrawal from the device, and identity of person withdrawing the drug. The record shall be filed in chronological order from date of issue or maintained electronically.

2. If an automated drug dispensing ~~device~~ system or remote dispensing system is used to obtain drugs for dispensing from an emergency room, a separate dispensing record is not required provided the automated record distinguishes dispensing from administration and records the identity of the physician who is dispensing.

3. Remote dispensing systems that dispense patient-specific drugs into an envelope shall satisfy compliance with 18VAC110-20-340 if the medication is assigned an expiration date of no more than 48 hours from the date of the packaging in an envelope.

4. Remote dispensing systems that dispense multiple medications into a single container for a specific patient shall include a medication description as set forth in 18VAC110-20-340 B on the label, medication envelope, or the medication run report.

5. Pharmacist verification of a patient-specific dispensed drug as required in 18VAC110-20-270 from a remote dispensing system is waived if a pharmacist verified the drug placed in the bulk bin that is placed in the device and the device incorporates sufficient technology to ensure accuracy of the dispensed drug.

E. Discrepancy reports. A discrepancy report for all Schedules II through V drugs and any drugs of concern, as defined in § 54.1-3456.1 of the Code of Virginia, shall be generated for each discrepancy in the count of a drug on hand in the device. Each such report shall be initiated or resolved by the PIC or ~~his~~ the PIC's designee within 72 hours of the time the discrepancy was discovered or, if determined to be a theft or an unusual loss of drugs, shall be immediately reported to the board in accordance with § 54.1-3404 E of the Drug Control Act.

F. Reviews and audits.

1. The PIC or ~~his~~ the PIC's designee shall conduct at least a monthly review for compliance with written policy and procedures that are consistent with § 54.1-3434.02 A of the Drug Control Act for security and use of the automated dispensing ~~devices~~ system and remote dispensing system, to include procedures for timely termination of access codes when applicable, accuracy of distribution and dispensing from the device, and proper recordkeeping.

2. The PIC or ~~his~~ the PIC's designee shall conduct at least a monthly audit to review distribution and dispensing of Schedules II through V drugs from each automated drug dispensing ~~device~~ system and remote dispensing system as follows:

a. The audit shall reconcile records of all quantities of Schedules II through V drugs dispensed from the pharmacy with records of all quantities loaded into each device to detect whether any drug recorded as removed from the pharmacy was diverted rather than placed in the proper device.

b. If a pharmacy has an ongoing method for perpetually monitoring drugs in Schedules II through V to ensure drugs dispensed from the pharmacy have been loaded into the device and not diverted, such as with the use of perpetual inventory management software, then the audit required in this subsection may be limited to the discrepancies or exceptions as identified by the method for perpetually monitoring the drugs.

3. The PIC or ~~his~~ the PIC's designee shall conduct at least a monthly audit to review the dispensing and administration records of Schedules II through V drugs from each automated drug dispensing ~~device~~ system and remote dispensing system as follows:

a. The audit shall include a review of administration and dispensing records, if applicable, for each device per month for possible diversion by fraudulent charting. The review shall include all Schedules II through V drugs administered and dispensed for a time period of not less than 24 consecutive hours during the audit period.

b. The hard-copy distribution, dispensing, and administration records printed out and reviewed in the audit shall be initialed and dated by the person conducting the audit. If nonpharmacist personnel conduct the audit, a pharmacist shall review the record and shall initial and date the record.

c. The PIC or ~~his~~ the PIC's designee shall be exempt from requirements of this audit if reconciliation software that provides a statistical analysis is used to generate reports at least monthly. The statistical analysis shall be based on:

(1) Peer-to-peer comparisons of use for that unit or department; and

(2) Monitoring of overrides and unresolved discrepancies.

d. The report shall be used to identify suspicious activity, which includes usage beyond three standard deviations in peer-to-peer comparisons. A focused audit of the suspicious activity and individuals associated with the activity shall be performed whenever suspicious activity is identified from the reports.

4. The PIC or ~~his~~ the PIC's designee shall maintain a record of compliance with the reviews and audits in accordance with subsection H of this section.

G. Inspections. Automated drug dispensing ~~devices~~ systems and remote dispensing systems shall be inspected monthly by pharmacy personnel to verify proper storage, proper location of drugs within the device, expiration dates, the security of drugs, and validity of access codes. The PIC or ~~his~~ the PIC's designee shall maintain documentation of the inspection in accordance with subsection H of this section. With the exception of a monthly physical review of look-alike and sound-alike drugs stored within matrix drawers or open access areas within the device, such monthly inspection shall not require physical inspection of the device if the device is capable of and performs the following:

1. At least daily monitoring of refrigerator or freezer storage with documented temperature ranges, variances, and resolutions;

2. Automatic identification and isolation of the location of each drug within the device using a machine readable product identifier, such as barcode technology, and generation of a report verifying the applicable settings;

3. Electronic tracking of drug expiration dates and generation of proactive reports allowing for the replacement of drugs prior to ~~their~~ the expiration date; and

4. Electronic detection of the opening of the device, identification of the person accessing the device, automatic denial of access to the device during malfunctions and mechanical errors, and generation of reports of any malfunction and mechanical error.

H. Records.

1. All records required by this section shall be maintained for a period of not less than two years. Records shall be maintained at the address of the pharmacy providing services to the hospital or facility except manual Schedule VI distribution records, reports auditing for indications of suspicious activity, and focused audits, all of which may be maintained in offsite storage or electronically as an electronic image that provides an exact image of the document that is clearly legible provided such offsite or electronic records are retrievable and made available for inspection or audit within 48 hours of a request by the board or an authorized agent.

2. Distribution and delivery records and required initials may be generated or maintained electronically provided:

a. The system being used has the capability of recording an electronic signature that is a unique identifier and restricted to the individual required to initial or sign the record.

b. The records are maintained in a read-only format that cannot be altered after the information is recorded.

c. The system used is capable of producing a hard-copy printout of the records upon request.

3. Schedules II through V distribution and delivery records may also be stored off site or electronically in compliance with requirements of subdivision 1 of this subsection and if authorized by DEA or in federal law or regulation.

4. Hard-copy distribution, dispensing, and administration records that are printed and reviewed in conducting required audits may be maintained at an ~~off-site~~ offsite location or electronically provided they can be readily retrieved upon request; provided they are maintained in a read-only format that does not allow alteration of the records; and provided a separate log is maintained for a period of two years showing dates of audit and review, the identity of the automated drug dispensing ~~device~~ system or remote dispensing system being audited, the time period covered by the audit and review, and the initials of all reviewers.

18VAC110-20-555. Use of automated dispensing devices and remote dispensing devices in nursing homes.

Nursing homes licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 of the Code of Virginia may use automated drug dispensing systems and remote dispensing systems, as defined in § 54.1-3401 of the Code of Virginia, upon meeting the following conditions:

1. Drugs placed in an automated drug dispensing system or remote dispensing system in a nursing home shall be under the control of the pharmacy providing services to the nursing home, the pharmacy shall have online communication with and control of the automated drug dispensing system, and access to any drug for a patient shall be controlled by the pharmacy.

2. A pharmacy that is not located within the nursing home ~~without an in-house pharmacy~~ it serves shall obtain a controlled substances registration issued in the name of the pharmacy at the address of the nursing home and a registration from the Drug Enforcement Administration, if required, prior to ~~using an automated dispensing system~~ stocking drugs in Schedules II through VI, unless the automated drug dispensing system or remote dispensing system is exclusively stocked with drugs that would be kept in a stat-drug box pursuant to 18VAC110-20-550 or an emergency drug kit pursuant to 18VAC110-20-540 and are solely administered for stat or emergency administration.

3. ~~For facilities not required to obtain a controlled substance registration, access~~ Access to the automated drug dispensing ~~device~~ system or remote dispensing system shall be restricted to a licensed nurse, pharmacist, or prescriber or a registered pharmacy technician ~~for the purpose of stocking or reloading~~ pursuant to designation by the PIC or pharmacist on duty.

4. Removal of drugs from any automated drug dispensing system or remote dispensing system for administration to patients can only be made pursuant to a valid prescription or lawful order of a prescriber under the following conditions:

a. No drug may be administered to a patient from an automated drug dispensing ~~device~~ system or remote dispensing system until a pharmacist has reviewed the prescription order and electronically authorized the access of that drug for that particular patient in accordance with the order, except as provided in subdivision 4 c of this section.

b. The PIC of the provider pharmacy shall ensure that a pharmacist who has online access to the system is available at all times to review a prescription order as needed and authorize administering pursuant to the order reviewed.

c. Drugs that would be stocked in an emergency drug kit pursuant to 18VAC110-20-540 or a stat drug box pursuant to subsection B of 18VAC110-20-550 may be accessed pursuant to a valid prescription or lawful order of a prescriber and prior to receiving electronic authorization from the pharmacist, provided that the absence of the emergency drug would threaten the survival of the patient or that a delay in administration of the stat drug could result in harm to the patient.

d. Automated drug dispensing ~~devices~~ systems and remote dispensing systems shall be capable of producing a hard-copy record of distribution and dispensing, if applicable, that shall show patient name, drug name and strength, dose or quantity withdrawn, dose to be administered, if applicable, date and time of withdrawal from the device, and identity of person withdrawing the drug.

5. Drugs placed in automated drug dispensing ~~devices~~ systems shall be in the manufacturer's sealed original unit dose or unit-of-use packaging or in repackaged unit-dose containers in compliance with the requirements of 18VAC110-20-355 relating to repackaging, labeling, and records.

6. Drugs authorized pursuant to § 54.1-3404.02 of the Code of Virginia may be placed into and removed from automated drug dispensing systems or remote dispensing systems. Pharmacies servicing remote dispensing systems that package and label drugs for a specific patient may repackage drugs into bulk bins that are verified for accuracy by a pharmacist pursuant to 18VAC110-20-355. Drugs intended to be administered by the patient or a person not licensed to administer drugs must fully comply with the labeling requirements in §§ 54.1-3410 and 54.1-3463 of the Code of Virginia and board regulations. Directions for use may only be abbreviated when drugs are administered exclusively by persons licensed to administer drugs.

7. Prior to the removal of drugs from the pharmacy, a delivery record shall be generated for all drugs to be placed in an automated drug dispensing ~~device~~ system and remote dispensing system, which shall include the date; drug name, dosage form, and strength; quantity; nursing home; a unique identifier for the specific device receiving drugs; and initials

of the pharmacist checking the order of drugs to be removed from the pharmacy and the records of distribution for accuracy.

~~7.~~ 8. At the direction of the PIC, drugs may be loaded in the device by a pharmacist or a pharmacy technician adequately trained in the proper loading of the system.

~~8.~~ 9. At the time of loading, the delivery record for all Schedules II through VI drugs shall be signed by a nurse or other person authorized to administer drugs from that specific device, and the record returned to the pharmacy.

~~9.~~ 10. At the time of loading any Schedules II through V drug, the person loading will verify that the count of that drug in the automated drug dispensing ~~device~~ system or remote dispensing system is correct. Any discrepancy noted shall be recorded on the delivery record and immediately reported to the PIC, who shall be responsible for reconciliation of the discrepancy or the proper reporting of a loss.

~~10.~~ 11. Remote dispensing systems that dispense patient-specific drugs into an envelope shall satisfy compliance with 18VAC110-20-340 if the medication is assigned an expiration date of no more than 48 hours from the date of the packaging in an envelope and is not self-administered.

12. Remote dispensing systems that dispense multiple medications into a single container for a specific patient shall include a medication description as set forth in 18VAC110-20-340 on the label, medication envelope, or the medication run report.

13. Pharmacist verification of a patient-specific dispensed drug as required in 18VAC110-20-270 from a remote dispensing system is waived if a pharmacist verified the drug placed in the bulk bin that is placed in the device and the device incorporates sufficient technology assistance to ensure accuracy of the dispensed drug.

14. The PIC of the provider pharmacy or the PIC's designee shall conduct at least a monthly audit to review distribution ~~and~~, administration, and dispensing, if applicable, of Schedules II through V drugs from each automated drug dispensing ~~device~~ system and remote dispensing system as follows:

a. The audit shall reconcile records of all quantities of Schedules II through V drugs dispensed from the pharmacy with records of all quantities loaded into each device to detect whether any drugs recorded as removed from the pharmacy were diverted rather than being placed in the proper device.

b. A discrepancy report shall be generated for each discrepancy in the count of a drug on hand in the device. Each such report shall be resolved by the PIC or the PIC's designee within 72 hours of the time the discrepancy was discovered or, if determined to be a theft or an unusual loss of drugs, shall be immediately reported to the board in accordance with § 54.1-3404 E of the Drug Control Act.

c. The audit shall include a review of a sample of administration and dispensing records, if applicable, from each device per month for possible diversion by fraudulent charting. A sample shall include all Schedules II through V drugs administered and dispensed for a time period of not less than 24 consecutive hours during the audit period.

d. The audit shall include a check of medical records to ensure that a valid order exists for a random sample of doses recorded as administered or dispensed.

e. The audit shall also check for compliance with written procedures for security and use of the automated dispensing devices, accuracy of distribution from the device, and proper recordkeeping.

f. The hard copy distribution, dispensing, and administration records printed out and reviewed in the audit shall be initialed and dated by the person conducting the audit. If nonpharmacist personnel conduct the audit, a pharmacist shall review the record and shall initial and date the record.

