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THE VIRGINIA REGISTER

OF REGULATIONS



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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the *Virginia Tax Bulletin* issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions; or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-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 twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose 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 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

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Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

CRIMINAL JUSTICE SERVICES BOARD

Criminal Justice Services Board.

Title of Regulation: VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-enforcement Officers, Jailors or Custodial Officers, and Officers of the Department of Corrections, Division of Adult Institutions.

VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-enforcement Officers, Jailors or Custodial Officers and Officers of the Department of Corrections, Division of Adult Institutions.

Statutory Authority: § 9-170 of the Code of Virginia.

Pursuant to the provisions of § 9-170 of the Code of Virginia, the Criminal Justice Services Board hereby promulgates the following regulations for compulsory in-service training standards for law-enforcement officers, jailors or custodial officers, and officers of the Department of Corrections, Division of Adult Institutions.

Public Hearing Date: October 7, 1987 - 2 p.m.
(See Calendar of Events section for additional information)

§ 1. Definitions.

Summary:

The proposed amendments to the Rules Relating to Compulsory In-Service Training Standards for Law-enforcement Officers, Jailors or Custodial Officers and Officers of the Department of Corrections, Division of Adult Institutions are submitted in accordance with § 9-6.14:7.1 of the Code of Virginia.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

These amendments are being proposed pursuant to the regulation issuing authority granted to the Criminal Justice Services Board by § 9-170 of the Code of Virginia.

"Board" means the Criminal Justice Services Board.

The proposed regulations revise the in-service training curricula requirements for law-enforcement officers, jailors or custodial officers and officers of the Department of Corrections, Division of Adult Institutions and combine the three sets of regulations now in force into a single set of regulations.

"Department" means the Department of Criminal Justice Services.

Specifically, the proposed regulations further delineate curricula requirements, amend and expand procedures relating to partial in-service credit, revise certain firearms training programs and establish guidelines relating to testing of part of the curricula requirements. Further the regulations permit a phased-in process of the testing requirement following pilot studies and review.

"Director" means the chief administrative officer of the department.

The existing Rules Relating to Compulsory In-Service Training Standards for Law-enforcement Officers, Rules Relating to Compulsory In-Service Training Standards for Jailors or Custodial Officers of Local Criminal Justice Agencies, and Rules Relating to Compulsory In-Service Training Standards for Officers of the Department of Corrections, Division of Adult Services, all of which were last amended on July 11, 1984, shall be repealed upon the effective date of these regulations subject to the approval of the

"Approved training school" means a training school which provides instruction of at least the minimum training standards as mandated by the board and has been approved by the department for the specific purpose of training criminal justice personnel.

"School director" means the chief administrative officer of an approved training school.

"Agency administrator" means any chief of police, sheriff or agency head of a state or local law-enforcement agency, or correctional institution.

"Officer" means a law-enforcement officer, jailor, or custodial officer. Officer within the Department of Corrections means a correctional officer, sergeant, lieutenant, captain, major, facility manager, and facility director.

§ 2. Applicability.

A. Every person employed as a law-enforcement officer, as defined by § 9-169(9) of the Code of Virginia, must meet compulsory in-service training standards as set forth in § 3, Part One, of these regulations.

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B. Every person employed as a jailor or custodial officer under the provisions of Title 53.1 of the Code of Virginia, must meet compulsory in-service training standards as set forth in § 3, Part Two, of these regulations.

C. Every person employed as a correctional officer of the Department of Corrections, Division of Adult Institutions, as defined by § 53.1-1 of the Code of Virginia, must meet compulsory in-service training standards as set forth in § 3, Part Three, of these regulations.

§ 3. Compulsory in-service training standards.

Pursuant to the provisions of §§ 9-170(3) and (7) of the Code of Virginia, the board establishes the following as the compulsory in-service training standards for law-enforcement officers, jailors or custodial officers, and officers of the Department of Corrections, Division of Adult Institutions.

Part One - Law-enforcement Officers

A. Mandatory (testing required as set forth in § 7).

Hours

1. Legal training. 4

The subjects selected are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

2. Career development. 16

The subjects shall enhance the officer's career in law enforcement and shall total 16 hours.

B. Elective (testing optional). 20

1. Subjects designated as elective training are at the discretion of the agency administrator or the board of an approved training school. No more than two hours of firearms training will be permitted as elective subjects.

TOTAL 40

Part Two - Jailors or Custodial Officers

A. Mandatory (testing required as set forth in § 7).

1. Legal Training. 4

The subjects selected are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

2. Career development. 8

The subjects shall enhance the officer's career as a

jailor or custodial officer and shall total eight hours.

B. Elective (testing optional). 12

1. Subjects designated as elective training are at the discretion of the agency administrator or the board of an approved training school. No more than two hours of firearms training will be permitted as elective subjects.

TOTAL 24

Part Three - Officers of the Department of Corrections

A. Mandatory (testing required as set forth in § 7)

1. Legal training. 4

The subjects selected are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

2. Career development.

The subjects shall enhance the officer's career as a correctional officer. These hours shall be allocated as follows:

a. Correctional officers and sergeants 8

b. Lieutenants through facility director 16

B. Elective (testing optional).

1. Subjects designated as elective training are at the discretion of the director of the Department of Corrections or his designee. These hours shall be allocated as follows:

a. Correctional officers and sergeants 12

b. Lieutenants through facility director 20

No more than two hours of firearms training shall be permitted as elective subjects.

TOTAL HOURS FOR CORRECTIONAL OFFICERS AND SERGEANTS 24

TOTAL HOURS FOR LIEUTENANTS THROUGH FACILITY DIRECTOR 40

§ 4. Time requirement for completion of training.

A. Every officer must complete compulsory in-service training by December 31 of the second calendar year following satisfactory completion of the entry-level

compulsory minimum training standards and by December 31 of every other calendar year thereafter. The mandatory training must be completed between the period January 1 to December 31 of the calendar year the officer is required to comply, unless provided otherwise in accordance with § 4, subsection C, of these regulations.

B. In-service training schools shall be conducted in no less than four-hour sessions.

C. The director may grant an extension of the time limit for completion of the in-service training. The chief of police, sheriff or agency administrator shall present evidence that the officer was unable to complete the required training within the specified time limit due to illness, injury, military service or special duty assignment required and performed in the public interest. Requests for extension of the time limit must be received prior to the expiration of the normal in-service time limit.

§ 5. How compulsory minimum training standards may be attained.

A. In-service training school.

1. The in-service training may be obtained by attending and completing an approved in-service training school at an approved academy unless provided otherwise in accordance with § 5, subsection B, of these regulations.

2. Officers attending an approved in-service training school are required to attend all classes and should not be placed on duty or on call except in cases of emergency.

B. Partial in-service credit.

1. Individual. Upon written request of the chief of police, sheriff or agency administrator, the director may authorize attendance and successful completion of job-related courses for partial in-service credit. Such request shall be submitted no later than 30 days following the last day of the course. Whenever possible, such request should be submitted prior to the beginning date of the course. Any request for partial in-service credit shall include the name of the sponsoring agency, name and location of the course, and a specific course description which shall include at a minimum the date, time and instructor for each subject included in the course. Attendance shall be documented and records maintained as required by the records retention policy of the department. During the period January 1, 1988, through December 31, 1988, the testing requirement for mandatory hours shall be optional. Any training conducted by a nonapproved academy is exempt from the testing requirement.

All such requests from the Department of Corrections shall be reviewed and endorsed by the training

manager prior to being forwarded to the department for consideration.

2. Course. The director may also approve job-related training courses offered by agencies, institutions, or private firms as meeting the requirements to receive partial in-service credit. Requests for such certification shall be submitted 60 days in advance of the conduct of the course on forms provided by the department. Courses meeting the minimum criteria may be approved for one year or until the course content is revised, whichever occurs first. The sponsoring agency shall document attendance and maintain records as required by the records retention policy of the department. The sponsoring agency shall also certify to the agency administrator that the officer successfully completed the course. The department will only consider for approval requests from agencies, institutions, or private firms where there is an indication that criminal justice officers from Virginia have attended or will attend the course for which approval is requested.

Courses submitted for approval shall meet the minimum number of hours of either the mandatory or elective training sections of the applicable standards. Section 5.B.2 shall not apply to any criminal justice agency or training academy in this Commonwealth.

§ 6. Requirements for in-service training schools.

A. In-service training schools shall be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which, on the basis of curricula, lesson plans, instructors, facilities, and examinations, provide the required minimum training. A curriculum listing the subjects, instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30-day requirement may be granted for good cause shown by the school director.

B. In-service training schools which are approved shall be subject to inspection and reviewed by the department.

C. The department may suspend the approval of an approved in-service training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension. The school's director may appeal the director or designee's decision to the board.

D. The department may revoke the approval of any training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the

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school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. The school's director may appeal the director or designee's decision to the board.

§ 7. Testing and grading.

A. During the period January 1, 1988, through December 31, 1988, the testing requirements for the mandatory subjects as enumerated in § 3 of these regulations shall be optional. During this period, pilot testing will occur for the mandatory testing requirements set forth in § 3 of these regulations. Appropriate data and research will be collected and analyzed during 1988, with a final decision by the Criminal Justice Services Board, prior to December 31, 1988, concerning the mandatory testing requirements as set forth in § 3. Each approved training school is encouraged to begin implementation of the testing requirement in approved in-service training schools.

B. All tests for mandatory training shall be developed in accordance with the approved lesson plan for each subject. The objectives set forth in each lesson plan shall be tested. Testing may be in the form of written or performance tests.

C. A minimum score of 70% must be attained on all written tests. Performance testing requires satisfactory completion of performance objectives.

D. Approved training schools shall maintain accurate records of all attendance, tests, grades, and testing procedures utilized in in-service training schools. Training records shall be maintained in accordance with §§ 42.1-76 through 42.1-91 of the Code of Virginia.

E. All approved training schools are required to establish and maintain a testing and retesting policy.

F. All sheriffs, chiefs of police, and agency administrators shall be exempted from in-service testing requirements.

§ 8. Firearms training.

Every officer shall qualify annually using the firearms course set forth below. With prior approval of the director, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges. No minimum number of hours is required; only qualification is required.

A. Law-enforcement officers and jailors or custodial officers.

1. Handgun

a. Virginia Modified Double Action Course For Revolvers.

Target - Silhouette (B21, B21X, B27)

60 rounds

Double action only

Minimum qualifying score - 70%

Phase 1 - 7 yards, hip shooting, crouch position, 24 rounds

Load 6 rounds, fire 1 round on whistle (2 seconds), repeat

Load 6 rounds, fire 2 rounds on whistle (3 seconds), repeat

Load 6 rounds, fire 12 rounds on whistle (30 seconds)

Phase 2 - 15 yards, point shoulder position, 18 rounds

Load 6 rounds, fire 1 round on whistle (2 seconds), repeat

Load 6 rounds, fire 2 rounds on whistle (3 seconds), repeat

Load 6 rounds, fire 6 rounds on whistle (12 seconds)

Phase 3 - 25 yards, 90 seconds, 18 rounds

Load 6 rounds, on whistle:

fire 6 rounds, kneeling, strong hand; reload

fire 6 rounds, standing behind barricade, weak hand;

reload fire 6 rounds, standing behind barricade, strong hand (kneeling position may be fired using barricade)

b. Virginia Modified Double Action Course For Semi-Automatic Pistols.

Target - Silhouette (B-21, B-21X, B-27)

Minimum Qualifying Score - 70%

Each officer is restricted to three magazines when firing course. Regardless of capacity, only six rounds will be loaded in each magazine.

Phase 1 - 7 yards, hip shooting, crouch position

Load 6 round mag., fire 1 round double action on whistle (2 seconds), place on safe, holster, repeat until 6 rounds have been fired

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Load 6 round mag., fire 2 rounds double action on whistle (3 seconds), place on safe, holster, repeat until 6 rounds have been fired

Load 6 round mag., fire 1 round double action, fire remaining 5 rounds in conventional manner, reload and repeat procedure until a total of 12 rounds have been fired (20 seconds)

Phase 2 - 15 yards, point shoulder position

Load and holster on command, draw and fire 1 round double action on whistle (2 seconds), place on safe and holster, repeat until 6 rounds have been fired

Load and holster on command, draw and fire 2 rounds double action on whistle (3 seconds), place on safe and holster, repeat until 6 rounds have been fired

Load and holster on command, draw and fire 6 rounds on whistle (8 seconds)

Phase 3 - 25 yards, kneeling and standing position

Load and holster on command, assume kneeling position, draw weapon and fire 1 round, double action, on whistle; fire remaining 5 rounds in conventional manner, reload and fire 6 rounds weak hand, standing, barricade position; reload and repeat procedure, strong hand, standing barricade position, until a total of 18 rounds have been fired (70 seconds)

c. Scoring.

B21, B21X targets - use indicated K value with a maximum 300 points; divide by 3 to obtain percentage

B27 target - 8, 9, 10, x rings - value 5 points 7 ring - value 4 points other hits on silhouette - value 3 points; divide by 3 to obtain percentage

B. Officers of the Department of Corrections, Division of Adult Institutions.

1. Handgun

a. Double Action Combat Course.

Target - Silhouette

60 rounds

Double action only

Minimum qualifying score - 70% (points per hit on silhouette - minimum 220 points out of a possible 300 points)

7 yards - two handed crouch - 6 rounds (one on whistle)

7 yards - two handed crouch - 6 rounds (two on whistle)

7 yards - two handed crouch - 12 rounds (30 seconds from whistle)

15 yards - two handed point shoulder - 6 rounds (one on whistle)

15 yards - two handed point shoulder - 6 rounds (two on whistle)

15 yards - two handed point shoulder - 12 rounds (30 seconds from whistle)

25 yards - two handed point shoulder - 6 rounds (10 seconds/right hand)

25 yards - two handed point shoulder - 6 rounds (10 seconds/left hand)

C. Law-enforcement officers, jailors or custodial officers and officers of the Department of Corrections, Division of Adult Institutions

1. Special weapons.

All agencies whose personnel possess, or have available for immediate use, shotguns or other similar special weapons, shall design and require annually an appropriate familiarization/qualification weapons programs for all applicable personnel. The course, number of rounds to be fired and qualification score shall be determined by the agency or approved training school. Documentation of such familiarization/qualification programs shall be available for inspection by the director or staff.

§ 9. Failure to comply with rules and regulations.

Officers attending approved in-service training schools shall comply with the rules and regulations promulgated by the board and any other rules and regulations within the authority of the school director. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school. Notification of such action shall immediately be reported in writing to the agency administrator and the director.

§ 10. Administrative requirements.

Reports will be required from the agency administrator and school director on forms approved by the department and at such times as designated by the director.

Proposed Regulations

§ 11. Effective date.

These rules shall be effective on and after January 1, 1988, and until amended or rescinded.

* * * * *

Title of Regulation: VR 240-01-14. Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions.

Statutory Authority: § 9-170 of the Code of Virginia.

Public Hearing Date: October 7, 1987 - 9 a.m.
(See Calendar of Events section for additional information)

Summary:

The Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions are submitted in accordance with § 9-6.14:7 of the Code of Virginia.

These regulations are being proposed pursuant to the regulation issuing authority granted to the Criminal Justice Services Board by § 9-170 of the Code of Virginia.

The purpose of these regulations is to ensure that correctional officers meet minimum training standards predicated on a job task analysis which identified knowledge, skills and abilities necessary to perform the requirements of the position.

Specifically, these regulations will require that each correctional officer attending entry level training to satisfactorily meet each performance objective identified as required in order to perform the duties of the position.

A dual approval process is authorized within the proposed regulations to permit pilot testing of the performance based training requirements. The Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Institutional Services which were last amended on February 12, 1982, will be rescinded effective January 1, 1989.

VR 240-01-14. Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions.

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

"Agency administrator" means any chief of police, sheriff or agency head of a state, local law-enforcement agency, or the director of the Department of Corrections, or his designee.

"Approved training school" means a training school which provides instruction of at least the minimum training standards as mandated by the board and has been approved by the department for the specific purpose of training criminal justice personnel.

"Board" means the Criminal Justice Services Board.

"Corrections facility director manager" means the chief administrative officer of a correctional facility.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department.

"Full-Time attendance" means that officers in training shall attend all classes and shall not be placed on duty or call except in cases of emergency for the duration of the school.

"School director" means the chief administrative officer of an approved training school.

§ 2. Compulsory minimum training standards.

Pursuant to the provisions of § 9-170 of the Code of Virginia, the board establishes the following as the compulsory minimum training standards for full-time correctional officers of the Department of Corrections, Division of Adult Institutions.

The performance objectives constituting the institutional and academy for staff development core and sub-core curricula is detailed in the document entitled, "Performance-Based Training and Testing Objectives for Compulsory Minimum Training for Correctional Officers of the Department of Corrections, Division of Adult Institutions" (June, 1986), which is incorporated by reference and made a part of these regulations.

A. Basic correctional officer training - institutional training.

1. Core curriculum.

4.0 Key Control

5.0 Tool Control

6.0 Control/Account for Inmates

10.0 Search Procedures - Persons

11.0 Search Procedures - Objects

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12.0 Search Procedures - Vehicles

13.0 Search Procedures - Areas

14.0 Control of Movement In and Out of Facility - Perimeter

15.0 Control of Movement In and Out of Tower

16.0 Control of Movement In and Out of Sally Port

17.0 Control of Movement In and Out of Visiting Room

18.0 Control of Movement In and Out of Gates

19.0 Radio/Telephone Communications

20.0 Control of Movement - Control Room

21.0 Control of Movement - Master Control

22.0 Maintaining Effective Security Equipment

23.0 Control of Contraband

24.0 Control of Movement Using Restraints

24.1 Identification of Restraints

24.2 Use of Restraints

25.0 Control of Inmate Movement - Internal

26.0 Transportation and Escorting

32.0 Communication of Critical Information to Correctional Officers

33.0 Communication of Critical Information to Supervisors

34.0 Enforcing Laws, Rules and Regulations

35.0 Enforcing Laws, Rules and Regulations - Behavior Adjustment

36.0 Enforcing Laws, Rules and Regulations - Adjustment Committee

37.0 Enforcing Laws, Rules - ICC

43.0 Use of Force - Firearms

44.0 Emergency Preparedness and Response - Riot or Disturbance

45.0 Emergency Preparedness and Response

46.0 Emergency Preparedness and Response - Hostage

47.0 Emergency Preparedness and Response - Minor

Disturbance

48.0 Emergency Preparedness and Response - First Aid

50.0 Inmate Supervision - Providing Information

52.0 Inmate Supervision - Work/Recreation

53.0 Inmate Welfare - Receiving

54.0 Inmate Welfare - Medical Care

55.0 Inmate Welfare - Mail

56.0 Inmate Welfare - Personal Property

57.0 Inmate Welfare - Housekeeping/Laundry

TOTAL INSTITUTIONAL CURRICULUM HOURS - 80

B. Basic correctional officer training - academy for staff development.

1. Core curriculum.

1.0 Role of the Correctional System

2.0 Corrections Within the Criminal Justice System

3.0 Corrections As a Profession

7.0 Law-Enforcement Techniques

8.0 Secure and Safeguard of Crime Scene

9.0 Testifying

10.0 Search Procedures - Persons

23.0 Control of Contraband

23.1 Control of Drug Use

23.2 Identification of Controlled/Abused Substance

23.3 Identification of Materials Used to Achieve Intoxication

23.4 Identification of Materials Used to Make Weapons

23.5 Procedure for Handling Contraband

24.0 Control of Movement Using Restraints

24.1 Identification of Restraints

24.2 Use of Restraints

28.0 Crisis Prevention/Inmate

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- 29.0 Crisis Prevention/I.D. of Potential Problems
 - 30.0 Crisis Prevention/I.D. of Mentally Disturbed Inmates
 - 31.0 Conflict Management/Crisis Intervention
 - 34.0 Enforcing Laws, Rules and Regulations
 - 35.0 Enforcing Laws, Rules and Regulations - Behavior Adjustment
 - 38.0 Enforcing Laws, Rules - Grievance
 - 39.0 Use of Force
 - 40.0 Use of Force - Defensive Tactics
 - 41.0 Use of Force - Baton
 - 42.0 Use of Force - Chemical Agents
 - 43.0 Use of Force - Firearms
 - 45.0 Emergency Preparedness and Response
 - 46.0 Emergency Preparedness and Response - Hostage
 - 49.0 Inmate Supervision - Interpersonal Communications
 - 50.0 Inmate Supervision - Providing Information
 - 51.0 Inmate Supervision - Limitations
 - 52.0 Inmate Supervision - Work/Recreation
- 27.0 Vehicle Operation.

TOTAL CORE CURRICULUM HOURS - 120

2. Sub-core curriculum (required for all correctional officers who, in the performance of duties, are required to transport inmates by vehicular means).

TOTAL SUB-CORE CURRICULUM HOURS - 16

TOTAL CURRICULUM HOURS - 216

§ 3. Applicability.

A. Every person employed as a full-time correctional officer, and who has not met the compulsory minimum training standards for correctional officers subsequent to the effective date of these regulations, shall meet the training standards herein established unless provided otherwise in accordance with § 3.B of these regulations.

B. The director may grant an exemption or partial exemption of the compulsory minimum training standards established herein, in accordance with § 9-173 of the Code

of Virginia.

§ 4. Time requirement for completion of training.

A. Every correctional officer who is required to comply with the compulsory minimum training standards shall satisfactorily complete such training within 12 months of the date of appointment unless provided otherwise in accordance with § 4.B of these regulations.

B. The director may grant an extension of the time limit for completion of the minimum training required upon presentation of evidence by the agency administrator that the officer was unable to complete the required training within the specified time limit due to illness, injury, military service or special duty assignment required and performed in the public interest. However, each agency administrator shall request such extension prior to expiration of any time limit.

C. Any correctional officer who originally complied with all training requirements and later separated from correctional officer status, in excess of 24 months, upon reentry as a correctional officer shall be required to complete all compulsory minimum training standards unless provided otherwise in accordance with § 3.B of these regulations.

§ 5. How minimum training may be attained.

A. The compulsory minimum training standards shall be attained by attending and satisfactorily completing an approved training school.

B. Officers attending an approved training school are required to be present for all classes and should not be placed on duty or on call except in cases of emergency. In the event of such an emergency, the agency administrator shall advise the school director within 24 hours. Officers will be responsible for any material missed during an excused absence.

C. All approved training schools which begin on or after January 1, 1989, shall be conducted in conformance with the Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions, as adopted by the board on October 7, 1987. However, the period January 1, 1988, through December 31, 1988, shall serve as a transition period wherein training schools may be approved by the department to conduct training in accordance with the Rules Relating to Compulsory Minimum Training Standards For Correctional Officers of the Department of Corrections, Division of Institutional Services, as amended by the board on February 12, 1982, or according to the Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions, as adopted by the board on October 7, 1987. Every correctional officer satisfactorily completing training approved by the department under the rules amended

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February 12, 1982, or under the rules adopted on October 7, 1987, shall be deemed to have complied with the compulsory minimum training standards for correctional officers.

§ 6. Approved training schools.

A. Correctional officer training schools shall be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools, which, on the basis of curricula, instructors, facilities and examinations provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing performance objective by number, the instructors, dates, and times for the entire proposed session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30-day requirement may be granted for good cause shown by the school director.

B. Each school director shall be required to maintain a file of all lesson plans and supporting material for each subject contained in the compulsory minimum training standards.

C. Schools which are approved shall be subject to inspection and review by the director or staff.

D. The department may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension. The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.

E. The department may revoke the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.

§ 7. Grading.

A. Each officer shall comply with the requirements of all the performance objectives set forth in § 2 and the

document entitled, "Performance-Based Training and Testing Objectives for Compulsory Minimum Training for Correctional Officers of the State Department of Corrections, Division of Adult Institutions" (June, 1986). All approved training schools shall utilize testing procedures which indicate that every officer, prior to satisfactory completion of the training school, has met the requirements set forth in each performance objective specified in the document entitled, "Performance-Based Training and Testing Objectives for Compulsory Minimum Training for Correctional Officers of the State Department of Corrections, Division of Adult Institutions" (June, 1986). An officer may be tested and retested as may be necessary within the time limits of § 4 of these regulations and in accordance with each academy's written policy. An officer shall not be certified as having complied with the compulsory minimum training standards unless all applicable requirements have been met.

B. The school director shall submit a grade report on each officer on forms provided by the department.

C. The following firearms training will be required for each officer attending an approved school:

1. Nomenclature and care of service revolver;
2. Safety (on the firearms range, on duty and off duty);
3. Legal responsibilities and liabilities of firearms;
4. Service revolver (handling, firing principles);
5. Dry firing and application of basic shooting principles;
6. Prequalification shooting (96 rounds, minimum);
7. Basic Correctional Firearms Qualification Course - Minimum 70% qualification required
8. Shotgun Qualification Course - Minimum 80% qualification required
9. Special Weapons Qualification Courses - Minimum 80% qualification required
 - a. .223 caliber mini-14 rifle
 - b. AR-15 semi-automatic rifle

§ 8. Failure to comply with rules and regulations.

Any correctional officer attending an approved training school shall comply with the rules and regulations promulgated by the board and any other rules and regulations within the authority of the school director. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of

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the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school. Notification of such action shall immediately be reported, in writing, to the corrections facility director manager of the officer and the director.

§ 9. Administrative requirements.

A. Reports shall be required from the agency administrator and school director on forms approved or provided by the department and at such times as designated by the director.

B. The school director shall, within 30 days upon completion of an approved training school session, comply with the following:

1. Prepare a grade report on each officer maintaining the original for academy records and forwarding a copy to the corrections facility director manager of the officer.

2. Submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session.

C. The school director shall furnish each instructor with the applicable performance objectives for the assigned subject matter.

D. Approved correctional officer training schools shall maintain accurate records of all tests, grades and testing procedures. Training school records shall be maintained in accordance with the provisions of these rules and §§ 42.1-76 through 42.1-91 of the Code of Virginia.

§ 10. Effective date.

These regulations shall be effective on and after January 1, 1988, and until amended or rescinded.

§ 11. Recission of previous rules.

The Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Institutional Services, as amended on February 12, 1982, are hereby rescinded effective January 1, 1989.

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

Title of Regulation: VR 435-01-1. Regulations for the Certification and Licensure of Librarians.

Statutory Authority: § 54-268.1 of the Code of Virginia.

Public Hearing Date: September 25, 1987 - 10:30 a.m.

(See Calendar of Events section for additional information)

Summary:

The purpose of certification and licensure for librarians, in public libraries receiving public funds, state supported colleges and university libraries, and state supported institutional libraries, is to ensure that practitioners using the title meet the educational requirements or possess the equivalent training, knowledge, skills, and experience necessary to provide a minimum level of competent performance in the delivery of informational, reference, and research services within the Commonwealth of Virginia.

The proposed regulations would establish a minimum entry level for the certification and licensure of librarians regarding educational and experience requirements, including minimum fees to support projected revenue sufficient for the operation of the program in accordance with the conditions of the Callahan Act.

All previous rules and regulations of the Board for Certification of Librarians are repealed.

VR 435-01-1. Regulations for the Certification and Licensure of Librarians.

PART I. GENERAL INFORMATION.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Board" means the Board for Certification of Librarians.

"Books and library materials" means books, maps, newspapers, magazines, pamphlets, manuscripts, documents, public records, microforms, audio and visual material in any format, machine readable data records, materials for the developmentally disabled and handicapped, or other documentary, written, or printed materials, using any technology, which are processed and organized for use by members of the general public.

"Library" means an educational and cultural institution established to provide books and library materials required to meet the range of informational service needs of respective constituencies.

"Professional librarian" means a person employed to work in a library in a position requiring extensive knowledge of informational resources, library service patterns, historical perspectives, and the ability to coordinate, synthesize and disseminate information through the use of books and library materials on a level

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equivalent to that required for graduation from a library school accredited by the American Library Association.

"Public library" means a library that receives its primary support from a local public tax base.

§ 1.2. Issuing authority, individuals covered and exempt from regulations.

Professional Librarian's Certificates shall be issued by the board to any individual who has met the education or experience requirements for certification as set forth in these regulations. This provision shall not apply to employees of the State Law Library or law libraries of counties or cities, or to librarians of public school libraries.

PART II. CERTIFICATION PROCESS.

Article 1. Certification by Endorsement.

§ 2.1. A certificate shall be issued to an applicant who holds a current, valid certificate granted by another state or jurisdiction, providing that this certificate is comparable to that granted by the Commonwealth of Virginia.

Article 2. Certification by Education.

§ 2.2. A certificate shall be issued to an applicant who has earned a master's or a doctoral degree from a school of library science or information science that was accredited by the American Library Association at the time the degree was awarded.

Article 3. Certification by Education and Experience.

§ 2.3. A certificate shall be issued to an applicant who has been awarded a graduate degree in library or information science from a school not accredited by the American Library Association and who presents evidence of having successfully completed at least three years of progressively responsible employment in one or more library-related positions, and who presents three letters of recommendation from librarians certified and licensed by the Commonwealth, testifying to the competence of the applicant to practice at a professional level.

§ 2.4. A certificate shall be issued to an applicant who has been awarded an undergraduate degree from an accredited college or university and who has successfully completed 18 semester hours (or the equivalent quarter hours) of library or information science on the graduate or undergraduate level and who presents evidence of having successfully completed at least five years of progressively responsible employment in one or more library-related positions and who presents five letters of recommendation from librarians certified and licensed by

the Commonwealth, testifying to the competence of the applicant to practice at a professional level.

Article 4. Certification Fee.

§ 2.5. The application fee for a certificate shall be established by the board pursuant to § 54-1.28:1. Fees are nonrefundable and shall not be prorated.

PART III. LICENSING OF CERTIFIED LIBRARIANS.

Article 1. Qualifications.

§ 3.1. Any person who has been granted a professional librarian's certificate by the board, or its predecessor, may apply for a license to practice as a professional librarian in the Commonwealth.

Article 2. Individuals Who Shall Hold a License.

§ 3.2. Refer to § 54-268.1 of the Code of Virginia. All others who hold a valid certificate may hold a license.

§ 3.3. All applications for initial licenses shall be made on the official application form, provided by the secretary of the Board for the Certification of Librarians, Department of Commerce. Applicants shall provide on the application form the number of the qualifying certificate granted by the board or any of its predecessors. The appropriate fee for the initial license shall accompany the application and be sent to the secretary of the board.

PART IV. GRANTING AND RENEWAL OF LICENSES.

Article 1. Individuals Who Shall Hold a License.

§ 4.1. Individuals governed by § 54-268.1 of the Code of Virginia shall apply for a license to the secretary of the Board for the Certification of Librarians, Department of Commerce. Those individuals holding certificates granted at any time prior to the effective date of these regulations shall apply for a license within six months of the effective date of these regulations. Individuals currently exempted from holding a license by virtue of position shall be governed by § 54-268.1 of the Code of Virginia at such time there is a change in position requiring licensure. In such case, the prior six months certification stipulation will be waived.

Article 2. Terms, Frequency and Fees for Renewal.

§ 4.2. One month prior to the expiration date of an individual's license, the secretary of the board shall send a notice and the appropriate renewal application form to the

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individual librarian. The completed application form, with the appropriate fee, shall be returned to the secretary no later than one month after the expiration date of the license.

§ 4.3. Licenses shall be renewed during July of every even-numbered year.

§ 4.4. Failure to receive written notice from the Director of the Department of Commerce does not relieve the licensee from the requirement to renew the license.

§ 4.5. Licenses shall be renewed upon application by the licensee and payment of the licensing fee.

§ 4.6. The biennial renewal fee shall be established by the board pursuant to § 54-1.28:1. Fees are nonrefundable and shall not be prorated. The penalty fee for late renewal shall be twice the amount of the renewal fee.

§ 4.7. If the licensee fails to renew the license within six months following the expiration date of the last valid license, the licensee shall be required to petition the board for reinstatement. The applicant shall be required to present reasons for reinstatement on the appropriate form and the board may grant reinstatement of the license in conformity with existing regulations. The application fee for reinstatement shall be an amount equal to twice the renewal fee.

§ 4.8. Written notice shall be given within 30 days to the secretary of the board by each licensee of any change of principal business location, whereupon the board shall issue an amended license without fee for the unexpired portion of the biennial period.

PART V. CAUSE FOR REVOCATION OR NONRENEWAL OF LICENSE.

Article 1. Causes for Revocation of License.

§ 5.1. A license shall be revoked and not renewed for any licensee who has been convicted of a violation of any law or regulation governing the practice of a professional librarian.

§ 5.2. No license shall be renewed for any applicant who has been convicted of a crime or felony perpetrated in the course of professional practice.

§ 5.3. A license may not be renewed for an applicant if complaints citing dereliction of professional duty on the part of the applicant have been lodged against the applicant by any citizen or citizens and such complaints have been filed by the complainant(s) with the board. In such cases, the board shall hold a hearing in Executive Session, hearing testimony from the complainant(s) and from the applicant. The decision of the right to renewal or revocation of a license is the prerogative of the board.

§ 5.4. Any person whose license is revoked or not renewed has the right of appeal under the Administrative Process Act.

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Proposed form:

Application for certification: This form must provide an explanation, queries and spaces for information covering the various means by which certification may be acquired. EXAMPLE:

Application for Professional Librarian's Certificate

(Text of the regulations covering the 4 means by which certification may be acquired.)

Name: _____

Date: _____

Address: _____

(Elect one of the following means for certification)

Certification by Endorsement

I seek certification by endorsement. Attached is a copy of my certificate, granted by (state or jurisdiction) _____, on (date) _____. Also attached is a copy of the regulations governing the granting of this certificate.

Certification by Education

I seek certification by virtue of my education. I received a master's or doctoral degree in library or information science from (name and address of school) _____, which was accredited by the American Library Association at the time my degree was awarded on (date on diploma) _____. Attached is a copy of my diploma and/or my academic transcript showing successful completion of all requirements for the degree.

Certification by Education and Experience - Graduate Degree

I seek certification by virtue of my education and experience. I received a master's or doctoral degree in library or information science from (name and address of school), _____, which was not accredited by the American Library Association at the time my degree was awarded in (date on diploma) _____. However, this university was accredited by (name of accrediting body) _____ at the time my degree was awarded. Attached is a copy of my diploma and/or my academic transcript showing successful completion of all requirements for the degree. I am also enclosing two letters of

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recommendation from librarians certified and licensed by the Commonwealth of Virginia, testifying to my competence to practice at a professional level. I have completed three years of progressively responsible employment in the following library-related positions:

Employing institution or organization(s), position title, dates in each position: _____

Certification by Education and Experience - Undergraduate Degree

I seek certification by virtue of my education and experience. I received a bachelor's degree in (major) _____ from (name of college or university) _____ which was accredited by (name of accrediting body) _____ at the time my degree was awarded on (date on diploma) _____. Attached is a copy of my diploma and my academic transcript showing at least 18 semester hours (or equivalent in quarter hours) of course work in library or information science. I am also enclosing 5 letters of recommendation from librarians certified and licensed by the Commonwealth of Virginia, testifying to my competence to practice at a professional level. I have completed five years of progressively responsible employment in the following library-related positions:

Employing institution or organization(s), position title, dates in each position: _____

I attest that the information and documentation I have supplied is accurate and true. (Include wording for penalty for falsification.)

Signature _____.

Send this application, all required documentation and the \$40.00 application fee to: Secretary, State Board for Librarians
Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230-4917.
Make check payable to: Commonwealth of Virginia.
Fee will be returned if application is rejected by the Board.

License Application: This is the form for applying for a license for the first time. It must provide information on the name, address of applicant and the qualifying certificate number.

EXAMPLE:

Application for Professional Librarian's License

Name: _____ Date: _____
Address _____

Certificate number and date granted: _____.

I hold the Professional Librarian's Certificate listed above.
I hereby apply for a license to practice as a professional
librarian in the Commonwealth of Virginia.

Signature: _____

Send this application with the license fee of \$30 to:
Secretary, Board for Librarians, Department of Commerce,
3600 West Broad Street, Richmond, VA 23230-4917.
Make check payable to: Commonwealth of Virginia.

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STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

Title of Regulation: VR 500-01-2. Rules and Regulations of the State Board of Examiners for Nursing Home Administrators.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Public Hearing Date: September 23, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The purpose of these regulations is to ensure that entry-level nursing home administrators possess a specific body of knowledge and can demonstrate the skills and abilities essential to the profession, with the ultimate goal to promote and ensure the safety, proper attention, and service to the chronically ill and infirm patients in nursing homes.

The proposed revised regulations establish a minimum entry level educational requirement, a program of continuing education, and a fee for certification of preceptors. These requirements address the issue of professional competency and coverage of administrative costs related to preceptor certification.

Patient safety is addressed through requirements of the proposed regulations, e.g., improved standards of the professional component.

VR 500-01-2. Rules and Regulations of the State Board of Examiners for Nursing Home Administrators.

PART I. GENERAL.

§ 1.1. General Definitions.

The following definitions shall apply in these regulations unless the context clearly requires a different meaning. (~~§ 54-1.28~~)

"Nursing home administrator" shall mean any individual who is charged with the general administration of a nursing home, whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals. (~~§ 54-000(b)~~)

"Nursing home" shall mean any institution or facility or part thereof required to be licensed under the provisions of Chapter 16 (~~section 32-207 § 32.1-123 et seq.~~) of Title 32 of this Code as amended the Code of Virginia , and the rules and regulations promulgated pursuant to ~~Section 32-301 § 32.1-127~~ thereof, as a nursing home, including but not limited to nursing homes owned or administered by any agency of the Commonwealth of Virginia or by any

political subdivision thereof. (~~§ 54-000(e)~~)

"Examination" means a two-part written examination and an oral examination personal interview required by the board. (~~§ 54-1.28~~)

"Preceptor" means a currently licensed nursing home administrator certified in accordance with §§ 2.7 and 2.8 of these regulations who conducts an approved Administrator-in-Training (A.I.T.) program.

§ 1.2. License required.

As a condition of employment In order to engage in the general administration of a nursing home, it shall be necessary to hold a valid license. (~~§ 54-001.1~~)

§ 1.3. License renewal required.

~~1.3.1~~ A. Licenses issued under these regulations shall expire on December 31 of each odd numbered year. The Department of Commerce shall mail a renewal notice to the licensee, outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew. (~~§ 54-1.28~~)

~~1.3.2~~ B. Each licensee applying for renewal shall return the renewal notice and fee of \$100 established by the board pursuant to § 54-1.28:1 of the Code of Virginia, to the Department of Commerce prior to the expiration date shown on the license. Any licensee failing to receive the renewal notice may timely submit a copy of the license together with a request for renewal in writing and the required fee. (~~Section 54-1.28~~)

~~1.3.3~~ C. If the licensee fails to renew requests renewal of the license within 30 days after the date it expires, a penalty fee of \$100 established by the board pursuant to § 54-1.28:1 for administrative costs shall be required to renew the license , in addition to the renewal fee. (~~§ 54-1.28~~)

~~1.3.4~~ D. If the licensee fails to requests renewal of the license after 30 days but within six months of the expiration date on the license, the licensee must shall apply for reinstatement by submitting the reinstatement form and a renewal fee of \$100 established by the board pursuant to § 54-1.28:1 plus the penalty fee of \$100 specified in § 1.3(C) of these regulations .

~~1.3.5~~ E. Upon receipt of the reinstatement application and fees, the board may grant reinstatement of the license or require requalification, reexamination, or both before granting the reinstatement. (~~§ 54-1.28~~)

F. If the licensee fails to renew the license by June 30 of the year following expiration, the applicant shall then apply as a new applicant and shall be required to successfully complete the requirements for examination.

§ 1.4. Examination.

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1.4.1 A. The examination will be given in three parts as follows: (§ 54-1.28)

1.4.1.1 1. Part I is an objective-type written examination given nationally. (§ 54-1.28, 54-901.1)

1.4.1.2 2. Part II is an objective-type written examination covering the Rules and Regulations for the Licensure of Nursing Homes in Virginia issued by the Virginia State Health Department. (§ 54-1.28, 54-901.1)

1.4.1.3 3. Part III is an oral examination a personal interview to evaluate the applicant's communication skills. (§ 54-1.28, 54-901.1)

1.4.1.4 B. To pass the examination, an applicant shall successfully complete all parts within 12 months of the date on which the application is received by the board. If the A.I.T. program completion date has been extended, the applicant shall successfully complete all parts within the extended period. (§ 54-1.28, 54-901.1)

1.4.2 C. An applicant may make a written request to take the scheduled examination immediately most closely preceding the expected completion of the required formal education requirement or administrator-in-training program. (§ 54-1.28)

D. If early examination is granted pursuant to § 1.4(C) of these regulations, licensure shall be deferred until applicant successfully completes all requirements of either the baccalaureate degree as specified in § 2.2(B) of these regulations (§ 54-1.28) or the Administrator-in-Training program specified in § 2.2(C) of these regulations.

§ 1.5. Continuing education.

In renewal applications, maintenance of competency shall be demonstrated by documentation of 30 hours of attendance at courses previously approved by the National Association of Boards (NAB) or such other regulatory certifying body the board may hereafter approve within the current two-year licensure period. (§ 54-1.28)

§ 1.5 1.6. Fees.

All fees are nonrefundable and shall not be prorated. They are established as follows: (Section § 54-1.28)

1.5.1 1. The application fee for a nursing home administrator is \$100 shall be established by the board pursuant to § 54-1.28:1. (Section 54-1.28)

1.5.2 2. The reexamination fee is \$50 for each part of the examination failed shall be established by the board pursuant to § 54-1.28:1. (Section 54-1.28)

1.5.3 3. The application fee for the Administrator-in-Training program is \$100 shall be established by the board pursuant to § 54-1.28:1.

(Section 54-1.28)

4. The penalty fee for additional administrative costs for late renewal for reinstatement shall be established by the board pursuant to § 54-1.28:1.

5. The application fee for certification as a preceptor shall be established by the board pursuant to § 54-1.28:1.

PART II. ENTRY.

§ 2.1. General requirements.

To qualify for a license as a nursing home administrator, an applicant:

2.1.1 1. Shall be at least 21 years of age as attested to before a Notary Public when application is signed; demonstrated by such legal documentation as a copy of the birth certificate, passport, or valid driver's license and attested to before a notary public when application is signed; and

2. Shall never have been convicted of a felony involving a crime against a person; and

3. Shall never have been convicted of any other act which is a felony under the laws of the Commonwealth or of the United States, except that a person convicted of such other act which is a felony may become eligible for licensure if, within five years after the date of final release, no additional felonies have been committed; and

4. Shall declare that he does not use liquors, narcotics, or other drugs to the extent that it impairs his performance as an administrator.

§ 2.2. Ways to become licensed.

2.2.1 A. License through endorsement.

The board may issue a Virginia license to any person by endorsement when:

2.2.1.1 1. The An approved national nursing home administrator's written examination was passed by the person under the laws of the base licensure state;

2. The person holds a current license from any state;

2.2.1.2 3. The person has met the requirements of this board or has equivalent qualifications, acceptable to the Board provided sufficient written evidence of equivalent qualifications at the time of current licensure, which the board may find acceptable;

2.2.1.3 4. The person has successfully completed the written examination covering nursing home regulations

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in Virginia; and

5. *The person has successfully completed the oral examination personal interview.*

2.2.2 B. License by examination.

To take the examination without having completed the A.I.T. program :

1. An applicant shall have a baccalaureate or higher degree in nursing home administration or in a health administration field from an accredited institution of higher learning ; (§ 54-1-28); and

2.2.2.1 2. The applicant's regular curriculum must have included a 400 hour residency experience in nursing home administration. (§ 54-1-28)

2.3 C. License by Administrator-in-Training (A.I.T.) program and examination. (§ 54-1-28)

2.3.1 1. Education. An applicant may be approved by the board to enter the A.I.T. program described in §§ 2.3 through 2.6 of these regulations by showing evidence of successfully completing high school. (§ 54-1-28) successful completion of 60 semester hours of education in the field of business administration or health care administration in an accredited institution of higher learning; and

2. The applicant shall have completed more than one-half of the required hours in courses which are directly related to the Core of Knowledge as defined by Title XIX of the Social Security Act. Appendix A.

