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# TABLE OF CONTENTS

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## CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....3397

## NOTICES OF INTENDED REGULATORY ACTION

### TITLE 8. EDUCATION

State Board of Education .....3408

### TITLE 9. ENVIRONMENT

Virginia Waste Management Board .....3408

State Water Control Board .....3409

### TITLE 17. LIBRARIES AND CULTURAL RESOURCES

Department of Historic Resources .....3409

### TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Virginia Board for Asbestos And Lead .....3409

Auctioneers Board .....3410

Board for Barbers and Cosmetology.....3410

Board for Branch Pilots .....3410

Board for Contractors.....3411

Board for Hearing Aid Specialists .....3411

Real Estate Board.....3411

## PROPOSED REGULATIONS

### TITLE 16. LABOR AND EMPLOYMENT

#### **VIRGINIA EMPLOYMENT COMMISSION**

Regulation Governing Unemployment Benefits.....3412

Definitions and General Provisions (amending 16 VAC 5-10-10, 16 VAC 5-10-20, and 16 VAC 5-10-30; adding 16 VAC 5-10-21 and 16 VAC 5-10-22).....3412

Benefits (amending 16 VAC 5-60-10, 16 VAC 5-60-20, and 16 VAC 5-60-40). .....3412

Interstate and Multistate Claimants (amending 16 VAC 5-70-10 and 16 VAC 5-70-20).....3412

Adjudication (amending 16 VAC 5-80-10, 16 VAC 5-80-20, 16 VAC 5-80-30, and 16 VAC 5-80-40). .....3412

Unemployment Taxes (amending 16 VAC 5-20-10 and 16 VAC 5-20-20).....3431

Required Records and Reports (amending 16 VAC 5-32-10 and 16 VAC 5-32-20).....3433

### TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

#### **BOARD OF MEDICINE**

Regulations Governing the Practice of Licensed Acupuncturists (amending 18 VAC 85-110-100). .....3438

#### **BOARD OF NURSING**

Regulations Governing the Practice of Nursing (adding 18 VAC 90-20-36). .....3441

#### **BOARD OF PHYSICAL THERAPY**

Public Participation Guidelines. (18 VAC 112-10-10 et seq.) .....3443

#### **BOARD OF PSYCHOLOGY**

Public Participation Guidelines (amending 18 VAC 125-10-10, 18 VAC 125-10-20, 18 VAC 125-10-30, 18 VAC 125-10-40, 18 VAC 125-10-60, 18 VAC 125-10-70, 18 VAC 125-10-80, and 18 VAC 125-10-100).....3446

### TITLE 22. SOCIAL SERVICES

#### **DEPARTMENT FOR THE BLIND AND VISION IMPAIRED**

Provision of Services in Rehabilitation Teaching (amending 22 VAC 45-70-10 through 22 VAC 45-70-40 and 22 VAC 45-70-60 through 22 VAC 45-70-80; repealing 22 VAC 45-70-50).....3448

Supervision of Administrative Regulations Governing Intake and Social Services (REPEALING). (22 VAC 45-90-10 et seq.) .....3451

Regulations Governing Low Vision (amending 22 VAC 45-110-10 through 22 VAC 45-110-50; repealing 22 VAC 45-110-60).....3452

## FINAL REGULATIONS

### TITLE 4. CONSERVATION AND NATURAL RESOURCES

#### **MARINE RESOURCES COMMISSION**

Pertaining to Grey Trout (Weakfish) (amending 4 VAC 20-380-20 and 4 VAC 20-380-50). .....3455

Pertaining to Commercial Fishing and Mandatory Harvest Reporting (amending 4 VAC 20-610-30).....3456

Pertaining to Channeled Whelk (amending 4 VAC 20-890-25). .....3457

---

# Table of Contents

---

## TITLE 12. HEALTH

### **STATE BOARD OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES**

#### **Suspension of Regulatory Process**

Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (REPEALED). (12 VAC 35-110-10 et seq.)..... 3457

Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services. (12 VAC 35-115-10 et seq.)..... 3457

Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services (REPEALED). (12 VAC 35-120-10 et seq.)..... 3457

Rules and Regulations to Assure the Rights of Clients in Community Programs (REPEALED). (12 VAC 35-130-10 et seq.)..... 3457

## TITLE 16. LABOR AND EMPLOYMENT

### **DEPARTMENT OF LABOR AND INDUSTRY**

#### **Safety and Health Codes Board**

Federal Identical General Industry Standards - Cotton Dust Standard (amending 16 VAC 25-90-1910.1043)..... 3458

Federal Identical General Industry Standards - Occupational Exposure to Bloodborne Pathogens (amending 16 VAC 25-90-1910.1030)..... 3459

## TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

### **STATE CORPORATION COMMISSION**

Rules for Enforcement of § 56-257 of the Code of Virginia. (20 VAC 5-325-10 et seq.)..... 3460

## TITLE 22. SOCIAL SERVICES

### **DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING**

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing (amending 22 VAC 20-30-10 through 22 VAC 20-30-60 and 22 VAC 20-30-80 through 22 VAC 20-30-140; adding 22 VAC 20-30-150; repealing 22 VAC 20-30-70). ..... 3466

## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### **COMMONWEALTH TRANSPORTATION BOARD**

Conveyance of Land and Disposal of Improvements (adding 24 VAC 30-540-10, 24 VAC 30-540-20, 24 VAC 30-540-30, and 24 VAC 30-540-40.) .....3472

## **FORMS**

## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### **DEPARTMENT OF MINES, MINERALS AND ENERGY**

Coal Surface Mining Reclamation Regulations. (4 VAC 25-130-10 et seq.) .....3473

## **GENERAL NOTICES/ERRATA**

### **CHESAPEAKE BAY LOCAL ASSISTANCE BOARD**

General Notice Regarding Proposed Regulatory Action ..3475

### **VIRGINIA CODE COMMISSION**

Notice to State Agencies

Forms for Filing Material for Publication in *The Virginia Register of Regulations*.....3476

## **CALENDAR OF EVENTS**

### EXECUTIVE

Open Meetings and Public Hearings.....3478

### INDEPENDENT

Open Meetings and Public Hearings.....3496

### LEGISLATIVE

Open Meetings and Public Hearings.....3497

### CHRONOLOGICAL LIST

Open Meetings .....3498

Public Hearings .....3501

# 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
<b>Title 1. Administration</b>			
1 VAC 30-60-10 et seq.	Repealed	17:19 VA.R. 2731	7/4/01
1 VAC 30-70-10 et seq.	Repealed	17:19 VA.R. 2731	7/4/01
<b>Title 2. Agriculture</b>			
2 VAC 15-20-81	Amended	17:14 VA.R. 2179	3/1/01
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 15-20-80	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-20-160	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-40-20	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-40-150	Repealed	17:19 VA.R. 2729	7/4/01
4 VAC 15-40-280	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-50-90	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-90-20	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-90-21	Added	17:19 VA.R. 2729	7/4/01
4 VAC 15-90-70	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-90-80	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-85	Added	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-100	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-110	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-141	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-160	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-170	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-190	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-195	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-200	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-210	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-220	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-240	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-110-75	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-190-60	Added	17:19 VA.R. 2729	7/4/01
4 VAC 15-240-20	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-240-31	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-240-90	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-270-20	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-290-140	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-320-100	Amended	17:19 VA.R. 2729	7/4/01
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

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 20-620-70	Amended	17:20 VA.R. 2880	6/1/01
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 20-890-10 emer	Amended	17:20 VA.R. 2932	5/25/01-6/24/01
4 VAC 20-890-20 emer	Amended	17:20 VA.R. 2932	5/25/01-6/24/01
4 VAC 20-890-25 emer	Amended	17:20 VA.R. 2932	5/25/01-6/24/01
4 VAC 20-890-30	Amended	17:16 VA.R. 2333	4/1/01
4 VAC 20-890-40 emer	Amended	17:20 VA.R. 2933	5/25/01-6/24/01
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 20-950-45	Amended	17:20 VA.R. 2880	5/25/01
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
4 VAC 20-1040-20	Amended	17:20 VA.R. 2881	5/26/01
4 VAC 25-90-10 through 4 VAC 25-90-100	Amended	17:20 VA.R. 2882-2885	7/18/01
4 VAC 25-90-120	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-90-270	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-90-300	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-90-340	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-90-360	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-90 (Forms)	Added	17:21 VA.R. 3119	--
4 VAC 25-100-10 et seq.	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-101-10 through 4 VAC 25-101-220	Added	17:20 VA.R. 2886	7/18/01
4 VAC 25-101 (Forms)	Added	17:21 VA.R. 3119	--
<b>Title 5. Corporations</b>			
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
5 VAC 5-30-10 through 5 VAC 5-30-70	Added	17:22 VA.R. 3312-3315	7/1/01
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 20-200-10 through 6 VAC 20-200-180	Amended	17:19 VA.R. 2731-2735	7/4/01
<b>Title 8. Education</b>			
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
<b>Title 9. Environment</b>			
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
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 5-80-310 through 9 VAC 5-80-350	Amended	17:20 VA.R. 2887-2890	7/18/01

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-355	Repealed	17:20 VA.R. 2891	7/18/01
9 VAC 5-210-10 through 9 VAC 5-210-160	Added	17:16 VA.R. 2342-2344	7/1/01
9 VAC 15-30-20	Amended	17:21 VA.R. 3029	8/1/01
9 VAC 15-30-40 through 9 VAC 15-30-110	Amended	17:21 VA.R. 3030-3031	8/1/01
9 VAC 15-30-130	Amended	17:21 VA.R. 3031	8/1/01
9 VAC 15-30-150	Repealed	17:21 VA.R. 3031	8/1/01
9 VAC 15-30-160	Amended	17:21 VA.R. 3031	8/1/01
9 VAC 15-30-170	Amended	17:21 VA.R. 3031	8/1/01
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 20-130-10 through 9 VAC 20-130-70	Amended	17:21 VA.R. 3033-3037	8/1/01
9 VAC 20-130-80	Repealed	17:21 VA.R. 3037	8/1/01
9 VAC 20-130-90	Amended	17:21 VA.R. 3037	8/1/01
9 VAC 20-130-110 through 9 VAC 20-130-150	Amended	17:21 VA.R. 3037-3040	8/1/01
9 VAC 20-130-160	Repealed	17:21 VA.R. 3040	8/1/01
9 VAC 20-130-165	Added	17:21 VA.R. 3040	8/1/01
9 VAC 20-130-170	Repealed	17:21 VA.R. 3040	8/1/01
9 VAC 20-130-175	Added	17:21 VA.R. 3040	8/1/01
9 VAC 20-130-180	Amended	17:21 VA.R. 3041	8/1/01
9 VAC 20-130-190	Amended	17:21 VA.R. 3041	8/1/01
9 VAC 20-130-220	Amended	17:21 VA.R. 3041	8/1/01
9 VAC 20-130-230	Amended	17:21 VA.R. 3041	8/1/01
9 VAC 20-130-240	Repealed	17:21 VA.R. 3041	8/1/01
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

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
9 VAC 25-110-70	Amended	17:21 VA.R. 3044	8/1/01
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 25-192-50	Amended	17:21 VA.R. 3044	8/1/01
9 VAC 25-192-60	Amended	17:21 VA.R. 3045	8/1/01
9 VAC 25-210-10	Amended	17:21 VA.R. 3049	8/1/01
9 VAC 25-210-20	Repealed	17:21 VA.R. 3052	8/1/01
9 VAC 25-210-30	Repealed	17:21 VA.R. 3052	8/1/01
9 VAC 25-210-40	Repealed	17:21 VA.R. 3052	8/1/01
9 VAC 25-210-45	Added	17:21 VA.R. 3052	8/1/01
9 VAC 25-210-50 through 9 VAC 25-210-110	Amended	17:21 VA.R. 3052-3063	8/1/01
9 VAC 25-210-115	Added	17:21 VA.R. 3063	8/1/01
9 VAC 25-210-120 through 9 VAC 25-210-180	Amended	17:21 VA.R. 3064-3067	8/1/01
9 VAC 25-210-185	Added	17:21 VA.R. 3067	8/1/01
9 VAC 25-210-190 through 9 VAC 25-210-260	Amended	17:21 VA.R. 3067-3069	8/1/01
9 VAC 25-260-50	Amended	17:16 VA.R. 2381	*
9 VAC 25-260-55	Added	17:16 VA.R. 2381	*
9 VAC 25-660-10 through 9 VAC 25-660-100	Added	17:22 VA.R. 3316-3327	10/1/01
9 VAC 25-670-10 through 9 VAC 25-670-100	Added	17:22 VA.R. 3328-3344	10/1/01
9 VAC 25-680-10 through 9 VAC 25-680-100	Added	17:21 VA.R. 3070-3087	8/1/01
9 VAC 25-690-10 through 9 VAC 25-690-100	Added	17:21 VA.R. 3088-3107	8/1/01
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-10-10	Amended	17:22 VA.R. 3345	7/1/01
10 VAC 5-20-30	Amended	17:22 VA.R. 3346	6/27/01
<b>Title 11. Gaming</b>			
11 VAC 10-60 (Forms)	Amended	17:15 VA.R. 2259	--
11 VAC 10-130-10	Amended	17:19 VA.R. 2736	5/7/01
11 VAC 10-130-60	Amended	17:19 VA.R. 2736	5/7/01
11 VAC 10-130-70	Amended	17:19 VA.R. 2737	5/7/01
<b>Title 12. Health</b>			
12 VAC 30-10-20	Amended	17:19 VA.R. 2737	8/2/01
12 VAC 30-10-160	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-10-1000	Added	17:19 VA.R. 2741	7/4/01
12 VAC 30-20-80	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-20-290 through 12 VAC 30-20-490	Added	17:19 VA.R. 2741	7/4/01
12 VAC 30-20-500 through 12 VAC 30-20-560	Added	17:19 VA.R. 2741	7/4/01
12 VAC 30-30-10	Amended	17:13 VA.R. 2077	4/11/01

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

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-30-10	Amended	17:19 VA.R. 2737	8/2/01
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 30-40-220	Erratum	17:21 VA.R. 3124	--
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 30-70-140	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-141	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-142	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-143	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-144	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-145	Repealed	17:19 VA.R. 2741	7/4/01
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
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

