



# VIRGINIA

## REGISTER OF REGULATIONS

VOL. 42 ISS. 13

PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION

February 9, 2026

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# THE VIRGINIA REGISTER INFORMATION PAGE

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

**Members of the Virginia Code Commission:** **Marcus B. Simon, Chair; Russet W. Perry, Vice Chair; Katrina E. Callsen; Nicole Cheuk; Richard E. Gardiner; Ryan T. McDougle; Michael Mullin; Christopher R. Nolen; Steven Popps; Charles S. Sharp; Malfourd W. Trumbo; Amigo R. Wade**

**Staff of the Virginia Register:** **Holly Trice, Registrar of Regulations; Anne Bloomsburg, Assistant Registrar; Nikki Clemons, Managing Editor; Erin Comerford, Regulations Analyst**

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# PUBLICATION SCHEDULE AND DEADLINES

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

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## February 2026 through March 2027

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
42:14	February 4, 2026	February 23, 2026
42:15	February 18, 2026	March 9, 2026
42:16	March 4, 2026	March 23, 2026
42:17	March 18, 2026	April 6, 2026
42:18	April 1, 2026	April 20, 2026
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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42:24	June 24, 2026	July 13, 2026
42:25	July 8, 2026	July 27, 2026
42:26	July 22, 2026	August 10, 2026
43:1	August 5, 2026	August 24, 2026
43:2	August 19, 2026	September 7, 2026
43:3	September 2, 2026	September 21, 2026
43:4	September 16, 2026	October 5, 2026
43:5	September 30, 2026	October 19, 2026
43:6	October 14, 2026	November 2, 2026
43:7	October 28, 2026	November 16, 2026
43:8	November 10, 2026 ( <b>Tuesday</b> )	November 30, 2026
43:9	November 23, 2026 ( <b>Monday</b> )	December 14, 2026
43:10	December 9, 2026	December 28, 2026
43:11	December 21, 2026 ( <b>Monday</b> )	January 11, 2027
43:12	January 5, 2027 ( <b>Tuesday</b> )	January 25, 2027
43:13	January 20, 2027	February 8, 2027
43:14	February 3, 2027	February 22, 2027
43:15	February 17, 2027	March 8, 2027

\*Filing deadlines are Wednesdays unless otherwise specified.

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# PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **9VAC25-120, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests**. The Notice of Intended Regulatory Action to amend 9VAC25-120, which is published in this issue of the Virginia Register, serves as the agency notice of announcement.

Agency Contact: Laura Galli, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 573-5674, or email [laura.galli@deq.virginia.gov](mailto:laura.galli@deq.virginia.gov).

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **9VAC25-194, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities**. The Notice of Intended Regulatory Action to amend 9VAC25-194, which is published in this issue of the Virginia Register, serves as the agency notice of announcement.

Agency Contact: Azra Bilalagic, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 584-6674, or email [azra.bilalagic@deq.virginia.gov](mailto:azra.bilalagic@deq.virginia.gov).



## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF NURSING

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **18VAC90-15, Regulations Governing Delegation to an Agency Subordinate**. The review will be guided by the principles in Executive Order 19 (2022). The purpose of this review is to determine whether this regulation should be repealed,

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

Public comment period begins February 9, 2026, and ends March 2, 2026.

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

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

Contact Information: Claire Morris, RN, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4665, or email [claire.morris@dhp.virginia.gov](mailto:claire.morris@dhp.virginia.gov).

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# NOTICES OF INTENDED REGULATORY ACTION

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## TITLE 8. EDUCATION

### STATE BOARD OF EDUCATION

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Education intends to consider amending **8VAC20-23, Licensure Regulations for School Personnel**, and **8VAC20-543, Regulations Governing the Review and Approval of Education Programs in Virginia**.

The purpose of the proposed action is to amend the two regulations to create a less burdensome pathway for licensed elementary and special education teachers to add an Add-On Endorsement in Special Education Early Childhood. This endorsement will create a streamlined pathway for licensed elementary and special education teachers to serve children with disabilities from birth to five years of age without requiring completion of a full preparation program, major, or 27 graduate credit hours.

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

Statutory Authority: §§ 22.1-16 and 22.1-298.1 of the Code of Virginia.

Public Comment Deadline: March 11, 2026.

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](mailto:jim.chapman@doe.virginia.gov).

VA.R. Doc. No. R26-8575; Filed January 14, 2026, 12:47 p.m.

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Water Control Board intends to consider amending **9VAC25-120, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges From Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests**. This regulatory action is needed to amend and reissue the existing Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests. This general permit establishes limitations, monitoring requirements and

other special conditions for point source discharges of wastewater from contaminated sites, groundwater remediation, dewatering, and hydrostatic testing to surface waters to maintain surface water quality. The existing general permit expires on February 29, 2028, and must be amended and reissued to cover existing and new wastewater discharges from such sites.

In addition, pursuant to § 2.2-4007.1 of the Code of Virginia, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 402 of the Clean Water Act; 40 CFR Parts 122, 123, and 124.

Public Comment Deadline: March 11, 2026.

Agency Contact: Laura Galli, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 573-5674, or email [laura.galli@deq.virginia.gov](mailto:laura.galli@deq.virginia.gov).

VA.R. Doc. No. R26-8565; Filed January 1, 2001, 12:00 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Water Control Board intends to consider amending **9VAC25-194, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities**. This regulatory action is needed to amend and reissue the existing Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities. This general permit establishes limitations, monitoring requirements, and other special conditions for point source discharge of wastewater from vehicle wash facilities (primarily car wash and rental car businesses, car and truck dealerships, local or government fleet vehicle and equipment washing) and laundry facilities to surface waters in order to maintain surface water quality. The existing general permit expires on December 31, 2027, and must be amended and reissued to cover existing and new wastewater discharges from such sites.

In addition, pursuant to § 2.2-4007.1 of the Code of Virginia, DEQ is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the

regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 402 of the Clean Water Act; 40 CFR Parts 122, 123, and 124.

Public Comment Deadline: March 11, 2026.

Agency Contact: Azra Bilalagic, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 584-6674, or email [azra.bilalagic@deq.virginia.gov](mailto:azra.bilalagic@deq.virginia.gov).

VA.R. Doc. No. R26-8564; Filed January 1, 0001, 12:00 a.m.



## TITLE 22. SOCIAL SERVICES

### DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Department for Aging and Rehabilitative Services intends to consider repealing **22VAC30-30, Provision of Independent Living Rehabilitation Services**, and promulgating **22VAC30-31, Provision of Independent Living Rehabilitation Services**. The chapter regulates the delivery of independent living services in the Commonwealth. These important services assist individuals with disabilities to live more independently and support an improved quality of life. The purpose of the proposed action is to promulgate a new chapter that includes (i) revisions suggested in public comment during the 2017 periodic review of the chapter; (ii) changes to the relevant federal law and federal regulations, including removal of outdated federal regulatory content; and (iii) reorganization of the chapter for a more logical, efficient, and clearer structure.

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

Statutory Authority: § 51.5-131 of the Code of Virginia.

Public Comment Deadline: March 11, 2026.

Agency Contact: Charlotte Arbogast, Senior Policy Analyst and Regulatory Coordinator, Department for Aging and Rehabilitative Services, 5620 Cox Road, Glen Allen, VA 23060, telephone (804) 662-7093, FAX (804) 662-7663, or email [charlotte.arbogast@dars.virginia.gov](mailto:charlotte.arbogast@dars.virginia.gov).

VA.R. Doc. No. R18-5333; Filed January 7, 2026, 9:42 a.m.

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# REGULATIONS

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

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## Symbol Key

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

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## TITLE 9. ENVIRONMENT

### DEPARTMENT OF ENVIRONMENTAL QUALITY

#### Proposed Regulation

##### Titles of Regulations:

**9VAC15-40. Small Renewable Energy Projects (Wind) Permit by Rule (amending 9VAC15-40-110).**

**9VAC15-60. Small Renewable Energy Projects (Solar) Permit by Rule (amending 9VAC15-60-110).**

**9VAC15-70. Small Renewable Energy Projects (Combustion) Permit by Rule (amending 9VAC15-70-110).**

**9VAC15-100. Small Energy Storage Facilities Permit by Rule (amending 9VAC15-100-110).**

Statutory Authority: § 10.1-1197.6 of the Code of Virginia.

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: April 10, 2026.

Agency Contact: Bettina Rayfield, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-1915, or email [bettina.rayfield@deq.virginia.gov](mailto:bettina.rayfield@deq.virginia.gov).

Basis: Section 10.1-1197.6 of the Code of Virginia authorizes the Department of Environmental Quality to adopt regulations for permits by rule for small renewable energy projects, including the establishment of fee schedules, purposes for which the fees shall be used, and the establishment of a special, non-reverting fund known as the Small Renewable Energy Project Fee Fund. Specifically, § 10.1-1197.6 of the Code of Virginia directs the department to establish a schedule of fees to be payable by the owner or operator of small renewable energy projects for the purpose of funding the costs of administering and enforcing the department's small renewable energy permit by rule programs and provides that the fees shall include an additional amount to cover the department's costs of inspecting projects.

Purpose: The regulatory action is essential to protect the health, safety, and welfare of Virginia citizens because the fees will provide financial resources to be used for the oversight of Virginia's natural resources that may be affected by the construction and operation of small renewable energy projects.

Substance: The proposed amendments (i) revise the fee schedules of wind, solar, and combustion small renewable energy projects and small energy storage facilities projects and (ii) add an annual

inflation adjustment to all small renewable energy permit by rule fees based on changes to the Consumer Price Index.

Issues: The primary advantage of this action to the public is a small renewable energy permit by rule program that will be properly funded and administered, which will improve compliance and consistency with the small renewable energy permit by rule program. The regulated community will also benefit from a properly funded and staffed Small Renewable Energy Program because the department uses program funds to provide assistance to developers by conducting pre-application meetings and coordinating assistance with other state agencies involved in the review of permit applications.

The primary disadvantage of this action is increased permit, modification, and retrofit fees for the regulated community, which could potentially discourage some developers from pursuing renewable energy projects that would have been pursued under the current fee structure, reducing electricity generating rated capacity to less than or equal to five megawatts to avoid owing any fee, or choosing to pursue the project in a different state. Alternatively, some developers may decide that with the proposed higher fees, applying for a permit through the State Corporation Commission (SCC) may be preferable since the SCC does not assess permitting fees for solar projects. However, the existing fee schedules are insufficient to support the Small Renewable Energy Permit by Rule Program, as required by the Code of Virginia. The fees proposed by this action will allow for proper funding of permit program oversight and administration. The fee structure in the proposed amendments, which is based upon the actual costs of administering the small renewable energy permit by rule program, is not expected to disadvantage localities, other state agencies, or the department.

##### 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.<sup>1</sup>

Summary of the Proposed Amendments to Regulation. The Department of Environmental Quality (DEQ) proposes to increase permit application and modification fees for small renewable energy projects (wind, solar, and combustion) and for small energy storage facilities.

Background. Section 10.1-1197.6 of the Code of Virginia directs DEQ to establish a schedule of fees, to be paid by the owner or operator of a small renewable energy project, commensurate to the costs of administering and enforcing the statutory provisions in Article 5 (§ 10.1-1197.5 et seq.) of Chapter 11.1 of Title 10.1 of

the Code of Virginia.<sup>2</sup> Accordingly, these four regulations assess fees for small renewable energy projects (wind, solar, and combustion) and energy storage facilities applying for a permit by rule (PBR). These one-time fees are only charged for initial permit applications for new projects and for modifications to applications; thus, they are not annual or biennial permit maintenance fees. DEQ reports that the fees assessed for the small renewable energy projects were last modified over 10 years ago, and that the energy storage PBR was adopted in 2022. DEQ also reports that while the current fees have generated an average of \$128,400 in fee revenue over fiscal years (FY) 2021-2025, the current cost to run the Small Renewable Energy Permit By Rule Programs is projected to be \$396,125 for FY 2026. Further, 96.72% of these expenses are due to personnel costs for subject matter experts who work with applicants to inspect projects and ensure that all permit requirements are met. The number of full-time employees in the program was reduced from four to three in FY 2026 to align program costs with the lower revenue. The proposed fee changes are summarized in the table; fees would increase by 200% across the board.

	Current fee	Proposed fee	Increase (\$)	Increase (%)
<b>9VAC15-40-110 (Wind)</b>				
PBR application (including first three years of operation)	\$16,000	\$48,000	\$32,000	200%
PBR modification (after first three years of operation)	\$5,000	\$15,000	\$10,000	200%
<b>9VAC15-60-110 (Solar)</b>				
PBR application > 5 MW up to and including 25 MW	\$8,000	\$24,000	\$16,000	200%
PBR application > 25 MW up to and including 50 MW	\$10,000	\$30,000	\$20,000	200%
PBR application > 50 MW up to and including 75 MW	\$12,000	\$36,000	\$24,000	200%
PBR application > 75 MW up to and including 150 MW	\$14,000	\$42,000	\$28,000	200%
PBR modification > 5 MW up to and including 150 MW	\$4,000	\$12,000	\$8,000	200%

<b>9VAC15-70-110 (Combustion)</b>				
PBR application	\$8,000	\$24,000	\$16,000	200%
PBR modification	\$4,000	\$12,000	\$8,000	200%
<b>9VAC15-100-110 (Storage facilities)</b>				
Project with a disturbance zone less than or equal to 10 acres	\$2,500	\$7,500	\$5,000	200%
Project with a disturbance zone greater than 10 acres	\$5,000	\$15,000	\$10,000	200%
Retrofit project	\$500	\$1,500	\$1,000	200%

The program does not assess a fee for solar projects that generate less than five megawatts (MW), which excludes most homeowners, farmers, or small businesses who install rooftop solar panels. DEQ does not expect the proposed fees to present a significant hardship for applicants, or to disincentivize the development of small renewable energy projects, as the fees represent a small fraction of the overall costs of establishing a project. For example, DEQ reported that a solar project requires about ten acres of land per MW of installed capacity, so the smallest permissible project (five MW) would need to lease or purchase about 50 acres of land. According to the U.S. Department of Energy 2024 cost benchmarks for solar photovoltaic systems, the minimum cost, excluding the cost of land and storage, is approximately \$0.98 per Watt (or \$980,000 per MW) for a utility-scale system and \$1.34 per Watt (or \$1,340,000 per MW) and for a commercial (agrivoltaics) system.<sup>3</sup> Thus, a five MW project would be expected to cost at least about \$5 million in addition to the cost of securing 50 acres of land and the cost of energy storage.<sup>4</sup> Lastly, DEQ also proposes adding an annual inflation adjustment to these fees based on changes in the Consumer Price Index (CPI) for urban consumers for the 12-month period ending on April 30 of the calendar year preceding the year the fee is due. Identical language would be added to all four regulations to provide the formula that would be used by DEQ each year; the adjusted fees would be posted annually on the DEQ website. The proposed formula is consistent with the CPI adjustment currently in effect for certain other permits issued by DEQ.<sup>5</sup>

**Estimated Benefits and Costs.** The primary benefit of the fee increases would be to increase revenues for the DEQ Small Renewable Energy PBR Program by a sufficient amount to cover ongoing program costs. Developers of small wind, solar, or combustion-based power generation projects who seek a PBR from DEQ would face a 200% increase in the fees to be submitted with an application or a modification. Since these fees only apply to new projects, the actual costs would depend on the actual number of applications submitted each year going forward. DEQ reports that there are 61 projects from various developers that have active notices of intent to submit the documentation for a small renewable energy PBR. However, it is unlikely that all 61 projects

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will submit the required documentation within a year. DEQ analysis of the permitting activity from FY 2021 through FY 2025 shows an average of 11 solar PBR applications and one modification per year. Application fees alone (or modification fees) likely represent a very small fraction of the overall cost of developing a small renewable energy project, and DEQ does not expect that the proposed fee increases would disincentivize developers from pursuing such projects. Some developers may choose to pursue approval from the State Corporation Commission (SCC) in lieu of obtaining a DEQ permit; however, DEQ reports that the PBR application process is easier to navigate for developers that are not large utilities already regulated by the SCC.

**Businesses and Other Entities Affected.** The proposed fee increases would affect new applicants for a PBR for a small wind, solar, or combustion-based energy project, or a new small storage facility, as well as existing permit holders who seek to make a modification to an existing small renewable energy project or storage facility. DEQ analysis of permitting activity from FY 2021 through FY 2025 shows an average of 11 solar PBR applications and one modification per year. DEQ reports that no wind or combustion permits by rule have been issued during this time period. The energy storage permit by rule was adopted in FY 2022, and there has been an average of three energy storage applications per year. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.<sup>6</sup> 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.<sup>7</sup> Since the proposed changes would increase fees, an adverse impact is indicated.

**Small Businesses<sup>8</sup> Affected.<sup>9</sup>** DEQ reports that some renewable energy project developers may qualify as small businesses. The proposed amendments would adversely affect small renewable energy project developers by increasing the application fees for a PBR. **Types and Estimated Number of Small Businesses Affected:** The number of potential applicants that are small businesses is unknown. **Costs and Other Effects:** Renewable energy project developers that are small businesses would face the same application and modification fee increases described. **Alternative Method that Minimizes Adverse Impact:** Fees for solar projects are already set in tiers based on their capacity, and as mentioned previously, DEQ only received applications for small solar projects in FY 2021-2025. Thus, to the extent that small solar power businesses are more likely to develop projects with lower capacity, they would benefit from the existing tiered fee structure. **Localities<sup>10</sup> Affected.<sup>11</sup>** The proposed amendments do not disproportionately affect particular localities or affect costs for local governments as local governments do not currently directly operate small renewable energy projects.

**Projected Impact on Employment.** The proposed amendments are unlikely to have a significant impact on total employment.

**Effects on the Use and Value of Private Property.** The proposed fee increases may marginally reduce the value of small renewable energy companies by increasing their costs. However, as discussed previously, the proposed increases are likely a small

fraction of the overall costs of developing these projects. The proposed amendments do not affect real estate development costs.

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<sup>1</sup> 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.

<sup>2</sup> See <https://law.lis.virginia.gov/vacode/title10.1/chapter11.1/section10.1-1197.6/>.

<sup>3</sup> See <https://www.energy.gov/eere/solar/solar-photovoltaic-system-cost-benchmarks>.

<sup>4</sup> Other sources provide similar cost ranges. See <https://homeguide.com/costs/solar-farm-cost> and <https://www.angi.com/articles/cost-solar-farm.htm>.

<sup>5</sup> See <https://law.lis.virginia.gov/admincode/title9/agency25/chapter20/section142/>.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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."

<sup>9</sup> 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.

<sup>10</sup> "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

<sup>11</sup> Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Department of Environmental Quality has reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comment.

**Background:** The current fees assessed by regulations for wind, solar, and combustion projects are inadequate to cover the costs of the Department of Environmental Quality's small renewable energy permit by rule programs. From fiscal year (FY) 2021 through FY 2025, the fees have generated, on average, about \$128,400 in fee revenue. To reduce program costs, the number of full-time employees in the program was reduced from four to three in FY 2026 to align program costs with lower revenue totals. After accounting for this reduction in staff, the current cost to run the small renewable energy permit by rule programs is projected to be about \$396,125 for FY 2026.

**Summary:**

*The proposed amendments (i) increase fees for wind, solar, and combustion small renewable energy projects and small energy storage facilities and (ii) add an annual inflation adjustment to all Small Renewable Energy Permit by Rule fees based on changes to the Consumer Price Index.*

**9VAC15-40-110. Fees.**

**A. Purpose.** The purpose of this section is to establish schedules and procedures pertaining to the payment and collection of fees from any applicant seeking a new permit by rule or a modification to an existing permit by rule for a small wind energy project.

**B. Permit fee payment and deposit.** Fees for permit by rule applications or modifications shall be paid by the applicant as follows:

1. Due date. All permit application fees or modification fees are due on submittal day of the application or modification package.
2. Method of payment. Fees shall be paid by check, draft, or postal money order made payable to "Treasurer of Virginia/DEQ" and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 1104, Richmond, VA 23218. When the department is able to accept electronic payments, payments may be submitted electronically.
3. Incomplete payments. All incomplete payments shall be deemed nonpayments.
4. Late payment. No application or modification submittal will be deemed complete until the department receives proper payment.

**C. Fee schedules.** Each application for a permit by rule and each application for a modification of a permit by rule is a separate action and shall be assessed a separate fee. The amount of the permit application fee is based on the costs associated with the permitting program required by this chapter. The fee schedules are shown in the following table: Table 1.

Table 1	
Type of Action	Fee
Permit by rule application (including first three years of operation)	<del>\$16,000</del> <u>\$48,000</u>
Permit by rule modification (after first three years of operation)	<del>\$5,000</del> <u>\$15,000</u>

**D. Use of fees.** Fees are assessed for the purpose of defraying the department's costs of administering and enforcing the provisions of this chapter, including, ~~but not limited to,~~ permit by rule processing, permit by rule modification processing, and inspection and monitoring of small wind energy projects to ensure compliance with this chapter. Fees collected pursuant to this section shall be used for the administrative and enforcement purposes specified in this section and in § 10.1-1197.6 E of the Code of Virginia.

**E. Fund.** The fees, received by the department in accordance with this chapter, shall be deposited in the Small Renewable Energy Project Fee Fund.

**F. Periodic review of fees.** Beginning July 1, 2012, and periodically thereafter, the department shall review the schedule of fees established pursuant to this section to ensure that the total fees collected are sufficient to cover 100% of the department's direct costs associated with use of the fees.

**G. Fees set forth in this section 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 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.**

1. The fee schedule shall be calculated according to the following formulas:

$$F = B \times C$$

$$C = 1 + \Delta CPI$$

$$\Delta CPI = (CPI-U - 320.795)/320.795$$

Where:

F = the fee due (in \$)

B = the base fee rate for the type of action

C = the Consumer Price Index adjustment factor

$\Delta CPI$  = the difference between CPI-U and 320.795 (the average of the Consumer Price Index values for all-urban consumers for the period ending on April 30, 2025), expressed as a proportion of 320.795

CPI-U = the average of the Consumer Price Index values for all-urban consumers for the period ending on April 30 of the

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calendar year in which the adjustment is being made. (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, CUUR000SA0)

2. Fees (F) calculated for each type of action shall be rounded to the nearest dollar.

## **9VAC15-60-110. Fees for projects subject to Part II of this chapter.**

A. Fees shall be collected for a PBR or a modification to an existing PBR for a project subject to Part II (9VAC15-60-30 et seq.) of this chapter. No fee shall be required for administrative permit changes pursuant to 9VAC15-60-100 A or B.

B. Fees for PBR applications or modifications shall be paid by the applicant as follows:

1. All permit application, modification, or CAPZ mitigation fees, if applicable, are due at the time of application or modification submittal.

2. Fees shall be collected utilizing, where practicable, an online payment system. Until such system is operational, fees shall be paid by check, draft, or postal money order made payable to "Treasurer of Virginia/DEQ" and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 1104, Richmond, VA 23218.

a. Fees shall be in United States currency, except that agencies and institutions of the Commonwealth of Virginia may submit interagency transfers for the amount of the fee.

b. The department may provide a means to pay fees electronically. When fees are collected electronically pursuant to this part through credit cards, business transaction costs to the department associated with processing such payments may be assessed.

3. All incomplete payments shall be deemed nonpayments.

4. No PBR application or modification will be deemed complete until the department receives proper payment.

a. Interest may be charged for late payments at the underpayment rate set forth in § 58.1-15 of the Code of Virginia and calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account.

b. The department is entitled to all remedies available under the Code of Virginia in collecting any past due amount.

C. Each application for a PBR and each modification of a PBR is a separate action and shall be assessed a separate fee. The fee schedules are shown in Table 2.

Table 2  
Fee Schedules

Type of Action	Fee
PBR application > 5 MW up to and including 25 MW	<del>\$8,000</del> <u>\$24,000</u>
PBR application > 25 MW up to and including 50 MW	<del>\$10,000</del> <u>\$30,000</u>
PBR application > 50 MW up to and including 75 MW	<del>\$12,000</del> <u>\$36,000</u>
PBR application > 75 MW up to and including 150 MW	<del>\$14,000</del> <u>\$42,000</u>
PBR modification > 5 MW up to and including 150 MW	<del>\$4,000</del> <u>\$12,000</u>

All applicants, unless otherwise specified by the department, shall submit the following information along with the fee payment:

1. Applicant name, address, and daytime telephone number;
2. Responsible person name, address, and daytime telephone number, if different from the applicant;
3. Name of the project and project location;
4. Whether the fee is for a new PBR issuance or permit modification;
5. The amount of fee submitted; and
6. The existing permit number.

D. Fees are assessed for the purpose of defraying the department's costs of administering and enforcing the provisions of this chapter, including PBR processing, PBR modification processing, and inspection and monitoring of projects to ensure compliance with this chapter. Fees collected pursuant to this section shall be used for the administrative and enforcement purposes specified in this chapter and in § 10.1-1197.6 E of the Code of Virginia.

E. The fees received by the department in accordance with this chapter shall be deposited in the Small Renewable Energy Project Fee Fund as specified in § 10.1-1197.6 F of the Code of Virginia.

F. The department shall periodically review the schedule of fees established pursuant to this section to ensure that the total fees collected are sufficient to cover 100% of the department's direct costs associated with use of the fees.

G. Fees set forth in this section 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 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.

1. The fee schedule shall be calculated according to the following formulas:

$$F = B \times C$$

$$C = 1 + \Delta\text{CPI}$$

$$\Delta\text{CPI} = (\text{CPI-U} - 320.795) / 320.795$$

Where:

F = the fee due (in \$)

B = the base fee rate for the type of action

C = the Consumer Price Index adjustment factor

$\Delta\text{CPI}$  = the difference between CPI-U and 320.795 (the average of the Consumer Price Index values for all-urban consumers for the period ending on April 30, 2025), expressed as a proportion of 320.795

CPI-U = the average of the Consumer Price Index values for all-urban consumers for the period ending on April 30 of the calendar year in which the adjustment is being made. (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)

2. Fees (F) calculated for each type of action shall be rounded to the nearest dollar.

**9VAC15-70-110. Fees for projects subject to Part II of this chapter.**

A. ~~Purpose.~~ The purpose of this section is to establish schedules and procedures pertaining to the payment and collection of fees from any applicant seeking a new permit by rule or a modification to an existing permit by rule for a combustion energy project subject to Part II (9VAC15-70-30 et seq.) of this chapter.

B. ~~Permit fee payment and deposit.~~ Fees for permit by rule applications or modifications shall be paid by the applicant as follows:

1. Due date. All permit application fees or modification fees are due on submittal day of the application or modification package.
2. Method of payment. Fees shall be paid by check, draft, or postal money order made payable to "Treasurer of Virginia/DEQ" and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 1104, Richmond, VA 23218.
3. Incomplete payments. All incomplete payments shall be deemed nonpayments.

4. Late payment. No application or modification submittal will be deemed complete until the department receives proper payment.

C. ~~Fee schedules.~~ Each application for a permit by rule and each application for a modification of a permit by rule is a separate action and shall be assessed a separate fee, except as noted in 9VAC15-70-100 B 1. The amount of the permit application fee is based on the costs associated with the permitting program required by this chapter. The fee schedules are shown in ~~the following table:~~ Table 1.

Table 1	
Type of Action	Fee
Permit by rule application	<del>\$8,000</del> <u>\$24,000</u>
Permit by rule modification	<del>\$4,000</del> <u>\$12,000</u>

D. ~~Use of fees.~~ Fees are assessed for the purpose of defraying the department's costs of administering and enforcing the provisions of this chapter, including, ~~but not limited to,~~ permit by rule processing, permit by rule modification processing, and inspection and monitoring of combustion energy projects to ensure compliance with this chapter. Fees collected pursuant to this section shall be used for the administrative and enforcement purposes specified in this section and in § 10.1-1197.6 E of the Code of Virginia.

E. ~~Fund.~~ The fees received by the department in accordance with this chapter shall be deposited in the Small Renewable Energy Project Fee Fund.

F. ~~Periodic review of fees.~~ Beginning July 1, 2014, and periodically thereafter, the department shall review the schedule of fees established pursuant to this section to ensure that the total fees collected are sufficient to cover 100% of the department's direct costs associated with use of the fees.

G. Fees set forth in this section 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 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.

1. The fee schedule shall be calculated according to the following formulas:

$$F = B \times C$$

$$C = 1 + \Delta\text{CPI}$$

$$\Delta\text{CPI} = (\text{CPI-U} - 320.795) / 320.795$$

Where:

F = the fee due (in \$)

B = the base fee rate for the type of action

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C = the Consumer Price Index adjustment factor

$\Delta$ CPI = the difference between CPI-U and 320.795 (the average of the Consumer Price Index values for all-urban consumers for the period ending on April 30, 2025), expressed as a proportion of 320.795

CPI-U = the average of the Consumer Price Index values for all-urban consumers for the period ending on April 30 of the calendar year in which the adjustment is being made. (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, CUUR000SA0)

2. Fees (F) calculated for each type of action shall be rounded to the nearest dollar.

## 9VAC15-100-110. Fees.

A. Fees shall be collected for an application for a PBR or an application to retrofit an existing PBR for a project subject either to 9VAC15-100-30 or 9VAC15-100-130. No fee shall be required for administrative permit changes pursuant to 9VAC15-100-100 A or B.