~~11.~~ 15. Automated drug dispensing ~~devices~~ systems and remote dispensing systems shall be inspected monthly by pharmacy personnel to verify proper storage, proper location of drugs within the device, expiration dates, the security of drugs and validity of access codes.

~~12.~~ 16. Personnel allowed access to an automated drug dispensing ~~device~~ system or remote dispensing system shall have a specific access code that records the identity of the person accessing the device.

~~13.~~ 17. The PIC of the pharmacy providing services to the nursing home shall establish, maintain, and ensure compliance with written policy and procedure for the accurate stocking and proper storage of drugs in the automated drug dispensing system and remote dispensing system, accountability for and security of all drugs maintained in the ~~automated drug dispensing~~ system, preventing unauthorized access to the system, tracking access to the system, complying with federal and state regulations related to the storage and dispensing of controlled substances, maintaining patient confidentiality, maintaining required records, and ensuring compliance with the requirements of this chapter. The manual shall be accessible at both the pharmacy and the nursing home.

~~14.~~ 18. All records required by this section shall be filed in chronological order from date of issue and maintained for a period of not less than two years. Records shall be maintained at the address of the pharmacy providing services to the nursing home, except:

a. Manual Schedule VI distribution records may be maintained in offsite storage or electronically as an electronic image that provides an exact image of the document that is clearly legible, provided such offsite or electronic storage is retrievable and made available for inspection or audit within 48 hours of a request by the board or an authorized agent.

b. Distribution and delivery records and required signatures may be generated or maintained electronically, provided:

(1) The system being used has the capability of recording an electronic signature that is a unique identifier and restricted to the individual required to initial or sign the record.

(2) The records are maintained in a read-only format that cannot be altered after the information is recorded.

(3) The system used is capable of producing a hard-copy printout of the records upon request.

c. Schedules II through V distribution and delivery records may only be stored offsite off site or electronically as described in subdivisions ~~14~~ 18 a and ~~14~~ 18 b of this section if authorized by DEA or in federal law or regulation.

d. Hard-copy distribution ~~and~~, administration, and dispensing records that are printed and reviewed in conducting required audits may be maintained ~~offsite~~ off site or electronically, provided that (i) they can be readily retrieved upon request; (ii) they are maintained in a read-only format that does not allow alteration of the records; and (iii) a separate log is maintained for a period of two years showing dates of audit and review, the identity of the automated drug dispensing ~~device~~ system or remote dispensing system being audited, the time period covered by the audit and review, and the initials of all reviewers.

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

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

1. In a hospital or nursing home without an in-house pharmacy, a pharmacist shall supervise.

2. In an emergency medical services agency, the operational medical director shall supervise.

3. For any other type of applicant or registrant, a pharmacist or a prescriber whose scope of practice is consistent with the practice of the applicant or registrant and who is approved by the board may provide the required supervision.

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

C. Access to the controlled substances shall be limited to (i) the supervising practitioner or to those persons who are authorized by the supervising practitioner and who are authorized by law to administer drugs in Virginia; (ii) such other persons who have successfully completed a training program for repackaging of prescription drug orders in a CSB, BHA, or PACE site as authorized in § 54.1-3420.2 of the Code of Virginia; (iii) other such persons as designated by the supervising practitioner or the responsible party to have access in an emergency situation; or (iv) persons authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone and to dispense naloxone for opioid overdose reversal. If approved by the supervising practitioner, pharmacy technicians may have access for the purpose of delivering controlled substances to the registrant, stocking controlled substances in automated drug dispensing ~~devices~~ systems or remote dispensing systems, conducting inventories, audits, and other recordkeeping requirements, overseeing delivery of dispensed prescriptions at an alternate delivery site, and repackaging ~~of~~ prescription drug orders retained by a CSB, BHA, or PACE site as authorized in § 54.1-3420.2 of the Code of Virginia. ~~Access to stock drugs in a crisis stabilization unit shall be limited to prescribers, nurses, or pharmacists.~~

D. The supervising practitioner shall establish procedures for and provide training as necessary to ensure compliance with all requirements of law and regulation, including storage, security, and recordkeeping.

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

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

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

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

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

D. Records.

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

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

a. Name of patient;

b. Date and time of administration;

c. Drug name, strength, and quantity administered;

d. Name or initials of person administering; and

e. Prescriber name.

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

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

VA.R. Doc. No. R25-7883; Filed July 22, 2025, 1:57 p.m.

Fast-Track Regulation

Title of Regulation: **18VAC110-30. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances (amending 18VAC110-30-10, 18VAC110-30-20, 18VAC110-30-270).**

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: September 10, 2025.

Effective Date: September 25, 2025.

Agency Contact: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive Suite 300, Richmond, VA 23233-1463, telephone (804) 527-4456, fax (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

Basis: Section 54.1-2400 of the Code of Virginia authorizes the Board of Pharmacy to promulgate regulations that are reasonable and necessary to effectively administer the regulatory system.

Purpose: This change conforms the regulation to statute to avoid confusion, which is necessary to protect the health, safety, and welfare of the public. The change is needed to ensure clarity in the regulation, particularly since the term "nurse practitioner" is still used but is a type of advanced practice registered nurse.

Rationale for Using Fast-Track Rulemaking Process: This action is noncontroversial and appropriate for the fast-track rulemaking process because it is merely a name change consistent with a statutory change and has no impact on practitioners.

Substance: The amendments update certain references to "nurse practitioner" to "advanced practice registered nurse."

Issues: There are no advantages or disadvantages to the public. There are no advantages or disadvantages to the agency or the Commonwealth.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. Pursuant to Chapter 183 of the 2023 Acts of Assembly,[2] the Board of Pharmacy (board) proposes to replace references to "nurse practitioner" with "advanced practice registered nurse."

Background. This regulation applies to practitioners engaged in the sale of controlled substances, such as in an urgent care facility where the practice group has a pharmacy on-site. Chapter 183 changed all references in the Code of Virginia from "nurse practitioner" to "advanced practice registered nurse." The summary of the legislative action states that the change was made in order to align the Code with the professional designations established by the Consensus Model for Advanced Practice Registered Nurses Regulation established by the National Council of State Boards of Nursing.[3] According to the Department of Health Professions (DHP), the main regulation (i.e., 18VAC90-30) that governs these professionals was amended on November 8, 2023 through an exempt action to reflect the profession name change in the Code of Virginia.[4] However, this regulation also contains references to nurse practitioners who are engaged in the sale of controlled substances and is not yet updated. The board now proposes to align this particular regulation with the Code of Virginia language as well.

Estimated Benefits and Costs. The proposal would update the regulatory text so that the references to advanced practice registered nurses is consistent with the Code of Virginia as well as with other regulations. This change would help clarify the existing text and benefit the readers. No other economic effects are expected.

Businesses and Other Entities Affected. This regulation applies to practitioners engaged in the sale of controlled substances, such as in an urgent care facility where the practice group has a pharmacy on-site. DHP believes that there are probably less than 100 such advanced practice registered nurses in Virginia. None of the affected practitioners would be disproportionately affected. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[5] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[6] The proposal would simply improve the clarity of the regulatory text by using the job title for the advanced practice registered nurses that is consistent with the Code of Virginia and other regulations. Thus, no adverse impact is indicated.

Small Businesses[7] Affected.[8] The proposed amendments do not adversely affect small businesses.

Localities[9] Affected.[10] The proposed amendments do not introduce costs for localities.

Projected Impact on Employment. No impact on employment is expected.

Effects on the Use and Value of Private Property. No impact on the use and value of private property nor on real estate costs is expected.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] https://lis.virginia.gov/cgi-bin/legp604.exe?231+ful+CHAP0183.

[3] https://www.ncsbn.org/nursing-regulation/practice/aprn/aprn-consensus.page.

[4] https://townhall.virginia.gov/L/ViewStage.cfm?stageid=10000.

[5] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[6] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[7] Pursuant to § 2.2-4007.04, 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."

[8] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[9] "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.

[10] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Board of Pharmacy concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

Pursuant to Chapter 183 of the 2023 Acts of Assembly, the amendments change references to certain practitioners to "advanced practice registered nurse" in order to align regulation with the professional designations established by the Consensus Model for Advanced Practice Registered Nurses Regulation established by the National Council of State Boards of Nursing.

18VAC110-30-10. Definitions.

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

"Board" means the Virginia Board of Pharmacy.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of the Drug Control Act.

"Licensee" means a practitioner who is licensed by the Board of Pharmacy to sell controlled substances.

"Personal supervision" means the licensee must be physically present and render direct, personal control over the entire service being rendered or acts being performed. Neither prior nor future instructions shall be sufficient nor shall supervision be rendered by telephone, written instructions, or by any mechanical or electronic methods.

"Practitioner" or "practitioner of the healing arts" means a doctor of medicine, osteopathic medicine, or podiatry who possesses a current active license issued by the Board of Medicine. For the purpose of a limited-use permit for a nonprofit facility, a "practitioner" or "practitioner of the healing arts" may also mean a physician assistant with a current active license issued by the Board of Medicine or ~~a nurse practitioner~~ an advanced practice registered nurse with a current active license issued by the Joint Boards of Nursing and Medicine.

"Sale" means barter, exchange, or gift, or offer thereof, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee. It does not include the gift of manufacturer's samples to a patient.

"Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the controlled substance ~~contained therein~~ within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging ~~which~~ that all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"U.S.P.-N.F." means the United States Pharmacopeia-National Formulary.

18VAC110-30-20. Application for licensure.

A. Prior to engaging in the sale of controlled substances, a practitioner shall make application on a form provided by the board and be issued a license. After June 7, 2016, the practitioner shall engage in such sale from a location that has been issued a facility permit.

B. Prior to engaging in the sale of Schedule VI controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes and needles for the administration of prescribed controlled substances from a nonprofit facility, a doctor of medicine, osteopathic medicine, or podiatry, ~~a nurse practitioner~~ an advanced practice registered nurse, or a physician assistant shall make application on a form provided by the board and be issued a limited-use license.

C. Any disciplinary action taken by the Board of Medicine, or in the case of ~~a nurse practitioner~~ an advanced practice registered nurse, by the Joint Boards of Nursing and Medicine, against the practitioner's license to practice shall constitute grounds for the board to deny, restrict, or place terms on the license to sell.

18VAC110-30-270. Grounds for disciplinary action.

In addition to those grounds listed in § 54.1-3316 of the Code of Virginia, the board may revoke, suspend, or refuse to issue or renew a license to sell controlled substances or may deny any application if it finds that the licensee or applicant has had his license to practice medicine, osteopathic medicine, or podiatry or license as a physician assistant or ~~nurse practitioner~~ advanced practice registered nurse suspended or revoked in Virginia or in any other state or no longer holds a current active license to practice in the Commonwealth of Virginia.

VA.R. Doc. No. R25-7669; Filed July 22, 2025, 9:46 a.m.

REAL ESTATE APPRAISER BOARD

Proposed Regulation

Title of Regulation: **18VAC130-20. Real Estate Appraiser Board Rules and Regulations (amending 18VAC130-20-10 through 18VAC130-20-130, 18VAC130-20-160 through 18VAC130-20-230, 18VAC130-20-250; adding 18VAC130-20-15; repealing 18VAC130-20-140).**

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

Public Hearing Information:

August 20, 2025 - 11 a.m. - Department of Professional and Occupational Regulation, Perimeter Center, Second Floor Conference Center, Board Room Three, 9960 Mayland Drive, Richmond, VA 23233.

Public Comment Deadline: October 10, 2025.

Agency Contact: Anika Coleman, Executive Director, Real Estate Appraiser Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, fax (866) 826-8863, or email reappraisers@dpor.virginia.gov.

Basis: Section 54.1-201 of the Code of Virginia authorizes the Real Estate Appraiser Board to (i) establish the qualifications of applicants for certification or licensure necessary to ensure competence and integrity to engage in such profession or occupation and (ii) promulgate regulations necessary to ensure continued competency, to prevent deceptive or misleading practices by practitioners, and to effectively administer the regulatory system.

Purpose: The board is responsible for regulating those who conduct analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interest in or aspects of identified real estate or identified real property. The board protects the public welfare, in part, by establishing through regulation (i) minimum qualifications of applicants for certification or licensure, (ii) minimum standards to ensure continued competency and to prevent deceptive or misleading practices by practitioners, and (iii) requirements to effectively administer the regulatory system. This action ensures that the regulation conforms to Virginia statute and applicable federal regulation, reflects current agency procedures, provides clarification to provisions of the regulations, and reduces regulatory burdens by removing requirements that are not necessary to protect the health, safety, and welfare of the public or effectively administer the program.

Substance: The proposed amendments:

1. Revise definitions and update citations.

2. Add language regarding the scope of licensure for the different types of appraiser licenses.

3. Reduce requirements for registration of a business entity.

4. Remove provisions that require applications for licensure or certification to be completed within 12 months of receipt by the Department of Professional and Occupational Regulation (DPOR).