\*\* 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 30-90-130	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-90-131	Repealed	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-131	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-90-132	Repealed	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-132	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-90-133	Repealed	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-133	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-90-135	Repealed	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-135	Repealed	17:19 VA.R. 2741	7/4/01
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

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 35-110-10 et seq.	Repealed	17:20 VA.R. 2891	7/18/01
12 VAC 35-115-10 through 12 VAC 35-115-250	Added	17:20 VA.R. 2892-2920	7/18/01
12 VAC 35-120-10 et seq.	Repealed	17:20 VA.R. 2920	7/18/01
12 VAC 30-120-700 through 12 VAC 30-120-790	Added	17:18 VA.R. 2597-2622	7/1/01
12 VAC 30-120-770	Erratum	17:21 VA.R. 3124	--
12 VAC 35-130-10 et seq.	Repealed	17:20 VA.R. 2920	7/18/01
12 VAC 35-115-50	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-70	Erratum	17:22 VA.R. 3371	--
<b>Title 13. Housing</b>			
13 VAC 10-40-30	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-110	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-130	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-190	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-230	Amended	17:22 VA.R. 3347	6/20/01
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
<b>Title 14. Insurance</b>			
14 VAC 5-215 (Forms)	Amended	17:19 VA.R. 2753-2758	7/4/01
14 VAC 5-300-90	Amended	17:22 VA.R. 3347	8/1/01
14 VAC 5-300-130	Amended	17:16 VA.R. 2382	5/1/01
<b>Title 17. Libraries and Cultural Resources</b>			
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
<b>Title 18. Professional and Occupational Licensing</b>			
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 30-10-10	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-20	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-30	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-40	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-60	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-70	Amended	17:20 VA.R. 2921	7/18/01

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 30-10-80	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-100	Amended	17:20 VA.R. 2921	7/18/01
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 50-22-10 through 18 VAC 50-22-60	Amended	17:21 VA.R. 3108-3113	9/1/01
18 VAC 50-22-80	Amended	17:21 VA.R. 3113	9/1/01
18 VAC 50-22-100 through 18 VAC 50-22-270	Amended	17:21 VA.R. 3113-3115	9/1/01
18 VAC 65-10-10	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-20	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-30	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-40	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-60	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-70	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-80	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-100	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-10	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-20	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-30	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-40	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-60	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-70	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-80	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-100	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-40-61	Added	17:13 VA.R. 2097	4/11/01
18 VAC 85-50-10	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-50-58	Added	17:13 VA.R. 2098	4/11/01
18 VAC 85-50-101	Amended	17:21 VA.R. 3117	8/1/01
18 VAC 85-50-130	Amended	17:21 VA.R. 3117	8/1/01
18 VAC 85-50-140	Amended	17:21 VA.R. 3117	8/1/01
18 VAC 85-50-150	Amended	17:21 VA.R. 3117	8/1/01
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 90-10-10	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-20	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-30	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-40	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-60	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-70	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-80	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-100	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-20-210	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-30-50	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 90-30-110	Amended	17:13 VA.R. 2098	4/11/01
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 110-10-10	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-20	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-30	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-40	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-60	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-70	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-80	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-100	Amended	17:21 VA.R. 3118	8/1/01
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 140-10-10	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-20	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-30	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-40	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-60	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-70	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-80	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-100	Amended	17:21 VA.R. 3118	8/1/01
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
<b>Title 19. Public Safety</b>			
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

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 20. Public Utilities and Telecommunications</b>			
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
20 VAC 5-312-10 through 20 VAC 5-312-110	Added	17:22 VA.R. 3351-3364	8/1/01
<b>Title 21. Securities and Retail Franchising</b>			
21 VAC 5-10 (Forms)	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-10	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-30	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-40	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-60 through 21 VAC 5-20-80	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-85	Added	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-90	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-120	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-130	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-155	Added	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-220	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-240	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-280	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-290	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-30-30	Repealed	17:20 VA.R. 2931	7/1/01
21 VAC 5-30-60	Repealed	17:20 VA.R. 2931	7/1/01
21 VAC 5-30-80	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-30-90	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-10	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-30 through 21 VAC 5-80-70	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-90 through 21 VAC 5-80-110	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-160	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-200	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-210	Amended	17:20 VA.R. 2931	7/1/01
<b>Title 22. Social Services</b>			
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
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 40-690-55	Erratum	17:21 VA.R. 3124	--
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

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## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 24. Transportation and Motor Vehicles</b>			
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

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## 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 20-360-10 et seq. Rules Governing General Educational Development Certificates.** The Regulations Governing General Educational Development (GED) Certificates were last amended in 1980. Since that time, the American Council on Education, which has oversight of GED testing, has established new requirements for the program that are not reflected in the current regulations. Additionally, the Code of Virginia has been amended to include new GED programs for 16-year olds. The purpose of the proposed action is to amend the regulation to ensure the integrity of the GED credential and align it with the Code of Virginia by adding requirements that reflect current program practice. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 22.1-223 of the Code of Virginia.

Public comments may be submitted until August 2, 2001.

**Contact:** Dr. Yvonne Thayer, Director, Adult Education Programs, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2293.

VA.R. Doc. No. R01-219; Filed June 11, 2001, 11:45 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 20-440-10 et seq. Regulations Governing the Employment of Professional Personnel.** The purpose of the proposed action is to (i) examine the definition of "breach of contract" and to add to the definitions "Extracurricular Activity Sponsorship Contract" and (ii) consider the advisability of removing the reference to the suspension of teachers' licenses based on breach of contract. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 22.1-302 of the Code of Virginia.

Public comments may be submitted until August 29, 2001.

**Contact:** Dr. Thomas Elliott, Assistant Superintendent, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 371-2522 or FAX (804) 225-2524.

VA.R. Doc. No. R01-254; Filed July 6, 2001, 12:15 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 State Board of Education intends to consider promulgating regulations entitled: **8 VAC 20-650-10 et seq. Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Program.** The purpose of the proposed action is to collect the supply and demand information from school divisions and provide a reasonable and scientific procedure to identify critical teacher shortage areas in Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 22.1-290.1 of the Code of Virginia.

Public comments may be submitted until August 29, 2001.

**Contact:** Dr. Thomas Elliott, Assistant Superintendent, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 371-2522 or FAX (804) 225-2524.

VA.R. Doc. No. R01-245; Filed July 6, 2001, 12:15 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 State Board of Education intends to consider promulgating regulations entitled: **8 VAC 20-660-10 et seq. Regulations Governing Reenrollment Plans.** The purpose of the proposed action is to (i) identify and define the roles and responsibilities of the participants in the implementation of the reenrollment plan; (ii) identify the components required in the plan; and (iii) provide for consistency in the curricula, standards and policies between required educational programs. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 22.1-17 and 22.1-343 of the Code of Virginia.

Public comments may be submitted until August 29, 2001.

**Contact:** Lanette Brailey, Specialist, Special Education Programs, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 786-0308 or FAX (804) 225-2524.

VA.R. Doc. No. R01-246; Filed July 6, 2001, 12:15 p.m.

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## 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

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# Notices of Intended Regulatory Action

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intends to consider amending regulations entitled: **9 VAC 20-110-10 et seq. Regulations Governing the Transportation of Hazardous Materials.** The purpose of the proposed action is to revise definitions as necessary for consistency with federal regulations; update references to cite current federal regulations; remove obsolete sections and revise, as necessary, requirements for registration of shippers. The agency intends to hold a public hearing on the proposed regulation after publication. (More detailed information on this regulatory action may be found in 17:22 VA.R. 3160 July 16, 2001.)

Statutory Authority: §§ 10.1-1402 and 10.1-1450 of the Code of Virginia.

Public comments may be submitted until August 28, 2001.

**Contact:** Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238 or FAX (804) 698-4327.

VA.R. Doc. No. R01-231; Filed June 21, 2001, 11:38 a.m.

## STATE WATER 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 State Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-71-10 et seq. Regulations Governing the Discharge of Sewage and Other Waste from Boats** and repealing **9 VAC 25-70-10 et seq., Regulation No. 5 - Control of Pollution from Boats** and **9 VAC 25-730-10 et seq., Smith Mountain Lake No-Discharge Zone.** The purpose of the action is to provide a state regulation to address discharges of sewage and other wastes (decayed wood, sawdust, oil, etc.) from boats, especially with regard to implementation of no discharge zones. The agency intends to hold a public hearing on the proposed regulations after publication.

Statutory Authority: § 62.1-44.33 of the Code of Virginia.

Public comments may be submitted until August 10, 2001.

**Contact:** Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032 or e-mail [mbgregory@deq.state.va.us](mailto:mbgregory@deq.state.va.us).

VA.R. Doc. No. R01-220; Filed June 11, 2001, 8:37 a.m.

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## TITLE 17. LIBRARIES AND CULTURAL RESOURCES

### DEPARTMENT OF HISTORIC RESOURCES

#### 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 Historic Resources intends to consider promulgating regulations entitled: **17 VAC**

**10-30-10 et seq. Historic Rehabilitation Tax Credits.** The purpose of the proposed action is to implement the Historic Rehabilitation Tax Credit program. The regulations will provide clear guidance to Virginia taxpayers about eligibility for the program, application requirements and procedures, review standards, appeal procedures, and coordination with the federal Certified Historic Rehabilitation program. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 10.1-2202 of the Code of Virginia.

Public comments may be submitted until September 14, 2001.

**Contact:** Virginia E. McConnell, Resource Services Coordinator, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323 or FAX (804) 367-2391.

VA.R. Doc. No. R01-230; Filed June 25, 2001, 9:12 a.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### VIRGINIA BOARD FOR ASBESTOS AND LEAD

#### 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 Board for Asbestos and Lead intends to consider promulgating regulations entitled: **18 VAC 15-40-10 et seq. Virginia Board for Asbestos, Lead and Home Inspectors, Certified Home Inspectors Regulations.** The 2001 Session of the Virginia General Assembly by House Bill 2174 created a regulatory program to administer certified home inspectors. The board seeks public comment on all areas of possible regulation with emphasis on the following areas: definitions of terms to be used in the regulations; entry standards for those seeking to practice as a certified home inspector; renewal standards for regulants; standards of practice and conduct; and grounds for disciplinary action against regulants. House Bill 2174 mandates the adoption of final regulations on or before July 1, 2003. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-501 of the Code of Virginia.

Public comments may be submitted until August 3, 2001.

**Contact:** Christine Martine, Acting Assistant Director, Virginia Board for Asbestos and Lead, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R01-222; Filed June 12, 2001, 11:25 a.m.

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# Notices of Intended Regulatory Action

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## AUCTIONEERS 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 Auctioneers Board intends to consider amending regulations entitled: **18 VAC 25-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to amend the regulations to allow the board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Other changes which may be necessary will be considered. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-602 of the Code of Virginia.

Public comments may be submitted until August 1, 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. R01-226; Filed June 13, 2001, 11:36 a.m.

## BOARD FOR BARBERS AND COSMETOLOGY

### 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 for Barbers and Cosmetology intends to consider repealing regulations entitled: **18 VAC 40-10-10 et seq. Board for Barbers Public Participation Guidelines, and 18 VAC 55-10-10 et seq. Board for Cosmetology Public Participation Guidelines**; and promulgating regulations entitled: **18 VAC 41-10-10 et seq. Board for Barbers and Cosmetology Public Participation Guidelines**. The purpose of the proposed action is to repeal existing individual guidelines for the Board of Barbers and the Board of Cosmetology governing public participation and promulgating one new regulation for the Board of Barbers and Cosmetology Public Participation Guidelines in order to (i) ensure that the board is meeting its statutory mandate without burdensome requirements, and (ii) comply with § 54.1-706 of the Code of Virginia, which provides that the regulations of the Board for Barbers and the Board for Cosmetology in effect on June 13, 2000, shall remain in effect until July 1, 2002, or until the Board for Barbers and Cosmetology adopts new regulations, whichever occurs first. The agency intends to hold a public hearing on the proposed regulations after publication.

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

Public comments may be submitted until August 31, 2001.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785 or FAX (804) 367-2474.

VA.R. Doc. Nos. R01-236, R01-238, R01-240; Filed June 27, 2001, 10:57 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 Board for Barbers and Cosmetology intends to consider repealing regulations entitled: **18 VAC 40-20-10 et seq. Board for Barbers Rules and Regulations, and 18 VAC 55-22-10 et seq. Board for Cosmetology Rules and Regulations**; and promulgating regulations entitled: **18 VAC 41-30-10 et seq. Board for Barbers and Cosmetology Rules and Regulations**. The purpose of the proposed action is to repeal existing individual regulations for the Board for Barbers and the Board for Cosmetology governing licensure and practice, and promulgate one new regulation for the Board of Barbers and Cosmetology governing licensure and practice as directed by § 54.1-706 of the Code of Virginia, to (i) sub-regulate the licensure and practice of waxing and haircutting; (ii) provide for and ensure that health and sanitary standards and safety are adequate in shops, salons, schools and other facilities where barbering and cosmetology are practiced; (iii) review regulatory provisions for the purpose of assuring that the board is meeting its statutory mandate to ensure minimal competence of all licensees without burdensome requirements; and (iv) provide for a fee increase for regulants that is adequate to support the costs of board operations and a proportionate share of the department's operations. The agency intends to hold a public hearing on the proposed regulations after publication.

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

Public comments may be submitted until August 31, 2001.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785 or FAX (804) 367-2474.

VA.R. Doc. Nos. R01-237, R01-239, R01-241; Filed June 27, 2001, 10:57 a.m.

## BOARD FOR BRANCH PILOTS

### 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 for Branch Pilots intends to consider amending regulations entitled: **18 VAC 45-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to amend the regulations to allow the board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Other changes which may be necessary will be considered. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-902 of the Code of Virginia.

Public comments may be submitted until August 1, 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. R01-227; Filed June 13, 2001, 11:37 a.m.

## BOARD FOR CONTRACTORS

### 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 for Contractors intends to consider amending regulations entitled: **18 VAC 50-22-10 et seq. Board for Contractor Regulations**; and **18 VAC 50-30-10 et seq. Tradesman Rules and Regulations**. The purpose of the proposed action is to adjust the licensing fees for contractors and tradesmen regulated by the Board for Contractors. The board is mandated by statute to establish fees adequate to support the costs of board operations as well as proportionate department operations. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until August 3, 2001.

