
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....2697

NOTICES OF INTENDED REGULATORY ACTION

TITLE 2. AGRICULTURE

Department of Agriculture and Consumer Services2704

TITLE 3. ALCOHOLIC BEVERAGES

Alcoholic Beverage Control Board2704

TITLE 4. CONSERVATION AND NATURAL RESOURCES

Department of Mines, Minerals and Energy2705

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

Board of Corrections2705

TITLE 8. EDUCATION

State Board of Education2705

TITLE 9. ENVIRONMENT

Virginia Waste Management Board2706

State Water Control Board2706

TITLE 12. HEALTH

State Board of Health.....2707

Department of Medical Assistance Services.....2707

State Mental Health, Mental Retardation and Substance Abuse Services Board.....2707

TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION

Board of Medicine.....2708

Board of Nursing.....2708

Department of Professional and Occupational Regulation..2708

Real Estate Appraiser Board2708

TITLE 22. SOCIAL SERVICES

State Board of Social Services2709

PROPOSED REGULATIONS

TITLE 5. CORPORATIONS

STATE CORPORATION COMMISSION

Uniform Commercial Code Filing Rules (CLK010068). (5 VAC 5-30-10 et seq.)2710

TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

Delegation of Certain Authority to the Commissioner of the Bureau of Financial Institutions (amending 10 VAC 5-10-10).2713

Banking and Savings Institutions (amending 10 VAC 5-20-30).2716

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Rules and Regulations for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income (amending 13 VAC 10-40-30, 13 VAC 10-40-110, 13 VAC 10-40-130, 13 VAC 10-40-190, 13 VAC 10-40-230).....2717

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Rules for Alternative Dispute Resolution Process (PUC010100). (20 VAC 5-405-10 et seq.)2723

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Minimum Standards for Local Agency Operated Volunteer Respite Child Care Programs (REPEALING). (22 VAC 40-790-10 et seq.).....2726

FINAL REGULATIONS

TITLE 1. ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

Regulations for the Approval of Independent Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases (REPEALED). (1 VAC 30-60-10 et seq.).....2728

Regulations for the Approval of Independent Laboratories to Conduct Blood Alcohol Analyses in Driving Under the Influence Cases (REPEALED). (1 VAC 30-70-10 et seq.)2728

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

Definitions and Miscellaneous: In General (amending 4 VAC 15-20-80 and 4 VAC 15-20-160).2728

Game: In General (amending 4 VAC 15-40-20 and 4 VAC 15-40-280; repealing 4 VAC 15-40-150).2728

Game: Bear (amending 4 VAC 15-50-90).2728

Game: Quail (adding 4 VAC 15-190-60).2728

Game: Firearms (amending 4 VAC 15-270-20).2728

Table of Contents

Game: Permits (amending 4 VAC 15-290-140)..... 2728

Fish: Fishing Generally (amending 4 VAC 15-320-100) . 2728

Game: Deer (amending 4 VAC 15-90-20, 4 VAC 15-90-70, 4 VAC 15-90-80, 4 VAC 15-90-100, 4 VAC 15-90-110, 4 VAC 15-90-141, 4 VAC 15-90-160, 4 VAC 15-90-170, 4 VAC 15-90-190, 4 VAC 15-90-195, 4 VAC 15-90-200, 4 VAC 15-90-210, 4 VAC 15-90-220, and 4 VAC 15-90-240; adding 4 VAC 15-90-21 and 4 VAC 15-90-85)..... 2729

Game: Fox (amending 4 VAC 15-110-75)..... 2730

Game: Turkey (amending 4 VAC 15-240-20, 4 VAC 15-240-31, and 4 VAC 15-240-90)..... 2730

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Regulations for the Approval of Independent Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases (REPEALED). (1 VAC 30-60-10 et seq.) 2731

Regulations for the Approval of Independent Laboratories to Conduct Blood Alcohol Analyses in Driving Under the Influence Cases (REPEALED). (1 VAC 30-70-10 et seq.) 2731

Regulations for the Approval of Independent Laboratories to Analyze Blood for Alcohol and Drugs in Driving Under the Influence Cases. (6 VAC 20-200-10 et seq.)..... 2731

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Virginia Breeders Fund (amending 11 VAC 10-130-10, 11 VAC 10-130-60 and 11 VAC 10-130-70)..... 2735

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

State Plan Under Title XIX of the Social Security Act Medical Assistance Program: General Provisions (amending 12 VAC 30-10-20)..... 2737

Groups Covered and Agencies Responsible for Eligibility Determination (amending 12 VAC 30-30-10)..... 2737

State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions (adding 12 VAC 30-10-1000)..... 2741

Administration of Medical Assistance Services (adding 12 VAC 30-20-290 through 12 VAC 30-20-490 and 12 VAC 30-20-500 through 12 VAC 30-20-560)..... 2741

Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (repealing 12 VAC 30-70-140, 12 VAC 30-70-141, 12 VAC 30-70-142, 12 VAC 30-70-143, 12 VAC 30-70-144, and 12 VAC 30-70-145 (Part II Hospital Appeals of Reimbursement Rates))..... 2741

Methods and Standards for Establishing Payment Rates for Long-Term Care (repealing 12 VAC 30-90-130, 12 VAC 30-90-131, 12 VAC 30-90-132, 12 VAC 30-90-133, and 12 VAC

30-90-135).....2741

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

ORDER ESTABLISHING PROCEEDINGS

In the Matter of Establishing Rules and Regulations Pursuant to the Virginia Electric Utility Restructuring Act for Customer Minimum Stay Periods. (PUE010296).....2742

In the Matter of Establishing Rules and Regulations Pursuant to the Virginia Electric Utility Restructuring Act for Consolidated Billing Services. (PUE010297).....2742

In the Matter of Establishing Rules and Regulations Pursuant to the Virginia Electric Utility Restructuring Act for Competitive Metering Services. (PUE010298)2742

Bureau of Insurance

ADMINISTRATIVE LETTERS

Legislation Enacted by the 2001 Virginia General Assembly. (2001-3)2746

Rules Governing Independent External Review of Final Adverse Utilization Review Decisions (14 VAC 5-215-10 et seq.). (2001-4).....2753

House Bill No. 2157. (2001-5)2759

STATE WATER CONTROL BOARD

Proposed Consent Special Order - Beechwood Water Corporation, Inc.2762

Proposed Consent Special Order - Rutherford Construction, Inc. - Forest Springs Estates Subdivision.....2763

VIRGINIA CODE COMMISSION

Notice to State Agencies.....2763

Forms for Filing Material for Publication in The Virginia Register of Regulations.....2763

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings.....2764

INDEPENDENT

Open Meetings and Public Hearings.....2778

LEGISLATIVE

Open Meetings and Public Hearings.....2778

CHRONOLOGICAL LIST

Open Meetings2779

Public Hearings2781

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2001 VAC Supplement includes final regulations published through *Virginia Register* Volume 17, Issue 11, dated February 12, 2001). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 15-20-81	Amended	17:14 VA.R. 2179	3/1/01
Title 4. Conservation and Natural Resources			
4 VAC 20-40-20	Amended	17:18 VA.R. 2576	5/1/01
4 VAC 20-252-70	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-90	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-100	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-110	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-252-140	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-270-40	Amended	17:14 VA.R. 2179	3/1/01
4 VAC 20-270-40	Amended	17:18 VA.R. 2576	5/1/01
4 VAC 20-450-30	Amended	17:18 VA.R. 2576	5/1/01
4 VAC 20-561-10 through 4 VAC 20-561-50	Added	17:16 VA.R. 2332	8/16/01
4 VAC 20-620-30	Amended	17:14 VA.R. 2180	3/1/01
4 VAC 20-620-50	Amended	17:14 VA.R. 2180	3/1/01
4 VAC 20-620-70	Amended	17:14 VA.R. 2180	3/1/01
4 VAC 20-670-25	Added	17:18 VA.R. 2577	5/1/01
4 VAC 20-751-10	Amended	17:16 VA.R. 2333	4/1/01
4 VAC 20-751-20	Amended	17:16 VA.R. 2333	4/1/01
4 VAC 20-890-30	Amended	17:16 VA.R. 2333	4/1/01
4 VAC 20-910-30	Amended	17:14 VA.R. 2181	3/1/01
4 VAC 20-910-45	Amended	17:18 VA.R. 2577	5/1/01
4 VAC 20-950-30	Amended	17:14 VA.R. 2181	3/1/01
4 VAC 20-950-45	Amended	17:14 VA.R. 2181	3/1/01
4 VAC 20-950-45	Amended	17:16 VA.R. 2334	4/1/01
4 VAC 20-950-45 emer	Amended	17:18 VA.R. 2673	4/24/01-5/23/01
4 VAC 20-995-20	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-995-20	Amended	17:14 VA.R. 2182	3/1/01
Title 5. Corporations			
5 VAC 5-10-10 et seq.	Repealed	17:18 VA.R. 2577	6/1/01
5 VAC 5-20-10 through 5 VAC 5-20-280	Amended	17:18 VA.R. 2581-2587	6/1/01
Title 8. Education			
8 VAC 20-110-10	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-20	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-40	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-50	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-60	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-70	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-140	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-540-10 et seq.	Repealed	17:16 VA.R. 2334	5/23/01
8 VAC 20-541-10 through 8 VAC 20-541-60	Added	17:16 VA.R. 2335-2342	5/23/01
8 VAC 20-650-10 through 8 VAC 20-650-20 emer	Added	17:14 VA.R. 2202	3/7/01-3/6/02
Title 9. Environment			
9 VAC 5-50-400	Amended	17:15 VA.R. 2248	6/1/01
9 VAC 5-60-60	Amended	17:15 VA.R. 2248	6/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-60-90	Amended	17:15 VA.R. 2248	6/1/01
9 VAC 5-60-100	Amended	17:15 VA.R. 2249	6/1/01
9 VAC 5-210-10 through 9 VAC 5-210-160	Added	17:16 VA.R. 2342-2344	7/1/01
9 VAC 20-15-10 through 9 VAC 20-15-160	Added	17:16 VA.R. 2344-2346	7/1/01
9 VAC 20-80-10	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-40	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-60	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-80	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-100	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-110	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-113	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-115	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-120	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-140 through 9 VAC 20-80-290	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-310 through 9 VAC 20-80-340	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-360 through 9 VAC 20-80-380	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-400	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-450	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-460	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-470	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-480	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-485	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-500 through 9 VAC 20-80-560	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-620 through 9 VAC 20-80-650	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-670	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-700	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-730	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-750 through 9 VAC 20-80-790	Amended	17:16 VA.R. 2349	5/23/01
Appendices 2.1 and 2.2	Added	17:16 VA.R. 2349	5/23/01
Appendix 4.1	Repealed	17:16 VA.R. 2349	5/23/01
Appendix 5.1	Amended	17:16 VA.R. 2349	5/23/01
Appendices 5.2 and 5.3	Repealed	17:16 VA.R. 2349	5/23/01
Appendix 5.5	Amended	17:16 VA.R. 2349	5/23/01
Appendix 5.6	Added	17:16 VA.R. 2349	5/23/01
Appendices 7.4 and 9.1	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 25-15-10 through 9 VAC 25-15-160	Added	17:16 VA.R. 2347-2349	7/1/01
9 VAC 25-31-10	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-30	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-50	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-100	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-110	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-120	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-170	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-220	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-280	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-370	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-390	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-410	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-110-10	Amended	17:16 VA.R. 2350	8/1/01
9 VAC 25-110-20	Amended	17:16 VA.R. 2351	8/1/01
9 VAC 25-110-40	Repealed	17:16 VA.R. 2351	8/1/01
9 VAC 25-110-50	Repealed	17:16 VA.R. 2351	8/1/01
9 VAC 25-110-60	Amended	17:16 VA.R. 2351	8/1/01
9 VAC 25-110-70	Amended	17:16 VA.R. 2351	8/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-110-80	Amended	17:16 VA.R. 2353	8/1/01
9 VAC 25-115-10 through 9 VAC 25-115-50	Amended	17:16 VA.R. 2367-2380	7/24/01
9 VAC 25-260-50	Amended	17:16 VA.R. 2381	*
9 VAC 25-260-55	Added	17:16 VA.R. 2381	*
Title 11. Gaming			
11 VAC 10-60 (Forms)	Amended	17:15 VA.R. 2259	--
Title 12. Health			
12 VAC 30-10-160	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-20-80	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-30-10	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-30-20	Amended	17:13 VA.R. 2081	4/11/01
12 VAC 30-30-20	Amended	17:18 VA.R. 2588	7/1/01
12 VAC 30-30-20	Amended	17:18 VA.R. 2589	7/1/01
12 VAC 30-30-40	Amended	17:13 VA.R. 2082	4/11/01
12 VAC 30-30-50	Amended	17:13 VA.R. 2082	4/11/01
12 VAC 30-40-80	Amended	17:13 VA.R. 2087	4/11/01
12 VAC 30-40-100	Amended	17:13 VA.R. 2083	4/11/01
12 VAC 30-40-220	Amended	17:18 VA.R. 2590	7/1/01
12 VAC 30-40-220	Amended	17:18 VA.R. 2593	7/1/01
12 VAC 30-40-240	Amended	17:13 VA.R. 2083	4/11/01
12 VAC 30-40-250	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-280	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-290	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-350	Amended	17:13 VA.R. 2087	4/11/01
12 VAC 30-50-300	Amended	17:12 VA.R. 2026	6/1/01**
12 VAC 30-50-490	Added	17:18 VA.R. 2595	7/1/01
12 VAC 30-50-530	Amended	17:12 VA.R. 2026	6/1/01**
12 VAC 30-80-110	Amended	17:18 VA.R. 2597	7/1/01
12 VAC 30-90-19	Added	17:18 VA.R. 2623	7/1/01
12 VAC 30-90-20	Amended	17:18 VA.R. 2624	7/1/01
12 VAC 30-90-29	Added	17:18 VA.R. 2624	7/1/01
12 VAC 30-90-30	Amended	17:18 VA.R. 2625	7/1/01
12 VAC 30-90-31	Amended	17:18 VA.R. 2626	7/1/01
12 VAC 30-90-33	Amended	17:18 VA.R. 2626	7/1/01
12 VAC 30-90-34	Amended	17:18 VA.R. 2628	7/1/01
12 VAC 30-90-35	Amended	17:18 VA.R. 2630	7/1/01
12 VAC 30-90-36	Amended	17:18 VA.R. 2630	7/1/01
12 VAC 30-90-37	Amended	17:18 VA.R. 2632	7/1/01
12 VAC 30-90-38	Amended	17:18 VA.R. 2632	7/1/01
12 VAC 30-90-39	Amended	17:18 VA.R. 2633	7/1/01
12 VAC 30-90-40	Amended	17:18 VA.R. 2633	7/1/01
12 VAC 30-90-41	Amended	17:18 VA.R. 2633	7/1/01
12 VAC 30-90-42	Repealed	17:18 VA.R. 2635	7/1/01
12 VAC 30-90-43	Repealed	17:18 VA.R. 2636	7/1/01
12 VAC 30-90-50	Amended	17:18 VA.R. 2636	7/1/01
12 VAC 30-90-51	Amended	17:18 VA.R. 2636	7/1/01
12 VAC 30-90-55	Amended	17:18 VA.R. 2637	7/1/01
12 VAC 30-90-60	Amended	17:18 VA.R. 2638	7/1/01
12 VAC 30-90-65	Amended	17:18 VA.R. 2638	7/1/01
12 VAC 30-90-70	Amended	17:18 VA.R. 2638	7/1/01
12 VAC 30-90-80	Amended	17:18 VA.R. 2639	7/1/01
12 VAC 30-90-110	Amended	17:18 VA.R. 2639	7/1/01

* 30 days after notice in *Virginia Register* of EPA approval

** Effective date changed in 17:17 VA.R. 2443.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-90-120	Amended	17:18 VA.R. 2639	7/1/01
12 VAC 30-90-123	Amended	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-130	Repealed	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-131	Repealed	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-132	Repealed	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-133	Repealed	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-135	Repealed	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-136	Added	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-160	Amended	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-165	Added	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-170	Amended	17:18 VA.R. 2642	7/1/01
12 VAC 30-90-221	Amended	17:18 VA.R. 2642	7/1/01
12 VAC 30-90-240	Amended	17:18 VA.R. 2642	7/1/01
12 VAC 30-90-250	Amended	17:18 VA.R. 2643	7/1/01
12 VAC 30-90-253	Amended	17:18 VA.R. 2643	7/1/01
12 VAC 30-90-260	Repealed	17:18 VA.R. 2643	7/1/01
12 VAC 30-90-264	Amended	17:18 VA.R. 2643	7/1/01
12 VAC 30-90-266	Amended	17:18 VA.R. 2646	7/1/01
12 VAC 30-90-270	Amended	17:18 VA.R. 2646	7/1/01
12 VAC 30-90-272	Amended	17:18 VA.R. 2646	7/1/01
12 VAC 30-90-280	Amended	17:18 VA.R. 2648	7/1/01
12 VAC 30-110-630	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-650	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-660	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-670	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-700	Amended	17:13 VA.R. 2097	4/11/01
12 VAC 30-110-710	Amended	17:13 VA.R. 2097	4/11/01
12 VAC 30-110-720	Amended	17:13 VA.R. 2088	4/11/01
12 VAC 30-110-730	Amended	17:13 VA.R. 2090	4/11/01
12 VAC 30-110-740	Repealed	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-741	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-744	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-747	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-751	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-760	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-780	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-790	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-800	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-810	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-813	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-815	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-820	Repealed	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-830	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-840	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-850	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-853	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-856	Added	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-860	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-870	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-880	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-890	Repealed	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-900	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-910	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-920	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-921	Added	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-930	Amended	17:13 VA.R. 2094	4/11/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-110-940	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-950	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-960	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-970	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-980	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-990	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1010	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1011	Added	17:13 VA.R. 2095	4/11/01
12 VAC 30-120-700 through 12 VAC 30-120-790	Added	17:18 VA.R. 2597-2622	7/1/01
Title 13. Housing			
13 VAC 10-180-10	Amended	17:17 VA.R. 2444	4/9/01
13 VAC 10-180-40	Amended	17:17 VA.R. 2444	4/9/01
13 VAC 10-180-60	Amended	17:17 VA.R. 2444	4/9/01
13 VAC 10-180-70	Amended	17:17 VA.R. 2452	4/9/01
13 VAC 10-180-90	Amended	17:17 VA.R. 2452	4/9/01
13 VAC 10-180-100	Amended	17:17 VA.R. 2452	4/9/01
Title 14. Insurance			
14 VAC 5-300-130	Amended	17:16 VA.R. 2382	5/1/01
Title 17. Libraries and Cultural Resources			
17 VAC 15-20-20 through 17 VAC 15-20-50	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-20-70 through 17 VAC 15-20-120	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-20-150 through 17 VAC 15-20-170	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-30-10 et seq.	Repealed	17:14 VA.R. 2183	5/1/01
17 VAC 15-40-10 et seq.	Repealed	17:14 VA.R. 2183	5/1/01
17 VAC 15-50-20 through 17 VAC 15-50-50	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-70	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-90 through 17 VAC 15-50-110	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-130	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-140	Repealed	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-150	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-160	Amended	17:14 VA.R. 2184	5/1/01
Title 18. Professional and Occupational Licensing			
18 VAC 5-20-10 et seq.	Repealed	17:14 VA.R. 2184	4/25/01
18 VAC 5-21-10 through 18 VAC 5-21-170	Amended	17:14 VA.R. 2184-2198	4/25/01
18 VAC 30-20-10	Amended	17:16 VA.R. 2383	5/23/01
18 VAC 30-20-80	Amended	17:16 VA.R. 2383	5/23/01
18 VAC 30-20-160	Amended	17:16 VA.R. 2383	5/23/01
18 VAC 30-20-300	Added	17:16 VA.R. 2384	5/23/01
18 VAC 30-20-310	Added	17:16 VA.R. 2384	5/23/01
18 VAC 30-20-320	Added	17:16 VA.R. 2384	5/23/01
18 VAC 85-40-61	Added	17:13 VA.R. 2097	4/11/01
18 VAC 85-50-58	Added	17:13 VA.R. 2098	4/11/01
18 VAC 85-80-10	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-80-70	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-80-71	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-80-72	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-80-80	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-101-150	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-101-151	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-101-152	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-110-150	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-110-155	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-110-160	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-120-10 et seq.	Added	17:17 VA.R. 2453	6/6/01
18 VAC 90-30-50	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-30-110	Amended	17:13 VA.R. 2098	4/11/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-40-60	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-40-70	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 105-20-60	Amended	17:17 VA.R. 2453	6/6/01
18 VAC 115-60-20	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 115-60-40	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 115-60-50	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 115-60-120	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 115-60-150	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 125-20-10	Amended	17:12 VA.R. 2026	3/28/01
18 VAC 125-20-30	Amended	17:12 VA.R. 2027	3/28/01
18 VAC 125-20-30	Amended	17:18 VA.R. 2652	6/20/01
18 VAC 125-20-43	Added	17:12 VA.R. 2027	3/28/01
18 VAC 125-20-120	Amended	17:18 VA.R. 2652	6/20/01
18 VAC 125-20-121	Added	17:18 VA.R. 2653	6/20/01
18 VAC 125-20-122	Added	17:18 VA.R. 2653	6/20/01
18 VAC 125-20-123	Added	17:18 VA.R. 2653	6/20/01
18 VAC 125-20-130	Amended	17:18 VA.R. 2654	6/20/01
18 VAC 125-20-160	Amended	17:18 VA.R. 2654	6/20/01
18 VAC 140-20-100	Amended	17:14 VA.R. 2198	4/25/01
18 VAC 140-20-105	Added	17:14 VA.R. 2198	4/25/01
18 VAC 140-20-106	Added	17:14 VA.R. 2199	4/25/01
18 VAC 140-20-110	Amended	17:14 VA.R. 2199	4/25/01
18 VAC 140-20-160	Amended	17:14 VA.R. 2199	4/25/01
Title 19. Public Safety			
19 VAC 30-40-30	Amended	17:15 VA.R. 2252	5/9/01
19 VAC 30-70-160	Amended	17:15 VA.R. 2252	5/9/01
19 VAC 30-70-530	Amended	17:15 VA.R. 2255	5/9/01
19 VAC 30-150-5	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-10	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-20	Repealed	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-30	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-50	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-5	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-20	Repealed	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-30	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-40	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-45	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-165-10 et seq.	Amended	17:15 VA.R. 2258	5/9/01
Title 20. Public Utilities and Telecommunications			
20 VAC 5-309-10	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-15	Added	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-20	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-30	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-40	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-50	Amended	17:18 VA.R. 2658	7/1/01
20 VAC 5-309-70	Amended	17:18 VA.R. 2658	7/1/01
20 VAC 5-309-90 through 20 VAC 5-309-180	Added	17:18 VA.R. 2658-2660	7/1/01
Title 22. Social Services			
22 VAC 40-130-10 et seq.	Withdrawn	17:17 VA.R. 2456	--
22 VAC 40-230-10 et seq.	Repealed	17:18 VA.R. 2660	6/20/01
22 VAC 40-480-10 et seq.	Repealed	17:18 VA.R. 2661	6/20/01
22 VAC 40-690-10	Amended	17:18 VA.R. 2661	9/1/01
22 VAC 40-690-15	Added	17:18 VA.R. 2662	9/1/01
22 VAC 40-690-20	Amended	17:18 VA.R. 2662	9/1/01
22 VAC 40-690-30	Amended	17:18 VA.R. 2662	9/1/01
22 VAC 40-690-35	Added	17:18 VA.R. 2663	9/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-690-40	Amended	17:18 VA.R. 2663	9/1/01
22 VAC 40-690-50	Repealed	17:18 VA.R. 2664	9/1/01
22 VAC 40-690-55	Added	17:18 VA.R. 2664	9/1/01
22 VAC 40-690-60	Amended	17:18 VA.R. 2664	9/1/01
22 VAC 40-690-65	Added	17:18 VA.R. 2664	9/1/01
22 VAC 40-690-70	Repealed	17:18 VA.R. 2664	9/1/01
22 VAC 40-730-10 emer	Amended	17:13 VA.R. 2103	4/1/01-3/31/02
22 VAC 40-730-40 through 22 VAC 40-730-100 emer	Amended	17:13 VA.R. 2103-2104	4/1/01-3/31/02
22 VAC 40-900-10 et seq.	Repealed	17:18 VA.R. 2671	6/20/01
22 VAC 40-901-10 through 22 VAC 40-901-30	Added	17:18 VA.R. 2671	6/20/01
Title 24. Transportation and Motor Vehicles			
24 VAC 30-61-20	Amended	17:17 VA.R. 2456	6/6/01
24 VAC 30-61-40	Amended	17:17 VA.R. 2456	6/6/01
24 VAC 30-240-10	Amended	17:18 VA.R. 2671	5/1/01
24 VAC 30-280-10	Amended	17:13 VA.R. 2099	2/15/01
24 VAC 30-280-20 through 24 VAC 30-280-70	Added	17:13 VA.R. 2099-2102	2/15/01
24 VAC 30-440-10 et seq.	Repealed	17:14 VA.R. 2200	3/6/01
24 VAC 30-450-10 et seq.	Amended	17:14 VA.R. 2200	3/6/01
24 VAC 30-460-10	Repealed	17:14 VA.R. 2201	3/6/01
24 VAC 30-561-10	Amended	17:18 VA.R. 2672	5/2/01

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-500-10 et seq. Rules and Regulations Governing the Cooling, Storing, Sampling, and Transporting of Milk or Milk Samples from the Farm to the Processing Plant or Laboratory.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including the following: the need to include certain other species of mammals if the milk or dairy products are intended for human consumption; the need for consistency and compliance with the requirements of the Pasteurized Milk Ordinance (PMO) for Grade "A" milk; provision for the cooling, storing, and sampling of milk using alternatives to bulk tanks; the need to eliminate references to fees for milk hauling permits; the need to require permits for each milk pickup tank or milk transport tank used to move milk in Virginia; the need to include recording thermometer specifications consistent with the PMO; the need to require dedicated milk transport tanks to be used to haul any pasteurized milk, milk products, or frozen dessert mixes, when the products will not be repasteurized at the plant where they are packaged; and the need to require the collection of two identical milk samples at each pickup. The agency invites comment on whether there should be an adviser. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-530.1, 3.1-530.2, 3.1-535, and 3.1-535.1 of the Code of Virginia.

Public comments may be submitted until July 9, 2001.

Contact: John A. Beers, Program Supervisor, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 505, Richmond, VA 23219, telephone (804) 786-1453 or FAX (804) 371-7792.

VA.R. Doc. No. R01-166; Filed April 16, 2001, 4:17 p.m.

TITLE 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-20-10 et seq. Advertising.** The purpose of the proposed action is to modify current restrictions on the use of athletes or athletic teams in advertising, allowing wine and beer licensees to display point-of-sale advertising materials incorporating the use of professional athlete and athletic teams. This action is necessary to resolve a conflict between the current regulation and Chapter 361 of the 2001 Acts of Assembly. The board also intends to increase from \$5.00 to \$10.00 the maximum wholesale value of novelty and specialty items bearing alcoholic beverage advertising that may be given away by alcoholic beverage manufacturers, importers, bottlers, brokers, wholesalers, or their representatives. The allowable value has not increased since 1991. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 4.1-111 and 4.1-320 of the Code of Virginia.

Public comments may be submitted until July 5, 2001.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

VA.R. Doc. No. R01-199; Filed May 16, 2001, 10:24 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-30-10 et seq. Tied-House.** The purpose of the proposed action is to amend the regulation to allow alcoholic beverage manufacturers, bottlers, and wholesalers to provide advertising materials to retail licensees that have been customized for the individual retailer, with some restrictions. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 5, 2001.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

VA.R. Doc. No. R01-200; Filed May 16, 2001, 10:25 a.m.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

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 Mines, Minerals and Energy intends to consider repealing regulations entitled: **4 VAC 25-30-10 et seq. Minerals Other than Coal Surface Mining Regulations.** The Department of Mines, Minerals and Energy is proposing to repeal this regulation because the revisions are so extensive, both in text and format, that it is more efficient to repeal the regulation and simultaneously promulgate a new regulation in its place (4 VAC 25-31). The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3 and 45.1-180.3 of the Code of Virginia.

Public comments may be submitted until June 11, 2001.

Contact: Conrad Spangler, Director, Mineral Mining, Department of Mines, Minerals and Energy, Fontaine Research Park, 900 Natural Resources Dr., P.O. Box 3727, Charlottesville, VA 22903, telephone (804) 951-6310, FAX (804) 951-6325 or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R01-167; Filed April 17, 2001, 1:39 p.m.

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 Mines, Minerals and Energy intends to consider promulgating regulations entitled: **4 VAC 25-31-10 et seq. Reclamation Regulations for Mineral Mining.** The purpose of the proposed action is to provide for the beneficial development of mineral resources and to minimize the effects of mining on the environment. The regulation is replacing the Minerals Other than Coal Regulations, 4 VAC 25-30. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3 and 45.1-180.3 of the Code of Virginia.

Public comments may be submitted until June 11, 2001.

Contact: Conrad Spangler, Director, Mineral Mining, Department of Mines, Minerals and Energy, Fontaine Research Park, 900 Natural Resources Dr., P.O. Box 3727, Charlottesville, VA 22903, telephone (804) 951-6310, FAX (804) 951-6325 or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R01-165; Filed April 13, 2001, 3:13 p.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

BOARD OF CORRECTIONS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to consider amending regulations entitled: **6 VAC 15-80-10 et seq. Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities.** The purpose of the proposed action is to amend the regulation to include new technologies, campus style and direct supervision facility designs and relevant aspects of the Americans with Disabilities Act. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-80 through 53.1-82.1 of the Code of Virginia.

Public comments may be submitted until July 13, 2001.

Contact: J. Michael Howerton, Community Corrections/Local Facilities, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 675-3251 or FAX (804) 674-3525.

VA.R. Doc. No. R01-195; Filed May 15, 2001, 10:41 a.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled: **8 VAC 20-30-10 et seq. Regulations Governing Adult High School Programs.** The purpose of this intended regulatory action is twofold. First, adult high school programs at which adults are able to earn a Standard or Advanced Studies Diploma will be required to maintain the same high standards as regular day school programs. Second, the change provides a high standard alternative diploma for adults (the Adult Education Diploma) who are unable to complete the requirements for a Standard or Advanced Studies Diploma. The agency intends to hold a public hearing on the proposed regulations after publication.

Statutory Authority: § 22.1-224 of the Code of Virginia.

Public comments may be submitted until June 6, 2001.

Notices of Intended Regulatory Action

Contact: Robert MacGillivray, Adult Education Services, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 371-2333 or FAX (804) 225-2524.

VA.R. Doc. No. R01-170; Filed April 18, 2001, 10:52 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled: **8 VAC 20-70-10 et seq. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** The purpose of the proposed action is to conform the regulations with statutory changes that have occurred since the regulations were last revised in 1994. In addition, federal standards addressing bus equipment and construction have, in some instances, changed significantly since the regulations were last amended. Consequently, Virginia is unable to permit the use of equipment permitted under federal standards because it is not permitted by the current regulations. Technological and manufacturing advancements that are not addressed in the current regulations have resulted in regulations and manufacturing requirements that are too restrictive and are in conflict with the "state-of-the-art." The 2000 National Standards for School Transportation became available in December 2000. These standards address such issues as school inspections, infants and toddlers, special education and specially equipped school buses. Those standards will be reviewed as a part of the revision process in order to incorporate changes, as appropriate. The agency intends to hold a public hearing on the proposed regulations after publication.

Statutory Authority: §§ 22.1-16, 22.1-176, 22.1-177 and 22.1-178 of the Code of Virginia.

Public comments may be submitted until June 6, 2001.

Contact: June Eanes, Director, Support Services, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2037 or FAX (804) 225-2524.

VA.R. Doc. No. R01-171; Filed April 18, 2001, 10:52 a.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-80-10 et seq. Solid Waste Management Regulations.** The purpose of the proposed action is to incorporate and address statutory changes enacted by the General Assembly since Amendment 2 of the Virginia Solid Waste Management Regulations. These remaining statutes to be addressed in the regulations include at least the following:

1. The disposal capacity guarantee as required by § 10.1-1408.1 B 6.
2. Host community agreements as required by § 10.1-1408.1 B 7.
3. Reporting requirements for locally-owned facilities as required by § 10.1-1408.1 B 8.
4. Director's determinations as required by § 10.1-1408.1 D 1 and 2.
5. Permit condition for capacity guarantee as required by § 10.1-1408.1 P.

In addition, the regulation will be updated to correct any errors or omissions resulting from previous amendments and any outdated material. (See 17:17 VA.R. 2437-2440 May 7, 2001, for more detailed information.)

The department is using the participatory approach to develop a proposal.

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

Statutory Authority: §§ 10.1-1402 and 10.1-1408.1 of the Code of Virginia.

Public comments may be submitted until June 22, 2001.

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146.

VA.R. Doc. No. R01-169; Filed April 18, 2001, 9:52 a.m.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Extension of Public Comment Period

The State Water Control Board is extending the comment period on the Notice of Intended Regulatory Action for the triennial review of **9 VAC 25-260-5 et seq. Water Quality Standards** published in 17:10 VA.R. 1442-1445 January 29, 2001. Comments will be accepted until June 22, 2001.

Anyone wishing to submit written comments for the public comment file may do so by mail or by e-mail to emdaub@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by June 22, 2001. All comments received since January 29, 2001, will be considered by the board in the development of the proposal. Written comments may be submitted to Eleanore Daub, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219.

VA.R. Doc. No. R01-78; Filed April 4, 2001, 10:41 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-610-10 et seq. Sewage Handling and Disposal Regulations.** The purpose of the proposed action is to address issues surrounding larger sewage disposal systems and soils with high rock content, which affects the soil's absorption ability. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 5, 2001.

Contact: Donald J. Alexander, Director, Onsite Sewage and Water Services, Department of Health, 1500 E. Main St., Room 115, Richmond, VA 23219, telephone (804) 225-4030 or FAX (804) 225-4003.

VA.R. Doc. No. R01-192; Filed May 9, 2001, 10:53 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-610-10 et seq. Sewage Handling and Disposal Regulations.** The purpose of the proposed action is to establish (i) new site and soil requirements for onsite sewage systems utilizing secondary and advanced secondary treatment; (ii) new design and construction criteria using the concept of a minimum footprint; and (iii) requirements for operating, maintaining, and monitoring onsite wastewater systems. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 5, 2001.

Contact: Donald J. Alexander, Director, Onsite Sewage and Water Services, Department of Health, 1500 E. Main St., Room 115, Richmond, VA 23219, telephone (804) 225-4030 or FAX (804) 225-4003.