5. Update entry requirements for appraiser licensure to (i) remove a provision that applicants must be of good moral character, honest, truthful, and competent to transact the business of a real estate appraiser in such a manner as to safeguard the interests of the public; (ii) replace a requirement that an applicant be in good standing in all jurisdictions where licensed and not have been subject to discipline with a requirement that an applicant disclose any disciplinary action taken against a professional or occupational license issued to the applicant; (iii) replace specific educational requirements for each license classification with a requirement that applicants successfully complete minimum education standards that are incorporated by reference; (iv) incorporate requirements for qualifying experience and provide that applicants who have good cause may have the five-year experience period extended by the board; (v) revise requirements related to disclosure of prior criminal history; and (vi) increase to 24 months the timeframe for an applicant to pass the license examination once approved by the board to take the examination.

6. Revise licensure by reciprocity and temporary licensure provisions to (i) remove the requirement for applicants for licensure by reciprocity to provide documentation of meeting substantially equivalent educational, experience, and examination requirements; (ii) replace the requirement that an applicant be in good standing in all jurisdictions where licensed and not have been subject to discipline with a requirement that an applicant disclose any disciplinary action taken against a professional or occupational license issued to the applicant; (iii) remove a provision that applicants must be of good moral character, honest, truthful, and competent to transact the business of a real estate appraiser in such a manner as to safeguard the interests of the public; and (iv) replace a requirement that an applicant never have been convicted of a felony or misdemeanor involving moral turpitude with a requirement for an applicant to disclose prior criminal history.

7. Remove requirements that a prelicensure instructor applicant be in good standing in every jurisdiction where licensed or certified and not have been subject to regulatory discipline and allow an individual who has (i) a current certified residential or certified appraiser license and (ii) two years of experience as an instructor or teacher at the secondary or post-secondary level to qualify for certification.

8. Extend the reinstatement period to two years after the date of expiration of the regulant's credential and allow for reinstated credentials to expire two years from the last day of the month in which the credential was reinstated.

9. Consolidate provisions regarding address change requirements for individuals and business entities, remove a requirement that regulants keep the board informed in writing of their current address, replace a requirement that regulants promptly notify the board of a name change with a requirement to report such changes within 30 days, and replace a requirement that a business entity report a change of business structure to the board and submit documentation with provisions that (i) a change of business entity results in the voiding of the registration; (ii) the business entity must return the registration to the board within 30 days of the change; and (iii) the firm must apply for a new business entity registration within 30 days of the change.

10. Remove (i) a requirement for a business entity to notify the board of a change of registered agent, associate, or partner, or sole proprietor; (ii) a requirement for licenses to be visibly displayed; (iii) a requirement for credentials issued by the board to be returned to the board upon the death of a licensee, dissolution or restructure of a business entity, or change of name or address; (iv) provisions pertaining to the application of a seal for reports; (v) a provision that the continuing education (CE) requirement for renewal of licenses applies to resident and non-resident appraisers; (vi) a provision that completion of an equivalent to the National USPAP Update course will satisfy CE requirements; (vii) a requirement for instructor renewal applicants to meet the entry standards; and (viii) information regarding the $37.50 charge to applicants and regulants for a copy of USPAP.

11. Revise (i) standards regarding the development of appraisals and recordkeeping related to appraisals, (ii) provisions regarding criminal convictions, and (iii) standards of conduct for certified appraiser education instructors.

12. Consolidate sections and merge provisions regarding distance education for prelicense education and continuing education.

<u>Issues:</u> The primary advantages to the public and the regulated community are that the amendments will (i) provide necessary updating and clarification to the regulation; (ii) remove regulatory requirements that are not necessary to protect the public health, safety, or welfare, or to effectively administer the program; and (iii) ensure that the regulation conforms to Virginia statute and applicable federal regulation and reflects current agency procedures. There are no identifiable disadvantages to the public, the agency, or the Commonwealth. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

<u>Department of Planning and Budget Economic Impact Analysis:</u>

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPBs best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. The Real Estate Appraiser Board (board) proposes to remove the baccalaureate degree requirement to become a certified pre-licensure instructor in one of the pathways for that credential and allow more time to take and pass the licensure examination, reinstate an expired credential, and to report a change of address.

Background. This regulation applies to certified general real estate appraisers, certified residential real estate appraisers, licensed residential real estate appraisers, real estate appraiser trainees, real estate temporary appraisers, certified real estate appraiser instructors, real estate appraiser businesses, real estate appraiser schools, and those that might seek to obtain a license, certification, or registration from the board.

Pursuant to the Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor to initiate regulatory processes to reduce by at least 25% the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth. The board has conducted a general review of this regulation.

Estimated Benefits and Costs. One of the proposed changes would remove requirements for an applicant to have a baccalaureate degree and an appraisal license in good standing for at least two years for certification of pre-licensure instructors in one of the pathways for the credential. The proposal would provide that an applicant may qualify for pre-licensure instructor certification if the applicant (i) is licensed as a certified residential or certified general appraiser; and (ii) has two years of experience as an instructor or teacher at the secondary or post-secondary level.

Currently, an applicant may qualify if the applicant (i) has a baccalaureate degree; (ii) has been licensed in good standing for two years; and (iii) holds a current certified residential or certified general appraiser license. This change would reduce the stringency of current qualification in one of the pathways and may allow for more individuals with teaching experience to qualify for certification.

The board also proposes to increase the time for an applicant to take and pass the board-approved license examination once approved to take the examination from 12 months to 24 months of being approved. This change would provide an additional year for such individuals to prepare for and pass the exam providing more flexibility. Another proposed change would increase the time from one year to two years for a regulant to reinstate an expired credential. This change would allow individuals and business entities with expired licenses, certifications, or registrations additional time to reinstate these credentials without having to apply for a new credential providing more flexibility and possibly reducing costs associated with applying for a new credential. Finally, the requirements for regulants to report a change of name are revised to provide that regulants report a change within 30 days. Currently, regulants are required to promptly report a change of name. Thus, the proposal would provide more time and flexibility to report a change of name.

Businesses and Other Entities Affected. According to the Department of Professional and Occupational Regulation (DPOR), as of April 1, 2025, there were 3,033 licensed real estate appraisers (active and inactive licensees), 136 licensed appraiser trainees, 183 licensed temporary appraisers, 402 registered real estate appraiser businesses, approved 52 real estate appraiser schools, and 54 certified instructors. The proposed regulatory changes would also apply to an unknown number of individuals and business entities that may seek licensure, certification, or registration from the board. No regulated entity appears to be disproportionately affected. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[2] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[3] Since the proposal does not increase costs or reduce benefits, no adverse impact on regulants is indicated.

Small Businesses[4] Affected.[5] DPOR states that some licensed real estate appraiser businesses and real estate appraiser schools are likely business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia. However, the proposed amendments do not appear to adversely affect any regulants including small businesses.

Localities[6] Affected.[7] The proposed amendments do not introduce costs for localities, nor do they disproportionately affect any locality more than others.

Projected Impact on Employment. The proposal is expected to increase the number of qualified individuals for certification of prelicensure instructors. This change may add to the number of such instructors but the impact on total employment would depend on whether such individuals had previous jobs or not.

Effects on the Use and Value of Private Property. The proposal to extend the time frame to reinstate expired licenses and to allow more time to report address change may reduce compliance costs of appraisal businesses by a small amount and add to the asset values of such businesses. No direct impact on real estate development costs is expected.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[3] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[4] Pursuant to § 2.2-4007.04, 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."

[5] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[6] "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.

[7] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

<u>Agency Response to Economic Impact Analysis:</u> The Real Estate Appraiser Board concurs with the Department of Planning and Budget's economic impact analysis.

<u>Summary:</u>

In response to Executive Directive One (2022), the proposed amendments (i) update documents incorporated by reference; (ii) update entry requirements for appraiser licensure; (iii) update qualifications for licensure by reciprocity, temporary licensure, and prelicensure instructors; (iv) extend the reinstatement period to two years; (v) reduce notification and recordkeeping requirements; and (vi) reduce requirements for registration of a business entity.

18VAC130-20-10. Definitions.

A. Section 54.1-2009 of the Code of Virginia provides definitions for the following terms and phrases used in this chapter:

"Appraisal"

"Appraisal report"

"Board"

"Certified general real estate appraiser"

"Certified residential real estate appraiser"

"Department"

"Director"

"Evaluation"

"Federal financial institutions regulatory agencies"

"Federally related transaction"

"Licensed residential real estate appraiser"

"Real estate"

"Real estate-related financial transaction"

"Real property"

"Regulation"

"Residential real estate appraiser"

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

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

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

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

"Appraisal bias" means bias based on race, ethnicity, or national origin in the opinion of value rendered by an appraiser.

"Appraisal Foundation" means the ~~foundation incorporated as an Illinois Not for Profit Corporation on November 30, 1987,~~ organization authorized by the U.S. Congress to establish ~~and improve~~ uniform appraisal standards by defining, issuing, and promoting such standards through the Appraiser Qualifications Board, Appraisal Standards Board, and other councils, panels, and subcommittees.

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

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

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

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

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

~~"Board" means the Real Estate Appraiser Board.~~

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

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

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

~~"Certified residential real estate appraiser" means an individual who meets the requirements for licensure for the appraisal of or the review appraisal of any residential real estate or real property of one to four residential units regardless of transaction value or complexity. Certified residential real estate appraisers may also appraise or provide a review appraisal of nonresidential properties with a transaction value or market value as defined by the Uniform Standards of Professional Appraisal Practice up to $250,000, whichever is the lesser.~~

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

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

"Experience" as used in this chapter includes experience gained in the performance of ~~traditional appraisal assignments, or in the performance of the following:~~ fee ~~and~~ or staff ~~appraisals~~ appraisal assignment, ad valorem tax appraisal, review appraisal, appraisal analysis, real estate consulting, highest and best use analysis, ~~and~~ feasibility analysis or study, and other appraisal training authorized under state law.

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

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

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

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

~~To qualify for fee and staff appraiser experience, an individual must have prepared written appraisal reports after January 30, 1989, that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation, including Standards 1 and 2.~~

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

~~To qualify for ad valorem tax appraisal experience for individual property appraisals, an individual must have prepared written appraisal reports after January 30, 1989, that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation.~~

~~To qualify for ad valorem tax appraisal experience for mass appraisals, an individual must have prepared mass appraisals or have documented mass appraisal reports after January 30, 1989, that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation, including Standard 6.~~

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

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

~~To qualify for reviewer experience, an individual must have prepared written reports after January 30, 1989, recommending the acceptance, revision, or rejection of the fee and staff appraiser's opinions that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation, including Standard 3.~~

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

4. "Real estate consulting experience" means experience obtained by an individual who assembles and analyzes the relevant facts and by the use of reason and the exercise of judgment forms objective opinions concerning matters other than value estimates relating to real property. ~~Real estate consulting experience includes the following:~~

~~Absorption Study~~
~~Ad Valorem Tax Study~~
~~Annexation Study~~
~~Assemblage Study~~
~~Assessment Study~~
~~Condominium Conversion Study~~
~~Cost-Benefit Study~~
~~Cross Impact Study~~

~~Depreciation/Cost Study~~
~~Distressed Property Study~~
~~Economic Base Analysis~~
~~Economic Impact Study~~
~~Economic Structure Analysis~~
~~Eminent Domain Study~~
~~Feasibility Study~~
~~Highest and Best Use Study~~
~~Impact Zone Study~~
~~Investment Analysis Study~~
~~Investment Strategy Study~~
~~Land Development Study~~
~~Land Suitability Study~~
~~Land Use Study~~
~~Location Analysis Study~~
~~Market Analysis Study~~
~~Market Strategy Study~~
~~Market Turning Point Analysis~~
~~Marketability Study~~
~~Portfolio Study~~
~~Rehabilitation Study~~
~~Remodeling Study~~
~~Rental Market Study~~
~~Right of Way Study~~
~~Site Analysis Study~~
~~Utilization Study~~
~~Urban Renewal Study~~
~~Zoning Study~~

~~To qualify for real estate consulting experience, an individual must have prepared written reports after January 30, 1989, that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation, including Standards 4 and 5. Real estate consulting shall not constitute more than 500 hours of experience for any type of appraisal license.~~

"Inactive license" means a license ~~that has been renewed~~ status in which the licensee may not practice but can renew the license without meeting ~~the~~ continuing education requirements ~~specified in this chapter~~. ~~Inactive licenses do not meet the requirements set forth in § 54.1-2011 of the Code of Virginia.~~

"Licensed residential real estate appraiser" means an individual who meets the requirements for licensure for the appraisal of or the review appraisal of any noncomplex, residential real estate or real property of one-to-four residential units, including federally related transactions, where the transaction value or market value as defined by the Uniform Standards of Professional Appraisal Practice is less than $1 million, and complex one-to-four residential units having a transaction value less than $400,000. Licensed residential real estate appraisers may also appraise or provide a review appraisal of noncomplex, nonresidential properties with a transaction value or market value as defined by the Uniform Standards of Professional Appraisal Practice up to $250,000, whichever is the lesser.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Transaction value" means ~~the monetary amount of a transaction that may require the services of a certified or licensed appraiser for completion. The transaction value is not always equal to the market value of the real property interest involved. For loans or other extensions of credit, the transaction value equals the amount of the loan or other extensions of credit. For sales, leases, purchases, and investments in or exchanges of real property, the transaction value is the market value of the real property interest involved. For the pooling of loans or interests in real property for resale or purchase, the transaction value is the amount of the loan or the market value of real property calculated with respect to each such loan or interest in real property~~, for the purpose of this chapter, (i) for appraisal assignments carried out as part of a loan transaction, the amount of the loan, or (ii) for appraisal assignments carried out for other than a loan transaction, the market value of the real property interest.