§ 2.3.2 2.3. Training program.

The A.I.T. program shall consist of 2,080 hours of continuous training in a licensed nursing home facility as defined in Section 2- § 2.4 A, B, C or D 2.5 under the direct supervision of any licensed nursing home administrator approved by the Board as a preceptor a board certified preceptor in accordance with §§ 2.7 and 2.8 of these regulations. (§ 54-1-28)

2.3.3 A. The licensed nursing home administrator/preceptor shall be a nursing home administrator in full-time practice residence in the facility where the A.I.T. is being trained. (§ 54-1-28)

2.3.4 B. Maximum training program time is two years. Extension may be granted by the board on an individual case basis. (§ 54-1-28)

2.3.5 Facility for training C. The facility in which the training will take place shall be have a preceptor in full-time residence, and shall be : (§ 54-1-28)

2.3.5.1 1. A nursing home, licensed by the Department of Health, Commonwealth of Virginia, or (§ 54-1-28)

2.3.5.2 2. An institution licensed by the State Mental Health, Mental Retardation and Substance Abuse Services Board, or (§ 54-1-28)

2.3.5.3 3. A certified nursing home owned or operated by an agency of the Commonwealth or of the United States government, or (§ 54-1-28)

2.3.5.4 4. A certified nursing home unit located in and operated by a general and or special hospital licensed under procedures of "Rules and Regulations for Licensure of General and Special Hospitals." (§ 54-1-28)

5. A facility with a preceptor in residence (See section 2.3.3). (§ 54-1-28)

§ 2.3.6 2.4. Training program requirements and procedures.

2.3.6.1 A. The A.I.T. shall train 2,080 hours, to be completed within not less than 12 months and not more than 24 months. (§ 54-1-28)

2.3.6.1.1 1. EXCEPTION: An A.I.T. applicant with prior health care work experience may request approval to participate in a modified A.I.T. program subject to the following: (§ 54-1-28)

2.3.6.1.1.1 a. Nonprofessional. Up to a maximum of two hundred (200) hours can be applied toward the A.I.T. program total of 2,080 hours by an employee who is not in the professional-administrative level and who has been employed for the last three years in a Virginia licensed nursing home. (§ 54-1-28)

2.3.6.1.1.2 b. Professional. Up to a maximum of one thousand (1000) 1,000 hours can be applied toward the total 2,080 hour A.I.T. program provided the professional employee has been employed full-time for four (4) of the last five (5) years in a Virginia licensed nursing home. (§ 54-1-28)

2.3.6.1.1.3 c. Hospital administrators. May request Up to 1,000 hours credit may be applied toward the 2,080 hour A.I.T. program. (§ 54-1-28)

2.3.6.2 B. The board shall develop a training program based on the nine points in the Core of Knowledge as defined in Title XIX of the Social Security Act. This program shall be used by all trainees. (§ 54-1-28)

C. No trainee may begin training without written board approval.

D. Retroactive approval of an A.I.T. program starting date is not permitted.

§ 2.4 2.5. Quarterly reports.

The preceptor shall submit to the board a training

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progress report for the A.I.T. at the end of each quarter. (§ 54-1.28)

2.4.1 A. Before the beginning of the A.I.T. program, the preceptor shall develop a list of objectives geared to the specific needs of the individual. This will be used to assist the A.I.T. in measuring progress in the program. (§ 54-1.28)

2.4.2 B. The A.I.T.'s final quarterly report shall be submitted to the board within 30 days following the completion of the program. Upon receipt and acceptance of all documents, the Department of Commerce will send to the A.I.T. an application to sit for the Nursing Home Administrators' Examination. This shall be completed by the A.I.T. and returned to the department. (§ 54-1.28)

§ 2.5 2.6. Preceptor qualification.

Each nursing home administrator/preceptor, hereinafter called "preceptor" shall: (§ 54-1.28)

2.5.1 1. Be an administrator currently licensed and approved by the board ; (§ 54-1.28) and

2.5.2 2. Have served as a full-time administrator for a minimum of two years immediately prior to the preceptorship. (§ 54-1.28)

§ 2.6 2.7. Preceptor certification.

A qualified applicant for preceptorship may be approved by the board upon receipt of a completed application and payment of the fee established by the board pursuant to § 54-1.28:1 pertaining to the A.I.T. Program.

§ 2.6 2.8. Ratio of preceptor to administrators-in-training.

No preceptor shall supervise and train more than two A.I.T.s at any time. ~~unless the Board approves the preceptor's documentation indicating how additional AIT(s) can be adequately trained without disrupting the nursing home patients' surroundings.~~ (§ 54-1.28)

§ 2.9. Change in preceptor.

2.7.1 If the approved preceptor is unable to fulfill the approved program of an A.I.T., a new preceptor shall be obtained immediately. No training shall be conducted until the new preceptor has been approved by the board. *Any lapse in time between approved preceptors shall necessitate an equal amount of time being added to the training period.* In special circumstances the board, upon application thereof, may authorize additional time in which a new preceptor may be secured. If an alternate training plan is developed, it shall be submitted to the board for approval. (§ 54-1.28)

PART III. STANDARDS OF PRACTICE.

§ 3.1. The board may discipline a licensed nursing home administrator for any violation of regulations promulgated by the board or any improper conduct, including, but not limited to: (§ 54-1.28)

3.1.1 1. Demonstrated inability to fulfill the duties and responsibilities of a nursing home administrator as outlined in the State Health Department's Rules and Regulations for the Licensure of Nursing Homes in Virginia. (§ 54-1.28)

3.1.2 2. Negligence in the performance of the duties and responsibilities of a licensed nursing home administrator as specified in § 3.1(1) above. (§ 54-1.28)

3.1.3 3. Malfeasance in the performance of duties by the licensed nursing home administrator as specified in 3.1(1) above. (§ 54-1.28)

3.1.4 4. Failure to comply with federal, state or local laws and regulations applicable to the profession. (§ 54-1.28)

3.1.5 5. Conviction of a felony including but not limited to crimes against the person, sexual crimes, fraud, larceny, abuse of patients, bodily harm, chemical or alcohol abuse and/or drug trafficking. (§ 54-1.28)

3.1.6 6. Failure to provide to the board correct and complete information while serving as an approved preceptor. (§ 54-1.28)

3.1.7 7. Failure to comply with board regulations and provide the training approved by the board while serving as an approved preceptor for an administrator-in-training. (§ 54-1.28)

Appendix A

The Core of Knowledge referred to in this program consists of the disciplines under the federal guidelines:

A. Applicable standards of environmental health and safety.

1. Knowledge of local, state and federal regulations applicable to nursing homes. (Example: HHS Conditions of Participation for Medicare (Title XVIII), and Medicaid (Title XIX).

2. Resources: Local and state health departments, local and state regulatory agencies, and federal regulatory agencies (HHS, Etc.).

B. Local and state health and safety regulations.

C. General administration.

D. Psychology of patient care.

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1. Resources: Staff, patient and advisory physicians; social worker and patient's social history; principles and techniques of long term care nursing (director of nursing, nursing supervisors).

E. Principles of medical care.

1. Resources: Medical director, staff, patient and advisory physicians, medical colleges, especially those offering degree programs in Health Care Administration or Long Term Health Care.

F. Personal and social care.

1. Resources: Nursing staff, social workers, activities director and administrators.

G. Therapeutics and supportive care and services in long term care.

1. Resources: Dietary, physical therapy, occupational therapy, clinic, social services, volunteers, family and pharmacist.

H. Departmental organization and management administrator, advisor physicians, director of nursing, food service manager, laundry and housekeeping supervisor, and maintenance supervisor.

I. Community interrelationships.

1. Resources:

- a. Hospitals
- b. Hospice programs
- c. Other nursing homes
- d. Homes for the adults
- e. Retirement or life care communities
- f. Home health care
- g. Health department
- h. Social service agencies
- i. Clinics
- j. Physicians
- k. Medical societies
- l. Regulatory agencies
- m. Long term care professional associations
- n. Advocates for the aged

o. Ombudsman

p. Volunteers

q. Educators

r. Schools

s. Religious communities

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-10-17. Brackets for Collection of the Tax (Retail Sales and Use Tax).

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

Public Hearing Date: September 18, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This proposed regulation references the 0.5% increase in the state sales and use tax rate that was enacted by the 1986 Special Session of the General Assembly and which took effect on January 1, 1987. The regulation sets forth the bracket chart to be used by dealers in computing the sales tax on all transactions of \$5.00 or less.

This regulation represents a revision of an earlier emergency regulation on the subject.

VR 630-10-17. Brackets for Collection of the Tax (Retail Sales and Use Tax).

A: § 1. Generally.

The rate of the sales and use tax is 4.5% which is composed of a 3.5% state tax and a 1.0% local tax applicable throughout Virginia. (See VR 630-10-110 for special tax rate and provisions applicable to sales through vending machines.) The bracket system is used to eliminate fractions of \$.01 and must be used to compute the tax on transactions of \$5.00 or less. On transactions over \$5.00, the tax is computed at a straight 4.5%, with one half cent or more is treated as \$.01. Any dealer who collects the tax in accordance with the bracket system set forth herein shall not be deemed to have overcollected the tax. (For overcollection of the tax generally, see VR 630-10-24(D).)

B: § 2. Exception.

The bracket system does not relieve the dealer from the liability to pay an amount equal to 4.5% of his gross taxable sales. However, there is one exception. If the dealer can prove to the department that more than 85%

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of the gross taxable sales for the period was were from individual sales of \$.10 or less (and that he was unable to adjust prices to avoid the situation), the department will determine the proper tax liability of the dealer based on the portion of gross taxable sales that came from sales of \$.11 or more. Any dealer who may claim this exception must file with each return a separate statement explaining his claim in detail for consideration by the department.

C. § 3. Bracket chart for combined state and local tax. Below is the bracket system for *the combined state and local tax of 4.5% on transactions of \$5.00 or less:*

\$ 0.01	0.00 to	\$ 0.14	0.11	no tax
0.15	0.12 to	0.34	0.33	\$.01 tax
0.35	0.34 to	0.50	0.55	\$.02 tax
0.60	0.56 to	0.84	0.77	\$.03 tax
0.85	0.78 to	1.14	0.99	\$.04 tax
1.15	1.00 to	1.34	1.22	\$.05 tax
1.35	1.23 to	1.50	1.44	\$.06 tax
1.60	1.45 to	1.84	1.66	\$.07 tax
1.85	1.67 to	2.14	1.88	\$.08 tax
2.15	1.89 to	2.34	2.11	\$.09 tax
2.35	2.12 to	2.50	2.33	\$.10 tax
2.60	2.34 to	2.84	2.55	\$.11 tax
2.85	2.56 to	3.14	2.77	\$.12 tax
3.15	2.78 to	3.34	2.99	\$.13 tax
3.35	3.00 to	3.50	3.22	\$.14 tax
3.60	3.23 to	3.84	3.44	\$.15 tax
3.85	3.45 to	4.14	3.66	\$.16 tax
4.15	3.67 to	4.34	3.88	\$.17 tax
4.35	3.89 to	4.50	4.11	\$.18 tax
4.60	4.12 to	4.84	4.33	\$.19 tax
4.85	4.34 to	5.00	4.55	\$.20 tax
4.56 to	4.77			\$.21 tax
4.78 to	5.00	4.99		\$.22 tax
5.00				\$.23 tax

For differential rate on fuels for domestic consumption, see VR 630-10-40.2.

Section revised 7/69; 1/79; 1/85; 1/87, 11/87 .

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Title of Regulation: VR 630-10-31. Dealer's Returns and Payment of the Tax (Retail Sales and Use Tax).

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

Public Hearing Date: September 18, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This proposed regulation references the 0.5% increase in the state sales and use tax rate that was enacted by the 1986 Special Session of the General Assembly and which took effect on January 1, 1987. The regulation sets forth changes to the formula for computation of the dealer's discount that were enacted in conjunction with the recent rate increase.

This proposed regulation does not differ from the earlier emergency regulation on the subject.

VR 630-10-31. Dealer's Returns and Payment of the Tax (Retail Sales and Use Tax).

A. § 1. Generally.

Except as otherwise provided in this section, every dealer is required to file a return on or before the 20th day of the month following each reporting period even if no tax is due. Returns are prescribed and furnished by the Department of Taxation.

In the case of dealers regularly keeping books and accounts on the basis of an annual period that varies 52 to 53 weeks, reporting consistent with such accounting period is acceptable, provided a satisfactory explanatory statement is attached to the dealer's first return filed under such annual accounting period. Each return filed by these dealers must include all accounting periods which end during the period covered by the return.

B. § 2. Quarterly filing.

A dealer may be notified by the Department of Taxation to file sales or use tax returns on a basis other than monthly. A new dealer will not be placed on a basis other than monthly until the dealer has been in business sufficient time to determine that he should fall into another reporting category. If a dealer is required to file other than monthly, returns will be due on or before the 20th day of the month following the close of the reporting period. The change of a dealer's filing status from monthly to quarterly will be made automatically by the

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department; dealers should not request a conversion of filing status.

C. § 3. Temporary filing.

Any person who has been granted a temporary certificate of registration must file a return in accordance with the requirements set out in VR 630-10-21.

D. § 4. Seasonal filing.

Any person whose business operates only during certain months during the year, may request that his registration be set up on a seasonal basis (see VR 630-10-21). Taxpayers who hold a seasonal registration must file returns in the manner set forth in § 1 of this regulation only for the months in which the business operates. However, the fact that a business is registered on a seasonal basis does not relieve such dealer from the filing of a return and the remittance of tax for any other period in which a retail sale may be made.

E. § 5. Consolidated returns.

Any dealer who has been granted permission to file a consolidated sales and use tax return (see VR 630-10-21) must file such return in accordance with the provisions set forth when permission is granted. Both the return and the accompanying schedule of local taxes must be filed. Failure to comply with these requirements may result in a revocation of consolidated filing status.

F. § 6. Payment to accompany dealer's return.

At the time of filing the return, the dealer must pay the amount of tax due after making appropriate adjustments for purchases returned, repossessions, and accounts uncollectible and charged off. Failure to pay the tax will cause it to become delinquent.

G. § 7. Dealer's compensation or discount.

As compensation for accounting for and paying the state tax, a dealer is allowed 3.0% of the amount first 3.0% of the state tax due in the form of a deduction, provided the amount due was not delinquent at the time of payment. No compensation is allowed on the additional 0.5% state tax levied effective January 1, 1987 or on the local tax. Thus, to compute the dealer's discount, a dealer (other than a vending machine dealer) would multiply the 3.5% state tax listed on his return by 2.57% (or .0257).

For example, a dealer making taxable sales of \$10,000 during the month would report state and local tax of \$450 (\$350 state tax and \$100 local tax), from which he would retain a dealer's discount of \$9.00, provided that his return is timely filed and the state and local tax is timely paid. The \$9.00 discount is computed by multiplying the 3.5% state tax (\$350) by 2.57%.

In the case of a vending machine dealer who pays

combined state and local tax at the rate of 5.5% on his wholesale purchases for resale, the dealer's discount would be computed by multiplying the 4.5% state tax listed on his return by 2.66% (or .0266). For example, a vending machine dealer with \$15,000 in wholesale purchases for resale during the month would report state and local tax of \$825 (\$675 state tax and \$150 local tax), from which he would retain a dealer's discount of \$17.96, provided that his return is timely filed and the state and local tax is timely paid. The \$17.96 discount is computed by multiplying the 4.5% state tax (\$675) by 2.66%.

Any amount of tax refunded by the department to a dealer will be reduced by any dealer's discount claimed on the transaction to which the refund relates. For example, if a dealer sells an item for \$1,000, timely files a return reporting the \$ 40 45 tax on the transaction and claims the discount, the amount refunded would be \$ ~~30.10~~ 44.10 (\$ 40 45 less ~~3~~ 2.57 % of the \$ ~~30 35~~ state tax 40 45 - .90 = \$ ~~30.10~~ 44.10).

For extensions, see VR 630-10-36; for penalties and interest, see VR 630-10-80. Section revised 7/69; 1/79; 1/85; 1/87.

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Title of Regulation: VR 630-10-106. Transitional Provisions (Retail Sales and Use Tax).

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

Public Hearing Date: September 18, 1987 - 10 a.m.
(See Calendar of Events section
for additional information)

Summary:

This proposed regulation references the 0.5% increase in the state sales and use tax rate that was enacted by the 1986 Special Session of the General Assembly and which took effect on January 1, 1987. The regulation sets forth transitional provisions relating to purchases or leases of tangible personal property pursuant to bona fide real estate construction contracts, contracts for the sale of tangible personal property, and leases entered into prior to the enactment of the rate increase. Under these transitional provisions, the purchaser or lessee will be able in certain instances to receive a refund of the additional 0.5% tax paid on or after January 1, 1987.

This proposed regulation represents a revision of an earlier emergency regulation on the subject.

VR 630-10-106. Transitional Provisions (Retail Sales and Use Tax).

§ 1. Generally.

Effective January 1, 1987, the state sales and use tax

rate increases increased from 3.0% to 3.5%, while the local sales and use tax rate of 1.0% will remain remained the same.

The increased rate applies to all tangible personal property delivered to a purchaser and paid for on or after January 1, 1987 even though the property may have been ordered prior to January 1, 1987. The increased rate will not apply to tangible personal property delivered prior to January 1, 1987 but paid for on or after January 1, 1987. The increased rate also will not apply when a taxable sale or lease payment is paid for in full prior to January 1, 1987 even though delivery may occur on or after January 1, 1987 or the lease payment may cover a period beginning on or after January 1, 1987.

However, Notwithstanding the January 1, 1987 increase in the sales and use tax rate, § 58.1-639 of the Code of Virginia provides for the refund of the additional 0.5% tax paid on tangible personal property purchased or leased under certain contracts and leases entered into before October 27, 1986 (the date the sales and use tax rate increase was enacted).

The contracts and leases subject to the transitional provisions are (i) bona fide real estate construction contracts (including highway construction contracts), (ii) contracts for the sale of tangible personal property, and (iii) leases of tangible personal property.

§ 2. Bona fide real estate construction contracts.

A. Generally.

Refunds of the additional 0.5% sales and use tax paid on and after January 1, 1987, are available when tangible personal property is purchased or leased under a bona fide real estate construction contract or bona fide highway construction contract entered into before October 27, 1986. A "bona fide" contract is one that contained plans and specifications before October 27, 1986. *Refunds will not be available, however, in the event that a bona fide contract is renegotiated or to the extent that a contract is expanded to include additional work or the furnishing of additional materials (also see § 2.D relating to extensions of a contractually stated completion date).*

Refunds will be available only for the additional 0.5% tax paid on (i) materials permanently incorporated into real estate, and (ii) construction supplies, fixtures, equipment, etc., that enter into the construction of or become a part of a structure, highway, etc. Further, refunds will be limited to property purchased or leased in connection with a specific contract and used exclusively in such contract. Thus, refunds will not be available for the additional 0.5% tax paid on equipment, materials, supplies, tools, etc. that will be used in more than one contract.

As noted below, rules for obtaining refunds of the additional 0.5% tax paid on and after January 1, 1987, on purchases or leases under bona fide real estate

construction contracts vary depending on whether or not the contract contains a specific and stated date of completion.

B. Contracts that do not contain a specific and stated date of completion.

In the case of bona fide real estate construction contracts that do not contain a specific and stated date of completion, refunds of the additional 0.5% tax may be claimed only with respect to purchased or leased tangible personal property that is delivered to the contractor on or before March 30, 1987.

Example:

Contractor A enters into a bona fide contract before October 27, 1986, for the erection of a home, but the contract does not contain a specific and stated date of completion. After January 1, 1987, Contractor A makes two orders of materials for use in the project and pays the full 4.5% sales tax on the materials. Because the contract did not contain a specific and stated date of completion, Contractor A must take delivery of goods purchased for use in the project on or before March 30, 1987, in order to receive a refund of the 0.5% tax. The first order is delivered to Contractor A on March 30, 1987, but the second order is delivered to Contractor A on April, 1987. Thus, Contractor A may receive a refund of the additional 0.5% tax paid on the first order, but will not be able to receive a similar refund on the second order because it was delivered after March 30, 1987.

C. Contracts that contain a specific and stated date of completion.

In the case of bona fide real estate construction contracts that contain a specific and stated date of completion, refunds of the additional 0.5% tax paid on and after January 1, 1987 will be available for all property delivered to the contractor on or before the completion date specified in the contract.

When a subcontractor performs work for a general contractor, the date of completion for purposes of this section is the date stated in the subcontract and not the completion date specified in the contract between the general contractor and the customer.

Example:

Contractor B enters into a bona fide contract before October 27, 1986, for the erection of a bridge. The contract contains a specific and stated completion date of June 30, 1989. On and after January 1, 1987, Contractor B pays the full 4.5% sales and use tax on his purchases of materials for use in the contract and all such materials, except one shipment, are delivered to the contractor by the June 30, 1989 date of completion. The last shipment of materials is delivered to Contractor B on July 1, 1989. Refunds of the additional 0.5% tax paid by Contractor B

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will be available for all materials delivered to him by the specified completion date stated in his contract, June 30, 1989. However, a refund will not be available for the additional tax paid on the last delivery because that delivery occurred after the specified and stated completion date for the project.

D. Extension of contractual completion date.

The refund provisions of § 2.C, contracts that contain a specific and stated date of completion, do not apply when the completion date specified in a bona fide real estate construction contract is extended for any reason. In the event that the completion date specified in a bona fide real estate construction contract is extended, refunds of the additional 0.5% tax paid on and after January 1, 1987 will be available only for property delivered on or before the completion date specified in the original contract.

D. E. Nonbona fide real estate construction contracts.

Refunds of the additional 0.5% tax paid by contractors on and after January 1, 1987 will not be available when purchases or leases are made pursuant to nonbona fide real estate construction contracts. A nonbona fide contract is one that did not contain plans or specifications before October 27, 1986. Contracts that are entered into on or before October 27, 1986 without plans or specifications but which are amended after October 27, 1986 to include plans or specifications are also not bona fide contracts.

§ 3. Contracts for the sale of tangible personal property.

A. Generally.

Refunds of the additional 0.5% tax paid on and after January 1, 1987, may be claimed for tangible personal property purchased under sale contracts entered into before October 27, 1986, provided the property is delivered to the purchaser on or before March 30, 1987. Refunds will not be available if a sale contract was entered into on or after October 27, 1986, or if the property purchased is delivered to the purchaser after March 30, 1987.

B. Layaway sales.

The provisions for the refund of the additional 0.5% tax apply to all layaways made before October 27, 1986 and delivered to the purchaser on or before March 30, 1987.

Examples:

1. Customer A makes a layaway of an item of merchandise on October 26, 1986, and takes delivery of the merchandise on March 1987. Customer A will be required to pay the full 4.5% tax when he completes the layaway purchase, but he will be able to request a refund of the additional 0.5% tax he pays.

2. Customer B makes a layaway of an item of

merchandise on October 26, 1986, but does not take delivery of the merchandise until April 1, 1987. Customer A will be required to pay the full 4.5% sales tax on the purchase, but will not be able to request a refund of the additional 0.5% tax because he did not take delivery of the merchandise until after March 30, 1987.

C. Gift certificates.

Pursuant to VR 630-10-44, the sales tax is not to be collected on the sale of gift certificates, but is to be collected when gift certificates are redeemed for merchandise. Because gift certificates are not taxable until redeemed, refunds of the additional 0.5% tax paid on purchases made with gift certificates on and after January 1, 1987, will not be available.

D. Installment sales.

Pursuant to VR 630-10-28, the sales and use tax is due in full when an agreement for an installment sale is made. VR 630-10-28 does not permit the tax on an installment sale to be paid in installments. Therefore, all installment sales prior to January 1, 1987, will be subject to state and local sales and use tax at a rate of 4.0%, while sales on and after January 1, 1987, will be subject to tax at a 4.5% rate. Because the tax on installment sales is due as of the date the contract of sale is entered into, refunds of the additional 0.5% tax paid on an installment sale on and after January 1, 1987, will not be available.

E. Maintenance contracts.

The sale of maintenance contracts which provide in whole or in part for the furnishing or replacement of parts is a taxable sale of tangible personal property pursuant to VR 630-10-62.1. As with other sales of tangible personal property, the sales and use tax becomes due in full when the contract is entered into. Therefore, all taxable maintenance contracts entered into before January 1, 1987, will be subject to the tax at a rate of 4.0%, while those taxable maintenance contracts entered into on or after January 1, 1987, will be subject to the tax at a rate of 4.5%. Because the tax on such contracts becomes due as of the date the contract is entered into, refunds of the additional 0.5% tax paid on and after January 1, 1987, will not be available.

§ 4. Leases of tangible personal property.

Refunds of the additional 0.5% sales tax paid on leases on and after January 1, 1987, will be available, provided that (i) the lease is entered into before October 27, 1986, and (ii) the leased property is delivered to the lessee by March 30, 1987. However, refunds will not be available for the additional tax paid on leases entered into on or after October 27, 1986, or where leased property is delivered to the lessee after March 30, 1987.

So long as the above two conditions are met, refunds

may be requested for the additional 0.5% tax paid over the course of a lease. For instance, a person who enters into a five-year equipment lease on October 26, 1986, and who takes delivery of the equipment by March 30, 1987, would be able to seek refunds of the extra 0.5% tax paid for periods through the end of the five-year lease period.

However, if the lessee assigns the lease, or if the property is turned over to anyone else, refunds of the additional 0.5% tax will not be available for tax paid after the change. In addition, refunds of the additional 0.5% tax will not be available if there are replacements of the property leased (except for replacements due to defective goods), if additional property is added to the lease, or if the lease is renegotiated or renewed.

§ 5. Refunds.

A. Limited to purchaser or lessee only.

Refunds of the additional 0.5% tax paid on purchases or leases of tangible personal property under bona fide real estate construction contracts, contracts for the sale of tangible personal property, or leases of tangible personal property will be limited only to the purchaser or lessee of the property.

B. Refunds to be requested from Department of Taxation only.

The purchaser or lessee of tangible personal property under qualifying contracts or leases must shall request refunds of the additional 0.5% tax directly from the Department of Taxation and not from the seller or lessor of the property. In seeking refunds, the purchaser or lessee shall furnish the Department of Taxation with copies of the contract or lease under which property is purchased or leased. In addition, the purchaser or lessee shall indicate the delivery date of all items for which refunds are claimed and shall be able to demonstrate that the 4.5% Virginia tax was actually paid to his suppliers or lessors. Copies of invoices will be required to verify that the 4.5% tax was paid on purchases or leases of tangible personal property for which refunds are requested.

C. Time limitation on seeking refunds.

Pursuant to § 58.1-1823 of the Code of Virginia and VR 630-10-89, requests for refunds of the additional 0.5% tax paid pursuant to qualified contracts or leases must be made within three years of the date tax became due. For instance, tax paid by a lessee in January 1987 does not become due to the department from the lessor until February 20, 1987; thus, the lessee would have until February 20, 1990, to seek a refund.

D. Interest on refunds.

Interest on refunds will be computed in the manner set forth in § 58.1-1833 of the Code of Virginia. Under this statute, interest is computed from a date beginning 60

days after the due date of the tax and ending on a date not more than 30 days preceding the date of the refund check (also see VR 630-1-1833). For example, the tax paid by a purchaser in February 1987 does not become due to the department until March 20, 1987; thus, interest on the refund of the additional 0.5% tax would be computed starting on May 19, 1987, which is 60 days from the March 20 due date.

Regulation added 1/87 , regulation revised 11/87 .

* * * * *

Title of Regulation: VR 630-10-110. Vending Machine Sales (Retail Sales and Use Tax).

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

Public Hearing Date: September 18, 1987 - 10 a.m.
(See Calendar of Events section
for additional information)

Summary:

This proposed regulation references the 0.5% increase in the state sales and use tax rate that was enacted by the 1986 Special Session of the General Assembly and which took effect on January 1, 1987. The regulation sets forth the application of the sales and use tax to vending machine operators, including the provisions of § 58.1-614 of the Code of Virginia relating to certain vending machine operators.

This proposed regulation represents a revision of an earlier emergency regulation on the subject.

VR 630-10-110. Vending Machine Sales (Retail Sales and Use Tax).

A. § 1. Generally.

Dealers engaged in the business of placing vending machines and selling tangible personal property through such machines are subject to the provisions in § 2 of this regulation; however, those dealers, all of whose machines are under contract to nonprofit organizations, are subject to the provisions in § 3 of this regulation. Dealers who are not engaged in placing vending machines, but sell tangible personal property through vending machines, e.g. service station operators, are required to report and pay sales tax in the manner set out in § 4 of this regulation.

B. § 2. Dealers engaged in the business of placing vending machines.

1. A. Registration requirements.

Except as otherwise authorized by the Tax Commissioner, every person engaged in the business of placing vending machines and selling tangible personal property through such machines must shall apply for a

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Certificate of Registration for each county and city in which machines are placed. A separate registration is required for each place of business from which nonvending machine sales are made. Dealers holding or applying for multiple vending or nonvending registrations may request permission at the time of application to file consolidated vending or nonvending returns.

2- B. Computation of tax.

All items of tangible personal property sold through vending machines by those vending machines dealers engaged in placing vending machines and selling tangible personal property through such machines are taxable at the rate of $\$ 5.5 \%$ (4.5% state and 1.0% local).

Any dealers, all of whose machines are under contract to nonprofit organizations, should refer to § 3 of this regulation. Dealers acquiring items from other suppliers and selling them in the same condition which they were acquired *must shall* compute the $\$ 5.5 \%$ tax on the cost price of the purchased tangible personal property. Dealers who manufacture the tangible personal property to be sold through vending machines *must shall* compute the $\$ 5.5 \%$ tax on the cost of the *manufactured tangible personal property (cost of goods manufactured)*. The cost of manufactured personal property includes raw material cost plus labor and overhead attributable to the manufacture of the item being sold.

The method of accounting used for federal income tax purposes shall be the accounting method used in determining the cost price of purchased tangible personal property and the cost of manufactured tangible personal property. For example, if the first-in, first-out method of accounting is used for federal income tax purposes, this accounting method shall be used each month for computing the cost price of purchased tangible personal property *and/ or* the cost of manufactured tangible personal property.

As an alternative method of computing the tax, any dealer unable to maintain satisfactory records to determine the cost price of purchased tangible personal property and the cost of manufactured tangible personal property may request in writing to the Tax Commissioner authority to remit an amount based on a percentage of gross receipts which takes into account the inclusion of the 4.5% sales tax. Upon receiving such authorization from the Tax Commissioner, a return Form ST-9 *must shall* be filed to report the 4.5% sales tax beginning with the period set out in the authorization letter. All subsequent returns *must shall* be filed using this method unless the dealer applies in writing to the Tax Commissioner and is given authorization in writing to change his filing status. Authorization to compute the tax using this alternative method will not eliminate the requirement to maintain records which show the location of each *vending* machine, purchases and inventories of merchandise bought for sale through vending machines, and total gross receipts for each *vending* machine.

3- C. Filing of returns.

Except as otherwise authorized by the Tax Commissioner, dealers engaging in the business of placing vending machines and selling tangible personal property through such machines must file a Form VM-2 to report the tax on the items sold through vending machines. Returns are due by the 20th day of the month following the period in which tangible personal property is sold through vending machines *and , with the tax shall to be* computed in the manner set out in subsection B above. A return is required to be filed for each locality where vending machines are located unless a dealer has requested and been granted authority to file a consolidated return.

Nonvending machine sales *must shall* not be reported on Form VM-2 but *must shall* be reported on Form ST-9, Dealer's Retail Sales and Use Tax Return.

4- D. Purchases.

Tangible personal property purchased for resale through vending machines may be purchased under Certificate of Exemption, Form ST-10. *Vending machines, including repair parts for such machines,* All other tangible property purchased for use or consumption by the dealer and not for resale, *including vending machines and repair parts for such machines,* and withdrawals of tangible personal property from a tax exempt *manufacturing or resale* inventory for use or consumption by the dealer are subject to the tax at the rate of 4.5% of the cost price of the property. If the supplier does not charge the tax on purchases for use or consumption, the vending machine dealer *must shall* pay the tax directly to the *department* Department of Taxation on Form ST-9, Dealer's Retail Sales and Use Tax Return (if he is registered for nonvending sales) or Form ST-7, Consumer's Use Tax Return. Tax on purchases for the *vending machine dealer's own* use or consumption *must shall* not be reported on Form VM-2. Dealers who manufacture or process tangible personal property for sale may be entitled to the industrial exemption for tangible personal property used directly in manufacturing or processing as set forth in § 58.1-608.1 (a) of the Code of Virginia and VR 630-10-63.

5- E. Records.

Records *must shall* be kept for a period of three years and *must shall* show the location of each machine; purchases and inventories of merchandise bought for sales through vending machines; and the cost price of purchased tangible personal property *and/ or* the cost of manufactured tangible personal property for each machine.

6- § 3. Dealers under contract with nonprofit organizations.

1- A. Registration requirements.

A separate Certificate of Registration (application Form

R-1) is required for each county and city in which *vending* machines are placed. Dealers holding multiple registrations may request permission to file a consolidated return at the time of application.

~~2.~~ B. Computation of tax.

Effective July 1, 1982, Dealers engaged in the business of placing vending machines all of which are under contract to nonprofit organizations may deduct sales of \$.10 or less from gross receipts and divide the remaining balance by ~~1.04~~ 1.045 to determine the amount of taxable sales upon which the 4 4.5 % tax is due and payable. To qualify for this method of computing the tax, all machines of the vending machine dealer must be under contract to nonprofit organizations.

~~3.~~ C. Filing of returns.

Form ST-9, Dealer's Retail Sales and Use Tax Return, is required to be filed for each locality *in which vending machines are placed* by the 20th day of the month to report the 4 4.5 % tax on (i) sales made in the previous period and (ii) untaxed purchases for use or consumption *by the dealer* or withdrawals from *tax exempt* inventory for use or consumption *by the dealer*.

~~4.~~ D. Records.

A contract ~~must~~ *shall* be kept for each *vending* machine under contract to nonprofit organizations. Additionally, records ~~must~~ *shall* be kept for a period of four years to show the location of each *vending* machine, purchases and inventories of merchandise bought for sale, and total gross receipt for each vending machine separating items sold for \$.10 or less from items sold for more than \$.10.

~~D.~~ § 4. Other dealers selling tangible personal property through vending machines.

Dealers not engaged in the business of placing vending machines but ~~using~~ *who use* vending machines at their places of business to sell merchandise, e.g. service station operators, must report the tax at the rate of 4 4.5 % of gross taxable sales on the same return on which nonvending *machine* sales are reported (Form ST-9, Dealer's Retail Sales and Use Tax Return).

Section revised 7/69; 1/79; 1/85; 12/86, 11/87.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

VIRGINIA BOARD OF DENTISTRY

Title of Regulation: VR 255-01-1. Virginia Board of Dentistry Regulations.

Statutory Authority: § 54-163 of the Code of Virginia.

Effective Date: September 1, 1987

Summary:

The adopted, final Board of Dentistry regulations set forth provisions to measure minimal competency through requirements for education and examination; establish standards for the practice of dentistry and dental hygiene; and delineate acts which constitute grounds for disciplinary action against a licensee. These regulations are the result of the comprehensive review of the existing regulations completed in 1984 pursuant to Executive Order 52 (84) of former Governor Charles S. Robb.

This review resulted in proposals to delete some existing regulations, amend or relocate other existing regulations, and add some new regulations.

The adopted regulations differ from the proposed regulations as follows:

1. Part III, General Anesthesia, Conscious Sedation and Nitrous Oxide Oxygen Inhalation Analgesia, was withdrawn for further study.

2. "Good Moral Character" was reinserted after being deleted during early regulatory review.

3. The board will provide a course outline for one day x-ray radiation safety courses which may be taken for certification.

All relevant documents are available for inspection at the office of the Board of Dentistry, 1601 Rolling Hills Drive, Richmond, Virginia 23229, telephone (804) 662-9906.

Preamble:

These regulations state the requirements for licensure of dentists and dental hygienists in the Commonwealth of Virginia. The regulations are proposed by the Virginia Board of Dentistry under the authority of Title 54, Chapter 8, Dentists and Dental Hygienists, §§

54-146 through 54-200.02 of the Code of Virginia.

The board believes that each practitioner in the field of dentistry is accountable to the Commonwealth and to the public to maintain high professional standards of practice in keeping with the ethics of the profession of dentistry.

The licensed dentist and dental hygienist shall be responsible and accountable for making decisions that are based upon educational preparation and experience in dentistry and dental hygiene, respectively. The practitioner shall be held accountable for the quality and quantity of dental care given to patients by himself or others who are under his direction as set forth in these regulations.

The practitioner shall be held accountable for the quality and quantity of dental care given to patients by himself based upon educational preparation and experience.

VR 255-01-1. Virginia State Board of Dentistry Regulations.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meanings, unless the content clearly indicates otherwise:

"Advertising" means a representation or other notice given to the public or members thereof, directly or indirectly, by a dentist on behalf of himself, his facility, his partner or associate, or any dentist affiliated with the dentist or his facility by any means or method for the purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures or products or to promote continued or increased use of such dental methods, treatments, operations, procedures or products.

"Approved schools" means those dental schools, colleges, departments of universities or colleges or schools of dental hygiene currently accredited by the Commission on Dental Accreditation of the American Dental Association, which is hereby incorporated by reference.

"Competent instructor" means any person appointed to the faculty of a dental school, college or department or a university or a college who holds a license or teacher's license to practice dentistry or dental hygiene in the

Commonwealth.

["Conscious sedation (oral, intravenous, intramuscular, subcutaneous, submucosal, or rectal)" means a depressed level of consciousness that maintains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method or a combination thereof.]

"Dental assistant" means any unlicensed person under the supervision of a dentist who renders assistance for services provided to the patient as authorized under these regulations but shall not include an individual serving in purely a secretarial or clerical capacity.

"Dental hygiene student" means any person currently enrolled and attending an approved school/program of dental hygiene. No person shall be deemed to be a dental hygiene student who has not begun the first year of enrollment in the school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

"Dental student" means any person currently enrolled and attending an approved school of dentistry but shall not include persons enrolled in schools/programs of dental hygiene. No person shall be deemed to be a dental student who has not begun the first year of enrollment in school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

"Diagnosis" means an opinion of findings in an examination.

"Direction" means the presence of the dentist for the evaluation, observation, advice, and control over the performance of dental services.

"Examination of patient" means a study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

["General anesthesia" means a controlled state of unconsciousness accompanied by a partial or complete loss of protective reflexes, including the inability to maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method or a combination thereof.]

"Local anesthesia" means the loss of sensation or pain in the oral cavity or its contiguous structures generally produced by a topically applied agent or injected agent without causing the loss of consciousness.

"Monitoring of general anesthesia and conscious sedation" includes the following: recording and reporting of blood pressure, pulse, respiration and other vital signs to

the attending dentist during the conduct of these procedures and after the dentist has induced a patient and established a maintenance level.

"Monitoring of nitrous oxide oxygen inhalation analgesia" means making the proper adjustments of nitrous oxide machines at the request of the dentist during the administration of the sedation and observing the patient's vital signs.

"Nitrous oxide oxygen inhalation analgesia" means the utilization of nitrous oxide and oxygen to produce a state of reduced sensibility to pain designating particularly the relief of pain without the loss of consciousness.

"Radiographs" means intraoral and extraoral x-rays of the hard and soft oral structures to be used for purposes of diagnosis.

"Recognized governmental clinic" means any clinic operated or funded by any agency of state or local government which provides dental services to the public, the dental services of which shall be provided by a licensed dentist or by persons who may be authorized herein to provide dental services under the direction of a dentist.

§ 1.2. Public participation guidelines.

A. Mailing list.

The Virginia State Board of Dentistry will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "informational proceeding," the subject of which is a proposed or existing regulation.
3. Final regulation adopted.

B. Being placed on list and deletion.

Any person wishing to be placed on the mailing list may have his or her name added by writing the board. In addition, the agency or board may, in its discretion, add to the list any person, organization, or publication whose inclusion it believes will further the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in subsection A of this section. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

C. Notice of intent.

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At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Administrative Process Act, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

D. Informational proceedings or public hearings for existing rules.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and the cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations. Such proceeding may be held separately from or in conjunction with other informational proceedings.

E. Petition of rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

F. Notice of formulation and adoption.

When a proposed regulation is formulated at any meeting of the board or of a board subcommittee, or when any regulation is adopted by the board, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

G. Advisory committees.

The board may appoint advisory committees as it deems necessary to provide for adequate citizen participation in the formation, promulgation, adoption and review of regulations.

§ 1.3. License renewal and reinstatement.

A. Dental renewal fees.

Every person licensed to practice dentistry shall, on or before March 31 of every odd-numbered year, renew the license to practice dentistry and pay a biennial renewal fee of \$80 except as otherwise provided in § 1.4 of these regulations.

B. Dental hygiene renewal fees.

Every person licensed to practice dental hygiene by this

board shall, on or before March 31 of every odd-numbered year, renew the licensure to practice dental hygiene and pay a biennial renewal fee of \$50 except as otherwise provided in § 1.4 of these regulations.

C. Delinquent fees.

Any person who does not return the completed form and fee by March 31 of any odd-numbered year shall be required to pay an additional \$25 delinquent fee. The board shall renew a license when the renewal form is received by the following April 30, along with the completed form, the biennial registration fee, and the delinquent fee.

D. Reinstatement fees and procedures.

The license of any person who does not return the completed renewal form and fees by April 30 of every odd-number year shall automatically expire and become invalid. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures. Any person whose license has expired for failure to comply with § 54-181.1 or § 54-200.16:1 of the Code of Virginia, and who wishes to renew such license shall submit to the board a reinstatement form, the application fee, the delinquent fee, and renewal fee. An applicant for reinstatement shall be required to satisfactorily complete the [~~Southern Regional Testing Agency~~ board-approved] examinations unless the applicant demonstrates that he has maintained continuous ethical, legal and clinical practice during the period of licensure expiration or demonstrate that the lapse was due to factors beyond the applicant's control or was other than voluntary.

[~~E. General anesthesia and conscious sedation (exclusive of nitrous oxide) permit renewal fee.~~

Every person holding a permit shall, on or before March 31 of every odd-numbered year, renew the permit and pay a biennial renewal fee of \$50.]

§ 1.4. Other fees.

A. Dental licensure application fees.

The application for a dental license shall be accompanied by a check or money order for [~~\$165~~ \$170], which includes a \$90 application fee and a [~~\$75~~ \$80] initial licensure fee.

B. Dental hygiene licensure application fees.

The application for a dental hygiene license shall be accompanied by a check or money order for [~~\$115~~ \$120], which includes a \$70 application fee and a [~~\$45~~ \$50] initial licensure fee.

C. Duplicate wall certificate.

Licensees desiring a duplicate wall certificate shall submit a request in writing stating the necessity for such duplicate wall certificate, accompanied by a fee of \$15. A duplicate certificate may be issued for any of the following reasons: replacing certificate that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; recording the new name of a registrant whose name has been changed by court order or by marriage; or for multiple offices.

D. Duplicate license.

Licensees desiring duplicate license shall submit a request in writing stating the necessity for such duplicate license, accompanied by a fee of \$5.00. A duplicate license may be issued for any of the following reasons: maintaining more than one office (notarized photocopy may be used); replacing license that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; and recording the new name of a licensee whose name has been changed by court order or by marriage.