VA.R. Doc. No. R01-193; Filed May 9, 2001, 10:54 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

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 Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-90-10 et seq. Methods and Standards for Establishing Payment Rates for Long-Term Care.** The purpose of the proposed action is to promulgate a new

methodology, called Resource Utilization Groups (RUGs), for determining and ranking the level of intensity of medical and nursing services that are needed by residents of nursing facilities. The new RUGs system will replace the PIRS methodology that was promulgated by DMAS in 1990. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until June 20, 2001, to Stan Fields, Director, Division of Cost Settlement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or (804) 371-4981.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or (804) 371-4981.

VA.R. Doc. No. R01-176; Filed April 25, 2001, 2:48 p.m.

† 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 Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-110-10 et seq. Eligibility and Appeals.** The purpose of the proposed action is to amend the hardship provision in the Medicaid eligibility regulations for married institutionalized individuals who have a spouse who still lives in the community. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 5, 2001, to Patricia Sykes, Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or (804) 371-4981.

VA.R. Doc. No. R01-191; Filed May 4, 2001, 2:48 p.m.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider amending regulations entitled: **12 VAC 35-190-10 et seq. Regulations Establishing Procedures for Voluntarily Admitting Persons who are Mentally Retarded to State Mental Retardation Facilities.** The purpose of this action is to update the definitions and clarify admissions criteria and process consistent with the current law. The agency intends to hold a public hearing on the proposed regulation after publication.

Notices of Intended Regulatory Action

Statutory Authority: §§ 37.1-10 and 37.1-65.1 of the Code of Virginia.

Public comments may be submitted until June 21, 2001.

Contact: Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, Jefferson Bldg., 1220 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 225-2252 or FAX (804) 371-0092.

VA.R. Doc. No. R01-173; Filed April 23, 2001, 2:47 p.m.

◆

TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-80-10 et seq. Regulations Governing the Licensure of Occupational Therapists.** The purpose of the proposed action is to clarify certain provisions of the regulation and to specify the appropriate supervision and delegation of duties to unlicensed persons. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until June 20, 2001.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R01-187; Filed May 2, 2001, 10:44 a.m.

BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled: **18 VAC 90-50-10 et seq. Regulations Governing the Certification of Massage Therapists.** The purpose of the proposed action is to address concerns about competency of certificate holders, which may include hours of continuing education by providers acceptable to the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public comments may be submitted until June 20, 2001.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA

23230-1717, telephone (804) 662-9909 or FAX (804) 662-9512.

VA.R. Doc. No. R01-188; Filed May 2, 2001, 10:44 a.m.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

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 Professional and Occupational Regulation intends to consider amending regulations entitled: **18 VAC 120-30-10 et seq. Regulations Governing Polygraph Examiners.** The purpose of the proposed action is to make general clarifying changes to the regulations, propose other changes that may be necessary pursuant to the director's periodic review of the regulation, and make any other changes that may be necessary. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-201 and 54.1-1802 of the Code of Virginia.

Public comments may be submitted until June 20, 2001.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R01-178; Filed April 30, 2001, 2:30 p.m.

REAL ESTATE APPRAISER BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Real Estate Appraiser Board intends to consider amending regulations entitled: **18 VAC 130-20-10 et seq. Real Estate Appraiser Board Rules and Regulations.** The purpose of the proposed action is to amend the regulation for clarity and to incorporate changes set forth by the Appraiser Qualifications Board and Appraisal Standards Board of the Appraisal Foundation. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2013 of the Code of Virginia.

Public comments may be submitted until June 7, 2001.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R01-168; Filed April 17, 2001, 1:31 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider promulgating regulations entitled: **22 VAC 40-675-10 et seq. Personnel Policies for Local Departments of Social Services.** The purpose of the proposed action is to establish and formalize consistent and equitable personnel policies as a basis for management of employees in local departments of social services. The proposed action, advanced after advice from legal counsel for the department, satisfies both state and federal requirements. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25 and 63.1-26 of the Code of Virginia.

Public comments may be submitted until July 5, 2001.

Contact: Vivian Flythe Cook, Personnel Practices Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1561 or FAX (804) 692-1598.

VA.R. Doc. No. R01-196; Filed May 15, 2001, 3:26 p.m.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

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.

TITLE 5. CORPORATIONS

STATE CORPORATION COMMISSION

Title of Regulation: **5 VAC 5-30-10 et seq. Uniform Commercial Code Filing Rules (CLK010068).**

Statutory Authority: §§ 8.9A-526 and 12.1-13 of the Code of Virginia.

Agency Contact: Robert Lindsey, Clerk's Office, State Corporation Commission, John Tyler Building, 1300 E. Main Street, 10th Floor, Richmond, VA 23219, telephone (804) 371-9424.

Summary:

The proposed regulation prescribes Uniform Commercial Code filing and search requirements, forms, fees, record acceptance criteria, limitations on filing, office duties and responsibilities, and data maintenance and provision rules.

AT RICHMOND, MAY 15, 2001

COMMONWEALTH OF VIRGINIA, *ex. rel.*

STATE CORPORATION COMMISSION

CASE NO. CLK010068

Ex Parte: In re Uniform Commercial Code Filing Rules

ORDER TO TAKE NOTICE

WHEREAS, by Chapter 1007 of the Acts of Assembly of its 2000 Session, the Virginia General Assembly amended the Code of Virginia by, among other things, adding Title 8.9A to become effective on July 1, 2001; and

WHEREAS, by § 8.9A-526 of the Code of Virginia as so amended, the Commission is authorized to promulgate rules governing practices of the Clerk's Office acting as the filing office for financing statements and associated records permitted to be filed in said office under Title 8.9A; and

WHEREAS, the Commission has consulted with other states and taken into account the most recent proposed filing office rules of the International Association of Corporation Administrators, as directed in § 8.9A-526 of the Code of Virginia;

IT IS THEREFORE ORDERED THAT:

(1) A proposed regulation entitled "Uniform Commercial Code Filing Rules" is appended hereto and made part of the record herein.

(2) On or before June 18, 2001, any person desiring to comment upon the proposed regulation shall file written comments containing a reference to Case No. CLK010068

with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218.

(3) On or before June 18, 2001, any person desiring a hearing on the proposed regulation who has filed written comments may file a written request for a hearing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. The written request for a hearing shall contain a reference to Case No. CLK010068 and a statement of reasons why their position cannot be expressed adequately in writing.

(4) If a written request for hearing is filed, a hearing will be held on June 27, 2001, at 10:00 a.m. in the Commission's Courtroom, 2nd floor, 13th and Main Streets, Richmond, Virginia 23218.

(5) The proposed regulation shall be posted on the Commission's website at <http://www.state.va.us/scc>.

(6) AN ATTESTED COPY of this order, together with a copy of the proposed amended regulation, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

CHAPTER 30.

UNIFORM COMMERCIAL CODE FILING RULES.

PART I.

GENERAL PROVISIONS.

5 VAC 5-30-10. Scope.

This chapter governs the filing and handling of records in the Clerk's Office of the State Corporation Commission pursuant to Title 8.9A of the Code of Virginia. Each provision of this regulation is severable from all other provisions. In the event of conflict between a provision of this regulation and any provision of the Code of Virginia, the Code of Virginia will apply. Statutory references in this regulation refer to sections of the Code of Virginia.

5 VAC 5-30-20. Definitions.

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

"Active record" means a UCC record that has not reached the one-year anniversary of its lapse date.

"Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include (i) assignments and (ii) continuation and termination statements.

"Assignment" means an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

"Continuation statement" shall have the meaning prescribed by § 8.9A-102(a)(27) of the Code of Virginia.

"Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

"File number" shall have the meaning prescribed by § 8.9A-519(b) of the Code of Virginia.

"Filing office" means the Clerk's Office of the State Corporation Commission.

"Filing officer" means the Clerk of the State Corporation Commission.

"Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

"Financing statement" shall have the meaning prescribed by § 8.9A-102(39) of the Code of Virginia.

"Inactive record" means a UCC record that has reached the first anniversary of its lapse date.

"Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

"Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

"Organization" means a legal person that is not an individual.

"Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

"Secured party of record" shall have the meaning prescribed by § 8.9A-511 of the Code of Virginia.

"Termination statement" shall have the meaning prescribed by § 8.9A-102(a)(79) of the Code of Virginia.

"UCC" means the Uniform Commercial Code (§ 8.9A-101 et seq. of the Code of Virginia).

"UCC record" means an initial financing statement, an amendment, an assignment or a continuation, termination, correction or filing officer statement, and shall not be deemed to refer exclusively to paper or paper-based writings.

5 VAC 5-30-30. General filing and search requirements.

A. UCC records may be tendered for filing at the filing office as follows:

1. Personal delivery, at the filing office street address,
2. Courier delivery, at the filing office street address, or
3. Postal delivery, to the filing office mailing address.

B. The filing time for a UCC record delivered by these methods is when the UCC record is date and time stamped by the filing office even though the UCC record may not yet

have been accepted for filing and may be subsequently rejected.

C. UCC search requests may be delivered to the filing office by any of the means by which UCC records may be delivered to the filing office. A search request for a debtor named on an initial financing statement may be made on the initial financing statement form if the form is accepted and the relevant search fee is also tendered.

5 VAC 5-30-40. Forms, fees, and payments.

A. Forms.

1. The filing office shall only accept forms for UCC records that conform to the requirements of this chapter.
2. The forms set forth in § 8.9A-521 of the Code of Virginia shall be accepted.
3. A form for the relevant filing of a UCC record approved by the International Association of Corporation Administrators on or after April 23, 1998, shall be accepted.
4. The filing officer may approve additional forms for acceptance, including forms promulgated by the International Association of Corporation Administrators.

B. Fees.

1. The fee for filing and indexing a UCC record communicated on paper is \$20.
2. The fee for a UCC search request communicated on paper is \$7.00.
3. The fee for UCC search copies is \$1.00 for each of the first two pages and 50¢ for each additional page. The fee for affixing the seal of the commission to a certificate is \$1.00.

C. Methods of payment. Filing fees and fees for services provided under this regulation may be paid by the following methods:

1. Payment in cash shall be accepted if paid in person at the filing office.
2. Personal checks, cashier's checks and money orders made payable to the State Corporation Commission or Treasurer of Virginia shall be accepted for payment if drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office.

D. Overpayment and underpayment policies.

1. The filing officer shall notify the remitter of the amount of any overpayment exceeding \$24.99 and send the remitter the appropriate procedure and form for requesting a refund. The filing officer shall refund an overpayment of \$24.99 or less only upon the written request of the remitter. A request for a refund shall be delivered to the filing office within 12 months from the date of payment.
2. Upon receipt of a UCC record with an insufficient fee, the filing officer shall return the record to the remitter with a notice stating the deficiency and shall retain the filing fee.

Proposed Regulations

3. If a filer requests a name search at the time a UCC record is filed, the name searched will be the debtor name as set forth on the form. If the remitter furnishes the appropriate fee for filing but omits the search fee, the UCC record will be filed subject to 5 VAC 5-30-50 and the search will not be performed.

E. Federal liens. A notice of lien, certificate and other notice affecting a federal tax lien or other federal lien filed in the filing office pursuant to the provisions of the Uniform Federal Lien Registration Act (§ 55-142.1 et seq. of the Code of Virginia) shall be treated as the most analogous UCC record unless the Uniform Federal Lien Registration Act or federal law provides otherwise.

PART II. RECORD REQUIREMENTS.

5 VAC 5-30-50. Acceptance and refusal of records.

A. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to this chapter, the filing officer does none of the following:

1. Determine the legal sufficiency or insufficiency of a record;
2. Determine that a security interest in collateral exists or does not exist;
3. Determine that information in the record is correct or incorrect, in whole or in part; or
4. Create a presumption that information in the record is correct or incorrect, in whole or in part.

B. The first day on which a continuation statement may be filed is the day of the month corresponding to the date upon which the related financing statement would lapse in the sixth month preceding the month in which the financing statement would lapse. If there is no such corresponding date, the first day on which a continuation statement may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The last day on which a continuation statement may be filed is the date upon which the financing statement lapses.

C. Except as provided in 5 VAC 5-30-40 D, if the filing officer finds grounds to refuse a UCC record, the filing officer shall return the record to the remitter and shall retain the filing fee.

D. Nothing in this chapter prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC record, whether or not it was filed or refused for filing. However, the filing officer is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

E. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer shall file the UCC record as provided in this chapter with a filing date and time assigned when the record was

originally tendered for filing. The filing officer shall also file a filing officer statement that states the effective date and time of filing, which shall be the date and time the UCC record was originally tendered for filing.

PART III. RECORD FILING AND SEARCHES.

5 VAC 5-30-60. Filing and data entry procedures.

A. The filing office may correct errors of its personnel in the UCC information management system at any time. If the correction occurs after the filing officer has issued a certification the filing officer shall file a filing officer correction statement in the UCC information management system identifying the record to which it relates, the date of the correction, and explaining the nature of the corrective action taken. The record shall be preserved as long as the record of the initial financing statement is preserved in the UCC information management system.

B. An error by a filer or remitter is the responsibility of that person. It can be corrected by filing an amendment or a correction statement pursuant to § 8.9A-518 of the Code of Virginia.

C. 1. A UCC record tendered for filing shall designate whether a name is a name of an individual or an organization. If the name is that of an individual, the first, middle and last names and any suffix shall be given.

2. Organization names are entered into the UCC information management system exactly as set forth in the UCC record, even if it appears that multiple names are set forth in the record or if it appears that the name of an individual has been included in the field designated for an organization name.

3. The filing office will only accept forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office might cause filings to be ineffective.

D. The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

5 VAC 5-30-70. Search requests and reports.

A. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of all filed records by the name of the debtor and by the file number of the initial financing statement.

B. Search requests shall contain the following information:

1. The name of the debtor to be searched, specifying whether the debtor is an individual or organization. A search request will be processed using the name in the exact form.

2. The name and address of the person to whom the search report is to be sent.

3. The appropriate fee shall be enclosed, payable by a method described herein.

C. If a filer requests a search at the time a UCC record is filed the name searched will be the debtor name as set forth on the form. The requesting party shall be the remitter of the UCC record, and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC record is filed.

D. Search requests may contain any of the following information:

1. A request that copies of records found in the search be included with the search report,

2. A request to limit the copies of records by restricting the search to a city or a filing date or a range of filing dates, or

3. Instructions on the mode of delivery desired, if other than by ordinary mail, which request shall be honored if the requested mode is available to the filing office.

E. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment plays a role in determining the results of the search. The following requirements apply to searches:

1. There is no limit to the number of matches that may be returned in response to the search criteria.

2. No distinction is made between upper and lower case letters.

3. Punctuation marks and accents are disregarded.

4. "Ending Noise Words" are disregarded. Such words include, but are not limited to, "an," "and," "for," "of," and "the." Certain business words are modified to a standard abbreviation: company to "co," corporation to "corp," limited to "ltd," incorporated to "inc."

5. The word "the" at the beginning of the search criteria is disregarded.

6. All spaces are disregarded.

7. After using the preceding subdivisions to modify the name to be searched, the search will reveal names of debtors that are contained in unlapsed financing statements in an alphabetical list.

F. Reports created in response to a search request shall include the following:

1. The date the report was generated.

2. Identification of the name searched.

3. Identification of each unlapsed initial financing statement filed on or prior to the report date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

4. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the report date.

5. Copies of all UCC records revealed by the search and requested by the searcher.

G. During the statutory transition period of July 1, 2001, to July 1, 2006, the filing office may provide access to a database that produces search results beyond exact name matches. The supplemental database shall not be considered part of the standard search logic and shall not constitute an official search of the filing office.

VA.R. Doc. No. R01-203; Filed May 16, 2001, 10:25 a.m.



TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

Title of Regulation: 10 VAC 5-10-10 et seq. Delegation of Certain Authority to the Commissioner of the Bureau of Financial Institutions (amending 10 VAC 5-10-10).

Statutory Authority: §§ 12.1-13 and 12.1-16 of the Code of Virginia.

Agency Contact: Jonathan B. Orne, Office of General Counsel, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218-1197, telephone (804) 371-9671.

Summary:

Pursuant to § 12.1-16 of the Code of Virginia, the State Corporation Commission is proposing to amend the regulation by which it has previously delegated to the Commissioner of Financial Institutions the authority, subject to commission review, to act for the commission. The proposed amended regulation delegates to the Commissioner of Financial Institutions the authority to exercise the commission's powers and act for the commission with respect to additional matters relating to the administration of Title 6.1 of the Code of Virginia.

AT RICHMOND, MAY 15, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI010070

Ex Parte: In re Powers delegated to the Commissioner of Financial Institutions

ORDER TO TAKE NOTICE

WHEREAS § 12.1-16 of the Code of Virginia provides, among other things, for delegation by the State Corporation Commission ("Commission") to the Commissioner of Financial Institutions ("Commissioner") of its duties under certain laws; and

Proposed Regulations

WHEREAS the Commission has previously delegated various powers and duties to the Commissioner pursuant to this statute, which delegations currently appear in the Virginia Administrative Code at 10 VAC 5-10-10; and

WHEREAS the Commission now proposes to delegate certain additional authority to the Commissioner in order to promote the efficient administration of Title 6.1 of the Code of Virginia;

IT IS THEREFORE ORDERED THAT:

(1) The proposed amended regulation entitled "Powers Delegated to Commissioner of Financial Institutions" is appended hereto and made part of the record herein.

(2) On or before June 11, 2001, any person desiring to comment upon the proposed amended regulation shall file written comments containing a reference to Case No. BFI010070 with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218.

(3) The proposed amended regulation shall be posted on the Commission's website at <http://www.state.va.us/scc>.

(4) AN ATTESTED COPY hereof, together with a copy of the proposed amended regulation, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent to the Commissioner of Financial Institutions.

10 VAC 5-10-10. Powers delegated to Commissioner of Financial Institutions.

Virginia Code § 12.1-16 provides (in part):

~~In the exercise of the powers and in the performance of the duties imposed by law upon the commission with respect to insurance and banking, the commission may delegate to such employees and agents as it may deem proper such powers and require of them, or any of them, the performance of such duties as it may deem proper.~~

~~That statute provides further that the head of the bureau through which the commission administers the banking laws shall be designated "Commissioner of Financial Institutions."~~

~~The commission has previously delegated various powers and duties to the Commissioner of Financial Institutions pursuant to this statute, and finds now that certain additional authority conferred upon the commission under Title 6.1 of the Code of Virginia should be delegated to the Commissioner of Financial Institutions in order to promote the efficient administration of said Title.~~

~~NOW THEREFORE, finding it lawful and proper to do so, the commission hereby delegates to the Commissioner of Financial Institutions the authority to exercise its powers and to act for it in the following matters:~~

~~A. The State Corporation Commission has delegated to the Commissioner of Financial Institutions the authority to exercise its powers and to act for it in the following matters:~~

~~1. To grant or deny petitions relating to service by an individual as a director of more than one financial institution. (§ 6.1-2.7 of the Code of Virginia.)~~

~~2. To grant a certificate of authority to a bank formed for the purpose of its being acquired under the provisions of Chapter 14 (§ 6.1-390 et seq.) of Title 6.1 of the Code of Virginia, or for the purpose of facilitating the consolidation of banks or the acquisition by merger of a bank pursuant to any provision of Title 6.1 of the Code of Virginia. (§§ 6.1-13 and 6.1-43 of the Code of Virginia.)~~

~~3. To grant or deny authority to a bank, or to a trust subsidiary, to engage in the trust business or exercise trust powers. (§§ 6.1-16 and 6.1-32.5 of the Code of Virginia.)~~

~~4. To grant or deny authority to a bank or trust company to establish a branch office, or to relocate a main or principal office, or any branch office. (§§ 6.1-39.3 and 6.1-32.21 of the Code of Virginia.)~~

~~4. To approve an office of a trust subsidiary; to authorize a trust company to establish an additional office; to authorize a state bank or trust company to establish or acquire a trust office in another state; and to deny an application by a state bank to establish a branch or relocate an authorized office in Virginia. (§§ 6.1-32.6, 6.1-32.21, 6.1-32.33 and 6.1-39.3 of the Code of Virginia) To approve the establishment, acquisition, maintenance, and operation of branches of state banks in states other than Virginia. (§§ 6.1-44.3 and 6.1-44.17 of the Code of Virginia.)~~

~~5. To permit a state bank to operate or advertise a branch office under a name that is not identical to the bank's own name. (§ 6.1-41 of the Code of Virginia.)~~

~~6. To object to an application or notice by an out-of-state trust institution or an out-of-state bank to establish or acquire a trust office or branch in Virginia, upon finding that the filing requirements and the conditions for approval prescribed by law are not fulfilled. (§§ 6.1-32.38 and 6.1-32.39; 6.1-44.6 and 6.1-44.7; 6.1-44.19 and 6.1-44.20 of the Code of Virginia.)~~

~~5- 7. To grant approval for directors' meetings of a bank or trust company to be held less frequently than monthly. (§ 6.1-52 of the Code of Virginia; 10 VAC 5-22-20.)~~

~~6- 8. To grant approval for the investing of more than 50% of the aggregate amount of a bank's capital stock, surplus, and undivided profits in its bank building and premises; and to permit the payment of dividends while such investment exceeds 50% of capital, surplus, and undivided profits. (§ 6.1-57 of the Code of Virginia.)~~

~~7- 9. To consent to a bank's investment in more than one service corporation. (§ 6.1-58 of the Code of Virginia.)~~

~~8- 10. To give permission for the aggregate investment of more than 50% of a bank's capital stock and permanent surplus in the stock, securities, or obligations of controlled-subsidary and bank service corporations. (§ 6.1-58.1 of the Code of Virginia.)~~

~~9- 11. To give written consent and approval for a bank to hold the possession of certain real estate for a longer period than 10 years. (Subdivision 4 of § 6.1-59(4) of the Code of Virginia.)~~

~~40-~~ 12. To approve the issuance by a bank of capital notes and debentures, so that such notes and debentures may qualify as surplus for the purpose of calculating the legal lending limit of a bank. (§ 6.1-61 of the Code of Virginia.)

~~44-~~ 13. To give written approval in advance for a bank or trust company to pledge its assets as security for certain temporary purposes. (§ 6.1-80 of the Code of Virginia.)

~~42-~~ 14. To require any bank to prepare and submit such reports and material as he may deem necessary to protect and promote the public interest. (§ 6.1-93 of the Code of Virginia.)

~~43-~~ 15. To approve the issuance of stock in a savings institution in exchange for property or services valued at an amount not less than the aggregate value of the shares issued. (§§ 6.1-194.11 and 6.1-194.113 of the Code of Virginia.)

~~44-~~ 16. To reduce temporarily the reserve requirements for a savings institution upon a finding that such reduction is in the best interest of the institution and its members. (§ 6.1-194.23 of the Code of Virginia.)

~~45-~~ 17. To grant a certificate of authority to a savings institution formed solely for the purpose of facilitating the merger or acquisition of savings institutions pursuant to any provision of Title 6.1 of the Code of Virginia.

~~46-~~ 18. To grant or deny authority to a state association, a state savings bank or a foreign savings institution to establish a branch office, or other office or facility where deposits are accepted (§§ 6.1-194.26 and 6.1-194.119 of the Code of Virginia), or to change the location of a main or branch office. (§§ 6.1-194.28 and 6.1-194.121 of the Code of Virginia.)

~~47-~~ 19. To cause a special examination of a savings institution to be made. (§ 6.1-194.84:1 of the Code of Virginia.)

~~48-~~ 20. To grant or deny authority to a savings institution to exercise fiduciary powers. (§§ 6.1-195.77 et seq. and 6.1-194.138 of the Code of Virginia.)

~~49-~~ 21. To grant or deny approval to a credit union to maintain a service facility or office (other than a main office). (§ 6.1-225.20 of the Code of Virginia.)

22. To make such findings as are required by §§ 6.1-225.23 and 6.1-225.23:1 of the Code of Virginia relating to fields of membership of credit unions and the expansion of such fields of membership.

~~20-~~ 23. To approve the investment of credit union funds in certain stock, securities and other obligations. (*Subdivision 8 of § 6.1-225.57*~~(8)~~ of the Code of Virginia.)

~~24-~~ 24. To grant or deny authority to an industrial loan association to relocate its office. (§ 6.1-233 of the Code of Virginia.)

~~22-~~ 25. To grant or deny licenses pursuant to Chapter 6 (§ 6.1-244 et seq.) of Title 6.1 of the Code of Virginia. (§ 6.1-256.1 of the Code of Virginia.)

~~23-~~ To grant or deny permission to a consumer finance licensee to change the location of an office. (§ 6.1-269.1 of the Code of Virginia.)

~~24-~~ 26. To grant or deny licenses to engage in the business of selling money orders or the business of money transmission, or both, *and approve or disapprove acquisitions of ownership interests in licensees.* (§§ 6.1-371 and 6.1-378.2 of the Code of Virginia.)

~~25-~~ 27. To grant or deny licenses to operate non-profit debt counseling agencies. (§ 6.1-363.1 of the Code of Virginia.)

~~26-~~ 28. To grant or deny licenses to engage in business as a mortgage lender and/or mortgage broker, *and prescribe conditions under which exclusive agents of licensees may act as mortgage brokers without a license and approve or disapprove individuals as qualified exclusive agents of licensees.* (§§ 6.1-410 and 6.1-415 of the Code of Virginia.)

~~27-~~ 29. To grant or deny permission to a mortgage lender or mortgage broker licensee to relocate an office or open an additional office *and approve or disapprove acquisitions of ownership interests in licensees.* (§§ 6.1-416 and 6.1-416.1 of the Code of Virginia.)

~~28-~~ 30. To enter into cooperative agreements with appropriate regulatory authorities for the examination of out-of-state bank holding companies and their subsidiaries and out-of-state savings institution holding companies and their subsidiaries and for the accomplishment of other duties imposed on the commission by *Article 11 (§ 6.1-194.96 et seq.) of Chapter 3.01, Article 14,* and by Chapter 15 (§ 6.1-398 et seq.) of Title 6.1 of the Code of Virginia.

~~29-~~ 31. To prescribe the form and content of all applications, documents, undertakings, papers, and information required to be submitted to the commission under Title 6.1 of the Code of Virginia.

~~30-~~ 32. To make all investigations and examinations, give all notices, and shorten, waive, or extend any time period within which any action of the commission must or may be taken or performed under Title 6.1 of the Code of Virginia.

B. In the performance of the duties hereby delegated to him, the commissioner shall have the power and authority to make all findings and determinations permitted or required by law.

C. The foregoing delegations of authority shall be effective until revoked by order of the commission. All actions taken by the Commissioner of Financial Institutions pursuant to the authority granted here are subject to review by the commission in accordance with the Rules of Practice and Procedure of the State Corporation Commission. Each delegation set forth in a numbered paragraph ~~here~~ *subdivision of subsection A of this section* shall be severable from all others.

V.A.R. Doc. No. R01-201; Filed May 16, 2001, 10:25 a.m.

Proposed Regulations

Title of Regulation: 10 VAC 5-20-10 et seq. Banking and Savings Institutions (amending 10 VAC 5-20-30).

Statutory Authority: §§ 6.1-94, 6.1-194.85, 6.1-194.149 and 12.1-13 of the Code of Virginia.

Agency Contact: Gerald E. Fallen, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218-1197, telephone (804) 371-9699.

Summary:

The State Corporation Commission is proposing to amend the schedule of annual fees to be paid by state-chartered banks, savings institutions, and savings banks for their examination, supervision, and regulation.

AT RICHMOND, MAY 15, 2001

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. BFI010080

Ex Parte: In re annual fees for examination, supervision, and regulation of banks and savings institutions

ORDER TO TAKE NOTICE

WHEREAS §§ 6.1-94, 6.1-194.85, and 6.1-194.149 of the Code of Virginia provide, among other things, for each bank, savings association, and savings bank examined, supervised, and regulated by the Bureau of Financial Institutions ("Bureau") to pay an annual fee according to a schedule set by the State Corporation Commission ("Commission"); and

WHEREAS the current schedule of annual fees appears in the Virginia Administrative Code at 10 VAC 5-20-30; and

WHEREAS the Commission now, based on information supplied by the Bureau Staff, proposes to modify the schedule of annual fees to promote the efficient and effective examination, supervision, and regulation of state banks and savings institutions;

IT IS THEREFORE ORDERED THAT:

(1) The proposed amended regulation, entitled "Schedule Prescribing Annual Fees Paid for Examination, Supervision, and Regulation of State Banks and Savings Institutions," is appended hereto and made part of the record herein.

(2) On or before June 18, 2001, any person desiring to comment on the proposed amended regulation shall file written comments containing a reference to Case No. BFI010080 with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218.

(3) The proposed amended regulation shall be posted on the Commission's website at <http://www.state.va.us/scc>.

(4) AN ATTESTED COPY hereof, together with a copy of the proposed amended regulation, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent to the Commissioner of Financial Institutions.

10 VAC 5-20-30. Schedule prescribing annual fees paid for examination, supervision, and regulation of state-chartered banks and savings institutions.

Pursuant to the provisions of §§ 6.1-94 and 6.1-194.85 and 6.1-194.149 of the Code of Virginia, the State Corporation Commission hereby promulgates sets the following schedule prescribing the of annual fee fees to be paid by every state-chartered bank and state-chartered banks, savings institution institutions, and savings banks for its their examination, supervision, and regulation, as follows:

SCHEDULE

Asset Interval		Fee		
Assets Exceeding	But Not Exceeding	This Amount	Plus	Assets Exceeding
\$0	\$5 million	\$4,500 6,000	0	
5 million	25 million	4,500 6,000	.000250 x	\$5 million
25 million	100 million	9,500 13,000	.000200 x	25 million
100 million	200 million	24,500 28,000	.000150 x	100 million
200 million	1000 million	39,500 43,000	.000110 x	200 million
1000 million	5000 million	127,500 131,000	.000090 x	1000 million
5000 million		487,500 491,000	.000070 x	5000 million

The assessment fee resulting from assessed using the above schedule shall be rounded down to the nearest whole dollar amount. The assessment shall be computed based on the basis of the bank's or savings institution's total assets as shown by its Report of Condition made as of the close of business for the preceding calendar year as filed with the Bureau of Financial Institutions.

Any A bank or savings institution which opens for business between January 1 and through June 30, inclusive, shall be assessed a fee of \$4,500 6,000 for that year.

Any A bank or savings institution which receives authorization to commence business but does not exercise that authority prior to opens for business on or after July 1 shall be assessed a fee of \$3,000, which shall be in lieu of the assessment prescribed by the foregoing schedule 4,500 for that year.

VA.R. Doc. No. R01-202; Filed May 16, 2001, 10:25 a.m.



TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) pursuant to § 9-6.14:4.1 A 4; however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: 13 VAC 10-40-10 et seq. **Rules and Regulations for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income (amending 13 VAC 10-40-30, 13 VAC 10-40-110, 13 VAC 10-40-130, 13 VAC 10-40-190, 13 VAC 10-40-230).**

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Agency Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

Summary:

The proposed amendments to the authority's rules and regulations for single family mortgage loans to persons and families of low and moderate income will (i) provide that, for all loan programs governed by the regulations, a loan applicant may be a nonpermanent resident alien provided the applicant has a social security number and is eligible to work in the United States; (ii) provide that the maximum loan amount for a conventional loan with private mortgage insurance may exceed 97% if permitted by the private mortgage insurance provider; (iii) provide that the maximum loan amount for an approved condominium shall be the same as the maximum loan amount for a single family detached residence or townhouse; (iv) delete the requirements concerning the treatment of the value of personal property when calculating the maximum loan amount; (v) permit buydowns in Rural Development and conventional loans; (vi) provide that the appraiser must be licensed by the Commonwealth of Virginia; (vii) impose property standards, including FNMA and FHLMC property guidelines; (viii) prohibit covenants and restrictions which adversely affect the property; (ix) in the flexible alternative program, clarify that the maximum loan amount is 100% of the lesser of sales price or appraised value; (x) in the flexible alternative program, limit amounts funded to finance rehabilitation and improvement costs to 5.0% of the lesser of sales price or appraised value, except for an additional 5.0% to modify the residence for a disabled occupant; (xi) in the flexible alternative program, clarify that the credit guidelines apply as of the date of loan application; (xii) in the flexible alternative program alternative credit requirements, provide that the applicant may not have an outstanding collection, judgment, charge off or repossession; (xiii) in the flexible alternative program standard credit requirements, provide that the applicant may not have had an outstanding collection, judgment, charge off or repossession within the past 12 months and no more than four 30-day past due accounts within the past 24 months; (xiv) in the flexible alternative program, provide

that the requirement for homeownership education when the loan-to-value ratio exceeds 95% shall be waived if the applicant's credit score exceeds 660; and (xv) in the flexible alternative program, provide that the executive director may establish a rehabilitation loan program in accordance with the guidelines set forth in the amendments.

13 VAC 10-40-30. Eligible persons and families and citizenship.

A. A one-person household is eligible.

B. A single family loan can be made to more than one person only if all such persons to whom the loan is to be made are related by blood, marriage or adoption or by legal custodial relationship and are living together in the dwelling as a single nonprofit housekeeping unit. Pursuant to authorization set forth in 13 VAC 10-10-90 and 13 VAC 10-40-10, the executive director may waive the requirement that such persons be related by blood, marriage or adoption or by legal custodial relationship, as set forth above and in 13 VAC 10-10-10, in cases of personal or financial hardship in which one of the persons is elderly (62 years or older) or is physically or mentally disabled, as determined by the executive director on the basis of medical evidence from a licensed physician or other appropriate evidence satisfactory to the executive director. In the case of any such waiver, the eligibility of such persons under 13 VAC 10-40-10 and 13 VAC 10-40-140 shall be determined in the same manner as is determined for a family, notwithstanding any provision therein to the contrary.

C. Each applicant for an authority mortgage loan must either be a United States citizen or be, a lawful permanent (not conditional) resident alien as determined by the U.S. Department of Immigration and Naturalization Service or a nonpermanent resident alien provided the applicant has a social security number and is eligible to work in the United States.

13 VAC 10-40-110. Calculation of maximum loan amount.

Single family detached residence and, townhouse (fee simple ownership) and approved condominium--Maximum of 97% (or, in the case of an FHA, VA or, Rural Development loan or a loan with private mortgage insurance, such other percentage as may be permitted by FHA, VA or, Rural Development or the private mortgage insurance provider) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

~~Condominiums--Maximum of 95% (or, in the case of an FHA, VA or Rural Development loan, such other percentage as may be permitted by FHA, VA or Rural Development) of the lesser of the sales price or appraised value, except as may be otherwise approved by the authority.~~

~~For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) The value of personal property included in the appraisal shall not be deducted from the appraised value.~~

In the case of an FHA, VA or Rural Development loan, the FHA, VA or Rural Development insurance fees or guarantee fees charged in connection with such loan (and, if an FHA loan, the FHA permitted closing costs as well) may be

Proposed Regulations

included in the calculation of the maximum loan amount in accordance with applicable FHA, VA or Rural Development requirements; provided, however, that in no event shall this revised maximum loan amount which includes such fees and closing costs be permitted to exceed the authority's maximum allowable sales price limits set forth herein.