"Uniform Standards of Professional Appraisal Practice" means the 2020-2021 edition of those standards, effective January 1, 2020, or the 2024 Edition, effective January 1, 2024, of Uniform Standards of Professional Appraisal Practice as incorporated by reference into this chapter, which is promulgated by the Appraisal Standards Board of the Appraisal Foundation for use by all appraisers in the preparation of appraisal reports, and pursuant to the preparation date on the report.

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

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

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

"Valuation services" means services pertaining to aspects of property value.

18VAC130-20-15. Scope of licensure.

A. Certified general real estate appraisers may perform appraisal of all types of real estate and real property and must be licensed as a certified general real estate appraiser.

B. Certified residential real estate appraisers may perform the appraisal of or the review appraisal of any residential real estate or real property of one-to-four residential units regardless of transaction value or complexity. Certified residential real estate appraisers may also appraise or provide a review appraisal of nonresidential properties with a transaction value or market value as defined by the Uniform Standards of Professional Appraisal Practice up to $250,000, whichever is the lesser.

C. Licensed residential real estate appraisers may perform the appraisal of or the review appraisal of any noncomplex, residential real estate or real property of one-to-four residential units, including federally related transactions, where the transaction value or market value as defined by the Uniform Standards of Professional Appraisal Practice is less than $1 million, and complex one-to-four residential units having a transaction value less than $400,000. Licensed residential real estate appraisers may also appraise or provide a review appraisal of noncomplex, nonresidential properties with a transaction value or market value as defined by the Uniform Standards of Professional Appraisal Practice up to $250,000, whichever is the lesser.

18VAC130-20-20. Requirement for registration for business entities.

A. All business entities~~, both domestic (in-state) and foreign (out-of-state),~~ providing appraisal services ~~shall~~ must register with the board by completing an application furnished by the board ~~describing the location, nature, and operation of their practices, and the name and address of the registered agent, an associate, or a partner of the business entity. Along with a completed application form, domestic corporations and limited liability companies shall provide a copy of the certificate as issued by the State Corporation Commission; foreign (out-of-state) corporations and limited liability companies shall provide a copy of the certificate from the State Corporation Commission; partnerships shall provide a copy of the certified Partnership Certificate; and other business entities trading under a fictitious name shall be authorized to conduct business in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia~~.

1. Partnerships, corporations, and limited liability companies must be registered with the State Corporation Commission.

2. Business entities trading under a fictitious name must be authorized to conduct business in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia.

3. Applicants must provide a physical address.

B. Every business entity providing appraisal services ~~shall~~ must provide the name and license number of a board licensee who ~~shall~~ must serve as the contact person for the board.

18VAC130-20-30. General qualifications for licensure.

Every applicant to the ~~Real Estate Appraiser Board~~ board for a certified general, certified residential, or licensed residential real estate appraiser license ~~shall~~ must meet the following qualifications:

~~1. The applicant shall be of good moral character, honest, truthful, and competent to transact the business of a licensed~~

~~real estate appraiser in such a manner as to safeguard the interests of the public.~~

~~2.~~ 1. The applicant ~~shall~~ must meet the current educational and experience requirements and submit a license application to the ~~Department of Professional and Occupational Regulation~~ department or its agent prior to the time the applicant is approved to take the licensing examination. ~~Applications received by the department or the department's agent must be complete within 12 months of the date of the receipt of the license application and fee by the Department of Professional and Occupational Regulation or the department's agent.~~

~~3.~~ 2. The applicant ~~shall~~ must sign, as part of the application, a statement verifying that the applicant has read and understands the Virginia real estate appraiser license law and the regulations of the ~~Real Estate Appraiser Board~~ board.

~~4. The applicant shall be in good standing as a real estate appraiser in every jurisdiction where licensed or certified; the applicant may not have had a license or certification that was suspended, revoked, or surrendered in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia~~ 3. The applicant must report any action taken by any board or administrative body in any jurisdiction against a professional or occupational license, certification, or registration issued to the applicant, to include any suspension, revocation, or surrender of a license, certification, or registration, imposition of a monetary penalty, or requirement to take remedial education or other corrective action. The board, in its discretion, may deny licensure to any applicant for any prior action taken by any board or administrative body in any jurisdiction. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

~~5. The applicant shall possess a background that would not call into question the public trust. Each applicant shall submit to fingerprinting. A background investigation shall be conducted, which shall not reveal that the applicant has been convicted, found guilty, or pled guilty or nolo contendere to a crime that would call into question the applicant's fitness or suitability to engage in the profession. The~~ 4. In accordance with § 54.1-204 of the Code of Virginia, each applicant must disclose the following information:

a. All ~~felony~~ misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within five years of the date of the application; and

b. All ~~misdemeanor convictions except marijuana convictions in any jurisdiction that occurred within five years of the date of application~~ felony convictions.

~~Any plea of nolo contendere or finding of guilt regardless of adjudication or deferred adjudication shall be considered a conviction for purposes of this subdivision~~ The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

~~6.~~ 5. The applicant ~~shall~~ must be at least 18 years ~~old~~ of age.

~~7. The applicant shall have successfully completed the following education:~~

~~a. Licensed residential classification - 150 hours of approved real estate appraisal courses, including the 15-Hour National Uniform Standards of Professional Appraisal Practice course, from accredited colleges, universities, and junior and community colleges; adult distributive or marketing education programs; local, state, or federal government agencies, boards, or commissions; proprietary schools; or real estate appraisal or real estate related organizations. The required core curriculum for the certified general or certified residential real estate appraiser is a bachelor's degree or higher from an accredited college or university. The classroom hours required for the licensed residential classification may include the classroom hours required for the appraiser trainee.~~

~~b. Certified residential classification - 200 hours of approved real estate appraisal courses, including the 15-Hour National Uniform Standards of Professional Appraisal Practice course, from accredited colleges, universities, and junior and community colleges; adult distributive or marketing education programs; local, state, or federal government agencies, boards, or commissions; proprietary schools; or real estate appraisal or real estate related organizations. The classroom hours required for the certified residential classification may include the classroom hours required for the appraiser trainee or the licensed residential classification. The applicant shall also meet one of the following options for the required core curriculum:~~

~~(1) A bachelor's degree in any field of study;~~

~~(2) An associate's degree in a field of study related to business administration, accounting, finance, economics, or real estate;~~

~~(3) Successful completion of 30 semester hours of college-level courses that cover each of the following specific topic areas and hours: English composition (three hours); microeconomics (three hours); macroeconomics (three hours); finance (three hours); algebra, geometry, or higher math (three hours); statistics (three hours); computer science (three hours); business law or real estate law (three hours); and two elective courses in any of the topics described in this subdivision or in accounting, geography, agricultural economics, business management, or real estate (three hours each);~~

~~(4) Successful completion of at least 30 hours of College Level Examination Program (CLEP) examinations that cover each of the specific topic areas in subdivision 7 b (3) of this section. For purposes of this option, the CLEP examination for college algebra (three hours) may be applied to the topic area of algebra, geometry, or higher math; the CLEP examination for college composition (six hours) may be applied to the topic area of English composition; the CLEP examination for college composition modular (three hours) may be applied to the topic area of English composition; the CLEP examination for college mathematics (six hours) may be applied to the topic area of algebra, geometry, or higher math or statistics; the CLEP examination for principles of macroeconomics (three hours) may be applied to the topic area of macroeconomics or finance; the CLEP examination for principles of microeconomics (three hours) may be applied to the topic area of microeconomics or finance; the CLEP examination for introductory business law (three hours) may be applied to the topic area of business law or real estate law; and the CLEP examination for information systems (three hours) may be applied to the topic area of computer science;~~

~~(5) Successful completion of at least 30 hours of any combination of college-level courses and CLEP examinations that includes all of the topics identified in subdivision 7 b (3) of this section; or~~

~~(6) No college-level education. This option applies only to applicants who have held a licensed residential credential for a minimum of five years and have no record of any adverse, final, and nonappealable disciplinary action affecting the licensed residential appraiser's legal eligibility to engage in appraisal practice within the five years immediately preceding the date of application for a certified residential credential.~~

~~c. Certified general classification - 300 hours of approved real estate appraisal courses, including the 15-Hour National Uniform Standards of Professional Appraisal Practice course, from accredited colleges, universities, and junior and community colleges; adult distributive or marketing education programs; local, state, or federal government agencies, boards, or commissions; proprietary schools; or real estate appraisal or real estate related organizations. The applicant must complete an advanced level appraisal course of at least 30 classroom hours in the appraisal of nonresidential properties. The classroom hours required for the certified general classification may include the classroom hours required for the appraiser trainee, the licensed residential classification, or the certified residential classification. The required core curriculum is a bachelor's degree or higher from an accredited college or university~~ 6. The applicant must have successfully completed minimum education standards established by the Appraiser Qualifications Board in its January 2022 Real Property Appraiser Qualification Criteria. The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria, effective January 1, 2022, are incorporated by reference.

~~8.~~ 7. The applicant ~~shall~~ must, as part of the application for licensure, verify the applicant's experience in the field of real estate appraisal. ~~All applicants must submit, upon application, sample appraisal reports as specified by the board. In addition, all experience must be acquired within the five-year period immediately preceding the date application is made and be supported by adequate written reports or file memoranda, which shall be made available to the board upon request.~~

a. All applicants must submit, upon application, sample appraisal reports as specified by the board.

(1) All experience must be acquired within the five-year period immediately preceding the date application is made and be supported by adequate written reports or file memoranda, which must be made available to the board upon request.

(2) The board, at its discretion, may extend the five-year period for applicants who have suffered serious personal illness or injury, death in the immediate family, obligation of military service or service in the Peace Corps, or for other good cause of similar magnitude approved by the board. Documentation of these circumstances must be provided to the board.

b. Experience requirements.

(1) Fee and staff appraisals. To qualify for fee and staff appraiser experience, an individual must have prepared written appraisal reports that comply with the Uniform Standards of Professional Appraisal Practice and demonstrate competence in the act or process of valuation of real property or preparing an appraisal report.

(2) Ad valorem experience. Ad valorem tax appraisal experience may be obtained either through individual property appraisals or through mass appraisals as long as applicants under this category of experience can demonstrate the use of techniques to value real property similar to those being used by fee and staff appraisers and the effective utilization of the appraisal process.

(a) To qualify for ad valorem tax appraisal experience for individual property appraisals, an individual must have prepared written appraisal reports that comply with the Uniform Standards of Professional Appraisal Practice. An applicant claiming only ad valorem tax appraisal experience must also include a fee and staff appraiser assignment as part of the application.

(b) To qualify for ad valorem tax appraisal experience for mass appraisals, an individual must have prepared mass appraisals or have documented mass appraisal reports that comply with the Uniform Standards of Professional Appraisal Practice, including Standard 6.

(c) To qualify for ad valorem tax appraisal experience, the applicant's experience log must be attested to by the applicant's supervisor.

(3) Reviewer experience. Reviewer experience must not constitute more than 1,000 hours of total experience claimed, and at least 50% of the review experience claimed must be in field review wherein the individual has personally inspected the real property which is the subject of the review.

(a) To qualify for reviewer experience, an individual must have prepared written reports after January 30, 1989, recommending the acceptance, revision, or rejection of the fee and staff appraiser's opinions that comply with the Uniform Standards of Professional Appraisal Practice, including Standard 3.

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

(4) Real estate consulting experience. To qualify for real estate consulting experience, an individual must have prepared written reports that comply with the Uniform Standards of Professional Appraisal Practice. Real estate consulting must not constitute more than 500 hours of experience for any type of appraisal license.

c. Experience hours.

(1) The applicant for a licensed residential real estate appraiser license ~~shall~~ must have a minimum of 1,000 hours of appraisal experience~~,~~ obtained in no fewer than six months. Hours may be treated as cumulative in order to achieve the necessary 1,000 hours of appraisal experience.

~~b.~~ (2) The applicant for a certified residential real estate appraiser license ~~shall~~ must have a minimum of 1,500 hours of appraisal experience obtained ~~during~~ in no fewer than 12 months. Hours may be treated as cumulative in order to achieve the necessary 1,500 hours of appraisal experience.

~~c.~~ (3) The applicant for a certified general real estate appraiser license ~~shall~~ must have a minimum of 3,000 hours of appraisal experience obtained ~~during~~ in no fewer than 18 months. Hours may be treated as cumulative in order to achieve the necessary 3,000 hours of appraisal experience. At least 50% of the appraisal experience required (1,500 hours) must be in nonresidential appraisal assignments and include assignments that demonstrate the use and understanding of the income approach. An applicant whose nonresidential appraisal experience is predominately in such properties that do not require the use of the income approach may satisfy this requirement by performing two or more appraisals on properties in association with a certified general appraiser that include the use of the income approach. The applicant must ~~have~~ provide evidence that the applicant has substantially contributed to the development of the income approach in such reports ~~and shall provide evidence or verification of such contribution~~.