E. Licensure certification.

Licensees requesting endorsement or certification by this board shall pay a fee of \$5.00 for each endorsement or certification.

F. Restricted license.

Restricted license issued in accordance with § 54-175.2 of the Code of Virginia shall be at a fee of \$100.

G. Teacher's license.

License to teach dentistry and dental hygiene issued in accordance with § 54-175.1 of the Code of Virginia shall be at a fee of [~~\$165~~ \$170] and [~~\$115~~ \$120], respectively. The renewal fee shall be \$80 and \$50, respectively.

H. Temporary permit.

Temporary permit for dentists and dental hygienists issued in accordance with §§ 54-152(1)(a), 54-152(2)(b) and 54-152(2)(c) of the Code of Virginia shall be at a fee of [~~\$165~~ \$170] and [~~\$115~~ \$120], respectively. The renewal fee shall be \$80 and \$50, respectively.

[I. General anesthesia and conscious sedation (exclusive of nitrous oxide) permit.

Permit issued in accordance with §§ 3.1 and 3.2 of these regulations shall be at a fee of \$100.

[J. I.] Radiology safety examination.

Each examination administered in accordance with [§ ~~4.5(A)(12)~~ § 4.5(A)(11)] of these regulations shall be at a fee of \$15.

§ 1.5. Refunds.

No fee will be refunded or applied for any purpose other than the purpose for which the fee is submitted.

PART II. ENTRY AND LICENSURE REQUIREMENTS.

§ 2.1. Education.

A. Dental licensure.

An applicant for dental licensure shall be a graduate and a holder of a diploma from an accredited or approved dental school recognized by the Commission on Dental Accreditation of the American Dental Association [, be of good moral character,] and provide proof that the individual has not committed any act which would constitute a violation of § 54-187 of the Code of Virginia.

B. Dental hygiene licensure.

An applicant for dental hygiene licensure shall have graduated from or be issued a certificate by an accredited school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association [, be of good moral character,] and provide proof that the individual has not committed any act which would constitute a violation of § 54.200.18 of the Code of Virginia.

C. Applications.

All applications for any license or permit issued by the board shall include:

1. A final certified transcript of the grades from the college from which the applicant received the dental degree, dental hygiene degree or certificate, or post-doctoral degree or certificate.
2. One recently made passport type photograph of the applicant. The photograph shall be securely pasted in the space provided on the application.
3. An original grade card issued by the Joint Commission on National Dental Examinations.

§ 2.2. Licensure examinations.

A. Dental examinations.

1. All applicants shall have successfully completed Part I and Part II of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board.
2. For the purpose of § 54-175 of the Code of Virginia, [the Southern Regional Testing Agency examination constitutes the board examination for licensure.] all persons desiring to practice dentistry in the

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Commonwealth of Virginia will be required to satisfactorily pass the complete [~~Southern Regional Testing Agency (SRTA) examination board-approved examinations~~] in dentistry as a precondition for licensure, except those persons eligible for licensure pursuant to § 54-173 of the Code of Virginia and subsection A of § 2.3 of these regulations. Applicants who successfully completed the [~~Southern Regional Testing Agency board-approved~~] examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the [~~SRTA~~] examinations unless they demonstrate that they have maintained continuous active clinical, ethical and legal practice since passing the [~~SRTA board-approved~~] examinations.

3. All applicants will be required to satisfactorily pass an examination on the Virginia dental laws and the regulations of the board.

B. Dental hygiene examinations.

1. All applicants are required to successfully complete the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board for licensure.

2. For the purpose of § 54-200.11 of the Code of Virginia, [~~the Southern Regional Testing Agency examination constitutes the board examination for dental hygiene licensure.~~] all persons desiring to practice dental hygiene in the Commonwealth of Virginia shall be required to successfully complete the [~~Southern Regional Testing Agency examination board-approved examinations~~] in dental hygiene as a precondition for licensure, except those persons eligible for licensure pursuant to § 54-200.5 of the Code of Virginia and subsection B of § 2.3 of these regulations. Applicants who [~~achieved passing grades in successfully complete~~] the [~~Southern Regional Testing Agency examination board-approved examinations~~] five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the [~~SRTA examination board-approved examinations~~] unless they demonstrate that they have maintained continuous active clinical, ethical and legal practice since passing the [~~SRTA board-approved~~] examinations.

3. All applicants will be required to pass an examination on the Virginia dental hygiene laws and the regulations of this board.

§ 2.3. Reciprocal licensure.

A. [~~Dental licensure by reciprocity.~~

Pursuant to § 54-173 of the Code of Virginia, the board, upon proper application, shall grant a license to practice dentistry to any dentist (i) who is a graduate of an

accredited dental school recognized by the Commission on Dental Accreditation of the American Dental Association, (ii) who is engaged in active legal, ethical practice of dentistry in another state, and (iii) who holds a current license issued by such other state having requirements comparable to those established by the Code of Virginia and with whom the board has established reciprocity, Dental reciprocal licensure.

An applicant for dental reciprocal licensure shall:

1. Be a graduate of an accredited dental school recognized by the Commission on Dental Accreditation of the American Dental Association, and

2. Be currently licensed and engaged in the active, legal and ethical practice of dentistry in a state having licensure requirements comparable to those established by the Code of Virginia with which the Virginia Board of Dentistry has established reciprocity.

B. Dental hygiene reciprocal licensure.

An applicant for dental hygiene reciprocal licensure shall:

1. Be a graduate of an accredited dental hygiene school recognized by the Commission on Dental Accreditation of the American Dental Association, and

2. Be currently licensed and engaged in the active, legal and ethical practice of dental hygiene in a state having licensure requirements comparable to those established by the Code of Virginia with which the Virginia Board of Dentistry has established reciprocity.]

§ 2.4. Temporary permit and [~~temporary teacher's~~] license.

A. A temporary permit shall be issued only for the purpose of allowing dental and dental hygiene practice as limited by paragraphs (1)(a) and (2)(b) of § 54-152 of the Code of Virginia until the release of grades of the next licensure examination given in this Commonwealth, after the issuance of the temporary permit.

B. A temporary permit will not be renewed unless the permittee shows that extraordinary circumstances prevented the permittee from taking the first examination given immediately after the issuance of the permit. Such permit renewals shall expire seven days after the release of grades of the next examination given.

C. A temporary permit issued pursuant to § 54-152 and a teacher's license issued pursuant to § 54-175.1(A) and (B) and § 54-175.2(A) of the Code of Virginia may be revoked for any grounds for which the license of a regularly licensed dentist or dental hygienist may be revoked and for any act, acts or actions indicating the inability of the permittee to practice dentistry that is consistent with the

protection of the public health and safety as determined by the generally accepted standards of dental practice in Virginia.

PART III. GENERAL ANESTHESIA, CONSCIOUS SEDATION AND NITROUS OXIDE INHALATION.

[§ 3.1. General anesthesia.

A. Education requirements.

A dentist may employ or use general anesthesia on an outpatient basis by holding a permit issued by the board upon meeting one of the following educational criteria and being certified by the board:

1. Completion of a minimum of one year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program in conformity with Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry" as published by the American Dental Association; or

2. Is board certified or board eligible in any dental specialty which incorporates into its curriculum the standards of teaching as set forth in Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry."

B. Challenge requirements.

A dentist who has utilized general anesthesia at any time prior to the adoption of the requirements for the use of general anesthesia and does not meet the educational requirements specified in subsection A of § 3.1 may continue to utilize general anesthesia provided the dentist can demonstrate on or before July 1, 1988, that the dentist's facility is equipped to perform general anesthesia at a one-time on-site evaluation and inspection of the facility by qualified individuals designated by the board. A dentist shall also be required, at the time of the on-site evaluation, to demonstrate proficiency and techniques utilized for general anesthesia and emergency situations as follows:

1. Laryngospasm
2. Bronchospasm
3. Emesis and aspiration of vomitus
4. Management of other foreign bodies in the airway
5. Angina pectoris
6. Myocardial infarction
7. Hypotension

8. Hypertensive crisis

9. Cardiopulmonary resuscitation

10. Acute allergic reactions

11. Hyperventilation syndrome

12. Convulsion of unknown etiology

13. Other emergencies

C. Exemptions.

A dentist who has not met the requirements specified in either subsection A or subsection B of § 3.1 may treat patients under general anesthesia in his practice of dentistry if a qualified anesthesiologist or dentist who fulfills the educational requirements specified in either subsection A or subsection B of § 3.1 is present and is responsible for the administration of the anesthetic.

§ 3.2. Conscious sedation.

A. Automatic qualification.

Dentists qualified to administer general anesthesia may administer conscious sedation.

B. Educational requirements.

A dentist may administer conscious sedation upon completion of training in conformity with requirements for this treatment modality as published by the American Dental Association in the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry." This training may be obtained while enrolled at an approved dental school or while enrolled in a post-doctoral university or teaching hospital program.

C. Challenge requirements.

A dentist who has utilized conscious sedation at any time prior to the adoption of the requirements for the use of conscious sedation and does not meet any of the educational requirements specified in subsection B of § 3.2 of these regulations may continue to utilize conscious sedation provided the dentist can demonstrate on or before July 1, 1988, that the dentist's facility is equipped to perform conscious sedation at a one-time on-site evaluation and inspection of the facility by qualified individuals designated by the board. A dentist shall also be required, at the time of the on-site evaluation, to demonstrate proficiency in techniques utilized for conscious sedation and emergency situations as follows:

1. Laryngospasm
2. Bronchospasm
3. Emesis and aspiration of vomitus

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4. Management of other foreign bodies in the airway
5. Angina pectoris
6. Myocardial infarction
7. Hypotension
8. Hypertensive crisis
9. Cardiopulmonary resuscitation
10. Acute allergic reactions
11. Hyperventilation syndrome
12. Convulsion of unknown etiology
13. Other emergencies

§ 3.3. Nitrous oxide oxygen inhalation analgesia.

A. Automatic qualification.

Dentists qualified to administer conscious sedation and general anesthesia may administer nitrous oxide oxygen inhalation analgesia.

B. Educational requirements.

A dentist may use nitrous oxide oxygen inhalation analgesia on an outpatient basis for dental patients provided that the dentist:

1. Has completed no less than the course of training as described in the American Dental Association's "Guidelines for Teaching and Comprehensive Control of Pain and Anxiety in Dentistry" or its equivalent; or
2. Has completed training equivalent to that described in paragraph 1 of this subsection while a student in a dental school.

C. Posting requirement.

A dentist who has utilized nitrous oxide oxygen inhalation analgesia on or before July 1, 1988, but who has not met the educational requirements in subsection B of § 3.3 of these regulations may continue to utilize nitrous oxide oxygen inhalation analgesia provided the dentist posts in the office, evidence of training in nitrous oxide oxygen inhalation analgesia in the form of a certificate or affidavit.

§ 3.4. General information.

A. Emergency equipment.

A dentist who administers general anesthesia and conscious sedation shall maintain the following emergency air-way equipment in the dental facility:

1. Full face mask
2. Oral or nasopharyngeal airways
3. Endotracheal tubes for children and adults
4. A laryngoscope with reserve batteries and bulbs
5. Source of delivery of oxygen under pressure
6. Mechanical (hand) respirator bag.

B. Posting requirements.

Any dentist who utilizes general anesthesia or conscious sedation or nitrous oxide oxygen inhalation analgesia shall post a certificate showing satisfactory completion of the requirements of this Part III as applicable.]

[§ 3.5. § 3.1.] Report of adverse occurrences.

A written report shall be submitted to the board by the treating dentist within 30 days following any mortality or serious unusual incident that occurs in the licensee's dental facility or during the first 24 hours immediately following the patient's departure from the facility following and directly resulting from the administration of general anesthesia, conscious sedation, or nitrous oxide oxygen inhalation analgesia.

PART IV.

RECORD KEEPING AND REPORTING.

§ 4.1. Records.

A. Laboratory work orders.

Written work order forms and subwork order forms to employ or engage the services of any person, firm or corporation to construct or reproduce or repair, extraorally, prosthetic dentures, bridges or other replacements for a part of a tooth or teeth as required by § 54-147.2 of the Code of Virginia shall include as a minimum the following information:

1. Patient or case number, and date.
2. The signature, license number and address of the dentist.

B. Patient records.

A dentist shall maintain patient records for not less than five years from the most recent date of service for purposes or review by the board to include the following:

1. Patient's name and date of treatment;
2. Updated health history;
3. Diagnosis and treatment rendered;

4. List of drugs prescribed, administered, dispensed and the quantity;

5. Radiographs;

6. Fees and charges; and

7. Name of dentist and dental hygienist providing service.

§ 4.2. Reporting.

A. Dental students as hygienists.

Prior to utilizing the services of a senior dental student as a dental hygienist as provided in § 54-147(3) of the Code of Virginia a dentist shall supply the board with the name and address of the student, the school in which the senior student is enrolled, the hours during which the student is expected to be employed as a hygienist, the expected period of employment (June and July, only) and verification that the employing dentist holds faculty appointment.

B. Current business addresses.

Each licensee shall furnish the board at all times with his current business address. All notices required by law or by these regulations to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. All changes of address shall be furnished to the board within 30 days of such changes.

§ 4.3. Unprofessional conduct.

The following practices shall constitute unprofessional conduct within the meaning of § 54-187 of the Code of Virginia:

1. Fraudulently obtaining, attempting to obtain or cooperating with others in obtaining payment for services.

2. Performing services for a patient under terms or conditions which are unconscionable. The board shall not consider terms unconscionable where there has been a full and fair disclosure of all terms and where the patient entered the agreement without fraud or duress.

3. Misrepresenting to a patient and the public the materials or methods and techniques the licensee uses or intends to use.

4. Committing any act in violation of the Code of Virginia reasonably related to the practice of dentistry and dental hygiene.

5. Delegating any service or operation which requires the professional competence of a dentist or dental

hygienist to any person who is not a dentist or dental hygienist except as otherwise authorized by these regulations.

6. Certifying completion of a dental procedure that has not actually been completed.

7. Knowingly or negligently violating any applicable statute or regulation governing ionizing radiation in the Commonwealth of Virginia, including, but not limited to, current regulations promulgated by the Virginia Department of Health.

8. Permitting or condoning the placement or exposure of dental x-ray film by an unlicensed person, except where the unlicensed person has complied with subsection A, paragraph 11 of § 4.5 of these regulations.

[9. Violating any of the regulations regarding general anesthesia, conscious sedation, and nitrous oxide oxygen inhalation analgesia.]

§ 4.4. Advertising.

A. Practice limitation.

Any dentist who has a limited practice and who is not a board-eligible or a certified specialist as recognized by the Commission on Dental Accreditation of the American Dental Association shall state in conjunction with the dentist's name that he is a general dentist providing only certain services, i.e., orthodontic services.

B. Fee disclosures.

Any statement specifying a fee for a dental service which does not include the cost of all related procedures, services and products which, to a substantial likelihood will be necessary for the completion of the advertised services as it would be understood by an ordinarily prudent person, shall be deemed to be deceptive or misleading. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of fees for specifically described dental services shall not be deemed to be deceptive or misleading.

C. Discounts.

Discount offers for a dental service are permissible for advertising only when the nondiscounted or full fee and the final discounted fee are also disclosed in the advertisement. The dentist shall maintain documented evidence to substantiate the discounted fee.

D. Retention of broadcast advertising.

A prerecorded copy of all advertisements on radio or television shall be retained for a six-month period following the final appearance of the advertisement. The advertising dentist is responsible for making prerecorded

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copies of the advertisement available to the board within five days following a request by the board.

E. Routine dental services.

The purpose of this subsection is to delineate those routine dental services which may be advertised pursuant to § 54-187(7) of the Code of Virginia and subsection F of § 4.4 of these regulations. The definitions as set out in Regulation I are intended to set forth a minimum standard as to what constitutes such services for advertising purposes in order to allow the public to accurately compare the fees charged for a given service and to preclude potentially misleading advertisement of fees for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to subsection F, paragraph 3 of § 4.4 of these regulations is limited to the following routine dental services:

1. "Examination." A study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.
2. "Diagnosis." An opinion of findings in an examination.
3. "Treatment planning." A written statement of treatment recommendations following an examination and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.
4. "Radiographs." Shall document type and quantity. (See definitions).
5. "Complete or partial dentures and crowns." Any advertisement shall include full disclosure of all related fees and procedures.
6. "Prophylaxis." The removal of calculus, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus.
7. "Simple extractions." A service for the removal of nonimpacted teeth, including a full disclosure of all related fees and procedures.
8. Other procedures which are determined by the board to be routine dental services are those services set forth in the American Dental Association's "Code on Dental Procedures and Nomenclature," as published in the Journal of the American Dental Association (JADA), as amended, which is hereby adopted and incorporated by reference.

F. The following practices shall constitute false, deceptive or misleading advertising within the meaning of

§ 54-187(7) of the Code of Virginia.

1. Publishing an advertisement which contains a material misrepresentation or omission of facts.
2. Publishing an advertisement which contains a representation or implication that is likely to cause an ordinarily prudent person to misunderstand or be deceived, or that fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.
3. Publishing an advertisement which fails to include the information and disclaimers required by § 4.4 of these regulations.

G. Signage.

Advertisements, including but not limited to signage, containing descriptions of the type of dentistry practiced or a specific geographic locator are permissible so long as the requirements of §§ 54-184 and 54-186 of the Code of Virginia are complied with.

§ 4.5. Nondelegable duties.

A. Nondentists: The following duties shall not be delegated to a nondentist:

1. Diagnosis and treatment planning.
2. Performing surgical or cutting procedures on hard or soft tissue.
3. Prescribing drugs, medicaments and work authorizations.
4. Adjusting fixed or removable appliances or restorations in the oral cavity.
5. Making occlusal adjustments in the oral cavity.
6. Performing pulp capping and pulpotomy procedures.
7. Administering and monitoring local or general anesthetics, conscious sedation and administering nitrous oxide oxygen inhalation analgesia, except as provided for in § 54-149 of the Code of Virginia [and § 5.4.A.17 of these regulations].
8. Condensing and carving amalgam restorations.
9. Placing and contouring silicate cement and composite resin restorations.
10. Placement and fitting of orthodontic arch wire and making ligature adjustments creating active pressure on the teeth.
11. No person, not otherwise licensed by the board, shall place or expose dental x-ray film unless he has [

(i)] satisfactorily completed [an examination given by the board, or a course or examination in radiation safety and hygiene given by an institution approved by the Virginia Council of Higher Education or the Department of Education,] a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association, or [has (ii)] been certified by the American Society of Radiological Technicians [or (iii) satisfactorily completed a course and passed an examination in compliance with guidelines provided by the board, or (iv) on-the-job training and passed the board's examination in radiation safety and hygiene].

12. Taking impressions for any working model except as provided in subsection A, paragraph 2, of § 5.4 of these regulations.

PART V. DIRECTION AND UTILIZATION OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS.

§ 5.1. Employment of dental hygienists.

No dentist shall direct more than two dental hygienists at one and the same time.

§ 5.2. Required direction.

In all instances, a licensed dentist assumes ultimate responsibility for determining, on the basis of his diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to qualified personnel in accordance with these regulations and the Code of Virginia.

Dental hygienists and assistants shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency and under the direction and control of the employing dentist or the dentist in charge, or the dentist in charge or control of the governmental agency. The dentist shall be present and evaluate the patient during the time the patient is in the facility. Persons acting within the scope of a license issued to them by the board under § 54-175.1(b) of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § 54-200.11 of the Code of Virginia providing oral health education and preliminary dental screenings in any setting are exempt from this section.

§ 5.3. Dental hygienists.

A. The following duties may be delegated to dental hygienists under direction:

1. Scaling, root planing and polishing natural and restored teeth using hand instruments, rotary instruments, prophyl-jets and ultra sonic devices.
2. Taking of working impressions for construction of athletic and fluoride guards.

3. Performing an original or clinical examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for assisting the dentist in the diagnosis.

§ 5.4. Dental hygienists and dental assistants.

A. [Only] the following duties may be delegated to dental hygienists and dental assistants under direction:

1. Application of topical medicinal agents [, including topical fluoride or desensitizing agents] (aerosol topical anesthesia excluded).
2. Acid etching in those instances where the procedure is reversible.
3. Application of sealants.
4. Serving as a chairside assistant aiding the dentist's treatment by concurrently performing supportive procedures for the dentist.
5. Placement and removal of matrixes for restorations.
6. Placement and removal of rubber dam.
7. Placement and removal of periodontal packs.
8. Polishing natural and restored teeth by means of a rotary rubber cup or brush and appropriate polishing agent.
9. Holding and removing impression material for working models after placement in the patient's mouth by the dentist.
10. Taking nonworking impressions for diagnostic study models.
11. Placing of amalgam in prepared cavities with the carrier to be condensed and carved by the dentist.
12. Placing and removing elastic orthodontic separators.
13. Checking for loose orthodontic bands.
14. Removing arch wires and ligature ties.
15. Placing ligatures to tie in orthodontic arch wire that has been fitted and placed by the dentist, provided that no active pressure is created by the placement of such ligatures.
16. Selecting and prefitting of orthodontic bands for cementation by the dentist.
17. Monitoring of nitrous oxide oxygen inhalation analgesia.

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18. *Placing and exposing dental x-ray film. (No person who is not otherwise licensed by the board shall place or expose dental x-ray film unless the requirements of subsection A, paragraph 11, of § 4.5 of these regulations have been fulfilled.)*

19. *Removal of socket dressings.*

20. *Instructing patients in placement and removal of retainers and appliances after they have been completely fitted and adjusted in the patient's mouth by the dentist.*

21. *Removal of sutures.*

22. *Removal of supragingival cement on crowns, bands, and restorations.*

[Any procedure not listed above is prohibited.]

§ 5.5. *What does not constitute practice.*

A. *Oral health education and preliminary dental screenings in any setting are not considered the practice of dental hygiene and dentistry.*

B. *Recording a patient's pulse, blood pressure, temperature, and medical history.*

[PART VI SEVERABILITY.

§ 6.1. *Severability clause.*

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of the regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared severable.]

STATE BOARD OF EDUCATION

Title of Regulation VR 270-01-0011. Vocational Education Regulations.

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

Effective Date: July 30, 1987

Summary:

These regulations are intended to replace regulations governing the operation and administration of secondary vocational education programs in Virginia's public schools in effect since 1980. These regulations cover the areas of financial assistance to local school divisions, local vocational education program planning and evaluation, data reporting, management of vocational education laboratory equipment, and

construction of vocational education facilities.

The regulations also address student access to vocational programs, standards for operating vocational programs, services to handicapped and disadvantaged students in vocational education, cooperative vocational education programs, maximum class sizes, and vocational student organizations.

VR 270-01-0011. Vocational Education Regulations.

PART I. GENERAL PROVISIONS.

§ 1.1. *Compliance with state and federal regulations.*

Local education agencies operating vocational education programs shall comply with regulations of the State Board of Education including all requirements resulting from federal legislation.

§ 1.2. *Definitions.*

The following words and terms, when used in these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

"Categorical entitlement" means the amount of funding a local education agency is eligible to receive for a specific purpose, subject to state or federal regulations and the availability of funds.

"Competency-based education" means an instructional system that focuses on competencies needed for specific jobs, evaluation of student progress based on standards of the occupation or field, and the maintenance of student records of achievement in skill development.

"Cooperative education" means a method of instruction for students that combines vocational classroom instruction with paid employment directly related to the classroom instruction. The two experiences are planned and supervised by the school and the employer so that each contributes to the student's career objectives and employability.

"Data" means information, both written and verbal, concerning vocational education programs, activities, and students. Data includes financial, administrative, demographic, and programmatic information and statistics.

"Disadvantaged" means individuals (other than handicapped individuals) who have economic or academic disadvantages and who require special services and assistance in order to enable them to succeed in vocational programs. Such term includes individuals who are members of economically disadvantaged families, migrants, and individuals who are dropouts from or who are identified as potential dropouts from secondary schools.

"Entitlement" means the amount of funding a local education agency is eligible to receive, subject to state or federal regulations and the availability of funds.

"Equipment" means any instrument, machine, apparatus, or set of articles which meets all of the following criteria:

1. It retains its original shape, appearance, and character with use;
2. It does not lose its identity through fabrication or incorporation into a different or more complex unit or substance;
3. It is nonexpendable;
4. Under normal use, it can be expected to serve its principal purpose for at least one year.

"Extended contract" means a period of time provided to instructors for employment beyond the regular contractual period.

"Follow-up survey" means the collection of information regarding the status of students following completion of a vocational education program.

"General vocational advisory council" means a group of individuals, including representatives from business, industry, and labor, appointed by the local education agency to provide advice on program relevance and occupational demands, and to assist in the development of the local vocational plan and application.

"Handicapped" means individuals who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health-impaired persons, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who because of their handicapped condition: (i) cannot succeed in the regular vocational education program without special assistance; or (ii) require a modified vocational education program.

"Individualized education program" means a written statement for each handicapped student developed in any meeting by a representative of the local education agency who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped students, the teacher, the parents of such student, and wherever appropriate, such student. The statement shall include: (i) a statement of the present levels of educational performance of such students; (ii) a statement of annual goals, including short-term instructional objectives; (iii) a statement of the specific educational services to be provided to such students, and the extent to which such student will be able to participate in regular educational programs; (iv) the projected date for initiation and anticipated duration of such services; and (v) appropriate objective criteria and

evaluation procedures and schedules for determining, at least on an annual basis, whether instructional objectives are being achieved.

"Least restrictive environment" means that educational setting for handicapped students which, to the maximum extent possible, provides for education and supplementary aid/services necessary to the handicapped student's special needs, in settings comparable to, but not separate from those provided students who are not handicapped unless the nature of severity of the handicap requires such separation.

"Local education agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, town, school district, or political subdivision in a state, or any other public educational institution or agency having administrative control and direction of a vocational education program.

"Local administrators and supervisors" means those persons in a local education agency who are charged with the responsibility for planning, developing, controlling, directing, supervising, and managing programs in vocational education.

"Local vocational plan and application" means a document submitted by a local education agency identifying specific improvement goals and objectives to be achieved and setting forth the proposed vocational education programs, services, and activities.

"Program evaluation" means the assessment of vocational education programs for purposes of measuring the quality and effectiveness of instruction.

"Travel expenditure" means costs for the travel of vocational education personnel associated with program operation and administration.

"Training agreement" means a formal document, signed by the teacher-coordinator, employer, parent, and student, which states the policies affecting the cooperative education student.

"Training plan" means a formal document that identifies classroom and on-the-job instruction which contributes to the employability of a cooperative education student.

"Vocational program" means the full sequence of courses leading to preparation for employment.

[V. "Work station" means an area that provides the necessary environment and resources to enable a student to accomplish a specific competency or competencies within a course or program.]

PART II ADMINISTRATION OF VOCATIONAL EDUCATION

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PROGRAMS.

§ 2.1. State/federal financial assistance.

Financial assistance shall be provided to support the operation, improvement, and expansion of vocational education.

1. Financial assistance provided through entitlements resulting from full-time equivalent student enrollments shall be used to support vocational education program operation.

2. Financial assistance provided through categorical entitlements shall be used to support the following:

a. Local administration and supervision for individuals who are endorsed as directors of vocational education or as supervisors in the vocational program areas where at least 50% of the time is spent in vocational program administration or supervision;

b. Travel incurred by local education agencies for the effective and efficient delivery of vocational education;

c. Extended contracts of instructors for activities related to the coordination, development, or improvement of vocational education programs;

d. Equipment included on lists provided by the Department of Education;

e. Adult vocational education to provide opportunities for adults to prepare for initial employment, retraining, or career advancement;

f. Apprenticeship-related instruction for apprentices registered with the U.S. Department of Labor.

3. Financial assistance provided through federal entitlements for serving disadvantaged and handicapped students may be used to support up to 50% of the excess costs associated with supplemental services provided to disadvantaged and handicapped students. Federal entitlements may not supplant state or local funds provided for this purpose.

§ 2.2. Local vocational plan and application.

Each local education agency shall submit a local vocational plan and application, for review and approval, to the Department of Education.

1. Each local education agency shall submit a local vocational plan and application which covers the same time period as the State Plan for Vocational Education.

2. The local plan and application shall include all

statements of assurance and meet all necessary conditions prescribed by federal legislation.

3. In planning vocational education programs, services, and activities, consideration shall be given to similar programs, services, and activities provided by community colleges, adult education, employment training, proprietary schools, and other organizations.

§ 2.3. Vocational Advisory Council.

Each local education agency or region shall establish a general vocational advisory council to provide advice to the local educational agency (or board) on current job needs and the relevancy of vocational programs offered and to assist in the development of the local plan and application.

1. Councils shall be composed of members of the public, especially representatives from business, industry, and labor, including appropriate representation of both sexes and the racial and ethnic minorities found in the school, community, or region served by the council.

2. A report shall be provided annually to the Department of Education describing activities of the Vocational Advisory Council.

§ 2.4. Program evaluation.

Each local education agency shall participate in state vocational education program evaluations, including student follow-up surveys, every five years.

§ 2.5. Reporting requirements.

Local education agencies shall provide data on vocational education for federal reporting and for state planning and evaluation as prescribed by the Department of Education.

§ 2.6. Management of equipment inventory.

Local education agencies shall maintain a current inventory of all equipment items having an acquisition cost of \$300 or more purchased in whole or in part with federal or state funds.

1. Such equipment shall be used in the program or project for which it was acquired. When the equipment item is no longer needed for the original program or project, it may be transferred to other programs or projects, supported in whole or in part with federal or state funds. If used less than full time in the project or program for which it was acquired, the equipment item may be shared with other programs or projects provided such other use will not interfere with work on the original program or project.

2. Equipment may be exchanged for replacement equipment either through trade-in or through sale and the proceeds applied to the acquisition cost of the replacement equipment.

3. Items of equipment purchased in whole or in part with federal or state funds, and no longer used, shall be disposed of in accordance with provisions of Education Department General Administrative Regulations (EDGAR), 34 CFR, Part 74, § 74.139 as revised July 1, 1983.

§ 2.7. Construction of facilities.

Construction of vocational facilities shall comply with all federal regulations pertaining to construction of educational facilities as provided by Education Department General Administrative Regulations (EDGAR), 34 CFR, Part 75, §§ 75.600 through 75.616 as revised July 1, 1983. Financial assistance, as available, may be used with local matching funds for architectural and engineering services, construction, supervision, and inspection services related to construction of the facility.

PART III. OPERATION OF VOCATIONAL EDUCATION PROGRAMS.

§ 3.1. Access to vocational programs.

Vocational education programs administered by local education agencies receiving federal or state education funds shall be made equally available and accessible to all persons, regardless of sex, race, creed, age, color, handicapping condition, or national origin.

§ 3.2. New vocational education programs.

The need for new occupational preparation programs shall be based on student and labor market demands.

§ 3.3. Program requirements.

The following operational requirements shall apply to vocational education programs:

1. The full sequence of courses shall be offered for each occupational preparation program.
2. Vocational education programs shall be competency-based to ensure that students are prepared to enter employment and continue formal education.
3. The following standards shall apply to competency-based programs in vocational education:
 - a. Role-relevant competencies are identified and stated.
 - b. Competencies are specified to students prior to instruction.

c. Criterion-referenced measures are used to evaluate achievement of competencies.

d. A system exists for documenting the competencies achieved by each student.

§ 3.4. Special populations.

Handicapped and disadvantaged students enrolled in vocational education programs shall be served in the least restrictive environment. Individualized education programs for handicapped students enrolled in occupational preparation programs shall be developed cooperatively by special education and vocational education representatives.

1. Information concerning the opportunities available in vocational education shall be provided to handicapped and disadvantaged students and parents of such students no later than the beginning of the ninth grade, together with the requirements for eligibility for enrollment in such vocational education programs.

2. Each student who enrolls in a vocational education program and is identified as being disadvantaged or handicapped shall receive:

- a. Assessment of interests, abilities, and special needs with respect to successful completion of the vocational education program;
- b. Special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to assist handicapped and disadvantaged students to successfully complete the vocational education program;
- c. Guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provisions of such special services; and,
- d. Counseling services designed to facilitate the transition from school to post-school employment and career opportunities.

§ 3.5. Cooperative education.

A training plan and training agreement shall be developed and followed for each student placed in a cooperative education setting.

§ 3.6. Maximum class size.

Enrollments in vocational education classes shall not exceed the number of individual work stations. In addition, enrollments shall be restricted as follows:

1. Vocational education laboratory classes which use equipment that could result in bodily injury, if operated in an unsafe or improper manner, shall be

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limited to a maximum of 20 students per instructor.

2. [In vocational education classes where the cooperative education method of instruction is required, enrollments shall be limited to 20 students per instructor. Vocational education programs using the cooperative education method of instruction shall: (i) be limited to 20 students per instructor per class period where the cooperative education method is required and (ii) have no more than 20 students for each period assigned to the instructor for on-the-job coordination.]

3. Vocational education classes specially designed for disadvantaged students shall be limited to 15 students per instructor.

4. Vocational education classes specially designed for handicapped students shall be limited to 10 students per instructor or 12 students where an instructional aide is provided.

[5. Vocational education teacher-coordinators shall be assigned no more than 20 students per period for on-the-job supervision.]

§ 3.7. Vocational student organizations.

Vocational student organizations shall be an integral and active part of each vocational program. All vocational students shall be provided opportunities to participate in instructional activities of the organization whether or not dues are paid. Vocational student organizations are:

1. Agricultural Education - Future Farmers of America (FFA);
2. Business Education - Future Business Leaders of America (FBLA);
3. Health Occupations Education - Health Occupations Students of America (HOSA);
4. Home Economics Education - Future Homemakers of America/Home Economics Related Occupations (FHA/HERO);
5. Marketing Education - Distributive Education Clubs of America (DECA);
6. Technology Education - [American Industrial Arts Student Association (AIASA); Technology Student Association (TSA)];
7. Trade and Industrial Education - Vocational Industrial Clubs of America (VICA).

DEPARTMENT OF HEALTH

Title of Regulation: VR 355-17-01. Commonwealth of

Virginia Sanitary Regulations for Marinas and Boat Moorings.

Statutory Authority: § 32.1-246 of the Code of Virginia.

Effective Date: September 1, 1987

Summary:

The regulations require all marinas and boat moorings to provide onshore toilet facilities, sewage dump stations and boat sewage holding tank pump-out facilities for the use of boaters. The revised regulations (i) require these establishments to hold a Certificate to Operate; (ii) exempt establishments which are operated as a residential development, overnight lodging facility, etc. from providing separate sanitary facilities under certain conditions; (iii) establish minimum design criteria for the boat sewage holding tank pump-out facility; (iv) require these establishments to provide boat sewage holding tank pump-out during normal working hours; and (v) require establishments to provide sewage dump stations.

VR 355-17-01. Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. As used in these regulations, the words and terms hereinafter set forth shall have the following meanings respectively, set forth unless the context clearly requires a different meaning.

"Board" means the State Board of Health.

"Boat" means any vessel or other watercraft, privately owned or owned by the Commonwealth or any political subdivision thereof, whether moved by oars, paddles, sails or other power mechanism, inboard or outboard, or any other vessel or structure floating on water in the Commonwealth of Virginia, whether or not capable of self-locomotion, including but not limited to cruisers, cabin cruisers, runabouts, houseboats and barges. Excluded from this definition are commercial, passenger and cargo carrying vessels subject to the Quarantine Regulation of the United States Public Health Service adopted pursuant to Title 42 of the United States Code and ships or vessels of the U. S. Government.

"Bureau" means the Bureau of Wastewater Engineering, Department of Health.

"Certificate" means a written approval from the Commissioner of Health or his designated representative indicating that plans for sanitary facilities and sewage

facilities meet or satisfy the minimum requirements of these regulations and § 32.1-246 of the Code of Virginia.

"Commissioner" means the State Health Commissioner, whose duties are prescribed in § 32.1-19 of the Code of Virginia, is the executive officer of the State Board of Health with the authority of the board when it is not in session and subject to such rules and regulations as may be prescribed by the board.

"Marina" means any installation, operating under public or private ownership, which provides dockage or moorage for fifteen or more boats (exclusive of paddle or rowboats) or and provides, through sale, rental or fee basis, any equipment, supply or service (fuel, electricity or water) for the convenience of the public or their leasee, renters or users of their facilities.

"Marine sanitation device" means any equipment, piping and appurtenances such as holding tanks for installation on board a boat which is designed to receive, retain, treat or discharge sewage and any process to treat such sewage.

"Other places where boats are moored" means any installation operating under public or private ownership, which provides dockage, moorage or mooring for boats (exclusive of paddle or rowboats) either on a free, rental or fee basis or for the convenience of the public.

"Owner" means the state Commonwealth or any of its political subdivisions and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or county, or any person or group of persons acting individually or as a group who owns a marina or other place where boats are moored.

"Pump-out facilities" means any device, equipment or method of removing sewage from a marine sanitation device. Also, it shall include any holding tanks either portable, movable or permanently installed, and any sewage treatment method or disposable equipment used to treat, or ultimately dispose of, sewage removed from boats.

"Sanitary facilities" means bathrooms, toilets, closets and other enclosures where commodes, stools, water closets, lavatories, showers, urinals, sinks or other such plumbing fixtures are installed.

"Sanitary or domestic sewage" means the spent water or wastewater containing human excrement coming from the toilets, bathrooms, commodes and holding tanks.

"Seasonal slips" means any slip which is used, rented, leased or otherwise made available for mooring or docking of boats during the normal boating season, usually from April through September, or for any period greater than 30 days.

"Sewage from boats" includes the wastewater removed

from holding tanks.

"Sewage treatment or disposal systems" means device, process or plant designed to treat sewage and remove solids and other objectionable constituents which will permit the discharge to another approved system, or an approved discharge to state waters or disposal through an approved subsurface drainfield or other acceptable method, such as incineration.

"Sewerage facilities" means entire sewage collection and disposal system including commodes, toilets, lavatories, showers, sinks and all other plumbing fixtures which are connected to a collection system consisting of sewer pipe, conduit, holding tanks, pumps and all appurtenances, including the sewage treatment or disposal system.

"Transient slips" means temporary docking or mooring space which may be used for short periods of time, including overnight, days, or weeks, but less than 30 days.

Part II Section 1.00

Article 2 General Information.

§ 1-3 § 1.2. Authority for regulations.

Section 32.1-246 of the Code of Virginia provides that the State Board of Health is empowered and directed to promulgate all necessary rules and regulations establishing minimum requirements as to adequacy of sewerage facilities at marinas and other places where boats are moored. These facilities should be sufficient to serve the number of boat slips and or persons such marinas and places are designed to accommodate, regardless of whether such establishments serve food.

§ 1-4 § 1.3. Purpose of regulations.

These regulations have been promulgated by the State Board of Health to:

- A. 1. Insure adequate sanitary facilities and pump-out facilities, as defined in § 2-2 1.1 and required by § 2.2 of this regulation, are provided at all marinas and other places where boats are moored;
- B. 2. Establish minimum requirements as to the adequacy of sewerage facilities at marinas and other places where boats are moored;
- C. 3. Guide the State Board of Health in its determination of the adequacy of the sewerage facilities to serve marinas and places where boats are moored;
- D. 4. Guide the State Board of Health in its approval of plans and other data and the issuance of a certificate as to the adequacy of sanitary and

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sewerage facilities and notification of the Marine Resources Commission; and

5. Notify the Marine Resources Commission that a certificate has been issued; and

E. 6. Assist the owner or his authorized engineer in the preparation of an application and supporting data, as may be required. (See § 2.2 1.7)

§ 1.5 § 1.4. Administration of regulations.

These regulations are administered by the following parties:

A. 1. The State Board of Health has responsibility for promulgating, amending and repealing regulations which insure minimum requirements as to adequacy of sewerage facilities at marinas and other places where boats are moored.

B. 2. The State Health Commissioner is the executive officer of the State Board of Health with the authority of the board, when it is not in session, and subject to such rules and regulations as may be prescribed by the board.

C. 3. The Bureau of Wastewater Engineering is designated as the primary reviewing agent of the board for the purpose of administering these regulations. It examines and passes upon the technical aspects of all applications, plans and specifications for sewerage facilities to serve marinas and other places where boats are moored. It issues all certificates attesting to the adequacy of the sewerage facilities and notifies the Marine Resources Commission when a certificate is issued or denied.

D. 4. The Office of Management for Community Health Services directs and supervises the activities of the local health departments in the administration of assigned duties and responsibilities under the regulations.

E. 5. The local health department in each jurisdiction, city, town or county in which there exists, or is proposed, a marina or other place where boats are moored shall (i) be responsible for the processing of all applications submitted by owners, (ii) inspect sites and facilities provided, (iii) issue such permits as required by law, rules or regulations for sewerage facilities and, (iv) lacking in authority to issue a permit, will process such applications in accordance with the policies and procedures of the department. The local health department shall conduct a surveillance program and enforce the provisions of these regulations to insure proper sanitation and cleanliness of the facilities provided.

F. 6. The Division of Water Programs of the Department of Health of the Commonwealth of

Virginia is responsible for the review and approval of sewage treatment works where there is a discharge to state waters, in accordance with the regulations, policies and procedures of the Health Department and the State Water Control Law, §§ 62.1-44.2 through 62.1-44.34 of the Code of Virginia.

§ 1.6 § 1.5. Application of regulations to marinas and other places where boats are moored.

in operation prior to the adoption of these revised regulations and to planned or new marinas or other places where boats are moored.

A. Marinas or other places where boats are moored prior to January 1, 1976 which are not in compliance with the Rules and Regulations of the Board of Health Governing Sanitary and Sewerage Facilities at Marinas and Other Places Where Boats Are Moored which became effective November 15, 1975, shall comply with these regulations.

B. All planned or new marinas or other places where boats are moored which do not exist on the effective date of this regulation shall comply with all provisions of this regulation prior to commencing operation.

C. All sanitary or sewerage facilities shall conform to the requirements of this regulation when the marina or other place where boats are moored are either expanded, altered or modified.

Section 2.00
Article 3.
Procedure.

§ 1.7 § 1.6. Certification general.

No owners may owner shall operate a marina or other place where boats are moored unless he complies with the provisions of § 32.1-246 of the Code of Virginia and these regulations. Owners shall have in their possession a permit from the Marine Resources Commission to operate a marina or place where boats are moored when so required by § 62.1-3 of the Code of Virginia. Where state-owned bottom lands are involved, a plan approved by the department shall be issued prior to construction and the issuance of a certificate to operate .

§ 1.8 § 1.7. Application for certificate.

Any owner, or his duly authorized representative, may make application for a certificate of approval of sanitary or sewerage facilities by applying to the local health department in the jurisdiction where the proposed marina or other place where boats are moored is to be located. Such The application shall be made on the a form supplied by the local health department. The application will shall consist of the following:

1. A completed application form which shall set

forth the essential data to determine the sewerage facilities necessary to serve the proposed installation;

ii. 2. ~~Such~~ Maps, plans and specifications of the sanitary and sewerage facilities to describe describing how and what facilities will be provided. ~~Also~~ The plans shall establish the location of the sanitary facilities in relation to other facilities;

iii. 3. A ~~Describe~~ description of the proposed method of sewage treatment or disposal. Approval of ~~such~~ the treatment works or disposal system must be applied for and obtained under other sections of the Code of Virginia and other regulations; and

iv. 4. ~~Submit such~~ Any other data as may be pertinent to show the adequacy of sanitary or sewerage facilities to be provided.

§ 1-8 § 1.8. Receipt of data.

Upon receipt of the data set forth in Section 3-02 § 1.7 above of these regulations in sufficient detail and clarity so as to show that the sewerage facilities meet requirements of these regulations, a certificate plan approval or disapproval will be issued by the Department of Health.