13 VAC 10-40-130. Underwriting.

A. In general, to be eligible for authority financing, an applicant must satisfy the following underwriting criteria which demonstrate the willingness and ability to repay the mortgage debt and adequately maintain the financed property.

1. An applicant must document the receipt of a stable current income which indicates that the applicant will receive future income which is sufficient to enable the timely repayment of the mortgage loan as well as other existing obligations and living expenses.

2. An applicant must possess a credit history which reflects the ability to successfully meet financial obligations and a willingness to repay obligations in accordance with established credit repayment terms.

3. An applicant having a foreclosure instituted by the authority on his property financed by an authority mortgage loan will not be eligible for a mortgage loan hereunder. The authority will consider previous foreclosures (other than on authority financed loans) on an exception basis based upon circumstances surrounding the cause of the foreclosure, length of time since the foreclosure, the applicant's subsequent credit history and overall financial stability. Under no circumstances will an applicant be considered for an authority loan within three years from the date of the foreclosure. The authority has complete discretion to decline to finance a loan when a previous foreclosure is involved.

4. An applicant must document that sufficient funds will be available for required down payment and closing costs.

a. The terms and sources of any loan to be used as a source for down payment or closing costs must be reviewed and approved in advance of loan approval by the authority.

b. Sweat equity, the imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence, generally is not an acceptable source of funds for down payment and closing costs. Any sweat equity allowance must be approved by the authority prior to loan approval.

5. Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed. If there is a substantial increase in such expenses, the applicant must demonstrate his ability to pay the additional expenses.

6. All applicants are encouraged to attend a home ownership educational program to be better prepared to deal with the home buying process and the responsibilities related to homeownership. The authority may require all

applicants applying for certain authority loan programs to complete an authority approved homeownership education program prior to loan approval.

B. In addition to the requirements set forth in subsection A of this section, the following requirements must be met in order to satisfy the authority's underwriting requirements for conventional loans. However, additional or more stringent requirements may be imposed by private mortgage insurance companies with respect to those loans on which private mortgage insurance is required.

1. The following rules apply to the authority's employment and income requirement.

a. Employment for the preceding two-year period must be documented. Education or training for employment during this two-year period shall be considered in satisfaction of this requirement if such education or training is related to applicant's current line of work and adequate future income can be anticipated because such education and training will expand the applicant's job opportunities. The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. Note: Under the tax code, the residence may not be expected to be used in trade or business. (See 13 VAC 10-40-50 C.) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. The following rules apply to income derived from sources other than primary employment.

(1) When considering alimony and child support. A copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant for a loan.

(2) When considering social security and other retirement benefits. Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

(3) All part-time employment must be continuous for a minimum of 24 months, except that the authority may consider part-time employment that is continuous for more than 12 months but less than 24 months if such part-time employment is of a stable nature and is likely to continue after closing of the mortgage loan.

(4) Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

2. The following rules apply to an applicant's credit:

a. The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references and history are considered to be important requirements in order to obtain an authority loan.

b. An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy. The authority has complete discretion to decline a loan when a bankruptcy is involved.

c. An applicant is required to submit a written explanation for all judgments and collections. In most cases, judgments and collections must be paid before an applicant will be considered for an authority loan.

3. The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

4. An applicant satisfies the authority's minimum income requirement for financing if the monthly principal and interest (at the rate determined by the authority), tax, insurance ("PITI") and other additional monthly fees such as condominium assessments (60% of the monthly condominium assessment shall be added to the PITI figure), townhouse assessments, etc. do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly debt payments with more than six months duration (and payments on debts lasting less than six months, if making such payments will adversely affect the applicant's ability to make mortgage loan payments in the months following loan closing) do not exceed 40% of monthly gross income (see Exhibit B). However, with respect to those mortgage loans on which private mortgage insurance is required, the private mortgage insurance company may impose more stringent requirements. If either of the percentages set forth are exceeded, compensating factors may be used by the authority, in its sole discretion, to approve the mortgage loan.

5. Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant to borrow funds for

this purpose unless approved in advance by the authority. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

6. A gift letter is required when an applicant proposes to obtain funds as a gift from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available.

C. The following rules are applicable to FHA loans only.

1. The authority will normally accept FHA underwriting requirements and property standards for FHA loans. However, the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100 hereof remain in effect due to treasury restrictions or authority policy.

2. Applicant's mortgage insurance premium fee may be included in the FHA acquisition cost and may be financed provided that the final loan amount does not exceed the authority's maximum allowable sales price. In addition, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed provided the final loan amount does not exceed the authority's maximum allowable sales price.

4. FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

D. The following rules are applicable to VA loans only.

1. The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements (including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100) remain in effect due to treasury restrictions or authority policy.

2. The funding fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

3. VA certificates of reasonable value (CRV's) are acceptable in lieu of an appraisal.

E. The following rules are applicable to Rural Development loans only.

1. The authority will normally accept Rural Development underwriting requirements and property standards for Rural Development loans. However, the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in 13 VAC

Proposed Regulations

10-40-30 through 13 VAC 10-40-100 remain in effect due to treasury restrictions or authority policy.

2. The Rural Development guarantee fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

F. With respect to FHA, VA, RD and ~~VA~~ conventional loans, the authority permits the deposit of a sum of money (the "buydown funds") by a party (the "provider") with an escrow agent, a portion of which funds are to be paid to the authority each month in order to reduce the amount of the borrower's monthly payment during a certain period of time. Such arrangement is governed by an escrow agreement for buydown mortgage loans (see Exhibit V) executed at closing (see 13 VAC 10-40-180 for additional information). The escrow agent will be required to sign a certification (Exhibit X) in order to satisfy certain ~~FHA~~ insurer or guarantor requirements. For the purposes of underwriting buydown mortgage loans, the reduced monthly payment amount may be taken into account based on ~~FHA~~ insurer or guarantor guidelines then in effect (see also subsection C ~~er~~, D or E of this section, as applicable).

G. Unlike the program described in subsection E of this section which permits a direct buydown of the borrower's monthly payment, the authority also from time to time permits the buydown of the interest rate on a conventional, FHA or VA mortgage loan for a specified period of time.

13 VAC 10-40-190. Property guidelines.

A. For each application the authority must make the determination that the property will constitute adequate security for the loan. That determination shall in turn be based solely upon a real estate appraisal's determination of the value and condition of the property. *Such appraisal must be performed by an appraiser licensed in the Commonwealth of Virginia.*

All properties must be structurally sound and in adequate condition to preserve the continued marketability of the property and to protect the health and safety of the occupants. Eligible properties must possess features which are acceptable to typical purchasers in the subject market area and provide adequate amenities. Eligible properties must meet FNMA and FHLMC property guidelines unless otherwise approved by the authority.

In addition, manufactured housing (mobile homes), both new construction and certain existing, may be financed only if the loan is insured 100% by FHA (see subsection C of this section).

B. The following rules apply to conventional loans.

1. The following requirements apply to both new construction and existing housing to be financed by a conventional loan: (i) all property must be located on a state maintained road; provided, however, that the authority may, on a case-by-case basis, approve financing of property located on a private road acceptable to the authority if the right to use such private road is granted to the owner of the residence pursuant to a recorded right-of-way agreement providing for the use of such private road and a recorded maintenance agreement provides for

the maintenance of such private road on terms and conditions acceptable to the authority (any other easements or rights-of-way to state maintained roads are not acceptable as access to properties); (ii) any easements, *covenants or restrictions* which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis to determine whether such easements, *covenants or restrictions* will be acceptable to the authority; (iii) property with available water and sewer hookups must utilize them; and (iv) property without available water and sewer hookups may have their own well and septic system; provided that joint ownership of a well and septic system will be considered on a case-by-case basis to determine whether such ownership is acceptable to the authority, provided further that cisterns will be considered on a case-by-case basis to determine whether the cistern will be adequate to serve the property.

2. New construction financed by a conventional loan must also meet Uniform Statewide Building Code and local code.

C. The following rules apply to FHA, VA or Rural Development loans.

1. Both new construction and existing housing financed by an FHA, VA or Rural Development loan must meet all applicable requirements imposed by FHA, VA or Rural Development.

2. Manufactured housing (mobile homes) being financed by FHA loans must also meet federal manufactured home construction and safety standards, satisfy all FHA insurance requirements, be on a permanent foundation to be enclosed by a perimeter masonry curtain wall conforming to standards of the Uniform Statewide Building Code, be permanently affixed to the site owned by the borrowers and be insured 100% by FHA under its section 203B program. In addition, the property must be classified and taxed as real estate and no personal property may be financed.

13 VAC 10-40-230. Flexible alternative mortgage loan programs.

The executive director may establish flexible alternative mortgage loan programs. 13 VAC 10-40-10 through 13 VAC 10-40-220 shall apply to such flexible alternative mortgage loan programs, with the following modifications:

1. The following requirements shall not apply: (i) the new mortgage requirement; (ii) the requirements as to the use of the property in a trade or business; (iii) the requirements as to acquisition cost and sales price of the property to be financed; (iv) the requirement that the applicant shall not have had a present ownership interest in his principal residence within the preceding three years; (v) the net worth requirement; (vi) the requirements for the payment by the seller of an amount equal to 1.0% of the loan in 13 VAC 10-40-160 D 2; and (vii) the lot size restriction in 13 VAC 10-40-50 C 3.

2. The gross income of the applicant or applicants shall not exceed 120% of the applicable median family income without regard to household size.

~~3. A nonpermanent resident alien who signs the note as a coborrower with either a U.S. citizen or a permanent resident alien shall be an eligible borrower under 13 VAC 10-40-30 C, provided that such nonpermanent resident alien meets all other eligibility criteria set forth in this chapter as modified by this section.~~

4. 3. At the time of closing, the applicant must occupy or intend to occupy within 60 days (90 days in the case of new construction) the property to be financed as his principal residence.

5. 4. The property to be financed must be one of the following types: (i) a single family residence (attached or detached); (ii) a unit in a condominium or PUD which is approved for financing by FNMA or FHLMC or satisfies the requirements for such financing, except that the executive director may waive any of such requirements if he determines that any additional risk as a result of such waiver is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant; or (iii) a doublewide manufactured home permanently affixed to the land.

6. 5. The land, residence and all other improvements on the property to be financed must be expected to be used by the borrower primarily for residential purposes.

7. 6. Personal property which is related to the use and occupancy of the property as the principal residence of the borrower and is customarily transferred with single family residences may be included in the real estate contract, transferred with the residence and financed by the loan; however, the value of such personal property shall not be considered in the appraised value.

8. 7. The principal amount of the mortgage loan shall not exceed the limits established by FNMA or FHLMC for single family residences.

9. 8. Loan proceeds may be used to refinance the applicant's existing mortgage loan or loans on the property only if (i) the applicant receives no proceeds of the authority's loan; (ii) such loan proceeds are not used to refinance any authority mortgage loan or to refinance any bridge loan which refinanced any authority mortgage loan; and (iii) the existing mortgage loan was closed more than one year prior to submission of the application for the authority mortgage loan, and no advances on such existing mortgage loan have been made within the 12 months preceding the submission of such application. Clause (iii) shall not apply to existing mortgage loans which financed the applicant's acquisition of the property if the authority loan will not exceed the lesser of the sales price for such acquisition or the current appraised value.

10. 9. Mortgage insurance shall not be required, except that in the case of manufactured homes mortgage insurance shall be required in accordance with this chapter.

11. 10. The maximum combined loan-to-value ratio amount (including any other loans, such as existing mortgage loans to be subordinated to the authority loan, to be secured by the property at the time of closing) shall be 100% of the lesser of appraised value or sales price. The executive

director may approve the disbursement of additional amounts to finance closing costs and fees and costs of rehabilitation and improvements to be completed subsequent to the closing. *Except for loans financed under the program described in subdivision 24 of this section, these additional amounts may not exceed 5.0% of the lesser of sales price or appraised value; provided however, that in addition to such 5.0%, amounts not to exceed 5.0% of the lesser of sales price or appraised value may be funded for the costs of rehabilitation and improvements to retrofit the residence or add accessibility features to accommodate the needs of a disabled occupant.*

12. 11. The applicant or applicants must have a history of receiving stable income from employment or other sources with a reasonable expectation that the income will continue in the foreseeable future; typically, verification of two years' stable income will be required; and education or training in a field related to the employment of the applicant or applicants may be considered to meet no more than one year of this requirement.

13. 12. The applicant must ~~establish~~ possess a credit history as of the date of loan application satisfactory to the authority and, in particular, must satisfy the following: (i) no bankruptcy or foreclosure within the preceding three years; no housing payment past due for 30 days in the preceding 24 months; no more than one payment past due for 30 days or more on any other debt or obligation within the preceding 12 months; no outstanding collection, judgment, charge off, repossession or 30-day past due account; and a minimum credit score of 620 if the loan-to-value ratio is 95% or less or 660 if the loan-to-value ratio exceeds 95% (credit scores as referenced in these regulations shall be determined by obtaining credit scores for each applicant from a minimum of three repositories and using the middle score in the case of a single applicant and the lowest middle score in the case of multiple applicants); or (ii) no previous bankruptcy or foreclosure; no outstanding collection or judgment, charge off or repossession within the past 12 months or more than one 30-day past due account within the past 12 months and no more than four 30-day past due accounts within the past 24 months; no previous housing payment past due for 30 days; minimum of three sources of credit with satisfactory payment histories ~~at least two years old for the most recent 24-month period~~; no more than nine accounts currently open; and no more than three new accounts opened in the past 12 months (in establishing guidelines to implement the flexible alternative mortgage loan programs, the authority may refer to the credit requirements in clause (i) of this subdivision as the "alternative" credit requirements and the requirements in clause (ii) of this subdivision as the "standard" credit requirements).

If the executive director determines it is necessary to protect the financial integrity of the flexible alternative program, the executive director may require that applicants for loans having loan-to-value ratios in excess of 97% meet the alternative credit requirements in clause (i) of this subdivision ~~13.~~

Proposed Regulations

~~14-~~ 13. Homeownership education approved by the authority shall be required for any borrower who is a first time homeowner if the loan-to-value ratio exceeds 95%. This requirement shall be waived if the applicant has a credit score of ~~700~~ 660 or greater.

~~15-~~ 14. Seller contributions for closing costs and other amounts payable by the borrower in connection with the purchase or financing of the property shall not exceed 4.0% of the contract price.

~~16-~~ 15. Sources of funds for the down payment and closing costs payable by the borrower shall be limited to the borrower's funds, gifts or unsecured loans from relatives, grants from employers or nonprofit entities not involved in the transfer or financing of the property, and unsecured loans on terms acceptable to the authority (payments on any unsecured loans permitted under this subdivision ~~16~~ shall be included in the calculation of the debt/income ratios described below), and documentation of such sources of funds shall be in form and substance acceptable to the authority.

~~17-~~ 16. The maximum debt ratios shall be 35% and 43% in lieu of the ratios of 32% and 40%, respectively, set forth in 13 VAC 10-40-130 B 4.

~~18-~~ 17. Cash reserves at least equal to two months' loan payments must be held by the applicant if the loan-to-value ratio exceeds 95%; cash reserves at least equal to one month's loan payment must be held by the applicant if the loan-to-value ratio is greater than 90% and is less than or equal to 95%; and no cash reserves shall be required if the loan-to-value ratio is 90% or less.

~~19-~~ 18. The payment of points (a point being equal to 1.0% of the loan amount) in addition to the origination fee shall be charged as follows: if the loan-to-value ratio is 90% or less, one-half of one point shall be charged; if the loan-to-value ratio is greater than 90% and is less than or equal to 95%, one point shall be charged; and if the loan-to-value ratio exceeds 95%, one and one-half point shall be charged.

In addition to the above, a reduction of one-half of one point will be made to applicants meeting the credit requirements in clause ~~43~~ 12 (i) above with a credit score of 700 or greater.

~~20-~~ 19. The interest rate which would otherwise be applicable to the loan shall be reduced by .25% if the loan-to-value ratio is 80% or less.

~~24-~~ 20. The documents relating to requirements of the federal tax code governing tax-exempt bonds shall not be required.

~~22-~~ 21. For assumptions of loans, the above requirements for occupancy of the property as the borrower's principal residence, the above income limit, and the underwriting criteria in the regulations as modified by this section must be satisfied.

~~23-~~ 22. The authority may require that any or all loans financed under such alternative mortgage programs be serviced by the authority.

24. 23. The authority may accept an approval of an automated underwriting system in lieu of satisfaction of the foregoing requirements for the flexible alternative program if the executive director determines that such delegated underwriting system is designed so as to adequately protect the financial integrity of the flexible alternative program.

24. *The executive director may establish a flexible alternative rehabilitation mortgage loan program. The regulations set forth in subdivisions 1 through 23 of this section shall apply to such flexible alternative rehabilitation mortgage loan program, with the following modifications:*

a. At the time of closing, the applicant must occupy or intend to occupy within 180 days the property to be financed as his principal residence;

b. The provision of clause (iii) of subdivision 4 of this section permitting the financing of a doublewide manufactured home permanently affixed to the land shall not apply.

c. The maximum loan amount for a purchase shall be 100% of the lesser of (i) the sum of purchase price plus rehabilitation costs; or (ii) the as completed appraised value. The maximum loan amount for a refinance shall be 100% of the lesser of (i) the outstanding principal balance plus rehabilitation costs; or (ii) the as completed appraised value.

d. The rehabilitation costs to be financed may not exceed an amount equal to 50% of the as completed appraised value.

e. Loan proceeds may be used to finance the purchase and installation of eligible improvements. Improvements that are eligible for financing are structural alterations, repairs, additions to the residence itself, or other improvements (including appliances) upon or in connection with the residence. In order to be eligible, such improvements must substantially protect or improve the basic livability or utility of the residence. Improvements that are physically removed from the residence but that are located on the property occupied by the residence may be eligible for financing if these improvements substantially protect or improve the basic livability or utility of the residence (i.e., installation of a septic tank or the drilling of a well). Luxury items (such as swimming pools and spas) shall not be eligible for financing hereunder.

f. Loan proceeds may not be used to finance any improvements that have been completed at the time the application is submitted to the authority.

g. All work financed with the loan proceeds shall be performed by a contractor duly licensed in Virginia to perform such work and be performed pursuant to a validly issued building permit, if required, and shall comply with all applicable state and local health, housing, building, fire prevention and housing maintenance codes and other applicable standards and requirements. Compliance with the foregoing shall be evidenced by

such documents and certifications as shall be prescribed by the executive director.

h. The executive director may require the applicant to establish a contingency fund for the mortgage loan in an amount adequate to ensure sufficient reserve funds for the proper completion of the proposed improvements in the event of cost over runs. The executive director may also require a holdback from each disbursement of loan proceeds until completion of the residence.

i. The executive director may approve originating agents to originate the acquisition/rehabilitation loans. To be so approved, the originating agent must have a staff with demonstrated ability and experience in acquisition/rehabilitation mortgage loan origination, processing and administration.

j. In addition to the payment of points set forth in subdivision 18 of this section, the originating agent may collect an escrow administration fee and an inspection fee in an amount determined by the executive director to compensate the originating agent for administering the disbursement of the mortgage loan during the rehabilitation of the residence.

Except as modified hereby, all of the requirements, terms and conditions set forth in 13 VAC 10-40-10 through 13 VAC 10-10-40-220 shall apply to the flexible alternative mortgage loan programs.

VA.R. Doc. No. R01-198; Filed May 15, 2001, 3:32 p.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Title of Regulation: **20 VAC 5-405-10 et seq. Rules for Alternative Dispute Resolution Process (PUC010100).**

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

Agency Contact: Allison L. Held, Office of General Counsel, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9671.

Summary:

The proposed procedural rules establish an Alternative Dispute Resolution Process to accommodate the expeditious resolution of disputes between competing telecommunications carriers, competitive, incumbent, or otherwise. These rules address the need for telecommunications carriers to be heard promptly with regard to certain issues that may affect the development of telephone competition.

AT RICHMOND, MAY 15, 2001

COMMONWEALTH OF VIRGINIA ex rel.
STATE CORPORATION COMMISSION

Ex Parte: In the matter of establishing rules governing an Alternative Dispute Resolution Process for telecommunications carriers

ORDER FOR NOTICE AND COMMENT OR REQUESTS FOR HEARING

The State Corporation Commission ("Commission") is firmly committed to taking all necessary and appropriate steps to ensure the efficiency and success of a competitive telecommunications marketplace in Virginia. In addition to interconnecting with each other, carriers are also competing with each other. Therefore, it is likely disputes will arise that require expedited resolution by the Commission to prevent an adverse impact on telecommunications carriers' ability to serve their customers and to provide customers with uninterrupted service. Recognizing there is a need for an additional procedure to accommodate the expeditious resolution of disputes between competing telecommunications carriers, competitive, incumbent or otherwise, we believe the implementation of an Alternative Dispute Resolution Process ("ADRP") is essential to help support effective competition in Virginia. The ADRP may be beneficial to both carriers and the public in that it will address the need for telecommunications carriers to be heard promptly with regard to certain issues that may affect the development of telephone competition.

Accordingly, as part of our collaborative effort in Case No. PUC000026, the attached proposed rules for an ADRP ("Proposed Rules") were developed with input from the Dispute Resolution Subcommittee¹ established as part of that case. Interested parties are invited to comment upon and suggest modifications or supplements to, or request a hearing on, the Proposed Rules. The Commission's Division of Information Resources is directed to forward the Proposed Rules to the Registrar of Virginia for publication in the Virginia Register of Regulations and to make the Proposed Rules available on the Commission's website.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUC010100.
- (2) The Commission's Division of Information Resources shall forward the Proposed Rules to the Registrar of Virginia for publication in the Virginia Register of Regulations.
- (3) On or before May 15, 2001, the Commission's Division of Information Resources shall make a downloadable version of the Proposed Rules available for access by the public at the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>. The Clerk of the Commission shall make a copy of the Proposed Rules available for public inspection in his office and provide a copy

¹ The Dispute Resolution Subcommittee was established as a Subcommittee of the Collaborative Committee, and consisted of representatives from numerous telephone companies, including both incumbent and competitive local exchange carriers, and members of our staff.

Proposed Regulations

of the proposed rules, free of charge, in response to any written request for one.

(4) Interested persons wishing to comment, propose modifications or supplements to, or request a hearing on the Proposed Rules shall file an original and fifteen (15) copies of such comments, proposals, or request with the Clerk of the Commission, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218, on or before June 13, 2001, making reference to Case No. PUC010100.

(5) On or before May 25, 2001, the Commission's Division of Information Resources shall publish the following notice as classified advertising in newspapers of general circulation throughout the Commonwealth of Virginia.

NOTICE TO THE PUBLIC OF A PROCEEDING TO
ADOPT RULES GOVERNING AN ALTERNATIVE
DISPUTE RESOLUTION PROCESS FOR
TELECOMMUNICATIONS CARRIERS
CASE NO. PUC010100

Recognizing that there is a need for an additional procedure to accommodate the need for expeditious resolution of disputes between competing telecommunications carriers, competitive, incumbent, or otherwise, the State Corporation Commission ("Commission") believes the implementation of an Alternative Dispute Resolution Process ("ADRP") is essential to help support effective competition in Virginia. The ADRP may be beneficial to both carriers and the public in that it will address the need for telecommunications carriers to be heard promptly with regard to certain issues that may affect the development of telephone competition.

Accordingly, as part of our collaborative effort in Case No. PUC000026, proposed rules for an ADRP ("Proposed Rules") were developed with input from the Dispute Resolution Subcommittee established as part of that case.

Interested parties may obtain a copy of the Proposed Rules by visiting the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>, or obtaining a copy from the Clerk's office. The Clerk's office will provide a copy of the Proposed Rules to any interested party, free of charge, in response to any written request for one. The Proposed Rules will also be forwarded to the Office of the Registrar of Regulations for publication in the Virginia Register of Regulations.

Any person desiring to comment in writing or request a hearing on the Proposed Rules may do so by directing such comments or requests for hearing on or before June 13, 2001, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Comments and requests for hearing must refer to Case No. PUC010100. Requests for hearing shall state with specificity why such concerns cannot be adequately addressed in written comments.

If no requests for hearing are received, a formal hearing with oral testimony may not be held and the Commission may make its decisions administratively, based upon papers filed in this proceeding.

VIRGINIA STATE CORPORATION COMMISSION

(6) This matter is continued for further orders of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; all local exchange carriers certificated in Virginia as set out in Appendix A; all interexchange carriers certificated in Virginia as set out in Appendix B; all other telecommunications carriers in Virginia as set out in Appendix C; Virginia Cable Telecommunications Association, 1001 East Broad Street, Suite 210, Richmond, Virginia 23219; Virginia Telephone Industry Association, 11 South 12th Street, Suite 310, Richmond, Virginia; the Commission's Offices of General Counsel and Hearing Examiners, and the Division of Communications.

CHAPTER 405.
RULES FOR ALTERNATIVE DISPUTE RESOLUTION
PROCESS.

20 VAC 5-405-10. Scope of Alternative Dispute Resolution Process.

A. *The Alternative Dispute Resolution Process ("ADRP") is limited to disputes between telecommunications carriers that arise from action or inaction by a telecommunications carrier that allegedly: (i) compromises the ability of a carrier to provide uninterrupted service, (ii) unreasonably delays the provisioning of scheduled service, (iii) violates a provision of an enforceable interconnection agreement, including nonexemption specific collocation disputes, or (iv) constitutes unfair competition.*

B. *For purposes of the ADRP, the term "scheduled service" includes scheduled installation, connection, provisioning, maintenance and repair, and disconnection, intervals for telecommunications services, unbundled network elements and other services, facilities and arrangements, provided by one carrier to another carrier that are necessary for the provision of telecommunications service to an end user. Such services, facilities, and arrangements include, but are not limited to, local number portability with and without loops, coordinated loop cut-overs, updates to databases, such as 911 databases and line information data bases, and lines that one carrier provides to another carrier.*

C. *A carrier unreasonably delays the provisioning of a scheduled service when the carrier misses the commitment time (if any) and date for the provisioning of the scheduled service, without good cause, as determined by the hearing examiner.*

D. *ADRP is not designed to be a substitute for any dispute resolution procedures that may be specified in the carriers' interconnection agreements; nor is the process designed to handle disputes that involve generic policy issues, consumer*

complaints against carriers, requests for damages such as under any performance assurance plan, or any issues that the hearing examiner finds cannot be reasonably tried or the record developed on an expedited basis.

20 VAC 5-405-20. Notice and good faith negotiations.

The petitioning carrier (petitioner) shall give the answering carrier (respondent) and the Office of Hearing Examiners at least 30 days' written notice of its intent to file an Alternative Dispute Resolution Petition. Each ADRP notice shall be so identified in bold typeface at the top of the first page, as follows: "Notice of Intention to File an Alternative Dispute Resolution Petition with the Virginia State Corporation Commission." In addition to the written notice, and before a petition is filed under the ADRP, the petitioner shall engage in good faith negotiations with the respondent with respect to the dispute in question for the longer of either: (i) 30 calendar days or (ii) the period agreed to in their interconnection agreement.

20 VAC 5-405-30. Collocation disputes not involving a request for exemption from physical collocation.

Collocation disputes are within the scope of the ADRP, provided that disputes concerning exemption from a requirement to provide physical collocation shall not be handled in the ADRP but shall be handled in accordance with 20 VAC 5-400-220 and other commission rules specifically intended to apply to such disputes.

20 VAC 5-405-40. Petition for resolution of disputed issues.

A. A carrier directly involved in a dispute subject to ADRP that cannot be resolved through good faith negotiations may file an Alternative Dispute Resolution Petition with the commission.

B. Each petition shall include specifics of the action or inaction alleged to have violated one or more of the four standards identified in 20 VAC 5-405-10. The petition shall also include copies of all documents within the petitioner's possession that are likely to bear significantly on the issues raised in the petition. As part of the Alternative Dispute Resolution Petition, the petitioner shall state that it has complied with the negotiation requirement of 20 VAC 5-405-20.

C. Finally, in order to ensure proper handling by commission staff and to provide notice to the respondent of the expedited schedule for processing these disputes, each Alternative Dispute Resolution Petition should be clearly so identified by bold typeface above the identifying caption on the first page as follows:

"Alternative Dispute Resolution Petition: Answer Due Within 10 Calendar Days."

20 VAC 5-405-50. Serving copies and docketing.

An original and four copies of the Alternative Dispute Resolution Petition shall be filed with the Clerk of the Commission. Each Alternative Dispute Resolution Petition will be assigned a separate docket number. Copies shall also be served on the respondent, the Office of General Counsel,

the Office of Hearing Examiners, the Division of Communications, and the Office of the Attorney General on the same date. A pleading will be considered filed on the day the pleading is received by the Clerk of the Commission. A pleading will be considered served on the respondent on the day the pleading is received by the respondent.

20 VAC 5-405-60. Assignment of a hearing examiner; prehearing conference.

Within four calendar days of the filing and service of an Alternative Dispute Resolution Petition, a hearing examiner shall be assigned to the matter by the Chief Hearing Examiner. The hearing examiner shall schedule a prehearing conference at the earliest possible date to determine whether the petition qualifies for ADRP and, if so, to determine the schedule for the proceeding and other matters relevant to management and resolution of the dispute. At any time prior to the conclusion of the prehearing conference, the presiding hearing examiner may reject any petition for alternative dispute resolution that does not fall within the scope of this chapter or contains issues that cannot be reasonably tried or developed on an expedited basis. After the prehearing conference, the matter shall remain within the ADRP unless, upon motion by either the petitioner or respondent, the hearing examiner decides otherwise.

20 VAC 5-405-70. Answer.

Within 10 calendar days of service of the Alternative Dispute Resolution Petition and supporting documentation on the respondent, the respondent shall file an answer with the clerk. The answer shall include copies of all documents in the respondent's possession that are likely to bear significantly on the issues raised in the petition. Copies shall also be served on the petitioner, the Office of Hearing Examiners, the Office of General Counsel, the Division of Communications, and the Office of the Attorney General on the same date.

20 VAC 5-405-80. Office of General Counsel.

The carriers will be the primary participating parties in the Alternative Dispute Resolution Process. The Office of General Counsel may participate in the proceeding but may not conduct formal discovery and is precluded from opposing the voluntary withdrawal of an Alternative Dispute Resolution Petition due to consummation of a settlement between the carriers.

20 VAC 5-405-90. Evidentiary hearing.

The presiding hearing examiner will conduct an evidentiary hearing including sworn witnesses, reasonable cross-examination, and a transcription of the record. The carriers will also have the opportunity to file briefs prior to the hearing examiner's adjudication. The hearing examiner shall issue an initial decision resolving the dispute within 35 calendar days of the filing of the Alternative Dispute Resolution Petition, unless the hearing examiner extends the time frame for good cause shown, recognizing that an expeditious result is in the public interest.

20 VAC 5-405-100. Discovery.

The carriers are encouraged to exchange information informally. The carriers will also be permitted to seek leave to

Proposed Regulations

conduct such limited formal discovery as deemed reasonable and necessary by the presiding hearing examiner to resolve the contested issues. Whether and the extent to which leave to conduct limited formal discovery should be granted is a matter within the discretion of the presiding hearing examiner.

20 VAC 5-405-110. Exceptions.

Participating carriers may file exceptions to the initial decision of the hearing examiner within seven calendar days of issuance. Reply exceptions shall be filed within five calendar days after exceptions are served. If no exceptions are filed and if the commissioners do not elect to review the initial decision within 15 calendar days of issuance, the commission will issue an order adopting the hearing examiner's initial decision. If exceptions are filed or if commission review is elected, the matter will be addressed by commission final order.

20 VAC 5-405-120. Mediation.

A. Either party may, at any time prior to five calendar days before the hearing, request that the Division of Communications conduct supervised settlement discussions. The request shall act as a stay of the proceedings of up to five business days pending mediation. However, the carriers may, by mutual agreement, further extend this period for an additional 30 days. No further extensions shall be permitted. The mediator shall have discretion to shorten the time period for mediation if it appears that settlement is unlikely. If no settlement is reached, the stay will be terminated and the case referred back to the assigned hearing examiner. The stay shall not count against the hearing examiner's time to issue an initial decision. If a settlement is reached, the assigned mediator will immediately issue a mediation report with the attached proposed settlement agreement to the assigned hearing examiner for review and disposition by initial decision.

B. Staff assigned as mediators shall be bound by the commission's Rules of Practice and Procedure (5 VAC 5-20-10 et seq.) regarding their participation in a subsequently docketed case involving the same dispute.

20 VAC 5-405-130. Other remedies.

The ADRP is not intended to replace or preclude any other procedures or remedies otherwise available to any of the carriers under law, and a carrier's participation in this alternative dispute resolution process shall not be considered a waiver of any available substantive or procedural rights.

VA.R. Doc. No. R01-204; Filed May 16, 2001, 10:23 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-790-10 et seq. Minimum Standards for Local Agency Operated Volunteer Respite Child Care Programs (REPEALING).**

Statutory Authority: §§ 63.1-25 and 63.1-55 of the Code of Virginia.

Public Hearing Date: N/A--Public comments may be submitted until August 3, 2001.

(See Calendar of Events section for additional information)

Agency Contact: Sonia Rivero, Commissioner, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1900.

Basis: Section 63.1-25 of the Code of Virginia provides the Board of Social Services with the authority to promulgate regulations that are necessary to carry out the purpose and intent of Title 63.1. Section 63.1-55 of the Code of Virginia authorizes the local boards of social services, as may be provided by regulations of the State Board of Social Services, to provide rehabilitation and other services to help individuals attain or retain self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life.

Purpose: This regulation, which became effective in 1988, establishes minimum standards that local departments of social services must meet when operating volunteer respite care programs for children. The regulation sets forth requirements in the areas of staffing, standards for care, physical environment, and compliance.

The purpose of this regulatory action is to repeal the regulation because there are no existing programs operating under this regulation. This regulation is not essential to protect the health, safety, or welfare of the public.

Substance: This regulation is being repealed because no local department of social services has chosen to implement this program since the regulation became effective in 1988.

Issues: There are no issues associated with this repeal. However, repealing this regulation should help to eliminate any confusion that might occur for individuals researching this area in the Virginia Administrative Code.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private

property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The State Board of Social Services proposes to repeal this regulation. There has been no childcare program operating under this regulation, and no program is expected to operate under it in the future.

Estimated economic impact. This regulation established certain care, volunteer, and physical environment standards for a particular type of childcare program. It was adopted in anticipation that some local agencies might choose to operate their programs as volunteer respite childcare programs. However, the Department of Social Services indicates that they have not received any requests from the local agencies wanting to operate under this type of program and do not expect to receive any requests going forward.

Given the fact that this regulation had no economic effect on any entity in the past since no programs operated under it and the fact that no programs are expected to operate under it in the future, repeal of this regulation should produce no economic impact.

Businesses and entities affected. Repeal of this regulation is not expected to affect any businesses or entities.

Localities particularly affected. No particular locality will be affected.

Projected impact on employment. No projected impact on employment is expected.