~~d.~~ (4) Applicants completing a Licensed Residential Practical Applications of Real Estate Appraisal (PAREA) Program ~~shall~~ will receive credit for:

~~(1)~~ (a) 100% of the experience required by board regulations as a condition of licensure as a licensed residential real estate appraiser;

~~(2)~~ (b) 67% of the experience required by board regulations as a condition of licensure as a certified residential real estate appraiser; or

~~(3)~~ (c) 33% of the experience required by board regulations as a condition of licensure as a certified general real estate appraiser.

~~e.~~ (5) Applicants completing a Certified Residential PAREA Program ~~shall~~ will receive credit for:

~~(1)~~ (a) 100% of the experience required by board regulations as a condition of licensure as a licensed residential real estate appraiser or certified residential real estate appraiser; or

~~(2)~~ (b) 50% of the experience required by board regulations as a condition of licensure as a certified general real estate appraiser.

~~9. Within 12 months after being approved by the board to take the examination, the applicant shall have registered for and passed a written examination developed or endorsed by the Appraiser Qualifications Board and provided by the board or by a testing service acting on behalf of the board. Successful completion of the examination is valid for a period of 24 months~~ 8. Applicants must pass the board-approved examination within 24 months of being approved to take the examination.

~~10.~~ 9. Applicants for licensure who do not meet the requirements set forth in subdivisions 3 and 4 ~~and 5~~ of this section may be approved for licensure following consideration of their application by the board.

18VAC130-20-40. Qualifications for licensure by reciprocity.

Every applicant to the ~~Real Estate Appraiser Board~~ board for a license by reciprocity ~~shall have met~~ must meet the following qualifications:

~~1. An individual who is currently licensed or certified as a real estate appraiser in another jurisdiction may obtain a Virginia real estate appraiser license by providing documentation that the applicant has met educational, experience and examination requirements that are substantially equivalent to those required in Virginia for the appropriate level of licensure.~~

~~2.~~ 1. The applicant ~~shall~~ must be at least 18 years of age.

~~3.~~ 2. The applicant ~~shall~~ must, as part of the application, verify that the applicant has read and understands ~~the~~ Virginia real estate appraiser license law and the regulations of the ~~Real Estate Appraiser Board~~ board.

~~4. The applicant shall be in good standing as a licensed or certified real estate appraiser in every jurisdiction where licensed or certified; the applicant may not have had a license or certification as a real estate appraiser which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia~~ 3. The applicant must report any action taken by any board or administrative body in any jurisdiction against a professional or occupational license, certification, or registration issued to the applicant, to include any suspension, revocation, or surrender of a license, certification, or registration, imposition of a monetary penalty, or requirement to take remedial education or other corrective action. The board, in its discretion, may deny licensure to any applicant for any prior action taken by any board or administrative body in any jurisdiction. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

~~5. The applicant shall be of good moral character, honest, truthful, and competent to transact the business of a licensed real estate appraiser in such a manner as to safeguard the interests of the public.~~

~~6. The applicant may not have been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. A certified copy of a final order, decree, or case decision, by a court with the lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such conviction.~~ 4. In accordance with § 54.1-204 of the Code of Virginia, each applicant must disclose the following information:

a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within five years of the date of the application; and

b. All felony convictions.

The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

~~7.~~ 5. Applicants for licensure who do not meet the requirements set forth in subdivisions 3 and 4 ~~and 6~~ of this section may be approved for licensure following consideration by the board.

18VAC130-20-50. Qualifications for temporary licensure.

An individual who is currently licensed or certified as a real estate appraiser in another jurisdiction may obtain a temporary Virginia real estate appraiser's license as required by ~~Section~~ § 1121 of the Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989~~,~~ (12 ~~USCS~~ USC § 1811).

The appraiser's permanent certification or license issued by another state ~~shall~~ will be recognized as equivalent to a Virginia license provided that:

1. The appraiser's business is of a temporary nature~~,~~ and is limited to one specific assignment not to exceed 12 months. A specific assignment may include multiple properties. The temporary assignment must be complete prior to the expiration date of the permanent certification or license issued by another state.

2. The applicant ~~shall~~ must, as part of the application, verify that the applicant has read and understands the Virginia real estate appraiser license law and the regulations of the ~~Real Estate Appraiser Board~~ board.

3. ~~The applicant shall be in good standing as a licensed or certified real estate appraiser in every jurisdiction where licensed or certified; the applicant may not have had a license or certification as a real estate appraiser which was suspended, revoked, or surrendered in connection with a disciplinary action~~ The applicant must report any action taken by any board or administrative body in any jurisdiction against a professional or occupational license, certification, or registration issued to the applicant, to include any suspension, revocation, or surrender of a license, certification, or registration, imposition of a monetary penalty, or requirement to take remedial education or other corrective action. The board, in its discretion, may deny licensure to any applicant for any prior action taken by any board or administrative body in any jurisdiction. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

~~4. The applicant shall be of good moral character, honest, truthful, and competent to transact the business of a real estate appraiser in such a manner as to safeguard the interest of the public.~~

~~5. The applicant may not have been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. A certified copy of a final order, decree, or case decision, by a court with the lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such conviction.~~

~~6.~~ 4. In accordance with § 54.1-204 of the Code of Virginia, each applicant must disclose the following information:

a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within five years of the date of the application; and

b. All felony convictions.

The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. Applicants for licensure who do not meet the requirements set forth in subdivisions 3 and ~~5~~ 4 of this section may be approved for licensure following consideration by the board.

Applicants for temporary licensure ~~shall~~ must verify the above information on an application form provided by the board. A temporary license cannot be renewed. More than one temporary license may be issued per year.

18VAC130-20-60. Qualifications for licensure as an appraiser trainee.

An applicant for licensure as an appraiser trainee ~~shall~~ must meet the following educational requirements in addition to those set forth in subdivisions 1 through ~~6~~ 5 and ~~10~~ 9 of 18VAC130-20-30.

1. Within the five-year period immediately preceding application for licensure, the applicant ~~shall~~ must have successfully completed 75 hours of approved real estate appraisal courses from accredited colleges, universities, or junior and community colleges; adult distributive or marketing education programs; local, state, or federal government agencies, boards, or commissions; proprietary schools; or real estate appraisal or real estate related organizations. The classroom hours ~~shall~~ must include the 15-Hour National Uniform Standards of Professional Appraisal Practice course.

2. Complete an Appraiser Qualifications Board approved course specifically oriented to the requirements and responsibilities of supervising appraisers and appraiser trainees.

3. There is no experience requirement for the appraiser trainee classification.

4. Responsibilities of supervising appraisers ~~are described in this subdivision~~.

a. The appraiser trainee ~~shall~~ must be subject to direct supervision by a supervising appraiser who completed an Appraiser Qualifications Board approved course specifically oriented to the requirements and responsibilities of supervising appraisers and appraiser trainees, has been state certified for at least three years, is in good standing, and has not been subject to any disciplinary action within the last three years that affects the supervising appraiser's legal eligibility to engage in appraisal practice.

b. The supervising appraiser ~~shall~~ must be responsible for the training and direct supervision of the appraiser trainee by:

(1) Accepting responsibility for the appraisal report by signing and certifying the report is in compliance with the Uniform Standards of Professional Appraisal Practice;

(2) Reviewing the appraiser trainee appraisal ~~report(s)~~ reports; and

(3) Personally inspecting each appraised property with the appraiser trainee until the supervising appraiser determines the appraiser trainee is competent in accordance with the Competency Provision of the Uniform Standards of Professional Appraisal Practice for the property type.

c. The appraiser trainee is permitted to have more than one supervising appraiser, but a supervising appraiser may not supervise more than three trainees~~,~~ at one time, unless a state program in the licensing jurisdiction provides for progress monitoring, supervising certified appraiser qualifications, and supervision and oversight requirements for supervising appraisers.

d. An appraisal experience log ~~shall~~ must be maintained jointly by the supervising appraiser and the appraiser trainee. It is the responsibility of both the supervising appraiser and the appraiser trainee to ensure the appraisal experience log is accurate, current, and complies with the board's requirements. At a minimum, the appraisal log requirements are (i) type of property, (ii) date of report, (iii) address of appraised property, (iv) description of work performed by the appraiser trainee and scope of the review and supervision of the supervising appraiser, (v) number of actual work hours by the appraiser trainee on the assignment, and (vi) the signature and state certification number of the supervising appraiser. Separate appraisal logs ~~shall~~ must be maintained for each supervising appraiser, if applicable.

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

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

18VAC130-20-80. Qualifications for the certification of pre-licensure instructors.

The applicant ~~shall be in good standing as a real estate appraiser in every jurisdiction where licensed or certified; the applicant may not have had a license or certification which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia, and shall~~ for certification as a pre-licensure instructor must have:

1. A baccalaureate degree in real estate, economics, finance, or business~~,~~ and have satisfied the state appraisal licensing educational requirements for the level being instructed; ~~or~~

2. A ~~baccalaureate degree, an appraisal license which has been in good standing for at least two years, and a~~ current certified residential or certified general appraisal license appropriate for the level being instructed and two years of experience as an instructor or teacher at the secondary or post-secondary level; or

3. Seven years of active experience acquired in the appraisal field in the past 10 years, an appraisal license ~~which~~ that has been in good standing for at least two years, and a current certified residential or certified general appraisal license appropriate for the level being instructed.

18VAC130-20-90. Application and registration fees.

~~There will be no pro rata refund of these fees to licensees who resign or upgrade to a higher license or to licensees whose licenses are revoked or surrendered for other causes.~~ All ~~application~~ fees ~~for licenses and registrations~~ are nonrefundable and will not be prorated.

1. Application fees for registrations, certificates, and licenses are as follows:

Registration of Business Entity	$160
Certified General Real Estate Appraiser	$290
Temporary Certified General Real Estate Appraiser	$75
Certified Residential Real Estate Appraiser	$290
Temporary Certified Residential Real Estate Appraiser	$75
Licensed Residential Real Estate Appraiser	$290
Temporary Licensed Residential Real Estate Appraiser	$75
Appraiser Trainee	$155
Upgrade of License	$130
Instructor Certification	$150

~~Application fees for a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser and an appraiser trainee include a $37.50 fee for a copy of the Uniform Standards of Professional Appraisal Practice. This fee is subject to the fee charged by the Appraisal Foundation and may be adjusted and charged to the applicant in accordance with the fee charged by the Appraisal Foundation.~~

2. ~~Examination fees.~~ The fee for examination or reexamination is subject to contracted charges to the department by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with this contract.

3. An $80 National Registry fee assessment for all permanent license applicants is to be assessed of each applicant in accordance with § 1109 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 USC §§ ~~3331 - 3351~~ 3331 through 3351). This fee may be adjusted and charged to the applicant in accordance with the Financial Institutions Reform, Recovery, and Enforcement Act. If the applicant fails to qualify for licensure, then this assessment fee will be refunded.

18VAC130-20-100. Renewal required.

~~Licenses~~ All licenses and certifications issued under this chapter for certified general real estate appraisers, certified residential real estate appraisers and licensed residential real estate appraisers ~~and~~, appraiser trainees, and instructors and registrations issued for business entities ~~shall~~ will expire two years from the last day of the month in which they were issued, as indicated on the license, certificate, or registration. ~~Certifications issued under this chapter for instructors shall expire two years from the last day of the month in which they were issued, as indicated on the certification.~~

18VAC130-20-110. Qualifications for renewal.

A. As a condition of renewal, and under § 54.1-2014 of the Code of Virginia, all active certified general real estate appraisers, certified residential real estate appraisers, and licensed residential real estate appraisers~~, resident or nonresident, shall be~~ are required to complete continuing education courses satisfactorily within each licensing term as follows:

1. All real estate appraisers must satisfactorily complete continuing education courses or seminars offered by ~~accredited colleges, universities, or junior and community colleges; adult distributive or marketing education programs; local, state, or federal government agencies, boards, or commissions; proprietary schools; or real estate appraisal or real estate related organizations~~ a provider of not less than 28 ~~classroom~~ hours during each licensing term.

2. All real estate appraisers may also satisfy up to one half of an individual's continuing education requirements by participation other than as a student in educational processes and programs approved by the board to be substantially equivalent for continuing education purposes, including teaching, program development, or authorship of textbooks.

3. Seven of the classroom hours completed to satisfy the continuing education requirements ~~shall~~ must be the National Uniform Standards of Professional Appraisal Practice (USPAP) update course ~~or its equivalent~~.

4. Aside from complying with the requirement to complete the seven-hour National USPAP ~~Update Course, or its equivalent~~ update course, appraisers may not receive credit for completion of the same continuing education course within a licensing term.

5. As part of the required hours, all real estate appraisers must complete a minimum two-hour course on either fair housing or appraisal bias. Such course must be (i) a fair housing or appraisal bias course approved by the Appraiser Qualifications Board; (ii) approved by the Real Estate Board in its fair housing category; or (iii) approved by the board in accordance with Part V (18VAC130-20-200 et seq.) of this chapter.

B. As a condition of renewal, all licensed real estate appraiser trainees ~~shall~~ must meet the continuing education requirements set forth in subsection A of this section.

C. All applicants for renewal of a license ~~shall~~ must meet the standards for entry as set forth in subdivisions ~~1,~~ 2 and 3~~, and 4~~ of 18VAC130-20-30.

D. Applicants for the renewal of a registration ~~shall~~ must meet the requirement for registration as set forth in 18VAC130-20-20.