A. *Certificate Construction.* Upon completion of construction of the sanitary and sewerage facilities at marinas and other places where boats are moored, the owner of the facility, or his duly authorized representative, shall notify the local health department. A certificate to operate shall be issued by the Health Department when it has been determined that construction is in compliance with ~~an~~ the approved plan.

B. *Operation.* All marinas and other places where boats are moored shall hold a valid certificate to operate in the Commonwealth of Virginia.

§ 1-10 § 1.9. Variances.

The commissioner may grant a variance to any requirement of this regulation if, after investigation, it is determined that the hardship imposed upon the owner or the public by compliance with these regulations outweigh the benefits that the regulations confer, or that there is no potential or actual public health hazard.

A. *Effect of variance.* A variance is a conditional waiver of a specific regulation which is granted to a particular or designated marina or other place where boats are moored. It is nontransferable and it shall be attached to the certificate of the marina or other place where boats are moored to which it was granted. The variance is a condition of the certificate which is revoked if the certificate is revoked.

B. *Application for a variance.* Any owner of a marina or other place where boats are moored may apply in writing

for a variance. This application shall be submitted to the local health department in the jurisdiction in which the marina or other place where boats are moored is located. This application shall include:

i. 1. A citation to the regulation from which a variance is requested;

ii. 2. A statement of reasons why the public health and welfare environment would not be better served detrimentally affected if a variance were is granted, and a list of suggested measures that would be implemented to prevent any potential detrimental impacts; and

iii. 3. Facts supporting the need and justification for the variance.

d. Suggested conditions that might be imposed on the granting of a variance that would limit detrimental impacts on public health and welfare.

§ 1-11 § 1.10. Suspension or revocation of a certificate.

The board may revoke or suspend a certificate for failure to construct and operate the sewerage facilities in accordance with the conditions of the application and certificate issued or for any violation of the requirement of this regulation.

§ 1-12 § 1.11. Administration appeals.

Any applicant or certificate holder who is aggrieved by an adverse decision of the commissioner may appeal in writing within 30 days after the notification of the adverse decision and request a fair hearing. Within 30 days of receipt of notification of appeal, the commissioner shall set a date and place for such hearing. Not later than 30 days following the hearing, the commissioner shall issue a final order with respect to the disposition of the appeal. Such hearing, notice and proceedings shall be conducted pursuant to the Administrative Process Act, Chapter 1-1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

[§ 1-15. Severability.

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of any part of these regulations which can be given effect without the invalid provisions of application and to this end the provision of these regulations and the various applications thereof are declared to be severable.]

PART II.

Section 4-00

Article 1.

Required Facilities for Marinas and Other Places
Where Boats Are Moored and Their Operation.

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§ 2.1. General.

A. All marinas or other places where boats are moored shall provide the minimum number of sanitary facilities for their patrons. These facilities shall be maintained in a clean and sanitary condition. They shall be equipped with toilet tissue, soap, towels and lights, and where handwashing facilities are required, soap and towels. These facilities shall be available to patrons and users of these facilities at all times during the normal boating season.

B. Marinas which are operated as part of residential developments, overnight lodging facilities, restaurants or commercial establishments, which are located within 1,000 feet of the shore end of the pier, are exempted from providing separate sanitary facilities, as long as the sanitary facilities at the residence, lodging establishment, restaurant or commercial establishment are available to all users of the marina. This exception does not apply to (i) marinas associated with restaurants or commercial establishments which allow overnight occupancy of boats and (ii) marinas associated with overnight lodging establishments where overnight occupancy of boats is permitted by persons not registered at the overnight lodging establishment.

C. Exempt from the requirements of subsection A are other places where boats are moored which serve residents of homes (houses, condominiums, apartments or mobile homes), their bonafide house guests, or registered guests of tourist establishments which provide adequate sanitary facilities that are located within 1,000 feet of the shore end of the pier.

D. In order to qualify for an exemption under subsections B or C, the owner of such marinas or other places where boats are moored shall provide to the department a signed, notarized statement that all conditions set forth in the aforementioned sections will be complied with by users of the facilities.

§ 2.2. Location.

Adequate sanitary facilities shall be conveniently located within 500 feet walking distance from the shore end of any dock they are intended to serve or within a reasonable distance under unusual circumstances as determined by the bureau. It may be necessary to provide sanitary facilities in more than one location in order to meet the needs of the particular site developed.

§ 2.3. Availability and marking of sanitary facilities.

The sanitary facilities shall be [so located that they are] available and readily accessible to users. They shall be appropriately marked with signs readily identifiable to all personnel who might desire to use the facilities.

§ 2.4. Marinas.

A. Minimum number of fixtures to be provided in sanitary facilities. It shall be understood that in many instances the site layout and the use of the marina may require more fixtures than are shown in the table below. If the board, after observation and study, determines that additional fixtures or buildings housing sanitary facilities are necessary, the owner will shall provide the additional fixtures so determined. The Table No. 1 below shows the minimum number of fixtures to be provided. Separate facilities for male and female personnel shall be provided in a structure or structures.

Number of Seasonal Slips	Commodes		Urinals Male	Lavatories		Showers	
	Male	Female		Male	Female	Male	Female
0 - 49	1	1	0	1	1	0	0
50 - 99	1	2	1	1	1	0	0
100 - 149	2	3	1	2	2	1	1
150 - 199	2	4	2	3	3	2	2
200 - 249	3	5	2	4	4	2	2

When the number of seasonal slips exceeds those above on Table #1 additional fixtures shall be provided. One commode, lavatory and shower will be provided for each sex for each 100 additional seasonal slips. A urinal may be substituted for a commode when the number of seasonal slips exceeds 100 of the Table #1 values.

B. Transient slip. When transient slips are available additional sanitary facilities shall be provided. Table No. 2 below shows the minimum number of additional fixtures required. These fixtures may be included in a structure or structures with those fixtures provided for the seasonal slip, provided the accessibility and convenience standards of and provisions of §§ 2.2 and 2.3 of these regulations are met.

Number of Transient Slips	Commodes		Urinals Male	Lavatories		Showers	
	Male	Female		Male	Female	Male	Female
0 - 24	1	1	1	1	1	1	1
25 - 49	1	2	1	2	2	2	2
50 - 74	2	3	1	2	2	2	2
75 - 100	2	4	2	3	3	3	3

For each 24 or fraction thereof of transient slips or moorings in excess of those shown in Table #2 above, one commode, lavatory and shower shall be provided for each sex. In addition, one urinal shall be provided for each 50 or fraction thereof transient slips in excess of the number shown in Table #2.

§ 2.5. Sanitary facilities at other places where boats are moored.

Where piped water is available, sanitary facilities shall consist of a minimum of one commode and one lavatory for females and one commode and one lavatory for males. Sanitary facilities may consist of pit privies where piped water is not available. Walking distance to these facilities shall comply with § 2.2.

§ 2.6. Sewage treatment.

Public or municipal sewage treatment facilities shall be used if there is reasonable access to sewers. When such municipal means of disposal is not available, the owner shall have designed and installed an approved method of sewage treatment. Approved methods of sewage treatment are set forth in Chapter XIV, "Disposal of Sewage" Rules and Regulations of the State Board of Health and the State Water Control Law, the Sewerage Regulations (1977) or the Sewage Handling and Disposal Regulations (1982, as amended).

A. The following shall be used to determine the amount of sewage flow. It is assumed that each slip represents two persons. At marinas providing toilet facilities only, the flow figure shall be 10 gallons per person per day. While at marinas providing toilet and shower facilities, the flow figure shall be 16 gallons per person per day except at marinas with only seasonal slips, where the flow figure shall be 10 gallons per person per day for the first 99 slips, regardless of whether showers are available, or not and 16 gallons per person per day for all slips above the 99 slips. For both wet and dry storage facilities it is assumed that each boat trailer parking space represents two persons. The sewage flow will be five gallons per person per day.

B. Where restaurants or motels will be operated in connection with a marina or place where boats are moored the following shall be used as a basis for determining the amount of sewage flow:

Motels - 65 gallons per person per day or a minimum of 130 gallons per room per day.

Restaurant - 50 to 180 gallons per seat per day. Each installation will be evaluated according to conditions.

C. The occupancy level of boats used for design of sewage treatment or disposal facilities will be those levels listed in § 2.6 A above of these regulations. It is recognized that the type of activity and utilization of marina or places where boats are moored varies and, therefore, additional facilities to provide capacity up to maximum may be required if the need arises. The local health director serving the area in which the marina is located shall make such determination.

§ 2.7. All marinas and places where boats are moored, regardless of size or number of boat moorings, shall have means of pumping or removing sewage from boats. These pump-out facilities shall include all the equipment, structures and treatment or disposal facilities necessary to

ultimately discharge or dispose of this boat sewage in an efficient and sanitary manner without causing an actual or potential public health hazard. Exempt from this requirement are marinas and other places where boats are moored which do not allow boats with an installed toilet with a discharge overboard or sewage holding tank to use any of the services provided, including moorage, except in an emergency. In order to qualify for this exemption, the owner of such marina or other place where boats are moored shall provide the department with a signed notarized statement that boats with installed toilets with overboard discharges or sewage holding tanks shall not be permitted to use the marina or other places facilities.

A. Method of Disposal - Each application of an owner shall set forth the manner in which sewage from boats shall be handled and disposed of in an approved manner. Approved method of disposal is set forth in Regulations of State Health Department titled "Disposal of Sewage" or in accordance with State Water Control Law and such rules and regulations which have been adopted by State Water Control Board under this law. The local health department shall advise and assist the owner in developing acceptable systems. Because of the use of disinfectants and odor inhibitors in boat sewerage systems special disposal of this sewage in a small treatment works may be ill-advised, and therefore, a system of either portable or fixed holding tanks with disposal through a larger municipal or specially designed or constructed treatment or disposal facility may be indicated. An additional approved method of disposal of boat waste is incineration. Scavenger systems with ultimate disposal in approved treatment or disposal facilities may be approved. Availability and operation. Where pump-out facilities are required, the owner shall install, maintain in good operating condition and provide pump-out during normal working hours to users of the marina or other places where boats are moored.

B. Minimum design criteria for pump-out facilities. The purpose of these minimum design criteria is to provide the owner and the Department of Health with acceptable methods for pumping, storing, conveying and treatment of the contents from boat holding tanks. The owner shall furnish the following information for each proposed pump-out facility:

1. Pumping equipment - pump equipment may be fixed or portable. A minimum pump capacity of 10 gpm will be permitted; however, at marinas with 51 or more slips, greater pumping capacity may be required. Pumps shall be of a macerator type or have sufficient size suction and discharge openings to prevent clogging. Manually operated pumps are not permitted. Pump data from the manufacturer shall include:

a. The type of pump (diaphragm or centrifugal, and power);

b. Rated capacity (gpm, hp. and head);

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c. Motor type (electric or gas), if power operated; and

d. Suction and discharge opening size.

2. Location schematic - if fixed pump-out equipment is proposed, a schematic of the location with elevations for items a, b, c, d and e, as described below, shall be included, or if portable pump-out equipment is proposed, a schematic shall indicate elevations for items a, c, f and g, as described below:

a. Mean low water level;

b. Elevation of dock;

c. Greatest elevation of suction center line of pump;

d. Elevation of discharge point;

e. Highest point in discharge line;

f. Type of dock (floating or stationary); and

g. Greatest elevation of any dock.

All elevations shall be measured with respect to mean low water. If the elevation of mean low water is not known, assume it to be zero.

3. Fittings and hose (piping) - fittings and hoses (piping) which are used in operation of a pump-out facility shall meet the following:

a. Suction hose.

(1) A friction nozzle (right angle preferred) or wand-type attachment is to be provided on the end of the suction hose. Adapters shall be provided to fit any discharge connection from 1.5 to 4 inches in diameter.

(2) A check valve shall be provided on the suction hose at the nozzle.

(3) The hose shall be made of flexible, heavy-duty material that will be noncollapsing and nonkinking. The length of this line shall be determined on an individual case basis.

(4) If the suction line is to be installed in such a manner that sewage would discharge from the line when the pump is removed for service, a gate valve shall be provided on the pump end of the suction line.

b. Discharge hose and piping.

(1) The discharge hose or piping shall be equipped with watertight, permanent or positive locking type fittings and connections.

(2) Where flexible discharge hose is used, the hose shall be made of heavy-duty material and be nonkinking and noncollapsing.

c. Discharge line.

(1) A gate valve shall be provided on the discharge line at the pump;

(2) Suitable connections on the end of the discharge line shall be provided to prevent it from coming loose during discharge; all nozzles and fittings are to be positive locking, male and female.

(3) The discharge line must not be subject to freezing or leaking into the water course.

(4) Sewer lines on piers shall be located below water distribution lines. Water and sewer line separation and sewer line, water source separation requirements are set forth in the Waterworks Regulations and the Sewage Handling and Disposal Regulations.

(5) The discharge line connection to the pump-out receiving facility shall be fixed in place in such a manner as to prevent it from coming loose during discharge.

d. Pump-out facilities shall include equipment for rinsing the boats' holding tanks. Where potable water will be used for rinsing the holding tank, a backflow prevention device shall be installed on the water service line. A minimum of a hose bib type vacuum breaker shall be provided.

4. Other devices or methods of removal. Other devices or methods of removal of contents from boat holding tanks may be approved by the Commissioner on an individual case basis.

5. Onshore facilities. Contents from boat holding tanks shall be discharged to (i) a public wastewater collection system in which sewage is conveyed to an approved treatment facility; (ii) a holding tank whereby sewage may be stored until it is taken in an approved manner to an approved treatment facility; or (iii) directly to an approved sewage treatment facility.

a. For discharge to a public wastewater collection system, the following will be required: The owner of the marina or other place where boats are moored shall submit evidence, in writing, (i) of consent from the owner of the system, (ii) from the owner of any conveyance systems located downstream, which may be affected, and (iii) from the owner of the ultimate treatment facility. Verification shall be given that there are satisfactory provisions for emptying the contents from portable toilets in a sanitary manner.

b. If sewage is to be stored in a holding tank, the holding tanks shall be sized, constructed and located to meet the criteria.

(1) Size of holding tank.

Marinas or other places where boats are moored shall size the holding tanks based upon the following tabulations:

Total Number of Boats Served with Holding Tanks	Required Onshore Holding Tank - Volume (gallons) Minimum
1 - 20	250
21 - 40	500
41 - 60	725
61 - 80	1000
81 - 100	1200
100+	2000

(2) Construction of holding tank.

(a) The holding tank shall be designed so that it is watertight and not subject to any infiltration or any leakage.

(b) When holding tanks are made of material other than concrete, the internal surface of the holding tank shall be protected from corrosion. Materials used in the manufacture and installation of holding tanks shall be resistant to deterioration by prolonged or frequent contact with deodorizing chemicals, sewage decomposing chemicals, sewage, freshwater and saltwater.

(c) When holding tanks are made of material other than concrete, the outside surface of the holding tank shall be protected from corrosion.

(d) The holding tank shall be constructed of materials capable of withstanding the forces exerted on its walls.

(e) The holding tank shall be fixed in place unless it is part of an approved mobile pump-out unit.

(f) Provisions shall be made to assure that the holding tank can be completely emptied. The tank shall be essentially emptied when pumped out.

(g) The holding tank shall be adequately vented. Screened, elbows down vents installed at the top of the tank will serve this requirement.

(h) The inlet/outlet of the holding tank shall be compatible with the proposed method of removal.

(i) There shall be satisfactory provisions for emptying the contents from portable toilets in a sanitary manner.

(3) Holding tank location.

Separate distance between holding tank and various structures and features are contained in Table 4.4 of the Sewage Handling and Disposal Regulations.

(4) Any person who removes, or contracts to remove, and transport by vehicle, the contents of a holding tank shall have a written sewage handling permit issued by the Commissioner (see the Sewage Handling and Disposal Regulations).

c. Sewage treatment plant. Disposal of holding tank wastes shall not be allowed at small sewage treatment plants where shock loading may result or disinfectants and odor inhibitors will affect the operation of the treatment facility. Whenever feasible, the collected sewage shall be discharged directly to the sewer system of a large sewage treatment facility or transported for eventual treatment at a large plant.

§ 2.8. Sewage dump station.

A. All marinas and other places where boats are moored, regardless of size or number of boat moorings, shall have an acceptable receiving station for sewage from portable toilets used on boats. The owner shall install, maintain in good operating condition and provide a sewage dump station to users of the marina or other places where boats are moored. Exempt from this provision are marinas or other places where boats are moored, which also qualify for the § 2.1 B or § 2.1 C exemption, provided the owner of the sanitary facility will allow the dumping of the contents of portable toilets into the sanitary facilities.

B. Availability and operation. Where a sewage dump station is required, the owner shall install, maintain in good operating condition and provide the facilities to users of the marina or other places where boats are moored.

C. Minimum design criteria for a sewage dump station. The purpose of these minimum design criteria is to provide the owner and the Department of Health with acceptable methods of discharging sewage from a portable container into a sewage holding tank or a sewage treatment system. The same criteria as set forth in § 2.7 B5 for contents from boat holding tanks will apply for sewage dump stations. The sewage dump station receiving unit shall be a minimum of 12 inches in diameter and be equipped with a cover that has a lip of sufficient size to prevent it from accidentally being removed. If the unit is designed to drain, the drain shall be a minimum of four inches in diameter and equipped with a fly tight cover.

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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH
BUREAU OF SANITARY ENGINEERING

APPLICATION FOR CERTIFICATE FOR SANITARY AND SEWERAGE
FACILITIES AT MARINAS AND OTHER PLACES WHERE BOATS ARE MOORED

DATE _____

Name of Establishment _____

Address _____ County/City _____

Location of Establishment _____

Name of Owner _____

Complete Mailing Address _____ Zip _____

Telephone No. _____
(Area Code)

1. Marina

Total Number of Seasonal Boat Slips _____

Total Number of Transient Boat Slips _____

2. Other Places Where Boats are Moored

Maximum Number of Boats that can be Accommodated _____

3. Wet and Dry Storage Number of Parking Spaces _____

4. Sanitary Facilities - (Enclose schematic of location of Sanitary facilities relative to any marina facilities and water supply. See attached example schematic)

	Seasonal Slips		Transient Slips		Other Places		Wet and Dry Storage Parking Spaces	
	Men	Women	Men	Women	Men	Women	Men	Women
Commodes	_____	_____	_____	_____	_____	_____	_____	_____
Urinals	_____	_____	_____	_____	_____	_____	_____	_____
Lavatories	_____	_____	_____	_____	_____	_____	_____	_____
Showers	_____	_____	_____	_____	_____	_____	_____	_____

Hotel/Number of Rooms _____ Sewage Flow _____ gpd (per Marina Regulations)

Restaurant/Number of Seats _____ Sewage Flow _____ gpd (per Marina Regulations)

Total Maximum Daily Sewage Flow Based on Flow _____ gpd
Criteria in Marina Regulations

Name of Establishment _____

6. Sewage Collection, Treatment, and Disposal

A. Domestic Waste Treatment (Excluding contents from holding tanks on boats)

1. Name and location of Sewage Treatment facility to handle domestic wastes from marina or other places where boats are moored. (excluding contents from holding tanks on boats)

a) If this is a new discharge, submit a copy of the NPDES permit/application with this application. (NPDES application may be obtained from any Regional Office of the Bureau of Sanitary Engineering)

b) If this is an existing discharge, submit evidence of acceptance of your wastewater flow from the owner of the treatment facility.

2. If a septic tank and tile drain field system is used to handle domestic wastes from the marina or other places where boats are moored (excluding contents from holding tanks on boats) has the system been approved by the Local Health Department?

YES NO

3. Other (Please describe)

B. Pump-Out Facilities for Removing Contents from Holding Tanks on Boats.

1. Submit data from manufacturer which includes:

a) Equipment rating

type pump _____ (diaphragm, centrifugal, etc) _____ gpm @ _____ ft. TDH
 type pump motor _____ (gasoline, electric) rated _____ hp @ _____ rpm

b) Type and size of pumping appurtenances

	Type	Size
(1) Suction Line	_____	_____
(2) Rinse Line	_____	_____
(3) Discharge Line	_____	_____
(4) Nozzles	_____	_____
(5) Fittings	_____	_____
(6) Valves	_____	_____

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Name of Establishment _____

2. Enclose a schematic of proposed equipment installation showing all important relative elevations above mean low water level which include (See attached example schematic)

Mean low water level (if known date and time recorded, assume zero if not known and measure with respect to this)

elevation of dock
elevation of center line of pump
elevation of point of discharge
high point in discharge line

3. If potable water supply is to be used for rinsing holding tanks, has an air gap make-up water tank been provided?

YES

NO

4. Is the connection to the receiving facility (end of pump-out discharge line) capable of being locked in place when pump-out facility in operation?

YES

NO

If no, what provisions have been made to prevent the discharge line from coming loose during pump-out? (Please describe)

5. What provisions have been made to prevent leakage of wastewater or discharge of wastewater to the water course and dock area? (spill pan for pump, nozzle which prevents flow out of suction line when pump is shut off, water tight fittings and couplings on discharge line, etc.)

6. Pump-Out to be available (months, days of week, hours of day)

- C. Pump-Out Facility for Pumping Contents from Holding Tanks on Boats Discharges Wastewater Directly to: (check one)

Municipal or privately owned sewer system. If so do the following:

1. Attach the name and location of the sewer system and evidence of acceptance of flow from the owner of the sewer system.
2. Attach evidence of acceptance of flow from the owner of any downstream conveyance system affected and from the owner of the _____

4/2/76

Name of Establishment _____

Holding Tank. If so do the following:

1. Indicate the proposed size in gallons, list appurtenances to be provided (see Design Guidelines for Pump Out Facilities and On-Shore Facilities at Marinas and other Places where boats are moored), sketch the proposed location with respect to water supply and marina facilities (see attached example), indicate provisions to prevent the holding tank from leaking (see Design Guideline), and any other information available.
2. Briefly describe method of pump and haul indicating who owns pump and haul equipment, what type of equipment (indicate size), and proposed point of discharge. When pump and haul is to be used include evidence of approval of method by Local Health Department and evidence of approved point of discharge.
3. Attach a diagram of the proposed holding tank indicating dimensions, appurtenances and a caption describing it with respect to the "Design Guidelines".

Other (Please describe)

Final Regulations

7. Water Supply Source Serving Marina

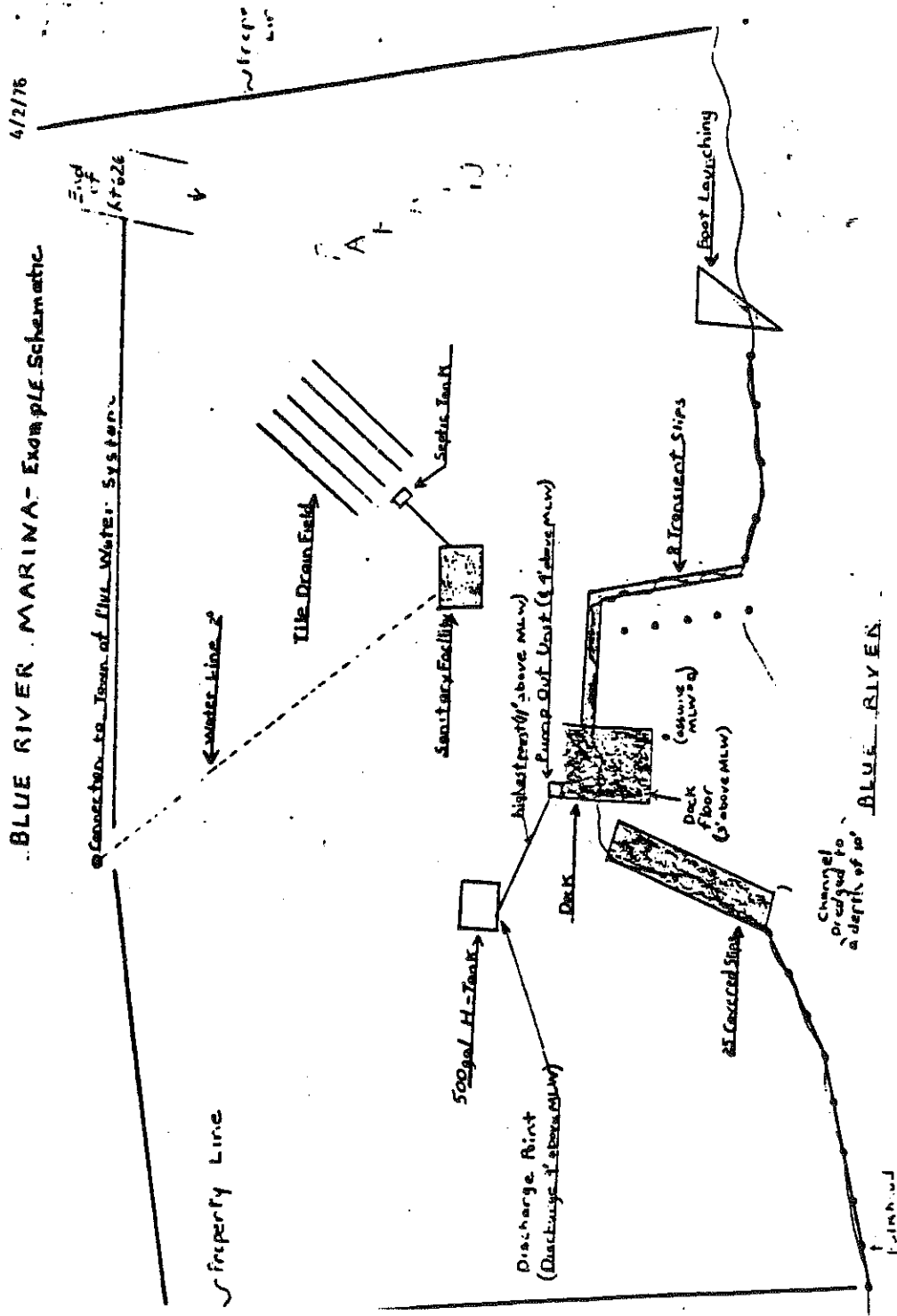
Water supplies for new installations or enlargements for existing installations shall comply with criteria in the Commonwealth of Virginia, Department of Health Waterworks Regulations adopted by the State Board of Health on 7 May 1974. Describe the source of water serving marina or other places where boats are moored.

Please read the following paragraph carefully before signing this application

It is fully recognized and understood that additional sanitary facilities and holding tanks will be required should the need arise and this understanding is hereby acknowledged in this application. It is further understood that failure to provide additional facilities as may be required will result in cancellation of the State Health Department Certificate. I certify that I have filled out this application completely and accurately to the best of my knowledge.

Signed _____

BLUE RIVER MARINA - Example Schematic



EMERGENCY REGULATION

STATE BOARD OF EDUCATION

Title of Regulation: VR 270-02-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.

Statutory Authority: §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Effective Date: June 22, 1987

Summary:

These emergency regulations set forth the Board of Education's policy with respect to achieving a higher degree of safety for pupils who ride public school buses in Virginia. Specifically, the regulations include additional safety instructions and training for pupils and bus drivers, inspection and maintenance of all school vehicles, limiting of standees on school buses, and the implementation of the eight-lamp traffic warning light system and the crossing control arm.

Background and Emergency Justification:

The Department of Education in response to House Joint Resolution No. 228, 1985 Session of the General Assembly, conducted a study of school bus safety. The report of the study became House Document No. 10, 1986 Session. The Department of Education presented a plan for implementing the report's recommendations to the Board of Education on March 19-20, 1987.

The Board determined that there was an urgent need for implementation of those recommendations related to safety of pupils at bus stops, driver training, vehicle inspection and maintenance, and additional safety equipment for new school buses. The justification for emergency action is based on the increased number of pupils killed or injured at school bus stops and the number of school buses struck by heavy trucks while loading and unloading pupils. It appears to the Board that immediate action must be taken to require development and implementation of safety countermeasures which can be effected for the 1987-88 school year.

The Board stipulated that only regulations which would not have a significant fiscal impact at the local and state level be addressed on an emergency basis. The adoption of these or similar permanent regulations under the provisions of the Administrative Process Act are included in the review and revision of all pupil transportation regulations, a project currently in process.

Approval Sought:

Approval of the Governor is sought for the emergency amendment of the Board of Education regulations in accordance with § 9-6.14:4.1.C5 of the Code of Virginia.

Implementation:

After the Governor's approval is given, the Board of Education will publish as soon as possible these emergency regulations in the Virginia Register. The effective period of the emergency regulations will be limited to one year or until full compliance with provisions of the APA process in § 9-6.14:1 of the Code of Virginia are met, whichever occurs first.

Submitted by: /s/ S. John Davis, Secretary of the Virginia Board of Education

Date: May 27, 1987

Submitted by: /s/ Donald J. Finley, Secretary of Education

Date: June 15, 1987

Approved by: /s/ Gerald L. Baliles, Governor of Virginia

Date: June 20, 1987

Filed With: /s/ Joan W. Smith, Registrar of Regulations

Date: June 22, 1987 - 12:07 p.m.

VR 270-02-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.

PART II. GENERAL REGULATIONS.

§ 2.3. The number of pupils who may ride a school bus shall be determined by the total number who can be seated and who, During the first 30 instructional days of the school year standees may be permitted for short distances; ~~can stand~~ in the aisle back of the driver's seat. Pupils ~~shall~~ may not be permitted to stand by the side of the driver, in the stepwell, or between the driver and the entrance door; ~~after the first 30 instructional days, except under unforeseen emergency conditions as identified by the local school board.~~

§ 2.10. Pupils who ride buses shall receive at least twice annually, instruction in rider safety and shall practice emergency exit drills. Pupil rider safety instruction shall be included in the school curriculum, including demonstration and practices of safety procedures at the K-7 grade levels.

1. At the K-1 grade levels, initial safety training shall occur during the first week of school and additional training on a periodic basis during the year.

2. Emergency exit drills shall be practiced by all pupil riders at least twice a year, the first occurring during the first 30 instructional days.

3. A copy of bus rider safety rules shall be sent to parents at the beginning of the school year with an acknowledgement to be returned to the school principal. The information shall include a request that parents or their designee accompany their young children to and from the bus stop.

Emergency Regulation

§ 2.12. School buses All school vehicles, including school buses operated by city or county transit systems used primarily to transport public school pupils to and from school and school activity events shall be inspected carefully and maintained by competent mechanics immediately before being used in the fall and at least once every 30 operating days or every 1,500 miles traveled, whichever occurs first. The inspections and maintenance shall be recorded on conducted in accordance with provisions of the "Preventive Maintenance Manual for Virginia School Buses" and recorded on the prescribed inspection forms, a form prescribed by the Board of Education. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more mechanics or inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent.

§ 2.15. School bus routes, school sites, and safety of pupils at bus stops shall be reviewed at least once each year. Bus routes shall be reviewed for safety hazards, fuel conservation, and to assure maximum use of buses. Local school administrators shall evaluate the safety of pupils at bus stops periodically and report the results annually to the school board. A written vehicular and pedestrian traffic control plan for each existing school site shall be developed and reviewed annually for safety hazards. All new school site plans shall include provisions which promote vehicular and pedestrian safety.

PART III. DISTRIBUTION OF REGULAR TRANSPORTATION FUND.

§ 3.1.K. Before any reimbursement for the transportation of pupils to and from public schools is made to a school division, a report must be submitted by the division superintendent to the Superintendent of Public Instruction certifying the correct net operating cost of transporting pupils (actual expenditure, less gas tax refunds), the average number of pupils transported daily, and the average daily mileage of each bus meeting the standards and specifications of the Board of Education used in transporting pupils for the preceding school year. Such report shall also include a statement information covering the type of bus, letter identification, color, make and model of the body and chassis, an inventory of all safety equipment, and indicating that the number of bus meets inspection s. requirements. Information on for the evaluation review of the pupil transportation program s also shall be furnished annually on forms provided by the state Department of Education. Records of vehicle inspections and maintenance shall be presented for review at the time of the annual fleet assessment conducted by the Department of Education or at other times necessary to ensure compliance with § 2.12.

PART V. REQUIREMENTS FOR SCHOOL BUS DRIVERS.

§ 5.8. Every driver of a school bus shall receive instruction before being allowed to operate a bus transporting children. This instruction shall include classroom, demonstration, and behind-the-wheel instruction. The length of the instructional program shall be determined by the experience of the applicant. No person shall operate a school bus transporting pupils unless the person shall have:

A. Classroom instruction shall include, but not be limited to, the following:

1. Responsibilities of the driver, pupil, parent, principal, and superintendent;
2. Applicable laws and regulations;
3. Local reports and policies governing pupil transportation;
4. Proper driving practices; and
5. Planning for emergencies.

Received classroom, demonstration, and behind-the-wheel instruction in accordance with the minimum provisions of the Virginia School Bus Driver Training Curriculum Guide.

B. Demonstration instruction:

1. Pre-trip instruction;
2. Care of school bus;
3. Emergency evacuation drills;
4. Proper driving practices; and
5. Defensive driving techniques. Completed a minimum of 12 classroom hours and 12 hours of behind-the-wheel training. A minimum of six of the 12 hours of behind-the-wheel time shall involve the operation of a bus with pupils on board while under the supervision of a designated bus driver trainer.

C. Behind-the-wheel instruction under supervision of trainer:

1. Operate empty bus until proficient; and
2. Operate loaded bus (minimum complete route for two days).

The superintendent or his designee shall maintain a record showing that the applicant has completed the training and has been approved to operate a school bus.

§ 5.9. In-service training, shall be devoted to improving the skills, attitudes, and knowledge including orientation to maximize benefits of using safety programs and safety

Emergency Regulation

components, of shall be provided to all school bus drivers for at least two hours before opening of schools of in service training shall be provided the first half of the school year and at least two hours during the second half of the school year.

§ 5.13. The performance of each school bus driver shall be evaluated by the transportation director or their designee at least once each year. The results of the evaluation shall be discussed with the driver and included in the driver's personnel file.

PART VI. MINIMUM STANDARDS FOR SCHOOL BUSES IN VIRGINIA.

Article 3. The Bus Body.

§ 6.64.10. Virginia School Bus Traffic Warning Lights:

a. They shall consist of four lights, two front and two rear, containing 80 watts, 12 volt sealed beam clear spot units five inches in diameter with seven-inch red acrylic lens, including component parts and location necessary for their operation. Information on such approved part and location will be supplied by the State Supervisor of Transportation.

Buses shall be equipped with four red lamps and four amber lamps. One amber lamp shall be located near each red lamp, at the same level, but closer to the vertical center line of the bus. Lamps to be 80 watts, 12-volt sealed beam clear spot units five inches in diameter with seven inch acrylic lens, including component parts and location necessary for their operation. Information on such approved components will be supplied by the State Associate Director of Pupil Transportation.

b. The control circuit shall be connected to the cold side of the ignition switch with the control switch mounted so that it is operated by the door control handle. The traffic warning light system shall be wired so that the amber lamps are activated manually by a hand operated switch. When door is opened, amber lamps will be automatically deactivated and red lamps shall be activated. When door is closed, all lamps shall be deactivated. No lamps shall come on when door is reopened unless the manual switch is depressed. There shall also be a cancellation switch in case lamps are accidentally activated or when no stop needs to be made.

c. The motor driven flasher and the relay shall be fastened to the fire wall on the right side or in some easily accessible place inside the bus body. The control circuit shall be connected to the cold side of the ignition switch with the push button master switch mounted on the accessory console,

clearly distinguished, visible and accessible to the driver.

d. The pilot lights shall be mounted on the instrument panel in or near the center so that they will be in plain view of the driver. The motor-driven flasher and the relay shall be fastened in a compartment in the driver area and be easily accessible for servicing.

e. System shall contain an amber pilot light for amber lamps and a red pilot light for red lamps, clearly visible to the driver, to indicate when system is activated.

f. A three inch black, painted border around the lamps is required if not equipped with a black painted housing.

§ 6.64.12. Virginia School Bus Crossing Control Arm:

a. An approved crossing control arm shall be mounted on the right end of the front bumper with mounting brackets appropriate for the bumper configuration. Information on such approved arms will be supplied by the State Associate Director of Pupil Transportation.

b. The arm shall be activated in conjunction with the traffic warning sign.

c. Wiring for an electric powered arm shall be grounded to a metal base at a suitable place on the bumper.

d. Source of supply for air operated arms to be the main air supply tank with check valve at tank.

e. Appropriate grommets or a loom shall be used where wires or tubes go through holes in bumper and firewall.

VIRGINIA TAX BULLETIN

VIRGINIA DEPARTMENT OF TAXATION

DATE: June 1, 1987 (87-6)

SUBJECT: 1987 Legislative Changes to Miscellaneous Taxes.

Corn Assessment

House Bill 1375 (Chapter 476) amends Va. Code §§ 3.1-1043 and 3.1-1044 to expand the definition of a "handler" required to deduct the corn assessment from payments to a farmer or producer of corn. "Handler" now includes any person, public or private corporation, the Federal Commodity Credit Corporation, or any association or partnership buying, accepting for shipment, or otherwise acquiring property in corn from a producer. A mortgagee, pledgee, lienor, or other person, public or private, will also be considered to be a "handler" when the actual or constructive possession of corn is taken as part payment or in satisfaction of a mortgage, pledge, lien, or claim against the producer. The act also authorizes the Virginia Corn Board to enter into an agreement with the Federal Commodity Credit Corporation to collect the assessment. Effective Date: July 1, 1987.

Estate Tax

House Bill 1442 (Chapter 373) amends Va. Code § 58.1-908 to provide that an automatic lien will no longer arise against the property of a nonresident decedent for unpaid Virginia Estate Tax. A lien will arise only after the department records a memorandum in the circuit court of the locality in which property is located, in the same manner as for residents. Effective Date: July 1, 1987.

Soybean Assessment

House Bill 1375 (Chapter 476) amends Va. Code §§ 3.1-1043 and 3.1-1044 to expand the definition of a "handler" required to deduct the soybean assessment from payments to a farmer or producer of soybeans. "Handler" now includes any person, public or private corporation, the Federal Commodity Credit Corporation, or any association or partnership buying, accepting for shipment, or otherwise acquiring property in soybeans from a producer. A mortgagee, pledgee, lienor, or other person, public or private, will also be considered to be a "handler" when the actual or constructive possession of soybeans is taken as part payment or in satisfaction of a mortgage, pledge, lien, or claim against the producer. The act also authorizes the Virginia Soybean Board to enter into an agreement with the Federal Commodity Credit Corporation to collect the assessment. Effective Date: July 1, 1987.

Tax on Wills and Administration (Probate)

Senate Bill 600 (Chapter 234) amends Va. Code § 26-12.3 to rise the minimum estate subject to the probate tax from \$500 to \$5,000. Effective Date: July 1, 1987.

* * * * *

DATE: June 1, 1987 (87-7)

SUBJECT: 1987 Legislative Changes Affecting Localities.

Daily Rental Equipment

House Bill 1376 (Chapter 591) and Senate Bill 495 (Chapter 572), which are identical, amend Va. Code § 58.2-3510 to include daily rental equipment in the definition of merchants' capital. The bills define daily rental equipment as all tangible personal property, except trailers and other tangible personal property required to be titled and registered with a state agency, where the possession or use is transferred for a consideration, without the transfer of ownership, for an hourly, daily, weekly or monthly period. The definition specifically excludes rental contracts which exceed 90 days or which are renewed within 30 days after the 90-day period expires.

Rental equipment which does not qualify as daily rental equipment is to be valued pursuant to Va. Code § 58.1-3503 (A)(17). Effective Date: July 1, 1988.

Filing Local Returns: Waiver of Penalty and Interest; Due Dates

House Bill 1557 (Chapter 595) amends Va. Code § 58.1-3916 by designating the commissioner of the revenue, rather than the treasurer, as the local official to determine whether the penalty and interest for failure to file a local return shall be waived because the failure to file was not the fault of the taxpayer. The local treasurer remains the official to make such determination in case of a penalty for failure to pay a tax. The bill further amends this section to allow the governing body of Spotsylvania County to make such determination rather than the commissioner or the treasurer.

Senate Bill 432 (Chapter 570) makes almost identical amendments to this section.

In addition House Bill 1557 (Chapter 595) and Senate Bill 667 (Chapter 582) both amend Va. Code § 58.1-3916 to allow a county to specify a date for payment of license taxes which coincides with such date in any adjacent jurisdiction. Effective Date: July 1, 1987.

General Classification of Tangible Personal Property

House Bill 1517 (Chapter 568) amends Va. Code § 58.1-3503 to allow the commissioner of the revenue to assess automobiles by any method which establishes fair market value, if the model and year of the individual automobile are not listed in a recognized pricing guide and a percentage or percentages of original cost do not accurately reflect fair market value. Effective Date: July 1, 1987.

Local License Tax : Affiliated Nonstock Corporations

Virginia Tax Bulletin

House Bill 1369 (Chapter 617) amends Va. Code § 58.1-3703 B.10 to expand the exemption from the local license tax to receipts or purchases between affiliated nonstock corporations. "Affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation. This bill provides that the term "stock" refers to nonstock corporation membership or membership voting rights when one or more of the includible corporations, including the common parent corporation, is a nonstock corporation. Effective Date: July 1, 1987.

Local License Tax - Coal Severance Tax

House Bill 1459 (Chapter 711) adds Va. Code § 58.1-3713.2 to provide that local coal severance taxes are to be paid to the locality in which the coal is first placed in transit for shipment outside of the jurisdiction imposing the tax. The tax will not be imposed on coal if a coal severance tax or comparable tax has been paid to the locality or state in which it was mined. Effective Date: July 1, 1987.

Local License Tax - News Publication

House Bill 1395 (Chapter 618) amends Va. Code § 58.1-3703 B.3 to exempt from the local license tax the privilege or right of printing or publishing any newsmagazine, newsletter or other news publication. This expands the existing exemption for the privilege or right of printing or publishing any newspaper. Effective Date: July 1, 1988.

Local License Tax - Public Service Corporations

House Bill 1456 (Chapter 244) amends Va. Code § 58.1-3731 to eliminate the double taxation of certain public service corporations, by limiting the imposition of the local license tax on the gross receipts of such public service corporations to sales to the ultimate consumer in the locality. Previously, the local license tax was imposed on the gross receipts of the company accruing from business in the locality. Effective Date: July 1, 1987.

Local License Tax - Taxicab Drivers

House Bill 1495 (Chapter 715) amends Va. Code § 58.1-3703 to exempt from the local license tax a taxicab driver who operates for a taxicab company upon which the locality has imposed a license tax. Effective Date: July 1, 1987.

Powers of the Commissioner of the Revenue

House Bill 1489 (Chapter 377) amends Va. Code § 58.1-3110 to prohibit the commissioner of the revenue from summoning a taxpayer or other person to inquire into the tax liability of the taxpayer which is the subject of litigation. Effective Date: July 1, 1987.

Proration of Tangible Personal Property Taxes

Senate Bill 493 (Chapter 212) amends Va. Code § 58.1-3516 to allow localities which prorate the tangible personal property tax to exclude boats from property subject to proration. Before the amendment, a locality which adopted proration was required to prorate the tax on motor vehicles, trailers and boats. Effective Date: July 1, 1987.

Real Property Tax Relief for the Elderly and Handicapped

Senate Bill 593 (Chapter 525) amends Va. Code § 58.1-3211:

- to increase the allowable income limitation for qualifying for tax relief from \$18,000 to \$22,000;
- to allow the exclusion from the allowable income limitation of up to \$7,500 of permanent disability compensation;
- to increase to \$6,500 the amount of income of a relative, not the spouse, living in the dwelling which may be excluded from the allowable income limitation; and
- to increase the allowable net combined financial worth of the owners and of the spouse of any owner from \$65,000 to \$75,000.