B. Fees for PBR applications or retrofits shall be paid by the applicant as follows.

1. All permit application and retrofit fees if applicable are due at the time of application or retrofit submittal.

2. Fees shall be collected utilizing, where practicable, an online payment system. Until such system is operational, fees shall be paid by check, draft, or postal money order made payable to "Treasurer of Virginia/DEQ" and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 1104, Richmond, VA 23218.

a. Fees shall be in United States currency, except that agencies and institutions of the Commonwealth of Virginia may submit interagency transfers for the amount of the fee.

b. The department may provide a means to pay fees electronically. When fees are collected electronically pursuant to this section through credit cards, business transaction costs to the department associated with processing such payments may be assessed.

3. All incomplete payments shall be deemed nonpayment.

4. No PBR application, modification, or retrofit will be deemed complete until the department receives proper payment.

a. Interest may be charged for late payments at the underpayment rate set forth in § 58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account.

b. The department is entitled to all remedies available under the Code of Virginia in collecting any past due amount.

C. Each application for a PBR and each retrofit of a PBR is a separate action and shall be assessed a separate fee. The fee for a permit application or retrofit is identified in Table 1.

Table 1	
Facility Type and Size	Permit Fee
Project with a disturbance zone less than or equal to 10 acres	<del>\$2,500</del> <u>\$7,500</u>
Project with a disturbance zone greater than 10 acres	<del>\$5,000</del> <u>\$15,000</u>
Retrofit project	<del>\$500</del> <u>\$1,500</u>

D. All applicants, unless otherwise specified by the department, shall submit the following information along with the fee payment in a form acceptable to the department and include the following information:

1. Applicant name, address, and daytime telephone number;
2. Responsible person name, address, and daytime telephone number if different from the applicant;
3. Name of the project and project location;
4. Whether the fee is for a new PBR issuance or permit retrofit;
5. The amount of fee submitted; and
6. The existing permit number.

E. Fees set forth in this section 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 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, CUUR000SA0.

1. The fee schedule shall be calculated according to the following formulas:

$$F = B \times C$$

$$C = 1 + \Delta\text{CPI}$$

$$\Delta\text{CPI} = (\text{CPI-U} - 320.795)/320.795$$

Where:

F = the fee due (in \$)

B = the base fee rate for the type of action

C = the Consumer Price Index adjustment factor

$\Delta$ CPI = the difference between CPI-U and 320.795 (the average of the Consumer Price Index values for all-urban consumers for the period ending on April 30, 2025), expressed as a proportion of 320.795

CPI-U = the average of the Consumer Price Index values for all-urban consumers for the period ending on April 30 of the calendar year in which the adjustment is being made. (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)

2. Fees (F) calculated for each type of action shall be rounded to the nearest dollar.

VA.R. Doc. No. R25-8145; Filed January 14, 2026, 1:29 p.m.

## VIRGINIA WASTE MANAGEMENT BOARD

### Final Regulation

**Title of Regulation:** 9VAC20-81. Solid Waste Management Regulations (amending 9VAC20-81-95).

**Statutory Authority:** § 10.1-1402 of the Code of Virginia; 42 USC § 6941 et seq.; 40 CFR Parts 257 and 258.

**Effective Date:** March 11, 2026.

**Agency Contact:** Rebecca Rathe, Regulatory Analyst, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 830-7241, or email [rebecca.rathe@deq.virginia.gov](mailto:rebecca.rathe@deq.virginia.gov).

**Summary:**

*Pursuant to Chapter 235 of the 2024 Acts of Assembly, the amendments (i) allow for offsite open burning of vegetative waste if it is impractical or unsafe to destroy such waste on the originating private property and (ii) provide a list of conditions that must be met for an offsite open burn of vegetative waste.*

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

**9VAC20-81-95. Identification of solid waste.**

A. Wastes identified in this section are solid wastes that are subject to this chapter unless regulated pursuant to other applicable regulations issued by the department.

B. Except as otherwise provided, the definition of solid waste per 40 CFR 261.2 as incorporated by 9VAC20-60-261, as amended, is also hereby incorporated as part of this chapter. Except as otherwise provided, all material definitions, reference materials, and other ancillaries that are a part of 9VAC20-60-261, as amended, are also hereby incorporated as part of this chapter as well.

C. Except as otherwise modified or excepted by 9VAC20-60, the materials listed in the regulations of the ~~United States~~ U.S. Environmental Protection Agency set forth in 40 CFR 261.4(a) are considered a solid waste for the purposes of this chapter.

However, these materials are not regulated under the provisions of this chapter if all conditions specified ~~therein~~ by this chapter are met. This list and all material definitions, reference materials, and other ancillaries that are part of 40 CFR Part 261.4(a), as incorporated, modified, or accepted by 9VAC20-60 are incorporated as part of this chapter. In addition, the following materials are not solid wastes for the purpose of this chapter:

1. Materials generated by any of the following, which are returned to the soil as fertilizers:
  - a. The growing and harvesting of agricultural crops.
  - b. The raising and husbanding of animals, including animal manures and used animal bedding.
2. Mining overburden returned to the mine site.
3. Recyclable materials used in manner constituting disposal per 9VAC20-60-266.
4. Wood wastes burned for energy recovery.
5. Materials that are:
  - a. Used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as effective substitutes for commercial products or natural resources, provided the materials are not being reclaimed or accumulated speculatively; or
  - b. Returned to the original process from which they are generated.
6. Materials that are beneficially used as determined by the department under this subsection. The department may consider other waste materials and uses to be beneficial in accordance with the provisions of 9VAC20-81-97.
7. The following materials and uses listed in this part are exempt from this chapter as long as they are managed so that they do not create an open dump, hazard, or public nuisance. These materials and the designated use are considered a beneficial use of waste materials:
  - a. Clean wood, wood chips, or bark from land clearing, logging operations, utility line clearing and maintenance operations, pulp and paper production, and wood products manufacturing, when these materials are placed in commerce for service as mulch, landscaping, animal bedding, erosion control, habitat mitigation, wetlands restoration, or bulking agent at a compost facility operated in compliance with Part IV (9VAC20-81-300 et seq.) of this chapter;
  - b. Clean wood combustion residues when used for pH adjustment in compost, liquid absorbent in compost, or as a soil amendment or fertilizer, provided the application rate of the wood ash is limited to the nutrient need of the crop grown on the land on which the wood combustion residues will be applied and provided that such application meets the requirements of the Virginia Department of

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Agriculture and Consumer Services (2VAC5-400 and 2VAC5-410);

c. Compost that satisfies the applicable requirements of the Virginia Department of Agriculture and Consumer Services (2VAC5-400 and 2VAC5-410);

d. Nonhazardous, contaminated soil that has been excavated as part of a construction project and that is used as backfill for the same excavation or excavations containing similar contaminants at the same site, at concentrations at the same level or higher. Excess contaminated soil from these projects is subject to the requirements of this chapter;

e. Nonhazardous petroleum contaminated soil that has been treated to the satisfaction of the department in accordance with 9VAC20-81-660;

f. Nonhazardous petroleum contaminated soil when incorporated into asphalt pavement products;

g. Solid wastes that are approved in advance of the placement, in writing, by the department or that are specifically mentioned in the facility permit for use as alternate daily cover material or other protective materials for landfill liner or final cover system components;

h. Fossil fuel combustion products that are not CCR when used as a material in the manufacturing of another product (e.g., concrete, concrete products, lightweight aggregate, roofing materials, plastics, paint, flowable fill) or as a substitute for a product or material resource (e.g., blasting grit, roofing granules, filter cloth pre-coat for sludge dewatering, pipe bedding);

i. Tire chips and tire shred when used as a sub-base fill for road base materials or asphalt pavements when approved by the Virginia Department of Transportation or by a local governing body;

j. Tire chips, tire shred, and ground rubber used in the production of commercial products such as mats, pavement sealers, playground surfaces, brake pads, blasting mats, and other rubberized commercial products;

k. Tire chips and tire shred when used as backfill in landfill gas or leachate collection pipes, recirculation lines, and drainage material in landfill liner and cover systems, and gas interception or remediation applications;

l. Waste tires, tire chips, or tire shred when burned for energy recovery or when used in pyrolysis, gasification, or similar treatment process to produce fuel;

m. Waste-derived fuel product, as defined in 9VAC20-81-10, derived from nonhazardous solid waste;

n. Uncontaminated concrete and concrete products, asphalt pavement, brick, glass, soil, and rock placed in commerce for service as a substitute for conventional aggregate; and

o. Clean, ground gypsum wallboard when used as a soil amendment or fertilizer, provided the following conditions are met:

(1) No components of the gypsum wallboard have been glued, painted, or otherwise contaminated from manufacture or use (e.g., waterproof or fireproof drywall) unless otherwise processed to remove contaminants.

(2) The gypsum wallboard shall be processed so that 95% of the gypsum wallboard is less than 1/4 inch by 1/4 inch in size, unless an alternate size is approved by the department.

(3) The gypsum wallboard shall be applied only to agricultural, silvicultural, landscaped, or mined lands or roadway construction sites that need fertilization.

(4) The application rate for the ground gypsum wallboard shall not exceed the following rates.

Region	Rate
Piedmont, Mountains, and Ridge and Valley	250 lbs/1,000 ft <sup>2</sup>
Coastal Plain	50 lbs/1,000 ft <sup>2</sup>
Note: These weights are for dry ground gypsum wallboard.	

D. The following activities are conditionally exempt from this chapter provided no open dump, hazard, or public nuisance is created:

1. Composting of sewage sludge at the sewage treatment plant of generation without addition of other types of solid wastes.

2. Composting of household waste generated at a residence and composted at the site of generation.

3. Composting activities performed for educational purposes as long as no more than 100 cubic yards of materials are ~~onsite~~ on site at any time. Greater quantities will be allowed with suitable justification presented to the department. For quantities greater than 100 cubic yards, approval from the department will be required prior to composting.

4. Composting of animal carcasses ~~onsite~~ on site at the farm of generation.

5. Composting of vegetative waste or yard waste generated ~~onsite~~ on site by owners or operators of agricultural operations or owners of the real property or those authorized by the owners of the real property, provided:

a. All decomposed vegetative waste and compost produced is utilized on ~~said~~ that property;

b. No vegetative waste or other waste material generated from other sources other than ~~said~~ that property is received;

- c. All applicable standards of local ordinances that govern or concern vegetative waste handling, composting, storage, or disposal are satisfied; and
- d. ~~They pose~~ The waste poses no nuisance or present no potential threat to human health or the environment.
6. Composting of yard waste by owners or operators who accept yard waste generated ~~offsite~~ off site shall be exempt from all other provisions of this chapter as applied to the composting activities, provided the requirements of 9VAC20-81-397 B are met.
7. Composting of preconsumer food waste and kitchen culls generated ~~onsite~~ on site and composted in containers designed to prohibit vector attraction and prevent nuisance odor generation.
8. Vermicomposting, when used to process Category I, Category II, or Category III feedstocks in containers designed to prohibit vector attraction and prevent nuisance odor generation. If offsite feedstocks are received, no more than 100 cubic yards of materials may be ~~onsite~~ on site at any one time. For quantities greater than 100 cubic yards, approval from the department will be required prior to composting.
9. Composting of sewage sludge or combinations of sewage sludge with nonhazardous solid waste, provided the composting facility is permitted under the requirements of a Virginia Pollution Abatement (VPA) or VPDES permit.
10. Management of solid waste in appropriate containers at the site of its generation, provided that:
- Putrescible waste is not stored more than seven days between time of collection and time of removal for disposal;
  - Nonputrescible wastes are not stored more than 90 days between time of collection and time of removal for proper management; and
  - Treatment of waste is conducted in accordance with the following:
    - In accordance with a waste analysis plan that:
      - Contains a detailed chemical and physical analysis of a representative sample of the waste being treated and contains all records necessary to treat the waste in accordance with the requirements of this part, including the selected testing frequency; and
      - Is kept in the facility's onsite file and made available to the department upon request.
    - Notification is made to the receiving waste management facility that the waste has been treated.
11. Using rocks, brick, block, dirt, broken concrete, crushed glass, porcelain, and road pavement as clean fill.
12. Storage of less than 100 waste tires at the site of generation, provided that no waste tires are accepted from ~~offsite~~ off site and that the storage will not present a hazard or a nuisance.
13. Storage in piles of land-clearing debris, including stumps and brush, clean wood wastes, log yard scrapings consisting of a mixture of soil and wood, cotton gin trash, peanut hulls, and similar organic wastes that do not readily decompose, are exempt from this chapter if they meet the following conditions at a minimum:
- The wastes are managed in the following manner:
    - ~~They~~ The wastes do not cause discharges of leachate, or attract vectors.
    - ~~They~~ The wastes cannot be dispersed by wind and rain.
    - Fire is prevented.
    - ~~They~~ The wastes do not become putrescent.
  - Any facility storing waste materials under the provisions of this subsection shall obtain a stormwater discharge permit if ~~they~~ the waste materials are considered a significant source under the provisions of 9VAC25-31-120 A 1 c.
  - No more than a total of 1/3 acre of waste material is stored ~~onsite~~ on site and the waste pile does not exceed 15 feet in height above base grade.
  - Siting provisions.
    - All log yard scrapings consisting of a mixture of soil and wood, cotton gin trash, peanut hulls, and similar organic wastes that do not readily decompose are stored at the site of the industrial activity that produces them;
    - A 50-foot fire break is maintained between the waste pile and any structure or tree line;
    - The slope of the ground within the area of the pile and within 50 feet of the pile does not exceed ~~4:1~~ four to one;
    - No waste material may be stored closer than 50 feet to any regularly flowing surface water body or river, floodplain, or wetland; and
    - No stored waste materials shall extend closer than 50 feet to any property line.
  - If activities at the site cease, any waste stored at the site must be properly managed in accordance with these regulations within 90 days. The director can approve longer timeframes with appropriate justification. Justification must be provided in writing no more than 30 days after ceasing activity at the site.
  - Waste piles that do not meet these provisions are required to obtain a permit in accordance with the permitting provisions in Part V (9VAC20-81-400 et seq.) of this chapter and meet all of the applicable waste pile requirements in Part IV (9VAC20-81-300 et seq.) of this chapter. Facilities that do not comply with the provisions of this subsection and fail to obtain a permit are subject to the provisions of 9VAC20-81-40.

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## Regulations

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14. Storage of nonhazardous solid wastes and hazardous wastes, or hazardous wastes from very small quantity generators as defined in Virginia Hazardous Waste Management Regulations (9VAC20-60), at a transportation terminal or transfer station in closed containers meeting the U.S. Department of Transportation specifications is exempt from this section and the permitting provisions of Part V (9VAC20-81-400 et seq.) of this chapter, provided such wastes are removed to a permitted storage or disposal facility within 10 days from the initial receipt from the waste generator. To be eligible for this exemption, each shipment must be properly documented to show the name of the generator, the date of receipt by the transporter, and the date and location of the final destination of the shipment. The documentation shall be kept at the terminal or transfer station for at least three years after the shipment has been completed and shall be made available to the department upon request. All such activities shall comply with any local ordinances.

15. Open burning of solid wastes as provided in the following:

- a. For forest management, agriculture practices, and highway construction and maintenance programs approved by the State Air Pollution Control Board.
- b. For training and instruction of government and public firefighters under the supervision of the designated official and industrial in-house firefighting personnel with clearance from the local firefighting authority. Buildings that have not been demolished may be burned under the provisions of this subdivision only. Additionally, burning rubber tires, asphaltic materials, crankcase oil, impregnated wood, or other rubber-based or petroleum-based wastes is permitted when conducting bona fide firefighting instruction.
- c. For the destruction of classified military documents under the supervision of the designated official.
- d. For campfires or other fires using clean wood or vegetative waste that are used solely for recreational purposes, for ceremonial occasions, for outdoor preparation of food, and for warming of outdoor workers.
- e. For the onsite destruction of vegetative waste located on the premises of private property, provided that no regularly scheduled collection service for such vegetative waste is available at the adjacent street or public road.
- f. For the onsite destruction of household waste by homeowners or tenants, provided that no regularly scheduled collection service for such household waste is available at the adjacent street or public road.
- g. For the onsite destruction of clean wood waste and debris waste resulting from property maintenance; from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and

communication lines, buildings or building areas, sanitary landfills; or from any other clearing operations.

h. For the offsite destruction of vegetative waste by the generator, if it is impractical or unsafe to destroy such waste on the premises of the originating private property, provided the offsite open burning meets the following criteria:

(1) Vegetative waste shall be stored in compliance with [ ~~this~~ ] subdivision 13 [ of this section ];

(2) No more than one burn event shall occur per 60-day period, per location or generator, during which the event shall not exceed 72 hours (no smoldering);

(3) No more than 100 cubic yards of vegetative waste shall be burned per event;

(4) Burning shall be conducted in a location that meets the following conditions, at a minimum:

(a) 1,000 feet from any occupied building, unless the occupants have given prior written permission, other than a building located on the property where the burning is conducted;

(b) 300 feet from any roadway or structure;

(c) 200 feet from potable water wells or other drinking water sources;

(d) 100 feet from any regularly flowing surface water body, river, floodplain, or wetland;

(e) 50 feet from any property line;

(f) 50 feet from any utility lines or tree lines;

(g) 50 feet from any potentially combustible material; and

(h) Not within a volatile organic compound emissions control area as designated under 9VAC5-20-206;

(5) The burning activities shall comply with all state and local ordinances;

(6) Notification shall be provided to the state or local fire marshal at least 48 hours prior to the start of the burn event;

(7) The burn event shall be attended at all times;

(8) No liquid accelerants (e.g., diesel, motor oil) or other prohibited materials (e.g., building debris, treated wood, painted wood, asphaltic materials, tires, metal, garbage) shall be utilized to start or maintain the burning;

(9) A method of extinguishing the burning must be on site and available for the duration of the burn event; and

(10) The burning shall be extinguished if any of the following conditions are present:

(a) Wind speeds greater than 20 mph;

(b) An official pollution alert, code red air quality action day, or air quality health advisory is declared for the area; or

(c) Impairment to visibility on traveled roads or surrounding airports.

16. Open burning of vegetative waste is allowed at a closed landfill that has not been released from postclosure care. The activity shall be included in the text of the postclosure plan and conducted in accordance with § 10.1-1410.3 of the Code of Virginia.

17. Placement of trees, brush, or other vegetation from land used for agricultural or silvicultural purposes on the same property or other property of the same landowner.

18. Using fossil fuel combustion products that are not CCR in one or more of the following applications or when handled, processed, transported, or stockpiled for the following uses:

- a. As a base, sub-base, or fill material under a paved road, the footprint of a structure, a paved parking lot, sidewalk, walkway, or similar structure, or in the embankment of a road. In the case of roadway embankments, materials will be placed in accordance with Virginia Department of Transportation specifications, and exposed slopes not directly under the surface of the pavement must have a minimum of 18 inches of soil cover over the fossil fuel combustion products, the top six inches of which must be capable of sustaining the growth of indigenous plant species or plant species adapted to the area. The use, reuse, or reclamation of unamended coal combustion byproduct shall not be placed in an area designated as a 100-year flood plain;
- b. Processed with a cementitious binder to produce a stabilized structural fill product that is spread and compacted with proper equipment for the construction of a project with a specified end use; or
- c. For the extraction or recovery of materials and compounds contained within the fossil fuel combustion products.

E. The following solid wastes are exempt from this chapter, provided that they are managed in accordance with the requirements promulgated by other applicable state or federal agencies:

- 1. Management of wastes regulated by the State Board of Health, the State Water Control Board, the State Air Pollution Control Board, the Department of ~~Mines, Minerals and Energy~~, Department of Agriculture and Consumer Services, or any other state or federal agency with such authority.
- 2. Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.
- 3. Solid waste from the extraction, beneficiation, and processing of ores and minerals, including coal.
- 4. Fossil fuel combustion products used for mine reclamation, mine subsidence, or mine refuse disposal on a mine site permitted by the Virginia Department of ~~Mines,~~

~~Minerals and Energy (DMME)~~ when used in accordance with the standards.

5. Solid waste management practices that involve only the onsite placing of solid waste from mineral mining activities at the site of those activities and in compliance with a permit issued by the ~~DMME~~ Department of Energy, that do not include any municipal solid waste, are accomplished in an environmentally sound manner, and do not create an open dump, hazard, or public nuisance are exempt from all requirements of this chapter.

6. Waste or byproduct derived from an industrial process that meets the definition of fertilizer, soil amendment, soil conditioner, or horticultural growing medium as defined in § 3.2-3600 of the Code of Virginia, or whose intended purpose is to neutralize soil acidity (see § 3.2-3700 of the Code of Virginia), and that is regulated under the authority of the Virginia Department of Agriculture and Consumer Services.

7. Fossil fuel combustion products bottom ash or boiler slag used as a traction control material or road surface material if the use is consistent with Virginia Department of Transportation practices. This exemption does not apply to CCR used in this manner.

8. Waste tires generated by and stored at salvage yards licensed by the Department of Motor Vehicles, provided that such storage complies with requirements set forth in § 10.1-1418.2 of the Code of Virginia and such storage does not pose a hazard or nuisance.

9. Tire chips used as the drainage material in construction of septage drain fields regulated under the authority of the Virginia Department of Health.

F. The following solid wastes are exempt from this chapter, provided that ~~they~~ the solid wastes are reclaimed or temporarily stored incidentally to reclamation, are not accumulated speculatively, and are managed without creating an open dump, hazard, or a public nuisance:

- 1. Paper and paper products;
- 2. Clean wood waste that is to undergo size reduction in order to produce a saleable product, such as mulch;
- 3. Cloth;
- 4. Glass;
- 5. Plastics;
- 6. Tire chips, tire shred, ground rubber; and
- 7. Mixtures of above materials only. Such mixtures may include scrap metals excluded from regulation in accordance with the provisions of subsection C of this section.

VA.R. Doc. No. R25-8041; Filed January 14, 2026, 1:10 p.m.

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# Regulations

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## STATE WATER CONTROL BOARD

### 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.

**Title of Regulation:** **9VAC25-110. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day.**

**Agency Contact:** Joseph Bryan, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-2659, or email [joseph.bryan@deq.virginia.gov](mailto:joseph.bryan@deq.virginia.gov).

FORMS (9VAC25-110)

~~VPDES Change of Ownership Agreement Form (eff. 7/2010)~~

~~Virginia DEQ Registration Statement - VPDES General Permit for Domestic Sewage Discharges Less than or Equal to 1,000 Gallons Per Day (2021 Reissuance (rev. 8/2021))~~

[VPDES Change of Ownership Agreement Form \(rev. 8/2025\)](#)

[Virginia DEQ Registration Statement - VPDES General Permit for Domestic Sewage Discharges Less than or Equal to 1,000 Gallons Per Day \(rev. 8/2025\)](#)

[Combined Application - Virginia Department of Health Discharging System Application for Single Family Dwellings Discharging Sewage Less Than or Equal to 1,000 Gallons per Day and State Water Control Board Virginia Pollutant Discharge Elimination System General Permit Registration Statement for Domestic Sewage Discharges Less Than or Equal to 1,000 Gallons per Day \(eff. 4/2014\)](#)

VA.R. Doc. No. R26-8388; Filed January 12, 2026, 1:06 p.m.

### Final Regulation

**REGISTRAR'S NOTICE:** Pursuant to 1VAC7-10-60, the Registrar of Regulations is amending one regulation of the State Water Control Board to remove an obsolete fax number in the Virginia Administrative Code.

**Title of Regulation:** **9VAC25-800. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters (amending 9VAC25-800-60).**

**Effective Date:** February 9, 2026.

**Agency Contact:** Melissa Porterfield, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, or email [melissa.porterfield@deq.virginia.gov](mailto:melissa.porterfield@deq.virginia.gov).

### Summary:

*Pursuant to 1VAC7-10-60, the fax number for the Department of Environmental Quality is removed from regulation text as it has been eliminated by the department.*

VA.R. Doc. No. R26-8574; Filed January 13, 2026, 10:29 a.m.



## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Fast-Track Regulation

**Titles of Regulations:** **12VAC30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12VAC30-50-30, 12VAC30-50-70, 12VAC30-50-170; adding 12VAC30-50-132).**

**12VAC30-80. Methods and Standards for Establishing Payment Rate; Other Types of Care (amending 12VAC30-80-30).**

**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:** March 11, 2026.

**Effective Date:** March 26, 2026.

**Agency Contact:** Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, fax (804) 786-1680, or email [meredith.lee@dmas.virginia.gov](mailto:meredith.lee@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 Plan for Medical Assistance and to promulgate regulations. Section 32.1-324 of the Code of Virginia grants the Director of the Department of Medical Assistance Services the authority of the board when it is not in session.

**Purpose:** This action is essential to protect the health, safety, and welfare of citizens because it establishes the regulatory framework for individuals who need high-intensity medical care. Having regulations in place helps ensure that the rules are clear and transparent and that rules are applied equally across providers and across members, which ensures that quality care is provided to individuals who need it.

**Rationale for Using Fast-Track Rulemaking Process:** This action is expected to be noncontroversial because it is mandated by legislation and has been approved by the Centers for Medicare and Medicaid Services.

**Substance:** The amendments (i) adjust medical necessity criteria for Medicaid-funded private duty nursing services, including changes to services covered, provider qualifications, medical necessity criteria, and rates and rate methodologies for private duty nursing, and (ii) clarify that private duty nursing services are not covered unless an individual receives services under Early and Periodic Screening, Diagnosis, and Treatment Services or a § 1915(c) Waiver.

**Issues:** The primary advantages to the public and the Commonwealth include having transparent rules that can be applied consistently to ensure that high-quality private duty nursing care is provided to members who need it. There are no disadvantages to the public, 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.<sup>1</sup>

**Summary of the Proposed Amendments to Regulation.** Pursuant to General Assembly mandates, the Director of the Department of Medical Assistance Services (DMAS), on behalf of the Board of Medical Assistance Services (board), proposes to update permanent regulations related to services covered, provider qualifications, medical necessity criteria, and rates for private duty nursing services.

**Background.** DMAS has been providing private duty nursing services under Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) for managed care and fee-for-service populations. EPSDT ensures comprehensive preventive and treatment health care for individuals under 21 years of age, covering regular check-ups, vision, hearing, dental, mental health, developmental screenings, and all medically necessary services to correct or ameliorate health conditions found. Effective July 1, 2017, DMAS implemented restrictions and limitations on this service.<sup>2</sup> However, the regulatory language in the Virginia Administrative Code was not updated. Subsequently, the 2018 General Assembly mandated that DMAS promulgate emergency regulations to update the services covered, provider qualifications, medical necessity criteria, rates and rate methodologies for private duty nursing services under EPSDT.<sup>3</sup> This mandate had been carried over several years in the Appropriation Acts;<sup>4</sup> the resulting emergency regulations became effective October 6, 2023.<sup>5</sup> The resulting emergency regulation, which was temporary, expired on April 5, 2025. In this action, DMAS proposes to update the permanent regulations to reflect the changes that have been in place since 2017, and which had previously been addressed by the emergency regulation.

**Estimated Benefits and Costs.** Currently, the permanent regulations governing private duty nursing services under EPSDT do not reflect the restrictions and limitations imposed on this service in 2017. As such, the proposal is expected to provide clarity to Medicaid providers and members about what services are covered, who may provide and be reimbursed for them, as well as who may obtain them. According to DMAS, having regulations in place (rather than just language in Medicaid manuals) helps

ensure that the rules are clear, transparent, and that they are applied equally across providers and members. No other significant economic impact is expected upon conclusion of this regulatory action as there would be no effect on coverage of private duty nursing services in practice.

**Businesses and Other Entities Affected.** According to DMAS, 34 private duty nursing providers served 114 recipients and reimbursements (state and federal) totaled approximately \$6.2 million in fiscal year 2025 for the fee-for-service population. Similar data for the managed care population is not available. 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.<sup>6</sup> 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.<sup>7</sup> As noted above, the proposal would mainly provide clarity on rules regarding private duty nursing services. Thus, no adverse impact is indicated.

**Small Businesses<sup>8</sup> Affected.**<sup>9</sup> The proposed amendments do not adversely affect small businesses.

**Localities<sup>10</sup> Affected.**<sup>11</sup> The proposed changes do not introduce costs for localities, nor do they particularly affect any locality.

**Projected Impact on Employment.** No impact on employment is expected.

**Effects on the Use and Value of Private Property.** No effect on the use and value of private property nor on real estate development costs is expected.

<sup>1</sup> 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.

<sup>2</sup> <https://www.medicaid.gov/sites/default/files/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/VA/VA-17-027.pdf>.