**Contact:** David E. Dick, Contractor Board Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R01-221; Filed June 12, 2001, 11:25 a.m.

## BOARD FOR HEARING AID SPECIALISTS

### † 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 for Hearing Aid Specialists intends to consider amending regulations entitled: **18 VAC 80-20-10 et seq. Board for Hearing Aid Specialists Rules and Regulations**. The purpose of the proposed action is to clarify entry requirements for licensure, modify the procedures and provisions regarding renewal and reinstatement, and ensure that the standards of practice and conduct meet all current laws and statutes. The board proposes to review several provisions of its regulations and simplify them so that the board is meeting its statutory mandate to ensure minimal competence of all licensees without burdensome requirements. The agency intends to hold a public hearing on the proposed regulations after publication.

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

Public comments may be submitted until September 7, 2001.

**Contact:** David E. Dick, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R01-244; Filed July 1, 2001, 11:13 a.m.

## REAL ESTATE 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 Board intends to

consider amending regulations entitled: **18 VAC 135-20-10 et seq. Virginia Real Estate Board Licensing Regulations**. The purpose of the proposed action is to make general clarifying changes, incorporate regulations regarding Internet advertising; review fees for compliance with the Callahan Act and make other changes which may result from the review. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2105 of the Code of Virginia.

Public comments may be submitted until August 16, 2001.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537 or FAX (804) 367-2475.

VA.R. Doc. No. R01-232; Filed June 18, 2001, 11:54 a.m.



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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 16. LABOR AND EMPLOYMENT

### VIRGINIA EMPLOYMENT COMMISSION

Title of Regulation: **Regulation Governing Unemployment Benefits.**

**16 VAC 5-10-10 et seq. Definitions and General Provisions (amending 16 VAC 5-10-10, 16 VAC 5-10-20, and 16 VAC 5-10-30; adding 16 VAC 5-10-21 and 16 VAC 5-10-22).**

**16 VAC 5-60-10 et seq. Benefits (amending 16 VAC 5-60-10, 16 VAC 5-60-20, and 16 VAC 5-60-40).**

**16 VAC 5-70-10 et seq. Interstate and Multistate Claimants (amending 16 VAC 5-70-10 and 16 VAC 5-70-20).**

**16 VAC 5-80-10 et seq. Adjudication (amending 16 VAC 5-80-10, 16 VAC 5-80-20, 16 VAC 5-80-30, and 16 VAC 5-80-40).**

Statutory Authority: § 60.2-111 of the Code of Virginia.

Public Hearing Date: September 17, 2001 - 1 p.m.

Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

Agency Contact: Lynnette H. Coughlin, Regulatory Coordinator, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218, telephone (804) 786-1070 or FAX (804) 225-3923.

Basis: The Virginia Employment Commission (VEC) is authorized to promulgate regulations in § 60.2-111 A of the Code of Virginia in order to administer the unemployment insurance program. This section provides broad-based authority for the commission to "adopt, amend, or rescind such rules and regulations...as it deems suitable to that end."

Purpose: While the amendments are not essential to protect the health, safety, or welfare of the citizens of the Commonwealth, they are intended to make the unemployment claims and appeals processes more efficient for citizens, employers, and the agency. Currently, individuals must travel to the nearest VEC office in order to file a claim for unemployment insurance. The amendments pave the way to allow such claims to be filed via telephone or the Internet, thus eliminating travel time and expenses. Similarly, by taking unemployment claims via the telephone and Internet, VEC will achieve economies of scale by concentrating intake staff in regional call centers rather than having intake staff at each of 39 field offices. Filing appeals via the Internet or facsimile will reduce postage costs and speed the appeal process by reducing time in transit. Conducting appeals via telephone will reduce travel time and will allow the VEC to use its staff resources more efficiently by using that time to conduct

hearings rather than traveling. The amendments also further the goals established by Executive Order 65(00), Part 2 B.

The administrative funding the VEC receives from the federal government decreases as the economy improves. However, the agency's need to maintain job services and intake staff remains fairly constant if the agency is to render a consistent level of service and be prepared to respond to local economic downturns as well as an overall economic decline. By allowing the VEC to locate many of its employees at regional centers to take claims via the telephone and Internet, the agency will be better positioned to dedicate its human resources to the greatest areas of need. This method also allows the agency greater flexibility to assign human resources in the event of a significant economic downturn.

The amendments are intended to reduce travel time and expenses for clients, employers, witnesses and the agency. The amendments are also intended to allow the agency to concentrate resources to respond more rapidly and efficiently to local economic downturns than is possible by maintaining separate intake staff at each unemployment insurance field office.

Substance: The proposed amendments make the following changes:

1. Definitions in 16 VAC 5-10-10 have been altered to reflect changes proposed for the agency's other regulations. The definitions remove references to "full service unemployment insurance office" because the agency is proposing that most claims for unemployment insurance be made via telephone and the Internet. A definition of "field office" is included as a replacement for such full service offices. A definition of "ex parte communication" is included to support a prohibition on such communications in 16 VAC 5-80. A change in the name of the Interstate Conference of Employment Security Agencies is reflected in the definition of "Interstate Benefits Plan." The definition of "job service office" has been eliminated because such offices are now included in the proposed definition of "field office." A definition of "liable employer" has been added to reflect a change in 16 VAC 5-80-10 making reference to the liable employer rather than the "last 30-day employing unit" in order to provide more detail on the circumstances in which employers may be determined liable. A definition of "regional adjudication center" has been added to support the agency's proposal to centralize adjudication staff. Finally, the definition of "unemployment insurance office" has been deleted in recognition of the proposal to take most unemployment claims via telephone or the Internet.

2. The agency's public participation guidelines established in 16 VAC 5-10-20 have been amended to recognize the statutory changes eliminating the Employment Commission's Advisory Board. The changes also establish that regulatory proposals will be published on the agency's

Internet site and on the Virginia Regulatory Town Hall. The requirement to publish notice in a Richmond newspaper is deleted, recognizing that this publication is no longer required by the Administrative Process Act (APA). A policy for the use of ad hoc advisory committees was included as required by the APA. Instead of requiring public hearings, the regulations provide that hearings may be held. Provisions have been added to specify the means to register an interest in the commission's regulations in order to receive notices of proposals.

3. 16 VAC 5-10-30 has been amended to remove a specific list of agency participants in the regulatory review process, as such internal agency matters are exempt from the APA. The proposal would require the agency to review its regulations every three years as required by current executive order.

4. Amendments in 16 VAC 5-60-10 increase the allowable methods of filing claims to include telephone and Internet filing. The amendments also provide that when telephone claim filing is available, it shall become the preferred method for filing claims. The time allotted to employers to complete information forms regarding claims is increased from five to eight calendar days. Changes allow employers to avoid filing individual reports in cases of mass separation if they provide a list of employees affected. This change also encourages reporting as soon as the details of the separation are known. Amendments specify the procedure for claimants to cancel claims for benefits. A change deletes language allowing individuals to report to unemployment offices other than where the claim is filed because claims will be filed via telephone and Internet. Language is proposed to specify the date of filing for claims filed by mail. Amendments reduce the percentage of area unemployment from 20% to 15% in order for claimants to qualify for reduced work search requirements.

5. A portion of 16 VAC 5-60-10 dealing with labor disputes is proposed for deletion. The paragraph deleted is obsolete and has been replaced by several pages of instructions in the VEC's field manual. In most instances, individuals engaged in a labor dispute are ineligible for unemployment benefits. The cases in which a labor dispute may cause unemployment through no fault of the claimant are infrequent and complicated. For this reason, the agency views these cases as better handled on an individual basis using applicable case law rather than by generally applicable regulation.

6. The amendments to the catch line for 16 VAC 5-60-40 change the reference "Job Training Partnership Act" to "Workforce Investment Act."

7. 16 VAC 5-70-10 is amended to specify that interstate claims be submitted by mail or other means as specified by the commission in order to allow for telephone and Internet filing.

8. 16 VAC 5-70-20 specifies a procedure for canceling combined-wage claims.

9. An amendment to 16 VAC 5-80-10 substitutes the term "liable employer" for "last 30 day employing unit." This change is also made in 16 VAC 5-80-20.

10. Amendments to 16 VAC 5-80-20 expand the means for filing appeals to include facsimile transmission and Internet filing. The amendments also specify that in most situations, hearings will be conducted by telephone, but provide that parties may request to appear in person. A requirement is added that notice of hearings be mailed at least 10 days in advance of the hearing. The commission is permitted to call a hearing to receive evidence with respect to a request to reopen a case. In addition, amendments delineate the filing date for appeals lacking a postmark and state a time limit for requests to rescind a withdrawal of an appeal. Amendments permit parties to request that documents be admitted, provided that they are relevant to the issues in dispute. Amendments describe the process for challenging the impartiality of the hearing officer.

11. Amendments to 16 VAC 5-80-30 specify means for filing an appeal to the commission. Amendments provide that commission level hearings shall be conducted in the agency's Richmond office unless otherwise agreed upon, and that all parties have the right to submit a written argument in lieu of participating in an oral argument hearing. A transcript of the appeals examiner's hearing will be provided to parties upon request for a commission level hearing. The amendments also specify the means to challenge the hearing officer if a party believes that the adjudicator is biased or has a conflict of interest.

12. A provision is added to 16 VAC 5-80-40 to prohibit parties to a case from contacting the adjudicator to discuss the case without written notice to other parties and the opportunity to respond. Amendments address the commission's approval of attorney fees, codifying current practice. One change to current practice is contained that would allow the commission to award interim fees in limited cases.

Issues: The primary advantages and disadvantages of the regulations are as follows:

1. The primary advantages to the public are the elimination of travel time and expense in order to file a claim for unemployment benefits or to appeal a commission decision. For businesses and witnesses involved in adjudication, the regulation will allow them to participate in hearings with greater convenience. Another advantage to parties to appeals is that greater convenience for those testifying will result in more cases being decided on the best information available and on the merits of the case and fewer cases being decided by default when one of the parties fails to appear.

Some individuals may feel that telephone hearings may not provide the hearing officer with the ability to evaluate the demeanor of witnesses who testify to determine their credibility. However, witness demeanor is the least reliable of all credibility factors. The hearing officer will be better able to focus on the more reliable credibility factors such as inconsistent prior statements and the manner in which witnesses and parties answer questions.

In addition, there may be some concern that with telephone adjudication, the appellant may not have the same opportunity to confront witnesses. However, this issue has

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## Proposed Regulations

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been raised and rejected by the courts on the basis that a physical confrontation is not necessary in a quasi-judicial setting such as an administrative hearing. Parties to hearings will still be able to hear others' testimony contemporaneously and to respond to that testimony.

2. The primary advantage to the agency and the Commonwealth is that the regulations will allow the agency greater flexibility to assign human resources to areas of greatest need and to address significant local economic events without having to physically relocate staff. In addition the regulations will allow the agency to take advantage of economies of scale in order to use existing resources in the event of a significant economic downturn.

There are no disadvantages to the agency or the Commonwealth.

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 Virginia Employment Commission (VEC) proposes several amendments to these regulations. The proposed changes that may affect the public include: (i) the awarding of interim legal fees, (ii) allowing initial unemployment benefit claims be filed via telephone or Internet, (iii) fax and Internet added as methods for filing an appeal to a deputy's determination or an appeals examiner's decision, (iv) hearings held via telephone conference call instead of in person, (v) a lower unemployment rate threshold used to designate a geographic area as an "area of high unemployment," and (vi) a change in the required time period that unemployment be above the threshold rate in order for an area to be deemed an "area of high unemployment."

Estimated economic impact. Pursuant to § 60.2-123 of the Code of Virginia, an attorney representing a claimant before an officer of VEC may not charge a fee unless approved by VEC. Under the current regulations, legal fees may not be awarded until all appeals are exhausted. The agency proposes to allow that limited interim legal fees be awarded prior to the exhaustion of all appeals. This is a positive change. The legal work is not on a contingent basis. Reducing the probability that legal payments will be delayed well into the future may encourage more lawyers to offer their services in unemployment benefit disputes; thus, individuals may be more likely to find affordable legal representation. The proposed regulations still allow for an agreement between an attorney and a claimant to delay payment of fees until all appeals are exhausted if they so wish.

Under the current regulations, individuals must file their initial unemployment benefit claims in person at a VEC field office. In the proposed regulations, "an initial claim may be filed in-person at a field office, or at the discretion of the commission (VEC), by telephone or Internet." This proposed change is clearly beneficial for the public. At the discretion of VEC, individuals will have the opportunity to save on the time and transportation costs of traveling to a VEC field office to file an initial unemployment benefit claim in person, by instead filing via telephone or the Internet. According to this proposed provision, persons may continue to file in-person if they so desire.

The proposed regulation further states that "upon implementation of a telephonic claims process, the in-person filing claims shall be discontinued except where circumstances preclude the filing of claims by any other method." Using federal dollars, VEC plans to establish regional call centers to handle most initial claims either via phone or Internet. This language does provide that for situations such as when phone service is unavailable due to ice storms, etc., in-person filing will still be permitted. The proposal to phase out in-person filing seems to be a reasonable way for VEC to more efficiently use their employees to handle initial claims without forbidding in-person filing under extraordinary circumstances.

Under the current regulations, filing an appeal to a deputy's determination or an appeals examiner's decision may only take place in person. VEC proposes to add fax and the Internet as permissible methods of filing appeals. The proposed additional methods will allow for faster filing and will potentially eliminate the time and transportation costs associated with travel to file in person.

Hearings take place at the local VEC field office or, at the discretion of the agency, at some other location, under the current regulations. VEC proposes that all hearings be conducted via telephone conference call, unless circumstances make this method infeasible. Conducting hearings via telephone conference call instead of in person will eliminate or reduce the time and transportation costs associated with travelling for in-person hearings. According to VEC, it has not been rare for parties to win hearings due to the failure of the other party to show up at the hearing. By eliminating the time and transportation costs associated with in-person hearings, this proposed change will likely increase the frequency that both parties participate in hearings; decisions would then more frequently be based on available evidence rather than attendance.