The bill repeals the authority of the local governing bodies to increase the income limit in localities having a combined program of exemption and deferral, and eliminates the provision that the income limitation may be increased from \$18,000 to \$19,000 with the exemption or deferral being reduced by the amount that the combined income exceeds \$18,000.

The bill also amends Va. Code § 58.1-3215 to allow a locality's ordinance to prorate the exemption or deferral of real estate taxes for a change in ownership resulting from the qualifying owner's sale of such property, and to exclude the sale proceeds from the financial net worth or income computation for the year of the sale. Previously, the exemption was prorated only when the qualifying owner died and the property was transferred to a nonqualifying spouse.

House Bill 1545 (Chapter 546) makes identical amendments to § 58.1-3211 and House Bill 1157 (Chapter 534) makes identical amendments to § 58.1-3215. Effective Date: July 1, 1987.

Release of Lien on Real Estate

House Bill 1482 (Chapter 245) adds Va. Code § 58.1-3226.1 which allows a local governing body to adopt an ordinance to provide that a delinquent tax lien on a portion of a parcel of real estate which is sold be released upon payment of taxes, interest and penalties attributable to the portion of real estate sold. Effective Date: July 1, 1987.

Special Assessment for Land Preservation

Senate Bill 429 (Chapter 550) amends Va. Code §§ 58.1-3230, 58.1-3233, 58.1-3239 and 58.1-3240 to add the State Forester to the State Land Evaluation Advisory Council and to the list of agency heads who provide standards and from whom local officials may request an opinion as to whether a real estate parcel qualifies for special use assessment. The bill also substitutes the Department of Forestry for the Department of Conservation and Historic Resources as the agency to prescribe standards for establishing forest areas. Effective Date: July 1, 1987.

agricultural activities are exempt from these eligibility and roll-back provisions. Effective Date: July 1, 1987.

Tangible Personal Property Tax Exemption

House Bill 1041 (Chapter 533) amends Va. Code § 58.1-3617 to classify all motor vehicles owned by churches and used predominantly for church purposes as property used by its owner for religious purposes, and thus exempt from local property taxation. This replaces the exemption for vehicles designed for carrying more than ten passengers, owned by churches and used for church purposes. Effective Date: July 1, 1987.

BILLS AFFECTING SPECIFIC LOCALITIES (Excludes bills which grant specific property tax exemptions and bills allowing creation of primary highway transportation districts)

House Bill 978 (Chapter 233) amends Va. Code § 58.1-3516 to add the City of Danville to the list of localities which may provide by ordinance for the proration of personal property tax on motor vehicles, trailers and boats. Effective Date: July 1, 1987.

House Bill 1182 (Chapter 537) adds Va. Code § 58.1-3919.1 to authorize the treasurer of any county under the county manager plan of government to employ private collection agents to collect delinquent local taxes other than real estate, and provides for the compensation of such services. (Currently this applies only to Arlington County.) Effective Date: July 1, 1987.

House Bill 1221 (Chapter 362) and Senate Bill 378 (Chapter 318) amend Va. Code § 58.1-3274 to authorize the Counties of Accomack and James City to assess real estate annually or biennially. Effective Date: July 1, 1987.

Senate Bill 569 (Chapter 628) amends Va. Code § 58.1-3231 and adds Va. Code § 58.1-3237.1 to authorize Loudoun County to include in its use value assessment ordinance the following additional provisions:

- The governing body may exclude land lying in planned development, industrial or commercial zoning districts from special use assessments.
- The governing body may provide that property will be subject to roll-back taxes at the time the zoning is changed, at the owner's request, to a more extensive use at the time the zoning is changed rather than at the time change in use occurs. Certain owner-operated

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 24, 1987

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS850209

Ex Parte: In the matter of
adopting Rules Governing Health
Maintenance Organizations

ORDER ADOPTING REGULATION

WHEREAS, pursuant to orders entered herein October 25, 1985 and August 27, 1986, the Commission conducted hearings in its courtroom on November 26, 1985 and September 30, 1986, respectively, for the purpose of considering comments of interested persons concerning the adoption of a regulation proposed by the Bureau of Insurance and entitled "Rules Governing Health Maintenance Organizations"; and

WHEREAS, the Commission has considered the proposed regulation, the comments of interested parties, the testimony adduced at the hearing and the law applicable in this matter,

THE COMMISSION is of the opinion, finds and ORDERS that the proposed regulation entitled "Rules Governing Health Maintenance Organizations," as amended, which is attached hereto and made a part hereof, should be, and it is hereby, ADOPTED, to be effective September 1, 1987.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Steven J. Kaufmann who shall forthwith mail a copy of this order together with a copy of the regulation to every health maintenance organization licensed in this Commonwealth; J. Maurice Miller, Jr., Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208, counsel for Virginia Association of Health Maintenance Organizations; Allen Goolsby, Esquire, Hunton & Williams, 707 East Main Street, Richmond, Virginia 23219, counsel for Medical Society of Virginia and Psychiatric Society; and Howard Feller, Esquire, McGuire, Woods, Battle & Boothe, One James Center, Richmond, Virginia 23219, counsel for Consolidated Healthcare, Inc.

* * *

RULES GOVERNING HEALTH MAINTENANCE ORGANIZATIONS

§ 1. Authority.

This regulation is issued pursuant to the authority vested in the Commission under § 38.2-223 of the Code of

Virginia.

§ 2. Purpose.

The purpose of this regulation is to set forth rules to carry out the provisions of Chapter 43 of Title 38.2 of the Code of Virginia so as to provide reasonable standardization of terms and provisions contained in health maintenance organization contracts and evidences of coverage, to assure the availability and accessibility of services provided by health maintenance organizations, and to establish minimum financial standards for the licensing and operation of health maintenance organizations.

§ 3. Effective date.

A. This regulations shall be effective on September 1, 1987.

B. No new contract or evidence of coverage shall be issued or put in force on or after January 1, 1988 unless it complies with this regulation.

C. No contract or evidence of coverage shall be reissued, renewed, or extended in this Commonwealth on or after January 1, 1988 unless it complies with this regulation. A contract or evidence of coverage written before January 1, 1988 shall be deemed to be reissued, renewed, or extended on the date the contract or evidence of coverage allows the health maintenance organization to change the terms of the contract or evidence of coverage or adjust the premiums charged.

§ 4. Applicability and scope.

This regulation shall apply to all health maintenance organizations and to all health maintenance organization contracts and evidences of coverage delivered or issued for delivery by a health maintenance organization established or operating in this Commonwealth on and after the applicable date as set forth in § 3 of this regulation. In the event of conflict between the provisions of this regulation and the provisions of any other regulation issued by the Commission, the provisions of this regulation shall be controlling as to health maintenance organizations.

§ 5. Definitions.

As used in this regulation:

A. "Acceptable securities" means those securities that are legal investments in Virginia for public sinking funds and for other public funds as defined in §§ 2.1-327 through 2.1-329 of the Code of Virginia which are not in default as to principal or interest.

B. "Affiliated provider" means any provider that is employed by or has entered into a contractual agreement either directly or indirectly with a health maintenance organization to provide health care services to members of

the health maintenance organization.

C. "Basic health care services" means those health care services described in subsection B of § 10 of this regulation which are required to be provided by a health care plan to its enrollees.

D. "Conversion contract" means a contract that is issued by the health maintenance organization after a conversion option has been exercised.

E. "Copayment" means a payment required of enrollees as a condition of the receipt of specific health care services.

F. "Emergency services" means:

1. Within the service area. Covered health care services rendered by affiliated or nonaffiliated providers under unforeseen conditions that require immediate medical attention. Emergency services within the service area shall include covered health care services from nonaffiliated providers only when delay in receiving care from the health maintenance organization could reasonably be expected to cause the enrollee's condition to worsen if left unattended.

2. Outside the service area. Medically necessary health care services that are immediately required because of unforeseen illness or injury while the enrollee is temporarily outside the geographical limits of the health maintenance organization's service area.

G. "Enrollee" or "member" means an individual who is enrolled in a health care plan.

H. "Evidence of coverage" includes any certificate, individual or group agreement or contract, or identification card or related documents issued in conjunction with the certificate, agreement or contract, issued to a subscriber setting out the coverage and other rights to which an enrollee is entitled.

I. "Excess insurance," "stop loss insurance," or "reinsurance" means insurance issued by an insurer licensed in this Commonwealth, on a form approved by the Commission, or a risk assumption transaction acceptable to the Commission, providing indemnity or reimbursement against the cost of health care services provided by the health maintenance organization.

J. "Fully subordinated debt" means those debts that meet the requirements of subsection I of § 7 of this regulation.

K. "Group contract" means a contract for health care services issued by a health maintenance organization in this Commonwealth which by its terms limits the eligibility of subscribers and enrollees to a specified group.

L. "Health care plan" means any arrangement in which

any health maintenance organization undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services. A significant part of the arrangement shall consist of arranging for or providing health care services, as distinguished from mere indemnification against the cost of the services, on a prepaid basis.

M. "Health care services" means the furnishing of services to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability.

N. "Health maintenance organization" means any person who undertakes to provide or arrange for one or more health care plans.

O. "Insolvent" means (i) the condition of a health maintenance organization that has a negative net worth or (ii) the inability of a health maintenance organization to pay its obligations as they become due in the usual course of business.

P. "Medical necessity" or "medically necessary" means appropriate and necessary health care services which are rendered for any condition which, according to generally accepted principles of good medical practice, requires the diagnosis or direct care and treatment of an illness, injury, or pregnancy-related condition, and are not provided only as a convenience.

Q. "Net worth" equals total admitted assets less total liabilities excluding fully subordinated debt.

R. "Out-of-area services" means the services that the health maintenance organization covers when its members are outside the geographical limits of the health maintenance organization's service area.

S. "Primary care physician" means a physician who provides initial and primary care to enrollees; who supervises, coordinates, and maintains continuity of patient care; and who initiates referrals for specialist care.

T. "Provider" or "health care provider" means any physician, hospital, or other person that is licensed or otherwise authorized in the jurisdiction in which services are rendered to furnish health care services.

U. "Service area" means a clearly defined geographic area in which the health maintenance organization has arranged for the provision of health care services to be generally available and readily accessible to enrollees.

V. "Specialist" means a licensed health care provider to whom an enrollee may be referred by his primary care physician and who is certified or eligible for certification by the appropriate specialty board, where applicable, to provide health care services in a specialized area of health care.

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W. "Subscriber" means a contract holder, an individual enrollee or the enrollee in an enrolled family who is responsible for payment to the health maintenance organization or on whose behalf such payment is made.

X. "Supplemental health care services" means health care services which may be offered by a health maintenance organization in addition to the required basic health care services.

§ 6. Licensing requirements.

A. License required.

No person shall establish or operate a health maintenance organization in Virginia without first obtaining a license from the Commission.

B. Application for initial license.

1. Any person desiring to establish and operate a health maintenance organization in Virginia may apply to the Commission for a license to operate a health maintenance organization.

2. Each application for a health maintenance organization license shall be on a form prescribed by the Commission and shall be verified by an officer or authorized representative of the applicant. Each application for a health maintenance organization license and all accompanying documents shall be submitted in triplicate.

3. Each application for a health maintenance organization license shall set forth or be accompanied by:

(a) A copy of any basic organizational document of the applicant including, but not limited to, the articles of incorporation, articles of association, partnership agreement, or trust agreement, and all amendments to such documents.

(b) A copy of the bylaws, rules and regulations, or any similar document regulating the conduct of the internal affairs of the applicant.

(c) A list of the names, addresses, and official positions of each officer, each member of the governing body, and each employee holding a senior line or staff position, and a full disclosure in the application of (i) any financial interest between any such person or any provider, organization or corporation owned or controlled by such person and the health maintenance organization and (ii) the extent and nature of the financial arrangements between such person and the health maintenance organization.

(d) A biographical summary for each person listed in paragraph (c).

(e) A copy of any contract made or to be made between any providers, sponsors or organizers of the health maintenance organization, or persons listed in paragraph (c) and the applicant, as required by subsection C of § 12 of this regulation.

(f) A copy of the evidence of coverage form, as defined in subsection H of § 5 of this regulation, proposed to be issued to subscribers.

(g) A copy of any group contract form, as defined in subsection K of § 5 of this regulation, proposed to be issued to employers, unions, trustees, or other organizations.

(h) A copy of any other pertinent forms proposed to be issued to subscribers, enrollees, or members, including but not limited to applications, enrollment forms, handbooks, provider lists, and explanations of service areas.

(i) Proposed rates for coverages to be offered, and written actuarial justification for such rates and their method of calculation.

(j) Financial statements showing the applicant's assets, liabilities, and sources of financial support or, if the applicant's financial affairs are audited by independent certified public accountants, a copy of the applicant's most recent regular certified financial statement unless the Commission directs that additional or more recent financial information is required for the proper administration of Chapter 43 of Title 38.2 of the Code of Virginia.

(k) A complete description of the health maintenance organization and its method of operation. This shall include: (i) the method of marketing the plan; (ii) a financial plan that includes a projection of the initial operating results extending at least one year beyond the anticipated breakeven point (subject to a minimum of three years), and in which all critical assumptions are documented. Critical assumptions include, but are not limited to, enrollment levels, premium rates, provider reimbursement, utilization rates, risk-sharing arrangements with providers, general and administrative expenses, excess and other insurance expenses and recoveries, coordination of benefits, costs of long-term financing, and inflation; (iii) a statement regarding the sources of working capital as well as any other sources of funding; (iv) a description of any insurance (including, but not limited to, excess or stop loss, insolvency, medical malpractice, errors and omissions, and general liability coverage), reinsurance or alternative coverage arrangements proposed.

Pro-forma financial statements shall include (i) income statements on a quarterly basis, (ii) balance sheets on a quarterly basis, and (iii) cash flow

statements on a quarterly basis.

(l) A description of the geographic areas to be served including a map which clearly delineates the boundaries of the service area.

(m) A description of the complaint system required pursuant to § 38.2-4308 of the Code of Virginia.

(n) A description of the procedures and programs established by the health maintenance organization to (i) assure both availability and accessibility of adequate personnel and facilities, and (ii) assess the quality of health care services provided.

(o) A description of the mechanism by which enrollees will be given an opportunity to participate in matters of policy and operation as provided in subsection B of § 38.2-4304 of the Code of Virginia.

(p) Any and all such other information as the Commission may require to make the determinations required pursuant to § 38.2-4302 of the Code of Virginia.

4. Each application for a health maintenance organization license shall be accompanied by the nonrefundable license fee required by § 38.2-4302 of the Code of Virginia.

C. Amendments to filed information.

No health maintenance organization shall operate in a manner that is significantly in contravention of the information submitted under § 38.2-4301 of the Code of Virginia. Any change in such information which would result in operational changes that are significantly in contravention of the information currently on file with the Commission shall be subject to the Commission's prior approval. If the Commission fails to act on a revised submission within 30 days of its filing the proposed changes shall be deemed approved. The following shall be deemed to result in operational changes that are significantly in contravention of the information on file with the Commission:

1. A change in the control, as defined in § 38.2-1322 of the Code of Virginia, of the health maintenance organization;

2. A change in the health maintenance organization's geographic service area; and

3. A material change in the health maintenance organization's health care delivery system.

D. Filing of annual report.

Each applicant for a health maintenance organization license shall file with the Commission a financial statement on the form required by § 38.2-4307 of the Code

of Virginia prior to licensure.

E. Licensure does not imply approval of forms.

Approval of a health maintenance organization's license application shall not constitute approval of the forms submitted under subsection B, paragraphs 3(f), 3(g), and 3(h) of this section. Approval of such forms shall be governed by § 12 of this regulation and § 38.2-4306 of the Code of Virginia.

§ 7. Financial condition requirements.

A. Minimum net worth.

1. Applicants for a health maintenance organization license shall be required to establish a net worth that is at least equal to \$300,000 prior to licensure.

2. Each health maintenance organization licensed in Virginia shall maintain a net worth that is at least equal to the sum of all uncovered expenses as defined in subsection H of this section for the last three months reported on in paragraph 3 of this subsection. However, in no case shall a health maintenance organization licensed in Virginia maintain a net worth that is less than \$300,000 and in no case shall a health maintenance organization be required to maintain a minimum net worth in excess of \$2,000,000.

3. Each health maintenance organization licensed in Virginia shall report to the Commission on a form prescribed by the Commission all uncovered expenses, as defined in subsection H of this section, for the three month periods ending on December 31, March 31, June 30, and September 30 on or before March 1, May 15, August 15, and November 15 respectively of each year. When these reports are made each health maintenance organization shall also submit to the Commission a balance sheet for the last day of the period reported on. The balance sheet shall include the value of liabilities representing uncovered expenses that have not been paid.

4. Health maintenance organizations that were licensed prior to the effective date of this regulation and that were not in compliance with the minimum net worth requirement on that date shall have until January 1, 1990 to comply with the minimum net worth requirements of this subsection. Each such health maintenance organization shall increase its net worth by at least one-third of the initial deficit before January 1, 1988 and by an additional one-third of the initial deficit before January 1, 1989. Such health maintenance organizations shall also implement a plan approved by the Commission to cover any increase in the health maintenance organization's minimum net worth between the effective date of this regulation and January 1, 1990. However, in no case shall this paragraph be construed to require a health

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maintenance organization to maintain a net worth that is greater than the net worth otherwise required by this subsection.

B. Minimum deposit requirement.

1. Each health maintenance organization licensed in Virginia shall maintain a deposit of \$300,000 with the State Treasurer in cash or acceptable securities. Each new applicant for a health maintenance organization license shall make such deposit with the State Treasurer prior to licensure.

2. The Commission may increase the minimum deposit requirement whenever it determines that the financial condition of a health maintenance organization is such that it is hazardous to enrollees, creditors, or the public.

3. Health maintenance organizations that were licensed prior to the effective date of this regulation and that were not in compliance with the minimum deposit requirement on that date shall have six months from that date to comply with the provisions of this subsection.

4. When securities are deposited with the State Treasurer, the value of such deposit shall be the market value of the securities. A health maintenance organization shall make good any deficit resulting from a decrease in market value within 10 days.

5. The deposit required by this subsection or subsection C may be waived where the Commission determines that such a deposit is not necessary for the protection of enrollees. In considering whether the deposit is necessary for the protection of enrollees, the Commission shall give due consideration to the factors governing consideration of petitions for release of deposits as set forth in subsection F of this section.

C. Additional deposit requirement.

1. Except as provided in subsection D of this section, each applicant for a health maintenance organization license shall deposit with the State Treasurer an amount in addition to that required by subsection B of this section in cash, acceptable securities, or surety equal to the sum of the health maintenance organization's projected uncovered health care expenses for the first three months of operation.

2. Except as provided in paragraph 5 of this subsection and subsection D of this section, whenever the Commission determines that the health maintenance organization's financial condition, method of operation, or manner of doing business is such that the Commission is not satisfied that it can meet its obligations to its members, the Commission may require that the health maintenance organization deposit with the State Treasurer an amount in addition

to that required by subsection B of this section in cash, acceptable securities, or surety equal to the greater of (i) the sum of all uncovered health care expenses for the last three months reported on in subsection A, paragraph 3, of this section, or (ii) the value of liabilities representing uncovered health care expenses that have not been paid. Any deficiency in the deposit required by this subsection shall be eliminated within 10 days after filing the report required by subsection A, paragraph 3, of this section.

3. When securities are deposited with the State Treasurer, the value of such deposit shall be the market value of the securities. A health maintenance organization shall make good any deficit resulting from a decrease in market value within 10 days.

4. A health maintenance organization that has shown an operating profit on its two most recent annual statements filed with the Commission may petition the Commission for the release of the deposit required by this subsection. Any such petition shall be made in accordance with subsection F of this section.

5. A health maintenance organization that has made deposits with the State Treasurer that are in excess of the total requirements of this section may petition the Commission for the release of such excess deposit. Any such petition shall be made in accordance with subsection F of this section. The Commission may permit the release of any excess deposit when the Commission is satisfied that the amount in question is in excess of that required by this section.

6. Health maintenance organizations that were licensed prior to the effective date of this regulation and that were not in compliance with the additional deposit requirement on that date shall have until January 1, 1990 to comply with the requirements of this subsection. Each such health maintenance organization shall increase its additional deposit by at least one-third of the initial deficit before January 1, 1988 and by an additional one-third of the initial deficit before January 1, 1989. Such health maintenance organizations shall also implement a plan approved by the Commission to cover any increase in the health maintenance organization's additional deposit requirement between the effective date of this regulation and January 1, 1990. However, in no case shall this paragraph be construed to require an additional deposit that is greater than the deposit otherwise required by this subsection.

D. Deposits with other states.

The Commission may reduce or eliminate the additional deposit requirement if the health maintenance organization shall deposit with the state treasurer, insurance commissioner, or other official body of any state or the District of Columbia for the protection of all subscribers and enrollees of such health maintenance organization,

cash, acceptable securities, or surety, and shall deliver to the Commission a certificate to such effect, duly authenticated by the appropriate state official holding the deposit.

E. Purpose of deposits; how deposits applied.

1. Any deposit held by the State Treasurer shall be for the exclusive benefit of the health maintenance organization's enrollees. The enrollees, without preference, shall have a lien on the deposits for the amounts due or which may become due as a result of any failure of the health maintenance organization to meet its obligations. If the deposits are not sufficient to discharge all obligations to enrollees, the obligations to the enrollees shall be satisfied ratably out of the proceeds of such deposits. Whenever any health maintenance organization becomes insolvent or bankrupt, or makes an assignment for the benefit of its creditors, any person given a lien by this section may file a bill in the Circuit Court of the City of Richmond for the benefit of himself and all others given a lien by this section to subject such deposits to the payment of the liens thereon. The State Treasurer shall be made a party to such suit, and a copy of such bill shall be served upon the Commissioner of Insurance as if he were a party to such suit. The funds shall be distributed by the court.

2. If any health maintenance organization fails to pay any of its obligations to enrollees after such obligations have been ascertained by (i) any agreement of the parties binding on the health maintenance organization, or by (ii) judgment, order or decree of a court of competent jurisdiction against the health maintenance organization, not appealed from, superseded or stayed, the State Treasurer shall, upon the application of the enrollee to whom the debt or money is due, but subject to the approval of the Commission and after giving notice as herein provided, proceed to sell at auction such amount of the securities on deposit as, with any interest in his hands, will pay the sums due and the expenses of the sale, and out of the proceeds of sale he shall pay such sums and expenses.

The State Treasurer shall give the health maintenance organization 10 days' notice, either by mail or personally, of the time and place of the sale, and the sale shall be advertised daily for 10 days in a newspaper of general circulation published in the City of Richmond.

The health maintenance organization shall make good any deficit in its deposit resulting from a sale of securities within 10 days. The State Treasurer shall report to the Commission in writing the amount and kind of securities sold in accordance with the provisions of this section, and the amount and kind of securities deposited to make good the deficit.

In lieu of selling securities, the State Treasurer may use any deposit of cash or surety made by the health maintenance organization to satisfy the health maintenance organization's liabilities to enrollees. The State Treasurer shall give the health maintenance organization 10 days' notice by mail or personally prior to the use of any such cash or surety. The health maintenance organization shall make good any deficit in the required deposit within 10 days.

F. Release of deposit.

A health maintenance organization may, in writing, petition the Commission for the release of any deposit held by the State Treasurer. Any such petition shall state the health maintenance organization's justification for requesting the release of deposit. No deposit held by the State Treasurer shall be released without the Commission's prior approval.

In considering a petition for release of deposit the Commission shall give due consideration to the health maintenance organization's (i) net worth, (ii) historic and anticipated operating profits, (iii) risk sharing arrangements, (iv) financial guarantees with affiliates, (v) managerial expertise, (vi) level of covered and uncovered health care expenses, and (vii) any other relevant factors it deems appropriate.

G. Insurance coverage required.

Each health maintenance organization licensed in Virginia shall maintain adequate liability insurance coverages to protect the interests of all subscribers and enrollees. Such insurance may include, but is not limited to, excess or stop loss, insolvency, medical malpractice, errors and omissions, and general liability coverage.

H. Covered and uncovered expenses.

1. Any expense of a health maintenance organization that is owned or paid to a health care provider that is under contract with a health maintenance organization shall be considered a covered health care expense by that health maintenance organization (i) if the contract between the health maintenance organization and health care provider contains the hold harmless clause set forth below and (ii) such expense falls within the scope of the hold harmless clause.

Hold Harmless Clause

(Provider) hereby agrees that in no event, including, but not limited to nonpayment by the health maintenance organization, health maintenance organization insolvency or breach of this agreement, shall (Provider) bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against subscribers or persons other than the health maintenance organization for services provided pursuant to this

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Agreement. This provision shall not prohibit collection of any applicable copayments or deductibles billed in accordance with the terms of the health maintenance organization's subscriber agreement.

(Provider) further agrees that (1) this provision shall survive the termination of this Agreement regardless of the cause giving rise to such termination and shall be construed to be for the benefit of the health maintenance organization's subscribers and that (2) this provision supersedes any oral or written agreement to the contrary now existing or hereafter entered into between (Provider) and the subscriber or persons acting on the subscriber's behalf.

Any modifications, additions, or deletions to the provisions of this hold harmless clause shall become effective on a date no earlier than 15 days after the State Corporation Commission has received written notice of such proposed changes.

2. If there is an intermediary organization between the health maintenance organization and the health care providers, the hold harmless clause shall be amended to include nonpayment by either the health maintenance organization or the intermediary organization and shall be included in any contract between the intermediary organization and health care providers and in any contract between the health maintenance organization and the intermediary organization before health care expenses owed or paid to the intermediary organization shall be considered covered expenses.

3. Health maintenance organizations that have substantially similar hold harmless agreements in effect prior to the effective date of this regulation shall consider the expenses within the scope of such agreements to be covered health care expenses until September 1, 1988.

4. The interest expenses relating to the repayment of any fully subordinated debt shall be considered covered expenses.

5. A health maintenance organization may, in writing, request permission from the Commission to treat other types of expenses as covered expenses. Any such request shall state the health maintenance organization's justification for such treatment. In no case shall a health maintenance organization treat an expense, other than those set forth in paragraphs 1, 2, 3, and 4 of this subsection, as a covered expense without the prior approval of the Commission.

6. Any expense that is not a covered expense under this section shall be considered an uncovered expense.

I. Subordination of debt.

No debt shall be considered fully subordinated unless the subordination clause set forth below is executed by the health maintenance organization and the lender and the subordination agreement is otherwise acceptable to the Commission.

Subordination Clause

The rights of (lender) to the principal sum and/or accrued interest thereon are and shall remain subject to and subordinate to all other liabilities of (health maintenance organization), and upon the dissolution or liquidation of (health maintenance organization), no payment upon this instrument shall be made until all other liabilities of the plan shall have been paid.

It is further agreed to by and between the parties hereto that written approval from the State Corporation Commission must be obtained prior to any repayment of principal or payment of interest.

J. Financial projections.

The Commission may require any health maintenance organization licensed in Virginia to submit to it periodic updates of the projection of operating results required by subsection B, paragraph 3(k), of § 6 of this regulation. Each update shall also include a complete explanation of any significant variance between actual operating results and the operating results that were forecasted under the projection last submitted to the Commission.

The Commission may revise or request a revision of any financial projection that it deems to be unreasonable relative to the health maintenance organization's historic performance.

K. Impairment.

Any health maintenance organization that is found to have less than the minimum required net worth shall be deemed to be impaired and there shall be a presumption that an impaired health maintenance organization is not financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees and prospective enrollees.

Whenever the Commission finds from a financial statement made by any health maintenance organization, or from a report of examination of any health maintenance organization, that the health maintenance organization is impaired, it shall determine the amount of such impairment and issue an order requiring the health maintenance organization to eliminate the impairment within such period of not more than 90 days as it shall designate. The Commission may by order entered of record and served upon the health maintenance organization prohibit the health maintenance organization from issuing any new subscriber contracts while such impairment exists. If at the expiration of the designated

period the health maintenance organization has not satisfied the Commission that the impairment has been eliminated, an order for the rehabilitation or liquidation of the health maintenance organization may be entered as provided in Chapter 15 of Title 38.2 of the Code of Virginia.

L. Accounts, books and records.

Each health maintenance organization that is licensed in Virginia shall maintain proper accounting controls and shall keep adequate, correct and complete books and records of accounts. Such books and records shall be kept at one location and shall be made available to the Commission during normal business hours.

The following assets shall be nonadmitted assets:

- (a) Good will, trade names, and other intangible assets;
- (b) Advances to officers, whether secured or not, and advances to employees, agents, and other persons on personal security only;
- (c) Stock of the health maintenance organization, owned by it, or any equity in it or loans secured by it, or any proportionate interest in the stock through the ownership by the health maintenance organization or an interest in another firm, corporation, or business unit;
- (d) The amount, if any, by which the aggregate book value of investments as carried in the ledger assets of the health maintenance organization exceeds the aggregate value thereof as determined by the values approved annually by the Securities Valuation Office of the National Association of Insurance Commissioners.
- (e) All assets of doubtful value or character included in any statement by a health maintenance organization to the Commission, or in any report of examination to the Commission.

N. Removal or transfer of property.

1. No health maintenance organization that is domiciled in Virginia shall remove from Virginia its entire property or business, or substantially all of its property or business, without the written approval of the Commission.
2. No health maintenance organization shall transfer or attempt to transfer substantially its entire property, or enter into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other company without having first obtained the written approval of the Commission.

§ 8. General requirements.

A. Conversion of coverage.

1. Each health care plan shall offer to its enrollees, upon termination of coverage under a group or individual contract, the right to convert coverage, within 31 days after such termination of coverage, to an individual contract. Such converted coverage:

- (a) Shall provide benefits which, at a minimum, meet the requirements set forth in subsection B of § 10 of this regulation; and
- (b) Shall not be refused on the basis that the enrollee no longer resides or is employed in the health maintenance organization's service area.

2. The conversion contract shall cover the enrollee covered under the group or individual contract as of the date of termination of the enrollee's coverage under such contract. Coverage shall be provided without additional evidence of insurability, and no preexisting condition limitations or exclusions may be imposed other than those remaining unexpired under the contract from which conversion is exercised. Any probationary or waiting period set forth in the conversion contract shall be deemed to commence on the effective date of coverage under the original contract.

3. A conversion contract shall not be required to be made available when:

- (a) The enrollee is covered by or is eligible for benefits under Title XVIII of the United States Social Security Act;
- (b) The enrollee is covered by or is eligible for substantially the same level of hospital, medical, and surgical benefits under state or federal law;
- (c) The enrollee is covered by substantially the same level of hospital, medical, and surgical benefits under any policy, contract, or plan for individuals in a group;
- (d) The enrollee has not been continuously covered during the three-month period immediately preceding that enrollee's termination of coverage; or
- (e) The enrollee was terminated by the health care plan for any of the reasons stated in subsection B, paragraphs 1 (a), (b), (c), and (f) of § 9 of this regulation.

B. Coordination of benefits.

1. A health care plan may include in its group contract or individual contract a provision that the value of any benefit or service provided by the health maintenance organization may be coordinated with any other health insurance or health care benefits or

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services that are provided by any other group policy, group contract, or group health care plan, including coverage provided under governmental programs, so that no more than 100% of the eligible incurred expenses is paid.

2. A health care plan shall not be relieved of its duty to provide a covered health care service to any enrollee because the enrollee is entitled to coverage under any other policy, contract, or health care plan. In the event that benefits are provided by both a health care plan and another policy, contract, or health care plan, the determination of the order of benefits shall in no way restrict or impede the rendering of services required to be provided by the health care plan. The health maintenance organization shall be required to provide or arrange for the service first and then, at its option, seek coordination of benefits with any other health insurance or health care benefits or services that are provided by any other group policy, group contract, or group plan.

C. Copayments.

1. A health maintenance organization may require a copayment of enrollees as a condition for the receipt of specific basic health care services described in subsection B of § 10 of this regulation. Such copayments shall be shown in the evidence of coverage as a specified dollar amount or as a percentage of the cost of providing such service for each specific basic health care service for which the health maintenance organization requires a copayment. The maximum amount of copayment the health maintenance organization may require in any contract or calendar year shall not exceed 200% of the total annual premium per single member or family unit. The maximum copayment amount shall be based upon the actual premium charged, including any employer contributions, for that member or family's coverage. The maximum copayment amount shall be shown in the evidence of coverage as a specified dollar amount.

2. A health maintenance organization may impose other copayments for supplemental health care services than those specified in this subsection.

3. Each health maintenance organization shall keep accurate records of each enrollee's copayment expenses and notify the enrollee when his copayment maximum is reached. The health maintenance organization shall not charge additional copayments for the remainder of the contract or calendar year, as is appropriate. The health maintenance organization shall also promptly refund to the enrollee any copayments charged after the copayment maximum is reached. The evidence of coverage shall clearly state the health maintenance organization's procedure for meeting the requirements of this subsection.

D. Description of providers.

A list of the names and locations of all affiliated providers shall be required to be provided to subscribers by the health maintenance organization at the time of enrollment or at the time the contract or evidence of coverage is issued and shall be made available upon request or at least annually.

E. Description of service area.

A description of the service area within which the health maintenance organization shall provide health care services shall be required to be provided to subscribers by the health maintenance organization at the time of enrollment or at the time the contract or evidence of coverage is issued and shall be made available upon request or at least annually.

F. Extension of benefits.

1. Every group contract issued by a health maintenance organization shall contain a reasonable extension of benefits upon discontinuance of the group contract with respect to members who become totally disabled while enrolled under the contract and who continue to be totally disabled at the date of discontinuance of the contract.

2. Upon payment of premium, coverage shall remain in full force and effect for a reasonable period of time not less than 180 days, or until such time as the member is no longer totally disabled, or until such time as a succeeding carrier elects to provide replacement coverage to that member without limitation as to the disabling condition.

3. Upon termination of the extension of benefits, the enrollee shall have the right to convert coverage as provided for in subsection A of § 8 of this regulation.

G. Freedom of choice.

1. At the time of enrollment each enrollee shall have the right to select a primary care physician from among the health maintenance organization's affiliated primary care physicians, subject to availability.

2. Any enrollee who is dissatisfied with his primary care physician shall have the right to select another primary care physician from among the health maintenance organization's affiliated primary care physicians, subject to availability. The health maintenance organization may impose a reasonable waiting period for this transfer.

H. Grievance procedure.

1. Each health maintenance organization shall establish and maintain a grievance or complaint system to provide reasonable procedures for the prompt and effective resolution of written complaints. A record of all written complaints shall be maintained for a period

of at least three years.

2. Every health maintenance organization shall provide complaint forms and/or written procedures to be given to enrollees who wish to register written complaints. Such forms or procedures shall include the address and telephone number to which complaints must be directed and shall also specify any required time limits imposed by the health maintenance organization.

3. The grievance system shall provide for complaints to be resolved within a reasonable period of time, not more than 180 days from the date the complaint is registered. This period may be extended (i) in the event of a delay in obtaining the documents or records necessary for the resolution of the complaint, or (ii) by the mutual written agreement of the health maintenance organization and the enrollee registering the complaint.

4. Pending the resolution of a written complaint filed by a subscriber or enrollee, coverage may not be terminated for the subscriber or enrollee for any reason which is the subject of the written complaint, except where the health maintenance organization has, in good faith, made an effort to resolve the complaint and coverage is being terminated as provided for in subsection B of § 9 of this regulation.

5. Where enrollee complaints and grievances may be resolved through a specified arbitration agreement, the enrollee shall be advised in writing of his rights and duties under the agreement at the time the complaint is registered. No contract or evidence of coverage that entitles enrollees to resolve complaints and grievances through an arbitration agreement shall limit or prohibit such arbitration for any claims asserted having a monetary value of \$250 or more. If the enrollee agrees to binding arbitration his written acceptance of the arbitration agreement shall not be executed prior to the time the complaint is registered nor subsequent to the time an initial resolution is made, and the agreement must be accompanied by a statement setting forth in writing the terms and conditions of binding arbitration.

§ 9. Prohibited practices.

A. Exclusions for preexisting conditions.

1. No health maintenance organization shall exclude or limit basic health care services for a preexisting condition when the enrollee transfers coverage from one health care plan to another during open enrollment or when the enrollee converts coverage under his conversion option, except to the extent of a preexisting condition limitation or exclusion remaining unexpired under the original contract. Any required probationary or waiting period is deemed to commence on the effective date of coverage under the original contract.

2. Except as provided in paragraph 1 above, nothing shall prohibit a health maintenance organization from including in its contract a provision setting forth reasonable exclusions or limitations of services for preexisting conditions at the time of enrollment.

3. A preexisting condition shall not be more restrictive than the following:

(a) The existence of symptoms which would cause an ordinarily prudent person to seek diagnosis, care or treatment within a two-year period preceding the effective date of coverage under the health care plan; or

(b) A condition for which medical advice or treatment was recommended by a physician or received from a physician within a two-year period preceding the effective date of coverage under the health care plan.

B. Reasons for termination.

1. No health maintenance organization shall terminate an enrollee's coverage for services provided under a health maintenance organization contract except for one or more of the following reasons:

(a) Failure to pay the amounts due under the contract, including failure to pay any premiums or copayments required by the contract as shown in the contract or evidence of coverage;

(b) Fraud or deception in the use of services or facilities;

(c) Violation of the terms of the contract;

(d) Failure to meet the eligibility requirements under a group contract, provided that a conversion option is offered;

(e) Termination of the group contract under which the enrollee was covered; or

(f) Such other good cause as is agreed upon in the contract between the health care plan and the group or the subscriber, but in no case shall coverage be terminated on the basis of the status of the enrollee's health nor on the mere fact that the enrollee has exercised his rights under the plan's grievance system by registering a complaint against the health maintenance organization. Failure of the enrollee and the primary care physician to establish a satisfactory relationship shall not be deemed good cause unless the health maintenance organization has, in good faith, made an effort to provide the opportunity for the enrollee to establish a satisfactory patient-physician relationship, including assigning the enrollee to other primary care physicians from among the organization's affiliated

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providers.

2. No health maintenance organization shall terminate coverage for services provided under a contract without giving the subscriber written notice of termination which shall be effective at least 31 days from the date of mailing or, if not mailed, from the date of delivery, except that:

(a) For termination due to nonpayment of premium, the grace period as required in subsection B, paragraph 17, of § 11 of this regulation shall apply; and

(b) For termination due to activities which endanger the safety and welfare of the health maintenance organization or its employees or providers, immediate notice of termination may be given.

C. Unfair discrimination.

1. No health maintenance organization shall unfairly discriminate against any enrollee on the basis of the age, sex, health status, race, color, creed, national origin, ancestry, marital status, or lawful occupation of the enrollee, or because of the frequency of utilization of services by the enrollee. However, nothing shall prohibit a health maintenance organization from setting rates or establishing a schedule of charges in accordance with relevant actuarial data.

2. No health maintenance organization shall unreasonably discriminate against physicians as a class or any class of providers listed in § 38.2-4221 of the Code of Virginia when contracting for specialty or referral practitioners, provided the plan covers services which the members of such classes are licensed to render. Nothing contained herein shall prevent a health maintenance organization from selecting, in the judgment of the health maintenance organization, the number of providers necessary to render the services offered by the health maintenance organization. Nothing in this regulation shall be construed to unreasonably discriminate against any class of licensed health care providers listed in § 38.2-4221 who provide health care services in accordance with the scope of their license.

§ 10. Services.

A. Access to care.

1. Each health maintenance organization shall establish and maintain adequate arrangements to assure both availability and accessibility of adequate personnel and facilities providing health care services including:

(a) Reasonable hours of operation and after-hours emergency health care;

(b) Reasonable proximity to enrollees within the

service area so as not to result in unreasonable barriers to accessibility;

(c) Sufficient personnel, including health professionals, administrators, and support staff, to reasonably assure that all services contracted for will be accessible to enrollees on an appropriate basis without delays detrimental to the health of enrollees; and

(d) Adequate arrangements to provide inpatient hospital services for basic health care.

2. Each health maintenance organization shall make available to each enrollee the services of specialists as part of the provision of basic health care services.

B. Basic health care services.

1. Each health maintenance organization shall provide, or arrange for the provision of, as a minimum, basic health care services which shall include the following:

(a) Inpatient hospital and physician services. Medically necessary hospital and physician services affording inpatient treatment to enrollees in a licensed hospital for a minimum of 90 days per contract or calendar year, except that services affording inpatient treatment for mental, emotional or nervous disorders, including alcohol and drug rehabilitation and treatment, shall be provided for not less than 30 days per contract or calendar year as medically necessary in a mental or general hospital or other licensed drug and alcohol rehabilitation facility; however, services for alcohol and drug rehabilitation may be limited to a service cost to the health maintenance organization or \$80 per inpatient day up to the maximum of 30 days per contract or calendar year; provided, any payment made by the enrollee for services beyond the \$80 per inpatient day limit shall not be included in or limited by the copayment limits prescribed by subsection C of § 8. Enrollees may be subject to a 90-day lifetime limit for inpatient services for alcohol and drug rehabilitation. Hospital services include room and board; general nursing care; special diets when medically necessary; use of operating room and related facilities; use of intensive care unit and services; x-ray, laboratory, and other diagnostic tests; drugs, medications, biologicals, anesthesia, and oxygen services; special duty nursing when medically necessary; short-term physical therapy, radiation therapy, and inhalation therapy; administration of whole blood and blood plasma; and short-term rehabilitation services. Physician services include medically necessary health care services performed, prescribed, or supervised by physicians within a hospital for registered bed patients;

(b) Outpatient medical services. Medically necessary

health care services performed, prescribed or supervised by physicians for enrollees which may be provided in a nonhospital based health care facility, at a hospital, in a physician's office, or in the enrollee's home, and shall include consultation and referral services. Outpatient medical services shall also include diagnostic services, treatment services, short term physical therapy and rehabilitation services the provision of which the health maintenance organization determines can be expected to result in the significant improvement of a member's condition within a period of 90 days, laboratory services, x-ray services, and outpatient surgery. Outpatient services for the treatment of mental, emotional, or nervous disorders, including alcohol and drug rehabilitation and treatment, shall not be required to be included as basic health care services but shall be made available to all group contracts as an additional outpatient service; however, services made available as follows shall be deemed to meet this requirement of availability:

(1) Twenty outpatient visits per member per year, as may be necessary and appropriate for short-term evaluative or crisis intervention mental health services, or both.

(2) Diagnosis, medical treatment and referral services, including referral services to appropriate ancillary services, for the abuse of or addiction to alcohol and drugs.

(i) Diagnosis and medical treatment for the abuse of or addiction to alcohol and drugs shall include detoxification for alcoholism or drug abuse on either an outpatient or inpatient basis, whichever is medically determined to be appropriate, in addition to the other required basic health care services for the treatment of other medical conditions.

(ii) Referral services may be either for medical or for nonmedical ancillary services. Medical services shall be a part of basic health care services.

Any outpatient services made available for the treatment of mental, emotional or nervous disorders, including alcohol and drug rehabilitation and treatment, may be subject to a copayment of not more than 50% of the cost of such services and limited for any applicable benefit period to a cost to the health maintenance organization as determined by it of no less than \$1,000, provided, further, the copayment permitted hereby and any further copayment resulting from the cost limitation permitted hereby need not be included in or limited by the copayment limit prescribed by subsection C of § 8.

(c) Diagnostic laboratory and diagnostic and therapeutic radiologic services;

(d) Preventive health services. Services provided with the goal of protection against and early detection and minimization of the ill effects and causes of disease or disability, including well-child care from birth, eye and ear examinations for children age 17 and under to determine the need for vision and hearing correction, periodic health evaluations, and immunizations; and

(e) In and out of area emergency services, including medically necessary ambulance services, available on an inpatient or an outpatient basis 24-hours per day, 7-days per week.