<sup>3</sup> See Item 303 TTT in the 2018 Appropriation Act (<https://budget.lis.virginia.gov/item/2018/2/HB5002/Chapter/1/303/>).

<sup>4</sup> See Item 303 TTT in the 2019 Appropriation Act (<https://budget.lis.virginia.gov/item/2019/1/HB1700/Chapter/1/303/>), Item 303 TTT in the 2020 Appropriation Act (Caboose) (<https://budget.lis.virginia.gov/item/2020/1/HB29/Chapter/1/303/>), Item 313 MMM in the 2020 Appropriation Act (for FY 2020-2022) (<https://budget.lis.virginia.gov/item/2020/2/HB5005/Chapter/1/313/>), and Item 313 MMM in the 2021 Appropriation Act (<https://budget.lis.virginia.gov/item/2021/2/HB1800/Chapter/1/313/>).

<sup>5</sup> <https://townhall.virginia.gov/L/ViewStage.cfm?stageid=9603>.

<sup>6</sup> 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.

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# Regulations

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<sup>7</sup> 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.

<sup>8</sup> 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."

<sup>9</sup> 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.

<sup>10</sup> "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

<sup>11</sup> 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 Budget and raises no issues with this analysis.

**Summary:**

*Pursuant to Items MM(1) and MM(2) of Chapter 1 of the 2023 Acts of Assembly, Special Session I, the amendments (i) adjust medical necessity criteria for Medicaid-funded private duty nursing services, including changes to services covered, provider qualifications, medical necessity criteria, and rates and rate methodologies for private duty nursing, and (ii) clarify that private duty nursing services are not covered unless an individual receives services under Early and Periodic Screening, Diagnosis, and Treatment Services or a § 1915(c) Waiver.*

**12VAC30-50-30. Services not provided to the categorically needy.**

The following services and devices are not provided to the categorically needy:

1. Chiropractor services.
2. Private duty nursing services, unless an individual receives services under Early and Periodic Screening, Diagnosis, and Treatment Services or a § 1915(c) Waiver.
3. Dentures.
4. Other diagnostic and preventive services other than those provided elsewhere in this plan: diagnostic services (12VAC30-50-95).
5. (Reserved.)

6. Special tuberculosis related services under § 1902(z)(2)(F) of the Social Security Act (the Act).

7. Respiratory care services (in accordance with § 1920(e)(9)(A) through (C) of the Act).

8. Ambulatory prenatal care for pregnant women furnished during a presumptive eligibility period by a qualified provider (in accordance with § 1920 of the Act).

9. Any other medical care and any type of remedial care recognized under state law specified by the U.S. Secretary of Health and Human Services: personal care services in recipient's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse.

**12VAC30-50-70. Services or devices not provided to the medically needy.**

The following services and devices shall not be provided to the medically needy:

1. Chiropractor services.
2. Private duty nursing services, unless an individual receives services under Early and Periodic Screening, Diagnosis, and Treatment Services or a § 1915(c) Waiver.
3. Dentures.
4. Diagnostic or preventive services other than those provided elsewhere in the State Plan.
5. Inpatient hospital services, skilled nursing facility services, and intermediate care facility services for individuals 65 years of age or older in institutions for mental diseases.
6. Intermediate care facility services (other than such services in an institution for mental diseases) for persons determined in accordance with § 1905(a)(4)(A) of the Social Security Act (the Act), to be in need of such care in a public institution, or a distinct part thereof, for persons with intellectual or developmental disability or related conditions.
7. (Reserved.)
8. Special tuberculosis services under § 1902(z)(2)(F) of the Act.
9. Respiratory care services in accordance with § 1920(e)(9)(A) through (C) of the Act.
10. Ambulatory prenatal care for pregnant women furnished during a presumptive eligibility period by a qualified provider in accordance with § 1920 of the Act.
11. Personal care services in a recipient's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse.

12. Home and community care for functionally disabled elderly individuals.

13. Personal care services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for intellectually or developmentally disabled persons, or institution for mental disease that are (i) authorized for the individual by a physician in accordance with a plan of treatment, (ii) provided by an individual who is qualified to provide such services and who is not a member of the individual's family, and (iii) furnished in a home.

**12VAC30-50-132. Private duty nursing services under early and periodic screening, diagnostic, and treatment.**

A. This section applies to private duty nursing services for eligible individuals in fee-for-service programs. Individuals enrolled with managed care health plans receive private duty nursing services through their plans.

B. Service description. Private duty nursing services are individualized, medically necessary nursing care services consisting of skilled interventions, assessment, monitoring, and teaching of those who are or will be involved in nursing care for the individual. Private duty nursing services under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit are provided when appropriate and medically necessary to correct and ameliorate a member's health conditions. As opposed to intermittent care provided under skilled nursing or home health nursing, private duty nursing is provided on a continuous or regularly scheduled basis according to medical necessity. Private duty nursing care provided can be based in the individual's home or any setting in which normal life activities take place. Congregate private duty nursing is defined as private duty nursing provided to two or more individuals who require private duty nursing in the same setting. Services are provided in accordance with 42 CFR 440.80.

C. Service components. Private duty nursing service is the management and administration of the treatment and care of an individual by a licensed nurse, within the scope of practice as outlined by the Virginia Board of Nursing. Private duty nursing service includes:

1. Assessments (e.g., respiratory assessment, patency of airway, vital signs, feeding assessment, seizure activity, hydration, level of consciousness, constant observation for comfort, and pain management);
2. Administration of treatment related to technological dependence (e.g., ventilator, tracheotomy, bi-level positive airway pressure (BiPAP), intravenous (IV) administration of medications and fluids, feeding pumps, nasal stents, and central lines);

3. Monitoring and maintaining parameters or machinery (e.g., oximetry, blood pressure, lab draws, end tidal CO<sub>2</sub>s, ventilator, and tube feeding pumps);

4. Interventions (e.g., medications, suctioning, IVs, hyperalimentation, enteral feeds, ostomy care, and tracheostomy care); and

5. Exclusions from Department of Medical Assistance Services (DMAS) coverage of private duty nursing services include the following:

- a. Not custodial or personal care delivered for the purpose of helping with activities of daily living (ADLs), including dressing, feeding, bathing, or transferring from a bed to a chair, and that can safely and effectively be performed by trained nonmedical personnel;
- b. Monitoring for medically-controlled disorders as part of "maintenance of care"; and
- c. Respite services.

D. Provider qualifications.

1. Private duty nursing providers shall meet the following requirements:

- a. Operate from a business office;
- b. Disclose ownership, if requested; and
- c. Attest to the ability to document and maintain individual case records in accordance with state and federal requirements.

2. Private duty nursing must be provided by a registered nurse (RN) or licensed practical nurse (LPN) employed by (or subcontracted with) and supervised by a private duty nursing provider enrolled with DMAS.

a. The RN private duty nurse must possess the following qualifications:

(1) A license to practice in the Commonwealth of Virginia; and

(2) A satisfactory work history as evidenced by two satisfactory reference checks from prior job experience, including no evidence of abuse, neglect, or exploitation of incapacitated or older adults or children, recorded in the nurse's personnel file. If the RN has worked for a single employer, one satisfactory reference from a prior job experience and one personal reference, both with no evidence of abuse, neglect, or exploitation of an incapacitated or older adult or child, is acceptable, and the RN private duty nurse shall submit to a criminal record check obtained through the Virginia State Police. If the individual receiving services is a minor, the RN must also submit to a search of the Virginia Department of Social Services (VDSS) Child Protective Services (CPS) Central Registry. The provider shall not hire any RN with findings of barrier crimes identified in § 32.1-162.9:1 of the Code of Virginia or founded complaints in the VDSS CPS Central Registry.

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b. An LPN shall meet the following requirements:

(1) Be licensed to practice in the Commonwealth of Virginia;

(2) Have a satisfactory work history as evidenced by two satisfactory reference checks from prior job experience, including no evidence of abuse, neglect, or exploitation of incapacitated or older adults or children, recorded in the nurse's personnel file. If the LPN has worked for a single employer, one satisfactory reference from a prior job experience and one personal reference, both with no evidence of abuse, neglect, or exploitation of an incapacitated or older adult or child, is acceptable; and

(3) Submit to a search of the VDSS CPS Central Registry if the individual receiving services is a minor child. The provider shall not hire any person who has been convicted of barrier crimes as identified in § 32.1-162.9:1 the Code of Virginia or has a founded complaint confirmed by the VDSS CPS Central Registry.

3. The RN or LPN must have (i) a documented provider training program or (ii) at least six months of related clinical nursing experience meeting the needs of the individual to receive care. Regardless of whether a nurse has six months of experience or completes a provider training course, the provider agency shall be responsible for ensuring all nurses who are assigned to an individual are competent in the care needs of that individual.

4. Nursing services must be provided under the supervision of a licensed RN supervisor in the Commonwealth.

a. RN supervisors shall meet the following requirements:

(1) Be verified as currently licensed to practice nursing in the Commonwealth;

(2) Have at least one year of verified related clinical nursing experience as an RN, which may include work in an acute care hospital, public health clinic, home health agency, rehabilitation hospital, or nursing facility; and

(3) Have a satisfactory work history as evidenced by two satisfactory reference checks from prior job experience, including no evidence of abuse, neglect, or exploitation of incapacitated or older adults or children, recorded in the nurse's personnel file. If the RN has worked for a single employer, one satisfactory reference from a prior job experience and one personal reference, both with no evidence of abuse, neglect, or exploitation of an incapacitated or older adult or child, is acceptable, and the RN supervisor shall submit to a criminal record check obtained through the Virginia State Police. If the individual receiving services is a minor, the RN supervisor must also submit to a search of the VDSS CPS Central Registry. The provider shall not hire any RN supervisor with findings of barrier crimes identified in § 32.1-162.9:1 of the Code of Virginia or founded complaints in the VDSS CPS Central Registry.

b. As part of direct supervision, the RN supervisor shall make, at a minimum, a visit every 30 days to ensure both quality and appropriateness of nursing services to assess the individual's and the individual's representative's satisfaction with the services being provided, to review the plan of care, and to update and verify the most current physician signed orders are in the home. When a delay occurs in the RN supervisor's visits because the individual is unavailable, the reason for the delay shall be documented in the individual's record, and the visit shall occur as soon as the individual is available. Failure to meet this standard may result in a DMAS recovery of payments made. Additional supervisory visits may be required under the following circumstances: (i) at the provider's discretion; (ii) at the request of the individual when a change in the individual's condition has occurred; (iii) any time the health, safety, or welfare of the individual could be at risk; and (iv) at the request of the DMAS staff. The RN is responsible for documentation of the visit's date, time, and evaluation.

c. The RN supervisor shall:

(1) Use and foster a person centered planning team approach to nursing services;

(2) Ensure choice of services is made by the individual, legally authorized guardian, or responsible party if a minor;

(3) Ensure personal goals of the individual are respected;

(4) Conduct the initial evaluation visit to initiate EPSDT private duty nursing services in the primary residence;

(5) Regularly evaluate the individual's status and nursing needs and notify the primary care provider if the individual no longer meets criteria for private duty nursing;

(6) Complete the Plan of Care and update as necessary for revisions;

(7) Ensure provision of those services requiring substantial and specialized nursing skill and that assigned nurses have the necessary licensure;

(8) Initiate appropriate preventive and rehabilitative nursing procedures;

(9) Perform an assessment at least every 30 days (the monthly nursing assessment cannot be made by the nurse providing care in the home). RN Monthly Supervisory Visits shall be completed in the primary residence at least every other visit. Visits may be conducted at school every other visit if necessary;

(10) Coordinate private duty nursing services;

(11) Inform the physician and case manager as appropriate of changes in the individual's condition and needs;

(12) Educate the individual and family or caregiver in meeting nursing and related goals;

(13) Supervise and educate other personnel involved in the individual's care;

(14) Ensure that required documentation is in the individual's agency record;

(15) Ensure that all employees are aware of the requirements to report suspected abuse, neglect, or exploitation immediately to Adult Protective Services or CPS, as appropriate. A civil penalty may be imposed on mandated reporters who do not report suspected abuse, neglect, or exploitation to VDSS as required;

(16) Ensure services are provided in a manner that is in the best interest of the individual and does not endanger the individual's health, safety, or welfare;

(17) Recommend staff changes when needed;

(18) Report to DMAS or the DMAS contractor any unethical or incompetent practices that jeopardize public safety or cause a risk of harm to individuals, including household issues that may jeopardize the safety of the private duty nurse; and

(19) Ensure that all nurses and caregivers are aware that timesheets must be accurate with arrival and departure times of the nurse and that falsifying timesheets is Medicaid fraud.

d. Parents (i.e., natural, step-parent, adoptive, foster parent, or other legal guardian), spouses, siblings, grandparents, grandchildren, adult children, or any person living under the same roof with the individual shall not provide private duty nursing services for the purpose of Medicaid reimbursement for the individual.

E. Service limits. Private duty nursing services are limited to the hours of skilled nursing care and medically-necessary supervision as specified in the Plan of Care signed by the child's physician (per §§ 54.1-2957 and 54.1-2957.02 of the Code of Virginia, signature by a nurse practitioner is acceptable in certain circumstances) and limited to the number of hours approved by DMAS or the DMAS contractor through the DMAS service authorization form (DMAS-62). Authorization of the number of medically necessary hours is based on assessing an individual's medical and support needs related to respiratory function, cardiovascular access and medications, wound care, feeding, central nervous system function, assessments that require the skills of a medical professional, toileting, and any other additional medical or support needs that require the skills of a licensed clinician. These medical and support needs are encompassed in the DMAS-62, and the number of hours approved will be based on medical needs final score, as detailed in the DMAS-62. Individuals younger than 21 years of age qualifying under EPSDT shall receive the services described in excess of any State Plan limit, up to 24 hours per day, if services are determined to be medically necessary to correct, ameliorate, or maintain the member's health condition and are prior authorized by the DMAS or the DMAS contractor.

**12VAC30-50-170. Private duty nursing services.**

Private duty nursing services are not provided unless an individual receives services under Early and Periodic Screening, Diagnostic and Treatment Services or a § 1915(c) Waiver.

**NOTICE:** The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

FORMS (12VAC30-50)

~~Virginia Uniform Assessment Instrument, UAI, Virginia Long-Term Care Council (1994)~~

[Virginia Uniform Assessment Instrument, UAI, Virginia Long-Term Care Council \(rev. 11/2018\)](#)

I.V. Therapy Implementation Form, DMAS-354 (eff. 6/1998)

Health Insurance Claim Form, Form HCFA-1500 (eff. 12/1990)

[Certificate of Medical Necessity-Durable Medical Equipment and Supplies, DMAS-352 \(rev. 7/2010\)](#)

~~Questionnaire to Assess an Applicant's Ability to Independently Manage Personal Attendant Services in the CD-PAS Waiver or DD Waiver, DMAS 95 Addendum (eff. 8/2000)~~

~~DD Waiver Enrollment Request, DMAS 453 (eff. 1/2001)~~

~~DD Waiver Consumer Service Plan, DMAS 456 (eff. 1/2001)~~

~~DD Medicaid Waiver — Level of Functioning Survey — Summary Sheet, DMAS 458 (eff. 1/2001)~~

~~Documentation of Recipient Choice between Institutional Care or Home and Community-Based Services (eff. 8/2000)~~

[Questionnaire to Assess an Applicant's Ability to Independently Manage Personal Attendant Services in the CD-PAS Waiver or DD Waiver, DMAS-95 Addendum \(eff. 8/2005\)](#)

[Comprehensive Outpatient Rehab Facility Participation Agreement \(undated; filed 11/2015\)](#)

[Rehabilitation Hospital Participation Agreement \(undated; filed 11/2015\)](#)

[Medical Necessity Assessment and Private Duty Nursing Service Authorization Form, DMAS 62 \(rev. 7/2021\)](#)

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## 12VAC30-80-30. Fee-for-service providers.

A. Payment for the following services, except for physician services, shall be the lower of the state agency fee schedule (12VAC30-80-190 has information about the state agency fee schedule) or actual charge (charge to the general public). Except as otherwise noted in this section, state developed fee schedule rates are the same for both governmental and private individual practitioners. The state agency fee schedule is published on the Department of Medical Assistance Services (DMAS) website at <http://www.dmas.virginia.gov/#/searchcptcodes>.

1. ~~Physicians'~~ Physician services. Payment for physician services shall be the lower of the state agency fee schedule or actual charge (charge to the general public), except that emergency room services 99282-99284 with a principal diagnosis on the Preventable Emergency Room Diagnosis List shall be reimbursed the rate for 99281. The Preventable Emergency Room Diagnosis List shall be based on the list used for managed care organization clinical efficiency rate adjustments.

2. ~~Dentists'~~ Dental services. Dental services, dental provider qualifications, and dental service limits are identified in 12VAC30-50-190. Dental services are paid based on procedure codes, which are listed in the agency's fee schedule. Except as otherwise noted, state-developed fee schedule rates are the same for both governmental and private individual practitioners.

### 3. Mental health services.

a. Professional services furnished by nonphysicians as described in 12VAC30-50-150. These services are reimbursed using current procedural technology (CPT) codes. The agency's fee schedule rate is based on the methodology as described in subsection A of this section.

(1) Services provided by licensed clinical psychologists shall be reimbursed at 90% of the reimbursement rate for psychiatrists in subdivision A 1 of this section.

(2) Services provided by independently enrolled licensed clinical social workers, licensed professional counselors, licensed clinical nurse specialists-psychiatric, or licensed marriage and family therapists shall be reimbursed at 75% of the reimbursement rate for licensed clinical psychologists.

b. Intensive in-home services are reimbursed on an hourly unit of service. The agency's rates are set as of July 1, 2011, and are effective for services on or after that date.

c. Therapeutic day treatment services are reimbursed based on the following units of service: one unit equals two to 2.99 hours per day; two units equals three to 4.99 hours per day; three units equals five or more hours per day. No room and board is included in the rates for therapeutic day treatment. The agency's rates are set as of

July 1, 2011, and are effective for services on or after that date.

d. Therapeutic group home services (formerly called level A and level B group home services) shall be reimbursed based on a daily unit of service. The agency's rates are set as of July 1, 2011, and are effective for services on or after that date.

e. Therapeutic day treatment or partial hospitalization services shall be reimbursed based on the following units of service: one unit equals two to three hours per day; two units equals four to 6.99 hours per day; three units equals seven or more hours per day. The agency's rates are set as of July 1, 2011, and are effective for services on or after that date.

f. Psychosocial rehabilitation services shall be reimbursed based on the following units of service: one unit equals two to 3.99 hours per day; two units equals four to 6.99 hours per day; three units equals seven or more hours per day. The agency's rates are set as of July 1, 2011, and are effective for services on or after that date.

g. Crisis intervention services shall be reimbursed on the following units of service: one unit equals two to 3.99 hours per day; two units equals four to 6.99 hours per day; three units equals seven or more hours per day. The agency's rates are set as of July 1, 2011, and are effective for services on or after that date.

h. Intensive community treatment services shall be reimbursed on an hourly unit of service. The agency's rates are set as of July 1, 2011, and are effective for services on or after that date.

i. Crisis stabilization services shall be reimbursed on an hourly unit of service. The agency's rates are set as of July 1, 2011, and are effective for services on or after that date.

j. Independent living and recovery services (previously called mental health skill building services) shall be reimbursed based on the following units of service: one unit equals one to 2.99 hours per day; two units equals three to 4.99 hours per day. The agency's rates are set as of July 1, 2011, and are effective for services on or after that date.

### 4. Podiatry.

### 5. Nurse-midwife services.

### 6. Durable medical equipment (DME) and supplies.

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

"DMERC" means the Durable Medical Equipment Regional Carrier rate as published by the Centers for Medicare and Medicaid Services at <http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/DMEPOSFeeSchd/DMEPOS-Fee-Schedule.html>.

"HCPCS" means the Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2006 (Eighteenth edition), as published by Ingenix, as may be periodically updated.

a. Obtaining prior authorization shall not guarantee Medicaid reimbursement for DME.

b. The following shall be the reimbursement method used for DME services:

(1) If the DME item has a DMERC rate, the reimbursement rate shall be the DMERC rate minus 10%. For dates of service on or after July 1, 2014, DME items subject to the Medicare competitive bidding program shall be reimbursed the lower of:

(a) The current DMERC rate minus 10%; or

(b) The average of the Medicare competitive bid rates in Virginia markets.

(2) For DME items with no DMERC rate, the agency shall use the agency fee schedule amount. The reimbursement rates for DME and supplies shall be listed in the DMAS Medicaid Durable Medical Equipment (DME) and Supplies Listing and updated periodically. The agency fee schedule shall be available on the agency website at [www.dmas.virginia.gov](http://www.dmas.virginia.gov).

(3) If a DME item has no DMERC rate or agency fee schedule rate, the reimbursement rate shall be the manufacturer's net charge to the provider, less shipping and handling, plus 30%. The manufacturer's net charge to the provider shall be the cost to the provider minus all available discounts to the provider. Additional information specific to how DME providers, including manufacturers who are enrolled as providers, establish and document their costs for DME codes that do not have established rates can be found in the relevant agency guidance document.

c. DMAS shall have the authority to amend the agency fee schedule as it deems appropriate and with notice to providers. DMAS shall have the authority to determine alternate pricing, based on agency research, for any code that does not have a rate.

d. Certain durable medical equipment used for intravenous therapy and oxygen therapy shall be bundled under specified procedure codes and reimbursed as determined by the agency. Certain services or durable medical equipment such as service maintenance agreements shall be bundled under specified procedure codes and reimbursed as determined by the agency.

(1) Intravenous therapies. The DME for a single therapy, administered in one day, shall be reimbursed at the established service day rate for the bundled durable medical equipment and the standard pharmacy payment, consistent with the ingredient cost as described in 12VAC30-80-40, plus the pharmacy service day and dispensing fee. Multiple applications of the same therapy

shall be included in one service day rate of reimbursement. Multiple applications of different therapies administered in one day shall be reimbursed for the bundled durable medical equipment service day rate as follows: the most expensive therapy shall be reimbursed at 100% of cost; the second and all subsequent most expensive therapies shall be reimbursed at 50% of cost. Multiple therapies administered in one day shall be reimbursed at the pharmacy service day rate plus 100% of every active therapeutic ingredient in the compound (at the lowest ingredient cost methodology) plus the appropriate pharmacy dispensing fee.

(2) Respiratory therapies. The DME for oxygen therapy shall have supplies or components bundled under a service day rate based on oxygen liter flow rate or blood gas levels. Equipment associated with respiratory therapy may have ancillary components bundled with the main component for reimbursement. The reimbursement shall be a service day per diem rate for rental of equipment or a total amount of purchase for the purchase of equipment. Such respiratory equipment shall include oxygen tanks and tubing, ventilators, noncontinuous ventilators, and suction machines. Ventilators, noncontinuous ventilators, and suction machines may be purchased based on the individual patient's medical necessity and length of need.

(3) Service maintenance agreements. Provision shall be made for a combination of services, routine maintenance, and supplies, to be known as agreements, under a single reimbursement code only for equipment that is recipient owned. Such bundled agreements shall be reimbursed either monthly or in units per year based on the individual agreement between the DME provider and DMAS. Such bundled agreements may apply to, but not necessarily be limited to, either respiratory equipment or apnea monitors.

7. Local health services.

8. Laboratory services (other than inpatient hospital). The agency's rates for clinical laboratory services were set as of July 1, 2014, and are effective for services on or after that date.

9. Payments to physicians who handle laboratory specimens, but do not perform laboratory analysis (limited to payment for handling).

10. X-ray services.

11. Optometry services.

12. Reserved.

13. Home health services. Effective June 30, 1991, cost reimbursement for home health services is eliminated. A rate per visit by discipline shall be established as set forth by 12VAC30-80-180.

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14. Physical therapy; occupational therapy; and speech, hearing, language disorders services when rendered to noninstitutionalized recipients.

15. Clinic services, as defined under 42 CFR 440.90, except for services in ambulatory surgery clinics reimbursed under 12VAC30-80-35.

16. Supplemental payments for services provided by Type I physicians.

a. In addition to payments for physician services specified elsewhere in this chapter, DMAS provides supplemental payments to Type I physicians for furnished services provided on or after July 2, 2002. A Type I physician is (i) a member of a practice group organized by or under the control of a state academic health system or an academic health system that operates under a state authority and includes a hospital, and (ii) a physician who has entered into contractual agreements for the assignment of payments in accordance with 42 CFR 447.10.

b. The methodology for determining the Medicare equivalent of the average commercial rate is described in 12VAC30-80-300.

c. Supplemental payments shall be made quarterly no later than 90 days after the end of the quarter.

d. Effective May 1, 2017, the supplemental payment amount for Type I physician services shall be the difference between the Medicaid payments otherwise made for physician services and 258% of Medicare rates.

17. Supplemental payments for services provided by physicians at Virginia freestanding children's hospitals.

a. In addition to payments for physician services specified elsewhere in this chapter, DMAS provides supplemental payments to Virginia freestanding children's hospital physicians providing services at freestanding children's hospitals with greater than 50% Medicaid inpatient utilization in state fiscal year 2009 for furnished services provided on or after July 1, 2011. A freestanding children's hospital physician is a member of a practice group (i) organized by or under control of a qualifying Virginia freestanding children's hospital, or (ii) who has entered into contractual agreements for provision of physician services at the qualifying Virginia freestanding children's hospital and that is designated in writing by the Virginia freestanding children's hospital as a practice plan for the quarter for which the supplemental payment is made subject to DMAS approval. The freestanding children's hospital physicians also must have entered into contractual agreements with the practice plan for the assignment of payments in accordance with 42 CFR 447.10.

b. Effective July 1, 2015, the supplemental payment amount for freestanding children's hospital physician services shall be the difference between the Medicaid payments otherwise made for freestanding children's

hospital physician services and 178% of Medicare rates as defined in the supplemental payment calculation for Type I physician services. Payments shall be made on the same schedule as Type I physicians.

18. Supplemental payments for services provided by physicians affiliated with Eastern Virginia Medical Center.

a. In addition to payments for physician services specified elsewhere in this chapter, the Department of Medical Assistance Services provides supplemental payments to physicians affiliated with Eastern Virginia Medical Center for furnished services provided on or after October 1, 2012. A physician affiliated with Eastern Virginia Medical Center is a physician who is employed by a publicly funded medical school that is a political subdivision of the Commonwealth of Virginia, who provides clinical services through the faculty practice plan affiliated with the publicly funded medical school, and who has entered into contractual arrangements for the assignment of payments in accordance with 42 CFR 447.10.

b. Effective November 1, 2018, the supplemental payment amount shall be the difference between the Medicaid payments otherwise made for physician services and 145% of the Medicare rates. The methodology for determining the Medicare equivalent of the average commercial rate is described in 12VAC30-80-300.

c. Supplemental payments shall be made quarterly, no later than 90 days after the end of the quarter.

19. Supplemental payments for services provided by physicians at freestanding children's hospitals serving children in Planning District 8.

a. In addition to payments for physician services specified elsewhere in this chapter, DMAS shall make supplemental payments for physicians employed at a freestanding children's hospital serving children in Planning District 8 with more than 50% Medicaid inpatient utilization in fiscal year 2014. This applies to physician practices affiliated with Children's National Health System.

b. The supplemental payment amount for qualifying physician services shall be the difference between the Medicaid payments otherwise made and 178% of Medicare rates but no more than \$551,000 for all qualifying physicians. The methodology for determining allowable percent of Medicare rates is based on the Medicare equivalent of the average commercial rate described in this chapter.

c. Supplemental payments shall be made quarterly no later than 90 days after the end of the quarter. Any quarterly payment that would have been due prior to the approval date shall be made no later than 90 days after the approval date.

20. Supplemental payments to ~~nonstate government-owned~~ non-state-government-owned or operated clinics.

a. In addition to payments for clinic services specified elsewhere in this chapter, DMAS provides supplemental payments to qualifying ~~nonstate government-owned non-state-government-owned~~ or government-operated clinics for outpatient services provided to Medicaid patients on or after July 2, 2002. Clinic means a facility that is not part of a hospital but is organized and operated to provide medical care to outpatients. Outpatient services include those furnished by or under the direction of a physician, dentist, or other medical professional acting within the scope of ~~his~~ the medical professional's license to an eligible individual. Effective July 1, 2005, a qualifying clinic is a clinic operated by a community services board. The state share for supplemental clinic payments will be funded by general fund appropriations.

b. The amount of the supplemental payment made to each qualifying ~~nonstate government-owned non-state-government-owned~~ or government-operated clinic is determined by:

(1) Calculating for each clinic the annual difference between the upper payment limit attributed to each clinic according to subdivision 20 d of this subsection and the amount otherwise actually paid for the services by the Medicaid program;

(2) Dividing the difference determined in subdivision 20 b (1) of this subsection for each qualifying clinic by the aggregate difference for all such qualifying clinics; and

(3) Multiplying the proportion determined in subdivision 20 b (2) of this subsection by the aggregate upper payment limit amount for all such clinics as determined in accordance with 42 CFR 447.321 less all payments made to such clinics other than under this section.

c. Payments for furnished services made under this section will be made annually in a lump sum during the last quarter of the fiscal year.

d. To determine the aggregate upper payment limit referred to in subdivision 20 b (3) of this subsection, Medicaid payments to ~~nonstate government-owned non-state-government-owned~~ or government-operated clinics will be divided by the "additional factor" whose calculation is described in 12VAC30-80-190 B 2 in regard to the state agency fee schedule for Resource Based Relative Value Scale. Medicaid payments will be estimated using payments for dates of service from the prior fiscal year adjusted for expected claim payments. Additional adjustments will be made for any program changes in Medicare or Medicaid payments.