Effects on the use and value of private property. Repeal of this regulation should not affect the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Social Services concurs with the economic impact analysis conducted by the Department of Planning and Budget.

Summary:

The proposed repeal of this regulation will eliminate regulations that were originally promulgated to provide standards for local departments of social services that chose to operate volunteer respite child care programs. The Department of Social Services has not received any requests to operate this type of program since the regulation became effective in 1988 and does not anticipate receiving any such requests in the future.

VA.R. Doc. No. R00-62; Filed May 3, 2001, 10:33 a.m.



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 change from the proposed text of the regulation.

TITLE 1. ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

Title of Regulation: **1 VAC 30-60-10 et seq. Regulations for the Approval of Independent Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases (REPEALED).**

VA.R. Doc. No. R01-205; Filed May 21, 2001, 10:13 a.m.

1 VAC 30-70-10 et seq. Regulations for the Approval of Independent Laboratories to Conduct Blood Alcohol Analyses in Driving Under the Influence Cases (REPEALED).

VA.R. Doc. No. R01-206; Filed May 21, 2001, 4:12 p.m.

EDITOR'S NOTICE: See Title 6 in this issue of the Virginia Register of Regulations for the repeal of 1 VAC 30-60-10 et seq. Regulations for the Approval of Independent Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases and 1 VAC 30-70-10 et seq. Regulations for the Approval of Independent Laboratories to Conduct Blood Alcohol Analyses in Driving Under the Influence Cases.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulations: **4 VAC 15-20-10 et seq. Definitions and Miscellaneous: In General (amending 4 VAC 15-20-80 and 4 VAC 15-20-160).**

4 VAC 15-40-10 et seq. Game: In General (amending 4 VAC 15-40-20 and 4 VAC 15-40-280; repealing 4 VAC 15-40-150).

4 VAC 15-50-10 et seq. Game: Bear (amending 4 VAC 15-50-90).

[4 VAC 15-160-10 et seq. Game: Opossum (adding 4 VAC 15-160-11; repealing 4 VAC 15-160-10 and 4 VAC 15-160-20).]

4 VAC 15-190-10 et seq. Game: Quail (adding 4 VAC 15-190-60).

[4 VAC 15-210-10 et seq. Game: Raccoon (adding 4 VAC 15-210-31; repealing 4 VAC 15-210-30 and 4 VAC 15-210-40).]

4 VAC 15-270-10 et seq. Game: Firearms (amending 4 VAC 15-270-20).

4 VAC 15-290-10 et seq. Game: Permits (amending 4 VAC 15-290-140).

4 VAC 15-320-10 et seq. Fish: Fishing Generally (amending 4 VAC 15-320-100).

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

Effective Date: July 4, 2001.

Summary:

The amendments (i) describe when a hunting, fishing, or trapping license issued by a telephone or electronic media agent would be deemed valid; (ii) remove sika deer from the nuisance species list; (iii) conform the regulation for the use of crossbows by persons with permanent physical disabilities with § 29.1-519 of the Code of Virginia; (iv) allow trapping in certain wildlife management areas without obtaining a permit; (v) establish provisions for public use of department-owned lands and department-controlled lakes, ponds, streams, and boat access sites; (vi) add those persons who are issued a hunting license authorization number by a telephone or electronic media agent to the list of persons exempted from the license requirements but who are required, upon killing a bear, to check the carcass at a bear checking station; (vii) allow the release of pen-raised quail on private lands with the landowners' permission and allow the use of call back cages to recapture such pen-raised quail that have been released; (viii) allow the use of muzzleloading guns during the late special muzzleloading deer hunting season in the City of Chesapeake; and (ix) eliminate the option of use of a permit as a means of compliance with harvest information program requirements and remove outdated language that addressed enforcement of the harvest information program during the program's first year (1998-1999).

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:15 VA.R. 2244-2247 April 9, 2001, with the additional changes shown below. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

4 VAC 15-20-80. [No change from proposed.]

4 VAC 15-20-160. [No change from proposed.]

VA.R. Doc. No. R01-153; Filed May 16, 11:37 a.m.

4 VAC 15-40-20. [No change from proposed.]

4 VAC 15-40-150. [No change from proposed.]

4 VAC 15-40-280. [No change from proposed.]

VA.R. Doc. No. R01-145; Filed May 16, 2001, 11: 38 a.m.

4 VAC 15-50-90. [No change from proposed.]

VA.R. Doc. No. R01-146; Filed May 16, 2001, 11: 39 a.m.

4 VAC 15-160-10. [Proposed amendment not adopted.]

4 VAC 15-160-11. [Proposed amendment not adopted.]

4 VAC 15-160-20. [Proposed amendment not adopted.]

VA.R. Doc. No. R01-147; Filed May 16, 2001, 11:43 a.m.

4 VAC 15-190-60. Release of pen-raised quail on private lands.

It shall be lawful to release pen-raised bobwhite quail on private lands with permission of the landowner. Released pen-raised quail may be recaptured using a call back cage [~~, provided that all pen-raised quail are marked prior to release to distinguish them from wild bobwhites~~]. For the purposes of this section, a call back cage is defined as a cage, pen, box, or barrel with [~~a single funnel entrance~~ one or more funnel entrances] to allow pen-raised quail to enter from the outside. The call back cage must contain one or more live pen-raised bobwhites (call birds) [~~that are marked in the same manner as the released pen-raised quail~~]. Each call back cage shall be marked by means of a nonferrous metal tag bearing the name and address of the person operating such call back cage. No bait or food may be placed outside of the call back cage and no call back cages may be set on lands without permission of the landowner.

VA.R. Doc. No. R01-152; Filed May 16, 2001, 11:42 a.m..

4 VAC 15-210-30. [Proposed amendment not adopted.]

4 VAC 15-210-31. [Proposed amendment not adopted.]

4 VAC 15-210-40. [Proposed amendment not adopted.]

VA.R. Doc. No. R01-148; Filed May 16, 2001, 11:40 a.m.

4 VAC 15-270-20. [No change from proposed.]

VA.R. Doc. No. R01-149; Filed May 16, 2001, 11: 41 a.m.

4 VAC 15-290-140. [No change from proposed.]

VA.R. Doc. No. R01-150; Filed May 16, 2001, 11: 42 a.m.

4 VAC 15-320-100. [No change from proposed.]

VA.R. Doc. No. R01-151; Filed May 16, 2001, 11:40 a.m.

Title of Regulation: 4 VAC 15-90-10 et seq. **Game:** Deer (amending 4 VAC 15-90-20, 4 VAC 15-90-70, 4 VAC 15-90-80, 4 VAC 15-90-100, 4 VAC 15-90-110, 4 VAC 15-90-141, 4 VAC 15-90-160, 4 VAC 15-90-170, 4 VAC 15-90-190, 4 VAC 15-90-195, 4 VAC 15-90-200, 4 VAC 15-90-210, 4 VAC 15-90-220, and 4 VAC 15-90-240; adding 4 VAC 15-90-21 and 4 VAC 15-90-85).

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

Effective Date: July 4, 2001.

Summary:

The amendments (i) make changes to the deer hunting season in certain areas and localities; (ii) establish a special early bow-hunting season for antlerless deer; (iii) add the City of Chesapeake to the list of localities and areas that have a late special muzzleloading rifle deer hunting season; (iv) provide for the hunting of either-sex elk during any deer season; (v) make changes to the lists of counties and areas having a specified number of days in which antlerless deer or deer of either sex may be taken; (vi) add those persons who are issued a hunting license authorization number by a telephone or electronic media agent to the list of persons exempted from the requirement for tagging at the place of kill, and require these individuals to check the carcass at a deer checking station; and (vii) make certain technical and clarification changes.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

REGISTRAR' NOTICE: The proposed regulation was adopted as published in 17:14 VA.R. 2148-2152 March 26, 2001, with the additional changes shown below. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

4 VAC 15-90-20. [No change from proposed.]

4 VAC 15-90-21. [No change from proposed.]

4 VAC 15-90-70. Bow and arrow hunting.

A. Early special archery. It shall be lawful to hunt deer with bow and arrow from the first Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive, except where there is a closed general hunting season on deer.

B. Late special archery season west of Blue Ridge Mountains and certain cities and counties east of Blue Ridge Mountains. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer with bow and arrow from the Monday following the close of the general firearms season on deer west of the Blue Ridge Mountains through the first Saturday in January, both dates inclusive, in all cities and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County)

Final Regulations

and in the counties of (including cities within) Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on national forest lands in Frederick County and from December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach.

C. Either-sex deer hunting days. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section (except in Buchanan County and on private lands in the counties of Dickenson and Wise where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section).

D. Carrying firearms prohibited. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons.

E. Requirements for bow and arrow. Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

F. Use of dogs prohibited during bow season. It shall be unlawful to use dogs when hunting with bow and arrow from the first Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive.

G. It shall be lawful for persons with permanent physical disabilities, who are in full compliance with the requirements of 4 VAC 15-40-20 B, to hunt deer subject to the provisions of subsections A through G of this section. For the purpose of the application of subsections A through G to this subsection, the phrase "bow and arrow" includes crossbow.

H. *Early special urban archery season. It shall be lawful to hunt antlerless deer with bow and arrow from the third Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, within the incorporated limits of [all cities and towns any city or town] in the Commonwealth (except in the cities of Chesapeake, Suffolk, and Virginia Beach and in the cities and towns in Buchanan, Dickenson and Wise counties) and the counties of Fairfax and York [unless their provided that its] governing body submits by certified letter to the department prior to May 1, annually, [their its] intent [not] to participate in the early special urban archery season. [For the 2001-2002 hunting season, the May 1 deadline will be waived.] The early special urban archery season will take effect in the [2001-2002 2002-2003] hunting season.*

- 4 VAC 15-90-80. [No change from proposed.]
- 4 VAC 15-90-85. [No change from proposed.]
- 4 VAC 15-90-100. [No change from proposed.]
- 4 VAC 15-90-110. [No change from proposed.]
- 4 VAC 15-90-141. [No change from proposed.]
- 4 VAC 15-90-160. [No change from proposed.]
- 4 VAC 15-90-170. [No change from proposed.]
- 4 VAC 15-90-190. [No change from proposed.]
- 4 VAC 15-90-195. [No change from proposed.]
- 4 VAC 15-90-200. [No change from proposed.]
- 4 VAC 15-90-210. [No change from proposed.]
- 4 VAC 15-90-220. [No change from proposed.]
- 4 VAC 15-90-240. [No change from proposed.]

VA.R. Doc. No. R01-140; Filed May 16, 2001, 11:39 a.m.

* * * * *

Title of Regulation: **4 VAC 15-110-10 et seq. Game: Fox (amending 4 VAC 15-110-75).**

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

Effective Date: July 4, 2001.

Summary:

The amendments eliminate the restriction that foxes may be live-trapped only within 50 miles of the foxhound training preserve in which they will be placed, and authorize permitted foxhound training preserve operators or their designated trappers to live-trap and transport foxes within the Commonwealth for stocking foxhound training preserves in Virginia.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:14 VA.R. 2152 March 26, 2001, without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-139; Filed May 16, 2001, 11:39 a.m.

* * * * *

Title of Regulation: **4 VAC 15-240-10 et seq. Game: Turkey (amending 4 VAC 15-240-20, 4 VAC 15-240-31, and 4 VAC 15-240-90).**

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

Effective Date: July 4, 2001.

Summary:

The amendments (i) increase the length of the fall turkey hunting season to six weeks in Chesterfield, Greensville and Henrico counties by removing these counties from the lists of counties having a two- and three-week season and (ii) add that persons who are issued a hunting license authorization number by a telephone or electronic media agent to the list of persons exempted from the requirement for tagging at the place of kill. These persons are required, upon killing a turkey, to check the carcass at a checking station.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:14 VA.R. 2152-2153 March 26, 2001, without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-138; Filed May 16, 2001, 11:42 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

REGISTRAR'S NOTICE: The Department of Criminal Justice Services is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Criminal Justice Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 1 VAC 30-60-10 et seq. Regulations for the Approval of Independent Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases (REPEALED).

VA.R. Doc. No. R01-205; Filed May 21, 2001, 10:13 a.m.

1 VAC 30-70-10 et seq. Regulations for the Approval of Independent Laboratories to Conduct Blood Alcohol Analyses in Driving Under the Influence Cases (REPEALED).

VA.R. Doc. No. R01-206; Filed May 21, 2001, 4:12 p.m.

6 VAC 20-200-10 et seq. Regulations for the Approval of Independent Laboratories to Analyze Blood for Alcohol and Drugs in Driving Under the Influence Cases.

Statutory Authority: §§ 9-170, 18.2-267 and 18.2-268.9 of the Code of Virginia.

Effective Date: July 4, 2001.

Summary:

This regulation establishes the process of approval and technical requirements of independent laboratories to analyze blood for alcohol and drugs in driving under the influence cases. The Division of Forensic Science was transferred from the Department of General Services to the Department of Criminal Justice Services in 1996 under § 9-196.1 of the Code of Virginia. This regulation combines and replaces regulations promulgated by the Department of General Services, specifically 1 VAC 30-60-10 et seq., Regulations for the Approval of Independent Laboratories to Analyze Blood or Drugs in Driving Under the Influence Cases and 1 VAC 30-70-10 et seq., Regulations for the Approval of Independent Laboratories to Conduct Blood Alcohol Analyses in Driving Under the Influence Cases, which are concurrently being repealed.

CHAPTER 200.

REGULATIONS FOR THE APPROVAL OF INDEPENDENT LABORATORIES TO ANALYZE BLOOD FOR ALCOHOL AND DRUGS IN DRIVING UNDER THE INFLUENCE CASES.

PART I.

DEFINITIONS AND GENERAL PROVISIONS.

6 VAC 20-200-10. Definitions.

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

"Alcohol" means ethyl alcohol, ethanol.

"Alcohol determination" means a quantitative assay of alcohol in blood in percent by weight by volume, i.e., grams of alcohol per 100 milliliters (g/100 mL) of blood.

"Analysis for drugs in blood" means the determination of the presence or absence of drugs in blood and, if present, their concentration.

"Analyst" means a toxicologist, chemist, forensic scientist, or technician who performs an alcohol determination or an analysis for drugs in blood.

"Approved laboratory" means an independent laboratory approved by the division to perform analyses for alcohol and drugs in blood as set forth in § 18.2-268.6 of the Code of Virginia

"Division" means the Department of Criminal Justice Services, Division of Forensic Science, which is responsible for approval of independent laboratories.

"Drug" means drug or drug metabolite.

"DUI" means driving under the influence.

"DUID" means driving under the influence of drugs.

"First blood sample" means the blood sample sent to the division for analysis.

"Independent laboratory" means any nondivision laboratory.

"On-site inspection" means evaluation of an independent laboratory by a division team visiting the laboratory premises.

Final Regulations

"Proficiency sample" means a blood sample prepared or provided by the division or other third party provider acceptable to the division, such as, but not limited to, the College of American Pathologists and the U.S. Department of Transportation, for proficiency testing of independent laboratories to perform alcohol determinations or analyses for drugs in blood.

"Second blood sample" means the blood sample sent for analysis to an approved laboratory at the request of the accused.

6 VAC 20-200-20. Substantial compliance.

This chapter and the steps set forth herein relating to the handling, identification and disposition of blood samples, the testing of such samples, and the completion and filing of any form or record prescribed by these regulations are procedural in nature and not substantive. Substantial compliance therewith shall be deemed sufficient.

6 VAC 20-200-30. Application fee.

Partial expenses for proficiency testing, on-site inspection, and other components of the approval process and on-going monitoring will be borne by an application fee charged to the applying independent laboratory.

6 VAC 20-200-40. Objective.

The objective of this approval process is to evaluate each laboratory's ability to consistently produce accurate results when analyzing blood for alcohol and drugs. Documentation is one of the key elements of this program. Each laboratory shall maintain objective evidence of its capabilities and ongoing performance. Such internal recordkeeping shall be an integral part of its quality assurance program. To ensure that each laboratory is producing accurate results, the division has established a program of assessing each laboratory's recordkeeping practices, as well as its equipment-in-use, methods of analysis, personnel, laboratory techniques, and overall quality assurance program during the approval process. As a continuing check on each laboratory's performance, the results of the analyses of proficiency samples will be evaluated, at least annually, for each approved laboratory. Approved laboratories may also be subject to unannounced on-site inspections.

6 VAC 20-200-50. Security.

The laboratory shall be secure not only in the conventional sense of resisting breaking and entering, but also in the sense of limiting access to areas where samples are being processed and records are stored. Access to these secure areas shall be limited to specifically authorized individuals whose authorization is documented. Visitors and maintenance and service personnel shall be escorted at all times. Documentation of such individuals accessing these areas, and the date, time, and purpose of each entry shall be maintained.

6 VAC 20-200-60. Record.

A written, signed and dated record of possession of each blood sample shall be maintained to document the chain of custody.

PART II. PROCESS OF APPROVAL OF INDEPENDENT LABORATORIES.

6 VAC 20-200-70. Process of approval.

To uniformly handle laboratory approval, the division will process prospective laboratories in the following sequence:

1. Application for approval.

a. The director of a laboratory wishing to be approved to analyze blood for alcohol and drugs shall submit a request in writing to the division.

b. An application packet consisting of an application form, a copy of these regulations, and a copy of the laboratory survey form used by inspection teams will then be forwarded by the division to the requesting laboratory.

c. The laboratory shall return the completed application form, with the documents specified on that form and the application fee, to the division.

d. The division will review the information provided. If the review of the application materials indicates the laboratory does not have the capability to analyze blood for alcohol and drugs, the division will so inform the laboratory, explain the reasons for its decision, and return the application fee.

2. Proficiency testing.

a. The division will provide appropriate proficiency samples to the laboratory.

b. The laboratory shall analyze the samples using the procedures to be used on case samples and report the results to the division.

c. The division will assess the reported test results.

(1) For alcohol determinations, each result must be within either $\pm 10\%$, or 0.010% by weight by volume, of the target concentration, whichever is greater.

(2) For analyses of drugs in blood, each result must be within $\pm 30\%$ of the target concentration to be acceptable.

(3) If the results for a sample set are unacceptable, a second set of samples will be issued after the laboratory identifies and corrects the deficiencies that resulted in unsuccessful performance on the first set, and provides documentation of successful corrective action to the division. The laboratory shall analyze the second set of samples and report results as for the first set. If the results for the second set are also unacceptable, the laboratory will be deemed not approved. The laboratory will be informed of such a determination in writing and may reapply for approval after six months.

(4) If the results are acceptable, the division will inform the laboratory of its successful performance and may then schedule an on-site inspection.

3. On-site inspection protocol.

a. The division will notify the laboratory of the on-site inspection date in writing. The notification may include a

request for further information to be supplied to the division before the inspection occurs.

b. On arrival at the laboratory, the inspection team will conduct an opening meeting with appropriate laboratory staff at which the team will describe the inspection process and answer any questions the laboratory may have about the inspection or the overall approval process.

During the inspection, the team will evaluate the laboratory's procedures, personnel, equipment and documentation for compliance with this chapter. This will include a determination of the existence and effectiveness of procedures for administration, supervision, personnel qualification, training, and ongoing assessment, security, internal chain of custody, and the laboratory's overall quality assurance program. The team will use a forensic laboratory survey form as a working guide for, and record of, the inspection.

The team will review the results of the evaluation at the end of the inspection with appropriate laboratory staff. The review will include observed deviations from these regulations, discussions of and recommendations for corrective actions, as necessary and appropriate, and a discussion of how the division may aid the laboratory in its attempt to be approved.

4. Approval status.

The inspection team will prepare and provide an inspection report to the division director. This report will summarize the findings of the inspection and recommend the laboratory be placed in one of the following categories:

a. An approved laboratory is a laboratory that has demonstrated its analytical capabilities by successful analyses of proficiency samples and is in compliance with the criteria listed on the survey form. The approval shall be effective for three years (in the absence of any reasons specified in 6 VAC 20-200-100 or 6 VAC 20-200-110).

b. A provisionally approved laboratory is a laboratory that has demonstrated its analytical capabilities by successful analyses of proficiency samples but is not in compliance with the criteria listed on the survey form because of minor deviations that do not affect its analytical capabilities. A laboratory will be given a grace period of up to six months to correct such deviations. Laboratories placed in this category shall be reinspected unless they can demonstrate to the division, with appropriate corrective action documentation, that the deviations have been corrected. A laboratory deemed provisionally approved may analyze samples while it retains that status.

c. A laboratory not meeting the minimum requirements as determined by the evaluation team using these regulations is not approved. A laboratory in the "not approved" category may appeal to the approval authority by requesting reevaluation. The results of a reevaluation will be sent to the independent laboratory within 30 days. Should the reevaluation confirm the "not approved" classification, the laboratory may correct the deficiencies noted and then begin the request for approval procedure again, including application fees. A not approved

laboratory is a laboratory that reported acceptable results from analyses of proficiency samples but is discovered, on inspection, not to be in compliance with the criteria listed on the survey form because of major deviations or deficiencies that may or do impair its capability to consistently produce accurate results and/or are deemed by the inspection team not to be correctable in a six-month period. Laboratories placed in this category may correct the deviations or deficiencies noted and then begin the approval process again, including application fees. The division director will review the inspection team's summary and recommendation, and any other materials he deems relevant, decide the laboratory's status, and issue a formal letter to the laboratory notifying it of his decision.

d. If a laboratory is deemed provisionally approved or not approved, the laboratory may appeal such status by requesting, in writing to the division director, a meeting with the division. The letter must be received by the division within 30 days of the division director's issuance of the notification of status letter to the laboratory. The laboratory may present information at the meeting to show that it had been placed in an inappropriate category. The division will consider all information gathered during the approval process and presented in the meeting when making its decision in response to the appeal. The division may maintain or alter the laboratory's status and/or order a repetition of any or all steps of the approval process. The division director shall inform the laboratory of his decision in writing, but in no event shall failure of the director to inform the laboratory of its decision be deemed to grant the laboratory's appeal.

e. Change in status. A laboratory that was originally placed in the provisionally approved category and:

(1) Is determined to be in compliance with the criteria listed on the survey form upon reinspection or demonstrates appropriate corrective action for identified deviations to the division before expiration of its grace period will subsequently be deemed approved.

(2) Is determined not to be in compliance with the criteria listed on the survey form upon reinspection or fails to demonstrate appropriate corrective action for identified deviations to the division before expiration of its grace period will subsequently be deemed not approved.

The division director shall inform such laboratories of the change in status in writing.

6 VAC 20-200-80. Maintaining approved status.

A laboratory wishing to maintain approved status must remain in compliance with the criteria listed on the survey form as well as generate acceptable results on proficiency tests. Proficiency samples may be provided by the division as in subdivision 2 of 6 VAC 20-200-70. Alternatively, the division may request the laboratory supply its results on other proficiency tests and assess those results against the acceptance criteria for those tests. In addition, the laboratory shall be subject to unannounced on-site inspections by a division team.

Final Regulations

6 VAC 20-200-90. Downgrading to provisionally approved status.

A laboratory will be downgraded to provisionally approved status for any of the following reasons:

1. Failure to generate acceptable results on two proficiency test samples in a single set, or on one sample in each of two consecutive sets. A laboratory downgraded for this reason may request quality control samples and technical assistance from the division in its attempt to identify and correct the deficiencies that resulted in unacceptable performance.

2. The determination, as the result of an unannounced on-site inspection or other information source, that the laboratory should be placed in the provisionally approved category as defined in subdivision 4 b of 6 VAC 20-200-70. A laboratory downgraded for this reason will be subsequently processed in the same manner as if it had been placed in the provisionally approved category during its first passage through the approval process.

A laboratory downgraded to provisionally approved status may continue to analyze samples while it retains that status.

6 VAC 20-200-100. Downgrading to not approved status.

A laboratory will be downgraded to not approved status for any of the following reasons:

1. Use of unacceptable methods of analysis.
2. Failure to generate acceptable results on more than two proficiency test samples in a single set, or on two samples in each of two consecutive sets.
3. Submitting a sample to another laboratory for analysis and reporting the resultant data as its own.
4. Failure to demonstrate appropriate corrective action for identified deviations before expiration of its grace period.
5. Permitting persons other than qualified laboratory personnel to perform analyses and report results.
6. Failure to maintain security and custody of samples.
7. Falsifying data or using other deceptive practices.
8. The determination, as the result of an unannounced on-site inspection or other information source, that the laboratory should be placed in the not approved category as defined in subdivision 4 c of 6 VAC 20-200-70, for a reason other than those specified above.

A laboratory downgraded to not approved status may correct the deviations or deficiencies noted and then begin the approval process again, including application fees.

6 VAC 20-200-110. Reinstatement.

Reinstatement to approved status will occur when and if a laboratory that has been downgraded to provisionally approved status can demonstrate to the division's satisfaction that the deviations that resulted in the downgrade have been corrected. This may require an on-site inspection, analyses of proficiency samples, provision of laboratory records to the

division, or any other measure the division deems appropriate.

6 VAC 20-200-120. Notifications.

A. A laboratory that is downgraded will be notified by the division director in writing of its change in status and the reasons for the change. Such a laboratory that is subsequently reinstated will similarly be informed of that change in writing.

B. An approved laboratory will be reminded in writing by the division of the expiration date of its approved status period approximately three months prior to that date, and an on-site inspection will be scheduled, if necessary. The continuing on-site inspections will be performed essentially the same as the initial inspection but with an emphasis on previously identified and reported deviations and deficiencies and their corrections. NOTE: It is the laboratory's responsibility to formally apply for renewal of approval, including submission of the application fee, before the expiration of its approved status.

6 VAC 20-200-130. Publication.

The division will periodically publish a list of approved laboratories in The Virginia Register of Regulations. Such list will be published forthwith after any addition or deletion of an approved laboratory to or from the list. The division will also publish the list on its web site, where it will be updated as soon as possible after the publication of an edited list. The division may also provide copies of the list to law-enforcement agencies in Virginia. A driver charged with DUI or DUID may select an approved laboratory on this list to perform an analysis of the second blood sample.

PART III. TECHNICAL REQUIREMENTS.

6 VAC 20-200-140. Quality assurance.

A written description (quality assurance plan) of a laboratory's quality assurance program shall be available; this plan and program shall emphasize:

1. The use of approved subsampling, preparatory and analytical procedures.
2. Adequate training of laboratory personnel.
- 3.a. Instrument calibration procedures, frequencies, and checks that ensure control of the analytical system.
 - b. Calibrations performed using a sufficient number of standards to establish instrument linearity across the analytical range.
 - c. Calibration and calibration check data maintained in a manner which allows its correlation with the results of associated alcohol determinations and/or analyses for drugs in blood.
4. a. A current manual of procedures readily available to the working analyst.
 - b. A manual containing detailed descriptions of all procedures used for alcohol determinations and analyses for drugs in blood.

c. Descriptions of how the procedures shall be performed, not how they should be performed.

5. Records of the source, purity, receipt, preparation, quality assurance checks and secure storage of standards.

6. Maintenance and repair logs for instruments and equipment.

7. A system of recordkeeping for the logging, numbering, storage, handling and disposition of samples.

8. A record of occurrences of situations that could negatively impact analytical results, and an associated corrective action system that documents actions taken to identify and resolve the cause of the problem, as well as the correction of the problem by the actions taken.

6 VAC 20-200-150. Analytical and reporting procedures.

Upon receipt of a second blood sample, the approved laboratory shall test the sample and report results in the same manner and in accordance with procedures established for the sample sent to the division. Reports must be machine printed, i.e., hand written reports are not acceptable. If the laboratory is unsure how to process a given sample, the laboratory should contact the division for clarification.

6 VAC 20-200-160. Performance and reporting of alcohol determinations.

All alcohol determinations shall be performed in duplicate with appropriate controls. Control results must be within ±5.0% of the known concentration. Duplicate results must be within ±5.0%, or 0.005% by weight by volume, of their mean, whichever is greater. For reporting purposes, duplicate results shall be averaged and the average truncated to two decimal places (e.g., 0.07% by weight by volume). The analytical technique required for quantitative results for alcohol analyses shall be gas chromatography. Results should be reported within four weeks of receipt of samples.

Records of determinations shall be confidential and shall be kept by the laboratory for a minimum of three years. The records shall include sample tracking and preparation information, raw analytical data, calculations and all associated quality control data. A copy of each laboratory report with the certificate of withdrawal shall also be kept on file.

6 VAC 20-200-170. Performance and reporting of analyses for drugs.

Analyses for drugs in blood shall consist of screening followed by identification and quantitation of any drugs indicated by the screening. Screening may be performed by immunoassay or similar technique comparable to that performed by the division. The recommended analytical technique for identification of drugs is gas chromatography/mass spectrometry. Both full scan and selected ion monitoring (SIM) modes are acceptable; SIM analyses must include a minimum of three ions and their relative ratios for each drug. Other identification techniques may be used if they are at least as sensitive and specific as gas chromatography/mass spectrometry. Quantitation may be performed using an acceptable identification technique, gas chromatography,

liquid chromatography, or any other technique comparable to those performed by the division. For reporting purposes, drugs found to be present above the specified quantitation limit shall be reported in the units as listed on the fee schedule. Drug classes found to be below the specified limits shall be reported as not detected. Results should be reported within four weeks of receipt of samples. Records of analyses shall be confidential and shall be kept by the laboratory for a minimum of three years. The records shall include sample tracking and preparation information, raw analytical data, calculations and all associated quality control data. A copy of each laboratory report shall be kept on file.

PART IV.
FEES.

6 VAC 20-200-180. Fees.

Pursuant to § 18.2-268.8 of the Code of Virginia, the division will periodically publish the fee schedule in The Virginia Register of Regulations. Such schedule will include fees allowed for specific drugs to be determined, the screening detection limit, the reporting limit for quantitation, as well as directions for the general analytical scheme, and will be published forthwith after any addition, deletion, or change is made. The division will also publish the schedule on its web site, where it will be updated as soon as possible after the publication of an edited schedule.

VA.R. Doc. No. R01-197; Filed May 15, 2001, 1:06 p.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

REGISTRAR'S NOTICE: The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision B 21 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the Virginia Breeders Fund.

Title of Regulation: 11 VAC 10-130-10 et seq. Virginia Breeders Fund (amending 11 VAC 10-130-10, 11 VAC 10-130-60 and 11 VAC 10-130-70).

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: May 7, 2001.

Summary:

The amendments enhance the definition of a Virginia-bred Thoroughbred to include Virginia-sired Thoroughbreds in an effort to make more racehorses eligible for restricted races, place caps on owner awards and extend discretion to the racing secretary in including restricted races in the condition book.

Agency Contact: Copies of the regulation may be obtained from William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404.

Final Regulations

11 VAC 10-130-10. Definitions.

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

"Breeding season" means a period of time beginning on February 1 and ending on August 1 of each year. For Standardbreds, the breeding season means a period of time beginning February 15 and ending on July 15 of each year.

"Stallion owner" means an owner or lessee of record of a stallion that covered mares in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred horse.

"Virginia-bred Arabian horse" means a registered Arabian horse foaled in the Commonwealth of Virginia.

"Virginia Arabian horse breeder" means the owner or lessee of record of the mare at the time of foaling of a Virginia-bred Arabian horse.

"Virginia Arabian sire" means a registered Arabian stallion that covered mares only in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred Arabian horse.

"Virginia-bred Quarter Horse" means a registered Quarter Horse foaled or conceived in the Commonwealth of Virginia.

"Virginia Quarter Horse breeder" means the owner or lessee of record of the mare at the time of conception of a Virginia-bred Quarter Horse.

"Virginia Quarter Horse sire" means a registered Quarter Horse stallion or registered Virginia Thoroughbred stallion that covered mares only in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred Quarter Horse.

"Virginia-bred Standardbred horse" means a registered Standardbred horse foaled or conceived in the Commonwealth of Virginia, sired by a Virginia Standardbred sire or purchased or owned by a Virginia resident and meeting the following requirements:

1. During the first nine calendar years of live pari-mutuel harness racing in the Commonwealth, a foal not meeting the requirements of the previous paragraph may still be registered as Virginia bred providing it is registered by a Virginia resident and owner with the commission or its designee by submitting documentation proving that the horse was purchased prior to April 1 of its two-year-old year and prior to making its first start in a nonqualifying race. For purposes of registration under this subdivision, neither the stallion owner of a sire standing outside the Commonwealth nor the breeder of a Standardbred foaled outside the Commonwealth shall be eligible for any award from the Virginia Breeders Fund;
2. For purposes of determining the eligibility for an owner to register a Virginia Standardbred, a Virginia resident and owner shall be defined as a person legally required to file a resident income tax return with the Commonwealth that year or a partnership, corporation, stable name or other entity that is solely owned by Virginia residents and owners

legally required to file resident income tax returns with the Commonwealth that year; and

3. After December 31 of the seventh calendar year of live harness racing in the Commonwealth, foals of that year and each succeeding year must be sired by a Virginia Standardbred sire to qualify as Virginia-bred Standardbreds.

"Virginia Standardbred horse breeder" means the owner or lessee of record of the mare at the time of conception of a Virginia-bred Standardbred horse.

"Virginia Standardbred sire" means a registered Standardbred stallion that stood only in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred Standardbred horse. Shipment of semen for the breeding of mares outside the Commonwealth shall be permitted so long as any resulting foals meet the requirements of this chapter in all other respects.

"Virginia-bred Thoroughbred horse" means a registered Thoroughbred horse sired by a Virginia Thoroughbred sire or foaled in Virginia and, if foaled in the Commonwealth after December 31, 1999, shall also satisfy one of the following additional requirements:

1. The foal was sired by a Virginia Thoroughbred sire; or
2. If not so sired, the dam, if bred back that same breeding season, is bred to a Virginia Thoroughbred sire; or
3. If not so sired, or the dam is not bred back that same breeding season or is bred to a sire other than a Virginia Thoroughbred sire, the dam remains continuously in the Commonwealth from September 1 to date of foaling, or if barren to February 1 of the following year.

"Virginia Thoroughbred horse breeder" means the owner or lessee of record of the mare at the time of foaling a Virginia-bred Thoroughbred horse.

"Virginia Thoroughbred sire" means a registered Thoroughbred stallion that covers mares, other than test mares, only in the Commonwealth during the breeding season in which it sires a Virginia-bred Thoroughbred horse, or only during that part of the breeding season after entering the Commonwealth.

11 VAC 10-130-60. Fund distribution; allocation of funds.

The funds generated by pari-mutuel wagering on Thoroughbred horse races for the Virginia Breeders Fund shall be allocated on the following schedule:

1. 35% shall be set aside for payment to the breeders of Virginia-bred Thoroughbred horses that win races at a race meeting designated by the commission;
2. 15% shall be set aside for payment to owners or lessees of registered Virginia stallions that sire Virginia-bred Thoroughbred horses that win races at race meetings designated by the commission; and
3. 50% shall be paid to supplement purses as determined by the commission under the following provisions:

a. An award may be paid to the owner or owners of a Virginia-bred Thoroughbred horse each time the horse wins a nonrestricted race at race meetings designated by the commission;

b. The maximum amount payable for ~~owner~~, breeder or stallion owner awards to a Virginia-bred Thoroughbred horse for any single race shall be \$25,000; ~~and~~

c. *The maximum amount payable for an owner award to a Virginia-bred Thoroughbred horse for any single race run in Virginia shall be \$10,000, and the maximum amount payable for an owner award for any single in any other jurisdiction shall be \$5,000; and*

~~e.~~ d. Purses shall be paid for races restricted to Virginia-bred Thoroughbred horses.