In order to meet benefit eligibility requirements, unemployment benefit claimants "... must make an active search for work by contacting prospective employers in an effort to find work during each week..." benefits are claimed. In an "area of high unemployment," the required number of employer contacts required to maintain benefit eligibility is reduced. Under the current regulations, an "area of high unemployment" is defined as a "... geographic area of Virginia, including all cities and counties served by a particular full service unemployment insurance (field) office, where the average unemployment rate as determined by the commission (VEC) has been 10% or more during the first four

of the last five completed calendar quarters." The agency proposes to amend the definition so that the unemployment rate would only need to be 10% or more during the first of the last two completed calendar quarters in order for the area to qualify as an "area of high unemployment." This proposed change would increase the rapidity and frequency that an area would be defined as an "area of high unemployment," and thus reduce the required number of job contacts necessary to receive unemployment benefits for claimants within the area.

VEC also proposes to lower the unemployment rate threshold for waiving the job contact requirement. Under the current regulations, claimants in areas with an unemployment rate ranging between 10% and 19.9% must make one job contact with an employer each week; while, claimants in areas with an unemployment rate of 20% or more are exempted from the job contact requirement. Claimants residing in areas not deemed an "area of high unemployment" must make at least two job contacts per week. The agency proposes to lower the unemployment rate threshold where claimants are exempted from making a job contact for benefit eligibility from 20% to 15%. Clearly, this proposed change has the potential to increase the frequency that claimants are exempted from making job contacts. The proposed changes to the number of quarters where the unemployment rate must be above 10% for an area to be defined as an "area of high unemployment," and to the unemployment rate threshold above which the claimant is exempted from job contacts are both moderately beneficial to affected claimants.

Businesses and entities affected. The proposed amendments will affect the approximately 251,000 unemployment benefit claimants, as well as the 10,000 to 12,000 employers and individuals who are participants in unemployment hearings that VEC serves each year. The proposed changes will also affect labor attorneys.

Localities particularly affected. The proposed changes will potentially affect all Virginia localities.

Projected impact on employment. VEC plans to establish regional call centers in order to serve unemployment benefit claimants more efficiently. The agency anticipates adequately serving claimants with fewer staff through the use of the call centers. VEC expects that an unspecified reduction in staff will be met through attrition.

The proposal to allow the awarding of interim legal fees may enable more lawyers to profitably offer their services in unemployment benefit disputes. By reducing the probability that legal payments will be delayed well into the future, attorneys may consider their net present costs to be lower. This may result in an increase in the hiring of lawyers by unemployment claimants in disputed cases.

Effects on the use and value of private property. The proposal to allow the awarding of interim legal fees may enable more lawyers to profitably offer their services in unemployment benefit disputes.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Virginia Employment Commission concurs with the Department of

Planning and Budget's economic impact analysis for the proposed regulations.

Summary:

*The proposed amendments establish the regulatory framework to allow filing for benefits via telephone and the Internet and for conducting adjudication via the telephone. In addition, the amendments conform existing regulations to changes in state and federal law and to changes in federal and commission policy that have been adopted since the last amendments made in 1994.*

**16 VAC 5-10-10. Definitions.**

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

"Act" means the Virginia Unemployment Compensation Act as set out in Title 60.2 (§ 60.2-100 et seq.) of the Code of Virginia.

"Additional claim" means a claim for unemployment compensation benefits filed within an existing benefit year by a claimant who has had an intervening period of employment since filing a prior claim.

~~"Agent state" means any state in which an individual files a claim for benefits from another state.~~

"Agency" means any officer, board, commission or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction.

~~"Agent state" means any state in which an individual files a claim for benefits from another state.~~

~~"Area of high unemployment" means that geographic area of Virginia, including all cities and counties served by a particular full-service unemployment insurance field office, where the average unemployment rate as determined by the commission has been 10% or more during the first four of the last five two completed calendar quarters. A full-service unemployment insurance office is any office offering tax, benefits and adjudicatory services.~~

"Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment insurance law of any state or under any federal program in which such compensation is payable in accordance with applicable state law.

"Cash value of remuneration" means the value of rent, housing, lodging, board, or any other payment in kind, in addition to or in lieu of money wages, as agreed upon by the employing unit and the worker at the time of entering into the contract of hire or thereafter. If there is no such agreement, the value thereof shall be an amount equal to a fair estimate of what the worker would, according to his custom and station, pay for similar goods, services, or accommodations in the same community at premises other than those provided by the employing unit.

"Combined-wage claimant" means a claimant who has covered wages under the unemployment compensation law of

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## Proposed Regulations

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more than one state and who has filed a claim under the Interstate Arrangement for Combining Employment and Wages.

"Commission" means the Virginia Employment Commission as defined in § 60.2-108 of the Code of Virginia.

"Continued claim" means a request for the payment of unemployment compensation benefits which is made after the filing of an initial claim.

"Days" means consecutive calendar days unless the use of the term in this chapter specifies otherwise.

"Ex parte communication" means any communication with the presiding appeals examiner or special examiner, regardless of the medium, not in the agency's record regarding substantive, procedural or other matters that could be reasonably expected to influence the outcome of the case or case decision pending before the agency and for which reasonable notice to all parties is not given at the time of the communication. "Parties" shall include claimants and any employers or employing units that have a direct interest in the outcome of the pending case.

"Field office" means an office of the commission, which may include one-stop centers, job information, referral services, and unemployment insurance services.

"Initial claim" means any new, additional, or reopened claim for unemployment compensation benefits.

"In-person hearing" means a hearing where the parties, witnesses and representatives personally appear before the appeals examiner or special examiner.

"Interested jurisdiction" means any participating jurisdiction to which an election submitted under 16 VAC 5-50-10 et seq. is sent for its approval and "interested agency" means the agency of such jurisdiction.

"Interstate Benefit Payment Plan" means the plan approved by the ~~Interstate Conference of Employment Security~~ National Association of State Workforce Agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

"Interstate claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the commission finds that this exclusion would create undue hardship on such claimants in specified areas.

~~"Interested jurisdiction" means any participating jurisdiction to which an election submitted under 16 VAC 5-50-10 et seq. is sent for its approval and "interested agency" means the agency of such jurisdiction.~~

~~"Job service office" means an office of the commission providing job information and referral services.~~

"Jurisdiction" means any state of the United States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

"Liable employer" means the employing unit for whom a claimant last worked during 30 days, whether or not such days were consecutive, or for 240 hours prior to filing an initial, additional or reopened claim for benefits.

"Liable state" means any state against which an individual files, through another state, a claim for benefits.

"Mass separation" means a separation (permanently, for an expected duration of at least seven days, or for any indefinite period) at or about the same time and for the same reasons (i) of at least 20% of the total number of workers employed in an establishment, or (ii) of at least 50% of the total number of workers employed in any division or department of any establishment, or (iii) notwithstanding any of the foregoing, a separation at or about the same time and for the same reason of 25 or more workers employed in a single establishment.

"New claim" means a claim for unemployment compensation benefits filed in person at ~~an unemployment insurance~~ a field office, or other location designated by the commission, by an individual who does not have an existing benefit year established.

"Notification lists" means lists used by the commission to notify interested parties of regulatory actions pursuant to this chapter. Such lists may include electronic mailing lists maintained through a state website or regular mailing lists maintained by the commission.

"Partially unemployed individual" means an individual who during a particular week (i) had earnings, but less than his weekly benefit amounts, (ii) was employed by a regular employer, and (iii) worked, but less than his normal customary full-time hours for such regular employer because of lack of full-time work.

"Participating jurisdiction" means a jurisdiction whose administrative agency has subscribed to the Interstate Arrangement for Combining Employment and Wages and whose adherence thereto has not terminated.

"Part-total unemployment" means the unemployment of any individual in any week of less than full-time work in which he earns some remuneration (but less than his weekly benefit amount) and during which he is not attached to a regular employer; or, in any week in which he has wages such as holiday or vacation pay which are less than his weekly benefit amount, but where no actual work has been performed regardless of his attachment to a regular employer.

"Paying state" means (i) the state in which a combined-wage claimant files a combined-wage claim, if the claimant qualifies for unemployment benefits in that state on the basis of combined employment and wages, and combining will increase either the weekly benefit amount or the maximum benefit amount, or (ii) if the state in which a combined-wage claimant files a combined-wage claim is not the paying state under the criterion set forth in (i) above, or if the combined-wage claim is filed in Canada or the U.S. Virgin Islands, then the paying state shall be that state where the combined-wage claimant was last employed in covered employment among the states in which the claimant qualifies for unemployment benefits on the basis of combined employment and wages.

"Regional adjudication centers" means a service location designated by the commission as an official station for agency staff who are primarily involved in adjudication of disputed benefit and tax liability issues. A regional adjudication center may be co-located with or incorporated into other agency service locations, including one-stop centers.

"Reopened claim" means the first claim for unemployment compensation benefits filed within an existing benefit year after a break in the claim series caused by any reason other than intervening employment.

"Services customarily performed by an individual in more than one jurisdiction" means services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if such services are required or expected to be performed in more than one jurisdiction under the election.

"Severance and dismissal pay" means, for the purpose of taxation and benefits, all payments made by an employer at or subsequent to an employee's separation, except that payments which are exclusively for services performed prior to separation shall not be treated as severance or dismissal pay. Such payments may be allocated by the employer for any period following separation so long as such allocation is at a weekly rate at least equal to the average weekly wage received by such employee during the last calendar quarter preceding the separation, and will in such cases be deemed to have been paid in those weeks covered by the allocation. If no allocation is made by the employer, such payments will be deemed allocated to the last day of work.

"Split hearing" means an in-person hearing where one or more parties, representatives or witnesses are allowed to participate telephonically.

"State" means one of the United States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

"Telephone hearing" means a hearing where all parties, witnesses and representatives participate before the appeals examiner by way of a telephone conference call.

"Total unemployment" means the unemployment of an individual for any week in which he performs no work and has no wages payable to him, regardless of whether or not he is attached to an employing unit's payroll.

"Transferring state" means a state in which a combined-wage claimant had covered employment and wages in the base period of a paying state, and which transfers such employment and wages to the paying state for its use in determining the benefit rights of such claimant under its law.

~~"Unemployment insurance office" means an office of the commission providing unemployment insurance services.~~

## 16 VAC 5-10-20. Development of regulations.

A. Pursuant to § 9-6.14:7.1 of the Code of Virginia, the commission shall solicit the input of interested parties in the formulation and the development of its rules and regulations. The commission shall receive petitions from any party proposing new regulations or amendment of existing

regulations. All such proposals shall be reviewed by the commission and receive response within 180 days. Formulation and development of all new or amended regulations shall be subject to the following public participation guidelines.

B. Interested parties for the purpose of this chapter shall be:

1. The Governor's Cabinet Secretaries.
2. Members of the Senate Committee on Commerce and Labor.
3. Members of the House Committee on Labor and Commerce.
- ~~4. Members of the State Advisory Board.~~
- ~~5.~~ 4. Special interest groups known to the Virginia Employment Commission.
- ~~6.~~ 5. Any individual or entity ~~requesting submitting a written request to be included as an interested party.~~
- ~~7.~~ 6. Those parties who have expressed an interest in VEC regulations through oral or written comments in the past.

~~C.~~ C. An ad hoc advisory committee will be established to develop regulatory changes upon petition of five or more people during the Notice of Intended Regulatory Action public comment period established pursuant to § 9-6.14:7.1 B of the Code of Virginia. Such ad hoc advisory committee shall be chosen from individuals registering with the agency as interested parties and shall include representatives of business, labor, the bar, and public interest associations.

~~G.~~ D. Prior to the formulation of a proposed regulation, notice of an ~~intent to draft a regulation shall~~ intended regulatory action may appear in a ~~Richmond newspaper and may appear in~~ any newspaper circulated in localities particularly affected by the proposed regulation *and on the commission's web page*. Other media may also be utilized where appropriate, including but not limited to, trade or professional publications. Notice of an ~~intent to draft a regulation~~ intended regulatory action shall also be mailed to all interested parties and shall be posted in all VEC offices across the Commonwealth *and on the Virginia Regulatory Town Hall*. These individuals, groups and the general public shall be invited to submit written data, views, and arguments on the formulation of the proposed regulation to the commission at its administrative office in Richmond, Virginia.

~~D.~~ E. Publication of the intent to draft a regulation, as well as the proposed regulation, shall also appear in the Virginia Register of Regulations *and on the Virginia Regulatory Town Hall*.

~~E.~~ The Virginia Employment Commission intends for the State Advisory Board to participate in all meetings of the agency's Regulatory Review Committee during the process in which regulatory amendments are being formulated. ~~Any proposed amendments shall be submitted to members of the advisory board and to special interest groups and others registering interest in working with the commission. If sufficient interest is expressed to the commission in forming additional advisory groups, the commission will constitute such advisory groups as may be appropriate to solicit a full range of views. These~~

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# Proposed Regulations

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~~groups shall be invited to submit data, views, and arguments regarding the proposed amendments. Any responses to such solicitation shall be considered by the commission in its deliberations.~~

F. Failure of any interested party to receive notice to submit data, views, or oral or written arguments to the commission shall not affect the implementation of any regulation ~~otherwise if such regulation was formulated, developed and adopted pursuant to in compliance with~~ the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

G. The public participation guidelines of this chapter shall not apply to emergency regulations or those regulations excluded or exempted by any section of the Administrative Process Act.

H. During the formal procedures required by the Administrative Process Act and these public participation guidelines, written input will be solicited from interested parties and the general public. At the discretion of the commission, and in accordance with applicable law, one or more public hearings ~~will~~ may be held in Richmond ~~and~~ or at any other location deemed appropriate to ensure adequate public participation.