21. Personal assistance services (PAS) or personal care services for individuals enrolled in the Medicaid Buy-In program described in 12VAC30-60-200 or covered under Early and Periodic Screening, Diagnosis, and Treatment

(EPSDT), and respite services covered under EPSDT. These services are reimbursed in accordance with the state agency fee schedule described in 12VAC30-80-190. The state agency fee schedule is published on the DMAS website at <http://www.dmas.virginia.gov>. The agency's rates, based upon one-hour increments, were set as of July 1, 2020, and shall be effective for services on and after that date.

22. Private duty nursing services covered under EPSDT are reimbursed based on an hourly unit of service in accordance with the state agency fee schedule. The fee schedule is the same for both governmental and private providers and was set as of July 1, 2016, and shall be effective for services provided on and after that date. The state agency fee schedule is published on the DMAS website at <https://www.dmas.virginia.gov/for-providers/rates-and-rate-setting/procedure-fee-files-cpt-codes/>.

23. Supplemental payments to state-owned or state-operated clinics.

a. Effective for dates of service on or after July 1, 2015, DMAS shall make supplemental payments to qualifying state-owned or state-operated clinics for outpatient services provided to Medicaid patients on or after July 1, 2015. Clinic means a facility that is not part of a hospital but is organized and operated to provide medical care to outpatients. Outpatient services include those furnished by or under the direction of a physician, dentist, or other medical professional acting within the scope of ~~his~~ the medical professional's license to an eligible individual.

b. The amount of the supplemental payment made to each qualifying state-owned or state-operated clinic is determined by calculating for each clinic the annual difference between the upper payment limit attributed to each clinic according to subdivision 19 b of this subsection and the amount otherwise actually paid for the services by the Medicaid program.

c. Payments for furnished services made under this section shall be made annually in lump sum payments to each clinic.

d. To determine the upper payment limit for each clinic referred to in subdivision 19 b of this subsection, the state payment rate schedule shall be compared to the Medicare resource-based relative value scale nonfacility fee schedule per Current Procedural Terminology code for a base period of claims. The base period claims shall be extracted from the Medical Management Information System and exclude crossover claims.

B. Hospice services payments must be no lower than the amounts using the same methodology used under Part A of Title XVIII, and take into account the room and board furnished by the facility. As of July 1, 2019, payments for hospice services in a nursing facility are 100% of the rate that would have been paid by the state under the plan for facility services in that facility for that individual. Hospice services

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shall be paid according to the location of the service delivery and not the location of the agency's home office.

C. Effective July 1, 2019, the telehealth originating site facility fee shall be increased to 100% of the Medicare rate and shall reflect changes annually based on changes in the Medicare rate. Federally qualified health centers and rural health centers are exempt from this reimbursement change.

VA.R. Doc. No. R22-6862; Filed January 14, 2026, 2:48 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

#### Final 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.

Effective Date: March 11, 2026.

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Summary:

*The 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.*

*Changes to the proposed regulation include (i) removing the requirement for applicants to be "of good moral character" and changing the board's prohibited acts to remove the prohibited act pertaining to failure to maintain good moral character; (ii) removing unnecessary provisions related to application and examination procedures for licensure or certification, business entity registration, and waivers or exemptions from continuing education requirements; (iii) requiring applicants to disclose any prior disciplinary action when applying for licensure or certification instead of discipline related to their profession; (iv) reducing stringency of some qualifications; (v) revising standards for conflicts of interests; (vi) replacing "moral turpitude" with "fraudulent or dishonest acts"; and (vii) updating forms and removing a document incorporated by reference.*

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

#### 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 registrant:~~

~~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,

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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 meet the following requirements ]~~;

1. ~~[ Has Must ] not [ have ] been convicted of a non-marijuana misdemeanor in the last 10 years or [ have 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 Must ] not [ have ] 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 Must ] not [ have ] engaged in fraud or misrepresentation in connection with the application for licensure, certification, or registration, or related exam;~~

4. ~~[ Has Must ] not [ have ] 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 have ] surrendered a license, certificate, or registration in lieu of disciplinary action; [ or and ]~~

5. ~~[ Has Must ] not [ have ] 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. B. ] 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. C. ] 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. D. ] 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. E. ] 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 disclose~~ ] any disciplinary action [ ~~related to the profession, including any suspended, revoked, or surrendered license, certificate, or registration as described in 18VAC10-20-785 A 1 and A 2~~ ] 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 <del>Comity</del> <u>Endorsement</u>	\$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.

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## 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 Architectural Experience Program \(https://www.ncarb.org/sites/default/files/AXP-Guidelines.pdf\)](https://www.ncarb.org/sites/default/files/AXP-Guidelines.pdf) ], 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 <u>Comity Endorsement</u>	\$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 [ and meet applicable education or experience requirements in this section ]. An applicant qualified under subdivision 1, 2, or 3 of this section will receive the engineer-in training (EIT) designation upon

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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.

<u>EDUCATIONAL REQUIREMENTS</u>	<u>NUMBER OF YEARS OF QUALIFYING ENGINEERING EXPERIENCE</u>
<p><u>1. Student applicants must meet one of the following:</u></p> <p>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;</p> <p>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</p> <p>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.</p>	0
<p><u>2. Graduated from an approved engineering or an approved engineering technology curriculum.</u></p>	0
<p>3. Dual degree holders must:</p> <p>a. Have graduated from a non-ABET-accredited undergraduate engineering</p>	0

<p>curriculum of four years or more; and</p> <p>b. Have graduated from a graduate or doctorate engineering curriculum that is ABET accredited at the undergraduate level.</p>	
<p>4. Graduated from a nonapproved engineering curriculum or from a related science curriculum of four years or more.</p>	2
<p>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.</p>	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	<del>IF</del> <u>IF</u> PASSING OF FUNDAMENTALS EXAM REQUIRED?	NUMBER OF REQUIRED YEARS OF QUALIFYING ENGINEERING EXPERIENCE
1. Have graduated from an <del>approved</del> <u>ABET- accredited [ undergraduate ]</u> 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 <del>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.</del>	YES	6

4. Have <del>graduated from a nonapproved</del> <u>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.</u> <u>Whether an education is considered to be equivalent will be determined by the judgment of the board.</u>	YES	10
5. Have <del>graduated from an engineering, engineering technology, or related science curriculum of four years or more.</del>	<u>NO</u>	<u>20</u>

**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.

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## 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 engineering computation and problem-solving skills.	Drafting of design by others.
2. Construction 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 engineering 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 <del>shall</del> <u>will</u> 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 <del>shall</del> <u>must</u> have taught in an engineering program [ <del>approved by the board at a university or college</del> ] and <del>shall</del> <u>must</u> 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 <u>Comity Endorsement</u>	\$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.

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"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 Fundamentals of Surveying (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 [ and pass the FS exam ]. 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~~
- e. ~~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:

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~~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:~~

~~2. Pass ] the Virginia-approved mapping sciences or submit proof of passing a substantial equivalent meeting current requirements in Virginia; or and~~

~~[ 2. 3. ] 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 is ] one part in 10,000 (1/10,000). The attendant angular closure shall [ will be is ] 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 foot ] (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 foot ] (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 foot ] (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

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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~~ :

(1) 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~~ ;  
or

(2) 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 [ ~~;~~ and ] ~~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

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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 is~~ ] 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 must~~ ] 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 [ <u>feet foot</u> ]	± 0.30 [ <u>feet foot</u> ]
Contour line 2' interval	± 1.19 feet	± 0.60 [ <u>feet foot</u> ]

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 [ <u>feet foot</u> ]	± 0.20 [ <u>feet foot</u> ]
1" = 30'	± 1.1 feet	± 0.30 [ <u>feet foot</u> ]
1" = 40'	± 1.5 feet	± 0.40 [ <u>feet foot</u> ]
1" = 50'	± 1.9 feet	± 0.50 [ <u>feet foot</u> ]
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 <del>Comity</del> <u>Endorsement</u>	\$150
Renewal	\$190

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## 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 <del>shall</del> <u>will</u> 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 ( $2.6875 \times 100\% = 2.6875$ years). $0.6875$ is $\geq 0.5$ 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 <del>shall</del> <u>will</u> 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 ( $2 \times 75\% = 1.5$ years). 100% credit for succeeding years ( $1.15625 \times 100\% = 1.15625$ years). $1.5 + 1.15625 = 2.65625$ years. $0.65625$ is $\geq 0.5$ 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 <del>shall</del> <u>will</u> be given at the rate of 50% for the first two years and 75% for succeeding	An applicant has 95 semester hours of credit. Calculation: $95/32 = 2.96875$ years

	years with a maximum of two years allowable.	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.
LANDSCAPE ARCHITECTS EXPERIENCE CREDIT TABLE		
Categories	Values	Examples
(5) Experience gained under the direct control and personal supervision of a licensed or certified landscape architect.	Credit <del>shall</del> <u>will</u> 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 <del>shall</del> <u>will</u> 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 [ regulated by this chapter ] 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

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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
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Application for Interior Designer Certification by <u>Comity Endorsement</u>	\$90
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Renewal	\$90
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## **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
<del>Application for business entity branch office registration</del>	<del>\$90</del>
Renewal of business entity registration	\$90
<del>Renewal of business entity branch office registration</del>	<del>\$90</del>

**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~~ will ] 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

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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 been expired for more than six months ~~and applicants whose branch office registration has been 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 been 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 been 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,~~

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~~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 [ unless such circumstances are fully disclosed to the regulant's client ].

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 [ unless such circumstances are fully disclosed and agreed to in writing by all interested parties ].

## 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~~ A licensed professional ] may perform assignments related to interior design, provided ~~they do not hold themselves out~~ the professional does [ ~~not~~ ] 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

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3. It is under the professional's direct control.

D. Incomplete plans, plats, documents, and drawings, whether advance or preliminary copies, ~~shall~~ must 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~~ must be sealed, signed, and dated pursuant to subsection B of this section.

F. The original seal ~~shall~~ must conform in detail and size to the design illustrated in this subsection and ~~shall~~ must 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~~ must offer or practice only the professions shown on its board-issued registration. 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.

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~~ fraudulent or dishonest acts ], 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. 1. ]~~ The license, certification, or registration was obtained or renewed through fraud or misrepresentation;

~~[ 3. 2. ]~~ 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. 3. ]~~ 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. 4. ]~~ The regulant has abused drugs or alcohol to the extent that professional competence is adversely affected;

~~[ 6. 5. ]~~ 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. 6. ]~~ 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. 7. ]~~ 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. 8. ]~~ 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.

**NOTICE:** The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

[ FORMS (18VAC10-20)

~~License or Certificate Renewal Form (Architect, Professional Engineer, Land Surveyor, Surveyor, Photogrammetrist, Landscape Architect, Interior Designer), A415-04REN vs3 (rev. 8/2025)~~

~~Architect License Application, A416-0401LIC v3 (rev. 8/2025)~~

~~Verification of Architect Examination and Licensure Form, 0401ELV (rev. 4/2012)~~

[Architect License Application, A416-0401LIC-v4 \(rev. 3/2026\)](#)

[Architect - Verification of Examination & Licensure Form, A416-0401ELV-v3 \(rev. 3/2026\)](#)

[Architect Experience Verification Form, 0401LIC\\_2018, \(rev. 7/2018\)](#)

[Architect Client Experience Verification Form, 0401CEXP \(rev. 4/2012\)](#)

[Architect Degree Verification Form, 0401DEG \(rev. 4/2012\)](#)

~~Architect Reference Form, 0401REF\_2018, (rev. 7/2018)~~

[Architect License Reinstatement Application, A416-0401REI-v2 \(rev. 8/2025\)](#)

~~Professional Engineer License Application, A416-0402LIC-v7 (rev. 8/2025)~~

~~Professional Engineer Reference Form, 0402REF\_2018, (rev. 7/2018)~~

[Professional Engineer License Application, A416-0402LIC-v8 \(rev. 3/2026\)](#)

[Professional Engineer License Reinstatement Application, A416-0402REI-v4 \(rev. 8/2025\)](#)

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~~Professional Engineer and Engineer-in-Training Degree Verification Form, 0402\_20DEG (rev. 4/2012)~~

~~Professional Engineer and Engineer in Training Experience Verification Form, 0402\_20EXP\_2018, (rev. 7/2018)~~

~~Engineer Verification of Examination and Licensure Form, 0402\_20ELV (rev. 4/2012)~~

~~Engineer in Training Designation Application, A416-0420DES-v7 (rev. 8/2025)~~

~~Engineer in Training Reference Form, 0420REF\_2018, (rev. 7/2018)~~

[Engineer Experience Verification Form, A416-0402EXP-v2 \(rev. 3/2026\)](#)

[Engineer Verification of Examination and Licensure Form, A416-0402\\_20ELV-vs3 \(rev. 3/2026\)](#)

[Engineer-in-Training Designation Application, A416-0420DES-v8 \(rev. 3/2026\)](#)

~~Course Requirements for Engineering Technology Program, 0402CREQ (rev. 4/2012)~~

~~Land Surveyor License Application, A416-0403LIC-v3 (rev. 8/2025)~~

[Land Surveyor License Application, A416-0403LIC-v4 \(rev. 3/2026\)](#)

~~Land Surveyor License Reinstatement Application, A416-0403REI-v2 (rev. 8/2025)~~

~~Land Surveyor B License Application, A416-0404LIC-v2 (rev. 8/2025)~~

[Land Surveyor B - License Application, A416-0404LIC-v3 \(rev. 3/2026\)](#)

~~Land Surveyor B License Reinstatement Application, A416-0404REI-v2 (rev. 8/2025)~~

~~Land Surveyor and Surveyor-in-Training Degree Verification Form, 0403\_30DEG (rev. 4/2012)~~

~~Land Surveyor Verification of Examination and Licensure Form, 0403\_30ELV (rev. 4/2012)~~

[Land Surveyor - Verification of Examination & Licensure Form, A416-0403\\_30ELV-v3 \(rev. 3/2026\)](#)

~~Land Surveyor and Surveyor-in-Training Experience Verification Form, 0403\_30EXP\_2018, (rev. 7/2018)~~

~~Surveyor Photogrammetrist License Application, A416-0408LIC-v3 (rev. 8/2025)~~

~~Surveyor Photogrammetrist Reference Form, 0408REF\_2018, (rev. 7/2018)~~

[Surveyor Photogrammetrist License Application, A416-0408LIC-v4 \(rev. 3/2026\)](#)

~~Surveyor Photogrammetrist Experience Verification Form, 0408EXP\_2018, (rev. 7/2018)~~

~~Surveyor Photogrammetrist License Reinstatement Application, A416-0408REI-v3 (rev. 8/2025)~~

~~Surveyor Photogrammetrist Degree Verification Form, 0408DEG (rev. 4/2012)~~

~~Surveyor Photogrammetrist Verification of Examination and Licensure Form, 0408elvf (eff. 4/2012)~~

~~Surveyor in Training Designation Application, A416-0430DES-v4 (rev. 8/2025)~~

~~Landscape Architect License Application, A416-0406LIC-v2 (rev. 8/2025)~~

~~Landscape Architects Reference Form, 0406REF\_2018, (rev. 7/2018)~~

~~Verification of Landscape Architect Examination and Licensure Form, 0406ELV (rev. 4/2012)~~

[Surveyor-in-Training Designation Application, A416-0430DES-v5 \(rev. 3/2026\)](#)

[Landscape Architect License Application, A416-0406LIC-v3 \(rev. 3/2026\)](#)

[Landscape Architect - Verification of Examination and Licensure Form, A416-0406ELV-v2 \(rev. 3/2026\)](#)

~~Landscape Architect Experience Verification Form for Examination and Comity Applicants, 0406EXP (rev. 4/2012)~~

~~Landscape Architect Degree Verification Form, 0406DEG (rev. 4/2012)~~

~~Landscape Architect License Reinstatement Application, A416-0406REI-v2 (rev. 8/2025)~~

~~Interior Designer Certificate Application, A416-0412CERT-v3 (rev. 8/2025)~~

[Interior Designer Certificate Application, A416-0412CERT-v4 \(rev. 3/2026\)](#)

~~Interior Designer Certificate - Universal License Recognition (ULR) Application, A416-0412UNIV-v3 (8/2025)~~

~~Verification of Interior Designer Examination and Certification Form, 0412ELV (rev. 4/2012)~~

[Interior Designer - Verification of Examination and Certification Form, A416-0412ELV-v3 \(rev. 3/2026\)](#)

~~Interior Designer Degree Verification Form, 0412DEG (rev. 4/2012)~~

~~Interior Designer Experience Verification Form, 0412EXP\_2018, (rev. 7/2018)~~

~~Interior Designer Certificate Reinstatement Application, A416-0412REI-v2 (rev. 8/2025)~~

~~Business Entity Registration or Reinstatement Application, A416-04BUSREG-v7 (rev. 8/2025)~~

~~Business Entity Registration Renewal Form, A416-0407REN-v3 (rev. 8/2025)~~

~~Business Entity Branch Office Registration or Reinstatement Application, A416-0411BRREG-v7 (rev. 8/2025)~~

[Business Entity Registration or Reinstatement Application, A416-04BUSREG-v8 \(rev. 3/2026\)](#)

[Criminal Conviction Reporting Form, A406-01CCR-v1 \(eff. 5/2015\)](#)

[Disciplinary Action Reporting Form, A406-01DAR-v1 \(eff. 5/2015\)](#)

[Criminal Conviction - Supplemental Form, Requesting an Informal Fact Finding \(IFF\) Conference, A713-01IFF-v1 \(eff. 1/2016\)](#)

DOCUMENTS INCORPORATED BY REFERENCE (18VAC10-20)

~~Intern Development Program Guidelines, December 2013, National Council of Architectural Registration Boards, 1801 K Street NW, Suite 700 K, Washington, DC 20006 (<http://www.ncarb.org>)~~

No document is currently incorporated by reference into this regulation. ]

VA.R. Doc. No. R24-7640; Filed January 14, 2026, 1:08 p.m.

## BOARD FOR BARBERS AND COSMETOLOGY

### Final Regulation

Title of Regulation: **18VAC41-60. Body-Piercing Regulations (amending 18VAC41-60-10, 18VAC41-60-20, 18VAC41-60-30, 18VAC41-60-40, 18VAC41-60-70, 18VAC41-60-80, 18VAC41-60-81, 18VAC41-60-90, 18VAC41-60-110 through 18VAC41-60-220; adding 18VAC41-60-15, 18VAC41-60-75; repealing 18VAC41-60-100).**

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

Effective Date: March 16, 2026.

Agency Contact: Kelley Smith, Executive Director, Board for Barbers and Cosmetology, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8590, fax (866) 245-9693, or email [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov).

Summary:

*The amendments (i) establish a 90-day temporary license; (ii) facilitate licensure in Virginia for individuals who have received training outside the Commonwealth; (iii) reduce health education, criminal disclosure, reinstatement, mobile salon, and administrative requirements; and (iv) clarify provisions to ensure that the*

*regulation reflects current board requirements and adheres to statute.*

*Changes to the proposed regulation include (i) updating certain sections to reflect an intervening action; (ii) removing a CPR training requirement for ear-piercers; (iii) removing a requirement that individual body-piercer and ear-piercer and salon applicants disclose misdemeanor criminal convictions; (iv) requiring applicants to provide an email address; (v) allowing for a paperless licensing process; and (vi) clarifying, technical, and stylistic changes.*

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

### 18VAC41-60-10. Definitions.

A. ~~The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.:~~

"Board"

"Body-piercer"

"Body-piercing"

"Body-piercing salon"

"Body-piercing school"

[ "Ear-piercer"

"Ear-piercing"

"Ear-piercing salon"

"Ear-piercing school" ]

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

"Apprenticeship program" means an approved body-piercing or ear-piercing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct body-piercing or ear-piercing apprenticeship training who meets the qualifications in 18VAC41-60-70.

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

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"Direct supervision" means a Virginia licensed body-piercer [ or ear-piercer ] is present in the body-piercing salon [ or ear-piercing salon ] at all times when services are being performed by a temporary license holder or registered apprentice.

"Ear-piercer earlobe only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the lobe of the ear for compensation.

"Ear-piercing earlobe only" means the use of a mechanized, presterilized ear-piercing system that penetrates the lobe of the ear.

"Ear-piercing earlobe only salon" means any place where a fee is charged for the act of using a mechanized, presterilized ear-piercing system that penetrates the lobe of the ear.

~~"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state or jurisdiction of the United States.~~

"Event piercer salon" means a body-piercing or ear-piercing salon temporary location licensed to operate for a maximum of seven consecutive days.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

~~"Gratuitous services" as used in § 54.1-701.5 of the Code of Virginia means providing body-piercing or ear-piercing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.~~

"Guest piercer" means a body-piercer or ear-piercer residing outside of Virginia who is licensed only to work for a two-week period at a piercing salon or piercing convention.

"Guest piercer sponsor" means a licensed body-piercing or ear-piercing salon that is sponsoring and providing direct supervision of a guest piercer.

~~"Licensee" means any person, partnership, corporation, limited liability company, sole proprietorship, limited liability partnership, or any other form of organization permitted by law individual or firm holding a license issued by the Board for Barbers and Cosmetology as defined in § 54.1-700 of the Code of Virginia board.~~

"Piercing convention" means an event where Virginia and out-of-state body-piercers or ear-piercers gather for no more than seven consecutive days to offer body-piercing and ear-piercing services to the public.

"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" means the business hours when the licensee is open to the public.

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

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

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association ~~or both~~; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under that 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.

"Sterilization area" means a ~~separate~~ room or area separate from workstations with restricted client access in which body-piercing or ear-piercing instruments are cleaned, disinfected, and sterilized.

"Substantially equivalent exam" means an examination administered by the licensing entity that covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Temporary location" means a fixed location at which body-piercing or ear-piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or convention.

## **18VAC41-60-15. Gratuitous services.**

[ ~~Any~~ As provided in subdivision 5 of § 54.1-701 of the Code of Virginia, any ] individual who engages in body-piercing [ ~~and body-piercing ear-only, ear-piercing, and ear-piercing earlobe only~~ ] without receiving compensation, reward, or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased.

## **18VAC41-60-20. General requirements.**

A. Any individual who wants to engage in body-piercing or ear-piercing must obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant must be in good standing as a body-piercer or ear-piercer in every jurisdiction where licensed, certified,

or registered. The applicant must ~~disclose to the board at the time of application for licensure~~ provide a copy of any disciplinary action taken in Virginia or any other jurisdiction in connection with the applicant's practice as a body piercer or ear piercer and all other jurisdictions to the board at the time of application for licensure. This ~~disclosure~~ includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant must disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a body piercer or ear piercer.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant who the board deems unfit or unsuited to engage in body-piercing, ear-piercing, or ear-piercing earlobe only. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision. The applicant must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.~~

2. The applicant must disclose the applicant's physical address [ and email address ]. A post office box ~~is not acceptable~~ may be provided as a secondary address.

3. The applicant must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing and ear-piercing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant must disclose [ ~~the following information regarding criminal convictions in Virginia and all other jurisdictions:~~

- a. ~~All misdemeanor convictions ] involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury [ within two years of the date of the application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; and~~
- b. ~~All all ] felony convictions [ in Virginia and all other jurisdictions ] within 20 10 years of the date of application.~~

~~Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.~~

5. The applicant must provide evidence satisfactory to the board that the applicant has passed the respective board-

approved examination, administered either by the board or by a designated testing service.

B. Eligibility to sit for a board-approved examination.

1. Training in the Commonwealth of Virginia. Any person completing one of the following programs is eligible to sit for an examination:

- a. An approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon; or
- b. An approved ear-piercing apprenticeship program in a Virginia licensed body-piercing or ear-piercing salon.

2. Training outside of the Commonwealth of Virginia, ~~but within the United States or jurisdiction of the United States.~~

a. Any person completing a body-piercing or ear-piercing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board (i) documentation of the successful completion of training or apprenticeship to be eligible for examination and (ii) documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing [ or ear-piercing, as applicable, ] and (b) first aid. Applicants who have earned a degree from an institution outside the United States must have the degree translated, authenticated, and evaluated by an education evaluation service if credit is sought for the education. The board, in its discretion, may decline to accept any evaluation submitted by an applicant.

b. Applicants who completed a training or apprenticeship program that is not substantially equivalent to Virginia's training must submit (i) documentation acceptable to the board verifying three years of work experience in any other state or jurisdiction of the United States on a form provided by the board and (ii) documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing [ or ear-piercing, as applicable, ] and (b) first aid.

If fewer than the required hours of body-piercing or ear-piercing training or body-piercing or ear-piercing apprenticeship were completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent body-piercing or ear-piercing training or body-piercing or ear-piercing apprenticeship or documentation of three years of work experience within the preceding five years as a body-piercer or ear-piercer in any other state or jurisdiction of the United States on a form provided by the board and (ii) documentation of completion of a minimum of five hours of board-approved health education to include (a) bloodborne disease, sterilization, and aseptic techniques related to body-piercing or ear-piercing [ as applicable, ];

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~~and (b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.~~

C. ~~[ In order to receive a license as an ear piercer ]~~ Any individual [ wishing who wants ] to engage in [ ear-piercing ] earlobe only, an applicant must obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

~~1. The applicant must have completed a minimum of three hours of board approved health education to include bloodborne disease and first aid and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the lobe of the ear and aftercare of piercing.~~

~~2. 1. The applicant must be in good standing in every jurisdiction Virginia and in all other jurisdictions where licensed, certified, or registered. The applicant must disclose to the board at the time of application for licensure provide a copy of any disciplinary action taken in another jurisdiction in connection with the applicant's licensed, certified, or registered practice Virginia and all other jurisdictions to the board at the time of application for licensure. The applicant must disclose to the board at the time of application for licensure whether the applicant has been previously licensed in Virginia in any profession regulated by the board. This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant who it deems unfit or unsuited to engage in [ body-piercing ear-piercing earlobe only ].

~~3. 2. The applicant must disclose the applicant's physical address [ and email address ]. A post office box is not acceptable may be provided as a secondary address.~~

~~4. 3. The applicant must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing and ear-piercing license laws and the board's body-piercing regulations this chapter.~~

~~5. 4. In accordance with § 54.1-204 of the Code of Virginia, each applicant must disclose [ the following information regarding criminal convictions in Virginia and all other jurisdictions:~~

~~a. All misdemeanor convictions ] involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury [ within two years of the date of the application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; and~~

~~b. All all ] felony convictions [ in Virginia and all other jurisdictions ] within 20 10 years of the date of application.~~

~~Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.~~

5. The applicant must have completed board-approved health education to include bloodborne disease and first aid and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the [ outer perimeter or ] lobe of the ear and aftercare of piercing.

## **18VAC41-60-30. License by endorsement.**

A. Upon proper application to the board, any person currently licensed to practice as a body-piercer or ear-piercer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to ~~that the training and examination~~ required by this chapter may be issued a body-piercer or ear-piercer license without an examination. The applicant must also meet the requirements set forth in 18VAC41-60-20 A 1 through A 4 and provide documentation of completion of board-approved health education to include (i) bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing or ear-piercing [ ; as applicable, and ] (ii) first aid [ ; and (iii) CPR ].

B. Applicants for licensure by endorsement who completed a training or apprenticeship program that is not substantially equivalent to Virginia's training but who otherwise meet all the requirements listed in subsection A of this section may substitute three years of work experience for training. Applicants must provide work history demonstrating three years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board and provide documentation of completion of board-approved health education to include [ ~~(a)~~ (i) ] bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing [ or ear-piercing, as applicable, ] and [ ~~(b)~~ (ii) ] first aid.

## **18VAC41-60-40. Examination requirements and fees.**

A. Applicants for initial licensure ~~shall~~ must pass an examination approved by the board. ~~The examinations may be administered by the board or by a designated testing service.~~

~~B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

~~C. B.~~ B. The applicant ~~shall~~ must follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include ~~any~~ written instructions communicated prior to the examination date and any instructions communicated at the site, ~~either written or oral,~~ on the date of the examination. Failure to comply with all procedures established by the board and the testing service

with regard to conduct at the examination may be grounds for denial of application.

~~D.~~ C. Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application.

~~E.~~ D. The fee for examination or reexamination is subject to contracted charges to the board 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 these contracts. The fee shall not exceed \$225 per candidate.