11 VAC 10-130-70. Restricted races.

The racing secretary at each unlimited race meeting licensed by the commission ~~shall~~ *may* include in the condition book restricted races that equal not less than 5.0% of the total nonsubstitute races included in that book, and that those races shall be run if six separate wagering interests are entered. If there is not a sufficient number of registered Virginia-bred horses entered to fill the race, then the racing secretary may substitute another race.

VA.R. Doc. No. R01-190; Filed May 7, 2001, 2:52 p.m.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 30-10-10 et seq. **State Plan Under Title XIX of the Social Security Act Medical Assistance Program: General Provisions (amending 12 VAC 30-10-20).**

12 VAC 30-30-10 et seq. Groups Covered and Agencies Responsible for Eligibility Determination (amending 12 VAC 30-30-10).

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

Effective Date: August 2, 2001.

Summary

This action amends the State Plan for Medical Assistance concerning entities that determine Medicaid eligibility. This action results from mandates of the 2000 Session of the

General Assembly concerning the Family Access to Medical Insurance Security (FAMIS) Plan and permits the DMAS Central Processing Unit to determine Medicaid eligibility along with the local departments of social services.

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7959.

12 VAC 30-10-20. Organization for administration.

(a) 12 VAC 30-20-20 contains a description of the organization and functions of the Medicaid agency and an organization chart of the agency.

(b) Within the State agency, the Department of Medical Assistance Services has been designated as the medical assistance unit. 12 VAC 30-20-30 contains a description of the organization and functions of the medical assistance unit and an organization chart of the unit.

(c) 12 VAC 30-20-40 contains a description of the kinds and numbers of professional medical personnel and supporting staff used in the administration of the plan and their responsibilities.

(d) Eligibility determinations are made by State or local staff of an agency other than the agency named in 12 VAC 30-10-10

~~(a). 12 VAC 30-20-50 contains a description of the staff designated to make such determinations and the functions they will perform.~~

12 VAC 30-30-10. Mandatory coverage: Categorically needy and other required special groups.

The Title IV-A agency *or the Department of Medical Assistance Services Central Processing Unit* determines eligibility for Title XIX services.

1. Recipients of AFDC.

a. The approved state AFDC plan includes:

(1) Families with an unemployed parent for the mandatory six-month period and an optional extension of 0 months.

(2) AFDC children age 18 who are full-time students in a secondary school or in the equivalent level of vocational or technical training.

b. The standards for AFDC payments are listed in 12 VAC 30-40-220.

2. Deemed recipients of AFDC.

a. Individuals denied a Title IV-A cash payment solely because the amount would be less than \$10.

b. Effective October 1, 1990, participants in a work supplementation program under Title IV-A and any child or relative of such individual (or other individual living in the same household as such individuals) who would be eligible for AFDC if there were no work supplementation program, in accordance with § 482(e)(6) of the Act.

Final Regulations

- c. Individuals whose AFDC payments are reduced to zero by reason of recovery of overpayment of AFDC funds.
- d. An assistance unit deemed to be receiving AFDC for a period of four calendar months because the family becomes ineligible for AFDC as a result of collection or increased collection of support and meets the requirements of § 406(h) of the Act.
- e. Individuals deemed to be receiving AFDC who meet the requirements of § 473(b)(1) or (2) for whom an adoption of assistance agreement is in effect or foster care maintenance payments are being made under Title IV-E of the Act.
3. Effective October 1, 1990, qualified family members who would be eligible to receive AFDC under § 407 of the Act because the principal wage earner is unemployed.
4. Families terminated from AFDC solely because of earnings, hours of employment, or loss of earned income disregards entitled up to 12 months of extended benefits in accordance with § 1925 of the Act.
5. Individuals who are ineligible for AFDC solely because of eligibility requirements that are specifically prohibited under Medicaid. Included are:
- a. Families denied AFDC solely because of income and resources deemed to be available from:
- (1) Stepparents who are not legally liable for support of stepchildren under a state law of general applicability;
 - (2) Grandparents;
 - (3) Legal guardians; and
 - (4) Individual alien sponsors (who are not spouses of the individual or the individual's parent);
- b. Families denied AFDC solely because of the involuntary inclusion of siblings who have income and resources of their own in the filing unit.
- c. Families denied AFDC because the family transferred a resource without receiving adequate compensation.
6. Individuals who would be eligible for AFDC except for the increases in OASDI benefits under P.L. 92-336 (July 1, 1972), who were entitled to OASDI in August 1972 and who were receiving cash assistance in August 1972.
- a. Includes persons who would have been eligible for cash assistance but had not applied in August 1972 (this group was included in the state's August 1972 plan).
- b. Includes persons who would have been eligible for cash assistance in August 1972 if not in a medical institution or intermediate care facility (this group was included in this state's August 1972 plan).
7. Qualified pregnant women and children.
- a. A pregnant woman whose pregnancy has been medically verified who:
- (1) Would be eligible for an AFDC cash payment if the child had been born and was living with her;
 - (2) Is a member of a family that would be eligible for aid to families with dependent children of unemployed parents if the state had an AFDC-unemployed parents program; or
 - (3) Would be eligible for an AFDC cash payment on the basis of the income and resource requirements of the state's approved AFDC plan.
- b. Children born after September 30, 1973 (specify optional earlier date), who are under age 19 and who would be eligible for an AFDC cash payment on the basis of the income and resource requirements of the state's approved AFDC plan.
- 12 VAC 30-40-280 and 12 VAC 30-40-290 describe the more liberal methods of treating income and resources under § 1902(r)(2) of the Act.
8. Pregnant women and infants under one year of age with family incomes up to 133% of the federal poverty level who are described in §§ 1902(a) (10)(A)(i)(IV) and 1902(l)(A) and (B) of the Act. The income level for this group is specified in 12 VAC 30-40-220.
9. Children:
- a. Who have attained one year of age but have not attained six years of age, with family incomes at or below 133% of the federal poverty levels.
- b. Born after September 30, 1983, who have attained six years of age but have not attained 19 years of age, with family incomes at or below 100% of the federal poverty levels.
- Income levels for these groups are specified in 12 VAC 30-40-220.
10. Individuals other than qualified pregnant women and children under subdivision 7 of this section who are members of a family that would be receiving AFDC under § 407 of the Act if the state had not exercised the option under § 407(b)(2)(B)(i) of the Act to limit the number of months for which a family may receive AFDC.
11. a. A woman who, while pregnant, was eligible for, applied for, and receives Medicaid under the approved state plan on the day her pregnancy ends. The woman continues to be eligible, as though she were pregnant, for all pregnancy-related and postpartum medical assistance under the plan for a 60-day period (beginning on the last day of her pregnancy) and for any remaining days in the month in which the 60th day falls.
- b. A pregnant women who would otherwise lose eligibility because of an increase in income (of the family in which she is a member) during the pregnancy or the postpartum period which extends through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends.
12. A child born to a woman who is eligible for and receiving Medicaid as categorically needy on the date of

the child's birth. The child is deemed eligible for one year from birth as long as the mother remains eligible or would remain eligible if still pregnant and the child remains in the same household as the mother.

13. Aged, blind and disabled individuals receiving cash assistance.

a. Individuals who meet more restrictive requirements for Medicaid than the SSI requirements. (This includes persons who qualify for benefits under § 1619(a) of the Act or who meet the eligibility requirements for SSI status under § 1619(b)(1) of the Act and who met the state's more restrictive requirements for Medicaid in the month before the month they qualified for SSI under § 1619(a) or met the requirements under § 1619(b)(1) of the Act. Medicaid eligibility for these individuals continues as long as they continue to meet the § 1619(a) eligibility standard or the requirements of § 1619(b) of the Act.)

b. These persons include the aged, the blind, and the disabled.

c. The more restrictive categorical eligibility criteria are described below:

(1) See 12 VAC 30-30-40.

(2) Financial criteria are described in 12 VAC 30-40-10.

14. Qualified severely impaired blind and disabled individuals under age 65 who:

a. For the month preceding the first month of eligibility under the requirements of § 1905(q)(2) of the Act, received SSI, a state supplemental payment under § 1616 of the Act or under § 212 of P.L. 93-66 or benefits under § 1619(a) of the Act and were eligible for Medicaid; or

b. For the month of June 1987, were considered to be receiving SSI under § 1619(b) of the Act and were eligible for Medicaid. These individuals must:

(1) Continue to meet the criteria for blindness or have the disabling physical or mental impairment under which the individual was found to be disabled;

(2) Except for earnings, continue to meet all nondisability-related requirements for eligibility for SSI benefits;

(3) Have unearned income in amounts that would not cause them to be ineligible for a payment under § 1611(b) of the Act;

(4) Be seriously inhibited by the lack of Medicaid coverage in their ability to continue to work or obtain employment; and

(5) Have earnings that are not sufficient to provide for himself or herself a reasonable equivalent of the Medicaid, SSI (including any federally administered SSP), or public funded attendant care services that would be available if he or she did have such earnings.

The state applies more restrictive eligibility requirements for Medicaid than under SSI and under 42 CFR 435.121. Individuals who qualify for benefits under § 1619(a) of the Act or individuals described above who meet the eligibility requirements for SSI benefits under § 1619(b)(1) of the Act and who met the state's more restrictive requirements in the month before the month they qualified for SSI under § 1619(a) or met the requirements of § 1619(b)(1) of the Act are covered. Eligibility for these individuals continues as long as they continue to qualify for benefits under § 1619(a) of the Act or meet the SSI requirements under § 1619(b)(1) of the Act.

15. Except in states that apply more restrictive requirements for Medicaid than under SSI, blind or disabled individuals who:

a. Are at least 18 years of age;

b. Lose SSI eligibility because they become entitled to OASDI child's benefits under § 202(d) of the Act or an increase in these benefits based on their disability. Medicaid eligibility for these individuals continues for as long as they would be eligible for SSI, absent their OASDI eligibility.

c. The state does not apply more restrictive income eligibility requirements than those under SSI.

16. Except in states that apply more restrictive eligibility requirements for Medicaid than under SSI, individuals who are ineligible for SSI or optional state supplements (if the agency provides Medicaid under § 435.230 of the Act), because of requirements that do not apply under Title XIX of the Act.

17. Individuals receiving mandatory state supplements.

18. Individuals who in December 1973 were eligible for Medicaid as an essential spouse and who have continued, as spouse, to live with and be essential to the well-being of a recipient of cash assistance. The recipient with whom the essential spouse is living continues to meet the December 1973 eligibility requirements of the state's approved plan for OAA, AB, APTD, or AABD and the spouse continues to meet the December 1973 requirements for have his or her needs included in computing the cash payment.

In December 1973, Medicaid coverage of the essential spouse was limited to: the aged; the blind; and the disabled.

19. Institutionalized individuals who were eligible for Medicaid in December 1973 as inpatients of Title XIX medical institutions or residents of Title XIX intermediate care facilities, if, for each consecutive month after December 1973, they:

a. Continue to meet the December 1973 Medicaid State Plan eligibility requirements;

b. Remain institutionalized; and

c. Continue to need institutional care.

20. Blind and disabled individuals who:

Final Regulations

- a. Meet all current requirements for Medicaid eligibility except the blindness or disability criteria; and
- b. Were eligible for Medicaid in December 1973 as blind or disabled; and
- c. For each consecutive month after December 1973 continue to meet December 1973 eligibility criteria.

21. Individuals who would be SSI/SSP eligible except for the increase in OASDI benefits under P.L. 92-336 (July 1, 1972), who were entitled to OASDI in August 1972, and who were receiving cash assistance in August 1972.

This includes persons who would have been eligible for cash assistance but had not applied in August 1972 (this group was included in this state's August 1972 plan), and persons who would have been eligible for cash assistance in August 1972 if not in a medical institution or intermediate care facility (this group was included in this state's August 1972 plan).

22. Individuals who:

- a. Are receiving OASDI and were receiving SSI/SSP but became ineligible for SSI/SSP after April 1977; and
- b. Would still be eligible for SSI or SSP if cost-of-living increases in OASDI paid under § 215(i) of the Act received after the last month for which the individual was eligible for and received SSI/SSP and OASDI, concurrently, were deducted from income.

The state applies more restrictive eligibility requirements than those under SSI and the amount of increase that caused SSI/SSP ineligibility and subsequent increases are deducted when determining the amount of countable income for categorically needy eligibility.

23. Disabled widows and widowers who would be eligible for SSI or SSP except for the increase in their OASDI benefits as a result of the elimination of the reduction factor required by § 134 of P.L. 98-21 and who are deemed, for purposes of Title XIX, to be SSI beneficiaries or SSP beneficiaries for individuals who would be eligible for SSP only, under § 1634(b) of the Act.

The state does not apply more restrictive income eligibility standards than those under SSI.

24. Disabled widows, disabled widowers, and disabled unmarried divorced spouses who had been married to the insured individual for a period of at least 10 years before the divorce became effective, who have attained the age of 50, who are receiving Title II payments, and who because of the receipt of Title II income lost eligibility for SSI or SSP which they received in the month prior to the month in which they began to receive Title II payments, who would be eligible for SSI or SSP if the amount of the Title II benefit were not counted as income, and who are not entitled to Medicare Part A.

The state applies more restrictive eligibility requirements for its blind or disabled than those of the SSI program.

25. Qualified Medicare beneficiaries:

- a. Who are entitled to hospital insurance benefits under Medicare Part A (but not pursuant to an enrollment under § 1818 of the Act);
- b. Whose income does not exceed 100% of the federal level; and
- c. Whose resources do not exceed twice the maximum standard under SSI.

(Medical assistance for this group is limited to Medicare cost sharing as defined in item 3.2 of this plan.)

26. Qualified disabled and working individuals:

- a. Who are entitled to hospital insurance benefits under Medicare Part A under § 1818A of the Act;
- b. Whose income does not exceed 200% of the federal poverty level; and
- c. Whose resources do not exceed twice the maximum standard under SSI.
- d. Who are not otherwise eligible for medical assistance under Title XIX of the Act.

(Medical assistance for this group is limited to Medicare Part A premiums under §§ 1818 and 1818A of the Act.)

27. Specified low-income Medicare beneficiaries:

- a. Who are entitled to hospital insurance benefits under Medicare Part A (but not pursuant to an enrollment under § 1818A of the Act);
- b. Whose income for calendar years 1993 and 1994 exceeds the income level in subdivision 25 b of this section, but is less than 110% of the federal poverty level, and whose income for calendar years beginning 1995 is less than 120% of the federal poverty level; and
- c. Whose resources do not exceed twice the maximum standard under SSI.

(Medical assistance for this group is limited to Medicare Part B premiums under § 1839 of the Act.)

28. a. Each person to whom SSI benefits by reason of disability are not payable for any month solely by reason of clause (i) or (v) of § 1611(e)(3)(A) shall be treated, for purposes of Title XIX, as receiving SSI benefits for the month.

- b. The state applies more restrictive eligibility standards than those under SSI.

Individuals whose eligibility for SSI benefits are based solely on disability who are not payable for any months solely by reason of clause (i) or (v) of § 1611(e)(3)(A) and who continue to meet the more restrictive requirements for Medicaid eligibility under the state plan, are eligible for Medicaid as categorically needy.

VA.R. Doc. No. R01-194; Filed May 11, 2001, 3:28 p.m.

Title of Regulation: 12 VAC 30-10-10 et seq. State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions (adding 12 VAC 30-10-1000).

12 VAC 30-20-10 et seq. Administration of Medical Assistance Services (adding 12 VAC 30-20-290 through 12 VAC 30-20-490 and 12 VAC 30-20-500 through 12 VAC 30-20-560).

12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (repealing 12 VAC 30-70-140, 12 VAC 30-70-141, 12 VAC 30-70-142, 12 VAC 30-70-143, 12 VAC 30-70-144, and 12 VAC 30-70-145 (Part II Hospital Appeals of Reimbursement Rates)).

12 VAC 30-90-10 et seq. Methods and Standards for Establishing Payment Rates for Long-Term Care (repealing 12 VAC 30-90-130, 12 VAC 30-90-131, 12 VAC 30-90-132, 12 VAC 30-90-133, and 12 VAC 30-90-135).

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

Effective Date: July 4, 2001.

Summary:

This action establishes provider appeal regulations for all provider appeal issues. It also provides for the completion of informal appeals within 180 days and the completion of formal appeals within another 180 days.

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

Agency Contact: Victoria P. Simmons, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:12 VA.R. 1998-2005 February 26, 2001, without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R00-291; Filed May 16, 2001, 11:05 a.m.



GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

AT RICHMOND, MAY 15, 2001

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE010296

Ex Parte: In the matter of establishing rules and regulations pursuant to the Virginia Electric Utility Restructuring Act for customer minimum stay periods

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE010297

Ex Parte: In the matter of establishing rules and regulations pursuant to the Virginia Electric Utility Restructuring Act for consolidated billing services

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE010298

Ex Parte: In the matter of establishing rules and regulations pursuant to the Virginia Electric Utility Restructuring Act for competitive metering services

ORDER ESTABLISHING PROCEEDINGS

The Virginia Electric Utility Restructuring Act (§ 56-577 et seq. of the Code of Virginia) ("the Act"), as amended by Senate Bill No. 1420,¹ directs the State Corporation Commission ("Commission") to promulgate certain rules and regulations as may be necessary to implement various provisions of the Act.

Section 56-577 E directs the Commission to promulgate regulations establishing whether and, if so, for what minimum periods, customers who request service from an incumbent electric utility at capped rates pursuant to § 56-582 D or from a default service provider, after a period of receiving service from other suppliers of electric energy, shall be required to use such service from such incumbent supplier or default provider, as determined to be in the public interest (hereinafter, "minimum stay period").

Section 56-581.1 of the Act directs the Commission to promulgate rules and regulations as may be necessary to

implement the provisions of that statute concerning competitive billing services (including consolidated billing) and competitive metering services. Such rules and regulations shall include provisions regarding the licensing of persons seeking to sell, offering to sell, or selling competitive billing or metering services, pursuant to the license requirements of § 56-587 of the Act.

Because of important differences among these various subjects, including differing levels of complexity in the issues of each, we will proceed with specific schedules for each matter. In each case, however, we direct the Staff of the Commission to invite representatives of interested parties to participate in work groups to facilitate the development of the required regulations.² Work group participants and other interested persons will have an opportunity to comment and request a hearing on the Staff's proposed rules, regulations, and requirements.

For the minimum stay period issue pursuant to § 56-577 E, we will direct the Staff to reconvene the work group from the proceeding that developed proposed rules governing retail access to competitive energy services,³ and will further direct the Staff to file proposed rules and a report.

The Commission is presently considering in Case No. PUE010013 proposed rules relative to the billing services to be offered by local distribution companies, and competitive service providers, effective January 1, 2002, pursuant to § 56-581.1 A. We now need to initiate the promulgation of rules to implement the offering of consolidated billing service by licensed competitive service providers to local distribution companies and retail customers, which may be offered after the first regular meter reading date after January 1, 2003, pursuant to § 56-581.1 B. We will direct the Staff to seek input on these rules from a work group of interested persons and will require the Staff to file proposed rules and a report.

The matter of competitive metering services promises to generate a number of complex and controversial issues.⁴ As we noted in our December 12, 2000, Report to the Legislative Transition Task Force: there is very little market development in those states that have adopted competitive metering; substantial questions exist as to whether competitive metering would deliver economic benefits to residential and small commercial consumers at this time; and while significant benefits may accrue to larger customers through increased availability and accessibility of energy usage information, resolution of complex market and technical issues is required to determine the best competitive structure to accomplish this objective and ensure metering integrity. In Case No. PUE000346, some Virginia utilities stated their desire to move quickly forward on developing structures for competitive

² Persons desiring to participate in any of the three work groups described herein should notify David R. Eichenlaub of the Commission's Division of Economics and Finance by electronic mail at deichenlaub@scc.state.va.us.

³ *Commonwealth ex rel. State Corp. Comm'n, Ex Parte: In the matter of establishing rules for retail access*, Case No. PUE010013.

⁴ See *Report to the Legislative Transition Task Force of the Va. General Assembly, "Recommendation and Draft Plan, Retail Electric and Metering Services"* at 18 (Dec. 12, 2000); Case No PUE000346.

¹ 2000 Va. Acts ch. 748

metering while others, however, prefer delaying implementation.⁵

Due to the many complexities and uncertainties surrounding competitive metering, we will not at this time set a specific date for the Staff to submit proposed rules. As with the other matters, the Staff shall invite representatives of interested parties to participate in a work group on this issue. The work group should assist the Staff in advising the Commission on how best to proceed with its rulemaking obligations under § 56-581.1 F. The Staff should present such recommendations in an Interim Report to be filed with the Commission.

In light of the uncertainties surrounding competitive metering, we encourage the Staff and the work group to consider the feasibility and appropriateness of an approach that provides a reasonable level of flexibility for experimentation. In addition, pursuant to § 56-581.1 E 9, all investor owned electric distribution utilities shall expeditiously advise the Commission of any requested delay in implementing competitive metering services in their respective service territories.

Accordingly, IT IS ORDERED THAT:

(1) The matter of establishing rules for minimum stay periods pursuant to § 56-577 E of the Code of Virginia is docketed and assigned Case No. PUE010296.

(2) The matter of establishing rules for consolidated billing services pursuant to § 56-581.1 D of the Code of Virginia is docketed and assigned Case No. PUE010297.

(3) The matter of establishing rules for competitive metering services pursuant to § 56-581.1 F of the Code of Virginia is docketed and assigned Case No. PUE010298.

(4) On or before June 12, 2001, persons with an interest in any of these proceedings, including those already on the service list for this Order, who desire to remain on or be added to the service list(s) for future filings and orders shall file with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, a statement of such interest, identifying the specific docket(s) by Case No. in which he or she is interested.

(5) The Commission Staff shall conduct an investigation, with input from a work group, and file with the Clerk of the Commission in Case No. PUE010296, an original and fifteen (15) copies of proposed rules and a report supporting such proposed rules for customer minimum stay periods, on or before June 26, 2001, and shall serve one (1) copy on all work group participants.

(6) On or before July 23, 2001, interested parties shall file with the Clerk an original and fifteen (15) copies of comments or requests for hearing on the Staff's proposed minimum stay period regulations, as well as any other comments pertinent to this proceeding.

(7) The Commission Staff shall conduct an investigation, with input from a work group, and file with the Clerk of the Commission in Case No. PUE010297, an original and fifteen (15) copies of proposed rules for consolidated billing services, on or before February 14, 2002, and shall serve one (1) copy on all work group participants; and shall file and serve copies of a report in support of its proposed consolidated billing rules on or before February 28, 2002, in the manner provided hereinabove.

(8) On or before March 22, 2002, interested parties shall file with the Clerk an original and fifteen (15) copies of comments or requests for hearing on the Staff's proposed rules and report on consolidated billing services, as well as any other comments pertinent to this proceeding in Case No. PUE010297.

(9) On or before July 16, 2001, the Commission Staff shall conduct an investigation, with input from a work group, and file with the Clerk of the Commission in Case No. PUE010298, an original and fifteen (15) copies of an interim report presenting recommendations on further procedures for promulgating proposed rules for competitive metering services, and shall serve one (1) copy on all work group participants.

(10) On or before May 31, 2001, pursuant to § 56-581.1 E 9, all investor owned electric distribution utilities shall file with the Commission their intended schedule for implementing competitive metering services in their respective service territory.

(11) On or before May 25, 2001, the Commission's Division of Information Resources shall publish the following notice as classified advertising in newspapers of general circulation throughout the Commonwealth of Virginia.

NOTICE TO THE PUBLIC OF PROCEEDINGS TO
ESTABLISH RULES AND REGULATIONS
PURSUANT TO THE VIRGINIA ELECTRIC UTILITY
RESTRUCTURING ACT FOR CUSTOMER
MINIMUM STAY PERIODS AND FOR
COMPETITIVE RETAIL BILLING AND METERING
SERVICES
CASE NOS. PUE010296, PUE010297, AND
PUE010298

The Virginia Electric Utility Restructuring Act (§ 56-577 et seq. of the Code of Virginia) ("the Act"), as amended this year by Senate Bill No. 1420, directs the Virginia State Corporation Commission ("Commission") to promulgate certain rules and regulations as may be necessary to implement various provisions of the Act.

Section 56-577 directs the Commission to promulgate regulations establishing whether and, if so, for what minimum periods, customers who request service from an incumbent electric utility at capped rates pursuant to § 56-582 D or from a default service provider, after a period of receiving service from other suppliers of electric energy, shall be required to use such service from such incumbent supplier or default provider, as determined to be in the public interest ("minimum stay period").

⁵ The Potomac Edison Company, d/b/a Allegheny Power ("AP") made such a filing on April 23, 2001, requesting that the Commission delay the requirement that AP provide competitive metering services in its Virginia service territory until January 1, 2003, for large industrial and large commercial customers, and until January 1, 2004 for residential and small business customers. (SCC Doc. Control Ctr. No. 010430043.)

General Notices/Errata

Section 56-581.1 of the Act directs the Commission to promulgate rules and regulations as may be necessary to implement the provisions of that statute concerning competitive billing and metering services. Such rules and regulations shall include provisions regarding the licensing of persons seeking to sell, offering to sell, or selling competitive billing or metering services, pursuant to the license requirements of § 56-587 of the Act.

The Staff of the Commission will invite representatives of interested parties to participate in work groups to assist the Staff in developing these proposed regulations required by the Act.

The Staff will file with the Clerk of the Commission proposed rules and a report for any minimum stay periods on or before June 26, 2001, in Case No. PUE010296.

The Staff will file with the Clerk, in Case No. PUE010297, on or before February 14, 2002, proposed rules for consolidated billing services and will file a report in support of those proposed rules on or before February 28, 2002.

Any person desiring to comment in writing or request a hearing on the Staff's proposed rules for minimum stay periods may do so by directing such comments or requests for hearing on or before July 23, 2001, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, referencing Case No. PUE010296.

Any person desiring to comment in writing or request a hearing on the Staff's proposed rules for consolidated billing services may do so by directing such comments or requests for hearing on or before March 22, 2002, to the Clerk of the Commission at the address set forth above, referencing Case No. PUE010297.

For promulgating competitive metering services rules, the Commission Staff will file with the Clerk in Case No. PUE010298, on or before July 16, 2001, an interim report presenting recommendations on further procedures.

Persons interested in the full procedural details of these proceedings should obtain a copy of the Commission's May 15, 2001, Order Establishing Proceedings, which may be obtained from the Clerk of the Commission or from the Commission's Web site <http://www.state.va.us/scc/caseinfo/orders.htm>.

The Staff's proposed rules and reports in these proceedings will also be made available on the Commission's Web site and will be publicly available for inspection in the Clerk's office. The Clerk's office will provide a copy of the proposed regulations to any interested party, free of charge, in response to any written request. The proposed regulations will also appear in the Virginia Register of Regulations.

All written communications to the Commission should be directed to the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and should refer to the appropriate Case Number.

VIRGINIA STATE CORPORATION COMMISSION

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: John B. Williamson, III, Chairman and CEO, Diversified Energy Company, 519 Kimball Avenue, N.E., P.O. Box 13007, Roanoke, Virginia 24030-3007; Frann G. Francis, Esquire, Apartment & Office Building Association, 1050 17th Street, N.W., Suite 300, Washington, D.C. 20036; Kenworth E. Lion, Jr., Esquire, Lion Law Offices, 116 N. Division Street, Suite 201, P.O. Box 79, Salisbury, Maryland 21803; Marleen L. Brooks, Esquire, Allegheny Power, 10435 Downsville Pike, Hagerstown, Maryland 21740-1766; John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Jeffrey M. Gleason, Esquire, and Oliver A. Pollard, III, Southern Environmental Law Center, 201 West Main Street, Suite 14, Charlottesville, Virginia 22902; Guy T. Tripp, III, Esquire, and Richard D. Gary, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Christopher C. O'Hara, Esquire, Frederick H. Ritts, Esquire, and Peter J. Mattheis, Esquire, Burchette & Ritts, P.C., West Tower, 1025 Thomas Jefferson Street, N.W., 8th Floor, Washington, D.C. 20007; Karen L. Bell, Esquire, and Pamela Walker, Esquire, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; David W. Seitz, Assistant City Attorney, Office of City Attorney, Department of Public Utilities, 600 East Broad Street, Room 811, Richmond, Virginia 23219; Donald R. Hayes, Senior Attorney, Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; Louis R. Monacell, Esquire, Cliona Mary Robb, Esquire, and Sheila Martin, Legal Assistant, Christian & Barton, 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Anthony Gambardella, Esquire, and Michael J. Quinan, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; Eric M. Page, Esquire, James P. Guy, II, Esquire, John A. Pirko, Esquire, and David A. Addison, Jr., Esquire, LeClair Ryan, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Thomas B. Nicholson, Esquire, and Channing J. Martin, Esquire, Williams, Mullen, Clark & Dobbins, P.C., P.O. Box 1320, Richmond, Virginia 23210; James S. Copenhaver, Esquire, and Mark C. Darrell, Esquire, Columbia Gas of Virginia, Inc., P.O. Box 35674, Richmond, Virginia 23235-0674; Joelle K. Ogg, Esquire, Williams, Mullen, Clark & Dobbins, 1666 K Street, N.W., Suite 1200, Washington, D.C. 20006; Carter Glass, IV, Esquire, Mays & Valentine, L.L.P., P.O. Box 1122, Richmond, Virginia 23218-1122; Gordon J. Smith, Esquire, National Energy Marketers, 1200 17th Street, N.W., Suite 600, Washington, D.C. 20036-3006; James R. Kibler, Jr., Esquire, CNG Retail Services Corporation, P.O. Box 796, Richmond, Virginia 23218; Donald A. Fickenscher, Esquire, Virginia Natural Gas, Inc., 5100 East Virginia Beach Boulevard, Norfolk, Virginia 23502-3488; Craig G. Goodman, President, National Energy Marketers Association, 3333 K Street, N.W., Suite 425, Washington, D.C. 20007; Randall S.

Rich, Esquire, Mark C. Hebert, Esquire, and Betsy R. Carr, Esquire, Bracewell & Patterson, LLP, 2000 K Street, N.W., Suite 500, Washington, D.C. 20006-1872; Mary Elizabeth Tighe, Vice President, Statoil Energy, Inc., 2800 Eisenhower Avenue, Alexandria, Virginia 22314; Steve Montovano, Senior Director, Enron Corp., 400 Metro Place North, Dublin, Ohio 43017-3375; Kodwo Ghartey-Tagoe, Esquire, McGuireWoods L.L.P., 1 James Center, 901 East Cary Street, Richmond, Virginia 23219-4030; James R. Bacha, Esquire, AEP Service Corporation, 1 Riverside Plaza, Columbus, Ohio 43215; John H. Sniffin, Chairman, Virginia Retail Merchants Association, 1001 East Broad Street, Suite 315, Richmond, Virginia 23219; Sarah Bloom Raskin, Esquire, Columbia Energy Services Corporation, 13880 Dulles Corner Lane, Herndon, Virginia 20171-4600; Lawrence Friedeman, Columbia Energy Services Corporation, 134 West South Boundary, Perrysburg, Ohio 43551; Vernon H. Brinkley, President, A&N Electric Cooperative, P.O. Box 1128, Parksley, Virginia 23421; Gerald H. Groseclose, Manager, Craig-Botetourt Electric Cooperative, P.O. Box 265, New Castle, Virginia 24127; Charles Rice, Jr., President/CEO, Northern Neck Electric Cooperative, P.O. Box 288, Warsaw, Virginia 22572-0288; Randall W. Meyers, General Manager/CEO, Powell Valley Electric Cooperative, P.O. Box 1528, New Tazewell, Tennessee 37879-1528; Cecil E. Viverette, Jr., President, Rappahannock Electric Cooperative, P.O. Box 7388, Fredericksburg, Virginia 22404; Richard L. Weaver, General Manager, BARC Electric Cooperative, P.O. Box 264, Millboro, Virginia 24460-0264; Howard L. Scarboro, General Manager, Central Virginia Electric Cooperative, P.O. Box 247, Lovingston, Virginia 22949; James M. Reynolds, General Manager, Community Electric Cooperative, P.O. Box 267, Windsor, Virginia 23487; John Bowman, Executive Vice President/Manager, Mecklenburg Electric Cooperative, P.O. Box 2451, Chase City, Virginia 23924-2451; Stanley C. Feuerberg, President, Northern Virginia Electric Cooperative, P.O. Box 2710, Manassas, Virginia 20108-0875; M. Dale Bradshaw, CEO, Prince George Electric Cooperative, P.O. Box 168, Waverly, Virginia 23890; C. Douglas Wine, President, Shenandoah Valley Electric Cooperative, P.O. Box 236, Mt. Crawford, Virginia 22841-0236; M. Larry Longshore, President, Southside Electric Cooperative, P.O. Box 7, Crewe, Virginia 23930-0007; D. Richard Beam, Manager, Old Dominion Electric Cooperative, 4201 Dominion Boulevard, Glen Allen, Virginia 23060; Edward L. Petrini, Esquire, and Robert M. Gillespie, Esquire, Christian & Barton, 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Harry A. Warren, Jr., President, Washington Gas Energy Services, 950 Herndon Parkway, Suite 280, Herndon, Virginia 20170; J. Mack Wathen, Director, Delmarva Power & Light Company, P.O. Box 231, Wilmington, Delaware 19899-0231; Timothy B. Hyland, Esquire, Leffler, Hyland & Thompson, 11320 Random Hills Road, Suite 540, Fairfax, Virginia 22030-7499; Gary A. Jeffries, Esquire, CNG Retail Services Corporation, One Chatham Center, Suite 700, Pittsburgh, Pennsylvania 15219; Dale P. Moore, Roanoke Gas Company, P.O. Box 13007, Roanoke, Virginia 24030; Charles P. Wilson, 4545 Stuartford Road, Richmond, Virginia 23225; Irene Leech, President, Virginia Citizens Consumer Council, 4220 North Fork Road, Elliston, Virginia 24087; Merry Beth Hall, 2135 Megan Drive, Glen Allen, Virginia 23060; Robert T. Vogler, Esquire, Allegheny Power Building, 10435 Downsville

Pike, Hagerstown, Maryland 21740; Karl B. Anderson, Esquire, Jones, Day, Reavis & Pogue, 77 West Wacker, Chicago, Illinois 60601-1692; Leila L. Vespoli, Associate General Counsel, First Energy Services Corporation, 76 South Main Street, Akron, Ohio 44308; Michel A. King, President, Old Mill Power Company, 103 Shale Place, Charlottesville, Virginia 22902-6402; Dale P. Rogers, 519 Kimball Avenue, N.W., Roanoke, Virginia 24016; E. Janet Riddick, Virginia Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219-1849; Mark G. Thessin, United Cities Gas Company, 810 Crescent Center Drive, Suite 600, Franklin, Tennessee 37067-6226; Kenneth G. Hurwitz, Esquire, and Danon W.D. Wright, Esquire, Venable, Baetjer, Howard & Civiletti, LLP, 1201 New York Avenue, N.W., Suite 1000, Washington, D.C. 20005-3917; Adam Chmara, Esquire, PEPCO Energy Services, 2000 K Street, N.W., Washington, D.C. 20006; Deborah J. Henry, Esquire, and Carolyn Conrad, Allegheny Energy Supply, Roseytown Road, RR 12, Box 1000, Greensburg, Pennsylvania 15601; Ed Toppi, Vice President, and Eric Matheson, AES NewEnergy, Inc., 1001 North 19th Street, Arlington, Virginia 22209; Ronald L. Willhite, Director of Rates and Regulatory Affairs, LG&E Energy Corp., 220 West Main Street, P.O. Box 32010, Louisville, Kentucky 40232; Telemac N. Chryssikos, Esquire, Washington Gas Energy Services, 2565 Horsepen Road, Suite 200, Herndon, Virginia 20171-3401; Kathy L. Mitchell, Senior Attorney, Philip J. Bray, Esquire, and Robert C. Carder, Jr., Esquire, Allegheny Power, 10435 Downsville Pike, Hagerstown, Maryland 21740-1766; Robert E. Forrest, Vice President – Operations, Wattage Monitor, 1745 Terminal Way, Suite B, Reno, Nevada 89502; Patrick G. Jeffery, Assistant Vice President, Smartenergy Inc., Regulatory Affairs, 300 Unicorn Park, Woburn, Massachusetts 01801; Cody Graves, Chief Executive Officer, Automated Energy, Inc., 101 Park Avenue, 5th Floor, Oklahoma City, Oklahoma 73102; Johannes W. Williams, Director, Industry Legal Affairs, Edison Electric Institute, 701 Pennsylvania Avenue, N.W., Washington, D.C. 20004; George C. Roberts, Director, Regulatory Relations and Strategy, Schlumberger Resource Management Services North America, 5430 Metric Place, Norcross, Georgia 30092; William D. Kee, President, and Jack Greenhalgh, Vice President, Energy Consultants, Inc., 421 South Lynnhaven Road, Suite 101, Virginia Beach, Virginia 23452; Coralette Marshall, Legislative Representative, Department of State Affairs, AARP, 601 East Street, Washington, D.C. 20049; August Wallmeyer, Virginia Association of Non-Utility Power Producers, 700 East Franklin Street, Suite 701, Richmond, Virginia 23219; Robert A. Omberg, Esquire, Virginia, Maryland & Delaware Association of Electric Cooperatives, Innsbrook Corporate Center, 4201 Dominion Boulevard, First Floor, P.O. Box 2340, Glen Allen, Virginia 23058; Kathleen Magruder, Vice President, Government Affairs, The New Power Company, One Manhattanville Road, Purchase, New York 10577; and the Commission's Divisions of Energy Regulation, Economics and Finance, and Public Utility Accounting.