## **16 VAC 5-10-21. Notification lists.**

A. *The commission shall maintain lists of persons who have requested to be notified of the formation and promulgation of regulations.*

B. *Any person may request to be placed on a notification list by indicating so electronically or in writing to the commission. The commission may also add to a list any person it believes will serve the purpose of enhancing the regulatory process.*

C. *The board may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.*

D. *The board shall periodically request those persons on the notification lists to indicate their desire to either continue to receive documents by regular mail, be notified electronically or be deleted from the lists. Persons who elected to be included on an electronic mailing list may also request that all notices and mailings be sent in hard copy. When either regular or electronic mail is returned as undeliverable or there has been no response to the request from the commission, such persons shall be deleted from the list.*

## **16 VAC 5-10-22. Documents to be sent to persons on notification lists.**

*Persons on the notification lists described in 16 VAC 5-10-21 shall be mailed or have electronically transmitted the following documents related to the promulgation of regulations:*

- 1. Notice of intended regulatory action;*
- 2. Notice of the comment period for a proposed regulation and instructions as to how to obtain a copy of the regulation and any supporting documents, either electronically or from the commission office.*
- 3. Notification of the adoption of a final regulation and instructions as to how to obtain a copy of the regulation and*

*any supporting documents, either electronically or from the commission office.*

*4. Notice soliciting comment on a final regulation when the regulatory process has been extended.*

## **16 VAC 5-10-30. Review of regulations.**

At least ~~yearly~~ every three years, or more often as may be mandated by statute or Executive Order, a regulatory review committee consisting of ~~one member from each division and office of the~~ commission staff shall meet to review these regulations and general rules. The committee shall recommend deletion and amendment of the existing rules and regulations, and additions thereto, as needed, in light of their impact upon the general public and employers.

## **16 VAC 5-60-10. Total and part-total unemployment.**

A. An individual's week of total or part-total unemployment shall consist of the seven-consecutive-day period beginning with the Sunday prior to the first day he files his claim at the ~~local unemployment insurance field~~ office and registers ~~with a Job Service office for work~~, except as provided in subdivisions 1 and 2 of this subsection; and, thereafter, the seven-consecutive-day period following any week of such ~~employment~~ unemployment, provided the individual reports as required by subsection C of this section. *An initial claim may be filed in person at a field office, or at the discretion of the commission, by telephone or Internet. Upon implementation of a telephonic claims process, the in-person filing of initial claims shall be discontinued except where circumstances preclude the filing of claims by any other method.*

1. A week of total or part-total unemployment of an individual located in an area served only by the itinerant service of the commission shall consist of the seven-consecutive-day period beginning with the Sunday prior to the first day of such individual's unemployment, provided that such individual registers in person with such itinerant service at the first available opportunity following the commencement of his total or part-total unemployment except as provided in subdivision 2 of this subsection; and, thereafter, the seven-consecutive-day period following any week of such unemployment provided the individual reports as required by subsection C of this section.

2. A week of total or part-total unemployment of an individual affected by a mass separation ~~or a labor dispute~~ with respect to which arrangements are made for group ~~reporting~~ filing by the employer shall consist of the seven-consecutive-day period beginning with the Sunday prior to the first day of his unemployment provided that the group ~~reporting~~ filing is conducted within 13 days following the first day of unemployment.

B. Whenever an employing unit receives an Employer's Report of Separation and Wage Information form from the commission informing it that an individual has filed a claim for benefits, such employing unit shall, within ~~five calendar~~ eight days ~~after receipt of such information form from the date of mailing~~, complete the report and return it to the office from which the informatory notice was sent. That portion of the

Employer's Report of Separation and Wage Information to be completed by the employing unit shall set forth:

1. The date the worker began working;
2. The last day on which he actually worked;
3. A check mark in the block indicating the reason for separation and a brief statement of the reason for the separation;
4. Such other information as is required by such form. The employing unit's official name and account number, if any, assigned to such employing unit by the commission shall appear on the signed report;
5. The name and title of the official signing the report shall be provided as well as certification that the information contained in the report is accurate and complete to the best knowledge of that official.

C. In cases involving a mass separation, as defined in 16 VAC 5-10-10, an employer shall *not be required to file individual reports for such workers as otherwise provided by this section if such employer files a list of workers involved in the mass separation with the unemployment insurance office nearest such workers' place of employment within commission as soon as possible, but in no case later than 24 hours of after the date of separation (except as provided below), and shall not be required to file individual reports for such workers as otherwise provided by this section.* Such list shall include the workers' social security account numbers and any other information the commission may require.

~~Where the total unemployment is due to a labor dispute, the employer shall file with the local unemployment insurance office nearest his place of business, in lieu of a mass separation notice or individual workers separation notices, a notice setting forth the existence of such dispute and the approximate number of workers affected. Upon request by the commission, such employer shall furnish to the commission the names and social security account numbers of the workers ordinarily attached to the department or the establishment where unemployment is caused by a labor dispute.~~

D. To file a claim for benefits, a claimant shall ~~appear personally at the unemployment insurance office most accessible to him or at a location designated~~ *report in a manner prescribed by the commission, and shall there file a claim for benefits setting forth (i) his unemployment and that he claims benefits, (ii) that he is able to work and is available for work, and (iii) such other information as is required.* A claim for benefits, when filed, may also constitute the individual's registration for work.

*Upon written request by the claimant, an initial claim for benefits, not to include combined-wage claims, may be canceled if (i) the request is made within the appeal period shown on the monetary determination; (ii) there has been no payment made on the claim; and (iii) the deputy has not rendered a determination based on the claimant's separation from employment. Notwithstanding the foregoing, a claim that was filed in error by an employer on behalf of a claimant may be canceled upon the claimant's written request. All records of a canceled claim shall be deleted from the agency's*

*automated benefits database. Upon written request by the claimant, a claim may be withdrawn if the commission determines that the provisions of § 60.2-107 of the Code of Virginia have been met and any benefits paid the claimant have been repaid.*

*Combined wage claims may be canceled under the provisions set forth in 16 VAC 5-70-20 B.*

1. Except as otherwise provided in this section the claimant shall continue to report as directed during a continuous period of unemployment. ~~The commission, however, for reasons found to constitute good cause for any claimant's inability to continue to report to the unemployment insurance office at which he registered and filed his claim for benefits, may permit such claimant to report to any other unemployment insurance office.~~

2. The commission shall permit continued claims to be filed by mail, or such other means as the commission may authorize, unless special conditions require or allow in-person reporting. Such special conditions may include:

a. When a claimant is reporting back to claim his first week(s) after filing an initial, additional, or reopened claim and he has not returned to work in the meantime;

b. When a claimant needs assistance in order to completely and accurately fill out his claim forms so as to avoid delays in processing his claims by mail;

c. When, in the opinion of the ~~local unemployment insurance~~ *field office* manager or deputy, there is a question of eligibility or qualification which must be resolved through an in-person interview;

d. When a claimant who would normally be reporting by mail receives no additional claim forms and he wishes to continue claiming benefits;

e. When a claimant requests to report in person due to problems associated with the receipt of mail.

E. All initial total or part-total unemployment claims shall be effective consistent with the provisions set forth in subsection A of this section, except that an earlier effective date may apply for late filing of claims in the following cases:

1. The commission is at fault due to a representative of the commission giving inadequate or misleading information to an individual about filing a claim;

2. A previous claim was filed against a wrong liable state;

3. Filing was delayed due to circumstances attributable to the commission;

4. A transitional claim is filed within 14 days from the date the Notice of Benefit Year Ending was mailed to the claimant by the commission;

5. When claiming benefits under any special unemployment insurance program, the claimant becomes eligible for regular unemployment insurance when the calendar quarter changes;

6. The wrong type of claim was taken by a ~~local unemployment insurance~~ *field office*;

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# Proposed Regulations

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7. With respect to reopened or additional claims only, the claimant can show circumstances beyond his control which prevented or prohibited him from reporting earlier.

F. In order to claim benefit rights with respect to a given week, the claimant must file a continued claim form for such week. The first continued claim form must be filed within 28 days of the day the initial claim was filed. Thereafter, subsequent continued claim must be filed within 28 days after the *week ending date of the last week claimed. If filing by mail, the postmark date constitutes the date of claim filing with the commission. If no postmark appears on the envelope, the continued claim shall be presumed to be filed on the date it was received by the commission.* If the 28th day falls upon a date when the ~~unemployment insurance~~ field office is closed, the final date for filing shall be extended to the next day the office is open. Failure to file a continued claim within the 28-day period will result in the denial of benefits for the weeks in question unless good cause is shown, and an additional or reopened claim must be filed in order to initiate any further claim for benefits. Good cause for a delay in filing may be shown for any of the following reasons:

1. The commission is at fault due to a representative of the commission giving inadequate or misleading information to an individual about filing a claim;
2. Filing was delayed due to circumstances attributable to the commission; or
3. The claimant can show circumstances beyond his control which prevented or prohibited him from filing earlier.

G. Normally, all claimants whose unemployment is total or part-total must make an active search for work by contacting prospective employers in an effort to find work during each week claimed in order to meet the eligibility requirements of § 60.2-612 of the Code of Virginia. A claimant who is temporarily unemployed with an expected return to work date within a reasonable period of time as determined by the commission which can be verified from employer information may be considered attached to his regular employer so as to meet the requirement that he be actively seeking and unable to find suitable work if he performs all suitable work which his regular employer has for him during the week or weeks claimed while attached. Attachment will end if the claimant does not return to work as scheduled or if changed circumstances indicate he has become separated.

H. In areas of high unemployment as defined in 16 VAC 5-10-10, the commission has the authority, in the absence of federal law to the contrary, to adjust the work search requirement of the Act. Any adjustment will be made quarterly within the designated area of high unemployment as follows:

1. The adjustment will be implemented by requiring claimants filing claims for benefits through the ~~full-service unemployment insurance~~ office serving an area experiencing a total unemployment rate of 10% through ~~10.9%~~ 14.9% to make one job contact with an employer each week.
2. The adjustment will be implemented by waiving the search for work requirement of all claimants filing claims for benefits through the ~~full-service unemployment insurance~~

office serving an area experiencing a total unemployment rate of ~~20%~~ 15% or more.

3. No adjustment will be made for claimants filing claims for benefits through the ~~full-service unemployment insurance~~ office serving an area experiencing a total unemployment rate below 10%.

## 16 VAC 5-60-20. Partial unemployment.

A. With respect to a partially unemployed individual, a week of partial unemployment shall consist of a calendar week beginning on Sunday and ending at midnight on Saturday. Total wages payable to partially unemployed workers are to be reported on a calendar week basis.

B. Upon filing of a new claim for partial benefits in each claimant's benefit year the commission shall promptly notify the employer of such claimant's weekly benefit amount, the date on which his benefit year commenced, and the effective date of the claim for partial benefits. Similar notice shall likewise be given at least once during the claimant's benefit year to each subsequent employer to whom the claimant is attached during a period of partial unemployment for which he claims benefits. Upon receipt of the notice the employer shall record this information for use in the preparation of the evidence he is required to furnish periodically as required in subsection C of this section.

C. After the employer has been notified of the benefit year, the weekly benefit amount, and the effective date of the claim for partial benefits of any worker in his employ (pursuant to subsection B of this section) the employer shall, within seven days, furnish the employee with written evidence concerning any week or weeks of partial unemployment which ended on or before the receipt of such notice and which began on or after the effective date of the employee's claim for partial benefits. The employer, until otherwise notified, shall, within 14 days after the termination of any pay period which includes a week or weeks of partial unemployment, and which ends after the date of receipt of such notification, furnish the employee with written evidence concerning his partial unemployment with respect to such week or weeks. Written evidence of partial unemployment required by this subsection shall be furnished by means of a Statement of Partial Unemployment, Form VEC-B-31, or other suitable medium approved by the commission. Such evidence need not be furnished, however, where the worker's earnings for a week of partial unemployment equals or exceeds his weekly benefit amount.

The information contained on such medium shall be in ink or typewritten and shall show:

1. The name of the employer and employer account number;
2. The name and social security account number of the worker;
3. The date delivered to the worker;
4. The calendar week ending date;
5. The gross amount of wages earned in such week, by day;

6. The reason and the number of days or hours involved where the worker's earnings were reduced for any cause other than lack of work;

7. The following certification, or one similar:

"During the week or weeks covered by this report, the worker whose name is entered worked less than full time and earned less than his weekly benefit amount for total unemployment because of lack of work, or otherwise shown. I certify that to the best of my knowledge, this information is true and correct";

8. A signature (actual or facsimile) by the employer to the above certification or other identification of the authority supplying the evidence.

D. The new claim for benefits for partial unemployment shall be dated to the first day of the beginning of the individual's week of partial unemployment as defined in subsection A of this section. However, in no event shall such new claim be back dated to include a week which ended more than 28 days prior to the date the individual was furnished the Statement of Partial Unemployment, or other written evidence concerning his partial unemployment, as provided in subsection C, by the employer.

E. 1. Upon filing a claim as specified in subsection D of this section, the commission shall cause the notice referred to in subsection B of this section to be sent to the employer. Thereafter, the employer shall make available to the claimant the Statement of Partial Unemployment, Form VEC-B-31, or other written evidence concerning his partial unemployment, as provided in subsection C of this section. Such written evidence of partial unemployment shall be presented to the ~~local unemployment insurance~~ field office within 14 days after it is delivered to him by the employer, and failure to do so, within that time, shall render the claim invalid as to the week or weeks to which the statement or other evidence relates.

2. For each subsequent week the partial claim is continued the employer shall furnish the claimant with the evidence of partial unemployment as provided in subsection C of this section and the claimant shall continue to present such evidence to the ~~local unemployment insurance~~ field office within 14 days after it is delivered to him by the employer. Failure to do so shall render the claim invalid with respect to the week or weeks to which the statement or other evidence relates.

3. Notwithstanding the provisions of subdivisions 1 and 2 of this subsection, the commission shall permit the claimant to file a continued claim by mail, or otherwise, in the same circumstances applicable to a claimant for total or part-total unemployment compensation.

F. With respect to any week claimed, a partially unemployed claimant shall be deemed to be actively seeking work if he performs all suitable work offered to him by his regular employer.

**16 VAC 5-60-40. Commission approval of training other than that under Section 302 134 of the Job Training Partnership Workforce Investment Act or Section 2296 of the Trade Act.**

A. Training shall be approved for an eligible claimant under the provisions of § 60.2-613 of the Code of Virginia only if the commission finds that:

- 1. Prospects for continuing employment for which the claimant is qualified by training and experience are minimal and are not likely to improve in the foreseeable future in the locality in which he resides or is claiming benefits;
- 2. The proposed training course of instruction is vocational or technical training or retraining in schools or classes that are conducted as programs designed to prepare an individual for gainful employment in the occupation for which training is applicable. The training course shall require a minimum of 30 hours attendance each week;
- 3. The proposed training course has been approved by an appropriate accrediting agency or, if none exists in the state, the training complies with quality and supervision standards established by the commission, or is licensed by an agency of the state in which it is being given;
- 4. The claimant has the required qualifications and aptitude to complete the course successfully;
- 5. The training does not include programs of instruction which are primarily intended to lead toward a baccalaureate or higher degree from an institution of higher education.