~~F.~~ E. Any candidate failing to apply for initial licensure within five years of passing the written examination ~~shall be required to~~ must retake the examination. ~~Records of examinations shall be maintained for a maximum of five years.~~

**18VAC41-60-70. General requirements for an apprenticeship sponsor.**

A. Any individual who wants to sponsor a body-piercing apprentice must meet the following qualifications:

1. The applicant must hold and maintain a current Virginia body-piercing license;
2. The applicant must provide documentation of legally practicing body-piercing for at least five years; and
3. The applicant must provide documentation indicating that the applicant is in good standing in all jurisdictions where the practice of body-piercing is regulated.

B. Any individual who wants to sponsor an ear-piercing apprentice must meet the following qualifications:

1. The applicant must hold and maintain a current Virginia body-piercing or ear-piercing license;
2. The applicant must provide documentation of legally practicing body-piercing or ear-piercing for at least five years; and
3. The applicant must provide documentation indicating that the applicant is in good standing in all jurisdictions where the practice of body-piercing or ear-piercing is regulated.

C. Apprenticeship sponsors ~~shall~~ must ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards, or the 500-hour Ear-Piercing Apprenticeship Program and Ear-Piercing Apprenticeship Standards, as applicable.

**18VAC41-60-75. Body-piercing [ or ear-piercing ] temporary license.**

A. A temporary license to work under the direct supervision of a currently licensed individual may be issued only to applicants for initial licensure who the board finds eligible for the applicable examination. There is no fee for a temporary

license. Except as provided in this section, an applicant holding a temporary license must be supervised by an individual holding a license in the same scope of practice. [ Licensed body-piercers may also supervise ear-piercer temporary license holders. ]

B. The temporary license will remain in force for 90 days and no subsequent temporary license will be issued.

C. Any person continuing to practice body-piercing [ or ear-piercing ] services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.

D. No temporary license will be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-60-20.

**18VAC41-60-80. General requirements for a salon or event salon license.**

A. Any firm that wants to operate a body-piercing salon, ear-piercing salon, ear-piercing earlobe only salon, or event piercing salon ~~shall, including any mobile salon, must~~ obtain a salon license in compliance with § 54.1-704.1 of the Code of Virginia and ~~shall~~ must meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management ~~shall~~ must be in good standing as a licensed salon in Virginia and all other jurisdictions where licensed, certified, or registered. The applicant and all members of the responsible management ~~shall disclose to the board at the time of application for licensure~~ must provide a copy of any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any body-piercing salon, ear-piercing salon, ear-piercing earlobe only salon, or event piercing salon or practice of the profession to the board at the time of application for licensure. This ~~disclosure~~ includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a body-piercing salon, ear-piercing salon, ear-piercing earlobe only salon, or event piercing salon.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant that the board deems unfit or unsuited to engage in the operation of a body-piercing salon, ear-piercing salon, ear-piercing earlobe only salon, or event piercing salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision. The applicant shall provide~~

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~~a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.~~

2. The applicant ~~shall~~ must disclose the applicant's physical address [ and email address ]. A post office box ~~is not acceptable~~ may be provided as a secondary address. Mobile salons must provide a physical address where the salon is permanently garaged.

3. The applicant ~~shall~~ must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing [ or ear-piercing ] license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant ~~shall~~ must disclose [ ~~the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:~~

~~a. All misdemeanor convictions ] involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury [ within two years of the date of the application; and~~

~~b. All all ] felony convictions [ in Virginia and all other jurisdictions for the firm and all members of the firm's responsible management ] within ~~20~~ 10 years of the date of application.~~

~~Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.~~

5. The applicant ~~shall~~ must disclose the firm's responsible management.

B. Body-piercing, ear-piercing, ear-piercing earlobe only, or event piercing salon licenses ~~shall~~ are issued to firms as defined in this chapter and are not be transferable and shall bear the same name and address of the business entity. Any changes in the name or address of the salon ~~shall~~ must be reported to the board in writing within 30 days of such changes. ~~New responsible management shall be responsible for applying for a new license within 30 days of the changes. The board will not be responsible for the licensee's failure to receive notices, communications, and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any reason beyond the control of the board.~~

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void ~~and shall be returned to the board within~~

~~30 days of the change. Additionally, the~~ The firm shall must notify the board, apply for a new license within 30 days of the change in the business entity, and destroy the license. 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.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association ~~shall~~ must be reported to the board in writing within 30 days of the change.

E. Any firm that wants to operate a body-piercing or ear-piercing salon in a temporary location must have a body-piercing salon or ear-piercing license, as applicable, issued by the board.

F. Any piercing salon that wants to host a guest piercer must identify itself as the guest piercer sponsor and must provide direct supervision of any piercing by the guest piercer.

G. An event piercer salon license is effective for seven consecutive days prior to the expiration date. Any firm that wants to operate an event piercing salon must submit an application to the board at least 45 days prior to the date for which approval is sought.

H. A firm may obtain a maximum of five event piercing salon licenses within a calendar year.

I. The board or any of the board's agents [ ~~shall~~ must ] be allowed to inspect during reasonable hours any licensed salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter.

## [ 18VAC41-60-81. Guest piercer license.

A. A guest body-piercer or ear-piercer license is effective for 14 days prior to the expiration date.

B. An out-of-state resident may apply for and obtain up to five guest piercer licenses per calendar year.

C. For each calendar year, a guest piercer applicant must meet the following qualifications:

1. Requirements set forth in 18VAC41-60-20 A 1 through A 4.
2. Present documentation showing out-of-state residency.
3. Documentation of board-approved health education knowledge to include (i) bloodborne disease, sterilization,

and aseptic techniques related to body-piercing or ear-piercing; and (ii) first aid; ~~and (iii) CPR.~~

D. A guest piercer must provide documentation with each application showing the guest piercer sponsor, including a signature of sponsor salon's responsible management.

E. A guest piercer must provide the name and license number of the guest piercer's sponsor and the duration of the guest piercer's piercing services for all guest piercer locations. ]

**18VAC41-60-90. Fees.**

The following fees apply: All fees are nonrefundable and will not be prorated.

FEE TYPE	AMOUNT DUE	WHEN DUE
Individuals:		
Application	\$120	With application
License by Endorsement	\$120	With application
Renewal:	\$120	With renewal card prior to expiration date
Reinstatement	\$240* *includes \$120 renewal fee and \$120 reinstatement fee	With reinstatement application
Salons:		
Application	\$220	With application
Renewal	\$220	With renewal card prior to expiration date
Reinstatement	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

**18VAC41-60-100. Refunds. (Repealed.)**

~~All fees are nonrefundable and shall not be prorated.~~

**18VAC41-60-110. License renewal required.**

A. All body-piercer, ear-piercer, ear-piercer earlobe only, body-piercing salon, ear-piercing salon, and ear-piercing earlobe only salon licenses ~~shall will~~ expire two years from the last day of the month in which ~~they were~~ the license was issued.

B. Guest piercer licenses [ ~~shall will~~ ] expire 14 days after the effective date of the license and may not be renewed.

**18VAC41-60-120. Continuing education requirement.**

All licensed body-piercers and ear-piercers must satisfactorily complete ~~a minimum of five hours of~~ board-approved health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to body-piercing or ear-piercing; [ , as applicable, ] and (ii) first aid; ~~and (iii) CPR~~ during ~~their~~ the licensed term. All licensed ear-piercers earlobe only must satisfactorily complete ~~a minimum of three hours of~~ board-approved health education to include bloodborne disease and first aid during ~~their~~ the licensed term. Documentation of training completion must be provided at the time of renewal along with the required fee.

**18VAC41-60-130. Notice of renewal.**

The Department of Professional and Occupational Regulation will [ ~~mail~~ send ] a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, does not relieve the licensee of the obligation to renew. [ ~~If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.~~ ]

**18VAC41-60-140. Failure to renew.**

A. When an individual or business entity fails to renew its license within 30 days following ~~its~~ the expiration date, the licensee [ who intends to remain licensed ] must meet the [ renewal continuing education ] requirements prescribed in 18VAC41-60-120 and ~~18VAC41-60-130~~ and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and pay the reinstatement fees.

B. When an individual or business entity fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice:

1. The former licensee must apply for licensure as a new applicant, ~~must and~~ meet all current application entry requirements; ~~shall pass the board's current examination if applicable, and shall receive a new license.~~ Individual licensees failing to renew must provide documentation of completion of board-approved health education to include [ ~~(a)~~ (i) ] bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing [ or ear-piercing, as applicable, ] and [ ~~(b)~~ (ii) ] first aid.

2. An individual ~~initially granted licensure under an examination exemption, known as grandfathering, pursuant to 18VAC41-60-20-A-6~~ previously licensed in Virginia for a minimum of three years must submit (i) a new application showing the individual met the requirements of the applicable examination waiver provision, demonstrate five years of licensed experience, and (ii) documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization, and aseptic

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techniques related to body-piercing [ or ear-piercing, as applicable, ] and (b) first aid, and pass the required examination.

C. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

D. When a license is reinstated, the licensee will 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.

E. A licensee that reinstates its 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.

F. A licensee that fails to reinstate its 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.

## **18VAC41-60-150. Applicants for board approval.**

A. Any person desiring to enroll in the body-piercing or ear-piercing apprenticeship program ~~must~~ will be required to provide documentation of satisfactory completion of a ~~minimum of five hours of~~ board-approved health education to include [ (i) ] bloodborne disease, sterilization, and aseptic techniques related to body-piercing or ear-piercing [ , as applicable ], and [ (ii) ] first aid ~~and CPR.~~

B. Any body-piercer or ear-piercer ~~desiring~~ seeking approval to perform the duties of an apprenticeship sponsor and offer the board's body-piercing or ear-piercing apprenticeship program ~~shall~~ must meet the requirements in 18VAC41-60-70.

C. All body-piercing apprenticeship training must be conducted in a body-piercing salon that has met the requirements of 18VAC41-60-80. All ear-piercing apprenticeship training must be conducted in a body-piercing or ear-piercing salon that has met the requirements of 18VAC41-60-80.

## **18VAC41-60-160. Body-piercing apprenticeship curriculum requirements.**

Body-piercing apprenticeship curriculum requirements are set out in this section:

1. Microbiology:
  - a. Microorganisms, viruses, bacteria, fungi;
  - b. Transmission cycle of infectious diseases; and
  - c. Characteristics of antimicrobial agents.
2. Immunization;
  - a. Types of immunizations;

- b. Hepatitis ~~A—G~~ A through G transmission and immunization;
- c. HIV/AIDS;
- d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
- e. Measles, mumps, and rubella;
- f. Vaccines and immunization; and
- g. General preventative measures to be taken to protect the ~~body piercer~~ body-piercer and client.

### 3. Sanitation and disinfection:

- a. Definition of terms:
  - (1) Sterilization;
  - (2) Disinfection and disinfectant;
  - (3) Sterilizer or sterilant;
  - (4) Antiseptic;
  - (5) Germicide;
  - (6) Decontamination; and
  - (7) Sanitation;
- b. The use of steam sterilization equipment and techniques;
- c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
- d. The use of sanitation equipment;
- e. Pre-service sanitation procedure; and
- f. Post-service sanitation procedure.

### 4. Safety:

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of ~~Material~~ Safety Data Sheets;
- d. Blood spill procedures;
- e. Equipment and instrument storage; and
- f. First aid ~~and CPR.~~

### 5. ~~Blood-borne~~ Bloodborne pathogen standards:

- a. OSHA and CDC ~~blood-borne~~ bloodborne pathogen standards;
- b. Control Plan for ~~blood-borne~~ bloodborne pathogens;
- c. Exposure Control Plan for Body Piercers;
- d. Overview of compliance requirements; and
- e. Disorders and when not to service a client.

### 6. Professional standards:

- a. History of ~~body-piercing~~ body-piercing;
- b. Ethics;
- c. Recordkeeping:
  - (1) Client health history;
  - (2) Consent forms; and

- (3) HIPAA Standards (Health Insurance Portability and Accountability Act of 1996 Privacy Rule);
- d. Preparing station, making appointments, salon ethics:
- (1) Maintaining professional appearance, notifying clients of schedule changes; and
- (2) Promoting services of the salon and establishing clientele;
- e. Salon management:
- (1) Licensing requirements; and
- (2) Taxes; and
- f. Supplies:
- (1) Usages;
- (2) Ordering; and
- (3) Storage.
7. ~~Body piercing~~ Body-piercing:
- a. Client consultation;
- b. Client health information;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;
- i. Grade of jewelry; and
- j. Metals to use.
8. Body-piercing procedures:
- a. Ear lobe;
- b. Helix—  $\pm$  ear;
- c. Concha—  $\pm$  ear;
- d. Tragus—  $\pm$  ear;
- e. Tongue;
- f. Navel;
- g. Eyebrow;
- h. Lip;
- i. Septum;
- j. Nostril;
- k. Male nipple;
- l. Female nipple;
- m. Monroe (face cheek);
- n. Prince Albert (male genitalia);
- o. Frenum (male genitalia);
- p. Clitoral hoods (female genitalia); and
- q. Labias (female genitalia).
9. Virginia body-piercing laws and regulations.
- [ **18VAC41-60-165. Ear-piercing apprenticeship curriculum requirements.**
- Ear-piercing apprenticeship curriculum requirements are set out in this section:
1. Microbiology:
    - a. Microorganisms, viruses, bacteria, and fungi;
    - b. Transmission cycle of infectious diseases; and
    - c. Characteristics of antimicrobial agents.
  2. Immunization:
    - a. Types of immunizations;
    - b. Hepatitis A through G transmission and immunization;
    - c. HIV or AIDS;
    - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
    - e. Measles, mumps, and rubella;
    - f. Vaccines and immunization; and
    - g. General preventative measures to be taken to protect the ear-piercer and client.
  3. Sanitation and disinfection:
    - a. Definition of terms:
      - (1) Sterilization;
      - (2) Disinfection and disinfectant;
      - (3) Sterilizer or sterilant;
      - (4) Antiseptic;
      - (5) Germicide;
      - (6) Decontamination; and
      - (7) Sanitation;
    - b. The use of steam sterilization equipment and techniques;
    - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
    - d. The use of sanitation equipment;
    - e. Pre-service sanitation procedure; and
    - f. Post-service sanitation procedure.
  4. Safety:
    - a. Proper needle handling and disposal;
    - b. How to avoid overexposure to chemicals;
    - c. The use of Safety Data Sheets (SDS);
    - d. Blood spill procedures;
    - e. Equipment and instrument storage; and
    - f. First aid ~~and CPR~~.
  5. Bloodborne pathogen standards:
    - a. OSHA and CDC bloodborne pathogen standards;
    - b. Control Plan for bloodborne pathogens;

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- c. Exposure Control Plan for Ear-Piercers;
- d. Overview of compliance requirements; and
- e. Disorders and when not to service a client.

6. Professional standards:

- a. History of ear-piercing;
- b. Ethics;
- c. Recordkeeping:
  - (1) Client health history;
  - (2) Consent forms; and
  - (3) Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA) Standards;
- d. Preparing station, making appointments, salon ethics:
  - (1) Maintaining professional appearance, notifying clients of schedule changes; and
  - (2) Promoting services of the salon and establishing clientele;
- e. Salon management:
  - (1) Licensing requirements; and
  - (2) Taxes;
- f. Supplies:
  - (1) Usages;
  - (2) Ordering; and
  - (3) Storage.

7. Ear-piercing:

- a. Client consultation;
- b. Client health information;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;
- i. Grade of jewelry; and
- j. Metals to use.

8. Ear-piercing procedures:

- a. Ear lobe;
- b. Helix - ear;
- c. Concha - ear; and
- d. Tragus - ear.

9. Virginia body-piercing laws and regulations. ]

**18VAC41-60-170. Body-piercing hours of instruction and performances.**

A. Curriculum requirements specified in 18VAC41-60-160 shall ~~shall~~ must be taught over a minimum of 1,500 hours as follows:

- 1. 350 hours ~~shall~~ must be devoted to theory pertaining to subdivisions 1, 2, 4, 5, [ ~~and~~ ] 6 [ , and 9 ] of 18VAC41-60-160;
- 2. 150 hours ~~shall~~ must be devoted to theory pertaining to subdivision 3 of 18VAC41-60-160; and
- 3. The remaining 1,000 hours ~~shall~~ must be devoted to practical training and the following performances pertaining to [ ~~subdivision~~ subdivisions ] 7 [ and 8 ] of 18VAC41-60-160:

Body-Piercing Performances	
[ <del>ear</del> <u>Ear</u> ] lobe	minimum of 5
[ <del>helix</del> <u>Helix</u> ] - ear	minimum of 5
[ <del>eoncha</del> <u>Concha</u> ] - ear	minimum of 5
[ <del>tragus</del> <u>Tragus</u> ] - ear	minimum of 5
[ <del>tongue</del> <u>Tongue</u> ]	minimum of 5
[ <del>navel</del> <u>Navel</u> ]	minimum of 5
[ <del>eyebrow</del> <u>Eyebrow</u> ]	minimum of 5
[ <del>lip</del> <u>Lip</u> ]	minimum of 5
[ <del>septum</del> <u>Septum</u> ]	minimum of 5
[ <del>nostril</del> <u>Nostril</u> ]	minimum of 5
[ <del>additional</del> <u>Additional</u> ] piercings of choice	minimum of 50
Total	100

B. An approved body-piercing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for ~~body-piercing~~ body-piercing and, based on the assessment, give a maximum of 500 hours of credit ~~towards~~ toward the requirements in subdivisions A 1 and A 3 of this section. No credit ~~shall~~ will be allowed for the 150 hours required in subdivision A 2 of this section.

**18VAC41-60-180. Display of license.**

A. The responsible management for each body-piercing, ear-piercing, or ear-piercing earlobe only salon must ensure that all current licenses issued by the board are displayed in ~~the reception area of the salon in~~ plain view of the public either in the reception area or at individual workstations of the salon. Duplicate licenses ~~shall~~ must be posted in a ~~like~~ similar manner in every salon location where the licensee provides services.

B. The responsible management for each body-piercing, ear-piercing, or ear-piercing earlobe only salon must ensure that no licensee or apprentice performs any service beyond the scope of practice for the applicable license.

C. The responsible management for each body-piercing, ear-piercing, or ear-piercing earlobe only salon must offer to licensees and apprentices the full series of Hepatitis B vaccine.

D. The responsible management for each body-piercing, ear-piercing, or ear-piercing earlobe only salon must maintain a record for each licensee or apprentice of:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

E. All licensees must operate under the name in which the license is issued.

**18VAC41-60-190. ~~Physical facilities~~ Sanitation and safety standards.**

A. A body-piercing, ear-piercing, or ear-piercing earlobe only salon ~~must be located~~ in a permanent building, ~~which or structure~~ must be in a location permissible under local zoning codes, if any. ~~If applicable, the~~ A body-piercing, ear-piercing, or ear-piercing earlobe only salon must be separated from any living quarters by complete ~~floor to ceiling~~ floor-to-ceiling partitioning and ~~shall~~ must contain no access to living quarters. Mobile salons must be stationary while providing services and may not operate where prohibited by local ordinance.

B. The body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ] must be maintained in a clean and orderly manner.

C. A body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ] must have a blood spill clean-up kit in the work area that contains, at a minimum, latex gloves, two 12-inch-by-12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration-approved blood spill clean-up kit.

D. Work surfaces ~~in a body-piercing, ear-piercing, or ear-piercing earlobe only salon or temporary location~~ must be cleaned with a U.S. Environmental Protection Agency (EPA) registered, hospital-grade disinfectant. Surfaces that come in contact with blood or other body fluids ~~shall~~ must be immediately disinfected with an EPA-registered germicide solution. Appropriate personal protective equipment ~~shall~~ must be worn during cleaning and disinfecting procedures.

E. In a body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ], cabinets or containers for the storage of instruments, single-use articles, and other utensils [ ~~shall~~ must ] be provided for each operator and must be maintained in a sanitary manner.

F. In a body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ], bulk single-use articles

must be commercially packaged and handled in such a way as to protect the articles from contamination.

G. In a body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ], all materials applied to the human skin must be from single-use articles or transferred from bulk containers to single-use containers and must be disposed of after each use.

H. In a body-piercing, ear-piercing, or ear-piercing earlobe only salon or temporary location, the walls, ceilings, and floors must be kept in good repair. The body-piercing or ear-piercing area must be constructed of smooth, hard surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New physical facilities must not include any dark-colored surfaces in the body-piercing or ear-piercing area. Existing physical facilities with dark-colored surfaces in the body-piercing or ear-piercing area must replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. A body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ] must have adequate lighting of at least 50 foot-candles of illumination in the body-piercing and sterilization areas.

J. In a body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ], adequate mechanical ventilation must be provided.

K. A body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ] must be equipped with hand-cleaning facilities for its personnel with unobstructed access to the body-piercing, ear-piercing, or ear-piercing earlobe only area such that the body-piercer, ear-piercer, or ear-piercer earlobe only can return to the area without having to touch anything with his hands. Hand-cleaning facilities must be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities must be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities must be kept clean and in good repair. ~~All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.~~

L. No animals are permitted in the body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ], except for guide or service animals accompanying persons with disabilities or nonmammalian animals in enclosed glass containers such as fish aquariums, which must be outside of the body-piercing or ear-piercing area or sterilization area. No animals are allowed in the body-piercing, ear-piercing, or ear-piercing earlobe only area or sterilization area.

M. In a body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ], the use of tobacco

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products and consumption of alcoholic beverages ~~shall~~ must be prohibited in the body-piercing, ear-piercing, or ear-piercing earlobe only area-or sterilization area.

N. In a body-piercing, ear-piercing, or ear-piercing earlobe only salon [ or temporary location ], no food or drink will be stored or consumed in the body-piercing, ear-piercing, or ear-piercing earlobe only area or sterilization area.

O. In a body-piercing, ear-piercing, or ear-piercing earlobe only salon or [ temporary location ], if body-piercing, ear-piercing, or ear-piercing earlobe only is performed where cosmetology services are provided, those services must be performed in an area that is separate and enclosed.

P. All steam sterilizers must be biological spore tested at least monthly.

Q. Biological spore tests must be verified through an independent laboratory.

R. Biological spore test records must be retained for a period of three years and made available upon request.

S. Steam sterilizers must be used only for instruments used by the salon's employees.

## **18VAC41-60-200. Body-piercer, ear-piercer, and ear-piercer earlobe only responsibilities.**

A. All body-piercers, ear-piercers, and ear-piercers earlobe only must provide to the responsible management one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the responsible ~~management~~ management's offer of a full series of Hepatitis B vaccine.

B. All body-piercers, ear-piercers, and ear-piercers earlobe only must wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All body-piercers, ear-piercers, and ear-piercers earlobe only must clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after [ ~~body piercing~~ piercing ] and as necessary to remove contaminants.

D. All body-piercers, ear-piercers, and ear-piercers earlobe only must wear single-use examination gloves while assembling instruments and another pair of single-use examination gloves while providing piercing services.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated or become contaminated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves ~~shall~~ must be removed and disposed of; and

2. Hands ~~shall~~ must be cleaned and a fresh pair of gloves used.

F. Body-piercers, ear-piercers, and ear-piercers earlobe only must use standard precautions while providing piercing services. A body-piercer, ear-piercer, or ear-piercer earlobe only diagnosed with a communicable disease must provide to the Department of Professional and ~~Occupation~~ Occupational Regulation a written statement from a health care practitioner that the body-piercer's, ear-piercer's, or ear-piercer's earlobe only condition no longer poses a threat to public health.

G. Body-piercers, ear-piercers, and ear-piercers earlobe only with draining lesions on their hands or face will not be permitted to work until cleared by a health care professional.

~~H. The area of the client's skin to be pierced must be cleaned with an approved germicidal soap or antiseptic product according to label directions.~~

~~I. The external skin of the~~ H. All client areas to be pierced must be cleaned with an approved germicidal soap or antiseptic product according to the label directions. In the case of oral piercings, the operator must provide the individual with antiseptic mouthwash in a single-use cup and must ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret, or cheek piercing, procedures described in this subsection for both skin and oral piercings must be followed.

~~J. I.~~ If shaving is required, razors must be single-use and disposed of in a puncture-resistant container.

~~K. J.~~ Each body-piercer, ear-piercer, or ear-piercer earlobe only performing any piercing procedures in the salon must have the education, training, and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures must be performed using aseptic technique.

~~L. K.~~ An individual, single-use, pre-sterilized piercing needle must be used for each client. Single-use disposable instruments must be disposed of in a puncture-resistant container.

~~M. L.~~ Used, nondisposable instruments ~~shall~~ must be kept in a separate, puncture-resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments ~~shall~~ must be handled with disposable gloves.

~~N. M.~~ Used nondisposable instruments that are ultrasonically cleaned must be rinsed under running hot water prior to being placed in the used instrument container.

~~O. N.~~ Used nondisposable instruments that are not ultrasonically cleaned prior to being placed in the used instrument container must be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

~~P.~~ Q. The ultrasonic unit must be sanitized daily with a germicidal solution.

Q. ~~P.~~ Nondisposable instruments must be sterilized and must be handled and stored in a manner to prevent contamination. Instruments to be sterilized must be sealed in bags made specifically for the purpose of autoclave sterilization and must include the date of sterilization. If nontransparent bags are utilized, the bag must also list the contents.

~~R.~~ Q. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization must be utilized during the autoclave sterilization process.

~~S.~~ R. Nondisposable instruments must be placed in the autoclave in a manner to allow live steam to circulate around them.

~~T.~~ S. Contaminated disposable and single-use items must be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

~~U.~~ T. The manufacturer's written instruction of the autoclave shall must be followed.

**18VAC41-60-210. Body-piercing and ear-piercing client qualifications, disclosures, and records.**

A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and must present at the time of the body-piercing or ear-piercing a valid, government-issued, positive identification card, including a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The body-piercer or ear-piercer must verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be body or ear pierced who appears to be under the influence of alcohol or drugs.

D. Body-piercing or ear-piercing must not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. Before receiving a body-piercing or ear-piercing, each client and client's parent or guardian, if applicable, must be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each body-piercing or ear-piercing. Signatures of the client, the client's parent or guardian, if applicable, and the body-piercer or ear-piercer must be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures. Each client and client's parent or guardian, if applicable, must be informed verbally and in writing of aftercare for each piercing.

F. The body-piercing or ear-piercing salon [ or temporary location ] must maintain proper records for each client. The

information must be permanently recorded and made available for examination by the department or authorized agent. Records must be maintained at the body-piercing or ear-piercing salon for at least two years following the date of the last entry. [ The temporary location client records must be maintained by the license holder. ] The permanent records must include the following:

1. The name, address, and telephone number of the client or client's parent or guardian [ , if applicable ];
2. The date [ ~~body-piercing~~ piercing ] was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the body-piercer or ear-piercer;
4. The specific type of jewelry used for the piercing and, when available, the manufacturer's ~~catalogue~~ catalog or identification number for the type of jewelry used;
5. The location on the body where the [ ~~body-piercing or ear-piercing~~ piercing ] was performed;
6. The name of the body-piercer or ear-piercer;
7. A statement that the client or client's parent or guardian [ if applicable, ] has received a copy of applicable written care instructions and that the client has read and understands the instructions; and
8. The signature of the client and, if applicable, parent or guardian.