Agency Contact: David Eichenlaub, Division of Economics and Finance, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9050.

General Notices/Errata

* * * * *

Bureau of Insurance

May 10, 2001

Administrative Letter 2001-3

TO: All Insurers, Health Services Plans, Health Maintenance Organizations (HMOs) and Other Interested Parties

RE: Legislation Enacted by the 2001 Virginia General Assembly

We have attached for your reference staff summaries of certain statutes enacted or amended and re-enacted during the 2001 Session of the Virginia General Assembly. **The effective date of these statutes is July 1, 2001, except as otherwise indicated in this letter.** Each organization to which this letter is being sent should review the attachments carefully and see that notice of these laws is directed to the proper persons, **including appointed representatives**, to ensure that appropriate action is taken to effect compliance with these new legal requirements. Please note that this document is a **summary** of legislation. It is neither a legal review and interpretation nor a full description of the legislative amendments made to insurance-related laws during the 2001 Session. Each organization is responsible for legal review of the statutes pertinent to its operations.

/s/ Alfred W. Gross
Commissioner of Insurance

NOTE:

**UNLESS OTHERWISE INDICATED, ALL BILLS ARE
EFFECTIVE
JULY 1, 2001**

FINANCIAL REGULATION BILLS

Chapter 239 (House Bill 1892)

HB 1892 amends the "provider panel" provisions at § 38.2-3407.1 (Accident and Sickness Insurance Chapter) to clarify rights and expectations of physicians and other providers who enter provider panel contracts with carriers directly or indirectly through another provider. Under the amendment, if a carrier or a provider who is a member of the panel, contracts with an unaffiliated carrier with reimbursement rates or with managed care procedures that differ materially from those in the original contract, the provider must be allowed to refuse participation with such unaffiliated carrier. Further, the status of the physician or other provider as a member of, or as being eligible for, such other existing or new provider panel shall not be adversely affected by the refusal to participate. Specific language clarifies that conducting economic profiling or requiring a patient to obtain primary care physician referral to a specialist would be considered a material difference; however, utilization review pursuant to Article 1.2 of Chapter 5 of Title 32.1 (Health) shall not constitute a materially different managed care procedure. Other specific language states the provisions of subsection O shall apply to provider panels utilized by health maintenance organizations (HMOs) and Preferred Physician Organizations (PPOs). Amendments in

subsection Q make the provisions of subsection O applicable for contacts entered into, reissued, extended or renewed on or after July 1, 2001.

Chapter 387 (House Bill 2721)

HB 2721 amends § 38.2-1428 (Investments Chapter) relating to hedging transactions. The amendments add reference to § 38.2-1443 (foreign securities) thereby authorizing domestic insurers also to effect or maintain bona fide hedging transactions pertaining to foreign securities. Currently, hedging transactions may pertain to other categories of domestic and Canadian obligations. This bill also expands the definition of a bona fide hedging transaction to include the purchase or sale of a contract, warrant, option, call, put or right for the purpose of (i) minimizing foreign currency risks or (ii) offsetting currency risks and other items that qualify for hedge accounting.

Chapter 545 (House Bill 2162)

EFFECTIVE JULY 1, 2002

HB 2162 amends multiple provisions, including portions of Chapter 9 of Title 13.1 (Virginia Stock Corporation Act) concerning stock corporations, to adopt provisions from the Revised Model Business Corporations Act. These amendments streamline procedures for (i) domestication of foreign corporations in Virginia and Virginia corporations in foreign jurisdictions and (ii) for converting domestic limited liability companies to domestic corporations and domestic corporations to domestic limited liability companies. The new provisions and fees are effective July 1, 2002.

Chapter 707 (Senate Bill 987)

SB 987 places a definition of "insurance" in Title 38.2 for the first time. The amendment, at § 38.2-100 (General Provisions Chapter), defines insurance, for purposes of Title 38.2, as the business of transferring risk by contract wherein a person, for a consideration, undertakes to indemnify another person, to pay or provide a specified or ascertainable amount of money, or to provide a benefit or service upon the occurrence of a determinable risk contingency. As defined, "insurance" specifically includes the issuance of group and individual contracts, certificates, or evidences of coverage by health services plans, HMOs, legal services organizations or legal services plans, and dental or optometric services plans. The definition clearly recognizes HMOs as persons who transact an insurance business. Nevertheless, the addition of a definition of "insurance" will have no significant impact on the manner in which licensed HMOs are regulated.

Chapter 726 (House Bill 2255)

SB 2255 represents Virginia's response to § 311 of GLBA (the Gramm-Leach-Bliley Financial Services Modernization Act, Public Law 106-102), which authorizes mutual insurers to redomesticate from a state that has no mutual holding company (MHC) statute to a state which specifically recognizes compliant mutual holding company reorganizations. In order to assure that Virginia's mutual insurers are not placed in the position of having to make such a decision, HB 2255 amends provisions in Chapter 10 of Title 38.2 concerning demutualizations and mutual holding companies. A new article in Chapter 10 (Organizations,

Admission and Licensing of Insurers) recognizes the formation of a MHC and authorizes conversion of a mutual insurer to a stock insurer. These provisions specify that all eligible members of the mutual insurer are to become members of the MHC; that the MHC shall at all times own not less than a majority of the issued shares of the voting stock of the converted company; that MHC member interests are not transferable; and that member interest shall not constitute a security under the laws of Virginia.

Plans for conversion must be fair and equitable with regard to the interests of the members of the mutual company, and require the approval of the Commission and the approval of two-thirds of the votes cast by eligible members at a meeting in person or by proxy. Related amendments at § 38.2-1005 clarify that an insurance society or nonstock company licensed under any chapter other than Chapter 10 must become a Chapter 10 mutual insurer prior to seeking approval for conversion to a stock insurance company.

PRIVACY AND CONFIDENTIALITY BILLS

Chapter 371 (House Bill 2157)

HB 2157 was adopted in recognition of the federal requirements imposed under GLBA (the Gramm-Leach-Bliley Financial Services Modernization Act, Public Law 106-102).

Depository Institutions Selling or Soliciting Insurance

Section 38.2-513 and subsection B of § 38.2-514 of the Code of Virginia have been replaced with a new section numbered § 38.2-513.1 in the Unfair Trade Practices Act (Title 38.2, Chapter 5). The new section sets forth the obligations of depository institutions that are selling or soliciting insurance. Depository institutions must:

1. be licensed as agents in accordance with Chapter 18 (Insurance Agents) of Title 38.2;
2. inform their customers that the customer's choice of an insurance company will not affect the credit decision or credit terms in any way;
3. maintain separate books and records relating to their insurance transactions for three years;
4. keep their insurance sales activities (to the extent practicable) physically segregated from areas where retail deposits are routinely accepted;
5. keep the insurance transaction separate from the credit transaction (except for credit insurance and flood insurance); and
6. give their customers a notice stating that the insurance policy is not a deposit, is not FDIC insured, is not guaranteed by the depository institution, and involves investment risk, where appropriate.

Depository institutions **may not**:

1. reject an insurance policy just because it is issued by a person not associated with the depository institution or its affiliate;
2. pay or receive commissions except in accordance with Chapter 18 (an exception is made for payment of

compensation for the referral of a customer, with certain stipulations set forth in the Code);

3. make loans conditional on the purchase of insurance from the depository institution or its affiliate;

4. require a separate charge for the handling of insurance unless the charge would be required if the depository institution or its affiliate were the agent;

5. use advertisements that would lead a person to believe that the federal or state government is guaranteeing the insurance products sold by the depository institution or its affiliate;

6. include the expense of premiums (except for credit, flood, and title insurance premiums) in the credit transaction without the customer's written consent; or

7. release insurance or health information about a customer without the customer's written consent except as permitted in the law.

With certain exceptions, these provisions also apply to any person who lends money or extends credit and who sells or solicits insurance.

Privacy Protection

Chapter 6 of Title 38.2 (Insurance Information and Privacy Protection Act) currently requires an information practices notice to be given when the policy is issued or delivered or at the time information is collected from a source other than from the applicant or from public records. This notice is also required to be given at least every two years if information is collected from a source other than from the policyholder or from public records. This will remain in the law, but the bill now contains an additional provision requiring an information practices notice to be given *every year* describing the types of *financial* information that may be disclosed to affiliates and nonaffiliated third parties. Financial information is personal information that is not medical record information or health care payment records. Insurers and agents will either be able to send a combined information practices notice or two separate notices.

If financial information is disclosed about an applicant to a nonaffiliated third party before the policy is issued, an information practices notice must be given to the applicant prior to the time the information is disclosed. However, this notice does not have to be given to the applicant if financial information is disclosed as permitted under one of the exceptions in § 38.2-613. For example, if financial information is given to a nonaffiliated third party to enable that party to perform an insurance function for the insurer, an information practices notice does not have to be given prior to the issuance of a policy. An example of this would be an insurer giving a social security number to a vendor to collect motor vehicle records (MVR) or giving a name and address to a vendor to conduct a property inspection. But if financial information is disclosed to a nonaffiliated third party for marketing purposes, an information practices notice must be given before the information is disclosed. This does not negate the requirement under § 38.2-604 that insurers or agents must give an information practices notice to an

General Notices/Errata

applicant if information is *collected* about that applicant from an outside source such as an MVR or a credit report.

The information practices notice given for financial information must also inform the insured of his right to opt out or say “no” to the disclosure of his financial information to nonaffiliated third parties (unless information is disclosed pursuant to § 38.2-613).

Under the new law, insurers and agents that do not wish to disclose information to affiliates or non-affiliated third parties may give a notice to consumers simply stating this fact, as long as the insurer or agent also explains what information it collects about the consumer and how the insurer or agent plans to keep that information confidential and secure and also explains that the insurer or agent makes other disclosures as permitted by law.

Current law allows insurers and agents to give an abbreviated information practices notice instead of the long version provided the insured is told he may get the long version if he wants it. This is still the case for medical record information. However, under the new law, an abbreviated or “short form” *financial* information practices notice may only be given to an *applicant*, not to a policyholder. This is different from the current law in that an abbreviated information practices notice in the past could be given to applicants and policyholders.

Also, a new provision in the new law states that an *agent* does not have to give an information practices notice as long as the insurer gives it and as long as the agent does not disclose any personal information to someone other than the insurer or its affiliates. An exception is also made if the agent discloses information that is allowed to be disclosed under § 38.2-613. However, if the agent *collects* information from an outside source, such as getting an MVR or a credit report, either the agent or the insurer will have to give the information practices notice at the time the information is collected.

Under current law, insurers and agents may only share information with their affiliates for certain reasons (such as marketing an insurance product) without getting written authorization from the insured. Under the new law, however, financial information may be shared with affiliates for any reason (such as marketing the affiliate’s products) without getting the insured’s permission or without giving the insured the right to opt out of the disclosure.

Under current law, insurers and agents may share financial information (not medical record or privileged claim information) with nonaffiliated third parties in connection with marketing products as long as an opt-out is given. The new law will be basically the same, except that financial information may be shared with nonaffiliated third parties without an opt-out if this is being done pursuant to a joint marketing agreement or if the third party is using the information to market the insurer’s own products.

Current law pertaining to medical record information and privileged claim information will remain the same in that the individual’s authorization must be obtained before this type of information may be shared (with certain exceptions allowed in § 38.2-613).

Chapter 519 (Senate Bill 1102)

SB 1102 adds § 38.2-221.2 to the Provisions of a General Nature Chapter and amends §§ 38.2-1301.1, 38.2-1306.1, 38.2-1320.4, 38.2-1320.5, 38.2-1333 (Reports, Reserves and Examinations); § 38.2-3127.1 (Life Insurance); § 38.2-4235 (Health Services Plans); and § 38.2-5508 (Risk-Based Capital for Insurers). SB 1102 conforms provisions concerning the confidential treatment of information regarding insurance companies held by the State Corporation Commission, and standardizes the circumstances when such information may be disclosed by the Commission. Disclosures may generally be made: (i) to a regulatory official of any state or country; (ii) to the National Association of Insurance Commissioners (NAIC), its affiliate, or its subsidiary; or (iii) to a law-enforcement authority of any state or country. Disclosures by the Commission shall not constitute a waiver of confidentiality of information. The measure also provides that information denominated in writing as confidential by a federal regulator and received by the Commission pursuant to GLBA shall be excluded from subpoena or public inspection. The Commission may provide a federal regulator with information with respect to any insurance business that is an affiliate or agent of a depository institution or financial holding company if the federal regulator agrees in writing to maintain such information in confidence and to take all reasonable steps to oppose any effort to secure its disclosure.

This bill also specifies that the Commission is not prohibited from (i) using confidential information in furtherance of any regulatory or legal action; (ii) publishing any decisions, orders, findings, opinions or judgments; or (iii) publishing any final report or any other report containing aggregated findings, provided that such reports, decisions, orders, findings, opinions or judgements shall not disclose any such confidential information.

INSURANCE AGENTS AND CONTINUING EDUCATION BILLS

Chapter 32 (House Bill 1648)

HB 1648 amends § 38.2-1871 in the Continuing Education Article of the Insurance Agents Chapter to add an additional means for a resident agent to qualify for exemption based upon age and experience. Under this new exemption, which will apply for the first time in the 2001-2002 biennium, a resident agent who is at least 65 years old and who will have held a Virginia license continuously and without interruption for no fewer than the immediately preceding four years by the end of the biennium may be exempt upon furnishing proof of the following: (i) having held equivalent license authority in Virginia for at least 20 of the preceding 30 years; and (ii) that any unlicensed period during the past 30 years was not the result of a license revocation or termination by the Commission pursuant to §§ 38.2-1832 or 38.2-1869.

Chapter 350 (Senate Bill 1088)

SB 1088 amends § 38.2-1867 in the Continuing Education Article of the Insurance Agents Chapter, to require the Virginia Insurance Continuing Education Board to approve continuing education courses and programs of instruction, including “technical courses or agency management and operations courses.”

Chapter 706 (Senate Bill 913)

THREE EFFECTIVE DATES – SEE BELOW

SB 913 incorporates the reciprocal agent licensing provisions of the NAIC Producer Licensing Model Act that are necessary to comply with GLBA (the Gramm-Leach-Bliley Financial Services Modernization Act, Public Law 106-102). The measure also updates current laws, makes them more consistent with the laws of other states, and clarifies internal inconsistencies. Specific changes include (i) consolidating six currently restricted licenses into one limited life and health license; (ii) consolidating five currently restricted licenses into one limited property and casualty license; (iii) consolidating five types of credit insurance licenses into one new license; (iv) creating new specific nonresident license types to allow for full reciprocal licensing with other states; (v) creating a new "personal lines" license aimed primarily at those entering the insurance business and customer service representatives at insurance companies and insurance agencies who, while involved in sales, deal only with personal lines; (vi) creating a new "life and annuities" license and a new "health" license; (vii) liberalizing reciprocity for licensing nonresident agents based upon their qualifications in their home state; (viii) making the grounds upon which a license may be denied, suspended or revoked more consistent with the grounds utilized in other states; (ix) making continuing education requirements fully reciprocal for agents and consultants who provide satisfactory certification that they have satisfied the level of continuing education required in their home state; and (x) moving requirements for reinsurance intermediaries and managing general agents into Chapter 13. Among other changes not mandated by GLBA, the measure repeals the 45-hour prelicensing study course requirement and changes the current appointment fee to an appointment processing fee applicable to each transaction, regardless of whether the appointment is successfully processed. The statutory maximum for the appointment fee is raised from \$15 to \$25.

SB 913 has variable effective dates, as described below:

1. The ACT (that is, all of SB 913) is effective on September 1, 2002, except as otherwise specified.

2. Therefore, all of the provisions that are REPEALED under SB 913 are repealed effective September 1, 2002.

3. The following provisions are effective on July 1, 2001:

- **§ 13.1-400.3** Removal of requirement for filing actual bond - companies
- **§ 38.2-1220** Removal of requirement for filing actual bond - reciprocals
- **§ 38.2-1804** Blank forms (adds reference to "the insured")
- **§ 38.2-1805** Deletes "combination" and adds definition of "home service"
- **§ 38.2-1809** Makes section applicable to all "licensees"
- **§ 38.2-1810** Makes section applicable to all "licensees"

- **§ 38.2-1826** Expands what must be reported to the Commission
 - **§ 38.2-1831** Expands grounds for Commission to take action vs. an agent or agency
 - **§ 38.2-1833** Modifies appointment termination requirements, and creates appointment billing dates and penalties for late payment of appointment fees
 - **§ 38.2-1834** Modifies appointment renewal fee payment dates and creates penalties for late payment of renewal fees
 - **§ 38.2-1834.1** New section regarding notification of appointment termination by insurer, immunities, confidentiality, and penalties
 - **§ 38.2-1836.1** New section clarifying Commission's authority to contract with others to perform certain ministerial functions regarding licensing
 - **§ 38.2-1842** Expands what must be reported to Commission re: Consultants
 - **§ 38.2-1843** Expands grounds for Commission to take action vs. a consultant
 - **§ 38.2-1867** Expands grounds for C.E. Board to withdraw approval of courses
 - **§ 38.2-1868.1** Clarification of provision - no substantive change
 - **§ 38.2-1870** Clarification of provision - no substantive change
 - **§ 38.2-1871 C** Clarification of provision - no substantive change
 - **§ 38.2-1872** Clarification of provision - no substantive change
 - **§ 38.2-1874** Clarification of provision - no substantive change
 - **§ 38.2-4008** Removal of requirement for filing actual bond - burial societies
 - **§ 38.2-4806** Clarification of provision - no substantive change
 - **§ 38.2-4807** Clarification of provision - no substantive change
 - **§ 38.2-4809** Clarification of provision - no substantive change
 - **§ 38.2-4815** Clarification of provision - no substantive change
4. The following provisions do not take effect until January 1, 2003 (beginning a new C.E. biennium):
- **§ 38.2-1866** Changes to recognize splitting of life and health and property and casualty licenses
 - **§ 38.2-1871 A** Changes to recognize elimination of prelicensing study course

General Notices/Errata

- **§ 38.2-1871 B** Changes to recognize splitting of life and health and property and casualty licenses

The Bureau will, between now and the effective dates of various major changes in the agent licensing process, communicate the changes in more detail through the medium of Administrative Letters.

LIFE AND HEALTH BILLS

Chapter 22 (Senate Bill 955)

SB 955 amends § 32.1-137.13 in Article 1.2 of Title 32.1 (Health), dealing with Utilization Review Standards and Appeals. This provision requires written notification to the treating provider within two working days of the decision, and further requires such notification to include instructions for the provider on behalf of the covered person to seek a reconsideration or the adverse decision. Under this bill, the notice must also include the contact name, address, and telephone number of the person responsible for making the adverse decision.

Chapter 34 (House Bill 1661)

HB 1661 amends § 38.2-508 in the Unfair Trade Practices Act (Chapter 5 of Title 38.2). The bill prohibits the consideration of the status of a victim of domestic violence as a factor in decisions regarding insurance underwriting, pricing, renewal, scope of coverage or claims payment. The bill applies to insurance defined in § 38.2-100 and classified in Title 38.2, Chapter 1, Article 2 (§ 38.2-101 et seq.). The bill does not apply to legal services plans (as provided in § 38.2-4400 et seq.) or to insurance classified in §§ 38.2-110 through 38.2-133.

The bill defines the term "domestic violence" as meaning the occurrence of one or more of the following acts by a current or former family member, household member as defined in § 16.1-228, person against whom the victim obtained a protective order or caretaker:

- a. attempting to cause or causing or threatening another person with physical harm, severe emotional distress, psychological trauma, rape, or sexual assault;
- b. engaging in a course of conduct or repeatedly committing acts toward another person, including following without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;
- c. subjecting another person to false imprisonment; or
- d. attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

The bill does not prohibit an insurer or insurance professional from asking about a medical condition or using medical information to underwrite or carry out its duties.

Chapter 64 (House Bill 2720)

HB 2720 amends the definition of "annuity" in § 38.2-106 (General Provisions Chapter) by providing that periodic payments may be made in "specified or calculable sums," in place of the current "fixed dollar amounts" requirement.

Chapter 99 (House Bill 1800)

HB 1800 amends § 38.2-3407.11, dealing with direct access to obstetrician-gynecologists, by permitting the consultation with the primary care provider to be done electronically, as opposed to requiring that it be by telephone, and by deleting wording under which the primary care physician determined the need for an office visit before the patient was permitted to visit the OB-GYN.

Chapter 102 (House Bill 1922)

HB 1922 amends §§ 38.2-3408 (Accident and Sickness Insurance Chapter) and 38.2-4221 (Health Services Plan Chapter). The bill was recommended by the Special Advisory Commission on Mandated Health Insurance Benefits. It adds "marriage and family therapists" to the list of mandated providers in §§ 38.2-3408 and 38.2-4221.

Chapter 110 (House Bill 2078)

HB 2078 amends § 38.2-5901 (Adverse Utilization Review Decisions Chapter) to clarify the Bureau's authority to refund the \$50 external review filing fee after it has been paid, rather than limiting the Bureau's authority only to waiving the fee prospectively.

Chapter 114 (House Bill 2228)

HB 2228 amends § 38.2-5202 in the Long-term Care (LTC) Insurance Chapter. The bill will necessitate that the Commission's LTC regulation be amended to address "disclosure of rating practices to consumers" in addition to the areas that are already required to be addressed by the regulation.

A second enactment clause requires the Joint Commission on Health Care (JCHC) and the Bureau of Insurance to monitor the implementation of the revisions of the LTC Model Regulations of the NAIC that deal with initial filing requirements and premium rate schedule increases. The JCHC and the Bureau must also document the experience that other states have with the revised regulation and make recommendations as to whether Virginia should adopt the revisions. The JCHC and the Bureau of Insurance must report to the House Corporations, Insurance and Banking Committee and the Senate Commerce and Labor Committee on the progress of their study in an interim report to the 2002 Session of the General Assembly and in a final report to the 2003 Session.

Chapter 208 (House Bill 2678)

HB 2678 **repeals** current § 38.2-3407.4:1 of the Code of Virginia.

Chapter 242 (House Bill 2063)

HB 2063 adds § 38.2-3407.11:3 (Accident and Sickness Insurance Chapter) to the Code of Virginia relating to health insurance. The bill prohibits insurers from denying the issuance or renewal of coverage, or from canceling such coverage or from including any exception or exclusion of benefits based solely on the insured having a high risk of breast cancer or having had breast cancer, but having been cancer free for five years or more. This bill applies to all insurers proposing to issue individual or group accident and

sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis; policies or contracts designed for issuance to persons eligible for coverage under Medicare, or any other similar coverage under state or federal government plans; corporations providing individual or group accident and sickness subscription contracts; and HMOs providing a health care plan for health care services.

Coverage cannot be denied or cancelled solely because the insured has been diagnosed with a fibrocystic condition or a nonmalignant lesion, or has a family history related to breast cancer, or any combination of these factors.

The insured cannot be denied coverage or have coverage cancelled solely due to breast cancer if he/she has been cancer free for a period of five years or more prior to the date of application. If coverage is subject to § 38.2-3432.3 (Accident and Sickness Insurance), § 38.2-3514.1 (Accident and Sickness Insurance Policies), or § 38.2-3605 (Medicare Supplement Policies), then the provisions of those sections shall be controlling as to the extent of any preexisting conditions period.

Coverage for the benefits will have durational limits, deductibles, coinsurance factors, and co-payments that are the same as those imposed on general physical illness.

Insurers cannot consider routine follow-up care in determining a pre-existing condition, if the insured has been free of breast cancer for at least five years following completion of therapies, unless evidence of breast cancer is found during, or as a result of follow-up care.

The bill applies to policies, contracts, or plans delivered, issued for delivery, reissued, extended or renewed or extended, or at any time when the term of any policy, contract, or plan is changed or any premium adjustment is made.

The bill does not apply to short-term travel, accident-only policies, limited disease or specified disease policies except those providing coverage for cancer, nor to short-term non-renewable policies of not more than six months' duration.

Chapter 276 (House Bill 2042)

HB 2042 amends § 38.2-5903 (Adverse Utilization Review Decisions) to clarify that the statutory assessment to fund the Bureau's external review appeal process is to be levied only upon those carriers that are subject to § 38.2-5801 B of the Code.

Chapter 334 (House Bill 2654)

EFFECTIVE JULY 1, 2002

HB 2654 is a reenactment of 2000 House Bill 1176, which required the issuance of standardized prescription drug benefits identification cards if there is coverage for prescription drugs (inpatient or outpatient). That bill contained a second enactment clause that required reenactment by the 2001 Session of the General Assembly before the bill would be effective on July 1, 2002.

The bill enacts § 38.2-3407.4:2 (Accident and Sickness Insurance Chapter). Insureds, subscribers or enrollees must

be provided a prescription benefit card, health insurance benefit card or other technology. The card or other technology must comply with the National Council for Prescription Drug Programs Pharmacy ID Card Implementation Guide in effect at that time or include at least certain data elements. The elements that must be included are the name or trademark of the insurer, corporation, or HMO or benefit administrator; the insured, subscriber or enrollee name and identification number; the telephone number for pharmacy benefit assistance; and the electronic transaction information required to electronically process a prescription claim.

The prescription benefit card, health insurance benefit card, or other technology must be issued to each insured, subscriber or enrollee and, when there are changes in the data elements listed in subsection A of §38.2-3407.4:2, the card must be reissued or the insured, subscriber or enrollee must be provided with corrective information required to electronically process a prescription claim.

Insurers, corporations or HMOs can comply with the bill by issuing a health insurance benefit card that contains data elements for prescription and non-prescription benefits.

The bill applies to individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis; corporations providing individual or group accident and sickness subscription contracts; and HMO health care plans when the policy contract or plan includes coverage for outpatient prescription drugs.

The identification cards are not considered part of the evidence of coverage and are not required to be filed and approved by the SCC. The bill also applies to state employee health coverage and coverage provided by the medical assistance services plan (Medicaid).

The bill does not apply to short-term travel, accident only, or short-term non-renewable policies of more than six months' duration. The bill also does not apply to insurers, corporations or HMOs that operate or maintain their own pharmacies and dispense, on an annual basis, over 95% of prescription drugs or devices to their enrollees at their own pharmacies.

Compliance with federal law or regulation that requires prescription benefit data elements on a prescription benefit card or health insurance benefit card will be considered compliance with this bill.

The bill applies to contracts, policies, or plans delivered, issued for delivery or renewed in Virginia on and after July 1, 2002.

Chapter 475 (House Bill 2704)

EFFECTIVE JULY 1, 2002

HB 2704 amends § 38.2-3408 in the Accident and Sickness Insurance Chapter and §38.2-4221 in the Health Services Plan Chapter. The bill requires accident and sickness policies and health insurance plans that provide reimbursement for a service that can legally be performed by a licensed pharmacist to reimburse the pharmacist for certain services under certain conditions specified in the bill.

General Notices/Errata

The services must be (i) performed for an insured for a condition under the terms of a collaborative agreement, as defined in § 54.1-3300 (Professions and Occupations), between a pharmacist and the physician who is providing treatment to the insured or (ii) limited to the administration of vaccines for immunization.

The insurer or corporation may require the pharmacist, any pharmacy or provider that employs a pharmacist or collaborating physician to enter into a written agreement with the insurer as a condition for reimbursement.

The reimbursement under the collaborative practice agreement is not subject to § 38.2-3407.7.

Chapter 663 (Senate Bill 1200)

SB 1200 adds § 38.2-3411.4 in the Mandated Benefits Article of the Accident and Sickness Insurance Provisions Chapter, and amends § 38.2-4319 (HMOs) to provide coverage for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 (Health), and as prescribed in the bill for newborn children. The bill applies to insurers proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing subscription contracts; and HMOs. The bill applies to policies, contracts, or plans delivered, issued for delivery or renewed in Virginia on or after July 1, 2001.

The required coverage includes infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. The coverage includes any follow-up audiological examinations as recommended by a physician or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss.

The bill prohibits the abrogation of any obligations to provide coverage for hearing screening tests or any other hearing screening test or audiological diagnostic procedure pursuant to this section or any other law or regulation of the Commonwealth or of the United States or under the terms or provisions of any policies or plans issued, renewed, reissued or extended in the Commonwealth.

The bill does not apply to short-term travel, accident-only, limited or specified disease policies, or contracts designed for persons eligible for coverage under Title XVIII of the Social Security Act (Medicare), or any other similar coverage under state or federal governmental plans, or short-term nonrenewable policies of not more than six months' duration.

PROPERTY AND CASUALTY BILLS

Chapter 98 (House Bill 1773)

HB 1773 amends § 8.01-581.1, which sets forth definitions for actions alleging medical malpractice, by adding a definition for "physician" and expanding the definition of "health care provider" to include directors, officers, employees and agents

of persons or entities defined as health care providers acting within the scope of employment.

Chapter 211 (Senate Bill 808)

SB 808 amends § 8.01-581.15 of the Civil Remedies Code by clarifying that when acts of malpractice occurred prior to August 1, 1999, the total amount recoverable may not exceed the limitation on recovery set forth in the statute when the act of malpractice occurred. In other words, if an act of malpractice occurred in June of 1999, the previous one million dollar cap (which was in effect at the time) would apply. The bill states that this provision is declarative of existing law. The reason for this bill is that some plaintiffs have argued that there is no cap for actions arising prior to August 1, 1999, because this time period was not specifically mentioned in the law when it was amended in 1999.

Chapter 218 (House Bill 1939)

HB 1939 amends § 38.2-2206 (Liability Insurance Policies) by adding a statement in subsection E providing that no action, verdict or release arising out of a suit brought by an insurer subrogated to the insured against an uninsured motorist shall give rise to any defenses in any other action brought in the subrogated party's name, including *res judicata* and collateral estoppel.

Chapter 280 (House Bill 2306)

HB 2306 modifies § 65.2-813.2 in the Workers' Compensation Act by removing the four-year limit on the duration of the insurance premium discount that workers' compensation insurers provide to employers instituting drug-free workplace programs. Currently, insurers are required to provide employers who institute such programs that satisfy the insurer's criteria with premium discounts of up to five percent for a total of no more than four years. This bill also requires that the employer institute *and maintain* a drug-free workplace program in order to get the credit.

Chapter 316 (House Bill 1760)

HB 1760 amends § 6.1-2.23 of the Consumer Real Estate Settlement Protection Act (CRESPA) by requiring that all funds deposited with a settlement agent must be deposited into a financial institution no later than the close of the *second* business day. Current law says that funds must be deposited no later than the close of the *next* business day.

Chapter 335 (House Bill 2657)

This bill modifies § 38.2-510 of the Unfair Claim Settlement Practices Act by prohibiting a repair facility from paying an insurer (and prohibits an insurer from accepting) any kickback, rebate, commission, thing of value, or other consideration in connection with an appraisal. The bill also prohibits making appraisals of the cost of repairing a damaged automobile unless the appraisal is based on a personal inspection by the repair facility or the insurer.

Chapter 512 (House Bill 2789)

HB 2789 amends § 6.1-2.23 of the Consumer Real Estate Settlement Protection Act (CRESPA) by clarifying the procedures for disbursing title insurance premiums. Title insurance premiums payable to title insurers and agents may

be (i) held in the settlement agent's settlement escrow account, identified and itemized by file name or file number, as a file with a balance; (ii) disbursed in the form of a check drawn upon the settlement escrow account payable to the title insurer or agent but maintained within the settlement file of the settlement agent; or (iii) transferred within two business days into a separate title insurance premium escrow account, which account shall be identified as such and be separate from the business or personal funds of the settlement agent. These transferred title insurance premium funds shall be itemized and identified within the separate title insurance premium escrow account. The bill also permits exceptions to § 6.1-2.13 when the settlement agent holds funds in escrow pursuant to written instruction or agreement.