B. Benefits may be paid to an otherwise eligible claimant while he is attending training only if the commission finds that the claimant is enrolled in and regularly attending the course of instruction approved for him by the commission.

C. A claimant shall request training approval on forms provided by the commission. The claimant's enrollment and attendance shall be reported to the commission periodically as directed by the ~~local unemployment insurance office to which he reports~~ commission.

**NOTICE:** The forms used in administering 16 VAC 5-60-10 et seq., Benefits, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Continued Claim for Benefits - First Payments, B-3FP (eff. 11/92).

Benefits, Rights, and Responsibilities - Instructions for Person on Temporary Layoff, B-19.

Verification of Offer of Continuing Employment, B-25.

Request for Reconsideration of Monetary Determination, B-28.

~~Employer Instructions for B-31, B-31E.~~

Request for Name/Address/Telephone Number Changes, B-41.

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# Proposed Regulations

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Work Search Requirement, B-76.

~~Prepayment Agreement, BFC-99.~~

Continued Claim for Benefits, VEC-B-3 (rev. 7/93).

Notice of Exhaustion, VEC-B-3a (rev. 8/88).

~~Instructions for Completion of the Continued Claim for Benefits Form, VEC-B-4M (rev. 1/86).~~

Claim Correction Notice, VEC-B-5M (rev. 9/87).

Appointment Notice, VEC-B-6M (rev. 1/83).

Claim for Benefits, VEC-B-10 (rev. 10/93).

Employer's Report of Separation and Wage Information, B-10SEP (rev. 7/93).

Eligibility Review Interview Notice, VEC-B-11D (rev. 7/88).

Record of Contacts for Employment, VEC-B-11E.

Request for Physician's Certificate of Health, VEC-B-14 (rev. 2/76).

~~Benefit Table, VEC-B-21 (rev. 1/92).~~

Notice to Workers, VEC-B-29 (rev. 10/93).

~~VEC-B-29SP (eff. 10/93).~~

Monetary Determination, VEC-B-30 (rev. 6/90).

Notice of Benefit Liability, VEC-B-30R (rev. 4/93).

Statement of Partial Unemployment, VEC-B-31 (rev. ~~6/1/78~~ 5/96).

Notification of Claim Filed for Benefits, VEC-B-32 (rev. 9/91).

Unemployment Insurance Handbook for Claimants (rev. 1992). (Although issued for informational purposes only, this booklet contains some interpretative material.)

Claimant's Request for Training Approval, VEC-B-60.7 (rev. 11/94).

~~Notice to Workers (to be posted by employer), VEC-B-70 (rev. 12/84).~~

Notice to Trade Readjustment Allowance Claimants Concerning Training, VEC-B-72 (rev. 10/87).

Training Certification, VEC-TB-1 (eff. 1/1/72).

Notice of Child Support Intercept, VEC-CSI-1 (rev. 7/93).

Request for Gross Wages, VEC-BPC-45A (eff. 12/86).

Wage Verification Request, VEC-BPC-65 (rev. 6/90).

Cross Match, VEC-BPC-65A (rev. 6/90).

Billing Statement, VEC-BPC-89 (rev. 5/93).

Consent of Disclosure, VEC-CD-1 (eff. 1/89).

Affidavit of DUA, DUA-1 (rev. 5/78).

Affidavit of Earnings, DUA-2 (rev. 10/76).

Weekly Request for DUA, DUA-3 (rev. 10/76).

Notice of Overpayment, DUA-4 (rev. 10/76).

Release Authorization, RA-1 (rev. 11/92).

Election of Regular TAA or NAFTA-TAA By Worker, VEC-NAFTA/TAA-1.

Entitlement Determinations to NAFTA Transitional Adjustment Assistance (NAFTA-NAA)/Trade Readjustment Allowances (TRA) Trade Act of 1974, As Amended September 1994, ETA 8-57A.

Request for Verification of Work Search, VEC-B-78 (rev. 11/94). (This form had been numbered as VEC-B-72; the number is being changed to eliminate duplicate numbers.)

**VIRGINIA EMPLOYMENT COMMISSION  
STATEMENT OF PARTIAL UNEMPLOYMENT**

**NOTICE TO EMPLOYER:** Give this statement to the worker within 7 days from the date you receive Form VEC-B-32, NOTIFICATION OF CLAIM(S) FILED FOR BENEFITS, from this Commission, and within 14 days after each pay period covering calendar weeks in which he earns less than his weekly benefit amount (found on Form VEC-B-32) because of lack of work. Complete all forms by typewriter or in ink. Include holiday pay and vacation pay allocated to the period covered by this statement showing them as holiday or vacation pay. Enter under "DATE ABSENT" the date(s) work was available, but the worker did not work, and give the reason if known. **PLEASE BE SURE TO SIGN THE COMPLETED FORMS.**

During the week(s) covered by this statement this individual worked, but less than full-time, and earned less than his weekly benefit amount due to a lack of work.

WORKER'S NAME \_\_\_\_\_ SOCIAL SECURITY NUMBER \_\_\_\_\_

<p><b>WEEK NUMBER ONE:</b>                  SUNDAY _____ THROUGH SATURDAY _____                  GROSS WAGES: _____                  HOLIDAY/VACATION PAY: _____                  DATES ABSENT (BUT WORK AVAILABLE):</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"><b>Date</b></td> <td><b>Reason absent</b></td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	<b>Date</b>	<b>Reason absent</b>									<p><b>WEEK NUMBER TWO:</b>                  SUNDAY _____ THROUGH SATURDAY _____                  GROSS WAGES: _____                  HOLIDAY/VACATION PAY: _____                  DATES ABSENT (BUT WORK AVAILABLE):</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"><b>Date</b></td> <td><b>Reason absent</b></td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	<b>Date</b>	<b>Reason absent</b>								
<b>Date</b>	<b>Reason absent</b>																				
<b>Date</b>	<b>Reason absent</b>																				

I certify, that to the best of my knowledge, the above is true and correct.

Employer \_\_\_\_\_ VA. Acct. # \_\_\_\_\_ Date to Worker \_\_\_\_\_

By \_\_\_\_\_ Title \_\_\_\_\_

**NOTICE TO WORKER:** This statement must be presented to the local office of the Virginia Employment Commission within 14 days from the "Date to Worker" shown above. To prevent a delay in processing this claim, mail this statement to the local office where you filed your claim.

**OTHER EMPLOYMENT AND WAGES:** List below the names and addresses of employers you worked for and the gross wages that you earned during the above week(s) other than your regular employer shown above. Include self-employment. Enter "None" if you earned no other wages in the above week(s).

<p><b>WEEK ONE:</b></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;"><u>Employer &amp; Address</u></td> <td style="width:40%;"><u>Wages</u></td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	<u>Employer &amp; Address</u>	<u>Wages</u>									<p><b>WEEK TWO:</b></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;"><u>Employer &amp; Address</u></td> <td style="width:40%;"><u>Wages</u></td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	<u>Employer &amp; Address</u>	<u>Wages</u>								
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<u>Employer &amp; Address</u>	<u>Wages</u>																				

I hereby file claim for partial unemployment benefits for the week(s) above. I certify that I have earned no wages other than those shown above during the week(s) covered by this statement. I understand that the law provides a penalty for false statements to obtain or increase benefits.

Worker's signature \_\_\_\_\_ Signed at \_\_\_\_\_ Date signed \_\_\_\_\_  
city or county & state

Form VEC-B-31 (R.5/96)

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# Proposed Regulations

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## 16 VAC 5-70-10. Cooperative agreement.

A. This section shall govern the commission in its administrative cooperation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

B. A week of unemployment for an interstate claimant shall consist of any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

C. Each interstate claimant shall be registered for work through any public employment office in the agent state when and as required by the law, regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state.

Each agent state shall duly report to the liable state in question whether each interstate claimant meets the registration requirements of the agent state.

D. If a claimant files a claim against any state and it is determined by such state that the claimant has available benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits. For the purposes of this chapter, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable or whenever benefits are affected by the application of a seasonal restriction.

E. Claims for benefits or a waiting period shall be filed by interstate claimants ~~on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the Interstate Benefit Payment Plan. Claims shall be filed and processed in accordance with the type of week in use in the agent state by mail or other such means as the commission may authorize.~~

Claims shall be filed in accordance with agent state regulations for intrastate claims in ~~local unemployment insurance field~~ offices, at an itinerant point or by mail.

1. With respect to claims for weeks of unemployment in which an individual was not working for his regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week or one reporting period late. If a claimant files more than one reporting period late, an initial claim shall be used to begin a claim series and no continued claim for a past period shall be accepted.

2. With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable state shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.

F. The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in

and by the agent state. The liable state may utilize the telephone or mail to directly ascertain facts from the parties.

The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.

G. The agent state shall afford all reasonable cooperation in the holding of hearings in connection with appealed interstate benefit claims.

With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state, or the date it was mailed by the claimant, whichever is earlier.

H. This section shall apply in all its provisions to claims taken in and for Canada.

## 16 VAC 5-70-20. Interstate cooperation.

A. This section, approved by the Secretary of Labor pursuant to § 3304(a)(9)(B), Federal Unemployment Tax Act and adopted under § 60.2-609 of the Code of Virginia, shall govern the Virginia Employment Commission in its administrative cooperation with other states relating to the Interstate Arrangement for Combining Employment and Wages.

B. A claim for benefits shall be filed by a combined-wage claimant in the same manner as by a claimant who is eligible for benefits under the unemployment insurance law of the paying state. *An initial combined-wage claim may be canceled if the cancellation request is made within the appeal period shown on the monetary determination. The request for cancellation must be submitted in writing.*

C. Benefits, in all cases, shall be paid to a combined-wage claimant from the unemployment insurance fund of the paying state, and all benefit rights shall be determined by the paying state pursuant to its unemployment insurance law.

D. Wages paid to a claimant during the paying state's applicable base period, including wages reported for that period by a transferring state as available for the payment of benefits under the arrangement, shall be included by the paying state in determining such claimant's benefit rights.

Wages, once they have been transferred and used in a determination which established monetary eligibility for benefits in the paying state, shall be unavailable for determining monetary eligibility for benefits under the unemployment insurance law of the transferring state, except to the extent that wages are usable for redetermination purposes.

E. Each state, with respect to any combined-wage claimant, in utilizing forms approved by the Interstate Benefit Payment Committee, shall:

1. Promptly request any other state in which the claimant has worked to furnish a report of the claimant's unused

covered wages during the base period of the paying state as well as his current eligibility under the law of such state.

2. When acting as the transferring state, report promptly upon the request of any state the amount of any claimant's unused covered wages during the applicable base period and the current monetary eligibility of such claimant under the law of the transferring state.

3. When acting as the paying state, send to each transferring state a copy of the initial determination, together with an explanatory statement.

4. When acting as the paying state, send to the claimant a copy of the initial determination, noting his rights to appeal.

5. When acting as the paying state, send to each transferring state a statement of the benefits chargeable to each state. This is done at the end of each quarter in which any benefits have been paid, and each statement shall include the benefits paid during such quarter as to each combined-wage claimant. The ratio of each charge to total benefits paid shall be equal to the ratio of the wages reported by the transferring state (and used in the monetary determination) to the total wages used in the determination.

F. A transferring state shall, as soon as practicable after receipt of a statement as set forth in subsection E, reimburse the paying state accordingly.

G. A claimant's wages shall not be combined, notwithstanding any other provision of this arrangement, if the paying state finds that based on combined wages the claimant would be ineligible for benefits. Wages reported by the transferring state shall in such event be returned to and reinstated by such state. The provisions of the interstate benefit payment arrangement shall apply to each claimant.

H. Whenever this plan applies, it will supersede any inconsistent provision of the Interstate Benefit Payment Plan and the regulation thereunder.

## **16 VAC 5-80-10. Deputy's determinations.**

A. Whenever, after a claim is filed, a deputy obtains information from a claimant, employer, or third party which could affect the claimant's entitlement to benefits, he shall initiate further investigation. The deputy may contact the parties in person or by telephone to obtain information. Documentary evidence prepared specifically for the claim or for other purposes may be considered by the deputy. Any party to an investigation may be represented by counsel or a duly authorized representative. No information or evidence shall be considered by the deputy unless the claimant has been given the opportunity to see or hear it and comment upon it. Information concerning eligibility or qualification for benefits shall be entered into commission records.

B. A predetermination fact-finding proceeding may be scheduled by the deputy whenever a request is made by the claimant, his ~~last 30-day employing unit liable employer~~, or his interested subsequent employing unit, for the purpose of gathering information to determine benefit eligibility or qualification. Notice of the date, time and location will be mailed to the parties five days before the scheduled

proceeding, but such notice may be waived with the parties' consent.

The proceeding may be conducted telephonically or in person with the deputy presiding. This informal interview shall not be recorded in any way, although notes can be taken by the deputy. Statements made by parties or witnesses shall not be taken under oath and formal examination or cross-examination shall not be permitted. The deputy shall direct questions to the parties and witnesses. The parties may also ask questions of each other and the witnesses. Rebuttal to statements made by opposing parties or witnesses shall be permitted. Any party to a predetermination proceeding may be represented by counsel or other duly authorized agent. The record of facts of the proceeding shall become a part of the commission's records.

C. As soon as possible following the acquisition of facts necessary to make a determination, either from the parties' submissions or from a predetermination proceeding, the deputy shall render a determination in writing which shall include the effective date of any qualification or disqualification, the dates of any eligibility or ineligibility, the law or regulation upon which the determination is based, and the reasons for the determination, together with information concerning the filing of an appeal. This determination shall be promptly mailed to the parties at their last known addresses.

## **16 VAC 5-80-20. First level appeals.**

A. The claimant, his ~~last 30-day employing unit liable employer~~, or any subsequent employing unit with a direct interest in an issue may appeal from an adverse deputy's determination as specified in § 60.2-619 of the Code of Virginia.