**18VAC41-60-220. Grounds for license revocation or suspension or probation; denial of application, renewal, or reinstatement; or imposition of a monetary penalty.**

The board may, in considering the totality of the circumstances, ~~fine any licensee and suspend, place on probation, or revoke or refuse to issue, renew or reinstate any license or deny any application; impose a monetary penalty; place a license on probation with such terms and conditions and for such time as it may designate; suspend a license for a stated period of time; or revoke a license~~ issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if the board finds that the licensee or applicant:

1. Is incompetent or negligent in practice; or ~~incapable mentally or physically~~ unable, as a result of any mental or physical condition, as those terms are generally understood in the profession, to skillfully and safely (i) practice as a body-piercer, ear-piercer, or ear-piercer earlobe only or (ii) operate a body-piercing, ear-piercing, or ear-piercing earlobe only salon;
2. Is convicted of fraud or deceit in the practice of body-piercing, ear-piercing, or ear-piercing earlobe only;
3. Attempts to obtain or obtains, renews, or reinstates a license by false or fraudulent representation;

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4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which [ ~~body-piercers~~ body-piercers ], ear-piercers, or ear-piercers earlobe only may practice or offer to practice;

5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent in the performance of the employee's duties any federal, state, or local law, regulation, or ordinance governing body-piercing, ear-piercing, or ear-piercing earlobe only as defined in § 54.1-700 of the Code of Virginia;

6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;

7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54 of the Code of Virginia or this chapter;

8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, apprentice's, temporary license holder's, applicant's or responsible management's possession or maintained in accordance with this chapter;

9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, apprentice, or temporary license;

10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;

11. Fails to notify the board in writing within 30 days of the ~~suspension, revocation, or surrender of a license, certificate, or permit in connection with a~~ any final action or disciplinary action taken against a license, apprentice, temporary license, or certificate in any other jurisdiction ~~or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction by a~~ local, state, or national regulatory body;

12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of [ ~~a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or~~ ] any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. ~~Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence~~

~~under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;~~

13. Fails to 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 convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a salon, a person who has not obtained a license or temporary license to practice as a body-piercer, ear-piercer, or ear-piercer earlobe only, unless the person is duly enrolled as an apprentice;

15. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practice of body-piercing, ear-piercing, or ear-piercing earlobe only, or the operation of body-piercing, ear-piercing, or ear-piercing earlobe only salon; or

16. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

**NOTICE:** The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

[ FORMS (18VAC41-60)

~~Body Piercer Examination and License Application, A450-1241EXLIC v19 (rev. 12/2025)~~

~~Body Piercing or Ear Piercing Apprenticeship Sponsor Application, A450-12BPSPON v7 (eff. 12/2025)~~

~~Body Piercing Apprentice Certification Application, A450-BP\_SOA v3 (rev. 3/2015)~~

~~Body Piercing Apprenticeship Completion Form, A450-12BPAC v8 (rev. 1/2020)~~

~~Body Piercing Client Disclosure Form, A450-12BPDIS v2 (rev. 4/2013)~~

~~Ear Piercer Earlobe Only License Application, A450-1245LIC v12 (eff. 12/2025)~~

~~License by Endorsement Application, A450-1213END v20 (rev. 12/2025)~~

~~Ear Piercer, Body Piercer, and Tattooer Experience Verification Form, A450-12BPTATT\_EXP v4 (rev. 12/2025)~~

~~Salon, Shop, Spa, and Parlor License Reinstatement Application A450-1213BUS-v19 (rev. 12/2025)~~

~~Licensure Fee Notice, A450-1213FEE-v13 (rev. 8/2025)~~

~~Individuals Reinstatement Application, A450-1213REI-v18 (rev. 12/2025)~~

~~Tattoo/Body Piercer/Ear Piercer Universal License Recognition Application, A450-1231-41ULR-v4 (rev. 12/2025)~~

~~Ear Piercing Apprentice Certification Application, A450-EP\_SOA-v1 (eff. 12/2025)~~

~~Ear Piercing Apprenticeship Completion Form, A450-12EPAC-v1 (eff. 12/2025)~~

[Body-Piercer Examination and License Application, A450-1241EXLIC-v19 \(rev. 3/2026\)](#)

[Piercer Apprenticeship Sponsor Application, A450-12BPSPON-v8 \(eff. 3/2026\)](#)

[Body-Piercing Apprentice Certification Application, A450-BP\\_SOA-v6 \(rev. 3/2026\)](#)

[Body-Piercing Apprenticeship Completion Form, A450-12BPAC-v10 \(rev. 3/2026\)](#)

[Body-Piercing Client Disclosure Form, A450-12BPDIS-v3 \(rev. 3/2026\)](#)

[Ear-Piercer Earlobe Only License Application, A450-1245LIC-v14 \(eff. 3/2026\)](#)

[Ear-Piercer Examination and License Application, A450-1256EXLIC-v2 \(rev. 3/2026\)](#)

[License by Endorsement Application, A450-1213END-v23 \(rev. 1/2026\)](#)

[Ear-Piercer, Body-Piercer, and Tattooer Experience Verification Form, A450-12BPTATT\\_EXP-v6 \(rev. 1/2026\)](#)

[Salon, Shop, Spa, and Parlor License and Reinstatement Application A450-1213BUS-v23 \(rev. 3/2026\)](#)

[Licensure Fee Notice, A450-1213FEE-v15 \(rev. 1/2026\)](#)

[Tattoo and Piercer Universal License Recognition Application, A450-1231-41ULR-v5 \(rev. 1/2026\)](#)

[Ear-Piercing Apprentice License Application, A450-EP\\_APPR Lic-v2 \(eff. 3/2026\)](#)

[Ear-Piercing Apprenticeship Completion Form, A450-12EPAC-v2 \(eff. 3/2026\)](#)

[Ear-Piercing Client Disclosure Form, A450-12EPDIS-v1 \(eff. 12/2025\)](#)

~~Change of Responsible Management Application, A450-1213CRM-v7 (rev. 12/2025)~~

[Change of Responsible Management Application, A450-1213CRM-v8 \(rev. 1/2026\)](#)

[Guest Body-Piercer/Ear-Piercer License Application, A450-1241LIC-v1 \(eff. 12/2025\)](#)

[Event Body-Piercer/Ear-Piercer Salon License Application, A450-0000LIC-v1 \(eff. 12/2025\) \]](#)

VA.R. Doc. No. R24-7714; Filed January 16, 2026, 2:06 p.m.

## BOARD FOR CONTRACTORS

### Final Regulation

Titles of Regulations: **18VAC50-22. Board for Contractors Regulations (amending 18VAC50-22-80).**

**18VAC50-30. Individual License and Certification Regulations (amending 18VAC50-30-100).**

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Effective Date: March 11, 2026.

Agency Contact: Cameron Parris, Regulatory Operations Administrator, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-9183, fax (866) 350-5354, or email [cameron.parris@dpor.virginia.gov](mailto:cameron.parris@dpor.virginia.gov).

#### Summary:

*The amendments (i) increase examination fee caps for applicants for licensure or certification and (ii) provide that examination fees are charged to an examination candidate based on a contract entered into by the Board for Contractors and an outside examination vendor in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia).*

#### **18VAC50-22-80. Examinations Examination fees.**

~~All examinations required for licensure shall be approved by the board and provided by the board or a testing service acting on behalf of the board, or another governmental agency or organization. The examination fee shall consist of the administration expenses of the Department of Professional and Occupational Regulation ensuing from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation. The fee for examination is subject to contracted charges to the board by an outside vendor based on a contract entered into in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia) (§ 2.2-4300 et seq. of the Code of Virginia). The current examination [ shall will ] not exceed a cost of \$100 \$200 per element to the candidate. Fees may be adjusted and charged to the candidate in accordance with this contract.~~

# Regulations

## 18VAC50-22-100. Fees.

**EDITOR'S NOTE:** All proposed changes to 18VAC50-22-100 published via this action at [41:25 VA.R. 2700-2703 July 28, 2025](#), became effective September 1, 2025, via a different action, published at [41:25 VA.R. 2686-2700 July 28, 2025](#), see specifically pages 2694-2695.

All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant will be required to remit fees sufficient to cover the original fee, plus an additional processing charge set by the department:

Fee Type	When Due	Amount Due
Class C Initial License	with license application	\$235
Class B Initial License	with license application	\$380
Class A Initial License	with license application	\$400
Temporary License	with license application and applicable initial license fee	\$60
Residential Building Energy Analyst Firm License	with license application	\$240
Change of Designated Employee	with change application	\$125
Change of Qualified Individual	with change application	\$125
Addition of Classification or Specialty	with addition application	\$125

In accordance with § 54.1-1119 of the Code of Virginia, a \$25 Recovery Fund assessment is also required with each initial license application. No Recovery Fund assessment is required for residential building energy analyst firm license, change of designated employee, change of qualified individual, or addition of classification or specialty.

## 18VAC50-30-100. Fees for examinations ~~Examination fees.~~

~~The fee for examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation, is subject to contracted charges to the board by an outside vendor based on a contract entered into in compliance with the~~

Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The current examination [ ~~shall will~~ ] not exceed a cost of ~~\$100~~ \$200 for the journeyman exam, ~~\$125~~ \$225 for the master exam for any of the trades, or ~~\$100~~ \$200 for the backflow prevention device worker, elevator mechanic, accessibility mechanic, or water well systems provider exams. Fees may be adjusted and charged to the candidate in accordance with this contract.

VA.R. Doc. No. R23-7338; Filed January 15, 2026, 2:28 p.m.

## BOARD OF NURSING

### Final Regulation

**REGISTRAR'S NOTICE:** The Board of Nursing is claiming an exemption from the Administrative Process Act in accordance with the fourth enactment of Chapter 277 of the 2025 Acts of Assembly, which exempts the actions of the board relating to the adoption of regulations necessary to implement the provisions of the act.

**Title of Regulation:** 18VAC90-60. Regulations Governing the Registration of Medication Aides (amending 18VAC90-60-20, 18VAC90-60-30, 18VAC90-60-110; adding 18VAC90-60-130 through 18VAC90-60-160).

**Statutory Authority:** §§ 54.1-2400, 54.1-3005, and 54.1-3041 of the Code of Virginia.

**Effective Date:** March 11, 2026.

**Agency Contact:** Claire Morris, RN, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4665, or email [claire.morris@dhp.virginia.gov](mailto:claire.morris@dhp.virginia.gov).

#### Summary:

*Pursuant to Chapter 277 of the 2025 Acts of Assembly, the amendments establish licensure for advanced registered medication aides, including (i) requirements for initial registration and renewal and reinstatement of registration, (ii) standards of practice, and (iii) disciplinary provisions.*

### 18VAC90-60-20. Identification; accuracy of records.

A. Any person regulated by this chapter shall, while on duty, wear identification that is clearly visible to the client and that indicates the appropriate title issued to such person by the board under which the person is practicing in that setting. Name identification on a badge shall follow the policy of the assisted living facility in which the medication aide is employed.

B. A medication aide or advanced registered medication aide who has changed his name shall submit as legal proof to the board a copy of the marriage certificate, a certificate of naturalization, or a court order evidencing the change. A duplicate certificate shall be issued by the board upon receipt of such evidence.

C. A medication aide or advanced registered medication aide shall maintain an address of record with the board. Any change in the address of record or in the public address, if different from the address of record, shall be submitted electronically or in writing to the board within 30 days of such change. All notices required by law and by this chapter to be sent by the board to any registrant shall be validly given when sent to the latest address of record on file with the board.

**18VAC90-60-30. Fees.**

A. The following fees shall apply:

1. Application for program approval	\$500
2. Application for registration as a medication aide	\$50
<u>3. Application for registration as an advanced registered medication aide</u>	<u>\$100</u>
<del>3.</del> <u>4.</u> Annual renewal for medication aide	\$30
<del>4.</del> <u>5.</u> Late renewal	\$15
<del>5.</del> <u>6.</u> Reinstatement of registration	\$90
<del>6.</del> <u>7.</u> Handling fee for returned check or dishonored credit card or debit card	\$50
<del>7.</del> <u>8.</u> Duplicate registration	\$15
<del>8.</del> <u>9.</u> Reinstatement following suspension, mandatory suspension, or revocation	\$120

B. Fees shall not be refunded once submitted.

C. The fee for the state examination shall be paid directly to the examination service contracted by the board for its administration.

**18VAC90-60-110. Standards of practice.**

A. A medication aide shall:

1. Document and report all medication errors and adverse reactions immediately to the licensed health care professional in the facility or to the client's prescriber;
2. Give all medications in accordance with the prescriber's orders and instructions for dosage and time of administration and document such administration in the client's record; and
3. Document and report any information giving reason to suspect the abuse, neglect, or exploitation of clients immediately to the licensed health care professional in the facility or to the facility administrator.

B. A medication aide shall not:

1. Transmit verbal orders to a pharmacy;
2. Make an assessment of a client or deviate from the medication regime ordered by the prescriber;

3. Mix, dilute, or reconstitute two or more drug products, with the exception of insulin or glucagon;

4. Administer by intramuscular or intravenous routes or medications via a nasogastric or percutaneous endoscopic gastric tube; or

5. Administer by subcutaneous route, except for insulin medications, glucagon, or auto-injectable epinephrine.

C. An advanced registered medication aide working in an assisted living facility shall abide by the limitations included in this section.

Part IV

Advanced Registered Medication Aides

**18VAC90-60-130. Requirements for initial registration as an advanced registered medication aide.**

In order to be registered as an advanced registered medication aide, an applicant shall:

1. Hold both a current Virginia certification as a certified nurse aide and as a registered medication aide or be eligible for endorsement as a registered medication aide;

2. Have successfully completed a minimum of 60 hours of advanced training in a nursing facility that includes population and medication specific training; and

3. Submit the required application and fee.

**18VAC90-60-140. Renewal and reinstatement as an advanced registered medication aide.**

A. Current certification as a nurse aide in Virginia must be maintained to hold certification as an advanced registered medication aide. If an individual is not eligible to renew as a certified nurse aide, registration as an advanced registered medication aide may not be renewed.

B. Advanced registered medication aides shall renew annually. To renew an advanced registration, an individual must:

1. Submit the renewal application and required fee; and

2. Attest that the individual has completed continuing education as required in 18VAC90-60-100 B and four hours of nursing facility population and medication specific training.

C. Failure to receive a notice for renewal shall not relieve the advanced registered medication aide of the responsibility for renewing the registration by the expiration date.

D. The registration shall automatically lapse if the advanced registered medication aide fails to renew by the expiration date.

E. Any person administering medications in an assisted living facility or licensed nursing home during the time a registration has lapsed shall be considered an unlicensed practitioner and

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# Regulations

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shall be subject to prosecution under the provisions of § 54.1-3008 of the Code of Virginia.

F. If an advanced registered medication aide has not renewed for 90 days following the expiration date, the advanced registration shall only be reinstated if the applicant:

1. Holds current certification as a nurse aide in Virginia;
2. Submits a completed reinstatement application on a form provided by the board;
3. Pays the reinstatement fee; and
4. Provides evidence that the applicant has completed all required hours of continuing education and training.

## **18VAC90-60-150. Standards of practice for advanced registered medication aides working in a nursing facility.**

A. An advanced registered medication aide shall:

1. Document and report all medication errors and adverse reactions immediately to the licensed health care professional in the facility or to the client's prescriber;
2. Give all medications in accordance with the prescriber's orders and instructions for dosage and time of administration and document such administration in the client's record; and
3. Immediately document and report any information giving reason to suspect the abuse, neglect, or exploitation of clients to the licensed health care professional in the facility or to the facility administrator.

B. An advanced registered medication aide shall not:

1. Transmit verbal orders to a pharmacy;
2. Make an assessment of a client or deviate from the medication regime ordered by the prescriber;
3. Mix, dilute, or reconstitute two or more drug products, with the exception of insulin or glucagon;
4. Administer intravenous medications or medications via a nasogastric or percutaneous endoscopic gastric tube or intramuscular medication, except for vaccinations and auto-injectable epinephrine; or
5. Administer by subcutaneous route, except for insulin medications, glucagon, glucagon-like peptide-1, Vitamin B12, or anticoagulants.

C. An advanced registered medication aide working in an assisted living facility shall abide by the limitations included in 18VAC90-60-110.

## **18VAC90-60-160. Disciplinary provisions for advanced registered medication aides.**

The board has the authority to deny, revoke, or suspend a registration issued, or to otherwise discipline a registrant upon proof that the registrant has violated any of the provisions of § 54.1-3007 of the Code of Virginia.

1. Fraud or deceit in order to procure or maintain a registration includes:

- a. Filing false credentials;
- b. Falsely representing facts on an application for initial registration, reinstatement, or renewal of a registration; or
- c. Giving or receiving assistance in taking the competency evaluation.

2. Unprofessional conduct includes:

- a. Performing acts beyond those authorized by the Code of Virginia and this chapter for practice as an advanced registered medication aide;
- b. Assuming duties and responsibilities within the practice of an advanced registered medication aide without adequate training or when competency has not been maintained;
- c. Obtaining supplies, equipment, or drugs for personal or other unauthorized use;
- d. Falsifying or otherwise altering client or drug records relating to administration of medication;
- e. Falsifying or otherwise altering employer records, including falsely representing facts on a job application or other employment-related documents;
- f. Abusing, neglecting, or abandoning clients;
- g. Having been denied a license, certificate, or registration or having had a license, certificate, or registration issued by the board revoked or suspended;
- h. Giving to or accepting from a client property or money for any reason other than fee for service or a nominal token of appreciation;
- i. Obtaining money or property of a client by fraud, misrepresentation, or duress;
- j. Entering into a relationship with a client that constitutes a professional boundary violation in which the advanced registered medication aide uses a professional position to take advantage of a client's vulnerability, to include actions that result in personal gain at the expense of the client, an inappropriate personal involvement, or sexual conduct with a client;
- k. Violating state laws relating to the privacy of client information, including § 32.1-127.1:03 of the Code of Virginia;
- l. Failing to follow provisions of the medication management plan for the facility in which the advanced registered medication aide is employed; or
- m. Violating any provision of this chapter, including the standards of practice as set forth in 18VAC90-60-150.

3. A pattern of medication errors may constitute practice that presents a danger to the health and welfare of clients or to the public as referenced in subdivision 5 of § 54.1-3007 of the Code of Virginia.

VA.R. Doc. No. R26-8466; Filed January 21, 2026, 11:10 a.m.

## BOARD OF PHARMACY

## Final Regulation

**REGISTRAR'S NOTICE:** The Board of Pharmacy is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 13 of the Code of Virginia, which exempts amendments to regulations of the board to schedule a substance in Schedule I or II pursuant to subsection D of § 54.1-3443 of the Code of Virginia. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-322).

**Statutory Authority:** §§ 54.1-2400 and 54.1-3443 of the Code of Virginia.

**Effective Date:** March 11, 2026.

**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](mailto:caroline.juran@dhp.virginia.gov).

**Summary:**

*The amendments add seven compounds into Schedule I of the Drug Control Act as recommended by the Virginia Department of Forensic Science pursuant to § 54.1-3443 of the Code of Virginia. The compounds added by this regulatory action will remain in effect for 18 months or until the compounds are placed in Schedule I by legislative action of the General Assembly.*

**18VAC110-20-322. Placement of chemicals in Schedule I.**

A. Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy places the following in Schedule I of the Drug Control Act:

1. Compound expected to have depressant properties. 7-Bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one (other name: phenazepam), 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.
2. Cannabimimetic agent. Methyl N-[(5-methyl-1H-indazol-3-yl)carbonyl]-3-methyl-valinate (other name: MDMB-5Me-INACA), 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.

The placement of drugs listed in this subsection shall remain in effect until November 21, 2026, unless enacted into law in the Drug Control Act.

B. Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy places the following in Schedule I of the Drug Control Act:

1. The following compounds classified as synthetic opioids:

- a. 2-[(4-methoxyphenyl)methyl]-5-nitro-1-(2-pyrrolidin-1-ylethyl)benzimidazole (other names: metonitazepyne, N-pyrrolidino metonitazene), its isomers, esters, 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.

- b. 2-[2-[(4-ethoxyphenyl)methyl]-5-nitrobenzimidazol-1-yl]-N-ethylethanamine (other name: N-desethyl etonitazene), 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.

- c. N-(2-methylphenyl)-N-[1-(2-phenethyl)piperidin-4-yl]propanamide (other name: ortho-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. The following compounds expected to have hallucinogenic properties:

- a. [3-[2-(diethylamino)ethyl]-1H-indol-4-yl] acetate (other names: 4-acetoxy-N,N-diethyltryptamine; 4-acetoxy DET; 4-AcO-DET; ethacetin), 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.

- b. 3-[2-(diethylamino)ethyl]-1H-indol-4-ol (other names: 4-hydroxy-N,N-diethyltryptamine; 4-hydroxy DET; ethocin), 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.

- c. 3-methylmethcathinone (other names: 3-MMC; metaphedrone; 2-(methylamino)-1-(3-methylphenyl)propan-1-one), 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.

3. The following compounds classified as cannabimimetic agents:

- a. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide (other name: ADB-INACA), 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.

- b. N-cyclohexyl-2-(1-pentylindol-3-yl)acetamide (other names: cyclohexyl-PIATA, CH-PIACA, CH-PIATA), 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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The placement of drugs listed in this subsection shall remain in effect until November 21, 2026, unless enacted into law in the Drug Control Act.

C. Pursuant to subsection E of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy places the following compounds into Schedule I of the Drug Control Act to conform to federal scheduling changes:

1. Meta-fluorofentanyl (other name: N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide);
2. Meta-fluoroisobutyryl fentanyl (other name: N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
3. Para-methoxyfuranyl fentanyl (other name: N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
4. 3-furanyl fentanyl (other name: N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide);
5. 2',5'-dimethoxyfentanyl (other name: N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-N-phenylpropionamide);
6. Isovaleryl fentanyl (other name: 3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);
7. Ortho-fluorofuranyl fentanyl (other name: N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
8. Para-methylcyclopropyl fentanyl (other name: N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropane carboxamide);
9. Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate (other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA);
10. 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one (other names: CUMYL-PEGACLONE; SGT-151);
11. Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate (other names: 5F-EDMB-PICA; 5F-EDMB-2201); and
12. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1H-benzimidazole (other names: N-piperidinyl etonitazene; etonitazepipne).

D. Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy places the following in Schedule I of the Drug Control Act:

1. The following compound expected to have hallucinogenic properties: N,N-dipropyl-1H-indole-3-ethanamine (other names: Dipropyltryptamine; N,N-DPT), 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; and

2. The following cannabimimetic agent: N-(1-amino-3-methyl-1-oxobutan-2-yl)-3-(dimethylsulfamoyl)-4-methyl benzamide (other name: AB-MDMSBA), 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.

The placement of drugs listed in this subsection shall remain in effect until April 8, 2027, unless enacted into law in the Drug Control Act.

E. Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy places the following in Schedule I of the Drug Control Act:

1. The following compound classified as a synthetic opioid: 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. The following compounds expected to have hallucinogenic properties:

- a. [3-[2-(dimethylamino)ethyl]-1H-indol-4-yl] propionate (other names: 4-propionoyloxy-N,N-dimethyl tryptamine, 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.

- b. 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- $\alpha$ -isobutylaminopropiophenone), 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.

- c. 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. The following compound expected to have depressant properties: 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 classified as cannabimimetic agents:

a. Naphthalen-1-yl 3-(dimethylsulfamoyl)-4-methyl benzoate (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.

b. N-[1-(5-fluoropentyl)-2-hydroxyindol-3-yl]iminoben zamide (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.

The placement of drugs listed in this subsection shall remain in effect until September 11, 2027, unless enacted into law in the Drug Control Act.

VA.R. Doc. No. R26-8376; Filed January 21, 2026, 8:52 a.m.

### Final Regulation

**REGISTRAR'S NOTICE:** The Board of Pharmacy is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 13 of the Code of Virginia, which exempts amendments to regulations of the board to schedule a substance in Schedule I or II pursuant to subsection D of § 54.1-3443 of the Code of Virginia. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** **18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-323).**

**Statutory Authority:** §§ 54.1-2400 and 54.1-3443 of the Code of Virginia.

**Effective Date:** March 11, 2026.

**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](mailto:caroline.juran@dhp.virginia.gov).

**Summary:**

*The amendments add chemicals to Schedule I of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) pursuant to § 54.1-3443 of Code of Virginia to conform Virginia scheduled drugs with federal scheduling actions. The amendments represent changes made by the federal government.*

**18VAC110-20-323. Scheduling for conformity with federal law or rule.**

Pursuant to subsection E of § 54.1-3443 of the Code of Virginia and in order to conform the Drug Control Act to recent scheduling changes enacted in federal law or rule, the board:

1. Replaces 4-anilino-N-phenethyl-4-piperidine (CASRN 21409-26-7) in Schedule II with 4-anilino-N-phenethylpiperidine (ANPP); ~~and~~

2. Deletes Samidorphan from Schedule II; and

3. Adds the following chemicals into Schedule I:

a. Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a fentanyl-related substance or that contains the salts, isomers, and salts of isomers of a fentanyl-related substance whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

b. For purposes of subdivision 3 a of this section, except as provided in subdivision 3 c of this section, the term "fentanyl-related substance" means any substance that is structurally related to fentanyl by one or more of the following modifications:

(1) By replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(2) By substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(3) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(4) By replacement of the aniline ring with any aromatic monocycle, whether or not further substituted in or on the aromatic monocycle; or

(5) By replacement of the N-propionyl group with another acyl group.

c. A substance that satisfies the definition of the term "fentanyl-related substance" in subdivision 3 b of this section shall not be treated as a fentanyl-related substance subject to Schedule I if the substance is expressly listed in a schedule other than Schedule I.

d. The absence of a substance from Schedule I in the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) or board regulation does not negate the control status of the substance under Schedule I if the substance satisfies the definition of the term "fentanyl-related substance" in subdivision 3 b of this section and does not meet the exception requirement of subdivision 3 c of this section.

VA.R. Doc. No. R26-8450; Filed January 21, 2026, 8:54 a.m.

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# Regulations

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## Final Regulation

**REGISTRAR'S NOTICE:** The Board of Pharmacy is claiming an exemption from the Administrative Process Act in accordance with the fifth enactment of Chapter 277 of the 2025 Acts of Assembly, which exempts the actions of the board relating to the adoption of regulations necessary to implement the provisions of the act.

**Title of Regulation:** **18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-555, 18VAC110-20-560).**

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

**Effective Date:** March 11, 2026.

**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](mailto:caroline.juran@dhp.virginia.gov).

**Summary:**

*Pursuant to Chapter 277 of the 2025 Acts of Assembly, the amendments update regulatory text to include a new category of practitioner, advanced registered medication aide.*

### **18VAC110-20-555. Use of automated dispensing devices.**

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, 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 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 nursing home without an in-house pharmacy shall obtain a controlled substances registration prior to using an automated dispensing system, unless the 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, except as restricted in subdivision 4 c of this section, access to the automated dispensing device shall be restricted to a licensed nurse, pharmacist, ~~or~~ prescriber, advanced registered medication aide, or a registered pharmacy technician for the purpose of stocking or reloading.
4. Removal of drugs from any automated drug 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 dispensing device 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~~ B may be accessed pursuant to a valid prescription or lawful order of a prescriber and prior to receiving electronic authorization from the pharmacist by a licensed nurse, pharmacist, or prescriber, 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, and that only these licensed individuals may administer a drug accessed for this purpose.
  - d. Automated dispensing devices shall be capable of producing a hard-copy record of distribution that shall show patient name, drug name and strength, dose withdrawn, dose to be administered, date and time of withdrawal from the device, and identity of person withdrawing the drug.
5. Drugs placed in automated dispensing devices 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. Prior to the removal of drugs from the pharmacy, a delivery record shall be generated for all drugs to be placed in an automated dispensing device, 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. 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. 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. 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 dispensing device 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. The PIC of the provider pharmacy or the PIC's designee shall conduct at least a monthly audit to review distribution and administration of Schedules II through V drugs from each automated dispensing device 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 records from each device per month for possible diversion by fraudulent charting. A sample shall include all Schedules II through V drugs administered 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.
- 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 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. Automated dispensing devices 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. Personnel allowed access to an automated dispensing device shall have a specific access code that records the identity of the person accessing the device.

13. 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, 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. 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 or electronically as described in subdivisions 14 a and 14 b of this section if authorized by DEA or in federal law or regulation.
- d. Hard-copy distribution and administration records that are printed and reviewed in conducting required audits may be maintained offsite 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 dispensing device being audited, the time period covered by the audit and review, and the initials of all reviewers.

### **18VAC110-20-560. Floor stock.**

In addition to an emergency box or stat-drug box, a long-term care facility in which only (i) those persons licensed to administer drugs or (ii) advanced registered medication aides

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are administering drugs may maintain a stock of intravenous fluids, irrigation fluids, heparin flush kits, medicinal gases, sterile water and saline, and prescription devices. Such stock shall be limited to a listing to be determined by the provider pharmacist in consultation with the medical and nursing staff of the institution.

VA.R. Doc. No. R26-8482; Filed January 21, 2026, 10:39 a.m.

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## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMONWEALTH TRANSPORTATION BOARD

#### Final Regulation

Titles of Regulations: **24VAC30-50. Rules and Regulations for the Administration of Waysides and Rest Areas (repealing 24VAC30-50-10).**

**24VAC30-51. Rules for the Administration of Waysides, Rest Areas, and Parking Lots (adding 24VAC30-51-10 through 24VAC30-51-40).**

**24VAC30-100. Rules and Regulations for the Administration of Parking Lots and Environs (repealing 24VAC30-100-10).**

Statutory Authority: §§ 33.2-210 and 33.2-246 of the Code of Virginia.

Effective Date: March 11, 2026.

Agency Contact: Jo Anne Maxwell, Director, Governance and Legislative Affairs, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-1830, or email [joanne.maxwell@vdot.virginia.gov](mailto:joanne.maxwell@vdot.virginia.gov).

Summary:

*As a result of periodic review, the action combines the provisions of Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50), which currently establishes overall policies, procedures, and conditions under which waysides and rest areas may be used, and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100), which establishes the rules and conditions governing the use of and activities that may be conducted in parking lots and related environs, into one new chapter, Rules for the Administration of Waysides, Rest Areas, and Parking Lots (24VAC30-51). The new chapter includes provisions regarding (i) operating hours; (ii) prohibited and restricted activities; (iii) allowance for state government entities to request and be granted permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law; (iv) permitting of events in parking lots on weekends; and (v) expansion of the allowance for mobile food vending to parking lots outside of Planning District 8.*

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

#### Chapter 51

#### Rules for the Administration of Waysides, Rest Areas, and Parking Lots

#### 24VAC30-51-10. Provisions concerning the use of waysides, rest areas, parking lots, and environs.

A. While in waysides, rest areas, parking lots, and the environs of those spaces, all persons shall obey official posted signs and public notices.