2. Services not required to be provided as basic health care services, for the purpose of this regulation, include but are not limited to:

(a) Except as required as a basic health care service in subsection B, paragraph 1(d), of this section, routine eye examinations or refractions, including examinations for astigmatism, myopia, or hyperopia; and eye glasses or contact lenses resulting from routine eye examinations;

(b) Dental services other than those which are medically necessary as a result of accidental injury which occurs while an individual is enrolled in the health care plan for which treatment is covered as a basic health care service and for which treatment is requested by the enrollee within 60 days of the accidental injury;

(c) Prescription drugs; and

(d) Long-term physical therapy and rehabilitation.

C. Out-of-area benefits.

In addition to out-of-area emergency services required to be provided as basic health care services, a health maintenance organization may offer to its enrollees indemnity benefits covering out-of-area services. A description of the procedure for obtaining any out-of-area services shall be included in the evidence of coverage as well as a statement of any restrictions or limitations on out-of-area services and any requirements that the health maintenance organization be contacted before obtaining such services. Any health care plan that requires the enrollee to contact the health maintenance organization before obtaining out-of-area services shall provide for emergency telephone consultation on a 24-hour per day, 7-day a week basis.

D. Supplemental health care services.

In addition to the basic health care services required to be provided in subsection B of this section, a health maintenance organization may offer to its enrollees any supplemental health care services it chooses to provide.

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Such services may be limited as to time and cost. Any copayment requirements provided for under subsection C of § 8 of this regulation shall not apply to supplemental health care services.

§ 11. Disclosure requirements.

A. Each subscriber shall be entitled to an evidence of coverage under a health care plan provided by a health maintenance organization established or operating in this Commonwealth, including any amendments thereto. Such evidence of coverage shall be delivered or issued for delivery within a reasonable period of time after enrollment, but not more than 60 days from the later of the effective date of coverage or the date on which the health maintenance organization is notified of enrollment.

B. No evidence of coverage shall be delivered or issued for delivery unless it contains the following:

1. The name, address, and telephone number of the health maintenance organization;
2. The health care services and any insurance or other benefits to which the enrollee is entitled under the health care plan;
3. Any exclusions or limitations on the services, kind of services, benefits, or kind of benefits to be provided, including any deductible or copayment feature;
4. Where and in what manner information is available as to how services may be obtained;
5. The effective date and the term of coverage;
6. The total amount of payment for health care services and any indemnity or service benefits that the enrollee is obligated to pay with respect to individual contracts, or an indication whether the plan is contributory or noncontributory for group certificates;
7. A description of the health maintenance organization's method of resolving enrollee complaints, including a description of any arbitration procedure if complaints and grievances may be resolved through a specified arbitration agreement;
8. A list of providers and a description of the service area which shall be provided with the evidence of coverage if such information is not given at the time of enrollment;
9. The right of an enrollee to convert to an individual contract issued by the health maintenance organization, including the terms and conditions under which coverage may be converted;
10. The terms and conditions under which coverage

may be terminated;

11. Any coordination of benefits provisions;
12. Any assignment restrictions in the contract;
13. The health maintenance organization's procedure for filing claims, including any requirements for notifying the health maintenance organization of a claim and any requirements for filing proof of loss;
14. The health maintenance organization's eligibility requirements, including the conditions under which dependents may be added and the limiting age for dependents and subscribers covered under an individual or group contract;
15. An incontestability clause which states that, in the absence of fraud, all statements made by a subscriber shall be considered representations and not warranties and that no statement shall be the basis for voiding coverage or denying a claim after the contract has been in force for two years from its effective date, unless the statement was material to the risk and was contained in a written application;
16. A provision that the contract or evidence of coverage and any amendments thereto constitutes the entire contractual agreement between the parties involved and that no portion of the charter, by-laws, or other document of the health maintenance organization shall constitute part of the contract unless it is set forth in full in the contract; and
17. A provision for a 31-day grace period for the payment of any premium falling due after the first premium during which coverage remains in effect, including a statement that if payment is not received within the 31 days, coverage may be cancelled after the 31st day and the terminated members may be held liable for cost of services received during the grace period.

§ 12. Filing requirements.

A. No contract, evidence of coverage, or any amendment thereto, shall be delivered, issued for delivery, or put into effect as to any person in this Commonwealth until a copy of such form or amendment thereto has been filed with and approved by the Commission pursuant to the filing requirements specified in § 38.2-4306 of the Code of Virginia. Such contract, evidence of coverage, or amendment thereto, shall be identified by a form number in the lower left-hand corner of the first page thereof. If the Commission does not disapprove any form within 30 days of the filing of such form, it shall be deemed approved unless the filer is notified in writing that the waiting period is extended by the Commission for an additional 30 days.

B. No schedule of charges, or amendment thereto, may

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be put into effect in conjunction with any health care plan until a copy of such schedule or amendment thereto has been filed with the Commission pursuant to the filing requirements specified in § 38.2-4306 of the Code of Virginia.

C. Any contracts, including any amendments thereto, made with health care providers enabling a health maintenance organization to provide health care services shall be filed with the Commission pursuant to § 38.2-4311 of the Code of Virginia and may be used commencing 15 days after their filing. Individual provider contracts shall not be required to be filed with the Commission provided that:

1. Such contracts contain the same precise language as contained in a standard contract used by the health maintenance organization which has been filed with the Commission pursuant to § 38.2-4311 of the Code of Virginia.
2. A list, current within 90 days, of the names and locations of the providers who have signed the standard contract, including any amendments to the list, has been filed with the Commission; and
3. The health maintenance organization maintains a complete file of all contracts made with health care providers which shall be maintained for a period of at least three years after their expiration and which shall be subject to examination by the Commission.

§ 13. Conformity with state law.

Any contract or evidence of coverage that contains any provision which conflicts with the requirements of this regulation or the provisions of Chapter 43 of Title 38.2 of the Code of Virginia shall not be rendered invalid but shall be construed and applied as if it were in full compliance with the requirements of this regulation and Chapter 43 of Title 38.2 of the Code of Virginia.

§ 14. Penalties.

Any violation of this regulation shall be punished as provided for in § 38.2-218 of the Code of Virginia and any other applicable law of this Commonwealth.

§ 15. Controversies involving contracts.

The Commission shall have no jurisdiction to adjudicate controversies between a health maintenance organization and its enrollees, and a breach of contract shall not be deemed a violation of this regulation.

AT RICHMOND, June 17, 1987

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. INS870057

Ex Parte: In the matter of
adopting rules governing local
government self-insurance pools

ORDER ADOPTING REGULATION

WHEREAS, pursuant to an order entered herein February 19, 1987, the Commission's Hearing Examiner conducted a hearing in its Courtroom on March 26, 1987, for the purpose of considering comments of interested persons concerning the adoption of a regulation proposed by the Bureau of Insurance and entitled "Rules Governing Local Government Group Self-Insurance Pools";

WHEREAS, on May 1, 1987 the Commission's Hearing Examiner filed his report in this matter; and

THE COMMISSION, having considered the evidence and the report of its Hearing Examiner, concurs with the findings of its Hearing Examiner and adopts his conclusions as its own,

THEREFORE, IT IS ORDERED that the proposed regulation entitled "Rules Governing Local Government Group Self-Insurance Pools," as amended, which is attached hereto and made a part hereof, should be, and it is hereby, ADOPTED, to be effective September 1, 1987.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to David Berg, Assistant Administrator, Rail and Public Transportation, Department of Transportation, 1221 East Broad Street, Richmond, Virginia 23219; Robert W. Esenberg, Department of Finance, City of Virginia Beach, Municipal Center, Virginia Beach, Virginia 23456-9002; Tom Grasberger, Rasmussen Agency, Inc., P.O. Box 14719, Richmond, Virginia 23221; David Van Fossen, Alexandria Transit Company, P.O. Box 9790, Alexandria, Virginia 22304; Bill Willis, Hewitt, Coleman & Associates, Box K 174, Richmond, Virginia 23288; Luke Witt, Suite LL5, Old City Hall, Richmond, Virginia 23219; C. F. Hicks, Esquire, P.O. Box 708, Gloucester, Virginia 23061; Mr. Richard W. Hall-Sizemore, Virginia Association of Counties, Old City Hall, 10th and Broad Streets, Richmond, Virginia 23219; Mr. Randy Oliver, Richmond Redevelopment Housing Authority, P.O. Box 26887, Richmond, Virginia 23261; Mr. Ned Carr, Virginia School Board Association, 405 Emmet Street, Charlottesville, Virginia 22903; Mr. Larry Loving, Marsh & McLennan, P.O. Box 1857, Richmond, Virginia 23215; Mr. Will Barksdale, Central Regional Airport Commission, P.O. Box A-3, Richmond, Virginia 23231; Mr. Robert C. Vogt, CPCU, Market Service, Inc., P.O. Box 6614, Richmond, Virginia 23230; Michael J. Weiser, Esquire, 108 North Saint Asaph Street, Alexandria, Virginia 22314; Mr. Authur L. Collins, Southeastern Virginia Planning District Commission, 16 Koger Executive Center, Suite 100, Norfolk, Virginia 23502; Mr. Stuart TenHoor, Assistant City Attorney, Suite 1300, City Hall, Alexandria, Virginia 22314; Mr. Bruce Smythe, Johnson & Higgins, 8th and Main Building, Richmond, Virginia 23219; Mr. David

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Grubb, Special Deputy Commissioner, New Jersey State Department of Insurance, 201 East State Street, Trenton, New Jersey 08625; Mr. Bobby Gray, North Carolina Department of Insurance, P.O. Box 26387, Raleigh, North Carolina 27611; Mr. Rick Morgan, Alexander & Alexander, 701 East Byrd Street, Richmond, Virginia 23219; Mr. Bob Ludwig, McDonough & Caperton, P.O. Box 1551, Charleston, West Virginia 25326; Mr. Logan Forsyth, Frank B. Hall & Company of Virginia, P.O. Box 2571, Roanoke, Virginia 24010; Ms. Linda Loving, Independent Insurance Agents, 8600 Mayland Drive, Richmond, Virginia 23229; John W. Newby, CPCU ARM, President, Commercial Risk Consultants, P.O. Box 606, Hampton, Virginia 23669; Howard Dobbins, Esquire, Williams, Mullen, Christian & Dobbins, P.O. Box 1320, Richmond, Virginia 23210; Ms. Margie Nichols, Virginia Municipal League, 13 East Franklin Street, Richmond, Virginia 23219; J. Maurice Miller, Jr., Esquire, Mays and Valentine, P.O. Box 1122, Richmond, Virginia 23208; Ms. Sarah A. Finley, P.O. Box 1320, Richmond, Virginia 23210; Warren O. Hart, W.O. Hart & Company, Inc., 2777 Summer Street, Stamford, Connecticut 06905; Byrd W. Davenport, Jr., Marsh & McLennen, P.O. Box 1857, Richmond, Virginia 23215; and the Bureau of Insurance in care of Commissioner Steven T. Foster.

* * *

Title of Regulation: RULES GOVERNING LOCAL GOVERNMENT GROUP SELF-INSURANCE POOLS

§ 1. Authority.

This regulation is promulgated and adopted pursuant to and in accordance with the provisions of § 12.1-13 and § 15.1-503.4:6. (All citations to statutory provisions in this regulation refer to the Code of Virginia.)

This regulation shall become effective September 1, 1987.

§ 2. Purpose.

The purpose of this regulation is to set forth rules, forms and procedural requirements that the Commission deems necessary for the approval and monitoring of pools created pursuant to Local Government Group Self-Insurance Pools, Chapter 11.1 of Title 15.1.

§ 3. Definitions.

A. "Act" means Chapter 11.1 of Title 15.1 of the Code of Virginia.

B. "Actuary," for coverages other than group life, accident and health, means a person who is a member of the American Academy of Actuaries qualified in loss reserves and rate making according to professional guides, recommendations, interpretations, and opinions of the Academy, or a member of the Casualty Actuarial Society. For group life, accident and health coverages, "actuary"

means a person who is a member of the American Academy of Actuaries qualified in group life, accident and health reserves or a fellow of the Society of Actuaries.

C. "Administrator" means the individual, partnership, corporation or other entity authorized to serve as a representative of a pool and its members in carrying out the policies of the board and managing the pool's activities.

D. "Commission" means the State Corporation Commission.

E. "Contribution" means the amount of payments required of each member in order to fund the pool's obligations under the Plan.

F. "Group self-insurance pool" or "pool" means a pool organized by two or more political subdivisions for the purpose of forming a group self-insurance pool to provide for joint or cooperative action relative to their financial and administrative resources for the purpose of providing to the participating political subdivisions risk management and liability insurance coverage for pool members and employees of pool members for acts or omissions arising out of the scope of their employment, including any or all of the following:

1. Casualty insurance, including general and professional and public officials liability coverage; but not including group self-insurers of liability under the Virginia Worker's Compensation Act;

2. Property insurance, including marine insurance and inland marine and transportation insurance coverage;

3. Group life, accident and health coverages including hospital, medical, surgical and dental benefits to the employees of member political subdivisions and their dependents;

4. Automobile insurance, including motor vehicle liability insurance coverage and collision and security for motor vehicles owned or operated, as required by Title 46.1 of the Code of Virginia, and protection against other liability and loss associated with the ownership and use of motor vehicles;

5. Surety and fidelity insurance coverage; and

6. Umbrella and excess insurance coverages.

G. "Insolvent" means (i) the condition of a pool that has liabilities in excess of assets or (ii) the inability of a pool to pay its obligations as they become due in the usual course of business.

H. "Member" means a political subdivision which has entered into a member agreement and thereby becomes a member in a group self-insurance pool.

I. "Member agreement" means the written agreement executed between each member and the pool which sets forth the conditions of membership in the pool, the obligations, if any, of each member to the other members and the terms, coverages, limits, and deductibles of the Plan.

J. "Members' supervisory board" or "board" means the governing authority of the pool selected by the members to be responsible for fixing contributions to the pool, maintaining reserves, levying and collecting assessments for deficiencies, disposing of surpluses, and administration of the pool in the event of termination or insolvency.

K. "Plan" means the plan of self-insurance offered by the pool to its members as specifically designated in the member agreement.

L. "Political subdivision" means any county, city, or town, school board, transportation district commission, or any other local governmental authority or local agency or public service corporation owned, operated or controlled by a locality or local government authority, with power to enter into contractual undertakings.

M. "Service agent" means any individual, partnership, corporation or other entity that may provide any or all of the insurance services including, but not limited to, claims adjustment, safety engineering, compilation of statistics, the preparation of contribution payments, loss reports, and other required self-insurance reports, and the administration of a claims fund.

§ 4. Application for License as Group Self-Insurance Pool; Requirements; Approval; Review.

A. Two or more political subdivisions may be licensed by the Commission as a group self-insurance pool for the purpose of entering into agreements to pool their liabilities under the Act. The application for a license shall be made on a form prescribed by the Commission and shall contain answers to all questions and shall be verified by the oath or affidavit of at least one member of the board of the pool, and the administrator.

B. The Commission may disapprove an application for the formation of a group self-insurance pool and may suspend or withdraw approval whenever it finds that applicant or pool:

1. Has refused to submit its books, papers, accounts, or affairs to the reasonable inspection of the Commission or its representative;
2. Has refused, or its officers or agents have refused, to furnish satisfactory evidence of its financial and business standing or solvency;
3. Is insolvent, or is in such condition that its further transaction of business in this Commonwealth is hazardous to its members and creditors in this

Commonwealth, and to the public;

4. Has refused or neglected to pay a valid final judgment against it within 60 days after its rendition;

5. Has violated any law of this Commonwealth or has violated or exceeded the powers granted by its members;

6. Has failed to pay any fees, taxes or charges imposed in this Commonwealth within 60 days after they are due and payable, or within 60 days after final disposition of any legal contest with respect to liability therefor; or

7. Has been found insolvent by a court of any other state, or by the insurance commissioner or other proper officer or agency of any other state, and has been prohibited from doing business in such state.

C. If after review of the pool's application and other additional information required by this regulation, the Commission is satisfied that the pool's financial condition and method of operation are such that the pool may reasonably be expected to meet the obligations which it has undertaken, and has fully disclosed to its members or potential members the coverages and obligations of membership in the plan, then the Commission shall issue a license to the pool. The Commission shall act on the application as promptly as practical under the existing circumstances.

D. If the Commission rejects the pool's application, notice shall be served personally, or by certified or registered mail, upon all interested parties stating the reason for the rejection. The pool shall be provided an opportunity to introduce evidence and be heard in a hearing convened within a timely manner. Such hearing may be formal or informal.

§ 5. Application for License; Additional Requirements.

A. An application submitted by a pool shall be accompanied by the following items which shall be subject to the approval of the Commission.

1. A copy of the articles of incorporation, constitution, or other instrument which sets forth the powers of the pool.
2. A copy of the bylaws or the governing rules of the proposed pool which may be included as part of the documents provided pursuant to paragraph 1 above.
3. A copy of the forms used for the member agreement and power of attorney, if any.
4. A copy of a financial plan which sets forth in general terms:
 - a. The insurance coverages to be offered by the

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group self-insurance pool, applicable deductible levels, and the maximum liability which the pool will retain;

b. The amount of reserves to be set aside for the payment of claims;

c. The amount, if any, of specific excess insurance to be purchased by the pool; and

d. The amount, if any, of aggregate excess insurance coverage to be purchased and maintained.

Such items may be contained in other documents submitted to the Commission in lieu of inclusion in a financial plan.

5. A copy of a plan of management which provides for all of the following:

a. The means of establishing the governing authority of the pool;

b. The responsibility of the governing authority for fixing contributions to the pool, maintaining reserves, levying and collecting assessments for deficiencies, disposing of surpluses, and administration of the pool in the event of termination or insolvency;

c. The basis upon which new members may be admitted to, and existing members may leave, the pool;

d. The identification of reserves by exposure areas; and

e. Such other provisions as are necessary or desirable for the operation of the pool.

Such items may be contained in other documents in lieu of inclusion in a plan of management.

6. Designation of the initial or interim board and the administrator, together with pertinent biographical information for each member of the board and for the administrator or the principal officers of the corporation serving as administrator. This information is to be submitted on a form prescribed by the Commission.

7. The address in this state where the books and records of the pool will be maintained at all times.

8. Information showing that the pool has, within its own organization or by contract with an approved service agent, ample facilities and competent personnel to service its program with respect to underwriting matters, compilation of statistics, loss prevention, safety engineering and claims adjusting. Copies of all executed service agreements shall be filed with the Commission.

9. A confirmation of a fidelity bond covering the administrator and its employees in a form and amount acceptable to the Commission.

10. A projection of administrative expenses for the first year of operation in an amount and as a percentage of the estimated annual contributions.

11. Proof of payment of contributions by members of at least \$250,00 into a designated depository.

B. An application submitted by a group self-insurance pool shall be accompanied by a composite listing of the estimated annual gross contributions to be developed by each organizing member of the pool individually and in the aggregate for the pool. The aggregate amount of annual contributions must be at least \$500,000 unless otherwise approved by the Commission.

C. Any subsequent revisions to items submitted under the provisions of §§ 4 and 5 of this regulation shall be filed with and subject to approval by the Commission.

§ 6. Investments.

The board of a pool may, in its discretion, invest funds in any type of investments authorized by §§ 38.2-1415, 38.2-1418, 38.2-1419, 38.2-1421, and 38.2-1432. Investments may also include (i) investments allowed by § 2.1-327 (legal investments for public sinking funds) and § 2.1-328 (legal investments for other public funds), (ii) securities issued by states, other than Virginia, and their municipalities or political subdivisions rated A or better by Moody's Investors Services, Inc., or Standard and Poor's Inc., (iii) revenue bonds rate Aa (AA) or better by Moody's Investors Services, Inc., or Standard and Poor's Inc. that are bonds issued by municipalities or political subdivisions of this Commonwealth or any other state, (iv) securities issued by the Federal Home Loan Banks, and (v) securities issued by the Federal Intermediate Credit Banks. Other investments may be made subject to the approval of the Commission. All such investments shall be authorized or approved by the board in the manner contemplated by the provisions of § 38.2-1408.

§ 7. Filing of Reports; Examination by Commission.

A. Each pool shall file annually with the Commission and with the members of the pool within 120 days after the end of the pool's fiscal year, audited financial statements for the most recently completed fiscal year certified by an independent certified public accountant. The financial statement shall be considered filed on the date the statement was sent by mail as shown by the postmark. If the pool fails to file such audited financial statements, the Commission may perform the audit and the pool shall reimburse the Commission for such cost.

1. The audited financial statement shall contain a report in detail of the pool's assets, outstanding liabilities, including the amount of claims paid to date

and current reserves for losses, revenues and disbursements during the year, the investments of the pool's assets and all other information which the Commission may deem necessary to secure a full and accurate knowledge of the financial affairs and condition of the pool. The working papers of the certified public accountant and other records pertaining to the preparation of the audited financial statements may be reviewed by the Commission.

2. The audited financial statement shall be signed on behalf of the pool by two duly authorized officers or a duly authorized officer and the administrator.

3. The Commission shall also devise a uniform accounting system to be used by the pool.

4. In addition to the annual audited financial statement, the Commission may require any pool to file additional financial information, including interim financial reports and additional reports, exhibits, or statements considered necessary to secure complete information concerning the condition, solvency, experience, transactions or affairs of the pool. The Commission shall establish reasonable deadlines for filing these additional reports, exhibits or statements and may require verification as the Commission shall designate.

B. The pool must retain and have available for examination by the Commission:

1. All executed copies of the application of each political subdivision for membership in the pool; and
2. A certified copy of each political subdivision's resolution authorizing membership in the pool.

C. Any person who knowingly or willfully makes or files any false or fraudulent statement, report or other instrument shall be charged with a Class 5 felony. If convicted, such person shall be guilty of a Class 5 felony.

D. The Commission may examine the affairs, transactions, accounts, records, and assets of the pool as often as it deems necessary. The manner and frequency in which the examination of financial condition shall be conducted and the release of any reports of financial condition shall be as provided in Article 4 (§ 38.2-1317 et seq.) of Chapter 13 of Title 38.2.

§ 8. Reserves.

A. Every pool shall calculate the amount reasonably determined to be sufficient to provide for the payment of every loss or claim whether reported or unreported, arising on or prior to the date of any annual or other statement and it shall maintain a reserve liability in an amount estimated in the aggregate to provide for the payment of all such losses or claims and any expenses related thereto.

B. Each pool shall maintain reserves equal to the unearned portion of the gross contribution or assessment, if any, on unexpired or unexpired risks.

C. Reserves for coverages based on life expectancy shall be computed according to tables of mortality and rates of interest prescribed in Title 38.2 of the Code of Virginia. The pool shall maintain an active life reserve for accident and health coverages which shall place a sound value on its liabilities under such risks and shall not be less in the aggregate than the pro rata gross unearned contributions for such coverages.

D. Every pool may receive credit for insurance or reinsurance recoverable from an insurance company licensed to transact such insurance in this Commonwealth, or any state of the United States or the District of Columbia and meeting the standards of solvency at least equal to those required in this Commonwealth. A pool may receive credit for insurance or reinsurance with any other insurer to the extent that funds are withheld as security for the payment of obligations thereunder if such funds are held subject to withdrawal by and are under the control of the pool. Such funds may include letters of credit subject to the approval of the Commission. Credit may be received for insurance or reinsurance recoverable on the basis of an agreement entered into with individual unincorporated underwriters having a trusteed surplus of at least \$100,000,000.

E. Credit may be received for insurance or reinsurance when the contract is:

1. Not cancellable or terminable for any reason except upon not less than 60 days written notice sent by registered or certified mail to (i) the pool and (ii) the Commission;
2. Automatically renewable at the expiration of the policy period except upon 60 days written notice set by registered or certified mail to (i) the pool and (ii) the Commission.

F. No more than one pool, which shall be defined as the named insured, shall be covered by any contract or policy of excess liability insurance. Any contract of insurance or reinsurance shall be payable by the assuming insurer on the basis of the liability of the pool under the contract or contracts assumed without diminution because of the insolvency of the pool.

G. Copies of the complete contracts or policies of insurance or reinsurance, with all endorsements thereto entered into by the pool for the benefit of the pool, shall be filed with the Commission.

H. No pool shall expose itself to any loss on any one risk or hazard in an amount exceeding 10% of the aggregate annual contribution, unless authorized by the Commission.

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§ 9. Responsibilities of Members' Supervisory Board.

A. The members' supervisory board shall be responsible for holding and managing the assets of and directing the affairs of the pool and shall be elected in the manner prescribed by the pool's governing instruments. At least a majority of the board must be members of the pool, but a board member shall not be an owner, officer or employee of any service agent, its parent or any of its affiliated companies, under contract with the pool.

B. The board shall fix contributions to the pool and supervise the finances of the pool and the pool's operations to the extent necessary to assure conformity with law, this regulation, the member agreement, and the pool's governing instruments.

C. The board shall take all necessary precautions to safeguard the assets of the pool, including, but not limited to, the following:

1. Doing all acts necessary to assure that each member continues to be able to fulfill the obligations of membership; and also reporting promptly to the Commission any grounds or change in circumstances which may affect the pool's ability to meet its obligations such as withdrawal of a member;

2. Designating an administrator to administer the affairs of the pool, to carry out the policies established by the board and to provide day to day management of the pool. The administrator shall furnish a fidelity bond in an amount sufficient to protect the pool against the misappropriation or misuse of any monies or securities. Evidence of the bond shall be filed with the Commission, said bond being one of the conditions required for licensing of the pool. The administrator shall not be an owner, officer or employee of any service agent, its parent or any of its affiliated companies, any of which are under contract with the pool;

3. Retaining control of all monies collected for the pool and the disbursement of such monies by the pool. All assets of the pool shall remain in the custody of the board or the authorized administrator. However, a claims fund for payment of benefits due and other related expenses may be established for the use of any authorized service agent; and

4. Actively collecting delinquent accounts resulting from any past due contributions by members. Any member of a pool who fails to make the required contributions after due notice may be declared ineligible for the self-insurance privilege until this past due account, including cost of collection, has been paid or adequately provided for.

D. Neither the board nor the administrator shall use any of the monies collected for any purpose unrelated to securing the members' liability or other rights and

obligations under the member agreement and any administrative or other necessary expenses of the pool. Further, the board shall be prohibited from borrowing any monies from the pool or in the name of the pool without advising the Commission of the nature and purpose of the loan and obtaining the Commission's approval.

E. The board may dispose of any surplus as provided in § 1 hereof.

F. The board shall assure that the office of the administrator of the pool and all pertinent records necessary to verify the accuracy and completeness of all reports submitted to the Commission are maintained within this Commonwealth.

G. The board may adopt its own rules and procedures as considered necessary for the operation of the pool provided these rules and procedures are not inconsistent with the Act and this regulation.

H. The board may designate a service agent or agents.

§ 10. Contribution Requirements.

A. For the purpose of funding the liability of a pool the members shall make contributions to the pool in the manner prescribed in the member agreement.

B. At the effective date of a pool's license, \$250,000 shall have been paid into a designated depository. The balance of the first year's contributions shall be paid no later than the end of the ninth month of the pool's fiscal year, either in quarterly or monthly installments at the discretion of the board. For each subsequent year of operation of the pool, the payment schedule shall provide for annual or periodic payments in intervals no more frequently than once a month, at the discretion of the board.

C. Each pool shall file with the Commission the basis for establishing the annual contributions of its members. Such contributions must be based on reasonable assumptions and certified by an actuary or other person satisfactory to the Commission as to the sufficiency of such contributions.

D. The total amount of each member's annual contribution to the pool shall be certified by the board to the governing body of each member at least one month prior to the beginning of the next fiscal year, if practical.

E. Each pool may levy upon its members an additional assessment whenever needed to supplement the pool's surplus to assure payment of its obligations. A member may be assessed for any fiscal year during which the member participated in the pool. Such assessment may be made after the end of the pool's fiscal year and after the member has discontinued membership in the pool.

1. The pool may assess each participating member an

additional proportionate amount, as provided in the pool's member agreement or as provided in the pool's plan filed with the Commission to correct a deficit condition.

2. The board shall submit to the Commission a report of the causes of the pool's insufficiency, the assessments necessary to replenish it and the steps taken to prevent a recurrence of such circumstances.

§ 11. Distribution of Surplus Funds.

Any surplus accumulated within a pool's fiscal year, as determined from the annual audited financial statement, may be declared refundable by the board. No distribution of the surplus funds shall be made earlier than 12 months following the end of the pool's fiscal year for which a surplus was declared. Such distribution shall not be made until certified by an actuary and the plan has been filed with the Commission.

Surplus accumulated within a pool's fiscal year shall be used exclusively for the benefit of those members belonging to the pool during that year. The accounting for each pool's fiscal year shall be separate for each year.

Notwithstanding the foregoing paragraph, the Commission may require, and shall permit upon application of the pool, that five percent, or such greater amount as the board may elect, of a pool's surplus accumulated within a fiscal year be allocated to a restricted surplus account at the end of that year. The restricted surplus is to be used at the direction of the pool's board subject to the approval of the Commission.

§ 12. Member Agreement.

A. Every member of a group self-insurance pool shall execute a member agreement which shall set forth the rights, privileges and obligations of the member, and the terms, coverages, limits, and deductibles of the Plan. This agreement shall be subject to the approval of the Commission and shall provide for, in substance, the following:

1. Election by pool members of a governing authority for the pool, a majority of whom shall be elected or appointed officials of pool members;

2. A requirement that the members' supervisory board designate and appoint an administrator empowered to accept service of process on behalf of the pool and authorized to act for and bind the pool and members in all transactions relating to or arising out of the operation of the pool;

3. The right of substitution of the administrator and revocation of the power of attorney and rights thereunder;

4. A financial plan or plan of risk management which

is further described in paragraph 4, subsection A of § 5 of this regulation;

5. A management plan which is further described in paragraph 5, subsection A of § 5 of this regulation;

6. A requirement that the pool, at the request of a member, provide without unreasonable delay, to any person designated by the member, proof of the coverages provided by the pool, including any insurance or reinsurance, applicable deductible levels and the maximum liability which the pool will retain;

7. For group life, accident and health coverages, a requirement that the pool provide to each covered pool member and to employees of pool members a certificate setting forth (i) the coverage, including any limitations, reductions and exclusions applicable to the coverage provided; (ii) to whom benefits are payable; and (iii) any family member or dependent's coverage.

Such member agreement may also contain such other provisions not inconsistent with law or this regulation.

B. The first page of the member agreement shall include a summary that shall disclose:

1. In regard to coverage:

a. The coverages provided;

b. The period of the coverage;

c. The amount of the deductible, if any, per claim or in the aggregate; and

d. For each coverage, the maximum amount of coverage to be borne by the pool.

2. In regard to the contribution:

a. The contribution and dates payments are due for the political subdivision to become a member of the pool;

b. The basis upon which each member's contribution is determined; and

c. Whether any additional assessments of the members may be made.

3. In regard to excess coverage of the pool:

a. A description of the excess coverage for the pool as to its coverage per occurrence, coverage per occurrence per person, if appropriate, and in the aggregate for each coverage offered; and

b. A statement that there is no excess coverage for the pool if the pool has not obtained such coverage.

State Corporation Commission

4. The name of the proposed service agent.

C. The member agreement shall include a prominent disclosure notice that must be signed by a duly authorized officer of the political subdivision. The disclosure notice shall use the following or substantially similar language:

A local government group self-insurance pool is not protected by any Virginia insurance guaranty association against default due to insolvency. In the event of insolvency, members and persons filing claims against members may be unable to collect any amount owed to them by the pool regardless of the terms of the member agreement. In the event the pool is in a deficit position, a member may be liable for any and all unpaid claims against such member.

§ 13. Servicing of Pool.

A. A service agent for a licensed group self-insurance pool shall apply for and shall be subject to the approval of the Commission before entering into a contract with a pool and shall satisfy to the Commission that it has adequate facilities and competent personnel to fulfill its obligations to the pool and this regulation.

B. A service agent shall maintain a resident agent in this Commonwealth and that agent shall be authorized to act for the service agent on any and all matters covered by the service agreement.

C. A service agent shall file with the Commission copies of all contracts entered into with the pool as they relate to the services to be performed. The service contract must state that the service agent agrees to handle all claims covered by the service agreement incurred during the contract period to their conclusion without additional compensation unless approval to transfer them is obtained from the Commission prior to such transfer.

D. The service agent shall furnish a fidelity bond covering its employees in an amount sufficient to protect all monies placed in the claims fund.

E. Upon satisfactory compliance with the above provisions, a certificate of approval as a recognized and authorized service agent shall be issued to the applicant. Failure to comply with any of the foregoing rules or any order of the Commission within the time prescribed shall be considered justification for withdrawing the certificate of approval. The Commission shall give 10 days prior notice of such withdrawal. The notice shall be served personally, or by certified or registered mail, upon all interested parties setting forth the reasons for withdrawal, and providing the service agent an opportunity to introduce evidence and be heard. If, after a hearing, which may be formal or informal, the service agent's certificate of approval is revoked this revocation shall become effective 30 days after issuance of the Commission's order or within such shorter or longer period as the Commission may consider necessary to protect the

interests of the pool, its members and their employees.

F. Each individual, partnership, corporation or other entity approved to act as a service agent for a pool may be required to file with the Commission an annual statement of financial condition within four months of the completion of its fiscal year.

G. The pool may through its own personnel provide the services performed by a service agent upon approval by the Commission.

§ 14. Handling of Pool Deficit.

If a group self-insurance pool is in a deficit condition, the pool shall promptly file with the Commission a financial plan to correct the deficit condition. If the plan is found to be unacceptable by the Commission and written notice thereof is given to the governing authority of the pool, delinquency proceedings may be commenced and conducted by the Commission in accordance with the provisions of Chapter 15 of Title 38.2.

§ 15. Termination of Pool Members.

A. A member who fails to make timely contribution payments as provided by the board may be terminated after 10 days written notice has been given to the member and the Commission. A member can be terminated without cause after 30 days written notice has been given to the member.

B. The pool shall remain liable for all claims applicable to the period during which the political subdivision was a member of the pool, including the period required for termination of membership.

§ 16. Terms of License; Voluntary Dissolution of Pool; Merger of Pools.

A. A pool's license shall remain in effect until terminated at the request of the board or revoked by the Commission pursuant to § 17 hereof.

B. Before a pool can voluntarily dissolve, it must present a plan of dissolution to the Commission for approval. Such a plan shall provide for the payment of all incurred losses and expenses of the fund and its members, including all incurred but not reported losses, as certified by an actuary, to the extent of the pool's assets. No assets of the pool may be used for any other purpose until payment of all such losses and expenses is provided for.

C. Subject to the approval of the Commission, a pool may merge with another local government group self-insurance pool if the resulting pool assumes in full all obligations of the merging pools. The Commission may hold a hearing on the merger and shall do so if any party, including a member of either pool, so requests.

§ 17. Revocation or Suspension of Self-Insurance License.

A. The Commission may suspend or withdraw a pool's license as provided for in subsection B of § 4 of this regulation.

B. The Commission shall give 10 days prior notice to a pool of the proposed suspension or revocation. The notice shall be served personally, or by certified or registered mail, upon all interested parties and shall state the reasons for the proposed suspension or revocation and provide the pool with an opportunity to introduce evidence and be heard. If, after a hearing, which may be formal or informal, the pool's license is suspended or revoked, such action shall become effective 30 days after the Commission's order is issued.

C. Any suspension may be terminated by the Commission upon proof by the pool that the original reasons for suspension have been satisfactorily corrected, and that the pool continues to meet all other requirements for a license.

§ 18. Application of Unfair Trade Practices Act; Insurance Information and Privacy Protection Act.

A group self-insurance pool shall be subject to the provisions of Chapter 5, Unfair Trade Practices, and Chapter 6, Insurance Information and Privacy Protection, of Title 38.2.

§ 19. Penalties.

Penalties for failure to comply with this regulation may include (i) suspension or revocation of the pool's license as provided in § 17 of this regulation, or (ii) a monetary fine of not more than \$5,000, or (iii) both.

§ 20. Severability.

If any provisions of this regulation, or the application of it to any person or circumstances, is held invalid, such invalidity shall not affect other provisions of this regulation which can be given effect without the invalid provision or application, and to that end the provisions of this regulation are severable.

GOVERNOR

EXECUTIVE ORDER NUMBER THIRTY-THREE (86)

DELEGATION OF AUTHORITY CONFERRED BY THE 1986-88 APPROPRIATION ACT

By virtue of the authority vested in me as Governor by Section 2.1-39.1 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Director of the Department of Planning and Budget the several powers and duties conferred upon me by the provisions of the 1986-88 Appropriation Act (Chapter 643 of the Acts of Assembly, 1986) enumerated below:

A. Operating Expenses (Central Appropriations)

- *Item 655.1 Blanket Bond Supplement transfers
- *Item 656 Higher Education Academic, Fiscal and Facility Planning and Coordination: transfers, approval of emergency acquisition and reporting requirements.
- *Item 660 Financial Assistance for Educational and General Services: transfers to implement the Virginia Plan for Equal Employment Opportunity in State-Supported Institutions of Higher Education.

B. Capital Project Expenses

General Conditions

- * § 2-1.G Prescribe rules and regulations for expenditures from capital appropriations for items identified as "Major Repairs: Maintenance Reserve."
- * § 2-1.H Authorize restoration of the reverted portion of any capital project reverted pursuant to § 2-1.H, Chapter 221 of the Acts of Assembly, 1986 (H. B. 29).

Central Appropriations

Authorize transfers pursuant to the following items:

- * § Item C-2 Major Repairs: State-Owned Land, Buildings and Equipment Outside Capitol Complex Area.
- * § Item C-4 Renovations: Provide Access for the Handicapped in Compliance with the requirements of the Vocational Rehabilitation Act of 1973, Section 504; Phase I.
- * § Item C-6 Renovations: Correct Asbestos Hazards.
- * § Item C-7 Renovations: Energy Conservaton.

C. Interfund Transfers

- * § 3-1.01 D Transfer of Surplus Property Balances to the General Fund.

This Executive Order shall become effective upon its signing and remain in full force and effect until July 1, 1988, unless superseded or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 24th day of December, 1986.

/s/ Gerald L. Baliles
Governor

EXECUTIVE ORDER NUMBER THIRTY-FOUR (86)

JOB TRAINING PARTNERSHIP ACT

By virtue of the authority vested in me by Sections 2.1-707 and 2.1-710 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby assign authority for carrying out the state's responsibilities under the federal Job Training and Partnership Act (Public Law 97-300), hereafter referred to as the Act.

The purpose of programs funded under the Act is to prepare youth and unskilled adults for entry into the labor force and to afford job training to economically disadvantaged individuals and others who face serious barriers to employment and who are in special need of such training to obtain productive employment.

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

The Governor's Job Training Coordinating Council is hereby continued as an advisory body in accordance with Section 2.1-704 of the Code of Virginia and the provisions of the Act, as hereinafter provided. The Secretary of Human Resources will provide policy guidance and direction for the Council.

The Council's primary duty shall be to recommend a coordinated state policy for all job training programs that result in better job opportunities, improved program coordination and reduced duplication of services and activities. The Council shall have the following specific advisory responsibilities:

1. To identify, in concert with appropriate state agencies, the Commonwealth's employment and training and vocational education needs, and to assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other federal, state and local programs and services represent a consistent, integrated, and coordinated approach to meeting those needs;
2. To recommend to the Governor a coordination and special services plan, as required by the Act;
3. To recommend to the Governor substate service delivery areas, to plan resource allocations not subject to Section 202 (a) of the Act, to provide management guidance and review for all programs in the state

funded by the Act, to develop appropriate linkages with other employment and training programs, to coordinate activities with private industry councils established under the Act, to develop the Governor's coordination and special services plan, and to recommend variations in performance standards;

4. To advise the Governor and local entities on job training plans and to certify the consistency of such plans with criteria set forth in the Governor's Coordination and Special Services Plan for coordinating activities under the Act with other federal, state and local employment-related programs, including programs operated in urban enterprise zones designated in accordance with Section 59.1-274 of the Code of Virginia.

5. To review the operation of programs conducted in each service delivery area, including the availability, responsiveness and adequacy of state services;

6. To recommend to the Governor, state agencies, appropriate chief elected officials, private industry councils, services providers, the General Assembly, and the general public ways to improve the effectiveness of programs or services provided under the Act.

7. To make an annual report to the Governor, which shall be a public document, and to issue such other studies, reports, or documents as it deems advisable to assist service delivery areas in carrying out the purposes of the Act;

8. To review plans of all state agencies that provide employment, training and related services, including the state plan developed pursuant to Section 8 (a) of the federal Wagner-Peyser Act and the plan required pursuant to Section 114 of the federal Carl D. Perkins Vocational Education Act of 1984; and to provide comments and recommendations to the Governor, the General Assembly and the appropriate state and federal agencies on the appropriateness and effectiveness of employment and training and related services delivery systems in the Commonwealth.

In conformity with Sections 2.1-51.14 and 2.1-51.39 of the Code of Virginia, all reports, recommendations, reviews, and plans prepared by the Council shall be transmitted to the Secretary of Human Resources and the Secretary of Economic Development, who jointly will advise the Governor on appropriate actions to be taken with respect to such submissions.

All state agencies, boards, and institutions are instructed to cooperate with and assist the Council in the performance of its duties when requested to do so. The Council may seek advice and assistance from any available source. The Council may establish such ad hoc advisory committees as it deems necessary and appropriate for the performance of its duties. Local

government officials and community leaders throughout the Commonwealth are requested and urged to advise and assist the Council in the performance of its duties.

The Council shall be comprised of thirty members appointed by the Governor and serving at his pleasure. The Governor shall appoint the chairman of the Council, who shall be a nongovernmental member. The Council member shall be comprised of representatives of the groups listed below.

1. Ten members shall be private sector representatives who are owners or chief executive officers of private, for-profit companies or other major nongovernmental employers. One member from this group shall represent agriculture interests. Three of the private sector members shall represent private sector organizations with 500 or fewer employees.

2. Eight state officials, or their designees, shall be appointed as follows:

One member of the Senate of Virginia,

One member of the House of Delegates of Virginia,

The Commissioner of the Virginia Employment Commission,

The Commissioner of the Department of Rehabilitative Services,

The Commissioner of the Department of Social Services,

A community college president, appointed from nominations of the Advisory Council of Community College Presidents.

The Director of Industrial Training of the Department of Economic Development, and

The Administrative Director of Vocational and Adult Education of the Department of Education.

3. Six members shall represent units of general local governments or consortia thereof. Members of this group, one of whom shall represent administrative entities or grantees under the Act, shall be appointed from nominations of the chief elected officials of such units or consortia.

4. Six members shall be appointed as follows:

A representative of community-based organizations;

A representative of a local educational agency, appointed from nominations by the Virginia Association of School Administrators;

A representative of organized labor;

Governor

A representative of the population for participation in programs funded under the Act; and

Two representatives of the general public.

Members of the Council will be eligible for reimbursement of their travel expenses in accordance with state travel regulations.

GOVERNOR'S EMPLOYMENT AND TRAINING DEPARTMENT

In accordance with Section 2.1-708 of the Code of Virginia, the Governor's Employment and Training Department receives all federal funds allocated under Titles II and III of the Act and is responsible for implementing Title I and II of the Act.

In accordance with Section 2.1-707 of the Code of Virginia, the Department, under the direction of its Executive Director, shall provide assistance to the Council. Such staff support as is deemed necessary by the Executive Director for the conduct of the Council's business is to be furnished by the Governor's Employment and Training Department. Such funding as is deemed necessary by the Executive Director for the Council's operation is to be provided from funds appropriated to the Department.

The Governor's Employment and Training Department and each other state agency that administers employment and training programs shall coordinate their planning and develop means to assure that programs for which each agency is responsible are delivered in ways that assure the best quality job training and placement programs for participants in programs funded under the Act.