Chapter 564 (House Bill 2801)

HB 2801 amends § 38.2-2202 by permitting insurers to require written notification by the insured of any requests to reduce the level of uninsured motorist coverage carried by the insured.

Chapter 728 (House Bill 2424)

HB 2424 amends § 38.2-2226 (Liability Insurance Policies) by requiring insurers to give 30 days' notice of the reservation of rights letter to the claimant or the claimant's counsel when a civil action has been filed by the claimant. The court may allow such notice to be given fewer than 30 days prior to the trial date. Failure to give the notice within 30 days of the trial date, or such shorter period as the court allows, will result in a waiver of the insurer's defense based on a breach of the contract.

Agency Contact: Vance Tompkins, Special Assistant to the Commissioner, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9694 or e-mail bureauofinsurance@scc.state.va.us.

* * * * *

May 14, 2001

Administrative Letter 2001-4

TO: All Licensed Health Insurers, All Licensed Health Maintenance Organizations, and All Licensed Health Services Plans

RE: Rules Governing Independent External Review of Final Adverse Utilization Review Decisions (14 VAC 5-215-10 et seq.)

The 2001 Session of the Virginia General Assembly enacted, and Governor Gilmore signed, House Bill 2078, which changes Chapter 59 (§ 38.2-5900 et seq.) of Title 38.2 of the Code of Virginia.

The change resulting from this legislation authorizes the refund of the \$50.00 filing fee if the appeal is not accepted for review. This change requires that the forms relevant to the appeal of a final adverse decision, which are part of 14 VAC 5-215-10, be revised.

As allowed by 14 VAC 5-125-120, the bureau hereby modifies the appeal related forms accordingly.

The "Appeal of Final Adverse Decision Form" is revised to reflect that that the filing fee is refundable if the appeal is not accepted for review.

This change is effective with respect to final adverse decisions made on or after July 1, 2001. A copy of the revised forms are attached to this administrative letter for your convenience. In addition, this administrative letter and the new forms will be available on the bureau's website at www.state.va.us/scc/division/boi.

Questions relating to this administrative letter should be directed to Don Beatty, Manager, Managed Care Health Insurance Plan, External Appeals, Bureau of Insurance, P. O. Box 1157, Richmond, VA 23218, telephone (804) 371-9115 or e-mail dbeatty@scc.state.va.us.

/s/ Alfred W. Gross
Commissioner of Insurance

CHAPTER 215 FORMS

Instructions for Completing the Appeal of Final Adverse Decision Form (rev. ~~7/00~~ 7/01).

Important Terms and Definitions (rev. ~~7/00~~ 7/01).

Appeal of Final Adverse Decision Form (rev. ~~7/00~~ 7/01).

Authorization to Release Medical Information (rev. ~~7/00~~ 7/01).



State Corporation Commission
Bureau of Insurance
Life and Health Division
P.O. Box 1157
Richmond, VA 23218
(804) 371-9741

INSTRUCTIONS FOR COMPLETING THE APPEAL
OF FINAL ADVERSE DECISION FORM
Please Read Carefully Before Completing the Form

Before completing the attached form, please read the following instructions carefully. We also recommend that you review the form itself as well as the "Important Terms and Definitions" list attached.

The law requires that in order to be "appealable" the actual cost to the covered person of the services or procedures in question exceed \$300 if the final adverse decision is not reversed. Please verify the cost of the service(s) before requesting an appeal of a final adverse decision.

1. Name & Address

Please type (or print) the covered person's full name. Include the address, daytime telephone number, date of birth, sex and policy number, certificate number, or other identifying number of the covered person.

2. Appellant Information

This section is to be completed by the appellant who is making the appeal on behalf of the covered person. This section does not need to be completed if the covered person is requesting the external review on his own behalf.

3. Name of the Managed Care Health Insurance Plan

Please provide the name, address and telephone number of the Managed Care Health Insurance Plan (MCHIP). The MCHIP name should be the same as the insurance company or health maintenance organization providing the covered person's coverage. If the covered person is covered by insurance through an employer, please provide the name, address and phone number of the employer, if available. If the plan is self-funded, please indicate that information as well (optional).

4. Describe the Covered Person's Situation

Please clearly and accurately describe the nature of the circumstances surrounding the covered person's request for an appeal of a final adverse decision. Attach **copies** of any pertinent and essential documentation that supports your request, including the letter from the covered person's MCHIP denying coverage for the service or services you want reviewed. This could include, but is not limited to, correspondence from treating physicians and medical records.

5. Expedited Review

In certain situations, an expedited review of an appeal of a final adverse decision may be requested. Please review the definition of "emergency medical condition" provided with this form. If the situation involves an "emergency medical condition," please indicate this by checking the "yes" box and attach supporting documentation.

6. Filing Fee Waiver

Please note that the \$50 filing fee may be waived. If you wish to request that the filing fee be waived, please describe the reason or reasons for the request and provide supporting documentation.

7. Authorization/Authorization to Release Medical Information

Please carefully read the "Authorization" section on the "Appeal of Final Adverse Decision" form and the separate "Authorization to Release Medical Information" form included with this package. Information that you provide or authorize to be released may be shared with an impartial health entity. The signature of the covered person or other authorized signature is required on both of these forms in order for the appeal of the final adverse decision to occur.



State Corporation Commission
Bureau of Insurance
Life and Health Division
P.O. Box 1157
Richmond, VA 23218
(804) 371-9741

IMPORTANT TERMS AND DEFINITIONS

"**Appellant**" - means (i) the covered person; (ii) the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor; (iii) the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated; or (iv) the covered person's treating health care provider acting with the consent of the covered person, the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor, or the covered person's spouse, parent, committee, legal guardian or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated.

"**Covered person**"- means an individual, whether a policyholder, subscriber, enrollee, covered dependent, or a member of a managed care health insurance plan, who is entitled to health care services or benefits provided, arranged for, paid for, or reimbursed pursuant to a managed care health insurance plan as defined in and subject to regulation under Chapter 58 (§ 38.2-5800 et seq.) of Title 38.2 of the Code of Virginia, when such coverage is provided under a contract issued in this Commonwealth.

"**Cost of Service**"- the total amount paid by the covered person for a rendered service or the assumed liability for that service by the covered person for a rendered service. The law requires that in order for an appeal of a final adverse decision to occur, the actual cost to the covered person of the service if the final adverse decision is not reversed must exceed \$300.

"**Emergency Medical Condition**"- the sudden and, at the time, unexpected onset of a health condition or illness that requires immediate medical attention, the absence of which would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy. Emergency medical condition also means a health condition or illness that if not treated within the time frame allotted for a standard review will result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the covered person's health in serious jeopardy.

"**Expedited Review**"- a review of a final adverse decision that is provided in an urgent manner due to the fact that the covered person has an emergency medical condition.

"**Final Adverse Decision**"- means a utilization review determination: (i) declining to grant an expedited review in a situation involving an alleged emergency medical condition; (ii) declining to provide coverage or services for an alleged emergency medical condition, whether before or after granting an expedited review; or (iii) denying benefits or coverage, and concerning which all internal appeals available to the cover person pursuant to Title 32.1 of the Code of Virginia have been exhausted. In other words, and except in emergency situations, it is the final decision of the plan after the internal appeal process has been exhausted.

"**Impartial Health Entity**"- an organization selected by the Bureau of Insurance that performs, under contract with the Bureau of Insurance, reviews of final adverse decisions. The Bureau of Insurance is not an impartial health entity.

"**Managed Care Health Insurance Plan**" or "**MCHIP**"- an arrangement for the delivery of health care in which a health carrier undertakes to provide, arrange and pay for, or reimburse any of the costs of health care services for a covered person on a prepaid or insured basis which contains one or more incentive arrangements, including any credentialing requirements intended to influence the cost or level of health care services between the health carrier

and one or more providers with respect to the delivery of health care services and requires or creates benefit payment differential incentives for covered persons to use providers that are directly or indirectly managed, owned, under contract with, or employed by the health carrier.

"**Self-funded Plan**"- an employer sponsored group health plan administered by an insurance company or MCHIP. The employer actually pays for claims that are processed and administered by the insurance company or MCHIP.



State Corporation Commission
Bureau of Insurance
Life and Health Division
P.O. Box 1157
Richmond, VA 23218
(804) 371-9741

APPEAL OF FINAL ADVERSE DECISION FORM

If you meet the definition of an **appellant**¹, and have had a request for approval of health care service(s) denied by a **Managed Care Health Insurance Plan (MCHIP)**, you may have the right to an external review of the **MCHIP's** decision. An **impartial health entity** selected by the Bureau of Insurance will review the appropriateness of the **MCHIP's** decision, and make a recommendation to the Commissioner of Insurance as to whether the health care service(s) should be covered. In order for such a review to occur, the appellant must complete and sign this form. Additionally, the appeal in question must meet the following criteria:

1. The **cost of service** in question must exceed \$300;
2. The appeal must be filed within 30 days of the final adverse decision by the **MCHIP**;
3. The **MCHIP's** internal appeal process must have been exhausted (except for expedited reviews); and
4. A \$50 filing fee must be submitted with this form by check or money order made payable to the Treasurer of Virginia. This fee may be waived or refunded if it can be demonstrated that paying the fee constitutes a financial hardship to the **covered person** (see item 6 on the following page); and is refundable if the appeal is not accepted for review.

Additional instructions and definitions of key terms for completing this form are attached. If you have questions while completing this form or if you have questions that are not addressed in the instruction form, you may contact The Office of the Managed Care Ombudsman toll free at (877) 310-6560, or locally at (804) 371-9032, for assistance.

The decision reached as a result of this external review process is binding upon the **covered person** as well as the issuer of the **covered person's** policy to the same extent that each would be bound by a judgment entered in a court action at law or in equity.

I request an external review of the **MCHIP's** final adverse decision by an **impartial health entity** as chosen by the Bureau of Insurance. I certify that the **covered person's** **MCHIP's** internal appeals have been exhausted, or that the requirements for an **expedited review** have been met. I enclose copies of all correspondence or other documents which may include patient medical records, correspondence from medical providers and/or the **MCHIP** relating to this matter that may help the Bureau of Insurance and the **impartial health entity** in its evaluation of my request for review.

(Please type or print clearly all requested information in the spaces provided, or use additional pages, if necessary.)

1. Name of the **Covered Person**: _____
Address: _____

City: _____ State: _____ Zip: _____
Daytime Phone Number: _____ (_____) _____
Date of Birth: _____ Sex: _____
ID# (Policy or Certificate Number): _____
2. If you are an appellant **other than the covered person**, please tell us your name and what your relationship is with the **covered person**: _____

1 Words in bold type are defined key terms

3. Complete Name of **MCHIP**: _____
 Address: _____

 City: _____ State: _____ Zip: _____
 Phone Number: (_____) _____

Is this health coverage provided through an employer? Yes No

If yes, please provide the employer's name, address, and telephone number: _____

Is this a **self-funded plan**? Yes No (This question can be left unanswered if you are unsure.)

4. On a separate sheet of paper, please describe the situation you are seeking help with and describe the service(s) or procedure(s) in question:

Please send us a copy of the letter informing the **covered person** of the MCHIP's **final adverse decision**. Include information such as medical records from the medical provider of the **covered person** that supports that the service in question is medically appropriate and necessary. Attach copies of any information that you or the **covered person**'s health care provider believes is essential to the requested review.

5. Are you requesting an expedited **review**? Yes No

If yes, please provide documentation that the **covered person**'s situation involves an **emergency medical condition**.

6. Are you requesting a waiver of the \$50 filing fee? Yes No

If yes, please provide the reason and documentation to support the claim that paying the \$50 filing fee would cause financial hardship to the **covered person**.

AUTHORIZATION	
I understand and agree that a copy of this form and any information I provide may be forwarded to the MCHIP and to the impartial health entity .	
_____ Signature of Appellant (if not the covered person)	_____ Date
_____ Signature of Covered Person or Other Authorized Signature	_____ Date



State Corporation Commission
Bureau of Insurance
Life and Health Division
P.O. Box 1157
Richmond, VA 23218
(804) 371-9741

AUTHORIZATION TO RELEASE MEDICAL INFORMATION

This authorization must be signed by (i) the covered person; (ii) the covered person's parent, legal guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor; (iii) the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated; or (iv) the covered person's treating health care provider acting with the consent of the covered person, the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor, or the covered person's spouse, parent, committee, legal guardian or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated.

Any health care provider of services or supplies, insurance company, or any other organization, institution or person that has a record or knowledge regarding the covered person named below and such person's health, is hereby authorized to furnish to the Bureau of Insurance, or its designated impartial health entity, information concerning services or supplies provided or proposed to be provided to such covered person.

If I am not the covered person listed below, I hereby certify that I am authorized by law to execute this authorization on the covered person's behalf.

This authorization is given for the purpose of conducting an external review of a final adverse decision made by a utilization review entity. This authorization is valid for 90 days from the date below.

Printed Name of Covered Person: _____

Social Security # of Covered Person: _____

Covered Person's Date of Birth: _____

Signature of Covered Person: _____

OR

Other Authorized Signature: _____

Date: _____

May 14, 2001

Administrative Letter 2001-5

TO: All Insurers and Other Entities Regulated Under Title 38.2 of the Code of Virginia

RE: House Bill No. 2157

Attached is a summary of House Bill No. 2157, which becomes effective July 1, 2001. Also attached is a compilation of questions and answers that companies and agents may have with regard to this legislation. House Bill No. 2157 was enacted in response to the federal Gramm-Leach-Bliley Act.

The first part of the bill amends Chapter 5 of Title 38.2 of the Virginia Insurance Code and pertains to depository institutions and other lending institutions selling or soliciting insurance. The second part of the bill amends Chapter 6 of Title 38.2 of the Virginia Insurance Code and pertains to privacy protection.

This is a summary by bureau staff and is not a legal review. Each licensed entity should review the new laws with its own attorneys.

If you have any questions, please feel free to contact JoAnne Scott at (804) 371-9600.

/s/ Alfred W. Gross
Commissioner of Insurance

House Bill No. 2157

House Bill No. 2157 was adopted in recognition of the federal requirements imposed under GLBA (the Gramm-Leach-Bliley Financial Services Modernization Act, Public Law 106-102).

Depository Institutions Selling or Soliciting Insurance

Section 38.2-513 and subsection B of § 38.2-514 of the Code of Virginia have been replaced with a new section numbered § 38.2-513.1 in the Unfair Trade Practices Act (Title 38.2, Chapter 5). The new section sets forth the obligations of depository institutions that are selling or soliciting insurance. Depository institutions **must**:

1. be licensed as agents in accordance with Chapter 18 (Insurance Agents) of Title 38.2;
2. inform their customers that the customer's choice of an insurance company will not affect the credit decision or credit terms in any way;
3. maintain separate books and records relating to their insurance transactions for three years;
4. keep their insurance sales activities (to the extent practicable) physically segregated from areas where retail deposits are routinely accepted;
5. keep the insurance transaction separate from the credit transaction (except for credit insurance and flood insurance); and
6. give their customers a notice stating that the insurance policy is not a deposit, is not FDIC insured, is not

guaranteed by the depository institution, and involves investment risk, where appropriate.

Depository institutions **may not**:

1. reject an insurance policy just because it is issued by a person not associated with the depository institution or its affiliate;
2. pay or receive commissions except in accordance with Chapter 18 (an exception is made for payment of compensation for the referral of a customer, with certain stipulations set forth in the Code);
3. make loans conditional on the purchase of insurance from the depository institution or its affiliate;
4. require a separate charge for the handling of insurance unless the charge would be required if the depository institution or its affiliate were the agent;
5. use advertisements that would lead a person to believe that the federal or state government is guaranteeing the insurance products sold by the depository institution or its affiliate;
6. include the expense of premiums (except for credit, flood, and title insurance premiums) in the credit transaction without the customer's written consent; or
7. release insurance or health information about a customer without the customer's written consent except as permitted in the law.

With certain exceptions, these provisions also apply to *any* person who lends money or extends credit and who sells or solicits insurance.

Privacy Protection

Chapter 6 of Title 38.2 (Insurance Information and Privacy Protection Act) currently requires an information practices notice to be given when the policy is issued or delivered or at the time information is collected from a source other than from the applicant or from public records. This notice is also required to be given at least every two years if information is collected from a source other than from the policyholder or from public records. This will remain in the law, but the bill now contains an additional provision requiring an information practices notice to be given *every year* describing the types of *financial* information that may be disclosed to affiliates and nonaffiliated third parties. Financial information is personal information that is not medical record information or health care payment records. Insurers and agents will either be able to send a combined information practices notice or two separate notices.

If financial information is disclosed about an applicant to a nonaffiliated third party before the policy is issued, an information practices notice must be given to the applicant prior to the time the information is disclosed. However, this notice does not have to be given to the applicant if financial information is disclosed as permitted under one of the exceptions in § 38.2-613. For example, if financial information is given to a nonaffiliated third party to enable that party to perform an insurance function for the insurer, an information practices notice does not have to be given prior to the

General Notices/Errata

issuance of a policy. An example of this would be an insurer giving a social security number to a vendor to collect motor vehicle records (MVR) or giving a name and address to a vendor to conduct a property inspection. But if financial information is disclosed to a nonaffiliated third party for marketing purposes, an information practices notice must be given before the information is disclosed. This does not negate the requirement under § 38.2-604 that insurers or agents must give an information practices notice to an applicant if information is *collected* about that applicant from an outside source such as an MVR or a credit report.

The information practices notice given for financial information must also inform the insured of his right to opt out or say “no” to the disclosure of his financial information to nonaffiliated third parties (unless information is disclosed pursuant to § 38.2-613).

Under the new law, insurers and agents that do not wish to disclose information to affiliates or non-affiliated third parties may give a notice to consumers simply stating this fact, as long as the insurer or agent also explains what information it collects about the consumer and how the insurer or agent plans to keep that information confidential and secure and also explains that the insurer or agent makes other disclosures as permitted by law.

Current law allows insurers and agents to give an abbreviated information practices notice instead of the long version provided the insured is told he may get the long version if he wants it. This is still the case for medical record information. However, under the new law, an abbreviated or “short form” *financial* information practices notice may only be given to an *applicant*, not to a policyholder. This is different from the current law in that an abbreviated information practices notice in the past could be given to applicants and policyholders.

Also, a provision in the new law states that an *agent* does not have to give an information practices notice as long as the insurer gives it and as long as the agent does not disclose any personal information to someone other than the insurer or its affiliates. An exception is also made if the agent discloses information that is allowed to be disclosed under § 38.2-613. However, if the agent *collects* information from an outside source, such as getting an MVR or a credit report, either the agent or the insurer will have to give the information practices notice at the time the information is collected.

Under current law, insurers and agents may only share information with their affiliates for certain reasons (such as marketing an insurance product) without getting written authorization from the insured. Under the new law, however, financial information may be shared with affiliates for any reason (such as marketing the affiliate’s products) without getting the insured’s permission or without giving the insured the right to opt out of the disclosure.

Under current law, insurers and agents may share financial information (not medical record or privileged claim information) with nonaffiliated third parties in connection with marketing products as long as an opt-out is given. The new law will be basically the same, except that financial information may be shared with nonaffiliated third parties without an opt-out if this is being done pursuant to a joint

marketing agreement or if the third party is using the information to market the insurer’s own products.

Current law pertaining to medical record information and privileged claim information will remain the same in that the individual’s authorization must be obtained before this type of information may be shared (with certain exceptions allowed in § 38.2-613).

Questions and Answers for House Bill No. 2157

1. Which terms do I need to know to understand this new law?

Personal information and financial information.

“Personal information” is defined in the law to mean individually identifiable information gathered in connection with an insurance transaction, such as your name, address, and social security number. Personal information also includes medical information, but it does not include privileged claim information or any information that is publicly available.

“Financial information” is defined as personal information except it does not include medical record information or payment records for health care to an individual.

Some examples of personal and financial information would be MVRs, credit reports, and Equifax reports.

2. Do the privacy protection laws apply to commercial policies?

No, just personal lines policies. The existing privacy laws in Chapter 6 have always applied to personal lines, and we have not changed this.

3. Does the agent have to give any of the notices required under §§ 38.2-604 and 38.2-604.1 to an applicant?

It depends on the information the agent is collecting and/or disclosing. If the agent collects personal information from a source other than public records or the applicant, such as an MVR or a credit report, then the notice that has always been required under § 38.2-604 must be given. If financial information is disclosed to anyone other than the insurer or its affiliates except as permitted by the exceptions in § 38.2-613, then the notice required by § 38.2-604.1 must be given.

If the agent is not disclosing information to anyone other than the insurer or its affiliates, then the agent does not have to give an information practices notice as long as the insurer gives it. In this case, the insurer must give this notice on the application if information is being collected from an outside source at the time of application. If, however, information is not being collected from an outside source at the time of application, the insurer has to give the notice at the time the information is collected unless the notice was on the application.

Finally, if no information is collected from an outside source, the insurer must give the notice when the policy is issued.

4. Are the information practices notices under §§ 38.2-604 and 38.2-604.1 required to be given to a policyholder even if

the notice has already been given to the applicant? If so, when?

If the insurer or agent has given the notice required by § 38.2-604 at the time of application, the insurer would not have to provide another notice for 24 months. However, the notice required by § 38.2-604.1 pertaining to financial information must be given no later than the issuance of the policy even if the notice has already been given to the applicant. It must also be given annually.

5. If the insurer is not planning on disclosing any information to affiliates or nonaffiliated third parties except as permitted by § 38.2-613, does a financial information practices notice have to be given at all?

The only notice that has to be given in this case is one which (i) states that the insurer does not plan to disclose information to affiliates or nonaffiliated third parties; (ii) tells what information is being collected and how that information is going to be kept secure and confidential; and (iii) explains that the insurer makes other disclosures as permitted by law. This provision is found in § 38.2-604.1.

The insurer must still give the notice required by § 38.2-604 every 24 months unless the insurer has combined the notices required to be given under both § 38.2-604 and § 38.2-604.1 in which case, the one combined notice must be given annually.

6. If the agent only gives a quote to someone over the phone, does the agent have to give that person an information practices notice?

No. An information practices notice does not have to be given in this case since that person has not yet become an applicant.

7. Does an insured have a choice of opting out before financial information is shared with *affiliates*?

No, financial information may be shared with affiliates without providing the insured with an opportunity to opt out. This is consistent with GLBA and the NAIC model. However, if financial information is shared with nonaffiliated third parties and this sharing is not one of the exceptions allowed in § 38.2-613, then an insured must be given an opportunity to opt out of this type of disclosure.

8. The law says that an insured does not have to be given an opportunity to opt out when financial information is shared with a nonaffiliated third party pursuant to a *joint marketing agreement* or when financial information is disclosed for the purpose of marketing the insurer's own products. What is a joint marketing agreement?

A joint marketing agreement is defined in the law as a formal written contract between an insurer and another financial institution which allows the insurer to endorse or sponsor a financial product.

9. How much time does the applicant or policyholder have to direct that he does not want his financial information disclosed to a nonaffiliated third party?

He has 30 days to opt out of this disclosure.

10. How long does the opt out remain in effect?

It remains in effect until revoked by the individual.

11. Does an explanation of the right to opt out have to be given when the information practices notice is given?

Yes, the explanation of the right to opt out must be given when the financial information practices notice is given.

12. May an insurer take any adverse action against an insured if the insured chooses to opt out (in other words, if the insured refuses to allow the insurer to disclose his financial information to a nonaffiliated third party)?

No, it is a violation of Chapter 6 if the insurer unfairly discriminates against an insured for opting out. This would include non-renewing the policy or charging higher rates for the policy just because the insured chooses to opt out.

13. Do group certificate holders have to be given the financial information practices notice and the opt out notice?

No, as long as the group insurance contract holder is given the notice and no financial information is disclosed about the certificate holder to nonaffiliated third parties (other than as permitted under § 38.2-613). If information is disclosed on individual certificate holders, the notice and opt out must be given.

14. Does an insurer have to give the opt out notice required by § 38.2-612.1 if the insurer discloses financial information to a nonaffiliated third party about one of its third party claimants or one of its life beneficiaries?

Yes, if the insurer wishes to disclose financial information about one of its third party claimants or one of its life beneficiaries outside of the exceptions in § 38.2-613, it must give that person an opportunity to opt out.

15. We have mentioned that insurers may share information without an opt out and without written authorization in certain situations permitted by law. What are some of these exceptions mentioned in § 38.2-613?

Insurers may share medical record, financial or privileged claim information with insurance support organizations, such as Equifax and ChoicePoint, to process claims, underwrite, investigate fraud, or to comply with a legal order.

16. May medical record information be shared with affiliates?

Not without the written authorization of the insured, except as permitted under the exceptions in § 38.2-613.

17. What are the responsibilities of the parties involved if financial information is given to a nonaffiliated third party?

In addition to providing the notice required by § 38.2-604.1, there has to be a contract whereby the person receiving the information agrees to keep the information confidential and not to use it except as agreed upon in the contract (such as for marketing).

18. What are an insurer's responsibilities if it receives financial information from one of its affiliates?

General Notices/Errata

It may only disclose that information to the extent permitted to be disclosed by the affiliate.

19. When may the insurer send an abbreviated or short form information practices notice as opposed to sending the long form?

If the insurer wants to use a short form or abbreviated notice to explain the insurer's information practices applicable to *financial* information, it may only be given to applicants, not to policyholders. If an abbreviated notice is being given to explain the company's insurance information practices applicable to any *other personal* information such as medical record information, it may be given to policyholders as well as to applicants. Some companies may find it easier to comply with the law by giving the abbreviated notice only to applicants and not to policyholders.

20. May agents give a short form or abbreviated notice to the applicant?

Yes.

21. What does the short form or abbreviated notice need to say?

Since there are now two information practices notice provisions, a company may give an abbreviated notice under § 38.2-604 and a short form notice under § 38.2-604.1.

Or, if the company wants to combine the requirements into one abbreviated form, this one notice may only go to the applicant and will have to tell the applicant that the long form is available upon request and explain the means by which the applicant may obtain the long form. It will also have to be given with the opt out notice required by § 38.2-612.1. It will have to inform the applicant that personal information may be collected and that such information may be disclosed in certain circumstances to nonaffiliated third parties without authorization, and that the right of access and correction exists with respect to all personal information collected.

22. If an insurer elects to combine the long form notices required by §§ 38.2-604 and 38.2-604.1, may one notice be sent to policyholders?

Yes, however, to do this, the insurer will have to make sure that the one combined notice meets all of the requirements contained in §§ 38.2-604 and 38.2-604.1. This also means that the one combined notice will have to be mailed every year.

23. Are the privacy protection laws applicable to surplus lines?

Yes, surplus lines brokers have always had to comply with the provisions of Chapter 6 of Title 38.2. Our regulatory authority extends to surplus lines brokers rather than surplus lines carriers.

24. How is the Virginia law different from the NAIC model and GLBA?

Conceptually, the changes to Virginia law have been made to be as consistent as possible with both the latest NAIC model regulation and GLBA. The format is different from GLBA and the latest NAIC model in that we kept the same format as the old NAIC model law. And, we did not use the terms "consumer" and "customer" which are used in the NAIC model and GLBA. Instead, we kept the current terms "applicant" and "policyholder."

25. With regard to the provisions in § 38.2-513.1, may a bank pay or receive a referral fee?

Yes, as long as the compensation is not based on the purchase of insurance by the customer, is a one-time nominal fee of a fixed dollar amount for each referral, and the referral does not include a discussion of specific insurance policy terms and conditions.

26. Is this a new provision in the law?

Yes, and it is consistent with the bureau's long standing position concerning referral fees.

27. May the disclosures required in § 38.2-513.1 be given electronically?

Yes, if the customer agrees.

28. May the bureau investigate a bank selling insurance?

Yes, a bank selling insurance would be a licensed agent, and the bureau has authority to investigate the affairs of any person to whom § 38.2-513.1 applies.

Agency Contact: JoAnne Scott, Principal Insurance Analyst, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9600 or e-mail jscott@scc.state.va.us.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Beechwood Water Corporation, Inc.

The State Water Control Board (SWCB) proposes to issue a Consent Special Order Amendment (CSOA) to Beechwood Water Corporation, Inc., regarding settlement of a civil enforcement action related to compliance with the Permit Regulation, 9 VAC 25-31-10 et seq. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019.

The final CSOA may be examined at the department during regular business hours. Copies are available from Mr. Steele at the address above or by calling him at (540) 562-6777.

Proposed Consent Special Order Rutherford Construction, Inc. Forest Springs Estates Subdivision

The State Water Control Board proposes to enter into a Consent Special Order with Rutherford Construction, Inc., to address violations of State Water Control Law at the company's Forest Springs Estates subdivision.

Rutherford Construction, Inc., owns the Forest Springs Estates subdivision, located off of Route 608 south of the Town of Stuarts Draft in Augusta County, Virginia. Based on inspections at the subdivision, DEQ staff found that Rutherford Construction, Inc., had filled in and re-channeled approximately 1,000 linear feet of Johns Run within the subdivision in violation of State Water Control Law. The proposed consent order requires Rutherford Construction, Inc., to design and construct a restoration project on Johns Run to reestablish the characteristics of the stream which existed prior to the unauthorized filling and re-channelization. The proposed consent order would also assess a civil charge in the amount of \$31,000 for the violations of State Water Control Law.

The board will receive written comments relating to the proposed consent order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the consent order.

Comments may also be submitted via electronic mail to ealiggett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801. A copy of the order may be obtained in person or by mail from the DEQ office.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://legis.state.va.us/codecomm/register/regindex.htm>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS - RR08

CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
 Teletype (TTY)/Voice Designation

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. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

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) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Cattle Industry Board

† July 31, 2001 - 10:30 a.m. -- Open Meeting
Holiday Inn, Woodrow Wilson Parkway, Staunton, Virginia. 

A regular business meeting to approve minutes from the April 2001 meeting, in addition to reviewing the financial statement for the period April 1 through July 1. Staff will give program updates for the state and national level. Committees will convene to review project proposals submitted by staff and other organizations for FY 01-02 Marketing Plan. Prior to the full board meeting, a new board orientation will be held beginning at 9 a.m. For directions to the board meeting, please call 540-248-6020. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Reginald B. Reynolds, Executive Director, Department of Agriculture and Consumer Services, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632.

Virginia Charity Food Assistance Advisory Board

June 14, 2001 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia 

A routine meeting to discuss issues related to hunger, malnutrition, and food insecurity in the Commonwealth and potential opportunities to alleviate the problem. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at

the meeting should contact Steven W. Thomas at least five days before the meeting date so that suitable arrangements can be made.

Contact: Steven W. Thomas, Executive Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 809, Richmond, VA 23219, telephone (804) 786-3936, FAX (804) 371-7788.

Virginia Horse Industry Board

June 5, 2001 - 10 a.m. -- Open Meeting
Virginia Department of Forestry, 900 Natural Resources Drive, 2nd Floor Conference Room, Charlottesville, Virginia 

The board is having a special meeting to discuss the proposed economic impact study of the horse industry. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1004, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 371-7786.

Virginia Marine Products Board

June 6, 2001 - 6 p.m. -- Open Meeting
Bill's Seafood House, Route 17 and Denbigh Boulevard, Grafton, Virginia. 

The board will meet to receive reports from the Executive Director of the Virginia Marine Products Board on Finance, Marketing, past and future program planning, publicity, public relations and old and new business. For directions to the restaurant call 757-898-4903. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

Contact: Shirley Estes, Executive Director, Department of Agriculture and Consumer Services, 554 Denbigh Blvd., Suite B, Newport News, VA 23608, telephone (757) 874-3474, FAX (757) 886-0671.

Virginia Small Grains Board

† **July 26, 2001 - 8 a.m.** -- Open Meeting
Radisson Fort Magruder Hotel and Conference Center, 6945 Pocahontas Trail, Williamsburg, Virginia. 

A meeting to review FY 2000-01 project reports and receive 2001-02 project proposals. Minutes from the last board meeting and a current financial statement will be heard and approved. Additionally, action will be taken on any other new business that comes before the group. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 1005, Richmond, VA, telephone (804) 371-6157, FAX (804) 371-7786.

STATE AIR POLLUTION CONTROL BOARD

June 12, 2001 - Public 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 State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40-10 et seq. Existing Stationary Sources (Rev. A99)**. Article 4 provides a legal mechanism whereby the board is required to make source specific Reasonable Available Control Technology (RACT) determinations for all currently known major sources subject to source specific NO_x RACT requirements under the federal Clean Air Act. Amendments are being proposed to delete the provisions that address seasonal applicability, certain exemptions and the emission allocation system.

Article 8 establishes emission limits along with compliance testing, monitoring, recordkeeping and reporting requirements for fuel burning equipment. Amendments are being proposed to establish an emissions rate limit for nitrogen oxides for electric generating units and nonelectric generating units and create a compliance averaging plan to provide flexibility for the sources subject to the regulation.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until June 12, 2001, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA

23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY 

ALCOHOLIC BEVERAGE CONTROL BOARD

† **June 5, 2001 - 9:30 a.m.** -- Open Meeting
† **June 19, 2001 - 9:30 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

A meeting of the Executive Staff to receive and discuss reports and activities. Other matters to be discussed are not yet determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4442.

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

June 6, 2001 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

June 6, 2001 - 9 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

July 20, 2001 - Public 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 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to amend regulations entitled: **18 VAC 10-20-10 et seq. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations**. The board has clarified language, consolidated provisions, and modified wording to accord with the Code of Virginia. Substantive changes include requiring that regulants notify the board office when they leave as the responsible professional of a professional

Calendar of Events

corporation, permitting use of electronic seals, signatures and dates, and adding various requirements and standards regarding land boundary surveying.

Statutory Authority: §§ 54.1-201, 54.1-404 and 54.1-411 of the Code of Virginia.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

ART AND ARCHITECTURAL REVIEW BOARD

† **July 6, 2001 - 10 a.m.** -- Open Meeting

† **August 3, 2001 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, AIA, Chairman, Department of General Services, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎

BOARD FOR ASBESTOS AND LEAD

July 9, 2001 - 2 p.m. -- Public Hearing

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

July 20, 2001 - Public 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 Virginia Board for Asbestos and Lead intends to amend regulations entitled: **18 VAC 15-20-10 et seq. Virginia Asbestos Licensing Regulations.** The proposed regulation will revise definitions; delete roofing, flooring and siding provisions, which were abolished by House Bill 951, effective July 1, 1996; clarify fees for initial approval of accredited asbestos training programs; and create a biennial renewal requirement and fee for accredited asbestos training programs. Project monitors who also hold a valid supervisor or project designer license may renew their project monitor license by completing the supervisor or project designer refresher training. Language has been added to make clear that a refresher training certificate may be used only once to renew a license. The entry standards for inspectors, management planners and project designers have been changed to allow applicants to present evidence of specific minimal competence. Project monitors will be required on projects involving more than 260 linear feet or 160 square feet of asbestos containing materials. An additional option to qualify for an asbestos and analytical laboratory license has been added and performance standards for laboratory operation have been added.

Statutory Authority: § 54.1-501 of the Code of Virginia.