~~E. Applicants for the renewal of a certificate as an instructor shall meet the standards for entry as set forth in 18VAC130-20-80.~~

~~F.~~ E. Licensees applying to activate an inactive license must complete all ~~required~~ continuing education ~~hours~~ requirements that would have been required in the current license term if the licensee was active prior to application to activate the license.

18VAC130-20-120. Procedures for renewal.

A. The board will send a renewal notice to the licensee and certificate holder. The board will send a renewal notice to the registered firm. Failure to receive the renewal notice does not relieve the licensee, certificate holder, or registrant of the obligation to renew.

B. Prior to the expiration date shown on the license or registration, each licensee, certificate holder, or registrant desiring to renew the license, certificate, or registration must return to the board the appropriate renewal and registry fees as outlined in 18VAC130-20-130.

C. Renewal and reinstatement.

1. The date on which the renewal and registry fees are received by the ~~Department of Professional and Occupational Regulation~~ department or its agent will determine whether the licensee, certificate holder, or registrant is eligible for renewal.

2. If ~~either~~ the renewal ~~application form or renewal fee, including the~~ registry ~~fee, is~~ fees are not received by the ~~Department of Professional and Occupational Regulation~~ department or its agent within 30 days of the expiration date, the licensee, certificate holder, or registrant must reinstate the license, certificate, or registration by meeting all requirements listed in 18VAC130-20-110 and pay a reinstatement fee as specified in 18VAC130-20-130.

~~One year~~ 3. Two years after the expiration date on the license, certificate, or registration, reinstatement is no longer possible. To resume practice, the former licensee, certificate holder, or registrant must reapply for licensure as a new applicant, meeting current education, examination, and experience requirements.

4. When a license is reinstated, the licensee will continue to have the same license number and will be assigned an expiration date two years from the date of the last day of the month of reinstatement.

5. A licensee that reinstates a license will be regarded as having been continuously licensed without interruption. Therefore, a licensee will be subject to the authority of the board for activities performed prior to reinstatement.

6. A licensee that fails to reinstate a license will be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter divests the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

18VAC130-20-130. Fees for renewal and reinstatement.

A. All fees are nonrefundable and will not be prorated.

B. National Registry fee assessment. In accordance with the requirements of § 1109 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (the Act), $80 of the biennial renewal or reinstatement fee assessed for all certified general real estate appraisers, certified residential real estate appraisers, and licensed residential real estate appraisers ~~shall~~ must be submitted to the Appraisal Subcommittee. The registry fee may be adjusted in accordance with the Act and charged to the licensee.

~~Renewal and reinstatement fees for a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser, and an appraiser trainee include a $37.50 fee for a copy of the Uniform Standards of Professional Appraisal Practice. This fee is~~

~~subject to the fee charged by the Appraisal Foundation and may be adjusted and charged to the applicant in accordance with the fee charged by the Appraisal Foundation.~~

C. Renewal fees are as follows:

Certified general real estate appraiser	$205
Certified residential real estate appraiser	$205
Licensed residential real estate appraiser	$205
Appraiser trainee	$125
Registered business entity	$120
Certified instructor	$150

For licenses expiring on May 31, 2023, and before May 1, 2025, the renewal fees are as follows:

Certified general real estate appraiser	$140
Certified residential real estate appraiser	$140
Licensed residential real estate appraiser	$140
Appraiser trainee	$60
Registered business entity	$25
Certified instructor	$25

D. Reinstatement fees are as follows:

Certified general real estate appraiser	$385
Certified residential real estate appraiser	$385
Licensed residential real estate appraiser	$385
Appraiser trainee	$250
Registered business entity	$280
Certified instructor	$300

For licenses expiring on May 31, 2023, and before May 1, 2025, the reinstatement fees ~~shall be~~ are as follows:

Certified general real estate appraiser	$320
Certified residential real estate appraiser	$320
Licensed residential real estate appraiser	$320
Appraiser trainee	$155
Registered business entity	$185
Certified instructor	$25

18VAC130-20-140. ~~Status of licensee during the period prior to reinstatement.~~ (Repealed.)

~~A. When a license is reinstated, the licensee shall continue to have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.~~

~~B. A licensee or certificate holder who is reinstated shall be regarded as having been continuously licensed without interruption. Therefore, the licensee or certificate holder shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period. A licensee or certificate holder who is not reinstated shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the appraiser was licensed.~~

18VAC130-20-160. Grounds for disciplinary action.

A. The board has the power to fine any licensee, registrant, or certificate holder~~,~~; to place any licensee, registrant, or certificate holder on probation~~,~~; and to suspend or revoke any license, registration, or certification issued under the provisions of Chapter 20.1 (§ 54.1-2009 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board, in accordance with subdivision A 7 of § 54.1-201, § 54.1-202, and the provisions of the Administrative Process Act, Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia, when any licensee, registrant, or certificate holder has been found to have violated or cooperated with others in violating any provision of Chapter 20.1 of Title 54.1 of the Code of Virginia, any relevant provision of the Uniform Standards of Professional Appraisal Practice as developed by the Appraisal Standards Board of the Appraisal Foundation, or any regulation of the board.

B. An appraiser trainee ~~shall~~ may be subject to disciplinary action for his actions even if acting under the supervision of a supervising appraiser.

18VAC130-20-170. Standards of ethical conduct.

In obtaining a real estate appraiser license and performing a real estate appraisal, a licensee ~~shall~~ must comply with each provision of the Uniform Standards of Professional Appraisal Practice Ethics Rule and the following standards of ethical conduct:

1. All applicants for licensure ~~shall~~ must follow all rules established by the board with regard to conduct at the examination. Such rules ~~shall~~ include any written instructions communicated prior to the examination date and any instruction communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board or a testing service acting on behalf of the board with regard to conduct at the examination ~~shall~~ may be grounds for denial of a license.

2. A licensee, certificate holder, or registrant ~~shall~~ will not obtain or attempt to obtain a license, certification, or registration by false or fraudulent representation.

3. A licensee, registrant, or certificate holder ~~shall~~ will not make any misrepresentation.

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

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

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

1. Change of address. ~~a.~~ All licensed real estate appraisers, appraiser trainees, ~~and~~ certified instructors ~~shall at all times keep the board informed in writing of their current home address and shall~~, and business entities must report any change of address to the board within 30 days of such change.

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

2. Change of name or business entity.

a. All real estate appraisers, appraiser trainees, and certified instructors ~~shall promptly~~ must notify the board in writing within 30 days and provide appropriate written legal verification of any change of name.

b. Registered real estate appraisal business entities ~~shall promptly~~ must notify the board of any change of name ~~or change of business structure in writing~~ within 30 days. ~~In addition to written notification, corporations shall provide a copy of the Certificate of Amendment from the State Corporation Commission, partnerships shall provide a copy of a certified Partnership Certificate, and other business entities trading under a fictitious name shall be authorized to conduct business in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia.~~

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

~~4.~~ c. Whenever the legal business entity holding the registration is dissolved or altered to form a new business entity, the original registration becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new registration within 30 days of the change in the business entity. Such changes include:

(1) Death of a sole proprietor;

(2) Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and

(3) Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

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

~~5.~~ 4. All licensees, certificate holders, and registrants ~~shall~~ must operate under the name in which the license or registration is issued.

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

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

C. Use of signature and ~~electronic~~ transmission of report.

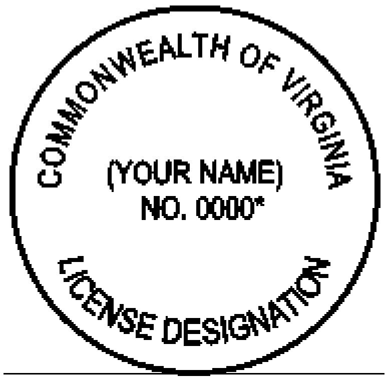
1. The signing or transmission of an appraisal report ~~or the transmittal of a report electronically shall indicate~~ indicates that the licensee has exercised complete direction and control over the appraisal. ~~Therefore, no licensee shall sign or electronically transmit an appraisal that has been prepared by an unlicensed person unless such work was performed under the direction and supervision of the licensee in accordance with § 54.1-2011 C of the Code of Virginia.~~

2. All original appraisal reports ~~shall~~ must be signed by the licensed appraiser and contain the license number of the appraiser. ~~For narrative and letter appraisals, the signature and final value conclusion shall appear on the letter of transmittal and certification page.~~ For form appraisals, the signature ~~shall~~ must appear on the page designated for the appraiser's signature and final estimate of value. All temporary licensed real estate appraisers ~~shall~~ must sign and affix ~~their~~ the temporary license to the appraisal report or letter for which ~~they~~ the appraiser obtained the license to authenticate such report or letter. ~~Appraisal reports may be transmitted electronically. Reports prepared without the use of a seal shall contain the license number of the appraiser. a.~~ An appraiser may provide market analysis studies or consulting reports, which do not constitute appraisals of market value, provided such reports, studies, or evaluations ~~shall~~ must contain a conspicuous statement that such reports, studies, or evaluations are not an appraisal as defined in § 54.1-2009 of the Code of Virginia.

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

~~c. The seal shall conform in detail and size to the design illustrated in this subdivision:~~

EDITOR'S NOTE: The figure in subdivision C 2 c is being stricken.



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

D. ~~Development of appraisal. In developing a real property appraisal, all licensees shall comply with the provisions of the Uniform Standards of Professional Appraisal Practice (USPAP) as defined in this chapter or in the prior edition in effect at the time of the reports' preparation. If the required definition of value uses the word "market," licensees must use the definition of market value set forth in USPAP "DEFINITIONS."~~ Report definitions. A report must state the type of value, provide the definition, and cite the source for the definition.

E. Appraisal report requirements. In reporting a real property appraisal, a licensee ~~shall~~ must meet the requirements of the Uniform Standards of Professional Appraisal Practice ~~as defined in this chapter or in the prior edition in effect at the time of the reports' preparation~~.

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

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

H. Recordkeeping requirements.

1. A licensee ~~shall~~ must abide by the Record Keeping Rule as stated in the Uniform Standards of Professional Appraisal Practice ~~as defined in this chapter or in the prior edition in effect at the time of the reports' preparation~~.

2. A licensee or registrant of the ~~Real Estate Appraiser Board shall~~ board must, upon request or demand, promptly produce to the board or any of its agents within 10 ~~working~~ days of the request, any document, book, record, work file, or electronic record in a licensee's possession concerning any appraisal that the licensee performed, or for which the licensee is required to maintain records for inspection by the board or its agents. The board or any of its agents may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

~~3. Upon the completion of an assignment, a licensee or registrant shall return to the rightful owner, upon demand, any document or instrument that the licensee possesses.~~

~~4.~~ 3. The appraiser trainee ~~shall be~~ is entitled to obtain copies of appraisal reports ~~he~~ and work files prepared by the appraiser trainee. The supervising appraiser ~~shall~~ must keep copies of appraisal reports for a period of at least five years or at least two years after final disposition of any judicial proceedings in which testimony was given, whichever period expires last.

I. Disclosure requirements. A licensee appraising property in which ~~he~~ the licensee, any member of ~~his~~ the licensee's family, ~~his~~ the licensee's firm, any member of ~~his~~ the licensee's firm, or any entity in which ~~he~~ the licensee has an ownership interest~~,~~ has any interest ~~shall~~ must disclose, in writing, to any client such interest in the property and ~~his~~ the licensee's status as a real estate appraiser licensed in the Commonwealth of Virginia. As used in the context of this chapter, "any interest" includes an ownership interest in the property to be appraised or in an adjacent property or involvement in the transaction, such as deciding whether to extend credit to be secured by such property.

J. Competency. A licensee ~~shall~~ must abide by the Competency Rule as stated in the Uniform Standards of Professional Appraisal Practice ~~as defined in this chapter or in the prior edition in effect at the time of the reports' preparation~~.

K. Scope of work. A licensee ~~shall~~ must abide by the Scope of Work Rule as stated in the Uniform Standards of Professional Appraisal Practice ~~as defined in this chapter or in the prior edition in effect at the time of the reports' preparation~~.

L. Jurisdictional exception. A licensee ~~shall~~ must abide by the Jurisdictional Exception Rule as stated in the Uniform Standards of Professional Appraisal Practice ~~as defined in this chapter or in the prior edition in effect at the time of the reports' preparation~~.

M. Prohibited acts.

1. A licensee ~~shall~~ must act as a certified general real estate appraiser, certified residential real estate appraiser, or licensed residential real estate appraiser in such a manner as

to safeguard the interests of the public~~,~~ and ~~shall~~ must not engage in improper, fraudulent, or dishonest conduct.

2. A licensee may not have been convicted, found guilty, or pled guilty, regardless of adjudication, in any jurisdiction of the United States of a misdemeanor involving moral turpitude or of any felony there being no appeal pending therefrom or the time for appeal having elapsed. ~~Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. A certified copy of a final order, decree, or case decision by a court with the lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such guilt.~~

3. A licensee ~~shall~~ must inform the board in writing within 30 days of ~~pleading guilty or nolo contendere or~~ being convicted ~~or found guilty~~, regardless of adjudication, of any felony or of a misdemeanor involving moral turpitude in any jurisdiction.

4. A licensee may not have had a license or certification as a real estate appraiser that was suspended, revoked, or surrendered in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction.