1. Appeals shall be filed with the ~~commission through the local unemployment insurance office where the claim was filed~~, *commission's Administrative Law Division in one of the following ways:*

*a. In person at any agency service location, including field offices, regional adjudication centers, one-stop centers, or at the commission's administrative office of the commission in Richmond, Virginia;*

*b. By mail to the Administrative Law Division at the address specified on the deputy's determination;*

*c. By facsimile transmission to the Administrative Law Division at the facsimile number specified on the deputy's determination; or*

*d. By the Internet at a site or address specified by the commission.*

2. Appeals shall be presumed to be filed on the date of receipt by the commission. An appeal mailed to the commission shall be presumed to be filed on the date of postmark by the United States Postal Service. *If no postmark appears on the envelope, the appeal shall be presumed to be filed on the date it was received by the commission.*

~~2-~~ 3. Appeals shall be in writing and should set forth the grounds upon which they are sought, as well as the social

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# Proposed Regulations

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security account number of the claimant; however, any document in writing submitted by a party or his authorized representative expressing a desire to appeal shall be sufficient to initiate an appeal. Agency personnel shall furnish an appellant or his authorized representative whatever assistance is necessary to file an appeal. *The appeal should be signed by the appealing party or that party's authorized representative; however, the absence of a signature shall not result in the dismissal of the appeal.*

B. After the filing of an appeal, the record in connection with the claim, together with the notice of appeal, shall be assigned to an appeal tribunal consisting of a salaried examiner only. Should evidence indicate that the appeal was not filed within the time prescribed by law, the first issue to be considered at the hearing shall be whether the appeal was timely filed or whether there exists good cause for extending the appeal period.

~~1. In all cases except those coming under the provisions of subdivisions 2 and 3 of this subsection, an in-person hearing shall be scheduled in the local unemployment insurance office where the claim was filed or subsequently transferred. Except as otherwise provided herein, all hearings shall be conducted by telephone conference call. At the discretion of the commission, a split hearing or an in-person hearing may be scheduled if the complexity of the case or the quality of telephone service in a particular locality makes participation in the hearing unreasonably difficult. A split or in-person hearing will be scheduled if a party does not have reasonable access to a telephone that would permit meaningful participation in a telephonic hearing. In assessing the complexity of a particular case, the commission shall consider the number of witnesses involved, the number and length of any documents that will likely be proposed as exhibits, whether one or both parties are represented, whether an interpreter is required, and any other relevant factors. In-person or split hearings shall be scheduled for the regional adjudication center that is most convenient for the party who will be appearing in person. At the discretion of the commission, an in-person or split hearing may also be scheduled at some any other convenient location, provided that the alternate location is not such a distance from the claimant's residence as to does not cause undue hardship or unreasonable travelling expense expenses to the party participating in person.~~

~~2. In cases where the claimant has filed an interstate claim, or upon the consent of all parties, a telephone hearing shall be scheduled. An interstate claimant, upon request, shall be allowed to personally appear for participation in an in-person or split hearing. In such case, the claimant will be scheduled to appear at the local unemployment insurance office of the commission located nearest his residence, or any other convenient location.~~

~~3. A split hearing may be scheduled upon the request of any party, or at the discretion of the commission, when:~~

~~a. The claimant has worked for an employer in another state, and thereafter returns to Virginia and files an intrastate claim naming the out-of-state employer as an interested party; or~~

~~b. A bona fide emergency or other compelling circumstance makes attendance at an in-person hearing by a party, material witness, or representative unreasonably difficult.~~

~~4. After an in-person hearing has been scheduled and the notice of hearing mailed, either the Chief Appeals Examiner or the appeals examiner assigned to the case may grant a request for a split hearing for any of the reasons set forth in subdivision 3 of this subsection. In such case, a new notice of hearing need not be issued, but all interested parties and their representatives should be informed of the agency's action and the telephonic procedures as soon as practicable.~~

~~5. 2. Any party who desires to appear in person for the hearing shall be permitted to do so provided a timely request is received by the commission. A request shall be deemed timely if it is received by the commission before the scheduled hearing convenes. If a request to appear in person is received after the hearing has been convened, the presiding appeals examiner may grant or deny the request based upon consideration of all relevant circumstances. A request by a party to appear in person shall not require any other party to also appear in person; however, any other parties to the proceeding should be promptly informed of the request for in-person participation and be given the opportunity to participate in person.~~

~~3. A hearing that is postponed or continued to accommodate a request for in-person participation shall be rescheduled as soon as administratively feasible.~~

~~4. A notice of hearing shall be mailed to all parties and their known authorized representatives at least 10 days in advance of the hearing. The hearing notice of hearing shall set forth the particular statutory provisions and points at issue which regulations that must be considered to resolve the case. The appeals examiner may consider any other applicable issues which are raised or become evident during the course of the hearing provided that all parties in interest are present and all agree on the record to waive the statutory 10-day notice requirement with respect to such new issue. The appeals examiner may refer a new issue back to the deputy if it has not been ruled upon at that level and may, upon his own motion, postpone or continue the case if a new issue has become evident and it is necessary to give proper statutory written notice in order to proceed.~~

C. The Office of First Level Appeals (*First Level Appeals*) shall endeavor to schedule hearings as soon as possible in the order in which appeals are received. Special requests regarding dates or times of hearings will be given consideration; however, they need not always be honored. Requests for postponement of scheduled hearings shall be granted only when a party or his authorized representative demonstrates good cause for an inability to appear at the scheduled date and time. Good cause shall be deemed to exist if a likelihood of material and substantial harm is shown. Postponements may be granted only by the Chief Appeals Examiner, the Clerk of the Commission Lower Authority *Commission's First Level Appeals*, the examiner assigned to hear the case, or an appeals examiner acting in charge of the

Office of First Level Appeals, although they may be communicated to the parties by other authorized persons. A postponed hearing may be rescheduled without notice if all parties in interest agree. Otherwise, notice of a postponed hearing shall be given as if it were a new hearing.

D. Once a hearing has commenced, it may be continued only by the presiding appeals examiner, either upon his own motion or that of a party. Continuances may be granted in situations where: (i) there is insufficient time to properly hear the evidence; or (ii) unexpected or unavoidable circumstances arise during the course of a hearing which require a continuance in order to protect the substantive or procedural rights of the parties.

A continued hearing may be rescheduled by the presiding appeals examiner without written notice if all parties in interest are present and all concur. Otherwise, notice of a continued hearing shall be given as if it were a new hearing.

E. If the appellant wishes to withdraw his appeal, a request, together with the reasons therefor, must be made in writing and sent to the Clerk of the ~~Commission Lower Authority~~ *Commission's First Level Appeals* at the commission's administrative office in Richmond, Virginia. The request will be granted only if the appeals examiner assigned to hear the case is satisfied that:

1. The appellant understands the effect that withdrawal will have upon benefit entitlement, potential benefit charges, and potential overpayment;
2. The request is not the result of any coercion, collusion, or illegal waiver of benefits prohibited under § 60.2-107 of the Code of Virginia; and
3. The appealed determination is not clearly erroneous based upon the existing record.

Once granted, a withdrawal cannot be rescinded unless an evidentiary hearing on the issue of rescission is held before an appeals examiner and the former appellant demonstrates that the criteria required for withdrawal were not fully met. *A request to rescind a withdrawal must be filed with the commission within 30 days from the issuance of the Order of Dismissal or the discovery of information that would establish that withdrawal criteria were not met.*

F. In any hearing before an appeals examiner, all testimony shall be taken under oath or affirmation and a record of the proceedings shall be made by the presiding appeals examiner who shall inform all parties of this fact. No other recording of the proceedings other than that specifically authorized by the Act shall be permitted.

The appeals examiner shall conduct the hearing in such a manner as to ascertain the substantive rights of the parties without having to be bound by common law, statutory rules of evidence, or technical rules of procedure. In addition to testimony, the appeals examiner may accept relevant documents or other evidence into the record as exhibits, upon the motion of a party.

1. Where a party is unrepresented, the appeals examiner shall assist that party in presenting his case and testing the case of the opposing party.

2. At any hearing before an appeals examiner, an interested party may appear in person, by counsel, or by an authorized representative. All such persons will be permitted to attend the entire hearing.

3. An employer shall be permitted one representative, in addition to counsel or duly authorized agent, who may attend the entire proceeding. The appeals examiner shall exclude any other witnesses from the hearing until such time as their testimony is to be taken. Observers may be permitted to attend the hearing so long as there is no objection by a party.

4. The appeals examiner shall control the order of proof, rule upon the admission of evidence, and may examine and cross-examine witnesses. The examiner shall have the authority to maintain order and eject disruptive or unruly individuals. At a hearing, the parties, counsel, or duly authorized representatives shall be given an opportunity to cross-examine witnesses, to inspect documents, and to offer evidence in explanation and rebuttal. On motion of the appeals examiner ~~alone, or any party,~~ documents already in a claimant's file or obtained during the course of a hearing may be admitted into the record as exhibits *provided they are relevant to the issues in dispute.* Before the hearing is closed, the parties shall be given an opportunity to present oral argument on all the issues of law and fact to be decided. In addition, the appeals examiner may permit the parties to submit written arguments.

G. The decision of the appeals examiner shall be reduced to writing and shall state the issues, findings of fact, opinion or reasons for the decision, and final judgement of the examiner. A copy of the decision shall be mailed to each of the interested parties and their known representatives who have requested to be notified of the decision. If the decision is rendered by an appeals examiner other than the one who presided at the hearing, that examiner shall review the record of the hearing and so state in the decision.

H. If any party believes that the appeals examiner exhibits bias towards one or more parties in a case, a challenge to the interest of such appeals examiner shall be made promptly after the discovery of facts on which such challenge is based, but not later than the date on which the decision is issued. ~~Unless made at the hearing, such~~ *A challenge to the interest of the appeals examiner made during the course of the hearing shall be decided and ruled upon by the presiding appeals examiner. If the presiding appeals examiner grants the challenge and withdraws from the case, the appeals examiner shall adjourn the hearing and promptly return the case to the Clerk of the Commission for rescheduling before a different appeals examiner. If a party challenges the interest of an appeals examiner after the conclusion of the hearing, but before the decision is issued, the challenge shall be set forth in writing with the reasons therefor, and sent to the chief appeals examiner at the Administrative Office of the Commission in Richmond, Virginia. If the Chief Appeals Examiner or his designee does not disqualify remove the challenged appeals examiner, the appeals examiner shall continue to participate in the hearing and render a decision in the case. If the challenged appeals examiner is disqualified*

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# Proposed Regulations

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~~removed, or chooses to withdraw, the Chief Appeals Examiner, or another appeals examiner appointed by him, his designee shall decide the case. Failure to disqualify remove the appeals examiner shall be subject to review by the commission on appeal by the aggrieved party, in the same manner as any other issue in the case.~~

I. Any party who is unable to appear for the scheduled hearing, or who appeared but wishes to present additional evidence, may request a reopening of the case, which will be granted if good cause is shown. The request, together with the reasons therefor, shall be made in writing and sent to the Chief Appeals Examiner in the administrative office of the commission in Richmond, Virginia.

1. Where a request for reopening is received before the decision of the appeals examiner is issued, the decision shall be withheld if the Chief Appeals Examiner, or the appeals examiner assigned to the case, finds that the reasons given in the request, if proven, would establish good cause to reopen the hearing. In that event, a hearing will be scheduled on the reopening issue. If, after the hearing, the appeals examiner should decide that reopening is warranted, the case shall be reopened for the taking of additional evidence. If no reasons are given for the reopening request, or if the reasons given would not establish good cause to reopen the hearing, the appeals examiner shall render a decision denying the request and adjudicating the merits of the case. In any event, the decision concerning the issue of reopening shall be subject to review by the commission on appeal by the aggrieved party.

2. A request for reopening after the appeals examiner has issued his decision on the merits of the case, but within the appeal period, shall be mailed to the Office of Commission Appeals and shall set forth in writing the reasons therefor. If the commission is of the opinion that the written request establishes good cause for reopening it shall remand the case to the Chief Appeals Examiner. If the commission is of the opinion that the written request does not set forth good cause for reopening it shall treat the request as an appeal to the commission on the merits of the case pursuant to this part. *The commission may, in its discretion, schedule a hearing to receive evidence with respect to a reopening request or remand the case to the appeals examiner to hear and decide the reopening issue.*

3. Once a decision is rendered and becomes final, it cannot be reopened for any reason. A request for a reopening after the decision of the appeals examiner has become final shall be treated as an untimely appeal to the commission pursuant to this chapter. In the discretion of the commission, a hearing on the issue of reopening may be held.

## 16 VAC 5-80-30. Commission review.

~~A. The commission may acquire jurisdiction over a case in any of the following ways: claimant, his liable employer, or any subsequent employing unit with a direct interest in an issue may appeal from an adverse appeals examiner's decision as provided in § 60.2-620 of the Code of Virginia.~~

~~1. Any party to a hearing before an appeals examiner may appeal the decision within the time limit set forth in § 60.2-620 of the Code of Virginia. The party appealing shall file with the commission, through the local unemployment insurance office where the claim was filed or at the administrative office of the commission in Richmond, Virginia, a notice of appeal which shall be in writing and should set forth the grounds upon which the appeal is sought. Appeals should be filed with the commission's Administrative Law Division in one of the following ways:~~

- ~~a. In person at any agency service location, including field offices, regional adjudication centers, one-stop centers, or the commission's administrative office in Richmond, Virginia;~~
- ~~b. By mail to the Administrative Law Division at the address specified on the appeals examiner's decision;~~
- ~~c. By facsimile transmission to the Administrative Law Division at the facsimile number specified on the appeals examiner's determination; or~~
- ~~d. By the Internet to the site or address specified by the commission.~~

2. Appeals shall be presumed to be filed on the date of receipt by the commission. An appeal mailed to the commission shall be presumed to be filed on the date of postmark by the United States Postal Service. *If no postmark appears on the envelope, the appeal shall be presumed to be filed on the date it was received by the commission.*

~~2-~~ 3. At any time before the decision of the appeals examiner becomes final, the commission may on its own motion assume jurisdiction of any case pending before an appeals examiner and place such case on the appeal docket of the commission. The commission may consider and review the case and affirm, modify, or set aside and vacate the decision of the appeals examiner on the basis of the evidence previously submitted as shown by the record, or may direct the taking of additional evidence before the commission or the appeals examiner. Such additional evidence may not be taken unless notice of the time and place of the taking thereof has been mailed to all parties to the case at least ~~seven~~ 10 days before such time.