VIRGINIA EMPLOYMENT COMMISSION

In accordance with Section 2.1-710 of the Code of Virginia, the Virginia Employment Commission is designated as the agency responsible for administering or managing state participation in the following programs authorized by the Act.

Employment and Training Assistance for Dislocated Workers (Title III) and

Labor Market Information (Title IV, Part E).

The Commission will receive Title III funds for these programs granted under the Act through the Governor's Employment and Training Department. The Commission will manage and coordinate matching funds as required by the Act for the statewide Title III program operated by the Commission.

DEPARTMENT OF EDUCATION

In accordance with Section 2.1-710 of the Code of Virginia, the Department of Education is designated as the

agency responsible for administering the State Education Grants authorized by Section 123 of the Act. The Department of Education will receive appropriate funds granted under the Act through the Governor's Employment and Training Department. The Department of Education will provide matching funds as required by the Act to deliver training programs for eligible participants through agreements with service delivery areas in Virginia and, where appropriate, through agreements with local education agencies. Funds available for program coordination will be used in conformity with the adopted Governor's Coordination and Special Services plan.

DEPARTMENT FOR THE AGING

In accordance with Section 2.1-710 of the Code of Virginia, the Virginia Department for the Aging is designated as the agency responsible for administering training programs for older individuals authorized by Section 124 of the Act. The Department for the Aging will receive appropriate funds granted under the Act through the Governor's Employment and Training Department. Programs for eligible individuals shall be developed in conjunction with service delivery areas in Virginia and shall be consistent with the plan for each service delivery area prepared and submitted in accordance with the provisions of the Act.

These programs shall be designed to assure the training and placement of older individuals in employment opportunities with private business concerns. Wherever possible, these programs shall train participants or jobs in growth industries and jobs that reflect the use of new technological skills. Funds available for program coordination will be allocated in conformity with the adopted Governor's Coordination and Special Services Plan.

This Executive Order supersedes and rescinds Executive Order Number 34 (83), issued on April 25, 1983, by Governor Charles S. Robb.

This Executive Order will become effective upon its signing and will remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 24th day of December, 1986.

/s/ Gerald L. Baliles
Governor

EXECUTIVE ORDER NUMBER THIRTY-FIVE (87)

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES.

By virtue of the authority vested in me by Sections

2.1-41.1 and 2.1-51.13 of the Code of Virginia, and in furtherance of the intent of the General Assembly evidenced in Code Section 63.1-196.4, I hereby continue the program for the Interdepartmental Licensure and Certification of Children's Residential Facilities.

BACKGROUND

A coordinated approach to the regulation of children's residential facilities is critical to assure the adequacy of care, treatment and education. The purpose of this Executive Order is to ensure that the program operates with strengthened authority and accountability for managers of agencies that direct, monitor and oversee regulatory policies and procedures. This further assures protection for children in care, the integrity of the program and equity for licensees.

Assuring that adequate care, treatment, and education is provided by children's residential facilities is one of the Commonwealth's most important obligations. The Departments of Correction, Education, Mental Health and Mental Retardation, and Social Services cooperatively regulate most of Virginia's residential facilities for children. The boards of these agencies have promulgated a uniform set of regulations, titled Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children. Where appropriate, the boards also have promulgated regulatory modules to be applied under the program's aegis to specialized treatment services for mentally ill, mentally retarded, and substance abusing youth; juvenile justice facilities, and on-site educational programs.

Executive Order 58 (85) formally established the interdepartmental regulatory program for children's residential facilities and provided guidance in developing a regulatory structure and planning process. This Executive Order continues the current structure and specifies additional requirements for priority setting out oversight of regulatory activities. Also, the roles and responsibilities of the Coordinating Committee and the Office of the Coordinator are clarified.

RESPONSIBILITIES OF THE SECRETARY OF HUMAN RESOURCES

The Secretary of Human Resources shall be responsible for providing policy guidance and direction for the interdepartmental regulatory program. The Secretary of Human Resources shall coordinate activities for the interdepartmental regulatory program with the Secretary of Education and the Secretary of Transportation and Public Safety.

The Secretary of Human Resources is empowered to:

1. Define priorities for the Coordinating Committee to consider in the development of the annual administrative plan for the interdepartmental regulatory program;

2. Meet with the Coordinating Committee at least once annually to define priorities and to receive and discuss reports on the program;

3. Review and approve the interdepartmental agreement and the annual administrative plan governing the regulation of children's residential facilities;

4. Resolve differences between participating agencies when agreement cannot be reached by the Coordinating Council; and

5. Receive reports at least every six months from the Coordinating Committee, and, as necessary, from the Advisory Committee. Coordinating Committee reports should address progress in implementing the administrative plan, emerging issues in the regulatory process and exceptional circumstances involving any regulated facility.

RESPONSIBILITIES OF THE COORDINATING COMMITTEE

The Coordinating Committee for the Interdepartmental Licensure and Certification of Children's Residential Facilities is formally continued within the executive branch of state government.

Membership on the Committee shall consist of the Director of the Department of Corrections, the Superintendent of Public Instruction, the Commissioner of Mental Health and Mental Retardation, and the Commissioner of Social Services. These officials shall not delegate membership on the Committee below the level of Deputy Director or its equivalent. Each year the Committee shall elect a chairperson from its membership.

As required by law, the activities of the Coordinating Committee are subject to the appropriate provisions of the Virginia Freedom of Information Act, including requirements for open meetings and the maintenance of minutes and other official records. In addition, the activities of the Coordinating Committee are subject to the appropriate provisions of the Administrative Process Act, including those regarding the review and preparation of regulations and the announcement of meetings in the Virginia Register.

The Coordinating Committee shall:

1. Review annually and revise as needed the interdepartmental agreement governing the regulation of children's residential facilities to reflect the intent of this Executive Order, subject to the approval of the Secretary of Human Resources and subsequent adoption by the participating agencies and/or their policy boards;

2. Prepare an annual administrative plan, which includes consideration of priorities established by the

Secretary of Human Resources;

3. Prepare an annual report on the activities of the interdepartmental regulatory program;
4. Propose revisions to the Interdepartmental Core Standards and related regulations for review by the Department of Human Resources and approval by the rule-making bodies;
5. Monitor violation and complaint histories of potential problem facilities and the enforcement actions, and unusual circumstances encountered by staff inspecting children's residential facilities, and recommend to the participating agencies actions deemed necessary to protect children in residential care and the interests of state and/or local agencies;
6. Resolve, whenever possible, disagreements between the participating agencies or their regulatory staff and recommend appropriate action to the licensing authorities.
7. Provide training for all staff inspecting children's residential facilities prior to the time those staff conduct inspections;
8. Establish priorities and directions for the Office of the Coordinator and monitor the activities of that Office; and
9. Perform other duties assigned by the Secretary of Human Resources.

RESPONSIBILITIES OF THE LIAISON COMMITTEE

The Liaison Committee for Interdepartmental Licensure and Certification of Children's Residential Facilities shall consist of at least one representative from each participating agency. As assigned by the Coordinating Committee, the Liaison Committee shall perform day-to-day operational responsibilities for the interdepartmental regulatory program. The role and responsibility of the Liaison Committee shall be clearly spelled out in the interdepartmental agreement and the administrative plan.

OFFICE OF THE COORDINATOR

The Coordinator of Interdepartmental Licensure and Certification shall report to the Coordinating Committee and shall be responsible for coordinating and monitoring the interdepartmental regulatory program. The Office of the Coordinator shall encourage uniformity in the application of and conformance to the program's standards, policies, and procedures to assure: (1) protection for the children in care, (2) integrity of the licensure and certification program and (3) equity for the licensees. The interdepartmental agreement and the administrative plan shall clearly spell out the role and responsibilities of the Office, including administration duties.

ANNUAL ADMINISTRATIVE PLAN

The Coordinating Committee shall prepare an annual administrative plan for the interdepartmental regulation of children's residential facilities. The plan shall be approved by the Secretary of Human Resources after consultation with the Secretaries of Education and Transportation and Public Safety.

At minimum, each plan shall contain the following information:

1. A list of regulated facilities with the type and capacity of each facility and the type and expiration date of each license;
2. The resources (funds and staff time) committed by each participating agency. Identified resources shall include those allocated to the Office of the Coordinator, which may include funding and/or positions allocated from the participating agencies;
3. Training and technical assistance to be provided to regulatory staff;
4. Specific administrative responsibilities to be performed by the Office of the Coordinator, which shall include:
 - a. Developing and/or reviewing, for the Coordinating Committee's approval, curricula to be used in training staff who inspect children's residential facilities; and
 - b. Monitoring, within the constraints of available resources, the inspection activities of the participating agencies;
5. Administrative responsibilities to be assumed by the regulatory staffs of the participating agencies;
6. The Coordinating Committee's response to and methodologies for addressing priorities identified by the Secretary of Human Resources;
7. The roles and responsibilities of the Liaison Committee; and
8. The roles and responsibilities of the Advisory Committee and a list of agencies and organizations to be represented on the Committee.

The first administrative plan submitted after this Executive Order is signed shall be submitted within ninety days after the Executive Order is effective. That plan, covering the period from submittal through June 30, 1988, shall include:

1. An assessment of interim sanctions which might reasonably be implemented in the licensure and certification process;

2. An assessment of the resource needs of the Office of the Coordinator and of the role that Office might reasonably perform in monitoring the inspection activities of the participating agencies;

3. An assessment of revisions to applicable sections of the Code of Virginia which might facilitate and enhance the regulation of children's residential facilities; and

4. An assessment of the feasibility and need for a centralized automated data system to support interdepartmental licensure and certification of children's residential facilities.

ADVISORY COMMITTEE

The Advisory Committee for Interdepartmental Licensing and Certification of Children's Residential Facilities is continued. Membership on the Committee shall consist of representatives of agencies and organizations with a substantive interest in the regulation of children's residential facilities. The interdepartmental agreement shall contain a list of specific agencies and organizations to be represented on the Advisory Committee.

The interdepartmental agreement shall clearly spell out the role of the Advisory Committee. The Committee should recommend improvements in the interdepartmental program to the Coordinating Committee and the Secretary of Human Resources. In addition, the Advisory Committee is requested to report to the Secretary of Human Resources on issues or problems which they believe cannot be satisfactorily resolved by the Coordinating Committee.

Nothing in this Executive Order should be construed as removing, replacing or reassigning statutory or administrative responsibilities for regulating children's residential facilities which now reside with the boards, agency heads, or regulatory staffs of the Departments of Corrections, Education, Mental Health and Mental Retardation, or Social Services.

This Executive Order supersedes and replaces Executive Order Number 58 (85), issued on July 23, 1985 by Governor Charles S. Robb.

This Executive Order is effective upon its signing and will remain in full force and effect until June 30, 1990 unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 7th day of January, 1987.

/s/ Gerald L. Baliles
Governor

EXECUTIVE ORDER NUMBER THIRTY-SIX (87)

FEDERAL LIMIT ON TAX CREDITS FOR LOW INCOME HOUSING

By virtue of the authority vested in me as Governor by the Code of Virginia and the Tax Reform Act of 1986, and subject always to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers, I hereby proclaim that all of the State Housing Credit Ceiling for the Commonwealth, as determined in accordance with the Tax Reform Act of 1986, shall be allocated for each calendar year to the Virginia Housing Development Authority as the Housing Credit Agency for the Commonwealth.

The Tax Reform Act of 1986 ("the Act"), which was adopted by the Congress of the United States and signed by the President of the United States, provides for new tax credits that may be claimed by owners of residential rental projects that provide housing for low income residents. The Act imposes a ceiling, called the State Housing Credit Ceiling, on the aggregate amount of tax credits which may be allocated during each calendar year to qualifying housing projects within each state. The Act also provides for an allocation of the State Housing Credit Ceiling to the "Housing Credit Agency" of each state, but permits each state's Governor to proclaim a different formula for allocating the State Housing Credit Ceiling.

Designation of the Virginia Housing Development Authority as the Housing Credit Agency for the Commonwealth will assure the efficient and beneficial utilization of the tax credits for residential rental projects that provide housing for low income residents of Virginia.

In its role as the Commonwealth's Housing Credit Agency for the low income housing tax credits program authorized by the Act, the Virginia Housing Development Authority is hereby required to consult with the Commonwealth's local housing authorities and with other interested parties and to hold at least one public hearing to obtain public comments on the proposed rules for the program.

This Executive Order will become effective upon its signing and will remain in full force and effect until January 1, 1991, unless rescinded or amended by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 6th day of January, 1987.

/s/ Gerald L. Baliles
Governor

EXECUTIVE ORDER NUMBER THIRTY-SEVEN (87)

CONTINUING THE GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

By virtue of the authority vested in me as Governor by

Governor

Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue Executive Order Number 2 (86), relating to the Governor's Commission on Efficiency in Government.

This Executive Order will become effective on January 12, 1987 and will remain in full force and effect until January 11, 1988, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 10th day of January, 1987.

/s/ Gerald L. Baliles
Governor

EXECUTIVE ORDER NUMBER THIRTY-EIGHT (87)

CONTINUING CERTAIN ADVISORY COMMITTEES ON TRANSPORTATION

By virtue of the authority vested in me as Governor by Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority in such matters, I hereby continue Executive Order Number 6 (86), relating to certain advisory committees on transportation.

This Executive Order shall become effective February 1, 1987 and will remain in full force and effect until January 31, 1988, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 10th day of January, 1987.

/s/ Gerald L. Baliles
Governor

EXECUTIVE ORDER NUMBER FORTY-FOUR (87)

DECLARATION OF STATE OF EMERGENCY ARISING FROM FLOODING IN BUCHANAN COUNTY, VIRGINIA

During the early evening hours of June 2, 1987, a torrential rainstorm occurred which caused flash floods and mudslides throughout the Hurley section of Buchanan County, Virginia. The heavy rainfall resulted in the destruction of and damage to public property, residences, and bridges.

The health and general welfare of the citizens of the affected locality require that state action be taken to help alleviate the conditions brought about by this situation, which constitutes an emergency as contemplated under the provisions of Section 44-146.16 of the Code of Virginia.

By virtue of the authority vested in me by Section

44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Services, and subject to my continuing and ultimate authority and responsibility to act in such matters, I do hereby proclaim a state of emergency to exist in the affected area of the Commonwealth and direct that appropriate assistance be rendered by agencies of state and local government to alleviate these conditions.

This Executive Order will terminate on June 30, 1988, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 19th day of June, 1987.

/s/ Gerald L. Baliles
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9 1 of the Code of Virginia)

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia.

Governor's comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
Governor

Title of Regulation: VR 115-02-13. Rules and Regulations Governing the Transportation of Companion Animals.

Governor's comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
Governor

Title of Regulation: VR 115-02-14. Rules and Regulations Governing the Transportation of Horses.

Governor's comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
Governor

Title of Regulation: **VR 115-04-09. Rules and Regulations for Enforcement of the Virginia Seed Law.**

Governor's comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
Governor

DEPARTMENT OF COMMERCE

Title of Regulation: **VR 170-01-1. Virginia Board of Barber Examiners.**

Governor's comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
Governor

DEPARTMENT OF EDUCATION

Title of Regulation: **VR 270-01-0012. Standards for Accrediting Schools in Virginia.**

Governor's comment:

At this time, I have no substantive objection to the proposed regulations, which include several of the recommendations of the Governor's Commission on Excellence in Education. Because some of the proposed changes in accreditation standards will have fiscal implications in both the state and local level, however, I: (1) have asked the Board of Education and the Department of Planning and Budget to prepare a thorough analysis of the fiscal impact of the proposed changes; and (2) reserve the right to make further comments upon final promulgation of these regulations, including, if appropriate, deferral of final approval until any outstanding funding issues are resolved.

/s/ Gerald L. Baliles
June 20, 1987

VIRGINIA EMPLOYMENT COMMISSION

Title of Regulation: **VR 300-01-01. Definitions and General Provisions.**

Governor's comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
June 17, 1987

Title of Regulation: **VR 300-01-02. Unemployment Taxes.**

Governor's comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
June 17, 1987

Title of Regulation: **VR 300-01-03. Benefits.**

Governor's comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
June 17, 1987

Title of Regulation: **VR 300-01-04. Adjudication.**

Governor's comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
June 17, 1987

DEPARTMENT OF FIRE PROGRAMS

Title of Regulation: **VR 310-01-2. Regulations Establishing Certification Standards for Fire Inspectors.**

Governor's comment:

No objection to the proposed regulations as presented. I encourage the Fire Board and the Department of Fire Programs, in implementing these regulations, to: (1) ensure through rigorous and comprehensive testing that candidates for Fire Inspector certification are held to the highest standards of knowledge and skill; and (2) ensure that the requirement of continuing in-service training imposed by § 2.16 of the regulations is met by all fire inspectors.

/s/ Gerald L. Baliles
June 15, 1987

Governor

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: **VR 615-22-03. Regulations Governing
Semi-Mobile Residents in Homes for Adults.**

Office of the Governor

June 4, 1987

Mr. William L. Lukhard
Commissioner
Department of Social Services
Blair Building
8007 Discovery Drive
Richmond, Virginia 23229-8699

I have reviewed the Board of Social Services' request for an extension of emergency regulations governing semi-mobile residents in homes for adults (VR 615-22-03) under the procedures of Executive Order Number Five (86).

I concur that extension of these emergency regulations is necessary to ensure that there is no lapse in regulatory enforcement in this area. Because of the need to ensure continuity in regulation, I approve the Board's request to extend these standards through July 23, 1987.

/s/ Gerald L. Bailes
Governor

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Corrections intends to consider amending regulations entitled: **VR 230-30-001. Minimum Standards for Jails and Lockups.** These standards establish minimum standards for the administration and operation of jails and lockups.

Statutory Authority: § 53.1-68 of the Code of Virginia.

Written comments may be submitted until August 17, 1987.

Contact: Gayle L. Turner, Acting Manager, Department of Corrections, Certification Unit, 5001 W. Broad St., Suite 300, Richmond, Va. 23230, telephone (804) 281-9240

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Corrections intends to consider amending regulations entitled: **(1) Guide for Minimum Standards in Planning, Design and Construction of Jail Facilities; (2) Guide for Minimum Requirements to Obtain State Board of Corrections' Approval for Financial Assistance and Method for Receiving Reimbursement.** These regulations set minimum standards for (i) the planning, design, and construction of jail facilities, and (ii) obtaining financial assistance for the construction, enlargement, or renovation of local jails.

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

Written comments may be submitted until August 6, 1987.

Contact: Carroll E. Lillard, Committee Chairman, 4615 W. Broad St., Room 320, Richmond, Va. 23230, Attn: Vivian Toler, telephone (804) 257-6274

VIRGINIA BOARD OF COSMETOLOGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Virginia Board of Cosmetology intends to consider promulgating regulations entitled: **Virginia Board of Cosmetology Regulations.** The purpose of the proposed action is to solicit public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with its Public Participation Guidelines and Chapter 6.1 of Title 54 of the Code of Virginia.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until August 20, 1987.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8505 (toll-free 1-800-552-3016)

VIRGINIA FIRE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Fire Services Board and the Department of Fire Programs intends to consider amending regulations entitled: **Training Courses and Programs for Fire Marshals (Fire Investigators) and Their Assistants.**

The purpose of the proposed amendments is to amend the training courses and programs required for local fire marshals and their assistants.

Statutory Authority: §§ 9-155 and 27-34.2:1 of the Code of Virginia.

Written comments may be submitted until August 31, 1987, to Robert A. Williams, Department of Fire Programs, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia 23219.

Contact: Carl N. Cimino, Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2681

General Notices/Errata

DEPARTMENT OF GENERAL SERVICES

Notice of Intended Regulatory Action

Division of Consolidated Laboratory Services

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of General Services/Division of Consolidated Laboratory Services intends to consider amending regulations entitled: **Regulations for Approval of Independent Laboratories to Conduct Blood Alcohol Analysis in Driving Under Influence Cases.** The purpose of the proposed amendments is to revise criteria and procedures for licensure of independent laboratories to conduct blood alcohol analysis in driving under influence cases.

Statutory Authority: §§ 2.1-424 and 18.2-268(d1) of the Code of Virginia.

Written comments may be submitted until August 5, 1987, to Dr. Paul B. Ferrara.

Contact: Dr. James C. Valentour, Chief Toxicologist, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-8747

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of General Services/Division of Consolidated Laboratory Services intends to consider promulgating regulations entitled: **Regulations for Approval of Independent Laboratories to Conduct Drugs in Blood Analysis in Driving Under Influence Cases.** The purpose of the proposed regulations is to establish criteria and procedures for licensure of independent laboratories to conduct drugs in blood analysis in driving under influence cases.

Statutory Authority: §§ 2.1-424 and 18.2-268(d1) of the Code of Virginia.

Written comments may be submitted until August 5, 1987, to Dr. Paul B. Ferrara.

Contact: Dr. James C. Valentour, Chief Toxicologist, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-8747

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of

Medical Assistance Services intends to consider promulgating regulations entitled: **Standards for Coverage of Organ Transplants.** The purpose of the proposed regulations is to establish standards for the coverage of organ transplantation procedures. Copy of the regulation is available from Victoria P. Simmons.

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

Written comments may be submitted until September 4, 1987.

Contact: Stephen B. Riggs, D.D.S., Director, Division of Health Services Review, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-3820

VIRGINIA BOARD OF OPTOMETRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Optometry intends to consider amending regulations entitled: **Regulations of the Virginia Board of Optometry Regarding the Continuing Education Approval Fee Aspect.**

It is proposed to delete a single, minor requirement to the rules for a \$10 fee for review and approval of a continuing education course. Besides the fee all other aspects of the continuing education regulations are proposed to be retained unchanged.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until July 8, 1987.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

VIRGINIA BOARD OF PSYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Psychology intends to consider promulgating regulations entitled: **VR 565-01-2. Supervision of Unlicensed Persons Practicing as Psychologists in Exempt Settings.** This regulation addresses the need for the supervision of unlicensed persons practicing as psychologists in exempt agencies and settings to ensure that these agencies are in compliance with § 54-944(d). Regulation VR 565-01-2 was

promulgated as an emergency regulation effective July 1, 1986, to conform to legislation enacted by the 1986 General Assembly. The board has received suggestions for improvement of the regulation. This notice of intent is for the purpose of inviting comments from all relevant parties prior to promulgation under the standard provisions of the Administrative Process Act.

Statutory Authority: § 54-929 of the Code of Virginia.

Written comments may be submitted until September 7, 1987.

Contact: Stephanie A. Sivert, Executive Director, Board of Psychology, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9913

DEPARTMENT OF REHABILITATIVE SERVICES

The Notice of Intent to consider promulgating regulations entitled: **Annual State Plan to comply with the Code of Federal Regulations, Parts 361, 365 and 370 "State Vocational Rehabilitation and Independent Living Rehabilitation Programs"** published in the July 6 issue of the Virginia Register of Regulations is being withdrawn by the agency.

The Attorney General's office has advised that this document is not considered a regulation.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending existing regulations entitled: **Regulations for Criminal Record Check, Licensed Child Care Centers and Child Caring Institutions** to be amended to: **Regulation for Criminal Record Checks**. This regulation will provide guidelines and clarification for the implementation of HB 1171, HB 1188, HB 1189 and HB 1190 which expand the scope of child care worker screening procedures to include applying criminal record checks to additional types of licensed facilities for children.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until August 24, 1987.

Contact: Sheila B. Rich, Program Dev. Supv., Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Employment Services Program (ESP) for Aid to Dependent Children and General Relief Applicants and Recipients**, specifically:

1. The exemption criteria for parents/caretakers with children under the age of six;
2. Applicant job search requirements;
3. Recipient job search requirements for registrants 21 years of age or younger.

To improve the Employment Services Program by:

1. Expanding the group of recipients eligible for the services;
2. Modifying ineffective requirements for applicants;
3. Targeting specific services to those under 21 years of age.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until August 7, 1987.

Contact: Penelope Boyd Pellow, Program Policy Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9032 (toll-free 1-800-552-7091)

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to consider amending regulations entitled: **VR 630-3-323. Excess Cost Recovery (Corporation Income Tax); VR 630-2-323. Excess Cost Recovery (Individual Income Tax)**. The Virginia Tax Reform Act (HB 1119, Chapter 9) added § 58.1-323.1 which eliminates the excess cost recovery program over the five year period 1988-1992.

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

Written comments may be submitted until July 24, 1987.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

General Notices/Errata

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to consider amending regulations entitled: **VR 630-2-490.1. Definitions (Declaration of Estimated Income Tax By Individuals); VR 630-2-490.2. Declarations of Estimated Tax (Declaration of Estimated Income Tax By Individuals); VR 630-2-492. Failure By Individual to Pay Estimated Tax (Declaration of Estimated Income Tax By Individuals).** These regulations are being amended to conform to the change made by the 1987 General Assembly to §§ 58.1-490 and 58.1-492 (Chapter 599, SB 421). These code sections were amended to increase the threshold for filing a declaration of estimated income tax and to increase the percentage of individual income tax that must be remitted by means of estimated and/or withholding payments for individuals from 80% to 90%.

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

Written comments may be submitted until July 24, 1987.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-5-490. Declaration and Payment of Estimated Tax by Estates and Trusts (Fiduciary Income Tax).** Senate Bill 554 (Chapter 484) amended §§ 58.1-490, 58.1-492 and 58.1-493 to require that estimated tax payments be made by all trusts and by every estate with respect to any taxable year ending two or more years after the date of death of the decedent.

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

Written comments may be submitted until July 24, 1987.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

VIRGINIA WASTE MANAGEMENT BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider amending regulations entitled: **Regulations Governing Disposal of Solid Waste** by promulgating separate regulations entitled:

Infectious Waste Management Regulations. The purpose of the regulations is to set out the responsibilities of parties engaged in solid waste management activities related to the management activities related to the management of infectious wastes. The activities regulated will include those associated with generation, storage, transportation, treatment and disposal of infectious wastes. The regulations will include detailed rules for design and operation of waste management facilities and the procedures for obtaining permits to engage in waste management activities. This notice is an expansion of that given May 13, 1985.

Statutory Authority: § 10-266 of the Code of Virginia.

Written comments may be submitted until August 14, 1987.

Contact: Robert G. Wickline, Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-3672

GENERAL NOTICES

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Legal Notice

Take notice that a referendum will be conducted by mail ballot among Virginia soybean producers regardless of age who sold soybeans during the past three years preceding September 9, 1987.

The purpose of this referendum is to allow Virginia farmers producing soybeans to vote on whether or not they are willing to access themselves in the amount and manner below stated. The assessment shall be used by the Virginia Soybean Board for research, education, publicity, and promotion of the sale and use of soybeans.

The assessment to be voted on is one cent per bushel when sold. The processor, dealer, shipper, exporter or any other business entity who purchases soybeans from the producer shall deduct the assessment from payments made to the producer for soybeans. The one cent levy thereon and shall be remitted to the Virginia State Tax Commissioner.

Producers must establish their eligibility to vote in this referendum by properly completing a certification form and returning the form to the Virginia Department of Agriculture and Consumer Services no later than July 31, 1987.

Eligible voters will be mailed a ballot and return envelope. Each eligible voter must return the ballot and ballot must be received by the Director, Division of Markets, Virginia Department of Agriculture and Consumer Services on or before 5 p.m. September 9, 1987.

Producers may obtain eligibility certification forms from the following sources: County Extension Agent Offices; Virginia Soybean Association, P. O. Box 319, Salisbury, Maryland 21801; Virginia Department of Agriculture and Consumer Services Office, Division of Markets, P. O. Box 1163, Richmond, Virginia 23209.

STATE BOARD OF HEALTH

† Notice of Opportunity to Comment on Proposed State Plan of Operation of Special Supplemental Food Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1988

Pursuant to the authority vested in the State Board of Health by § 32.1-12 of the Code of Virginia, notice is hereby given of a public comment period to enable the general public to participate in the development of the Special Supplemental Food Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1988.

Written comments on the proposed plan will be accepted in the Office of the Director, WIC Program, State Department of Health, 109 Governor Street, 6th Floor, Richmond, Virginia 23219, until 5 p.m. on August 7, 1987.

The proposed State Plan for WIC Program Operations and Administration may be reviewed at the office of health district headquarters during public business hours beginning June 10, 1987. Please contact your local health department for the location of this office in your area.

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Deputy Registrar of Regulations, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

FORMS:

- PROPOSED (Transmittal Sheet) - RR01
FINAL (Transmittal Sheet) - RR02

- NOTICE OF MEETING - RR03
NOTICE OF INTENDED REGULATORY ACTION - RR04
NOTICE OF COMMENT PERIOD - RR05
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR06

ERRATA

BOARD OF NURSING

Title of Regulation: VR 495-01-1. Regulations of the Board of Nursing.

Publication: VA.R. 3:19, p. 2110, June 22, 1987

Correction: Section 2.4.A.

The correction to the final regulation is as follows:

In the first sentence the word "considers" was inserted instead of "anticipates." The sentence should read "when the governing institution anticipates the closing of a nursing education program,..."

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-02-4.221. Third Party Liability.

Publication: VA.R. 3:18, p. 1970, June 8, 1987

Correction: Right column, fourth paragraph, first sentence

The correction to the final regulation is as follows:

Instead of reading "The Virginia Medical Assistance Program uses \$100 as a guideline in its attempt to recover from liable third parties in custody cases" the sentence should read "The Virginia Medical Assistance Program uses \$100 as a guideline in its attempt to recover from liable third parties in casualty cases."

Title of Regulation: VR 460-01-0078.0000. Provider Exclusion and Suspension.

Publication: VA.R. 3:19, p. 2093, June 22, 1987

Correction: Section 4.30 (a)

The correction to the final regulation is as follows:

Instead of reading "All requirements of 42 CFR Part 455, Subpart C are met", the sentence should read "All requirements of 42 CFR Part 1002, Subpart B are met."

CALENDAR OF EVENTS

Symbol Key † † Indicates entries since last publication of the Virginia Register
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NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

..... VIRGINIA CODE COMMISSION

EXECUTIVE

STATE BOARD OF ACCOUNTANCY

July 20, 1987 - 10 a.m. – Open Meeting
July 21, 1987 - 8 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☐

A meeting to (i) review applications for licensure and certification; (ii) review disciplinary cases, (iii) discuss correspondence items, and (iv) discuss new business.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

VIRGINIA AGRICULTURAL COUNCIL

August 24, 1987 - 9 a.m. – Open Meeting
Holiday Inn - Airport, 5203 Williamsburg Road, Sandston,
Virginia

An annual meeting of the council to (i) hear any new project proposals which are properly supported by the Board of Directors of a commodity group; and (ii) discuss any other business that may come before the members of the council.

Contact: Henry H. Budd, Assistant Secretary, Washington Bldg., 1100 Bank St., Room 203, Richmond, Va. 23219,

telephone (804) 786-2373

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

September 28, 1987 - 2 p.m. – Public Hearing
Washington Building, Board Room, 2nd Floor, 1100 Bank Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-15. Rules and Regulations for the Registration of Poultry Dealers.** The proposed regulations would require that poultry dealers doing business in Virginia keep records of their transactions as a means of tracing poultry disease to its source. They also would require that poultry dealers maintain a regimen of sanitation in their dealings.

Statutory Authority: §§ 3.1-726, 3.1-735 and 3.1-736 of the Code of Virginia.

Written comments may be submitted until June 30, 1987.

Contact: A. J. Roth, D.V.M., Chief, Bureau of Veterinary Services, Division of Animal Health, Virginia Department of Agriculture and Consumer Services, Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

* * * * *

September 28, 1987 - 3 p.m. – Public Hearing
Washington Building, Board Room, 2nd Floor, 1100 Bank Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds Into Virginia.** The proposed amendment to the above-referenced regulation would set health requirements for the admission of South American camelids of the genus *lama* into Virginia.

Statutory Authority: § 3.1-726 of the Code of Virginia.

Written comments may be submitted until June 29, 1987.

Contact: A. J. Roth, D.V.M., Chief, Bureau of Veterinary Services, Division of Animal Health, Virginia Department of Agriculture and Consumer Services, Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

STATE AIR POLLUTION CONTROL BOARD

July 20, 1987 - 10 a.m. - Open Meeting
City Hall, Council Chambers, Martinsville, Virginia. ☐

A meeting to allow public comment on a request for a permit from Multitrade of Martinsville, Inc. to construct and operate a 120 x 10 6 BTU/hr. input coal/wood fired boiler adjacent to Lester Street in Martinsville, Virginia.

Contact: Thomas L. Henderson, State Air Pollution Control Board, 7701-03 Timberlake Rd., Lynchburg, Va. 24502, telephone (804) 528-6641

July 27, 1987 - 9 a.m. - Open Meeting
General Assembly Building, Senate Room A, Richmond, Virginia. ☐

This is a general meeting of the board.

Contact: Dick Stone, State Air Pollution Control Board, P. O. Box 10089, Richmond, Virginia 23240, telephone (804) 786-5478

* * * * *

July 29, 1987 - 10 a.m. - CANCELLED
Town of Abingdon Municipal Building, Council Chambers, 133 West Main Street, Abingdon, Virginia

July 29, 1987 - 10 a.m. - CANCELLED
West Central Regional Office, State Water Control Board, Executive Office Park, 5312 Peters Creek Road, N.W., Roanoke, Virginia

July 29, 1987 - 10 a.m. - CANCELLED
Lynchburg Library, 2315 Memorial Avenue, Lynchburg, Virginia

July 29, 1987 - 1 p.m. - CANCELLED
Chesterfield Public Library, 9501 Lori Road, Chesterfield, Virginia

July 29, 1987 - 10 a.m. - CANCELLED
Hampton Roads Regional Office, State Air Pollution Control Board, Old Greenbriar Village, Suite A, 2010 Old Greenbriar Road, Chesapeake, Virginia

July 29, 1987 - 10 a.m. - CANCELLED
National Capital Regional Office, State Air Pollution Control Board, Springfield Towers, Suite 502, 6320 Augusta Drive, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a)(1) of the Federal Clean Air Act that the State Air Pollution Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution: Permits for New and Modified Sources (Part VIII)**. The regulations establish limits for sources of air pollution to the extent necessary to attain and maintain levels of air quality as will protect human health and welfare.

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Written comments may be submitted until July 29, 1987.

Contact: Robert A. Mann, Director of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5789

ALCOHOLIC BEVERAGE CONTROL BOARD

July 28, 1987 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☐

A meeting to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, 2901 Hermitage Road, P. O. Box 27491, Richmond, Virginia 23261, telephone (804) 257-0617

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Virginia State Board of Land Surveyors

† August 7, 1987 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A meeting to approve minutes of May 28, 1987 meeting and review applications.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8506

AUCTIONEERS BOARD

August 4, 1987 - 10 a.m. - Open Meeting
August 5, 1987 - 10 a.m. - Open Meeting
August 6, 1987 - 10 a.m. - Open Meeting

Calendar of Events

Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☐

A meeting to conduct a formal administrative hearing regarding Virginia Auctioneers Board vs. Valentine Auction and Storage Company.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

VIRGINIA AVIATION BOARD

August 19, 1987 - 10 a.m. – Open Meeting

August 21, 1987 - 9 a.m. – Open Meeting

Jefferson Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia. ☐

A regular bimonthly meeting. This meeting is being held in conjunction with the 14th Annual Virginia Aviation Conference.

August 19, 1987 - Discussion of aviation matters

August 21, 1987 - Presentation of FY '88 Revised Airport Funding Criteria

14th Annual Virginia Aviation Conference

August 19, 1987 - 9 a.m. – Open Meeting

August 20, 1987 - 9 a.m. – Open Meeting

August 21, 1987 - 9 a.m. – Open Meeting

Jefferson Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia. ☐

A conference to provide information of value to the Virginia aviation community.

Contact: Kenneth A. Rowe, 4508 S. Laburnum Avenue, P. O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

STATE BUILDING CODE TECHNICAL REVIEW BOARD

August 21, 1987 - 10 a.m. – Open Meeting

Fourth Street State Office Building, 2nd Floor Conference Room, 205 North Fourth Street, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested)

A meeting to consider requests for interpretation of the Virginia Uniform Statewide Building Code; to consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and to approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752

BOARD OF COMMERCE

July 21, 1987 - 10 a.m. – Public Hearing
Municipal Building, 215 Church Avenue, City Council Chambers, 4th Floor, Roanoke, Virginia. ☐

A subcommittee of the Board of Commerce will meet to conduct a public hearing concerning a study of several issues relating to the profession of public accountancy. The issues include (i) the need and desirability for additional regulation of accountants who are not certified public accountants, and (ii) the proper parties to be involved in rendering of review reports on financial statements, and (iii) the appropriateness of modifying the limitations on reference to accounting principles and standards in the amended Code of Virginia.

Contact: Catherine M. Walker, Policy Analyst/Public Information Officer, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8564

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

State Review Board and Virginia Historic Landmarks Board (Joint Meeting)

† **July 21, 1987 - 10 a.m. – Open Meeting**
221 Governor Street, Richmond, Virginia

A general business meeting. The following properties will be considered for listing in the Virginia Landmarks Register and nomination to the National Register of Historic Places:

Madison-Barbour Rural Historic District, Orange County

Chesterman Place, Richmond (city)

North Bend, Charles City County

Contact: Margaret Peters, 221 Governor Street, Richmond, Va. 23219, telephone (804) 786-3143

STATE BOARD OF CORRECTIONS

July 21, 1987 - 1 p.m. – Open Meeting
Omni Hotel, Norfolk, Virginia. ☐

Calendar of Events

August 12, 1987 - 10 a.m. - Open Meeting
September 16, 1987 - 10 a.m. - Open Meeting
Department of Corrections, 4615 West Broad Street,
Richmond, Virginia. ☐

A regular monthly meeting to consider such matters
as may be presented.

Contact: Vivian Toler, Secretary to the Board, 4615 W.
Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone
(804) 257-6274

VIRGINIA BOARD OF COSMETOLOGY

July 30, 1987 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Conference Room 1, Richmond, Virginia. ☐

A meeting to conduct a formal administrative hearing
regarding Virginia Board of Cosmetology vs. Flair
Beauty Institute No. 2.

Contact: Sylvia W. Bryant, Hearings Coordinator,
Department of Commerce, 3600 W. Broad St., Richmond,
Va. 23230, telephone (804) 257-8524

† August 18, 1987 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Conference Room 3, 5th Floor, Richmond, Virginia. ☐

A meeting to review applications, and to review
investigative reports of complaints and determine
disposition.

Contact: Evelyn B. Brown, Assistant Director, Virginia
Board of Cosmetology, 3600 W. Broad St., Richmond, Va.
23230-4917, telephone (804) 257-8509

CRIMINAL JUSTICE SERVICES BOARD

† October 7, 1987 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Criminal Justice
Services Board intends to adopt regulations entitled:
**VR 240-01-2. Rules Relating to Compulsory In-Service
Training Standards for Law-Enforcement Officers,
Jailors or Custodial Officers, and Officers of the
Department of Corrections, Division of Adult
Institutions.**

STATEMENT

Basis and purpose: The rules, as proposed, are being
considered pursuant to the provisions of § 9-170 of the

Code of Virginia. The proposed rules are a combination of
existing in-service rules relating to law-enforcement
officers, jailors or custodial officers of local criminal
justice agencies and correctional officers of the
Department of Corrections, Division of Adult Services.

The existing regulations are three separate entities. The
purpose of combining these regulations is to reduce the
volume of paper, unnecessary duplication and burden on
the localities in being governed by similar but different
regulations. The costs of implementing the Administrative
Process Act will also be greatly reduced.

The purpose of these regulations is to routinely expose
law-enforcement officers, jailors or custodial officers and
officers of the Department of Corrections, to recent court
decisions and various other job related information and
techniques.

Subject and substance: The proposed regulations mandate
in-service training standards for law-enforcement officers,
jailors or custodial officers and officers of the Department
of Corrections, and set forth procedures for approved
training facilities to follow when conducting such training.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until September 21,
1987, to L. T. Eckenrode, Department of Criminal Justice
Services, 805 East Broad Street, Richmond, Va. 23219.

Contact: Jay Malcan, Executive Assistant, Department of
Criminal Justice Services, 805 E. Broad St., Richmond, Va.
23219, telephone (804) 786-4000

* * * * *

† October 7, 1987 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Criminal Justice
Services Board intends to adopt new regulations
entitled: **VR 240-01-14. Rules Relating to Compulsory
Minimum Training Standards for Corrections
Officers of the Department of Corrections, Division
of Adult Institutions.** Regulations for entry-level
training standards for correctional officers of the
Department of Corrections, Division of Adult
Institutions.

STATEMENT

Basis and purpose: The proposed rules are based upon the
completion of a job task analysis on the position of entry
level correctional officer.

The purpose of these regulations is to ensure that
correctional officers meet minimum training standards
predicated on a job task analysis which identified

Calendar of Events

knowledge, skills and abilities necessary to perform the requirements of the position.

Subject and substance: The proposed regulations set forth curriculum requirements and procedures for approved training facilities to follow when conducting such training.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until September 21, 1987, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Va. 23219.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

VIRGINIA BOARD OF DENTISTRY

† August 21, 1987 - 9 a.m. - Open Meeting
† August 22, 1987 - 9 a.m. - Open Meeting
Virginia Beach Resort Center, 2800 Shore Drive, Virginia Beach, Virginia

A full board business meeting from 9 a.m. until noon on August 21. The following committees will meet on August 21 from 2 p.m. until 5 p.m. and on August 22, from 9 a.m. until 5 p.m.: Test Committee, Regulation Implementation Committee, RFP Committee, Legislative Committee, Executive Committee.

Contact: N. Taylor Feldman, Executive Director, Virginia Board of Dentistry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

BOARD FOR RIGHTS OF THE DISABLED

July 29, 1987 - 10 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Rights of the Disabled intends to adopt regulations entitled: **VR 602-01-1. Public Participation Guidelines.** These guidelines will enable the board to carry out its responsibility to promulgate regulations under § 51.01-40 of the Code of Virginia regarding nondiscrimination under state grants and programs. The board desires maximum public participation when promulgating regulations.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until August 1, 1987.

Contact: Bryan K. Lacy, Systems Advocacy Attorney,

Department for Rights of the Disabled, 101 N. 14th St., 17th Fl., Richmond, Va., telephone (804) 225-2042 (toll-free 1-800-552-3962)

STATE BOARD OF EDUCATION

July 23, 1987 - 9 a.m. - Open Meeting
July 24, 1987 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms C and D, 1st Floor, Richmond, Virginia. ☒

The Board of Education will hold its regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

† August 19, 1987 - 9 a.m. - Open Meeting
† August 20, 1987 - 9 a.m. - Open Meeting
† September 17, 1987 - 9 a.m. - Open Meeting
† September 18, 1987 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☒

A regularly scheduled meeting to conduct business according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va., telephone (804) 225-2540

COUNCIL ON THE ENVIRONMENT

† July 29, 1987 - 10 a.m. - Open Meeting
Stratford Hall, Westmoreland County, Virginia

A working meeting of the collegial body of the Council on the Environment concerning land use topics.

Contact: Gwen Jones, Council on the Environment, Room 903, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-4500

VIRGINIA FIRE SERVICES BOARD

August 14, 1987 - 10 a.m. - Public Hearing
Holiday Inn, 1815 West Mercury Boulevard, Hampton, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Fire Services Board and the Department of Fire Programs intend to

adopt regulations entitled: **Regulations Establishing Certification Standards for Fire Investigators**. These regulations are standards to qualify fire investigators as provided for in § 27-34.2:1 of the Code of Virginia.

Statutory Authority: § 9-155 of the Code of Virginia.

Written comments may be submitted until August 31, 1987.