5. A licensee ~~shall~~ must inform the board in writing within 30 days of any disciplinary action taken in any jurisdiction against any appraiser license or certification to include the suspension, revocation, or surrender of an appraiser license or certification ~~in connection with a disciplinary action in any other jurisdiction, and a licensee shall inform the board in writing within 30 days of any appraiser license or certification which has been the subject of discipline in any jurisdiction~~.

6. A licensee ~~shall~~ must perform all appraisals in accordance with Virginia Fair Housing Law (§ 36-96.1 et seq. of the Code of Virginia).

7. A licensee ~~shall~~ must respond to an inquiry by the board or its agents, other than requested under subdivision H 2 of this section, within 21 days.

8. A licensee ~~shall~~ must not provide false, misleading, or incomplete information in the investigation of a complaint filed with the board.

18VAC130-20-190. Standards of conduct for certified appraiser education instructors.

A. Instructors ~~shall~~ must develop a record for each student ~~which shall include~~ that includes the student's name and address, the course name, the course hours and dates given, and the date the course was passed. This record ~~shall~~ must be retained by the course provider.

~~B. The instructor shall not solicit information from any person for the purpose of discovering past licensing examination questions or questions which may be used in future licensing examinations.~~

~~C. The instructor shall not distribute to any person copies of license examination questions, or otherwise communicate to any person license examination questions, without receiving the prior written approval of the copyright owner to distribute or communicate those questions.~~

~~D. The instructor shall not, through an agent or otherwise, advertise its services in a fraudulent, deceptive or misrepresentative manner.~~

~~E. Instructors shall not take any appraiser licensing examination for any purpose other than to obtain a license as a real estate appraiser.~~

~~F.~~ B. Prohibited acts.

1. The instructor ~~shall~~ must act as a certified general real estate appraiser, certified residential real estate appraiser, or licensed residential real estate appraiser in such a manner as to safeguard the interests of the public and ~~shall~~ must not engage in improper, fraudulent, or dishonest conduct.

2. The instructor may not have been convicted, found guilty, or pled guilty, regardless of adjudication, in any jurisdiction of the United States of a misdemeanor involving moral turpitude or of any felony there being no appeal pending therefrom or the time for appeal having elapsed. ~~Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. A certified copy of a final order, decree, or case decision by a court with the lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such guilt.~~

3. The instructor ~~shall~~ must inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty, regardless of adjudication, of any felony or of a misdemeanor involving moral turpitude.

4. The instructor may not have had a license or certification as a real estate appraiser that has been (i) suspended, revoked, or surrendered in connection with a disciplinary action or (ii) the subject of discipline in any jurisdiction.

5. The instructor ~~shall~~ must inform the board in writing within 30 days of any disciplinary action taken in any jurisdiction against any appraiser license or certification to include the suspension, revocation, or surrender of an appraiser license or certification ~~in connection with a disciplinary action in any other jurisdiction, and a licensee shall inform the board in writing within 30 days of any appraiser license or certification that has been the subject of discipline in any jurisdiction~~.

6. The instructor, who is also a licensed appraiser, ~~shall~~ must perform all appraisals in accordance with Virginia Fair Housing Law (§ 36-96.1 et seq. of the Code of Virginia).

7. The instructor ~~shall~~ must respond to an inquiry by the board or its agents within 21 days.

8. The instructor ~~shall~~ must not provide false, misleading, or incomplete information in the investigation of a complaint filed with the board.

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

Pursuant to the mandate of Title 11 of the Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, § 54.1-2013 of the Code of Virginia, and the qualifications criteria set forth by the Appraisal Qualifications Board of the Appraisal Foundation, all educational offerings submitted for prelicensure and continuing education credit ~~shall~~ must be approved by the board. Educational offerings that have been approved by the Appraiser Qualifications Board ~~shall be~~ are considered to have met the standards for approval set forth in this chapter. Prelicense course applications received by the department or ~~its~~ the department's agent must be complete within 12 months of the date of the receipt of the application and fee by the department or ~~its~~ the department's agent.

18VAC130-20-210. Standards for the approval of appraisal educational offerings for prelicensure credit.

A. Content.

1. Prior to licensure, applicants ~~shall~~ must have successfully completed the ~~15 hour~~ 15-hour National Uniform Standards of Professional Appraisal Practice course ~~or its equivalent~~.

2. While various appraisal courses may be credited toward the classroom requirement specified for each classification of licensure, all applicants for licensure as an appraiser trainee~~,~~ or a licensed residential, certified residential, or certified general real estate appraiser must demonstrate that ~~their~~ course work included coverage of the required topics listed ~~below~~ in this subdivision.

Basic appraisal principles (30 hours)
Basic appraisal procedures (30 hours)
Residential market analysis and highest and best use (15 hours)
Residential appraiser site valuation and cost approach (15 hours)
Residential sales comparison and income approaches (30 hours)
Residential report writing and case studies (15 hours)
Statistics, modeling and finance (15 hours)
Advanced residential applications and case studies (15 hours)
General appraiser market analysis and highest and best use (30 hours)
General appraiser sales comparison approach (30 hours)
General appraiser site valuation and cost approach (30 hours)
General appraiser income approach (60 hours)
General appraiser report writing and case studies (30 hours)

3. All appraisal and appraisal-related offerings presented for prelicense credit must have a final, written examination. The examination may not be an open book examination.

4. Credit toward the classroom hour requirement to satisfy the educational requirement prior to licensure ~~shall~~ will be granted only where the length of the educational offering is at least 15 classroom hours.

B. Instruction. With the exception of courses taught at accredited colleges, universities, junior and community colleges, or adult distributive or marketing education programs, all other prelicense educational offerings given after January 1, 1993, must be taught by instructors certified by the board. All courses in the Uniform Standards of Professional Appraisal Practice must be instructed by an Appraisal Qualifications Board certified instructor.

18VAC130-20-220. Standards for the approval of appraisal educational offerings for continuing education credit.

A. Content.

1. The content of courses, seminars, workshops, or conferences that may be accepted for continuing education credit includes those topics listed in 18VAC130-20-210 A 2 and ~~listed in~~ this subdivision.

Ad valorem taxation
Appraisal bias
Arbitration, dispute resolution
Courses related to the practice of real estate appraisal or consulting
Development cost estimating
Ethics and standards of professional practice, Uniform Standards of Professional Appraisal Practice
Fair housing
Land use planning, zoning
Management, leasing, timesharing
Property development, partial interests
Real estate financing and investment
Real estate law, easements, and legal interests
Real estate litigation, damages, condemnation
Real estate appraisal related computer applications

Real estate securities and syndication
Developing opinions of real property value in appraisals that also include personal property or business value
Seller concessions and impact on value
Energy efficient items and "green building" appraisals

2. Any course related to appraisal bias designed to meet the requirements of 18VAC130-20-110 A 5 must be directly applicable to rendering of an opinion of value by an appraiser. Acceptable topics should consist of:

a. Awareness and identification of appraisal bias;

b. Effects of appraisal bias on consumers;

c. Assisting consumers who may have been subjected to biased appraisals;

d. Strategies to address appraisal bias; and

e. Laws and regulations applicable to appraisal bias.

3. Courses, seminars, workshops, or conferences submitted for continuing education credit must indicate that the licensee participated in an educational program that maintained and increased the licensee's knowledge, skill, and competency in real estate appraisal.

4. Credit toward the classroom hour requirement to satisfy the continuing education requirements ~~shall~~ will be granted only where the length of the educational offering is at least two hours and the licensee participated in the full length of the program.

B. Instruction. Although continuing education offerings are not required to be taught by ~~board certified~~ board-certified instructors, the Uniform Standards of Professional Appraisal Practice course must be taught by an Appraiser Qualifications Board certified instructor who is also a state certified appraiser.

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

A. Course credits ~~shall~~ will be awarded only once per license cycle for courses having substantially equivalent content.

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

C. ~~Information that may be requested by the~~ The board may request additional information in order to ~~further~~ evaluate course content ~~includes, but is not limited to~~, including course descriptions, syllabi, or textbook references.

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

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

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

~~1. The course is presented by an accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines; or~~

~~2. The course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and either the approval of the Appraisal Qualifications Board through its course approval program or the approval of the board for the content of the course.~~

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

1. The course is presented ~~to an organized group in an instructional setting with a person qualified and available to answer questions, provide information, and monitor student attendance; 2. The course has been presented~~ by an accredited ~~(Commission on Colleges or regional accreditation association)~~ college or university that offers distance education programs in other disciplines ~~and the student successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course accreditation; or if a written examination is not required for accreditation, the~~

~~student successfully completes the course mechanisms required for accreditation that demonstrate mastery and fluency (said mechanisms must be present in a course without an exam in order to be acceptable);~~ or ~~3. The course~~ has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and either the approval of the Appraiser Qualifications Board through its course approval program or the approval of the board for the content of the course ~~and the student successfully completes~~.

2. The course meets the requirements for qualifying education or continuing education, as applicable, established by the Appraiser Qualifications Board;

3. The course meets classroom hour requirements.

a. For a prelicense education course, the course must be equivalent to the minimum of 15 classroom hours.

b. For a continuing education course, the course must be a minimum of two classroom hours; and

4. The course provides for a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course accreditation~~;~~, or if ~~a~~ no written examination is ~~not~~ required for accreditation, ~~the student successfully completes~~ completion of the course mechanisms required for accreditation ~~that demonstrate~~ demonstrates mastery and fluency ~~(said mechanisms must be present in a course without an exam in order to be acceptable)~~.

18VAC130-20-250. Reapproval of courses required.

Approval letters issued under this chapter for educational offerings ~~shall~~ will expire two years from the last day of the month in which they were issued, as indicated in the approval letter. The reapproval fee ~~shall~~ will be equivalent to the original approval fee specified in 18VAC130-20-240. For courses expiring on May 31, 2023, and before May 1, 2025, the course reapproval fee ~~shall be~~ is $25.

DOCUMENTS INCORPORATED BY REFERENCE (18VAC130-20)

Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition, January 1, 2020, Appraisal Standards Board, The Appraisal Foundation

Uniform Standards of Professional Appraisal Practice, 2024 Edition, January 1, 2024, Appraisal Standards Board, The Appraisal Foundation

The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria, January 2022, Appraiser Qualifications Board, The Appraisal Foundation

VA.R. Doc. No. R24-7855; Filed July 9, 2025, 9:44 a.m.

TITLE 22. SOCIAL SERVICES

DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

Fast-Track Regulation

Title of Regulation: **22VAC30-80. Auxiliary Grants Program (amending 22VAC30-80-45).**

Statutory Authority: §§ 51.5-131 and 51.5-160 of the Code of Virginia.

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: September 10, 2025.

Effective Date: September 25, 2025.

Agency Contact: Charlotte Arbogast, Senior Policy Analyst and Regulatory Coordinator, Department for Aging and Rehabilitative Services, 8004 Franklin Farms Drive, Henrico, VA 23229, telephone (804) 662-7093, fax (804) 662-7663, TDD (804) 464-9950, or email charlotte.arbogast@dars.virginia.gov.

Basis: Section 51.5-131 of the Code of Virginia authorizes the Commissioner of the Department for Aging and Rehabilitative Services (DARS) to promulgate regulations necessary to carry out the provisions of the laws of the Commonwealth administered by the department. Section 51.5-160 of the Code of Virginia authorizes DARS to promulgate regulations necessary for the administration of the auxiliary grants (AG) Program. Section 63.2-1804 of the Code of Virginia requires DARS to promulgate regulations related to the assessment of individuals for assisted living facility (ALF) placement.

Purpose: This action ensures successful ongoing operation of the AG Program, which supports AG Program participants who rely on the program to meet daily and long-term care needs. ALFs are required to provide notices of resident deaths and discharges to the local department of social services (LDSS) for any residents that participate in the AG Program. If the resident has a LDSS caseworker or assessor, the notice (i) lets the caseworker or assessor know that the resident has experienced a change in status (e.g., hospitalization, transfer to another facility, death), which is essential to ensuring that the resident's health, safety, and welfare is protected, and (ii) notifies the LDSS to pause or stop future AG Program payments, ensuring the proper expenditure of public funds.

Rationale for Using Fast-Track Rulemaking Process: This action is expected to be noncontroversial because it simply clarifies the expectation for discharge and death notices by ALFs to LDSS for AG Program participants. The proposed changes bring conflicting expectations into alignment. These changes will help stakeholders and the public better understand the notice requirements.

Substance: The amendments ensure ALFs provide written notification of the date and place of an individual's discharge or the date of an individual's death to the LDSS determining the individual's AG eligibility and to the qualified assessor within the timeframe specified in 22VAC30-110-40 A.

Issues: The primary advantages of this regulatory action are that the amendments (i) improve the clarity of the requirements for notices by streamlining two conflicting provisions into one, which benefits the ALFs who participate in the AG Program; (ii) ensure that LDSS caseworkers or assessors receive timely notices about AG Program participants, which benefits the AG Program participants and LDSS through continuity of communications; and (iii) ensure that LDSS issue AG Program payments only when AG Program participants are eligible to receive them, which supports the proper expenditures of public funds. There are no disadvantages to state agencies, ALFs, LDSS, AG Program participants, or the public.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. The Department for Aging and Rehabilitative Services (DARS) proposes to align the notification of the time frame for death or discharge of Auxiliary Grant recipients residing at Assisted Living Facilities (ALF) with another DARS regulation.