Contact: Joseph Kossan, Regulatory Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648.

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

June 21, 2001 - 10 a.m. -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting of the Board of Directors. The public is welcome and invited to make comments or suggestions to the board. The board meets in closed session when reviewing confidential information pertaining to loan applications made by Virginians with disabilities.

Contact: Shilpa Joshi, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-9000, FAX (804) 662-9533, toll-free (800) 552-5019, (804) 662-9000/TTY ☎, e-mail loanfund@erols.com.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

June 27, 2001 - 9 a.m. -- Open Meeting

July 25, 2001 - 9 a.m. -- Open Meeting

Department of Social Services, 730 East Broad Street, Lower Level, Training Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. An agenda will be posted on the web (<http://www.csa.state.va.us>) a week prior to the meeting.

Contact: Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Suite 137, Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 62-9831, e-mail AGS992@central.dss.state.va.us.

AUCTIONEERS BOARD

July 12, 2001 - 10 a.m. -- Public Hearing

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

July 20, 2001 - Public 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 Auctioneers Board intends to amend regulations entitled: **18 VAC 25-21-10 et seq. Rules and Regulations of the Auctioneers Board.** The Auctioneers Board has clarified language, deleted duplicate and unutilized definitions, removed unnecessary requirements, and modified certain requirements in this chapter. Substantive changes include the following: the

board has clarified that disciplinary action in another jurisdiction relating to auctioneering may prevent licensure in Virginia, has removed the option of substituting 25 auctions in lieu of educational requirements, has modified reinstatement requirements, and has modified compliance requirements for schools.

Statutory Authority: §§ 54.1-201 and 54.1-602 of the Code of Virginia.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

VIRGINIA AVIATION BOARD

† **June 12, 2001 - 3 p.m.** -- Open Meeting
Middle Peninsula Airport, West Point, Virginia, and Hummel Field, Saluda, Virginia. ♿

† **June 13, 2001 - 9 a.m.** -- Open Meeting
Wyndham Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. ♿

A regular bimonthly meeting of the Aviation Board. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistance is needed.

Contact: Carolyn Toth, Administrative Assistance, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3637, FAX (804) 236-3635, toll-free (800) 292-1034, (804) 236-3624/TTY ☎, e-mail toth@doav.state.va.us.

BOARD FOR BARBERS AND COSMETOLOGY

June 4, 2001 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia ♿
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Zelda W. Dugger, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail barbercosmo@dpor.state.va.us.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

June 9, 2001 - 10 a.m. -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A quarterly meeting of the Statewide Rehabilitation Council for the Blind to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Board for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA, telephone (804) 371-3111.

† **July 17, 2001 - 10 a.m.** -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The board for the blind and vision impaired is an advisory board responsible for advising the governor, the secretary of health and human resources, the commissioner, and the general assembly in the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budget and request for appropriations for the department. At this regular meeting, the board will review information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for the board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail proffikc@dbvi.state.va.us.

CHARITABLE GAMING COMMISSION

† **June 7, 2001 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular commission meeting.

Contact: Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cg.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

June 18, 2001 - 10 a.m. -- Open Meeting
Henrico County Government Center, 4301 East Parham Road, Administration Building, 3rd Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general business meeting, including review of local Chesapeake Bay Preservation Area programs. Public

Calendar of Events

comments will be taken during the meeting. A tentative agenda and map to the Henrico County Government Center will be available by June 1, 2001, from the Chesapeake Bay Local Assistance Department.

Contact: Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail celliott@cblad.state.va.us.

COMPENSATION BOARD

June 26, 2001- 11 a.m. -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

† **June 12, 2001 - 7 p.m.** -- Open Meeting
Hot Springs Volunteer Fire Department, Route 615, Hot Springs, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **June 14, 2001 - 7 p.m.** -- Open Meeting
James River Ranger District Office, 810-A Madison Avenue, Covington, Virginia. ♿ (Interpreter for the deaf provided upon request)

Hill Studio, P.C. has been contracted by the Department of Conservation and Recreation to conduct an Environmental Assessment of the proposed Alleghany Highlands Horse Trail. The proposed trail would lie between the Virginia Horse Center in Lexington and the Homestead in Hot Springs. It may not connect to either point. This is a public meeting to solicit input on the results of an inventory of natural, historical, cultural, and recreational resources conducted of the study area. Issues, concerns, and opportunities have also been identified and alternative trail routes selected for review and comment. Requests for an interpreter for the deaf should be filed two weeks prior to the meeting.

Contact: Mary Zirkle, Hill Studio, P.C., 120 W. Campbell Ave., Roanoke, VA 24011, telephone (540) 342-5263.

† **June 18, 2001 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302,

Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

Falls of the James Scenic River Advisory Board

† **July 12, 2001 - Noon** -- Open Meeting
City Hall, Planning Commission Conference Room, 900 East Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss river issues. Request for interpreter for the deaf should be filed two weeks prior to the meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326 Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

Goose Creek Scenic River Advisory Board

† **July 10, 2001 - 1:30 p.m.** -- Open Meeting
Loudoun County Administration Building, 4th Floor Conference Room, Leesburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

Discussion of river issues. Requests for interpreter for the deaf should be filed two weeks prior to the meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

Virginia Soil and Water Conservation Board

June 14, 2001 - 9 a.m. -- Open Meeting
Location to be announced. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

BOARD FOR CONTRACTORS

July 18, 2001 - 1 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

July 20, 2001 - Public 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 Board for Contractors intends to amend regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Rules and Regulations.** The Board for Contractors seeks to amend its current tradesman regulations to reflect statutory changes that respond to industry changes. The regulations have not been revised

since July 7, 1999. Parts of the regulation text have been revised for clarity and ease of use.

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

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

CRIMINAL JUSTICE SERVICES BOARD

† **June 14, 2001 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A regular meeting of the Committee on Training. The agenda will be announced at a later time.

Contact: George Gotschalk, Standards and Training Section Chief, Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 371-8981, e-mail ggotschalk@dcjs.state.va.us.

† **June 14, 2001 - 11 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A regular meeting to discuss ICJIS, grant applications, PSSAB nominations, in-service training standards, and CJSB term expirations.

Contact: Christine Wiedemer, Administrative Staff Assistant to the Director, Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 371-8981, e-mail cwiedemer@dcjs.state.va.us.

† **June 19, 2001 - 10 a.m.** -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

A regular meeting.

Contact: Judith Kirkendall, Regulatory Coordinator, Criminal Justice Services Board, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

June 18, 2001 - 11 a.m. -- Open Meeting
Virginia War Memorial, 621 Belvidere Street, Auditorium, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction management type contracts. Please contact the Division of Engineering and Buildings to confirm meeting.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX

(804) 371-7934, (804) 786-6152/TTY ☎, e-mail fadcock@dgs.state.va.us.

BOARD OF EDUCATION

June 20, 2001 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

July 26, 2001 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Public comment will be received at this meeting.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

June 4, 2001 - 7 p.m. -- Public Hearing
George Wythe High School, 1 Maroon Way, Wytheville, Virginia.

June 4, 2001 - 7 p.m. -- Public Hearing
Thomas Jefferson High School, 4100 West Grace Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing on the Board of Education's newly revised Teacher Resource Guide for History and Social Science. A copy is available on the department's web site. Registration for speakers begins at 6:30 p.m. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Ms. Maureen Hajar, Office of Middle School Instruction, Board of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-3616, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

June 20, 2001 - 9:30 a.m. -- Open Meeting
Henrico School Board Office, 3820 Nine Mile Road, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Accountability Advisory Committee. Unless otherwise notified in advance, sessions will be working sessions and public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Cam Harris, Department of Education, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2102, FAX (804) 225-2524.

* * * * *

June 20, 2001 - 5:30 p.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.

Calendar of Events

July 20, 2001 - Public comment 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 Board of Education intends to adopt regulations entitled: **8 VAC 20-630-10 et seq. Standards for State-Funded Remedial Programs.** The proposed regulations will require the collection of the minimum data necessary to comply with the intent of the Code of Virginia.

Statutory Authority: § 22.1-199.2 of the Code of Virginia.

Contact: Dr. Kathleen Smith, Specialist, Elementary Education, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 786-5819 or (804) 225-2524.

June 21, 2001 - 8:30 a.m. -- Open Meeting

June 22, 2001 - 8:30 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. (Interpreter for the deaf provided upon request)

An annual planning session. Persons requesting services of an interpreter for the deaf should do so in advance. This is a working session, and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

June 6, 2001 - 3 p.m. -- Open Meeting

Shawnee Fire Department, 2333 Roosevelt Boulevard, Winchester, Virginia.

A regular business meeting.

Contact: L. A. Miller, Fire and Rescue Chief, Winchester Fire and Rescue Department, Local Emergency Planning Committee, 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298, (540) 662-4131/TTY

DEPARTMENT OF ENVIRONMENTAL QUALITY

June 6, 2001 - 10 a.m. -- Open Meeting

State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

A meeting of a technical advisory committee established to advise the department on long-term solutions for the Virginia Petroleum Storage Tank Fund.

Contact: Elizabeth Lamp, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4322, (804) 698-4021/TTY, e-mail erlamp@deq.state.va.us.

June 7, 2001 - 7 p.m. -- Public Hearing

Cumberland County Public Library Building, 1539 Anderson Highway (Rt. 60), Meeting Room, Cumberland, Virginia.

A public hearing to receive comments on the draft permit amendment to establish groundwater protection standards for the Madison Sanitary Landfill and to grant a variance for the use of alternate concentration limits for establishing groundwater protection standards.

Contact: James Bernard, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4222, (804) 698-4021/TTY, e-mail jfbernard@deq.state.va.us.

June 12, 2001 - 7 p.m. -- Open Meeting

Department of Environmental Quality, 4411 Early Road, Conference Room, Harrisonburg, Virginia.

The first public meeting on the development of TMDLs for benthic impairment on Castaline Spring Branch and Cochran Spring Branch in Augusta County, Coursey Springs Branch/Pheasanty Run in Bath County, Lacey Spring Branch in Rockingham County, Montebello Spring Branch in Nelson County and Orndorff Spring Branch in Shenandoah County. (See 5/21/01 Virginia Register for General Notice of TMDL development).

Contact: Rod Bodkin, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7801, FAX (540) 574-7878, e-mail rvbodkin@deq.state.va.us.

† **June 12, 2001 - 7 p.m.** -- Public Hearing

Clover Hill Library, 6701 Deer Run Drive, Midlothian, Virginia.

A public hearing to receive comments on the tentative decision to grant a permit amendment and variance to progressive cover requirements for the Taylor Road Landfill located in Chesterfield County, Virginia.

Contact: Paul Farrell, Jr., Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214, e-mail eparrell@deq.state.va.us.

June 14, 2001 - 7 p.m. -- Open Meeting

Arlington Central Library, Auditorium, 1015 North Quincy Street, Arlington, Virginia.

The first public meeting on the development of the Four Mile Run fecal coliform TMDL. (See 5/21/01 Virginia Register for General Notice of TMDL development).

Contact: Joan Crowther, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3828, FAX (703) 583-3841, e-mail jccrowther@deq.state.va.us.

VIRGINIA FIRE SERVICES BOARD

† **June 13, 2001 - 11 a.m.** -- Open Meeting

Danville Life Saving Crew Center, 202 Christopher Lane, Danville, Virginia. (Interpreter for the deaf provided upon request)

A work session of the Committee on Fire Education and Training to include tours of area burn buildings. Please contact Christy King for further details.

Contact: Christy L. King, Clerk to the Board, Virginia Fire Services Board, 101 North 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

† **June 14, 2001 - 9:30 a.m.** -- Open Meeting
Danville Life Saving Crew Center, 202 Christopher Lane, Danville, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the following committees:

Fire Education and Training - 9:30 a.m.
Administration and Policy - 1 p.m.

Fire Prevention and Control will meet 10 minutes after the conclusion of the Administration and Policy Committee. Finance will meet 10 minutes after the conclusion of the Fire Prevention and Control Committee.

Contact: Christy L. King, Clerk to the Board, Virginia Fire Services Board, 101 North 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

† **June 15, 2001 - 9 a.m.** -- Open Meeting
Danville Life Saving Crew Center, 202 Christopher Lane, Danville, Virginia.  (Interpreter for the deaf provided upon request)

The annual meeting of the Fire Services Board. For further details contact Christy King.

Contact: Christy L. King, Clerk to the Board, Virginia Fire Services Board, 101 North 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

June 6, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting to discuss general board business and elect new officers. There will be a public comment period during the first 15 minutes of the meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

June 6, 2001 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting to hold formal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

† **June 26, 2001 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A meeting to hold informal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

BOARD FOR HEARING AID SPECIALISTS

June 11, 2001 - 9:30 a.m. -- Open Meeting
Richmond Hotel and Conference Center, 6531 West Broad Street, Ash Room, Conference Rooms A,B,C and D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to administer the hearing aid specialist practical examination.

Contact: Sharon M. Sweet, Examination Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572, (804) 367-9753/TTY 

DEPARTMENT OF HISTORIC RESOURCES

State Review Board and Historic Resources Board

June 13, 2001 - 10 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

A quarterly meeting to consider (i) nominations to the Virginia Register of Historic Places and to the National Register of Historic Places; and (ii) preliminary information applications, and highway markers and easements.

Contact: Marc C. Wagner, Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY , e-mail mwagner@dhr.state.va.us.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

June 5, 2001 - 9 a.m. -- Open Meeting
July 3, 2001 - 9 a.m. -- Open Meeting
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia.  (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee meeting as required by SARA Title III.

Calendar of Events

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **June 18, 2001 - 10 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

A regular business meeting of the board. Public comment will be received.

Contact: Stephen W. Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail scalhoun@dhcd.state.va.us.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **June 19, 2001 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners 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) consider for approval amendments to the authority's Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income; (iv) review the authority's operations for the prior month; and (v) consider such other matters and take such other actions as they may deem appropriate. Various committees of the board may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. 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, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

VIRGINIA INTERAGENCY COORDINATING COUNCIL

June 13, 2001 - 9:30 a.m. -- Open Meeting
Skipwith United Methodist Church, 2211 Skipwith Road, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part C of IDEA (early intervention for infants and toddlers with disabilities and their families). Discussion will focus on issues related to Virginia's implementation of the Part C program.

Contact: LaKeishia L. White, Part C Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710 or FAX (804) 371-7959.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

June 21, 2001 - 10 a.m. -- Open Meeting
Virginia Employment Commission, 700 East Main Street, 3rd Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Bev Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

Safety and Health Codes Board

NOTE: CHANGE IN MEETING DATE

June 11, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail rpc@doli.state.va.us.

THE LIBRARY OF VIRGINIA

† **June 8, 2001 - 10 a.m.** -- Open Meeting
William King Regional Arts Center, 415 Academy Drive, Abingdon, Virginia. 

A regular meeting of the State Historical Records Advisory Board to discuss matters related to The Library of Virginia and historical records.

Contact: Jean H. Taylor, Executive Secretary to the Librarian of Virginia, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.

LONGWOOD COLLEGE

† **June 15, 2001 - 9 a.m.** -- Open Meeting
Longwood College, 201 High Street, Lancaster 215, Farmville, Virginia. 

A meeting to conduct routine college business.

Contact: Jeanne Hayden, Administrative Staff Assistant, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, e-mail jhayden@longwood.lwc.edu.

† **June 15, 2001 - 1 p.m.** -- Open Meeting

† **June 16, 2001 - 9 a.m.**

Longwood College, 201 High Street, Salon B, Dining Hall, Farmville, Virginia. ♿

A retreat for the Board of Visitors.

Contact: Jeanne Hayden, Administrative Staff Assistant, Longwood College 201 High St., Farmville, VA 23909, telephone (804) 395-2004, e-mail jhayden@longwood.lwc.edu.

VIRGINIA MANUFACTURED HOUSING BOARD

† **June 21, 2001 - 10 a.m.** -- Open Meeting

The Jackson Center, 501 North 2nd Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to address licensing issues, handle complaints and claims against licensees in the program, conduct fact-findings regarding complaints and claims, and carry out administration of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis L. Mclver, Associate Director, Virginia Manufactured Housing Board, State Building Code Administrative Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY ♿, e-mail cmciver@dhcd.state.va.us.

MARINE RESOURCES COMMISSION

June 26, 2001 - 9:30 a.m. -- Open Meeting

Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿

A monthly meeting.

Contact: LaVerne Lewis, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Newport News, VA 23607, telephone (757) 247-2261, FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY ♿, e-mail lewis@mrc.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **June 4, 2001 - 1 p.m.** -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ♿

A meeting to conduct routine business of the Virginia Medicaid Pharmacy Liaison Committee.

Contact: Marianne Rollings, R.Ph., Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804)

786-1680, (800) 343-0634/TTY ♿, e-mail mrolling@dmas.state.va.us.

* * * * *

July 21, 2001 - Public 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 amend regulations entitled: **12 VAC 30-20-10 et seq. Administration of Medical Assistance Services.** The purpose of the proposed amendment is to increase the amount of the copayment that Medicaid recipients are required to pay when their prescriptions are filled with brand name drugs instead of generics.

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

Public comments may be submitted until July 21, 2001, to Marianne Rollings, R.Ph., Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

BOARD OF MEDICINE

June 7, 2001 - 8 a.m. -- Open Meeting

June 8, 2001 - 8 a.m. -- Open Meeting

June 9, 2001 - 8 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A meeting to conduct general board business, receive committee and board reports, and discuss any other items that may come before the board. The board will also meet to review reports and regulations, interview licensees/applicants, conduct administrative proceedings, and make decisions on disciplinary matters. The board will entertain public comments during the first 15 minutes on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ♿, e-mail wharp@dhp.state.va.us.

June 14, 2001 - 9 a.m. -- Open Meeting

† **July 12, 2001 - 9:30 a.m.** -- Open Meeting

Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

† **June 20, 2001 - 9:30 a.m.** -- Open Meeting

Wyndham Roanoke Airport, 2801 Hershberger Road, Roanoke, Virginia.

Calendar of Events

† **June 28, 2001 - 9:30 a.m.** -- Open Meeting

† **July 26, 2001 - 9:30 a.m.** -- Open Meeting

Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

A meeting of the Informal Conference Committee to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. Also, a panel will convene a formal hearing into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee/panel will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Board of Medicine, 6606 West Broad Street, Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail PSadler@dhp.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

June 19, 2001 - Noon -- Open Meeting

Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

An annual meeting for the Executive and Finance Committees to approve the museum's annual budget. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

July 16, 2001 - 8:30 a.m. -- Open Meeting

July 18, 2001 - 8:30 a.m. -- Open Meeting

July 19, 2001 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A panel of the board will conduct formal hearings with licensees and certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

Special Conference Committee

June 5, 2001 - 8:30 a.m. -- Open Meeting

June 12, 2001 - 8:30 a.m. -- Open Meeting

June 18, 2001 - 8:30 a.m. -- Open Meeting

June 19, 2001 - 8:30 a.m. -- Open Meeting

June 20, 2001 - 8:30 a.m. -- Open Meeting

June 28, 2001 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 3 and 4, Richmond, Virginia. ♿

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

OLD DOMINION UNIVERSITY

June 14, 2001 - 2:30 p.m. -- Open Meeting

Webb University Center, Old Dominion University, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

The annual meeting of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president.

Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

VIRGINIA OUTDOORS FOUNDATION

† **June 27, 2001 - 10 a.m.** -- Open Meeting

Woodstock Town Hall, Woodstock, Virginia. ♿

A meeting of the Region I Advisory Board to review funding applications to the Open Space Lands Preservation Trust Fund.

Contact: Faye Cooper, Virginia Outdoors Foundation, 11 E. Beverley Street, Staunton, VA 24401, telephone (540) 886-2460.

BOARD OF PHARMACY

June 13, 2001 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A general business meeting, including but not limited to, the election of officers and consideration of legislative proposals for the 2002 Session of the General Assembly. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, R.Ph., Executive Director, Board of Pharmacy, Southern States Bldg., 6606 W. Broad St., 4th Floor Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, e-mail erussell@dhp.state.va.us.

June 14, 2001 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

The Special Conference Committee will hear informal conferences. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

June 8, 2001 - 10 a.m. -- Open Meeting
Virginia Beach Central Library, 4100 Virginia Beach Boulevard, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Judith A. Spiller, Administrative Assistant, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY , e-mail spiller@dpor.state.va.us.

June 8, 2001 - 1 p.m. -- Public Hearing
Virginia Beach Central Library, 4100 Virginia Beach Boulevard, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

June 18, 2001 - 10 a.m. -- Public Hearing
Virginia Department of Forestry, Natural Resources Building, 900 Natural Resources Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing regarding the need for state regulation of foresters and the need for state regulation of arborists. Interested parties are encouraged to attend and provide testimony and/or written comments. The board will receive written comments until 5 p.m. on July 31, 2001. Comments may be mailed to Debra Vought at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, e-mailed to vought@dpor.state.va.us or FAXED to (804) 367-9537. Please call (804) 367-8519 if you have questions regarding the study.

Contact: Judith A. Spiller, Administrative Assistant, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY , e-mail spiller@dpor.state.va.us.

POLYGRAPH EXAMINERS ADVISORY BOARD

June 13, 2001 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad

St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail polygraph@dpor.state.va.us.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

† **June 21, 2001 - 10 a.m.** -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments are welcome.

Contact: Terry Raney, Coordinator, Public Guardianship Program, Virginia Public Guardian and Conservator Advisory Board, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-7049.

REAL ESTATE BOARD

June 5, 2001 - 4 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Education Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

June 6, 2001 - 8 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Fair Housing Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

June 6, 2001 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

VIRGINIA RESOURCES AUTHORITY

June 12, 2001 - 9 a.m. -- Open Meeting
Virginia Resources Authority, 707 East Main Street, 2nd Floor, Conference Room, Richmond, Virginia.

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's

Calendar of Events

operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Benjamin Hoyle, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bhoyle@vra.state.va.us.

DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

Protection and Advocacy for Individuals with Mental Illness (PAIMI) Council

† **June 13, 2001 - 8:30 a.m.** -- Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Priorities Committee meeting will begin at 8:30 a.m. with full council to begin at 11:30 a.m. Public comment will be received at approximately 11:30 a.m.

Contact: Kim Ware, Program Operations Coordinator, Department for Rights of Virginians with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2061, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY, e-mail wareka@drvd.state.va.us.

SCIENCE MUSEUM OF VIRGINIA

June 21, 2001 - 3 p.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting of the Board of Trustees.

Contact: Karen Raham, Administrative Assistant, Science Museum of Virginia, 2500 W. Broad St., Richmond, VA 23221, telephone (804) 864-1499, FAX (804) 864-1560, toll-free (800) 659-1727, (804) 828-1140/TTY, e-mail kraham@smv.org.

STATE BOARD OF SOCIAL SERVICES

† **June 20, 2001 - 9 a.m.** -- Open Meeting
† **June 21, 2001 - 9 a.m.** -- Open Meeting
Holiday Inn, 1500 East Market Street, Leesburg, Virginia. (Interpreter for the deaf provided upon request)

A work session and formal business meeting. Public comment begins at 1:30 p.m. on June 20 only.

Contact: Pat Rengnerth, State Board Liaison, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1962.

* * * * *

† **August 3, 2001** - Public 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 State Board of Social Services intends to repeal regulations entitled: **22 VAC 40-790-10 et seq. Minimum Standards for Local Agency Operated Volunteer Respite Child Care Programs.** The purpose of the proposed action is to repeal this regulation, which was originally promulgated to provide standards for local departments of social services that chose to operate volunteer respite child care programs. The Department of Social Services has not received any requests to operate this type of program since the regulation became effective in 1998 and does not anticipate receiving any such requests in the future.

Statutory Authority: §§ 63.1-25 and 63.1-55 of the Code of Virginia.

Contact: Phyllis S. Parrish, Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1895.

COUNCIL ON TECHNOLOGY SERVICES

June 6, 2001 - 9 a.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Digital Opportunities Task Force.

Contact: Janice M. Akers, Council on Technology Services, Washington Bldg., 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 786-1153, FAX (804) 371-7952, e-mail jakers@egov.state.va.us.

July 12, 2001 - 9 a.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A group meeting of the Council on Technology Services.

Contact: Jenny Wootton, Council on Technology Services, Washington Bldg., 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 786-0744, FAX (804) 371-7952, e-mail jwootton@egov.state.va.us.

Wireless E-911 Services Board

† **June 13, 2001 - 10 a.m.** -- Open Meeting
Location to be announced. ♿

A regular monthly meeting.

Contact: Steve Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 371-0015, FAX (804) 371-2795, e-mail smarzolf@ntp.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† **June 20, 2001 - 2 p.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ♿

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

† **June 21, 2001 - 10 a.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ♿

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

VIRGINIA VOLUNTARY FORMULARY BOARD

June 4, 2001 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, Richmond, Virginia. ♿

A public hearing to consider the adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add and delete drugs and drug products to the July 27, 1998, revision of the Formulary and the most recent supplement to that revision. Written comments received prior to 5 p.m. on June 4, 2001, will be made a part of the hearing record and considered by the Formulary Board. Copies of the proposed revisions to the Virginia Voluntary Formulary are available for inspection at the Bureau of Pharmacy Services, Virginia Department of

Health, 101 N. 14th St., Room S-45, Richmond, Virginia 23219.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326, FAX (804) 371-0236.

June 26, 2001 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. ♿

A meeting to review public hearing comments and product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WASTE MANAGEMENT BOARD

June 7, 2001 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, 10th Floor Conference Room, Richmond, Virginia. ♿

A public meeting to receive comments on the Virginia Waste Management Board's notice of intent to amend the Solid Waste Management Regulations.

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327, (804) 698-4021/TTY ☎, e-mail mjdieter@deq.state.va.us.

STATE WATER CONTROL BOARD

June 12, 2001 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting of the State Water Control Board. Detailed agenda available approximately seven days before the meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cberndt@deq.state.va.us.

VIRGINIA WORKFORCE COUNCIL

June 12, 2001 - 10 a.m. -- Open Meeting
Hotel Roanoke, 110 Shenandoah Avenue, N.E., Roanoke, Virginia ♿ (Interpreter for the deaf provided upon request)

Agenda to be announced.

Contact: Laura Moseley, WIA Unit, Virginia Workforce Council, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-2795, FAX (804) 225-2190, (800) 828-1120/TTY ☎, e-mail lmoseley@vec.state.va.us.

Calendar of Events

INDEPENDENT

STATE LOTTERY BOARD

June 15, 2001 - 9:30 a.m. -- Open Meeting
State Lottery Board, Pocahontas Building, 900 East Main Street, 13th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board. This meeting replaces those previously scheduled for May 16 and June 27, which have been canceled. A period for public comment will be called at the beginning of the meeting.

Contact: Barbara L. Robertson, State Lottery Board, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, e-mail brobertson@valottery.state.va.us.

VIRGINIA RETIREMENT SYSTEM

June 5, 2001 - 1 p.m. -- Open Meeting
Offices of Palmer & Cay, 9020 Stony Point Parkway, Suite 200, Richmond, Virginia. 

The regular meeting of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.

Contact: Fran Tarcen, Defined Contribution Analyst, Virginia Retirement System, Palmer & Cay, 9020 Stony Point Parkway, Suite 200, Richmond, VA 23235, telephone (804) 267-3216, FAX (804) 330-1386, e-mail fran_tarcen@palmercay.com.

August 15, 2001 - 3 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

Regular meetings of the Audit and Compliance Committee and the Benefits and Actuarial Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, VRS, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dkestner@vrs.state.va.us.

August 16, 2001 - 8 a.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

The regular meeting of the Virginia Retirement System's Administration and Personnel Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, VRS, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dkestner@vrs.state.va.us.

August 16, 2001 - 9 a.m. -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Board of Trustees.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dglazier@vrs.state.va.us.

LEGISLATIVE

ADMINISTRATIVE LAW ADVISORY COMMITTEE

† **June 4, 2001 - 10:45 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, Sixth Floor, Richmond, Virginia. 

A regular business meeting.

Contact: Bess Hodges, Program Coordinator, Administrative Law Advisory Committee, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail bhodges@leg.state.va.us.

VIRGINIA CODE COMMISSION

June 28, 2001 - 10 a.m. Open Meeting
July 26, 2001 - 10 a.m. -- Open Meeting
August 30, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 

A meeting to continue with the recodification of Title 63.1 of the Code of Virginia and to conduct any other business that may come before the commission. Public comment will be received at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591 FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

JOINT SUBCOMMITTEE STUDYING THE RESPONSIBILITIES, POLICIES, AND ACTIVITIES OF THE STATE CORPORATION COMMISSION (SJR 173/HJR 187, 2000)

June 15, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should call or write John McE. Garrett seven working days before the meeting.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

June 20, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 🗿 (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Maria Everett, Executive Director, Virginia Freedom of Information Advisory Council, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail meverett@leg.state.va.us.

HAMPTON ROADS THIRD CROSSING BRIDGE-TUNNEL COMMISSION

† **June 19, 2001 - 10 a.m.** -- Open Meeting
Crumbley House, Norfolk International Terminal, Norfolk, Virginia.

A regular meeting. Questions regarding the agenda should be referred to Alan Wambold, Division of Legislative Services, at (804) 786-3591.

Contact: Dawn B. Smith, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 🗿

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **June 11, 2001 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.

A staff briefing and review of the Gubernatorial Separation Authority and indigent participation in medical research in Virginia's teaching hospitals.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Bldg., 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

CHRONOLOGICAL LIST

OPEN MEETINGS

June 4

- † Administrative Law Advisory Committee
- Barbers and Cosmetology, Board for
- † Medical Assistance Services, Department of
 - Virginia Medicaid Pharmacy Liaison Committee
- Voluntary Formulary Board, Virginia

June 5

- Agriculture and Consumer Services, Department of
 - Virginia Horse Industry Board
- † Alcoholic Beverage Control Board
- Hopewell Industrial Safety Council

- Nursing, Board of
 - Special Conference Committee
- Real Estate Board
 - Real Estate Education Committee
- Retirement System, Virginia
 - Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board

June 6

- Agriculture and Consumer Services, Department of
 - Virginia Marine Products Board
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
- Emergency Planning Committee, Local - Winchester
- Environmental Quality, Department of
- Funeral Directors and Embalmers, Board of
- Real Estate Board
 - Fair Housing Committee
- Technology Services, Council on
 - Digital Opportunities Task Force

June 7

- † Charitable Gaming Commission
- Medicine, Board of
- Waste Management, Virginia Board of

June 8

- † Library of Virginia, The
 - State Historical Records Advisory Board
- Medicine, Board of
- Professional and Occupational Regulation, Board for

June 9

- Blind and Vision Impaired, Department for the
 - Statewide Rehabilitation Council for the Blind
- Medicine, Board of

June 11

- Hearing Aid Specialists, Board for
- Labor and Industry, Department of
 - Safety and Health Codes Board
- † Legislative Audit and Review Commission, Joint

June 12

- † Aviation Board, Virginia
- † Conservation and Recreation, Department of
- Environmental Quality, Department of
- Nursing, Board of
 - Special Conference Committee
- Resources Authority, Virginia
 - Board of Directors
- Water Control Board, State
- Workforce Council, Virginia

June 13

- † Aviation Board, Virginia
- † Fire Services Board
 - Fire Education and Training Committee
- Historic Resources, Department of
 - State Review Board and Historic Resources Board
- Interagency Coordinating Council, Virginia
- Pharmacy, Board of
- Polygraph Examiners Advisory Board
- † Rights of Virginians with Disabilities, Department for
 - PAIMI Council
- † Technology Services, Council on
 - Wireless E-911 Services Board

Calendar of Events

June 14

Agriculture and Consumer Services, Department of
- Virginia Charity Food Assistance Advisory Board
† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
† Criminal Justice Services Board
- Committee on Training
Environmental Quality, Department of
† Fire Services Board, Virginia
- Administration and Policy Committee
- Finance Committee
- Fire Education and Training Committee
- Fire Prevention and Control Committee
Medicine, Board of
- Informal Conference Committee
Old Dominion University
- Board of Visitors
Pharmacy, Board of

June 15

Corporation Commission, Joint Subcommittee Studying the
Responsibilities, Policies, and Activities of the State
† Fire Services Board, Virginia
† Longwood College
- Board of Visitors
Lottery Board, State

June 16

† Longwood College
- Board of Visitors

June 18

Chesapeake Bay Local Assistance Board
† Conservation and Recreation, Department of
Design-Build/Construction Management Review Board
† Housing and Community Development, Board of
Nursing, Board of
- Special Conference Committee

June 19

† Alcoholic Beverage Control Board
† Criminal Justice Services Board
- Private Security Services Board
† Hampton Roads Third Crossing Bridge Tunnel
Commission
† Housing Development Authority, Virginia
- Board of Commissioners
Museum of Fine Arts, Virginia
- Executive and Finance Committees
Nursing, Board of
- Special Conference Committee

June 20

Education, Board of
- Accountability Advisory Committee
Freedom of Information Advisory Council
† Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- Special Conference Committee
† Social Services, State Board of
† Transportation Board, Commonwealth

June 21

Assistive Technology Loan Fund Authority
- Board of Directors
Education, Board of
Labor and Industry, Department of

- Virginia Apprenticeship Council
† Manufactured Housing Board, Virginia
† Public Guardian and Conservator Advisory Board,
Virginia
Science Museum of Virginia
- Board of Trustees
† Social Services, State Board of
† Transportation Board, Commonwealth

June 22

Education, Board of

June 26

Compensation Board
† Funeral Directors and Embalmers, Board of
Marine Resources Commission
Voluntary Formulary Board, Virginia

June 27

At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
† Outdoors Foundation, Virginia

June 28

Code Commission, Virginia
† Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- Special Conference Committee

July 3

Hopewell Industrial Safety Council

July 6

† Art and Architectural Review Board

July 10

† Conservation and Recreation, Department of
- Goose Creek Scenic River Advisory Board

July 12

† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Medicine, Board of
- Informal Conference Committee
Technology Services, Council on

July 16

Nursing, Board of

July 17

Blind and Vision Impaired, Department for the

July 18

Nursing, Board of

July 19

Nursing, Board of

July 25

At-Risk Youth and Families, Comprehensive Services for
- State Executive Council

July 26

† Agriculture and Consumer Services, Department of
- Virginia Small Grains Board
Code Commission, Virginia
Education, Board of
† Medicine, Board of
- Informal Conference Committee

July 31

† Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board

August 3

† Art and Architectural Review Board

August 15

Retirement System, Virginia

August 16

Retirement System, Virginia

August 30

Code Commission, Virginia

PUBLIC HEARINGS

June 4

Education, Board of
Voluntary Formulary Board, Virginia

June 6

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board of

June 7

Environmental Quality, Department of

June 8

Professional and Occupational Regulation, Board for

June 12

† Environmental Quality, Department of

June 18

Professional and Occupational Regulation, Board for

June 20

Education, Board of

July 9

Asbestos and Lead, Board for

July 12

Auctioneers Board

July 18

Contractors, Board for