Contact: Carl N. Cimino, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

August 5, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☐

Certifying candidates for the August 26, examination and a general board meeting. The subject of regulations may be discussed.

August 26, 1987 - 9 a.m. - Open Meeting
† **August 28, 1987 - 9 a.m. - Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☐

Administering the Virginia State Board Examinations and a general board meeting. The subject of regulations may be discussed.

Contact: Mark L. Forberg, Executive Secretary, Virginia Board of Funeral Directors and Embalmers, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

BOARD OF GAME AND INLAND FISHERIES

† **July 23, 1987 - 3 p.m. - Open Meeting**
4010 West Broad Street, Richmond, Virginia. ☐

The Fish Committee of the board will meet to review a proposal for a striped bass fish farm operation; to further consider the Back Bay Restoration Project; and discuss other related matters.

Following the committee meeting on this date, the board members may meet informally to discuss the business on the agenda for the regular meeting of July 24, 1987.

† **July 24, 1987 - 9:30 a.m. - Open Meeting**
4010 West Broad Street, Richmond, Virginia. ☐

The board will establish the 1987-88 Migratory Game

Bird Seasons in Virginia as prescribed under the U.S. Fish and Wildlife Service Framework.

The board will consider 1988 legislation and other administrative matters.

Contact: Norma G. Adams, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† **August 7, 1987 - 10 a.m. - Open Meeting**
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia. ☐

The board will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Contact: M. Stanley Krause, AIA, AICP, Rancorn, Wildman & Krause, Architects and City Planning Consultants, P. O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

DEPARTMENT OF HEALTH (BOARD OF)

August 28, 1987 - 10 a.m. - Public Hearing
Henrico Government Center, Administration Building Board of Supervisors Room, Parham and Hungary Springs Road, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: **Rules and Regulations of the Board of Health Governing Restaurants**.

Statutory Authority: §§ 35.1-11 and 35.1-14 of the Code of Virginia.

Written comments may be submitted until August 28, 1987.

Contact: John E. Benko, M.P.H., Director, Bureau of Food and General Environmental Services, 109 Governor St., Room 500, Richmond, Va. 23219, telephone (804) 786-3559.

STATEWIDE HEALTH COORDINATING COUNCIL

July 22, 1987 - 9 a.m. - Open Meeting
Jefferson Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia. ☐

Calendar of Events

A regular business meeting to conduct regular business of the council.

Contact: Raymond O. Perry, M.P.H., Department of Health, 109 Governor St., Room 1010, Richmond, Va. 23219, telephone (804) 786-6970

COUNCIL ON HEALTH REGULATORY BOARDS

July 21, 1987 - 11 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regular quarterly meeting of the council. Agenda items include review of the biennial budget request of the Department of Health Regulatory Boards, consideration of a plan for the evaluation of the health professional enforcement system and other matters. An agenda will be provided one week in advance of the meeting upon request.

Administration and Budget Committee

† **July 20, 1987 - 2:30 p.m. – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 3, Richmond, Virginia. ☒

The committee will review the draft 1988-90 Biennial Budget Request of the Department of Health Regulatory Boards.

Executive Committee

† **July 21, 1987 - 10 a.m. – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 3, Richmond, Virginia. ☒

The committee will discuss matters to be placed upon the agenda for the meeting of the full Council on Health Regulatory Boards which will follow at 11 a.m. on this date.

Public and Professional Information Committee

† **July 20, 1987 - 4 p.m. – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The committee will discuss plans for the department's annual conference, and attend to other business.

Committee on Scopes and Standards of Practice

July 20, 1987 - 7:30 p.m. – Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway,

Richmond, Virginia

July 21, 1987 - 9 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The committee will meet to continue its study of the need to regulate hypnosis/hypnotherapy in Virginia.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9918

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

July 22, 1987 - 9 a.m. – Open Meeting
Johnston-Willis Hospital, 1401 Johnston-Willis Drive, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va., telephone (804) 786-6371

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

July 21, 1987 - 10 a.m. – Open Meeting
13 South 13th Street, Richmond, Virginia. ☒

The annual meeting of the Board of Commissioners of the Virginia Housing Development Authority to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; (iv) consider and, if appropriate, approve proposed amendments to the Rules and Regulations and the amendments to Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income; (v) hold elections for chairman and vice chairman of the Board of Commissioners; and (vi) consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

July 20, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Interpreter for deaf provided if requested)

A public hearing to afford interested persons and groups an opportunity to submit data, views and arguments regarding the proposed adoption of:

- 1. A 1987 Edition of the Virginia Amusement Device Regulations.
2. A 1987 Edition of the Virginia Public Building Safety Regulations to amend and replace the 1984 edition.
3. A 1987 Edition of the Virginia Statewide Fire Prevention Code.
4. A 1987 Edition of the Virginia Industrialized Building and Mobile Home Safety Regulations to amend and replace the 1984 edition.
5. A 1987 Edition of the Virginia Liquefied Petroleum Gas Regulations to amend and replace the 1984 edition.
6. A 1987 Edition of the Virginia Certification of Tradesmen Standards to amend and replace the 1984 edition.
7. A 1987 Edition of the Virginia Uniform Statewide Building Code - Volume I - New Construction Code to amend and replace the 1984 edition.
8. A 1987 Edition of the Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code to amend and replace the 1984 edition.

Anyone wishing to speak or offer written statements relating to the proposed regulations will be given an opportunity to do so on the day of the hearing. Written statements may be prefiled with the agency if received by July 30, 1987.

Copies of the proposals may be obtained from the Division of Building Regulatory Services, Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

Contact: Jack A. Proctor, CPCA, Deputy Director, Division of Building Regulatory Services, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219-1747, telephone (804) 786-4751

July 20, 1987 - 10 a.m. - Public Hearing

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Interpreter for deaf provided if requested)

A hearing to provide a forum for public comment and testimony concerning the proposed Virginia Private Activity Bond Regulations. The regulations have been proposed pursuant to §§ 15.1-1399.10 through 15.1-1399.17 of the Code of Virginia to provide the policies and procedures for the allocation of tax exempt private activity bond authority in the Commonwealth.

July 20, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia.

Notice is hererby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to adopt regulations entitled: Virginia Private Activity Bond Regulations. The purpose of these regulations is to provide the policies and procedures of the Commonwealth for the allocation of private activity bond authority.

Statutory Authority: §§ 15.1-1399.15 and 15.1-1399.16 of the Code of Virginia.

Written comments may be submitted until August 10, 1987.

Contact: Paul J. Grasewicz, Associate Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-7893

July 20, 1987 - 1 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Interpreter for deaf provided if requested)

The board's regular formal business meeting to (i) review and approve the minutes from the prior meeting; (ii) provide an opportunity for public comments; (iii) review the report of the director on the operation of the Department of Housing and Community Development since the last board meeting; (iv) hear reports of the committees of the board; and (v) consider other matters as deemed necessary. The planned agenda of the meeting will be available at the following address one week prior to the date of the meeting.

Contact: Neal J. Barber, 205 North Fourth Street, 7th Fl., Richmond, Va. 23219, telephone (804) 786-1575

VIRGINIA INNOVATIVE TECHNOLOGY AUTHORITY

July 21, 1987 - 10 a.m. - Open Meeting

Calendar of Events

CIT Offices, Hallmark Building, 13873 Park Center Road, Suite 201, Herndon, Virginia

An annual meeting.

Contact: Lee Ann Fox, Center for Innovative Technology, Hallmark Bldg., 13873 Park Center Rd., Suite 201, Herndon, Va. 22071, telephone (703) 689-3010

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† August 17, 1987 - 10:30 a.m. - Open Meeting
Jefferson Sheraton Hotel, Franklin and Adams Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A general meeting open to the public.

Contact: Gladys Walker, Governor's Employment and Training Department, 417 E. Grace St., Richmond, Va., telephone (804) 786-8085

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Council

August 6, 1987 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A regular quarterly meeting. Public session begins at 9 a.m. and council meeting at 10 a.m.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

† September 25, 1987 - 10:30 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, Conference Room 395, Richmond, Virginia. ☒

Notice is given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board for the Certification of Librarians intends to adopt new regulations and repeal existing regulations entitled: **VR 435-01-1. Regulations for the Certification and Licensure of Librarians.** The regulations will ensure that practitioners using the title "Librarian" have met the educational and experience requirements.

STATEMENT

Subject, substance, issues, basis and purpose: The purpose of certification and licensure for librarians, in public libraries receiving public funds, state supported colleges and university libraries, and state supported institutional libraries, is to ensure that practitioners using the title meet the educational requirements or possess the equivalent training, knowledge, skills, and experience necessary to provide a minimum level of competent performance in the delivery of informational, reference, and research services within the Commonwealth of Virginia. Section 54-268.1 of the Code of Virginia provides authority for the regulation of librarians.

The proposed regulations would establish a minimum entry level for the certification and licensure of librarians regarding educational and experience requirements, including minimum fees to support projected revenue sufficient for the operation of the program in accordance with the conditions of the Callahan Act.

All previous rules and regulations of the Board for the Certification of Librarians are repealed.

Statutory Authority: § 54-268.1 of the Code of Virginia.

Written comments may be submitted until September 20, 1987.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 257-8508

COMMISSION ON LOCAL GOVERNMENT

July 28, 1987 - 10 a.m. - Open Meeting
Ninth Street Office Building, Ninth and Grace Streets, Room 901, Richmond, Virginia. ☒

A regular meeting of the Commission on Local Government to consider such matters as may be presented.

Contact: Barbara W. Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

LONG-TERM COUNCIL

August 13, 1987 - 9:30 a.m. - Open Meeting
Ninth Street Office Building, Ninth and Grace Streets, Cabinet Conference Room, Richmond, Virginia. ☒

The council will discuss issues relating to the development and coordination of long-term care services in Virginia.

Contact: Catherine P. Saunders, Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219, telephone (804) 225-2271/2912

MARINE RESOURCES COMMISSION

- † August 4, 1987 - 9:30 a.m. - Open Meeting
- † September 1, 1987 - 9:30 a.m. - Open Meeting

The Virginia Marine Resources Commission will meet on the first Tuesday of each month, at 9:30 a.m., in Newport News City Council Chambers, located at 2400 Washington Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing; environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within five days.

Contact: Patricia A. Leonard, Acting Secretary to the Commission, 2401 W. Avenue, P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2206

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

September 4, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **Standards for Coverage of Organ Transplant Services: State Plan for Medical Assistance.** These regulations establish the criteria by which requests for organ transplants will be evaluated for prior authorization. A copy of the regulation is available from Victoria Simmons at 786-7933.

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

Written comments may be submitted until September 4, 1987.

Contact: Stephen B. Riggs, D.D.S., Director, Division of Health Services Review, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-3820

COMMISSION ON MEDICAL CARE FACILITIES CERTIFICATE OF PUBLIC NEED

July 29, 1987 - 2 p.m. - Public Hearing
James Madison University, Warren Campus Center, Room D, Harrisonburg, Virginia. ☐

August 3, 1987 - 2 p.m. - Public Hearing
Department of Human Resources, 1800 North Edison, Auditorium, Arlington, Virginia. ☐

August 4, 1987 - 2 p.m. - Public Hearing
Department of Health, Auditorium, 401 Colley Avenue, Norfolk, Virginia. ☐

August 6, 1987 - 2 p.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐

The purpose of the hearing is to collect public testimony concerning the effectiveness of the Certificate of Need Law, which regulates the development of medical facilities throughout the Commonwealth. Currently, a certificate must be obtained from the Commissioner of Health prior to construction of hospitals, nursing homes and certain other medical services facilities.

August 10, 1987 - 10 a.m. - Open Meeting
September 14, 1987 - 10 a.m. Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room D & E, Richmond, Virginia. ☐

By Executive Order 31 (86) Governor Baliles created an advisory commission with two responsibilities: (i) to examine the effectiveness of the Certificate of Public Need program in controlling medical care costs while making good quality, accessible health care available to all Virginians; and (ii) if this examination demonstrates that the Commonwealth's existing health planning process no longer effectively meets these objectives, the commission shall assess alternatives and recommend revisions to the existing Certificate of Public Need process.

Contact: E. George Stone, State Health Department, James Madison Bldg., 109 Governor St., Room 1010, Richmond, Va. 23219, telephone (804) 786-6970

VIRGINIA STATE BOARD OF MEDICINE

July 23, 1987 - 8 a.m. - Open Meeting
July 24, 1987 - 8 a.m. - Open Meeting
July 25, 1987 - 8 a.m. - Open Meeting
July 26, 1987 - 8 a.m. - Open Meeting
Pavilion Tower Hotel, 1900 Pavilion Drive, Conference Center, Virginia Beach, Virginia. ☐

The board will meet to review reports, interview

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licensees and make decisions on discipline matters. At 8 a.m. on Sunday, July 26, 1987, the full board will meet in open session to conduct general board business and discuss any other items which may come before the board.

Formal Hearing

† July 20, 1987 - 1 p.m. - Open Meeting
Hampton Circuit Court, Circuit Court II - Jury Room, 101 Kingsway, Hampton, Virginia. ☐

The Virginia Board of Medicine will inquire into allegations that a practitioner may have violated laws and regulations governing the practice of medicine in Virginia.

Emergency hearing at the request of the Assistant Attorney General

Advisory Board on Physical Therapy

July 24, 1987 - 8 a.m. - Open Meeting
July 25, 1987 - 8 a.m. - Open Meeting
Pavilion Tower Hotel, 1900 Pavilion Drive, Conference Center, Virginia Beach, Virginia. ☐

A meeting to conduct general board business and respond to correspondence. There will be a two day work session for the board to review applications for licensure, regulations for foreign trained physical therapy graduates and the quiz regarding the Code and regulations for physical therapy. They will also discuss any other items which may come before the advisory board.

Informal Conference Committee

† August 5, 1987 - 11 a.m. - Open Meeting
Lynchburg General-Marshall Lodge Hospital, 1902 Grace Street, Guggenheimer Division, Lynchburg, Virginia. ☐

August 21, 1987 - 12:30 p.m. - Open Meeting
Department of Health Regulatory Boards, Surry Building, Board Room No. 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

† August 28, 1987 - 10 a.m. - Open Meeting
Ramada Inn, I-95 and Route 3, Fredericksburg, Virginia. ☐

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

Legislative Committee

July 23, 1987 - 4:30 p.m. - Open Meeting
Pavilion Tower Hotel and Conference Center, 1900 Pavilion Drive, Virginia Beach, Virginia. ☐

The Legislative Committee will meet to discuss and act upon amendments to the Code relating to the healing arts regarding: (i) amendments to § 54-317 (12) of the Code of Virginia relating to eyeglasses, medical appliances, and devices; (ii) amendments to §§ 54-281.10 through 54-281.13 of the Code of Virginia regarding licensure for respiratory therapy practitioners; (iii) amendments to § 54-276.4 of the Code of Virginia regarding chiropractic employees; (iv) applications form for renewal of license to practice the healing arts; and (v) any other items which may come before the committee.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

July 21, 1987 - 10 a.m. - Public Hearing
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☐

July 28, 1987 - 10 a.m. - Public Hearing
Roanoke City Hall, Municipal Building, Room 450, 215 Church Avenue, S.W., Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to repeal existing regulations and adopt new regulations entitled: **VR 470-02-09. Rules and Regulations for the Licensure of Outpatient Facilities.** The proposed regulations will establish the minimum requirements for the licensure of outpatient facilities.

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

* * * * *

July 21, 1987 - 10 a.m. - Public Hearing
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☐

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July 28, 1987 - 10 a.m. – Open Meeting
Roanoke City Hall, Municipal Building, Room 450, 215 Church Avenue, S.W., Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to repeal existing regulations and adopt new regulations entitled: **VR 470-02-11. Rules and Regulations for the Licensure of Residential Facilities.** The proposed regulations will establish the minimum requirements for the licensure of residential facilities.

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

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NOTICE: The State Mental Health, Mental Retardation and Substance Abuse Services Board proposes to REPEAL the two regulations listed below:

July 21, 1987 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia

July 28, 1987 - 1 p.m. – Public Hearing
Roanoke City Hall, Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to repeal existing regulations entitled: **VR 470-02-04. Rules and Regulations for the Licensure of Group Homes and Halfway Houses.**

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

* * * * *

July 21, 1987 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia

July 28, 1987 - 10 a.m. – Public Hearing
Roanoke City Hall, Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to repeal regulations entitled: **VR 470-02-05. Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities.**

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

* * * * *

July 21, 1987 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia

July 28, 1987 - 10 a.m. – Public Hearing
Roanoke City Hall, Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to adopt regulations entitled: **VR 470-02-08. Rules and Regulations for the Licensure of Supported Residential Programs and Residential Respite Care/Emergency Shelter Facilities.** The proposed action establishes minimum requirements for the licensure of supported residential programs and residential respite care/emergency shelter facilities.

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

* * * * *

July 21, 1987 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia

July 28, 1987 - 10 a.m. – Public Hearing
Roanoke City Hall, Municipal Building, 215 Church Avenue,

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S.W., Room 450, Roanoke, Virginia

Notice is hereby give in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to adopt regulations entitled: **VR 470-02-10. Rules and Regulations for the Licensure of Day Support Programs.** These regulations propose minimum requirements for the licensure of day support programs.

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

State Human Rights Committee

† July 22, 1987 - 4:30 p.m. — Open Meeting

† July 23, 1987 - 9 a.m. — Open Meeting

Omni Charlottesville Hotel, 235 West Main Street, Charlottesville, Virginia. ☒

A regular meeting to discuss business related to human rights issues. Agenda items are listed prior to meeting.

† July 23, 1987 - 5 p.m. — Open Meeting

Omni Charlottesville Hotel, 235 W. Main Street, Charlottesville, Virginia. ☒

A meeting to share issues and ideas with the Protection and Advocacy Board regarding rights issues.

Contact: Elsie D. Little, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

NORFOLK STATE UNIVERSITY

Board of Visitors

September 8, 1987 - 10 a.m. — Open Meeting

Harrison B. Wilson Administration Building, Board Room, Norfolk, Virginia

A meeting to discuss various issues pertaining to the university. The agenda should be available at least five working days prior to the meeting.

Contact: Gerald D. Tyler, Norfolk State University, 2401 Corprew Ave., Wilson Hall-S340, Norfolk, Va. 23504,

telephone (804) 623-8373

VIRGINIA STATE BOARD OF NURSING

Informal Conference Committee

August 11, 1987 - 8:30 a.m. — Open Meeting

† August 20, 1987 - 8:30 a.m. — Open Meeting

Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

† September 23, 1987 - 10 a.m. — Public Hearing

Department of Commerce, 3600 West Broad Street, Room 395, 3rd Floor Auditorium, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Examiners for Nursing Home Administrators intends to amend regulations entitled: **VR 500-01-2. Rules and Regulations of the State Board of Examiners for Nursing Home Administrators.** This regulation provides general information, entry requirements and standards of practice for licensure as Nursing Home Administrators in the Commonwealth of Virginia.

STATEMENT

Subject, substance, issues, basis and purpose: The purpose of the amendments to this regulation is to ensure entry-level nursing home administrators possess a specific body of knowledge and can demonstrate the skills and abilities essential to the profession, with the ultimate goal to promote and ensure the safety, proper attention, and service to the chronically ill and infirm patients in nursing homes.

The proposed revised regulations would establish a minimum entry level educational requirement, a program of continuing education, and a fee for certification of preceptors. These requirements would address the issue of professional competency and cover administrative costs relating to preceptor certification.

Patient safety would be addressed through requirements of

the proposed regulations, e.g., improved standards of the professional component.

Statutory Authority: § 54-1.28 (5) of the Code of Virginia.

Written comments may be submitted until September 20, 1987.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 257-8508

STATE BOARD OF PHARMACY

† July 30, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☐

Informal conferences.

Contact: Jack B. Carson, Executive Director, State Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9911

* * * * *

August 12, 1987 - 10 a.m. - Public Hearing
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Pharmacy intends to adopt new regulations and repeal existing regulations entitled: **VR 530-01-1. Virginia State Board of Pharmacy Regulations.**

Statutory Authority: §§ 54-524.16 and 54-524.17 of the Code of Virginia.

Written comments may be submitted until August 24, 1987

Contact: Jack B. Carson, Executive Director, State Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9911

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

August 6, 1987 - 9 a.m. - Open Meeting
August 7, 1987 - 9 a.m. - Open Meeting
Pavilion Towers, 1900 Pavilion Drive, Virginia Beach, Virginia

A planning meeting to set goals and plan objectives for the coming year.

Credentials Review Committee

July 20, 1987 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐

A meeting to review credentials.

Contact: Joyce D. Williams, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

VIRGINIA BOARD OF PSYCHOLOGY

July 23, 1987 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to conduct general board business and to certify oral examination results.

Contact: Phyllis Henderson, Administrative Assistant, 1601 Rolling Hills Drive, Richmond, Va. 23229-5005, telephone (804) 662-9913

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

† August 27, 1987 - 10 a.m. - Open Meeting
Department of Information Technology, 110 South 7th Street, 4th Floor, Richmond, Virginia. ☐

A meeting regarding public television and radio issues.

Contact: Suzanne Piland, Department of Information Technology, 110 S. 7th St., 1st Fl., Richmond, Va. 23219, telephone (804) 344-5560

VIRGINIA REAL ESTATE BOARD

† July 21, 1987 - 4 p.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

Organizational meeting of the Virginia Real Estate Board.

Contact: Florence R. Brassier, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230, telephone (804) 257-8552

July 22, 1987 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to Fair Housing, Property Registration, and Licensing

Calendar of Events

issues (e.g., reinstatement, eligibility requests).

Contact: Florence R. Brassier, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230, telephone (804) 257-8552

July 23, 1987 - 10 a.m. - Open Meeting
Rockingham Juvenile and Domestic Relations Court, 181 South Liberty Street, Harrisonburg, Virginia

A meeting to conduct a formal administrative hearing regarding Virginia Real Estate Board vs. Great North Mountain, Inc.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

BOARD OF REHABILITATIVE SERVICES

† **July 30, 1987 - 12:15 p.m. - Open Meeting**
† **July 31, 1987 - 9:30 a.m. - Open Meeting**
Woodrow Wilson Rehabilitation Center, Mary Switzer Building, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

The board will meet with officers of the Woodrow Wilson Rehabilitation Center (WWRC) Foundation at 12:15 p.m. on July 30 for a luncheon and discussion of issues affecting WWRC, and will meet with WWRC staff and students at 3 p.m. for an informal reception and discussion of issues.

On July 31, the board will meet at 9:30 a.m. to consider (i) adoption of Independent Living regulations, (ii) bylaws amendments, (iii) policy recommendations, (iv) new board initiatives and (v) conduct the regular business of the board.

Evaluation and Analysis Committee

† **July 30, 1987 - 10 a.m. - Open Meeting**
Woodrow Wilson Rehabilitation Center, Mary Switzer Building, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to consider restructuring, new assignments and priorities for recommendation to the board.

Finance Committee

† **July 30, 1987 - 10 a.m. - Open Meeting**
Woodrow Wilson Rehabilitation Center, Mary Switzer Building, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to (i) review department financial reports,

(ii) develop fiscal policies for recommendation to the board and (iii) discuss other budgetary matters.

Program Committee

† **July 30, 1987 - 10 a.m. - Open Meeting**
Woodrow Wilson Rehabilitation Center, Mary Switzer Building, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to review board member comments and recommendations on proposed Independent Living regulations, and to consider new committee assignments for recommendations to the board.

Contact: James L. Hunter, 4901 Fitzhugh Avenue, Richmond, Va. 23230, telephone (804) 257-6446 (toll-free 1-800-552-5019)

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

August 26, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: David D. Effert, James Madison Bldg., 109 Governor St., Room 500, Richmond, Va. 23219, telephone (804) 786-1750

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

July 24, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-50-4. Family Based Social Services.** These regulations establish a philosophy and requirements of a family based social service delivery approach by local social service agencies.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until July 24, 1987.

Contact: Linda N. Booth, Administrative Planning Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9638 (toll-free 1-800-552-7091)

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† July 21, 1987 - 10 a.m. - Public Hearing
Jefferson Sheraton Hotel, Franklin and Adams Streets,
Commonwealth Room, Richmond, Virginia

The authority will conduct a public hearing to consider Industrial Development Bond Applications received by the authority and for which public notice has appeared in the appropriate newspapers of general circulation. Following the public hearing, the authority will conduct its regular business meeting.

Contact: Cathleen C. Mackey, Acting Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

* * * * *

† September 18, 1987 - 10 a.m. - Public Hearing

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: VR 630-10-31. Dealer's Returns and Collection of the Tax (Retail Sales and Use Tax). This regulation sets forth requirements for the filing of sales and use tax returns by registered dealers and explains the discount provided to dealers to compensate them for collection of the tax.

DEPARTMENT OF TAXATION

† September 18, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: VR 630-10-17. Brackets for Collection of the Tax (Retail Sales and Use Tax). This regulation sets forth the bracket chart to be used by all dealers to compute the sales tax on transactions of \$5.00 or less.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the statutory requirements for the collection and payment of the sales tax by registered dealers and explains the statutory dealer's discount, which is provided to dealers as compensation for their collection and timely payment of the tax.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the bracket chart to be used by all dealers for the collection of the sales tax on transactions of \$5.00 or less.

Issues: The bracket chart set forth in § 58.1-628 of the Code of Virginia was amended, effective January 1, 1987, to reflect the 0.5% increase in the state sales and use tax rate enacted by the 1986 Special Session of the General Assembly.

Substance: This proposed regulation was initially adopted as an emergency regulation and is now being formally submitted for public comment under the provisions of the Administrative Process Act. The regulation references the January 1, 1987 increase in the state sales and use tax rate and sets forth the statutory bracket chart.

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

Written comments may be submitted until September 18, 1987.

Issues: The Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq. of the Code of Virginia) sets forth various requirements for the collection and payment of the sales tax by registered dealers. Section 58.1-622 of the Code of Virginia provides a dealer's discount to those dealers who collect and timely remit the tax to the Department of Taxation. Prior to January 1, 1987, the dealer's discount equalled 3.0% of the 3.0% state sales tax collected and timely remitted. However, in connection with the 0.5% increase in the state sales and use tax rate enacted by the 1986 Special Session of the General Assembly, the dealer's discount rate was changed, effective January 1, 1987, to 3.0% of the first 3.0% state sales tax.

Substance: This proposed regulation does not differ from an emergency regulation previously adopted. The regulation references the January 1, 1987 state sales and use tax rate increase and the statutory changes made to the dealer's discount formula. For purposes of computing the dealer's discount, a dealer must multiply the amount of state sales tax collected by 2.57%, which approximately equals 3.0% of the first 3.0% of the state sales tax.

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

Written comments may be submitted until September 18, 1987.

Calendar of Events

Contact: Danny M. Payne, Director, Tax Policy Division,
P. O. Box 6-L, Richmond, Va. 23282, telephone (804)
257-8010

* * * * *

† September 18, 1987 - 10 a.m. — Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-106. Transitional Provisions (Retail Sales and Use Tax)**. This regulation describes the transitional provisions enacted in conjunction with the January 1, 1987 increase in the sales and use tax rate. These provisions apply to certain contracts and leases entered into before the enactment of the rate increase.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the statutory transitional provisions for tangible personal property purchased or leased under certain contracts and leases entered into prior to the enactment of the 0.5% sales and use tax rate increase by the 1986 Special Session of the General Assembly.

Issues: Pursuant to § 58.1-628 of the Code of Virginia, persons subject to the transitional provisions will be entitled to receive a refund of the additional 0.5% sales and use tax they pay as the result of the January 1, 1987 increase in the state sales and use tax rate. Persons eligible for refunds of the additional 0.5% tax are those who make qualifying purchases or leases of tangible personal property pursuant to bona fide real estate construction contracts, contracts for the sale of tangible personal property, or leases that were entered into before October 27, 1986, the date that the rate increase was enacted.

Substance: This proposed regulation was initially adopted as an emergency regulation and is now being formally submitted for public comment under the provisions of the Administrative Process Act. The regulation references the January 1, 1987 increase in the state sales and use tax rate and fully explains the statutory transitional provisions.

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

Written comments may be submitted until September 18, 1987.

Contact: Danny M. Payne, Director, Tax Policy Division,
Department of Taxation, P. O. Box 6-L, Richmond, Va.
23282, telephone (804) 257-8010

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† September 18, 1987 - 10 a.m. — Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-110. Vending Machine Sales (Retail Sales and Use Tax)**. This regulation sets forth the application of the sales and use tax to vending machine operators.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the application of the sales and use tax to persons who sell tangible personal property through vending machines.

Issues: The 1986 Special Session of the General Assembly increased the state sales and use tax rate applicable to vending machine dealers by 0.5% effective January 1, 1987.

Substance: This proposed regulation was initially adopted as an emergency regulation and is now being formally submitted for public comment under the provisions of the Administrative Process Act. The regulation references the January 1, 1987 increase in the state sales and use tax rate as it relates to vending machine dealers.

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

Written comments may be submitted until September 18, 1987.

Contact: Danny M. Payne, Director, Tax Policy Division,
P. O. Box 6-L, Richmond, Va. 23282, telephone (804)
257-8010

COMMONWEALTH TRANSPORTATION BOARD

August 19, 1987 - 1:30 p.m. — Public Hearing
Department of Transportation Auditorium, 1221 East Broad
Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to adopt regulations entitled: **VR 385-01-5. Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities**. These regulations set forth the requirements for transporting hazardous materials through tunnels, bridges, and ferries in Virginia.

Statutory Authority: §§ 33.1-12 and 33.1-13 of the Code of

Virginia.

Written comments may be submitted until August 19, 1987.

Contact: John L. Butner, Engineering Programs Supervisor, Traffic Engineering Division, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2878

August 20, 1987 - 10 a.m. - Open Meeting
Kilmarnock Volunteer Fire House, School Street, Kilmarnock, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va., telephone (804) 786-9950

TREASURY BOARD

July 29, 1987 - 9 a.m. - Open Meeting
August 19, 1987 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Third Floor, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Betty A. Ball, Department of Treasury, James Monroe Bldg., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

DEPARTMENT FOR THE VISUALLY HANDICAPPED

July 20, 1987 - 2 p.m. & 7 p.m. - Public Hearing
Medical Foundation of Roanoke Valley, 3000 Keggie Road, Salem, Virginia

A public hearing on the 1988 Title I Vocational Rehabilitation State Plan Amendment.

Contact: James G. Taylor, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3111

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **August 5, 1987 - 1:30 p.m. - Open Meeting**
Richmond Centre for Conventions and Exhibits, 300 East Main Street, Richmond, Virginia

Council members will participate in the vocational education annual conference.

† **August 6, 1987 - 8:30 a.m. - Open Meeting**
Richmond Marriott, 500 East Broad Street, Richmond, Virginia

A business session. Reports will be received from the Virginia Department of Education, the Virginia Community College System, and the Governor's Job Training Coordinating Council.

Contact: George S. Orr, Jr., Executive Director, P. O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

VIRGINIA VOLUNTARY FORMULARY BOARD

† **August 24, 1987 - 10 a.m. - Public Hearing**
James Madison Building, 109 Governor Street, Main Floor Auditorium, Richmond, Virginia. ☒

The Virginia Voluntary Formulary Board will hold a public hearing on this date. The purpose of this hearing is to consider the proposed adoption and issuance of a revised Virginia Voluntary Formulary. The proposed revision to the Virginia Voluntary Formulary adds and deletes drugs and drug products to the Formulary that became effective on June 15, 1987.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on August 24, 1987 will be made part of the hearing record and considered by the board.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

VIRGINIA WASTE MANAGEMENT BOARD

August 12, 1987 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. ☒

A general business meeting and election of officers. This meeting is being held in place of the June 26 meeting.

Contact: Cheryl Cashman, Information Officer, Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, Va. 23219, telephone (804) 225-2667, or the Hazardous Waste Hotline 1-800-552-2075

Calendar of Events

STATE WATER CONTROL BOARD

August 12, 1987 - 2 p.m. — Public Hearing
Prince William County Complex, McCourt Building, 4850
Davis Ford Road, Prince William, Virginia

August 13, 1987 - 1 p.m. — Public Hearing
Roanoke County Administrative Center, 3738 Brambleton
Avenue, S.W., Community Room, Roanoke, Virginia

August 14, 1987 - 10 a.m. — Public Hearing
Williamsburg/James City Courthouse Council Chambers,
321-45 Court Street-West, Williamsburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-21-00. Water Quality Standards.** The proposed amendments to the Water Quality Standards are to make necessary revisions to comply with the requirement that the standards be reviewed every three years. Water quality standards consist of narrative statements and numerical limits which describe water quality necessary for reasonable beneficial uses.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until August 21, 1987, to Doneva Dalton, Hearing Reporter.

Contact: Stu Wilson, Water Resources Ecologist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE

July 20, 1987 - 9:30 a.m. — CANCELLED
General Assembly Building, 9th Floor Committee Meeting
Room, Capitol Square, Richmond, Virginia. ☒

A regular monthly meeting of the full committee.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE STUDYING THE CARE AND MANAGEMENT OF CHILDREN IN NEED OF SERVICES (CHINS) AND THE PROBLEM OF RUNAWAY CHILDREN

July 24, 1987 - 10 a.m. — Open Meeting

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Subcommittee will meet for organizational purposes and to set out agenda for interim meetings. HJR 247

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, General Assembly Bldg., Richmond, Va. 23219, telephone (804) 786-3591 or Barbara H. Hanback, House of Delegates, General Assembly Bldg., Richmond, Va. 23219, telephone (804) 786-7681

JOINT SUBCOMMITTEE STUDYING CHILD-SUPPORT FORMULAS

† **July 23, 1987 - 10 a.m.** — Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

First meeting of interim to establish agenda. HJR 341

Contact: Susan Ward, Staff Attorney, or Gayle Nowell, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

VIRGINIA CODE COMMISSION

† **September 1, 1987 - 9:30 a.m.** — The Michie Company
† **September 2, 1987 - 9 a.m.** — Open Meeting
Boar's Head Inn, Charlottesville, Virginia

The commission will meet with its publisher, The Michie Company, on Tuesday, September 1.

On Wednesday, September 2, it will complete its work on the revision of Title 54 of the Code of Virginia.

Contact: Joan W. Smith, Registrar of Regulations, General Assembly Bldg., P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

VIRGINIA STATE CRIME COMMISSION

Firearms and Ammunition Subcommittee

† **August 31, 1987 - 10 a.m.** — Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

The subcommittee will listen to staff presentations and testimony from various organizations and concerned citizens regarding issues which were proposed for study at the subcommittee meeting June 10, 1987 concerning firearms and ammunition.

Contact: Jan F. Hoen, Research Assistant, P. O. Box 3-AG, Richmond, Va. 23208, or General Assembly Bldg., 9th Fl., Room 915, Richmond, Va. 23219, telephone (804) 225-4534

JOINT SUBCOMMITTEE STUDYING LENDING INSTITUTIONS' PRACTICES IN COMMERCIAL AND RESIDENTIAL REAL ESTATE CLOSINGS

August 13, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

This will be the first and second of three public hearings to receive testimony from the public on lending institutions' practices in commercial and residential real estate closings. HJR 228

Contact: C. William Cramme', III, Staff Attorney, or Terry M. Barrett, Research Associate, Division of Legislative Services, General Assembly Bldg., 2nd Fl., Richmond, Va. 23219, telephone (804) 786-3591 or Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23208, telephone (804) 786-7681

JOINT SUBCOMMITTEE STUDYING ROLES OF LOCAL GOVERNMENTS AND PUBLIC SERVICE AUTHORITIES IN PROVIDING WATER AND SEWER SERVICES

† July 31, 1987 - 2 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

First meeting of interim to establish agenda for interim. HJR 196

Contact: Dr. R. J. Austin, Research Associate, or C. M. Conner, Jr., Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

COMMISSION ON LOCAL GOVERNMENT STRUCTURES AND RELATIONSHIPS

† July 31, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Brief meeting of full commission to be followed by subcommittees:

1. Incentives for Cooperations - 4th West
2. Differences Between Counties, Cities and Towns - 7th East

3. Relationships among Counties, Cities and Towns - 7th Floor West Conference Room. HJR 163

Contact: C. M. Conner, Jr., Staff Attorney, or Dr. R. J. Austin, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

COMMISSION ON VETERANS' AFFAIRS

August 8, 1987 - 10 a.m. - Public Hearing
Rappahannock Community College (North Campus), Main Lecture Hall, Warsaw, Virginia. ☒

September 11, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The commission will conduct a public hearing, taking testimony from individual veterans, representatives of veterans' organizations, and the general public on any matters concerning Virginia's veterans.

Contact: Alan Wambold, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

STATE WATER COMMISSION

† July 28, 1987 - 7 p.m. - Business Meeting
† July 28, 1987 - 7:30 p.m. - Public Hearing
McCoart Building, 1 County Court Complex, 4850 Davis Ford Road, Board of Supervisors Chambers, Prince William, Virginia

† August 5, 1987 - 7 p.m. - Business Meeting
† August 5, 1987 - 7:30 p.m. - Public Hearing
Municipal Building, 215 Church Avenue, S.W., Roanoke City Council Chambers, Roanoke, Virginia

† August 6, 1987 - 7 p.m. - Business Meeting
† August 6, 1987 - 7:30 p.m. - Public Hearing
Municipal Center, Princess Anne and North Landing Roads, Virginia Beach City Council Chambers, Virginia Beach, Virginia

House Joint Resolution 324 passed by the 1987 General Assembly directs the State Water Commission to study the quality of groundwater in the Commonwealth and to consider ways to protect the quality of private drinking water supplies. HJR 324

Contact: Martin Farber, Research Associate, Mike Ward, Staff Attorney, or Sherry Smith, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

- July 20**
Accountancy, State Board of
Air Pollution Control Board, State
Health Regulatory Boards, Council on
† - Administration and Budget Committee
† - Public and Professional Information Committee
- Committees on Scopes and Standards of Practice
Housing and Community Development, Board of
† Medicine, Virginia State Board of
Professional Counselors, Virginia Board of
- Credentials Review Committee
- July 21**
Accountancy, State Board of
† Conservation and Historic Resources, Department of
- State Review Board and the Virginia Historic Landmarks Board, Joint Meeting
Corrections, State Board of
Health Regulatory Boards, Council on
† - Executive Committee
- Committees on Scopes and Standards of Practice
Housing Development Authority, Virginia
Innovative Technology Authority, Virginia
† Real Estate Board, Virginia
- July 22**
Health Coordinating Council, Statewide
Health Services Cost Review Council, Virginia
† Mental Health, Mental Retardation, and Substance Abuse Services, Department of
- State Human Rights Committee
Real Estate Board, Virginia
- July 23**
† Child-Support Formulas, Joint Subcommittee Studying Education, State Board of
† Game and Inland Fisheries, Board of
Medicine, Virginia State Board of
- Legislative Committee
† Mental Health, Mental Retardation, and Substance Abuse Services, Department of
- State Human Rights Committee
Psychology, Virginia Board of
Real Estate Board, Virginia
- July 24**
Children in Need of Services (CHINS), Joint Subcommittee Studying the Care and Management of Education, State Board of
† Game and Inland Fisheries, Board of
Medicine, Virginia State Board of
- Advisory Board on Physical Therapy
- July 25**
Medicine, Virginia State Board of
- Advisory Board on Physical Therapy
- July 26**
Medicine, Virginia State Board of
- July 27**
Air Pollution Control Board, State
- July 28**
Alcoholic Beverage Control Board
Local Government, Commission on
- July 29**
† Environment, Council on the
Treasury Board
- July 30**
Cosmetology, Virginia Board of
† Pharmacy, State Board of
† Rehabilitative Services, Board of
- Evaluation and Analysis Committee
- Finance Committee
- Program Committee
- July 31**
† Local Governments and Public Service Authorities in Providing Water and Sewer Services, Joint Subcommittee Studying Roles of
† Rehabilitative Services, Board of
† Structure and Relationships, Commission on Local Government
- August 4**
Auctioneers Board
† Marine Resources Commission
- August 5**
Auctioneers Board
Funeral Directors and Embalmers, Virginia Board of
† Medicine, Virginia State Board of
- Informal Conference Committee
† Vocational Education, Virginia Council on
- August 6**
Auctioneers Board
Labor and Industry, Department of
- Apprenticeship Council
Professional Counselors, Virginia Board of
† Vocational Education, Virginia Council on
- August 7**
† Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of
- Land Surveyors, Virginia State Board of
† General Services, Department of
- Art and Architectural Review Board
Professional Counselors, Virginia Board of
- August 10**
Medical Care Facilities Certificate of Public Need, Commission on

Calendar of Events

- August 11**
Nursing, Virginia State Board of
- Informal Conference Committee
- August 12**
Corrections, State Board of
Waste Management Board, Virginia
- August 13**
Long-Term Care Council
- August 17**
† Job Training Coordinating Council, Governor's
- August 18**
† Cosmetology, Virginia Board of
- August 19**
Aviation Board, Virginia
- 14th Annual Virginia Aviation Conference
† Education, State Board of
Treasury Board
- August 20**
Aviation Board, Virginia
- 14th Annual Virginia Aviation Conference
† Education, State Board of
† Nursing, Virginia State Board of
- Informal Conference Committee
Commonwealth Transportation Board
- August 21**
Aviation Board, Virginia
- 14th Annual Virginia Aviation Conference
Building Code Technical Review Board, State
† Dentistry, Virginia Board of
Medicine, Virginia State Board of
- Informal Conference Committee
- August 22**
† Dentistry, Virginia Board of
- August 24**
Agricultural Council, Virginia
- August 26**
Funeral Directors and Embalmers, Virginia Board of
Sewage Handling and Disposal Appeals Review Board,
State
- August 27**
† Public Telecommunications Board, Virginia
- August 28**
† Funeral Directors and Embalmers, Virginia Board of
† Medicine, Virginia State Board of
- Informal Conference Committee
- September 1**
† Code Commission, Virginia
† Marine Resources Commission

- September 2**
† Code Commission, Virginia
- September 8**
Norfolk State University
- Board of Visitors
- September 14**
Medical Care Facilities Certificate of Public Need,
Commission on
- September 16**
Corrections, State Board of
- September 17**
† Education, State Board of
- September 18**
† Education, State Board of

PUBLIC HEARINGS

- July 20**
Housing and Community Development, Board of
Visually Handicapped, Department for the
- July 21**
Commerce, Board of
Mental Health, Mental Retardation and Substance
Abuse Services Board, State
† Small Business Financing Authority, Virginia
- July 28**
Mental Health, Mental Retardation and Substance
Abuse Services Board, State
† Water Commission, State
- July 29**
Disabled, Board for Rights of the
Medical Care Facilities Certificate of Public Need,
Commission on
- August 3**
Medical Care Facilities Certificate of Public Need,
Commission on
- August 4**
Medical Care Facilities Certificate of Public Need,
Commission on
† Water Commission, State
- August 5**
† Water Commission, State
- August 6**
Medical Care Facilities Certificate of Public Need,
Commission on
† Water Commission, State

Calendar of Events

August 8

Veterans' Affairs, Commission on

August 12

Pharmacy, State Board of
Water Control Board, State

August 13

Lending Institutions' Practices in Commercial and
Residential Real Estate Closings, Joint Subcommittee
Studying
Water Control Board, State

August 14

Fire Services Board, Virginia
Water Control Board, State

August 19

Transportation Board, Commonwealth

August 24

† Voluntary Formulary Board, Virginia

August 28

Health, Department of

August 31

† Crime Commission, Virginia State
- Firearms and Ammunition Subcommittee

September 11

Veterans' Affairs, Commission on

September 18

† Taxation, Department of

September 23

† Nursing Home Administrators, State Board of
Examiners for

September 25

† Librarians, State Board for the Certification of

September 28

Agriculture and Consumer Services, Department of

October 7

† Criminal Justice Services Board