Background. The Auxiliary Grant is a financial assistance program in Virginia that provides supplemental income to recipients of federal supplemental security income and certain other individuals who reside in ALFs or approved adult foster care homes. This program helps individuals cover the cost of care and housing in these facilities. DARS requires ALFs to provide written notice of deaths or discharges involving Auxiliary Grant recipients to the local department of social services (LDSS) within 14 days of the death or discharge. The requirement exists so that LDSS caseworkers or assessors are notified in the event that one of their residents is no longer residing in the ALF. In addition, once the LDSS is notified it can pause or stop future Auxiliary Grant payments. While working with the Department of Social Services (DSS) on a DSS regulatory action to add an appeals process for ALF discharges, DARS realized that this regulation stipulates a ten-day notification rather than the 14-day notification it follows in practice and that is established in another DARS regulation entitled Assessment in Assisted Living Facilities (i.e., 22VAC30-110-40). In order to eliminate the conflict, DARS now proposes to repeal the ten-day notification requirement and replace it with a reference to 22VAC30-110-40.

Estimated Benefits and Costs. According to DARS, this proposal is strictly a housekeeping measure in that the conflicting ten-day notification has never been enforced in practice. DARS has always relied on the 14-day notification period. Thus, no economic impact is expected from this proposal other than eliminating a potential confusion for the readers of the regulation.

Businesses and Other Entities Affected. There are approximately 560 ALFs in the Commonwealth. However, only 240 of these facilities currently participate in the Auxiliary Grant program. No regulated entity appears to be disproportionately affected. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[2] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[3] The proposal does not reduce benefits or increase costs for regulated ALFs. Thus, no adverse impact is indicated.

Small Businesses[4] Affected.[5] DARS believes all 240 ALFs participating in the Auxiliary Grant program meet the definition of a small business. However, the proposed amendments do not to adversely affect small businesses.

Localities[6] Affected.[7] The proposal neither introduces costs or other effects on localities nor disproportionally affects them.

Projected Impact on Employment. No impact on employment is expected.

Effects on the Use and Value of Private Property. No effects on the use and value of private property nor on real estate development costs are expected.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2] Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[3] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[4] Pursuant to § 2.2-4007.04, 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."

[5] If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[6] "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.

[7] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to the Economic Impact Analysis: The Department for Aging and Rehabilitative Services concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The amendments defer the notice timeframes in the regulation to those already required for public pay residents in 22VAC30-110-40.

22VAC30-80-45. Conditions of participation in the program.

A. Provider agreement for ALF.

1. As a condition of participation in the AG, the ALF provider is required to complete and submit to the department a signed provider agreement as stipulated in this section. The agreement is to be submitted prior to the ALF accepting AG payment for qualified individuals. A copy of the ALF's current license must be submitted with the provider agreement.

2. The ALF provider shall agree to the following conditions in the provider agreement to participate in the AG:

a. Provide services in accordance with all laws, regulations, policies, and procedures that govern the provision of services in the facility;

b. Submit an annual certification form by October 1 of each year;

c. Care for individuals with AG in accordance with the requirements in this chapter at the current established rate;

d. Refrain from charging the individual, ~~his~~ the individual's family, or ~~his~~ the individual's authorized personal representative a security deposit or any other form of compensation as a condition of admission or continued stay in the facility;

e. Accept the established rate as payment in full for services rendered;

f. Account for the personal needs allowances in a separate bank account and apart from other facility funds and issue a statement to each individual regarding ~~his~~ the individual's account balance that includes any payments deposited or withdrawn during the previous calendar month;

g. Provide a 60-day written notice to the regional licensing office in the event of the facility's closure or ownership change;

h. Provide written ~~notification of the date and place of an individual's discharge or the date of an individual's death to the local department of social services determining the individual's AG eligibility and to the qualified assessor within 10 days of the individual's discharge or death~~ notifications as required in 22VAC30-110-40 A; and

i. Return to the local department of social services determining the individual's AG eligibility~~,~~ all AG funds received after the death or discharge date of an individual in the facility.

B. As a condition of participation in the AG, the AFC provider shall be approved by a local department of social services and comply with the requirements set forth in 22VAC30-120.

C. Provider agreement for SH.

1. As a condition of participating in the AG, the SH provider shall enter an agreement with DBHDS pursuant to § 37.2-421.1 of the Code of Virginia.

2. The SH provider shall submit a copy of the executed agreement and a copy of its current DBHDS license prior to the SH provider receiving payments from the AG on behalf of qualified individuals.

3. The SH provider shall provide SH services for each individual in accordance with § 37.2-421.1 of the Code of Virginia and all other applicable laws, regulations, and policies and procedures.

D. ALFs, AFC homes, or SH providers providing services to AG recipients may accept third-party payments made by persons or entities for the actual costs of goods or services that have been provided to the AG recipient. The department shall not include such payments as income for the purpose of determining eligibility for or calculating the amount of an AG~~,~~ provided that the payment is made:

1. Directly to the ALF, AFC home, or SH provider by the third party on behalf of the individual after the goods or services have been provided;

2. Voluntarily by the third party, and not in satisfaction of a condition of admission, continued stay, or provision of proper care and services, unless the AG recipient's physical needs exceed the services required to be provided by the ALF, AFC, or SH provider as a condition of participation in the AG; and

3. For specific goods or services provided to the individual other than food, shelter, or other specific goods or services required to be provided by the ALF, AFC home, or SH provider as a condition of participation in the AG.

E. Third-party payments shall not be used to pay for a private room in an ALF or AFC home.

F. ALFs, AFC homes, and SH providers shall document all third-party payments received on behalf of an individual, including the source, amount, and date of the payment~~,~~ and the goods or services for which such payments were made.

Documentation related to the third-party payments shall be provided to the department upon request.

G. ALFs, AFC homes, and SH providers shall provide each AG recipient and ~~his~~ the AG recipient's authorized representative with a written list of the goods and services that shall be covered by the AG as defined in this chapter, including a clear statement that the facility shall not charge an individual or the individual's family or authorized representative additional amounts for goods or services included on such list. This statement shall be signed by the AG recipient or authorized representative as acknowledgment of receipt and shall be made available to the department upon request.

VA.R. Doc. No. R25-8029; Filed July 22, 2025, 1:19 p.m.

GUIDANCE DOCUMENTS

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, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

VIRGINIA CODE COMMISSION

Title of Document: Form, Style, and Procedure Manual for Publication of Virginia Regulations.

Public Comment Deadline: September 10, 2025.

Effective Date: September 11, 2025.

Agency Contact: Holly Trice, Virginia Registrar of Regulations, Division of Legislative Services, 201 North Ninth Street, Richmond, VA 23219, or email varegs@dls.virginia.gov.

STATE BOARD OF HEALTH

Title of Document: Enforcement Manual.

Public Comment Deadline: September 10, 2025.

Effective Date: September 11, 2025.

Agency Contact: Grant Kronenberg, Director, Office of Drinking Water, Virginia Department of Health,, 109 Governor Street, Sixth Floor, Richmond, VA 23219, telephone (804) 629-0989, or email grant.kronenberg@vdh.virginia.gov.

MARINE RESOURCES COMMISSION

Title of Document: Virginia Waterway Maintenance Fund Guidelines for Marine Resources Commission.

Public Comment Deadline: September 10, 2025.

Effective Date: September 11, 2025.

Agency Contact: Joseph Grist, Deputy Commissioner, Marine Resources Commission, 380 Fenwick Road, Building 96, Fort Monroe, VA 23652, telephone (757) 247-8193, or email joseph.grist@mrc.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Titles of Documents: DD Waiver Provider Manual, Chapter 6.

Hospital Provider Manual, Chapter 7.

Practitioner Manual, Chapter 7.

Rehabilitation Manual, Chapter 5.

Public Comment Deadline: September 10, 2025.

Effective Date: September 11, 2025.

Agency Contact: Syreeta Stewart, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 298-3863, or email syreeta.stewart@dmas.virginia.gov.

STATE WATER CONTROL BOARD

Title of Document: Chesapeake Bay Preservation Act Resiliency Guidance.

Public Comment Deadline: September 10, 2025.

Effective Date: September 11, 2025.

Agency Contact: Justin Williams, Office of Watershed and Local Government Assistance, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-1125, or email justin.williams@deq.virginia.gov.

The following guidance documents have been submitted for deletion and the listed agencies have opened up a 30-day public comment period. The listed agencies had previously identified these documents as certified guidance documents, pursuant to § 2.2-4002.1 of the Code of Virginia. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to view the deleted document and comment. This information is also available on the Virginia Regulatory Town Hall (http://www.townhall.virginia.gov) or from the agency contact.

BOARD FOR CONTRACTORS

Title of Document: PSI Examination Equivalency.

Public Comment Deadline: September 10, 2025.

Effective Date: September 11, 2025.

Agency Contact: Joe Haughwout, Regulatory Affairs Manager, Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8566, or email joseph.haughwout@dpor.virginia.gov.

GENERAL NOTICES

DEPARTMENT OF ENVIRONMENTAL QUALITY

Horus Virginia 1 LLC Notice of Intent for a Small Renewable Energy Project (Solar)

Horus Virginia Solar 1 LLC has provided the Department of Environmental Quality (DEQ) a revised notice of intent for a small renewable energy project in Clarke County, Virginia for the Bellringer Solar project, project number RE0000348, originally published in the Virginia Register 41:19 VA.R. 2196 May 5, 2025. The purpose of the revision is to change the name of the project, which is now Beckett Solar. As noted in the previous notice of intent, Horus Virginia Solar 1 LLC intends to submit the necessary documents for a permit by rule for this small renewable energy project (solar) in Clarke County, pursuant to 9VAC15-60. Beckett Solar Project will be located at 1030 Bellringer Lane, Berryville, Virginia on two parcels identified as Clarke County Parcel Nos. 13-A-13 and 13-A-56. The site includes approximately 400 acres with a geographic information system (GIS) centroid of Latitude 39.1592514°, Longitude -78.0173807°. The proposed project will utilize approximately 117,740 solar panels.

Contact Information: Amber Foster, Renewable Energy Permit by Rulemaking Coordinator, Department of Environmental Quality, 1111 East Main Street, Richmond, VA 23219, telephone (804) 774-8474, or email amber.foster@deq.virginia.gov.

Proposed Enforcement Action for R Town Wings Inc.

The Department of Environmental Quality (DEQ) is proposing an enforcement action for R Town Wings Inc. for violations of the State Water Control Law at the R Town Wings facility, 4362 South Laburnum Avenue, Henrico County, Virginia, Latitude 37.5283, Longitude -77.3602. The proposed order is available from the DEQ contact listed or online at https://www.deq.virginia.gov/permits/public-notices/enforcement-actions. The DEQ contact will accept comments by email or postal mail from August 11, 2025, to September 11, 2025.

Contact Information: Cara Witte, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, VA 23060, or email cara.witte@deq.virginia.gov.

BOARD OF PHARMACY

Notice of Scheduling Chemicals in Schedule I Pursuant to § 54.1-3443 of the Code of Virginia

Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy is giving notice of a public hearing to consider placement of chemical substances in Schedule I of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).

The public hearing will be conducted at 9:05 a.m. on September 30, 2025. Instructions will be included in the agenda for the board meeting, which will also be held on September 30. Public comment may also be submitted electronically or in writing prior to September 30, 2025, to the contact listed at the end of this notice.

Pursuant to article § 54.1-3443 D of the Code of Virginia, the Virginia Department of Forensic Science (DFS) has identified seven compounds for recommended inclusion into Schedule I of the Drug Control Act.

1. The following compound is classified as a synthetic opioid. Compounds of this type have been placed in Schedule I (subdivision 1 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

N-(2-methylphenyl)-1-(2-phenylethyl)piperidin-4-amine (other name: Despropionyl o-methylfentanyl), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

2. Based on their chemical structure, the following compounds are expected to have hallucinogenic properties. Compounds of this type have been placed in Schedule I (subdivision 3 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

[3-[2-(dimethylamino)ethyl]-1H-indol-4-yl] propanoate (other names: 4-propionoyloxy-N,N-dimethyltryptamine, 4-propanoyloxy DMT, 4-ProO DMT), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

1-(1,3-benzodioxol-5-yl)-2-(2-methylpropylamino)propan-1-one (other names: 3,4-methylenedioxy-N-isobutylcathinone; N-isobutyl methylone; 3,4-methylenedioxy-α-isobutyl aminopropiophenone), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

2-bromo-Deschloroketamine (other name: 2-(2-bromophenyl)-2-(methylamino)-cyclohexanone), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

3. Based on the chemical structure, the following compound is expected to have depressant properties. Compounds of this type have been placed in Schedule I (subdivision 4 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine (other name: Nitrazolam), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

4. The following compounds are classified as cannabimimetic agents. Compounds of this type have been placed in Schedule I (subdivision 6 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

Naphthalen-1-yl 3-(dimethylsulfamoyl)-4-methylbenzoate (other names: NMDMSB; 1-naphthyl 3-(dimethylsulfamoyl)-4-methylbenzoate), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

N-[1-(5-fluoropentyl)-2-hydroxyindol-3-yl]iminobenzamide (other names: 5-fluoro BZO-POXIZID, 5-fluoropentyl MDA 19), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

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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.

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.