B. No camping is permitted in waysides, rest areas, parking lots, or the environs of those spaces.

C. No person may park a vehicle in such a manner as to occupy more than one parking space in waysides, rest areas, or parking lots.

D. No person may paste, attach, or place bills, advertisements, or inscriptions on vehicles parked in waysides, rest areas, or parking lots.

E. No domestic animals may go at large in waysides, rest areas, parking lots, or the environs of those spaces.

F. While in waysides, rest areas, parking lots, and the environs of those spaces, no person may pick any flowers, foliage, or fruit; cut, break, dig up, mutilate, or injure trees, shrubs, plants, grass, turf, railings, seats, fences, structures, or other objects; or cut, carve, paint, mark, paste, or attach bills, advertisements, or inscriptions on trees, stones, fences, walls, buildings, monuments, or other objects.

G. No person may disturb or injure any bird, bird's nest or eggs, or other animal within waysides, rest areas, parking lots, or the environs of those spaces.

H. No person may dig up or remove any dirt, stones, rock, or other thing, make any excavation, quarry any stone, or lay or set off any blast or cause or assist in any of these activities within waysides, rest areas, parking lots, or the environs of those spaces, except by permit issued pursuant to the Land Use Permit Regulations (24VAC30-151).

I. No oration, demonstration, picketing, public display, assembly, dissemination, or similar activity may occur in waysides, rest areas, parking lots, or the environs of those spaces, except as may be allowed by 24VAC30-51-30 or 24VAC30-51-40. This prohibition does not apply to the Virginia Department of Transportation.

J. No person may offer any article or thing for sale within waysides, rest areas, parking lots, or the environs of those spaces, except pursuant to a vendor contract with the Virginia Department of Transportation [ , ] by permit in accordance with the Land Use Permit Regulations, or as permitted by 24VAC30-51-40.

K. No person may discharge or set off within waysides, rest areas, parking lots, or the environs of those spaces firearms, fireworks as defined in § 27-95 of the Code of Virginia, or other incendiary device, except by permit issued pursuant to the Land Use Permit Regulations.

L. No bottles, broken glass, wastepaper, or other rubbish may be left within waysides, rest areas, parking lots, or the environs of those spaces, except in such receptacles as may be provided for those materials.

M. Vehicles may only be taken into or driven upon designated locations within waysides, rest areas, parking lots, and the environs of those spaces. Drivers shall obey all traffic signs and markings posted in waysides, rest areas, and parking lots.

N. Any person found in violation of this chapter shall be guilty of a misdemeanor and, upon conviction, be fined not less than \$5.00 nor more than \$100 for each offense and shall be civilly liable to the Commonwealth for all actual damage caused by a violation of this chapter.

#### **24VAC30-51-20. Provisions governing waysides.**

A. Unless otherwise posted, waysides identified by name and without lights are open from 8 a.m. until one hour after sunset, and waysides having security lighting are open at all times.

B. When posted, parking in waysides shall be limited to the period specified.

C. No overnight parking in waysides is permitted.

D. Unless otherwise posted, no person may swim or fish in any waters within a wayside.

E. No person may light, kindle, or use a fire within a wayside or its environs, except at designated areas designed and built for such purposes, in which case the person building the fire is responsible for having it completely extinguished before leaving it. Ashes shall be removed from the designated areas and disposed of in such receptacles as may be provided for ash disposal.

#### **24VAC30-51-30. Provisions governing rest areas.**

A. No overnight parking is permitted in rest areas.

B. No sleeping in any section of the rest area building is permitted at any time.

C. No dogs may be taken into any rest area building; guide, hearing, or service dogs as defined by § 51.5-44 of the Code of Virginia are an exception to this rule.

D. No person may light, kindle, or use a fire within a rest area or its environs, except at designated areas designed and built for such purposes, in which case the person building the fire is responsible for having it completely extinguished before leaving it. Ashes shall be removed from the designated areas and disposed of in such receptacles as may be provided for ash disposal.

E. Notwithstanding the provisions of this chapter, state government entities may request permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law, and the Virginia Department of Transportation may grant such requests at its discretion.

#### **24VAC30-51-40. Provisions governing parking lots.**

A. Overnight parking may be restricted in accordance with posted signs.

B. In accordance with a permit issued pursuant to the Land Use Permit Regulations (24VAC30-151), the Commonwealth Transportation Board may permit persons, organizations, or groups to use parking lots or parking lot environs for various purposes or events when the use will not interfere with or disrupt the normal and intended functions of the lots.

1. No activities will be permitted that would constitute a violation of, or that are inconsistent with, the provisions of this chapter, state or federal law, or local ordinances, including noise ordinances.

2. Events must provide reasonable safety for all participants, spectators, other parking lot users, and the public.

3. Events must preserve the aesthetic appearance of buildings and grounds and provide for the removal of waste that may be left by event participants or spectators.

4. Requests for permits generally will be considered on a first-come, first-served basis. Parking lots may only be available for permitted events on Saturdays and Sundays. No more than one event will be scheduled for the same time on the same day. This includes permitted setup and takedown time.

5. The Virginia Department of Transportation may require the cancellation of a permitted event and the immediate removal of all related equipment if the permittee violates the permit conditions, does not preserve public safety or order, or does not prevent damage to the parking lot and parking lot environs during the permitted event.

C. Except as authorized by the terms of a land use permit issued to a mobile food vendor, no person may light, kindle, or use any fire within parking lots or parking lot environs.

D. Mobile food vending.

1. Mobile food vending shall be allowed within commuter lots in Planning District 8, and may be allowed in other parking lots, except parking lots that meet at least one of the following conditions:

a. Parking lots or parking lot portions determined to be part of the Interstate system.

b. Parking lots that, as of the last Virginia Department of Transportation survey, had occupancy rates of 98% or higher, except that mobile food vending may be permitted in such lots (i) if a paved area, the use of which does not

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include or block access to one or more parking spaces, is available within the lot; (ii) if the vending is from a non-motorized cart on sidewalks, provided that the vehicle that is used to transport the cart is not parked in the parking lot; or (iii) on weekends.

c. The locality in which the parking lot is located requested that the parking lot not be made available for mobile food vending.

2. Permission for mobile food vending shall be granted through a land use permit issued to the mobile food vendor in accordance with the Land Use Permit Regulations.

3. In order for a mobile food vendor to be granted or to retain a land use permit for mobile food vending at parking lots pursuant to this subsection, the vendor must comply with all of the following:

a. All relevant locality and Department of Health policies and requirements for mobile food vending.

b. All conditions and requirements set forth within or attached to the land use permit, which may include provisions relating to the location of the vending unit, the collection and disposal of litter, a limitation on vending times, a requirement for minimum insurance, and the provision of surety.

c. Posted signs or public notices setting out regulations or requirements for the use of the parking lot.

d. Ensuring that mobile food vending shall be conducted with pedestrians only and may not be conducted with occupants of vehicles.

e. Neither the mobile food vendor nor the vending operation may interfere with the intended operation of the parking lot and the safety of the lot's users. The determination of interference shall be solely within the discretion of the Virginia Department of Transportation.

f. The mobile food vendor may not post advertising within or upon the grounds of the parking lot or the parking lot environs. Advertising on the mobile food vending unit (e.g., vehicle, trailer, or pushcart) promoting the products or services offered by the mobile food vendor at that mobile food vending unit shall not be considered a violation of this subdivision.

4. Failure to comply with subdivision 3 of this subsection will result in the revocation of the land use permit.

VA.R. Doc. No. R25-8000; Filed January 13, 2026, 12:43 p.m.

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# GOVERNOR

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## EXECUTIVE ORDER NUMBER ONE (2026)

### **DIRECTING THE GOVERNOR'S SECRETARIES AND AGENCIES ACROSS THE COMMONWEALTH TO DETERMINE COST-SAVINGS FOR VIRGINIANS**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to, §§ 2.2-103 and 2.2-110 of the Code of Virginia, I hereby establish the procedure the Governor's Secretaries and executive branch agencies shall follow to prepare recommendations on reducing costs for Virginians.

#### Importance of the Initiative

Virginians—whether working parents, young people entering the workforce, or people close to retirement—are working longer hours but struggling to keep up with high prices. The ever-increasing cost of housing, healthcare, energy, childcare, groceries, and prescription drugs, among many other costs, is making it harder for Virginians to make ends meet. Affordability is critical to attracting and retaining the best workers, companies, and business leaders. Making Virginia more affordable requires immediate scrutiny by all Secretaries and executive branch agencies of all governmental actions that affect the cost of living in Virginia.

#### Directive

Accordingly, pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth under Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby direct the following actions.

1. The Governor's Secretaries shall prepare a report to be delivered to the Office of the Governor within 90 days that identifies the Secretary's recommendations for changes that may be readily implemented across their Departments and agencies that will reduce costs for Virginians. As part of preparing their report, each Secretary shall:
  - a. holistically review the activities of their respective Secretariats to identify any actions, policies, or other changes that may readily reduce costs for Virginians, including evaluating the impact of all actions enumerated in the Code of Virginia for the relevant Secretariat (§ 2.2-200 through § 2.2-233.1); reports, guidance, recommendations, or other documentation published by commissions, strike forces, working groups, task forces, or other similar advisors over the past four years; and the impact and cost of cross-agency collaboration efforts.
  - b. identify any pending legislative proposals that if enacted would readily reduce costs for Virginians.
2. All executive branch agencies shall prepare a report to be delivered to the Office of the Governor within 90 days that identifies the agency's recommendations for changes that it

may readily implement that will reduce costs for Virginians. As part of preparing its report, each executive branch agency shall:

- a. review all regulations, guidance, policies, procedures, and any other formal or informal agency action that has been taken by the agency and identify any such action that, if modified, would readily reduce costs for Virginians without hindering access to or delivery of services; and
- b. identify new regulations, guidance, policies, procedures, and any other formal or informal agency action that could be taken by the agency to readily reduce costs for Virginians.

3. All reports shall address and specifically enumerate cost reductions for the following areas, where relevant to the agency: (1) housing; (2) healthcare; (3) energy; (4) education; (5) childcare; and (6) living expenses (e.g., groceries). Reports shall not be limited to these enumerated areas where other costs to Virginians may be reduced.

#### Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

## EXECUTIVE ORDER NUMBER TWO (2026)

### **LOWERING THE COST OF HEALTH CARE FOR VIRGINIANS AND MAXIMIZING TAXPAYER DOLLARS TO SAVE THE COMMONWEALTH AND ITS CONSTITUENTS MONEY**

By virtue of the authority vested in me as Governor under Article V of the Constitution of the Commonwealth of Virginia and under the laws of the Commonwealth, including, but not limited to, §§ 2.2-103 and 2.2-110 of the Code of Virginia, I hereby direct the Secretary of Health and Human Resources (the "Secretary") and all executive branch agencies within the Department of Health and Human Resources, in coordination with other parts of the executive branch, to form the Interagency Health Financing Task Force and take action to ensure health care affordability for all Virginians.

#### Importance of the Initiative

The Commonwealth's health and human resources system is funded through a complex web of federal, state, and non-state dollars that have developed over time and are often managed in silos. This limits the Commonwealth's ability to maximize federal matching funds and creates inefficiencies and duplicative spending. At the same time, health care costs continue to rise due to higher member acuity following Medicaid redeterminations and increasing pharmacy and

behavioral health expenditures, placing growing pressure on the General Fund.

The Interagency Health Financing Task Force addresses this challenge and ensures taxpayer resources are used efficiently by creating a coordinated, cross-agency financing strategy to fully leverage available federal dollars, align funding streams, and ensure existing resources are used as efficiently as possible without reducing eligibility or access to care. This approach allows Virginia to stabilize the system now and reinvest savings into critical priorities such as behavioral health, workforce capacity, and data modernization, strengthening Virginia's health care infrastructure for the long term.

## Directive

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth under Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby direct the Secretary and all executive branch agencies within the Department of Health and Human Resources to take the following actions.

### **The Interagency Health Financing Task Force**

The Secretary, in consultation with the Secretary of Finance, the Director of the Virginia Department of Medical Assistance Services, the State Health Commissioner, the Commissioner of the Department of Behavioral Health and Developmental Sciences, and the Commissioner of the Department of Social Services, shall establish the cross-agency Interagency Health Financing Task Force. The Task Force shall create a financing strategy applicable to all executive branch agencies within the Department of Health and Human Resources that maximizes opportunities to leverage federal funds and eliminates duplicative spending to strengthen Virginia's long-term health care infrastructure programs, including behavioral health, workforce development, and data modernization. The strategy should include:

Identifying initiatives and services most at risk for losing funds, especially as a result of implementation of federal policies such as the One Big Beautiful Bill Act;

Directing a comprehensive inventory of all federal and state health-related funding streams and programs to identify inefficiencies, overlapping programs, and opportunities to use non-state funds;

Conducting a comprehensive and transparent review of financing processes to ensure that federal appropriations are maximized and effectively distributed, and that state general funds are efficiently and effectively used in the future;

Directing a review of Managed Care Organization (MCO) performance and oversight, with a focus on outcomes and efficiency of spending; and

Identifying areas of current under-investment and potential consequences for loss of funds for foundational and high-priority initiatives.

The Task Force shall prepare an executive summary of their findings and recommendations to be delivered to the Office of the Governor by May 1, 2026.

In addition to creating the financing strategy, the Task Force shall coordinate with the Secretary of Administration and Chief Transformation Officer to review systems and processes used across covered agencies to (a) avoid duplication or inconsistency in systems, including technology and platforms; licensing processes; procurement processes; grant management; and other similar systems and processes, (b) improve the citizen experience when interacting with covered agencies, and (c) identify efficiency gains available through consistent use or adoption of existing systems and processes. An initial review of health care systems and technology platforms and suggestions for updates shall be delivered by the Chief Transformation Officer to the Office of the Governor by May 1, 2026.

## Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

## EXECUTIVE ORDER NUMBER THREE (2026)

### **LOWERING THE COST OF HOUSING BY INCREASING SUPPLY**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to, §§ 2.2-103 and 2.2-110 of the Code of Virginia, I hereby announce a comprehensive process for addressing housing affordability for all Virginians, including establishing the Commission on Unlocking Housing Production and directing the Secretary of Commerce and Trade, the Secretary of Natural and Historic Resources, and the Secretary of Transportation to establish and lead a comprehensive process to address expedited housing production in Virginia.

## Importance of the Initiative

Across Virginia, housing costs are rising faster than incomes and supply is not keeping pace with demand. Virginia faces a deficit of nearly 300,000 affordable rental homes, and thousands of supported rental homes are at risk of losing their affordability covenants in the next 5 years. At the same time, Virginia's median home price is now over \$400,000, putting homeownership out of reach for many working families. Slow permitting, outdated zoning, labor shortages, and paper-based processes are driving up costs and delaying housing across the Commonwealth. As a result, a shortage of available and affordable homes creates cutthroat competition and drives up

prices. This Administration will work to support, encourage, coordinate, and innovate using the fullest powers of state government in partnership with local governments and the nonprofit and private sectors to create practical solutions that meet the housing needs of Virginians.

#### Directive

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby direct the following actions.

#### **State Regulatory Review**

I hereby designate the Secretary of Commerce and Trade, the Secretary of Natural and Historic Resources, and the Secretary of Transportation as the Co-Lead Secretaries responsible for implementation oversight and interagency coordination with the Covered Agencies that are required by this executive order to address regulatory barriers to housing production. The Covered Agencies shall include the Department of Housing and Community Development ("DHCD"), Department of Environmental Quality ("DEQ"), Department of Transportation ("VDOT"), Department of Wildlife Resources ("DWR"), Department of Conservation and Recreation ("DCR"), and Department of Historic Resources ("DHR").

The Co-Lead Secretaries shall promptly coordinate and direct each Covered Agency to conduct a comprehensive review of agency regulations, guidance documents, policies, procedures, and administrative practices affecting residential land development and housing construction in order to:

- Identify and eliminate unnecessary, duplicative, or outdated requirements;
- Improve the efficiency, predictability, and transparency of permitting processes;
- Streamline coordination between agencies and between state and local authorities; and
- Remove regulatory barriers that impede labor recruitment, materials sourcing, and workforce retention.

Each Covered Agency shall submit a written report addressing the agency's comprehensive review to the Co-Lead Secretaries and the Office of the Governor within 90 days of the Executive Order's effective date. Each Covered Agency's written report must:

- Identify duplicative, obsolete, or outdated rules, regulations, and other administrative requirements that should be amended or repealed. For each identified item, the Covered Agency shall provide:
  - a clear legal, operational, or policy rationale for removal or modification;
  - the current impact on housing production timelines or development costs; and

whether implementation requires statutory change, regulatory amendment, or other administrative action.

Identify outdated or conflicting agency guidance documents and implementation memoranda. For each identified item, the Covered Agency shall propose updated or consolidated versions that align with statutory requirements and ensure consistent interpretation and application.

Identify rules, regulations, program activities, or administrative practices that should be amended to streamline permit review and approval processes. For each recommendation, the Covered Agency shall provide:

- the current process and timeline;
- the proposed amendment;
- estimated time savings; and
- whether implementation requires statutory change, regulatory amendment, or other administrative action.

Provide recommendations to improve coordination and predictability, including:

- Consolidating or streamlining multi-agency permitting processes, including identification of overlapping or sequential review requirements;
- Improving coordination between state and local permitting authorities, including proposed mechanisms for alignment on standards and timelines;
- Establishing predictable and enforceable permitting timelines, including identifying any statutory or regulatory barriers to implementation; and
- Expanding the use of standardized review checklists, objective approval criteria, and pre-approved plans or designs.

Based on their review of the Covered Agencies' reports, the Co-Lead Secretaries shall jointly submit a final comprehensive written report to the Office of the Governor with the Secretaries' recommendations to address regulatory and other barriers related to housing production within 120 days of the Executive Order's effective date.

#### **Establish the Commission on Unlocking Housing Production**

I hereby establish the Commission on Unlocking Housing Production to advise on how state laws, regulations, and administrative practices could be revised to increase the production of housing in the Commonwealth. The Commission shall be chaired by the Secretary of Commerce and Trade and consist of representatives from DHCD, Virginia Economic Development Partnership, Virginia Department of Education, Virginia Resources Authority, Virginia Department of Taxation, DEQ, DWR, DCR, DHR, the Department of General Services, VDOT, and other representatives selected at the chair's discretion to ensure inclusion of local government and industry.

The Commission shall review and evaluate the reports submitted by the Covered Agencies to the Office of the Governor pursuant to this Executive Order. The Commission shall meet on an ongoing basis and provide updates to the Office of the Governor every six months on housing production, an evaluation of barriers to production, and suggestions for legislative, regulatory, and administrative changes to remove those barriers and facilitate housing production.

## Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

## EXECUTIVE ORDER NUMBER FOUR (2026)

### **COMMITTING TO ACADEMIC EXCELLENCE AND AFFIRMING THE COMMONWEALTH'S COMMITMENT TO PROVIDING A HIGH-QUALITY PUBLIC EDUCATION FOR ALL STUDENTS**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to, §§ 2.2-103 and 2.2-110 of the Code of Virginia, I hereby announce a comprehensive approach to academic excellence in the Commonwealth and affirm the rights of parents, students, and teachers to a high-quality public education in a safe and welcoming environment conducive to learning.

#### Importance of the Initiative

Every child, along with their parents and guardians, deserves the assurance that their education will meet rigorous standards and equip them with the knowledge and skills needed for a successful future. As such, the Virginia Constitution directs the Commonwealth to seek to ensure its public schools deliver a high-quality education. Yet, despite progress, Virginia still has meaningful work to do.

Thanks to the dedicated efforts of our educators, principals, and school system leaders, Virginia has made significant gains in literacy since the General Assembly passed the landmark Virginia Literacy Act in 2022. However, far too many students still struggle to read at grade level. In the 2024-2025 school year, less than three-quarters of Virginia students met state benchmarks on the Standards of Learning (SOL) reading assessment. Rates are even lower for students who are low-income, Black, Hispanic, or have disabilities.

The challenges facing our Commonwealth's students extend beyond reading. According to the Education Recovery Scorecard, Virginia is ranked last in the nation in supporting students' math recovery since the COVID-19 pandemic. One-

third of students of color and students from low-income backgrounds could not meet grade-level benchmarks in math, and more than half of English learners and students with disabilities struggled to meet benchmark expectations.

Virginia students are as capable as any students in the nation. These numbers show the need to improve outcomes, better support our 87,000 educators, and continually measure progress along the way. Without immediate, focused action, these setbacks in learning will only compound, leaving students without the foundational skills necessary for post-secondary education, career, and civic life. To ensure every child is able to meet their full potential, the Commonwealth must maintain an accountability and support system that directs additional resources to schools with the greatest need. In the first year of implementation of the School Performance and Support Framework ("SPSF"), more than 350 schools were identified to receive additional support and resources because one or more individual groups of students, like students from low-income backgrounds or students with disabilities, were falling behind. Eighty Virginia schools were identified as needing comprehensive support.

These schools and educators proudly serve Virginia's most vulnerable students and communities. They require practical, effective resources and tools to ensure all their students have access to high-quality instruction every day. These schools should be the priority for supportive services that address the unique and diverse challenges their students face. The SPSF must provide useful tools, resources, and funding – and the impact must be measurable. Educators should be provided with high-quality instructional materials, receive targeted professional development and coaching from qualified individuals, and be supported by effective instructional leaders like principals or specialists at every level.

By investing in these schools and empowering educators with the practical and useful tools and guidance they need, we can support every student to read and do math on grade level, build their confidence, deepen their engagement in school, and ensure that they all – regardless of zip code and circumstance – have the opportunity to succeed.

#### Directive

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby direct the following actions.

#### **Commonwealth Listening Tour**

The Secretary of Education and the Superintendent of Public Instruction shall host a statewide listening tour within the first 100 days of this order to hear directly from students, parents, educators, school leaders, superintendents, school board members, and community members about the challenges and successes facing their schools. The Secretary and the Superintendent are directed to summarize the findings of these listening sessions and report back to the Office of the Governor.

## Committing to Academic Excellence

### Literacy

Since the passage of the Virginia Literacy Act, teachers, principals, system leaders, and partners have worked tirelessly to implement its directives and have made notable gains in literacy. To sustain and build upon these gains, the Superintendent of Public Instruction must promptly address operational challenges and deepen stakeholder engagement. To this end, the Superintendent shall convene a state advisory workgroup consisting of, at minimum, local school divisions, special education experts, English language learner experts, higher education, education associations, K-8 teachers, and literacy researchers to strengthen implementation of the Virginia Literacy Act. The workgroup shall:

Recommend improvements to the student reading plan process and implementation, especially in the middle grades;

Provide input to the Department of Education as they update student reading plan guidance and templates to align specific Virginia Language and Literacy Screening System skill deficits with evidence-based interventions;

Advise the Department of Education on ways to continue to strengthen VAConnects to ensure that the technology meets the needs of the field and that data are being used to improve student outcomes; and

Help the Department of Education elevate the importance of early literacy in partnership with associations, divisions, parents, and others.

### Math

The Superintendent of Public Instruction shall provide an update to the Office of the Governor on the Department of Education's mathematics work in response to directives in the 2025 state budget, including staffing and grant awards, within 30 days of the effective date of this Executive Order. This update shall also include information from all the Mathematics Advisory Task Force's 2025 and 2026 meetings and the current plan to develop a task force report. The Department of Education is further directed to expedite the implementation of credentialing changes to increase the number of educators qualified to teach advanced mathematics in middle school, as authorized in 2025 legislation.

### School Accountability

The Secretary of Education and the Superintendent of Public Instruction shall present the results of an after-action report to the Office of the Governor and the Board of Education on lessons learned from year 1 of implementation of the SPSF and an action plan to consider and incorporate recommendations from the JLARC December 2025 report. This update must also address how the Superintendent will consistently and effectively implement a state program to support the improvement of schools in need of support, including clear and

transparent implementation metrics. This update must be provided before submitting any accountability changes to the federal government.

The Secretary of Education and the Superintendent of Public Instruction shall consult, at minimum, accountability and technical experts, Virginia parents, division and school leaders, educators, representatives of students (including disability and civil rights groups), community organizations, and state and local officials.

### Assessment

The Secretary of Education and the Superintendent of Public Instruction shall convene the innovative assessment workgroup within 60 days of the effective date of this Executive Order and shall continue to convene the workgroup on a quarterly basis. The innovative assessment workgroup shall serve as an advisory board to the Department of Education as the Department finalizes the legislatively mandated report on a new assessment system, in collaboration with WestEd, and to the Office of the Governor with respect to budgeting priorities for a new assessment contract.

The Secretary of Education and the Superintendent of Public Instruction shall evaluate the existing membership of the innovative assessment workgroup and appoint new members as needed to ensure a diverse range of perspectives and representation.

## **Affirming Student, Parent, and Teacher Protections and Rights in Virginia's Public Education System**

The Secretary of Education and the Superintendent of Public Instruction are directed to support local school divisions in affirming student, parent, and teacher protections and rights in Virginia's public education system by providing the following:

Excellent educational experiences to open up opportunities and enable every child and every student to fulfill their potential and achieve a successful future;

Recognition and elevation of educators, principals, and school leaders;

High-quality instruction and wraparound services centered on meeting all students' needs, regardless of their background or circumstances;

Policies and regulations aimed at increasing accessibility and preventing discrimination for all students, including historically marginalized students;

High-quality curricula that cover history accurately and completely to ensure Virginia learners are equipped to be active and informed citizens in their communities;

Services to support student well-being, independence, learning, and achievement;

Efforts to close gaps in learning and address contributing factors to disparities in outcomes, including discriminatory policies, resource inequities and opportunity gaps, and other factors;

Policies to expand and promote access and excellence in early childhood options and public schools, including schools that rely on selective admissions practices;

Reminders of the provisions in federal law barring federal involvement in curricula in the Every Student Succeeds Act, the General Education Provisions Act, and the Department of Education Organization Act;

Real-time and actionable data to support children and learners from birth through grade 12 and beyond to ensure that supports meet the individual needs of the students and schools; and

Technical assistance, timely responses, and meaningful dialogue with divisions to improve opportunities for children and students.

## Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order. Executive Order No. 1 (2022) is hereby rescinded. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

## EXECUTIVE ORDER NUMBER FIVE (2026)

### **ESTABLISHING AN ECONOMIC RESILIENCY TASK FORCE TO ADDRESS IMPACTS OF FEDERAL ACTIONS ON VIRGINIA'S ECONOMY AND WORKFORCE**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to, §§ 2.2-103 and 2.2-110 of the Code of Virginia, I hereby establish the Economic Resiliency Task Force to address the impacts of federal actions on Virginia's economy, workforce, and finances, and direct the Secretaries and executive branch agencies to address impacts from the One Big Beautiful Bill Act, promote job opportunities for fired federal employees and contractors, and expand Virginia agricultural exports.

#### Importance of the Initiative

Federal actions impacting workers, families, and businesses could lead to a slowdown of Virginia's economic growth. According to the September 2025 report issued by the House of Delegates' Emergency Committee on the Impacts of Federal Workforce and Funding Reductions, approximately 24% of Virginia's economy is dependent on federal spending. Virginia's businesses and households are also impacted by federal decisions related to tariffs and immigration.

The federal government is a major employer in Virginia, making it among the states with the largest federal workforce. In 2025, the Commonwealth experienced a significant reduction in federal jobs – with estimates showing a drop of

more than 20,000 positions – directly affecting these workers and their families.

Moreover, Virginia supports the federal government through significant contracting work and is the state with the most federal contract spending per capita. Changing priorities in federal contract spending could also impact employment in the state.

Haphazard federal trade policy and higher tariffs have created economic disruption across the Commonwealth as well. The Port of Virginia, a critical economic engine, recorded an 8.1% year-over-year drop in cargo volume as of December 2025, signaling weaker trade activity. These disruptions have reduced exports that support tens of thousands of Virginia jobs, harmed farmers in rural areas, increased costs for businesses, and acted as a tax on Virginians, raising prices and exacerbating affordability issues.

Cuts to Medicaid and the Supplemental Nutrition Assistance Program ("SNAP") will harm Virginia families and their ability to learn and fully participate in our economy. These programs help families afford food and access health care they otherwise cannot afford, yet the federal government is making it more challenging for people to qualify for benefits and shifting the financial burden on to the states. An estimated 310,000 Virginians could lose health care coverage and leave many families and children hungry.

Immigrants play an important role in Virginia's economy, working in sectors from agriculture to child care to technology and paying hundreds of millions of dollars in state and local taxes each year. However, recent federal immigration actions, such as increasing H1-B visa fees for employers seeking to hire foreign workers with specialized expertise, risk harming Virginia businesses, ultimately impacting the Commonwealth's broader economy.

#### Directive

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby direct the following actions.

#### **Establish the Economic Resiliency Task Force**

I hereby establish the Economic Resiliency Task Force to address the impacts resulting from federal job losses, contractor disruptions, federal funding cuts and delays, federal tariffs, and immigration on Virginia's economy and its workforce. The Secretary of Commerce and Trade shall be the Chair of the Task Force. The Task Force shall include the Secretary of Finance, the Secretary of Labor, the Secretary of Administration, the Secretary of Health and Human Resources, the Secretary of Agriculture, the Secretary of Education, or their designees, as well as other relevant executive branch agencies in the discretion of the Chair.

As part of the duties of the Task Force, the Secretary of Finance is directed to create a tracker for federal rescissions across state government in order to understand the full harm for calendar year 2025 and projected harm for calendar year 2026. This report shall be due within 90 days of the effective date of this Executive Order.

The Task Force shall deliver an action plan to the Office of the Governor by June 1, 2026. The Task Force's action plan shall include recommendations to mitigate the harm and projected harm from federal rescissions identified by the Secretary of Finance's report, as well as additional recommendations for long-term strategies to enhance Virginia's economic resiliency.

All executive branch agencies shall provide support, upon request, to the Task Force to advance the development of strategies and their implementation.

#### **Addressing the Impact of the One Big Beautiful Bill Act on Medicaid and SNAP in Virginia**

The Secretary of Health and Human Resources, in coordination with the Secretary of Administration, the Secretary of Finance, Secretary of Labor, and the Secretary of Education, shall form a cross-Secretariat working group on the implementation of new and updated work requirements in the Medicaid and SNAP program, as required by the One Big Beautiful Bill Act.

The cross-Secretariat working group shall develop a One Big Beautiful Bill Act implementation strategy with the goal of maintaining access to Medicaid and SNAP for Virginians who remain eligible for these services, while ensuring compliance with federal requirements.

The working group will first conduct a readiness assessment of relevant executive branch agencies to determine the current status of readiness to implement Medicaid work requirements.

The cross-Secretariat working group shall then develop and recommend strategies that ensure compliance with work requirements, based on the readiness assessment, that maximize exemptions and good-cause provisions; stabilize the eligibility workforce; modernize systems to improve accuracy and improve the customer experience; and publish transparent performance metrics.

The working group shall deliver a report on the results of the readiness assessment and subsequent recommendations to the Office of the Governor within 60 days of the effective date of this Executive Order.

#### **Promoting Job Opportunities for Fired Federal Employees and Contractors**

I hereby direct Virginia Works to coordinate with the Virginia Employment Commission, the Secretary of Commerce and Trade, and the Virginia Office of Education Economics to develop and report to the Office of the Governor within 90 days of the effective date of this Executive Order on innovative, data-driven approaches to expanding job opportunities for the

tens of thousands of dedicated and experienced federal employees who live in Virginia, including through the creation of skills alignment, retraining, and job connector tools.

Virginia Works shall identify potential partnerships with the private sector that would allow the private sector to readily engage with the Virginia workforce that has demonstrated their commitment to public service. Virginia Works is directed to facilitate public-private partnerships that result in the placement of Virginia workers in new jobs with private entities. Virginia Works shall submit a report to the Office of the Governor within 60 days of the effective date of this Executive Order that identifies any legislative or regulatory changes necessary to enter into such public-private partnerships or where such changes would materially increase the number of placements.

#### **Increasing Exports of Virginia Agricultural and Forestry Products**

I hereby direct the Department of Agriculture and Consumer Services to collaborate with the Virginia Economic Development Partnership and the Port of Virginia on strategies to grow Virginia agricultural and forestry exports. The Department of Agriculture and Consumer Services, in consultation with the Virginia Economic Development Partnership and the Port of Virginia, shall submit a report to the Office of the Governor within 90 days of the effective date of this Executive Order with a list of recommendations for growing Virginia agricultural and forestry exports. In their recommendations, they shall also examine other strategies to mitigate the impacts of tariffs on Virginia's agriculture and forestry industries.

#### Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

#### EXECUTIVE ORDER NUMBER SIX (2026)

#### **EVALUATING THE APPOINTMENT PROCESS TO THE BOARDS OF VISITORS FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to, §§ 2.2-103 and 2.2-110 of the Code of Virginia, I hereby direct the Secretary of Education, in consultation with the Secretary of the Commonwealth, to prepare a report and recommendations on changes to the Board of Visitors appointment process for the Commonwealth's public institutions of higher education as well as the process used by the Virginia Commission on Higher Education Board Appointments to evaluate potential appointees.

## Importance of the Initiative

Virginia is home to some of the best, world-class public higher education institutions in the country that have long set the standard for academic excellence, innovation, and opportunity. According to the State Council of Higher Education for Virginia, over 280,000 students applied to Virginia's public four-year institutions during the 2024-2025 school year. Yet under the current federal administration, Virginia colleges and universities have faced unprecedented challenges from shifts in federal policy to attacks on institutional autonomy and mission. These pressures underscore the urgent need for the Commonwealth to reevaluate how governing boards are appointed, ensuring they are composed of individuals dedicated to upholding the quality, independence, and reputation of our institutions.

Strong governance is essential not just for protecting academic excellence, but for ensuring that our colleges and universities continue to prepare students to thrive in an increasingly complex and competitive world.

## Directive

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby direct the Secretary of Education, in consultation with the Secretary of the Commonwealth, to assess and prepare a report evaluating the existing process used to appoint members to the governing boards of public institutions of higher education in the Commonwealth. The report shall specifically address:

Recommended legislative changes to the Board of Visitors appointment process, including but not limited to (a) the term length for members; (b) the reappointment process; and (c) the term start for new members; and

Recommended changes, whether legislative or policy, to the process used by the Virginia Commission on Higher Education Board Appointments to evaluate potential appointees under § 2.2-2521 of the Code of Virginia.

The report and recommendations shall be provided to the Office of the Governor within 60 days of the effective date of this Executive Order.

## Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

## EXECUTIVE ORDER NUMBER SEVEN (2026)

### **DELEGATING THE GOVERNOR'S AUTHORITY TO DECLARE A STATE OF EMERGENCY, TO CALL THE VIRGINIA NATIONAL GUARD TO ACTIVE SERVICE FOR EMERGENCIES OR DISASTERS, AND TO DECLARE THE GOVERNOR UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HER OFFICE WHEN THE GOVERNOR CANNOT BE REACHED OR IS INCAPACITATED**

By virtue of the authority vested in me as Governor under § 2.2-104 of the Code of Virginia, and subject to the provisions stated herein, I hereby affirm and delegate to the Chief of Staff, followed in protocol order by the Secretary of Public Safety and Homeland Security, the State Coordinator of the Virginia Department of Emergency Management, and the Secretary of Veterans and Defense Affairs, my authorities under §§ 44-146.17 and 44-75.1 of the Code of Virginia, to declare a state of emergency and to call forth the Virginia National Guard or any part thereof to state-active duty in any of the circumstances outlined in subsections 4 and 5 of § 44-75.1.A of the Code of Virginia.

I further hereby affirm and delegate to the Chief of Staff, my authority under Article V, § 16 of the Constitution of Virginia and under § 24.2-211 of the Code of Virginia to transmit to the President pro tempore of the Senate and the Speaker of the House of Delegates, a declaration I am unable to discharge the powers and duties of the Governor's office.

Each of these declarations is subject to the following conditions:

1. Such delegation is subject always to my continuing, ultimate authority and responsibility to act in such matters, and in the case of a declaration that I am unable to discharge the powers and duties of my office, my ability to transmit to the Clerk of the Senate and Clerk of the House of Delegates my written declaration that no inability continues to exist and to resume the powers and duties of my office.
2. Use of this delegation is contingent upon my being unable to be reached so as to give my approval for the declaration of a state of emergency, as defined in § 44-146.16 of the Code of Virginia, or use of the Virginia National Guard.
3. Use of this delegation to declare that I am unable to discharge the powers and duties of my office is specifically contingent upon my being unable to be reached or otherwise incapacitated for over 24 hours and the unavailability of any one of the Attorney General, President pro tempore of the Senate, or the Speaker of the House of Delegates.
4. This delegation is strictly standby in nature, to be held in abeyance until such time as there may be explicit circumstances involving an emergency whereby human lives and public and private property are threatened in the event of natural or man-made emergencies or disasters.

5. If the authority granted under this Executive Order is used, the Lieutenant Governor and I shall be informed of such use as soon as practicable.

Effective Date of the Executive Order

This Executive Order supersedes and rescinds Executive Order No. 13 (2022) issued by Governor Glenn Youngkin on January 20, 2022. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2030, unless amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

EXECUTIVE ORDER NUMBER EIGHT (2026)

**AUTHORITY AND RESPONSIBILITY OF THE CHIEF OF STAFF**

By virtue of the authority vested in me as Governor under Article V, §§ 1, 7, 8, and 10 of the Constitution of Virginia, and §§ 2.2-100 and 2.2-104 of the Code of Virginia, and subject always to my continuing ultimate authority and responsibility to act in such matters and to reserve to myself any and all such powers, I hereby affirm and delegate to my Chief of Staff the powers and duties enumerated below.

1. To direct, as the deputy planning and budget officer, the administration of the state government planning and budget process, except as to the responsibilities enumerated below, which are retained by me:

- a. Submission of the budget and accompanying documents to the General Assembly;
- b. Final review and determination of all proposed expenditures and of estimated revenues and borrowings to be included in the Executive Budget for each state department, division, office, board, commission, institution, or other agency or undertaking;
- c. Amendment of Position Levels; and
- d. Authorization of deficits.

2. To direct, as the deputy personnel officer, the administration of the state government personnel system, except as to the responsibility enumerated below, which are retained by me:

- a. Final determination with respect to employee compensation plans;
- b. Submission of reports to the General Assembly by the Governor as required by law;
- c. Issuance, amendment, or suspension of the Rules for the Administration of the Virginia Personnel Act; and
- d. Final action on appeals from appointing authorities to the Governor.

3. To review, in the event of my absence or unavailability, major planning, budgetary, personnel, policy, and legislative matters that require my decision.

4. To review, in the event of my absence or unavailability, policy or operational differences that may arise among or between my Secretaries and other Cabinet members.

5. To administer the direction and supervision of the Office of the Governor, as well as budgetary and personnel authority for the Office.

Effective Date of the Executive Order

This Executive Order supersedes and rescinds Executive Order No. 14 (2022) issued by Governor Glenn Youngkin on January 20, 2022. This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

EXECUTIVE ORDER NUMBER NINE (2026)

**EQUAL OPPORTUNITY**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia, I hereby declare that it is the firm and unwavering policy of the Commonwealth of Virginia to ensure equal opportunity in all facets of state government. The foundational tenet of this Executive Order is premised upon a steadfast commitment to foster a culture of inclusion, diversity, and mutual respect for all Virginians.

Importance of the Initiative

This policy specifically prohibits discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, political affiliation, or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans.

State appointing authorities and other management principals are hereby directed to take affirmative measures, as determined by the Director of the Department of Human Resource Management, to emphasize the recruitment of qualified minorities, women, disabled persons, and older Virginians to serve at all levels of state government. This directive does not permit or require the lowering of bona fide job requirements, performance standards, or qualifications to give preference to any state employee or applicant for state employment.

Allegations of violations of this policy shall be brought to the attention of the Office of Equal Employment Services of the Department of Human Resource Management. No state appointing authority, other management principal, or

supervisor shall take retaliatory actions against persons making such allegations.

Any state employee found in violation of this policy shall be subject to appropriate disciplinary action.

The Secretary of Administration is directed to review and update annually state procurement, employment, and other relevant policies to ensure compliance with the non-discrimination mandate contained herein, and shall report to the Governor his or her findings together with such recommendations as he or she deems appropriate. This review shall ensure that state procurement policies fully implement and align with the non-discrimination directives in the Virginia Public Procurement Act, including its prohibitions on discrimination based on race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. The Director of the Department of Human Resource Management shall assist in this review.

No state employee or agent within the Executive Branch may engage in discrimination in the provision of public services based on race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, political affiliation, disability, or veteran status. Any state employee or agent who engages in such discrimination will be subject to appropriate disciplinary action. The Department of Human Resource Management is directed to promulgate, review, and update appropriate policies in the Commonwealth's Standards of Conduct to implement these requirements in accordance with any other applicable laws and regulations.

#### Effective Date of the Executive Order

This Executive Order supersedes and rescinds Executive Order No. 1 (2018) issued by Governor Ralph S. Northam on January 13, 2018. This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

#### EXECUTIVE ORDER NUMBER TEN (2026)

### **RESCISSION OF EXECUTIVE ORDER NO. FORTY SEVEN (2025)**

Ensuring public safety in Virginia requires state and local law enforcement to be focused on their core responsibilities of investigating and deterring criminal activity, staffing jails, and community engagement. Since 2025, Virginians have been deprived of critical public safety resources due to the directives in Executive Order No. 47 (2025) that require and encourage state and local law enforcement to divert their limited resources for use in enforcing federal civil immigration laws. Federal

authorities should enforce federal civil immigration laws—law enforcement in the Commonwealth should prioritize the safety and security of all residents in Virginia, the enforcement of local and state laws, and coordination with federal entities on criminal matters.

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, I hereby rescind Executive Order No. 47 (2025), which is not an appropriate use of state or local resources.

#### Effective Date

This Executive Order shall become effective upon its signing. Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of January 2026.

/s/ Abigail D. Spanberger, Governor

#### EXECUTIVE ORDER NUMBER ELEVEN (2026)

### **DECLARATION OF A STATE OF EMERGENCY DUE TO SEVERE WINTER WEATHER**

#### Importance of the Issue

On January 22, 2026, I declare a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts that indicate a severe winter storm with significant snow, along with sleet, ice, freezing rain, and temperatures below freezing for several days that could cause transportation difficulties and power outages.

The Virginia Emergency Operations Center ("VEOC") has been actively monitoring the movement of severe winter weather heading toward Virginia, with the anticipated arrival of the most severe impacts on Saturday, January 24, 2026, and into Sunday, January 25, 2026. Accordingly, the pre-positioning of response assets and supplies will be necessary to assist our local and state partners. The Virginia Emergency Support Team will activate for this incident.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia. Therefore, by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia, and §§ 44-146.17 and 44-75.1 of the Code of Virginia, as Governor and Director of Emergency Management and Commander-in-Chief of the Commonwealth's Armed Forces, I proclaim a state of emergency. Accordingly, I direct state and local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as

possible. Emergency services shall be conducted in accordance with § 44-146.13 et seq. of the Code of Virginia.

Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery, pursuant to § 44-146.17(A)(1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the VEOC, acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

This Executive Order also covers preparatory actions for this event that began on January 22, 2026.

#### Directive

In order to marshal all public resources and appropriate preparedness, response, and recovery measures, I order the following actions:

1. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state plans.
2. Activation of the Virginia Emergency Operations Center and the Virginia Emergency Support Team, as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to state, local, and tribal governments and to facilitate emergency services assignments to other agencies; activation of the Emergency Management Assistance Compact § 44-146.28:1 of the Code of Virginia as needed.
3. Authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites.
4. Activation of § 59.1-525 et seq. of the Code of Virginia related to price gouging.
5. Authorization of a maximum of \$2,750,000 in state sum sufficient funds for state and local government mission assignments and state response and recovery operations authorized and coordinated through the Virginia Department of Emergency Management, allowable by The Stafford Act,

42 U.S.C. § 5121 et seq. Included in this authorization is \$1,000,000 for the Department of Military Affairs.

6. Activation of the Virginia National Guard to State Active Duty.

#### Effective Date of this Executive Order

This Executive Order shall be effective January 22, 2026, and shall remain in full force and effect for 30 days pursuant to § 44-146.17(A)(1) of the Code of Virginia, unless sooner amended or rescinded by further executive order. Termination of this Executive Order is not intended to terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order. Given under my hand and under the Seal of the Commonwealth of Virginia, this 22nd day of January 2026.

/s/ Abigail D. Spanberger, Governor

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# GUIDANCE DOCUMENTS

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## PUBLIC COMMENT OPPORTUNITY

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

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

### DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

Title of Documents: [Assisted Living Facility Private Pay Assessment Manual.](#)

[User's Manual Uniform Assessment Instrument.](#)

Public Comment Deadline: March 11, 2026.

Effective Date: March 12, 2026.

Agency Contact: Charlotte Arbogast, Senior Policy Analyst and Regulatory Coordinator, Department of Aging and Rehabilitative Services, 5620 Cox Road, Glen Allen, VA 232060, telephone (804) 662-7093, or email [charlotte.arbogast@dars.virginia.gov](mailto:charlotte.arbogast@dars.virginia.gov).

### BOARD FOR BARBERS AND COSMETOLOGY

Title of Document: [Barber and Cosmetology Application Review Matrix - Criminal History.](#)

Public Comment Deadline: March 11, 2026.

Effective Date: March 16, 2026.

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](mailto:joseph.haughwout@dpor.virginia.gov).

### STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Title of Document: [Commonwealth of Virginia Crisis Continuum Best Practices.](#)

Public Comment Deadline: March 11, 2026.

Effective Date: March 12, 2026.

Agency Contact: Susan Puglisi, Regulatory Research Specialist, Department of Behavioral Health and Developmental Services, Jefferson Building, 1220 Bank Street, Fourth Floor, Richmond, VA 23219, or email [susan.puglisi@dbhds.virginia.gov](mailto:susan.puglisi@dbhds.virginia.gov).

### STATE BOARD OF EDUCATION

Title of Document: [Guidelines for Policies on Sudden Cardiac Arrest Prevention and Response in Schools.](#)

Public Comment Deadline: March 11, 2026.

Effective Date: March 12, 2026.

Agency Contact: Jim Chapman, Director of Board Relations, Department of Education, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 750-8570, or email [jim.chapman@doe.virginia.gov](mailto:jim.chapman@doe.virginia.gov).

### DEPARTMENT OF FORENSIC SCIENCE

Title of Document: [Breath Test Operator Instructional Manual: Intox EC/IR II.](#)

Public Comment Deadline: March 11, 2026.

Effective Date: March 12, 2026.

Agency Contact: Amy Jenkins, Department Counsel, Department of Forensic Science, 700 North Fifth Street, Richmond, VA 23219, telephone (804) 786-6848, or email [amy.jenkins@dfs.virginia.gov](mailto:amy.jenkins@dfs.virginia.gov).

### **BOARD OF HISTORIC RESOURCES**

Title of Document: [Historic Preservation Easement Program Policies 1 through 13.](#)

Public Comment Deadline: March 11, 2026.

Effective Date: March 12, 2026.

Agency Contact: Stephanie Williams, Deputy Director, Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221, telephone (804) 482-6082, or email [stephanie.williams@dhr.virginia.gov](mailto:stephanie.williams@dhr.virginia.gov).

### **DEPARTMENT OF HISTORIC RESOURCES**

Titles of Documents: [Guidelines for the Submission and Review of Federal Communications Commission Projects.](#)

[Guidelines for Assessing Visual Effects on Historic Properties.](#)

Public Comment Deadline: March 11, 2026.

Effective Date: March 12, 2026.

Agency Contact: Stephanie Williams, Deputy Director, Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221, telephone (804) 482-6082, or email [stephanie.williams@dhr.virginia.gov](mailto:stephanie.williams@dhr.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 may have 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 ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS**

Title of Document: [Comity Applicant Criteria of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects Current Regulations.](#)

Public Comment Deadline: March 11, 2026.

Effective Date: March 12, 2026.

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](mailto:joseph.haughwout@dpor.virginia.gov).

### **BOARD FOR BARBERS AND COSMETOLOGY**

Title of Document: [Substantial Equivalence.](#)

Public Comment Deadline: March 11, 2026.

Effective Date: March 16, 2026.

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](mailto:joseph.haughwout@dpor.virginia.gov).

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# GENERAL NOTICES

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Announcing the Availability of the 2026 Water Quality Monitoring Plan and Requests for Nominations for Monitoring

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) is announcing the availability of the 2026 Water Quality Monitoring Plan and requests nominations of water bodies for inclusion in the 2027 monitoring plan. The 2026 monitoring plan is now available at <https://www.deq.virginia.gov/our-programs/water/water-quality/monitoring/water-quality-monitoring-plan>. To nominate water bodies for monitoring, please follow the instructions in the agency's nomination form at <https://www.deq.virginia.gov/home/showpublisheddocument/4344/638718402131230000>.

Background: Every year, DEQ staff from central office and the agency's six regional offices collect water samples for testing at more than 1,000 locations across the Commonwealth. The agency's various monitoring activities for each calendar year are outlined in the annual statewide Water Quality Monitoring Plan.

2026 Water Quality Monitoring Plan: The 2026 Monitoring Plan summarizes DEQ's water quality monitoring activities to be conducted from January 1 through December 31 and is developed for the purpose of implementing the goals and objectives of DEQ's water quality monitoring strategy, which is available at <https://www.deq.virginia.gov/home/showpublisheddocument/9481/637798468895600000>. This water quality information is presented in compliance with the Virginia Water Quality Monitoring, Information and Restoration Act (§ 62.1-44.19:5 of the Code of Virginia). The monitoring plan contains detailed information on DEQ's monitoring activities, including the station locations, specific conditions, frequency of monitoring, and costs.

Nominations for water quality monitoring: In accordance with § 62.1-44.19:5 of the Code of Virginia, any person may request that a specific body of water be included in DEQ's annual water quality monitoring plan. Such requests shall include, at a minimum, (i) a geographical description of the water body recommended for monitoring, (ii) the reason the monitoring is requested, and (iii) any water quality data that the petitioner may have collected or compiled. Each request received by April 30, 2026, shall be reviewed when DEQ develops the annual water quality monitoring plan for the following calendar year. DEQ will respond in writing on its approval or denial of each nomination by August 31, 2026.

Contacts for more information: For more information on the 2026 Water Quality Monitoring Plan, please contact the DEQ contact listed or Sandra Mueller at telephone (804) 659-1388 or email [sandra.mueller@deq.virginia.gov](mailto:sandra.mueller@deq.virginia.gov). For more information on nominating water bodies for monitoring, please

contact Meighan Wisswell at telephone (571) 886-6494 or email [citizenwater@deq.virginia.gov](mailto:citizenwater@deq.virginia.gov). Additional information is also available on DEQ's Water Quality Monitoring website at <https://www.deq.virginia.gov/water/water-quality/monitoring>.

Contact Information: Andrew Garey, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-2673, or email [andrew.garey@deq.virginia.gov](mailto:andrew.garey@deq.virginia.gov).

### Caledon Solar LLC Notice of Intent for a Small Renewable Energy Project (Solar) - Permit by Rule - King George County

Caledon Solar LLC has provided the Department of Environmental Quality a notice of intent to submit the necessary documentation for a permit by rule for a small renewable energy project (solar) in King George County, pursuant to 9VAC15-60. The project number is RE0000373. The proposed project location has a geographic information (GIS) centroid of Latitude 38.346903, Longitude -77.128072. The project as proposed is a 22-megawatt alternating current photovoltaic ground-mounted solar facility and will be comprised of approximately 48,000 modules. The total acreage of the project is approximately 215 acres with a disturbance area of 122 acres. The project developer is Terra Form Power Operating LLC, Charlottesville, Virginia.

Contact Information: Amber Foster, Renewable Energy Permit by Rule Coordinator, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 774-8474, or email [amber.foster@deq.virginia.gov](mailto:amber.foster@deq.virginia.gov).

### Proposed Enforcement Action for KW1 LLC

The Department of Environmental Quality (DEQ) is proposing an enforcement action for KW1 LLC for violations of State Water Control Law and regulations and applicable permit at the KW1 mulch facility located in Virginia Beach, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from February 9, 2026, to March 10, 2026.

Contact Information: Russell Deppe, Enforcement Specialist, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, or email [russell.deppe@deq.virginia.gov](mailto:russell.deppe@deq.virginia.gov).

### Proposed Enforcement Action for MHF Properties LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for MHF Properties LLC for violations of State Water Control Law and regulations and applicable permit at The Orchards, Section 1 facility located in Aylett, Virginia. The proposed order is available from the DEQ

contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from February 9, 2026, to March 11, 2026.

**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](mailto:cara.witte@deq.virginia.gov).

**Proposed Enforcement Action for Powell Creek Solar LLC**

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Powell Creek Solar LLC for violations of State Water Control Law and regulations and applicable permit at the Powell Creek Solar facility located in Prince George County, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from February 9, 2026, to March 11, 2026.

**Contact Information:** Cara Witte, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Suite A, Glen Allen, VA 23060, or email [cara.witte@deq.virginia.gov](mailto:cara.witte@deq.virginia.gov).

**DEPARTMENT OF GENERAL SERVICES**

**Request for Comments on Revision to Fees for Drinking Water Laboratory Certification**

Purpose of notice and background information: The Division of Consolidated Laboratory Services (DCLS) is seeking comments on the revision to fees charged for certifying drinking water laboratories under 1VAC30-41-270.

1VAC30-41-270 I 2 requires DCLS to increase or decrease annually the fees charged for certifying drinking water laboratories using the Consumer Price Index-Urban percentage change, average-average for the previous calendar year published by the U.S. Bureau of Labor Statistics in January. The percentage change, average-average for 2025 is an additional 2.6%. See the table labeled "Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, index averages" at <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202512.xlsx>. The percentage change, average-average data can be found in the Index Averages tab. The revised fees are exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The Budget of the Commonwealth of Virginia in Part I, Item 68 C 3 of Chapter 725 of the 2025 Acts of Assembly requires DCLS to provide notice and an opportunity to submit written comments on the revised fees.

The notice of fees for May 1, 2026, through April 30, 2027, will be published on the DCLS drinking water laboratory certification webpage after consideration of submitted comments.

Public comment period: February 9, 2026, through March 11, 2026.

How to comment: DCLS accepts written comments by email, fax, and postal mail. To be considered, comments must include the full name, address, and telephone number of the person commenting and must be received by DCLS by the last day of the comment period. All materials received are part of the public record. Comments should be sent to the contact listed.

Notice of fees for May 1, 2026, through April 30, 2027.

DCLS requests comments on the following revised fees.

TESTING CATEGORY	FEE (\$)
Microbiological testing	
1 - 2 methods	829
3 - 5 methods	966
6+ methods	1104
Inorganic chemistry, nonmetals testing	
1 - 2 methods	897
3 - 5 methods	1171
6 - 8 methods	1450
9+ methods	1723
Inorganic chemistry, metals testing	
1 - 2 methods	1378
3 - 5 methods	1655
6+ methods	1928
Organic chemistry	
1 - 2 methods	1450
3 - 5 methods	1723
6 - 8 methods	2000
9+ methods	2277
Radiochemistry	
1 - 2 methods	1517
3 - 5 methods	1792
6+ methods	2068

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## General Notices

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Asbestos		
	1 - 2 methods	1240
	3 - 5 methods	1517
	6+ methods	1792

How fees are calculated: DCLS calculates a laboratory's total fee by adding the fees for the number of test methods in each category in the fee table for which the laboratory is certified or applies to be certified. Contact [lab\\_cert@dgs.virginia.gov](mailto:lab_cert@dgs.virginia.gov) for more information about the fee category for a specific method.

Additional fees apply when a laboratory:

1. Applies for modification of certification under 1VAC30-41-110.
2. Relocates and requires an on-site DCLS assessment.
3. Requests certification reinstatement requiring an on-site DCLS assessment.

Hourly review fee and calculation of total fee: The fee to be charged is the sum of the total hourly charges for all reviewers plus any onsite assessment costs incurred. The hourly charge per reviewer is \$84. The charge per reviewer is determined by multiplying the number of hours expended in the review by \$84. On-site review and travel expenses: If an on-site review is required, travel time and on-site review time will be charged at the same hourly rate of \$84, and any travel expenses will be added.

When to pay: Payment is due when the initial application is processed or annually thereafter upon receipt of the invoice from DCLS. Annual billing precedes the expiration of the current certificate.

How to pay: Fees may be paid by check or with a credit card via an electronic payment portal provided by DCLS, or other payment arrangements may be made by contacting [lab\\_cert@dgs.virginia.gov](mailto:lab_cert@dgs.virginia.gov). All payments are made after an invoice is issued by DCLS, in accordance with instructions on the invoice or in accordance with special arrangements made by contacting DCLS.

Contact Information: Kimberly Freiberger, Policy Planning Specialist III, Department of General Services, 1100 Bank Street, Suite 420, Richmond, VA 23219, telephone (804) 205-3861, or email [kimberly.freiberger@dgs.virginia.gov](mailto:kimberly.freiberger@dgs.virginia.gov).

### VIRGINIA CODE COMMISSION

#### Notice to State Agencies

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

**Meeting Notices:** Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <https://commonwealthcalendar.virginia.gov>.

**Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed:** A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumultab.pdf>.

**Filing Material for Publication in the Virginia Register of Regulations:** Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.