~~3-~~ 4. If the appeal to the commission is not filed within the statutory time limit set forth in § 60.2-620 of the Code of Virginia, the appellant shall set forth in writing the reasons for the late filing. If the reasons set forth, if proven, would show good cause for extending the appeal period, the commission shall schedule a hearing to take testimony on the issue of good cause for late filing. If the reasons set forth in the notice of appeal are insufficient to show good cause for late filing, *or if no reasons are provided*, the appeal shall be dismissed and the decision of the appeals examiner shall become the final decision of the commission.

B. Except as otherwise provided by this chapter, all appeals to the commission shall be decided on the basis of a review of the evidence in the record. The commission, in its discretion,

may direct the taking of additional evidence after giving written notice of such hearing to the parties, provided:

1. It is shown that the additional evidence is material and not merely cumulative, corroborative or collateral, could not have been presented at the prior hearing through the exercise of due diligence, and is likely to produce a different result at a new hearing; or

2. The record of the proceedings before the appeals examiner is insufficient to enable the commission to make proper, accurate, or complete findings of fact and conclusions of law.

A party wishing to present additional evidence or oral argument before the commission must file a written request within 14 days from the date of delivery or mailing of the Notice of Appeal. A request for a hearing shall be deemed to be filed on the date of receipt by the commission. A request for a hearing mailed to the Office of Commission Appeals shall be deemed to be filed on the date of postmark by the United States Postal Service. In such cases, the postmark date shall be conclusive as to the date of filing. The commission shall notify the parties of the time and place where additional evidence will be taken or oral argument will be heard. Such notice shall be mailed to the parties and their last known representatives at least ~~seven~~ 10 days in advance of the scheduled hearing. A request to present additional evidence will be granted only if the aforementioned guidelines are met. A timely request for oral argument will be granted unless, after a review of the record of the case, the commission determines that the record is either defective or insufficient, under which circumstances the case may be remanded to the appeals examiner for further proceedings.

3. *Except as otherwise provided herein, commission level hearings shall be conducted in person at the administrative office for the agency's Administrative Law Division in Richmond, Virginia. Upon the consent of all interested parties, the commission may permit oral argument hearings to be conducted by telephone conference call. All parties shall have the right to submit a written argument in lieu of participating in an oral argument hearing. The commission may prescribe reasonable conditions for the submission of written arguments.*

4. *Notwithstanding any other provision of this chapter, the commission shall have the authority to schedule a hearing on its own motion whenever it believes doing so would serve the ends of justice.*

C. Postponements, continuances and withdrawals of appeals before the commission shall be handled in the same manner as ~~lower authority~~ First Level Appeals, as set forth in this chapter, except that requests shall be made through the Office of Commission Appeals or through the special examiner assigned to hear the case. Only a special examiner shall have the authority to grant a postponement.

D. ~~Prior to a hearing before the commission for the purpose of taking additional evidence or for oral argument, and upon the request of an interested party, a transcript of the hearing held before the appeals examiner shall be furnished to all interested parties. Where no request for a transcript is made~~

~~and the hearing lasted less than 45 minutes, the tape may be replayed for the parties prior to the commission hearing in lieu of furnishing a transcript. A transcript of the appeals examiner's hearing shall be provided to the parties whenever there has been a timely request for a hearing before the commission; provided, however, that no transcript need be provided if the purpose of the commission hearing is limited to receiving evidence to determine (i) whether the appeal was timely filed and, if not, whether good cause exists to extend the statutory appeal period or (ii) whether good cause exists to reopen the appeals examiner's hearing.~~ A hearing before the commission for additional evidence shall be conducted under the same rules as outlined in subsection F of 16 VAC 5-80-20 for the conduct of ~~hearings at the lower authority~~ First Level Appeals hearings, except that the party being granted the right to present additional evidence shall proceed first. If both parties are allowed to present additional evidence, the appellant shall proceed first. Oral argument shall commence with the appellant, allowing the appellee the chance to respond with oral argument and rebuttal, and close with the appellant in rebuttal.

E. The decision of the commission affirming, modifying, or setting aside any decision of an appeals examiner shall be in writing and shall be delivered or mailed to each party to the appeal as well as to their known representatives who have requested to be notified of the decision. The date of such notification shall be recorded on the commission's appeal docket.

F. Any party to an appeal before the commission who was unable to appear for the scheduled hearing may request a reopening of the matter. The request shall be in writing to the Office of Commission Appeals and shall set forth the basis upon which it is being made. If the commission is of the opinion that the reasons in the request show good cause to reopen, the request for reopening shall be granted. If the commission is of the opinion that the reasons given in the request do not show good cause, reopening shall be denied. In the discretion of the commission, a hearing on the issue of reopening may be held. Once a decision is rendered and has become final, the case may not thereafter be reopened for any reason.

G. *If any party believes that the presiding special examiner exhibits bias, prejudice, a lack of impartiality, or has an interest in the outcome of the proceeding, a challenge to the special examiner's interest shall be promptly made after the discovery of the facts on which such challenge is based. A challenge to the interest of the ~~commission~~ special examiner may be made orally during a hearing or in writing before or after a hearing, but only prior to the date the commission's decision becomes final. ~~The commission shall promptly hear the challenge, and proceedings with respect to the matter at issue shall not continue until the challenge is decided. In case of a written challenge, the challenge should be addressed to the~~ If made before or at the hearing, all parties present shall be afforded an opportunity to address the merits of the challenge. The ruling may be made orally at the hearing or in writing after the hearing has been concluded. If the special examiner rules orally and denies the challenge, that ruling shall also be reduced to writing and included in the commission's final decision. If the special examiner grants the*

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# Proposed Regulations

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challenge, then the case shall be referred to the chief administrative law judge, or his designee, for reassignment. A challenge to the interest of the special examiner that is made after the hearing has been conducted shall be referred to the presiding special examiner for review and resolution; provided, however, that if the special examiner has already ruled on the challenge during the hearing or in a decision, the matter shall be referred to the chief administrative law judge for resolution. The commission may schedule a hearing to take evidence with respect to any challenge, or request the parties to submit affidavits, memoranda or briefs with respect to the challenge.

A written challenge made before or after the hearing has been conducted shall be submitted to the Chief Administrative Law Judge, Administrative Law Division, Office of Commission Appeals, at the commission's administrative office in Richmond, Virginia. A party's disagreement with a procedural or evidentiary ruling is not a basis, standing alone, for challenging the interest of a special examiner.

## **16 VAC 5-80-40. Oaths and, subpoenas, ex parte communications, and approval of attorney's fees.**

A. The special examiner, the appeals examiner, and the Clerk of the Commission shall have the power to administer oaths, to take depositions, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records, and to take such action as may be necessary in any hearing.

B. Upon the request of any party to a proceeding, the Clerk of the Commission, in the name of the commission, may issue subpoenas requiring the attendance of witnesses at any designated time and place fixed by the special examiner or appeals examiner for the hearing of a claim or any issue therein.

Upon a written request of any party specifying with reasonable certainty any books, papers, correspondence, memoranda, or other desired records, the Clerk of the Commission may issue a subpoena duces tecum requiring the production of such evidence at any designated time and place fixed by the special examiner or appeals examiner for the hearing of a claim or any issue therein.

A request for a subpoena ad testificandum or subpoena duces tecum may be denied if there is no showing of relevance to the subject of the appeal, if it appears that the request would only produce cumulative evidence or testimony, or if it appears that the request would not serve the interest of the party making it. If such request is denied, it may be renewed at the hearing and a proffer of evidence or testimony may be made. The appeals examiner or special examiner hearing the case shall continue the hearing if it appears that the subpoena should be issued.

C. Witnesses subpoenaed for appeals before the appeals examiner or the commission, or both, shall, upon request, be allowed expenses as provided in § 14.1-190 of the Code of Virginia.

D. No party or authorized representative of a party shall confer, engage in ex parte communications or otherwise

communicate in any manner with the presiding appeals examiner or special examiner regarding substantive, procedural, or other matters that could be reasonably expected to influence the outcome of the case or case decision without first giving adequate notice to all other parties, and affording such other parties full opportunity to participate, or otherwise to make appropriate response to the substance of the communication. For the purpose of this subsection, the term "parties" shall include claimants and any employers or employing units that have a direct interest in the outcome of the pending case. Notice of an ex parte communication given to a party's attorney of record or duly authorized representative shall constitute notice to the party.

This provision shall not apply to deputies who conduct predetermination fact-finding proceedings on benefit eligibility issues, and field tax representatives who conduct audits and investigations regarding tax liability issues.

### **E. Approval of fees for representation of claimants.**

1. Pursuant to § 60.2-123 of the Code of Virginia, no attorney or other individual representing a claimant before an officer of the commission may charge or receive a fee unless approved by the commission.

2. All fee requests shall be submitted to the Chief Administrative Law Judge or his designee. An attorney or other representative for a claimant shall, upon request, provide the commission with such information as it deems necessary to assess the reasonableness of the request submitted for approval. Such information may include, but shall not be limited to, written fee agreements, invoices, and detailed summaries of services provided.

3. In assessing the reasonableness of an attorney's request for approval of a fee, the commission shall consider the Virginia Rules of Professional Conduct adopted by the Virginia Supreme Court, Part 6, II.

When applicable, these factors shall also be considered in approving a fee request from nonlawyer representatives. Notwithstanding these factors, no fee shall be approved that exceeds 25% of the claimant's maximum benefit amount.

4. No fee shall be approved until the agency determination or decision issued pursuant to § 60.2-619, 60.2-620, or 60.2-622 has become final, provided, however, that in those cases where an attorney or representative is representing a claimant through multiple stages of the administrative adjudication and appeal process, the commission may approve an interim fee award not to exceed the lesser of \$400 or 10% of the claimant's maximum benefit amount.

VA.R. Doc. Nos. R00-285, R00-288, R00-289, and R00-290; Filed July 11, 2001, 8:25 a.m.

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**Title of Regulation:** 16 VAC 5-20-10 et seq. **Unemployment Taxes (amending 16 VAC 5-20-10 and 16 VAC 5-20-20).**

**Statutory Authority:** § 60.2-111 of the Code of Virginia.

**Public Hearing Date:** September 17, 2001 - 1 p.m.

Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

**Agency Contact:** Lynnette H. Coughlin, Regulatory Coordinator, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 786-1070 or FAX (804) 225-3923.

**Basis:** Section 60.2-111 A of the Code of Virginia authorizes the Virginia Employment Commission to promulgate regulations. This section provides broad-based authority for the agency to adopt, amend, or rescind such rules and regulations as it deems necessary or suitable to administer Title 60.2 of the Code of Virginia. The amendments are discretionary in nature and are not required by state or federal law.

**Purpose:** While the amendments are not essential to protect the health, safety or welfare of the citizens of the Commonwealth, the amendments are intended to relieve reimbursable employers – typically nonprofit organizations – from requirements to post a surety bond. During the 15 years that the Virginia Employment Commission has required reimbursable employers to post a bond, the agency has drawn only once upon the bonds to reimburse the unemployment trust fund. The requirement for employers to post a surety bond and administering the requirement has proven unnecessarily cumbersome for employers and for the VEC. Given the past experience in this area, eliminating the requirement to post surety bonds poses little or no risk to the unemployment trust fund while relieving employers of an administrative task and an unnecessary expense.

**Substance:** The proposed amendments eliminate the requirement in 16 VAC 5-20-20 for reimbursable nonprofit employers to post a surety bond.

**Issues:** The primary advantages of implementing the regulation to the public and the commission are discussed as follows:

1. The adoption of these regulations will benefit reimbursable employers by eliminating an administrative task and its related expense.
2. The primary advantage to the commission will be eliminating the administration of escrow accounts and the reporting requirements necessary to maintain the surety bonds. The benefit derived from such surety bond has been far outweighed by the record-keeping, reporting and other expense of administering the requirement.

No disadvantages to the public or the commission are anticipated.

**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 Virginia Employment Commission (VEC) proposes to eliminate the requirement for reimbursable employers to post a surety bond or a security deposit.

**Estimated economic impact.** Nonprofit organizations may elect out of paying unemployment insurance taxes. These organizations are referred to as reimbursable employers. If VEC validates an individual's application for unemployment benefits and a reimbursable employer is deemed the liable employer, the reimbursable employer is required to reimburse the unemployment trust fund (administered by VEC) for the cost of unemployment benefits paid to the individual. Under the current regulations reimbursable employers must either deposit money or securities equal to 1.0% of the employer's taxable wages for the most recent four calendar quarters, or file a surety bond equal to 1.0% of the employer's taxable wages for the most recent four calendar quarters, with the Chief of Tax at VEC's administrative office. The purpose of the deposit or surety bond requirement is to provide for funding to reimburse the unemployment trust fund for unemployment benefits paid out to former reimbursable employer employees when that reimbursable employer fails to pay their required reimbursement (due to bankruptcy, etc.).

VEC proposes to eliminate the requirement that reimbursable employers either post a surety bond or deposit money or securities. The proposed elimination of this requirement is clearly beneficial for the reimbursable employers. The reimbursable employers that currently file surety bonds would save the cost of the surety bond. According to VEC, the cost of a surety bond is approximately \$3.50 per thousand dollars of liability. Reimbursable employers who choose the surety bond route must obtain a bond at least equal to 1.0% of the employer's taxable wages for the most recent four calendar quarters. Also, the reimbursable employers that currently deposit money or securities equal to 1.0% of the employer's taxable wages would be able to use those assets in a more productive manner.

Without the surety bonds and security deposits, if a reimbursable employer fails to pay its required reimbursement (due to bankruptcy, etc.) and VEC is unable to obtain the full payment through the legal system, then the unemployment trust fund absorbs the cost of the unemployment payment. The agency believes that taxes paid by nonreimbursable employers (includes all for-profit organizations) would only have to be raised to pay for the absorption of such costs very infrequently; and on those rare occasions, the tax increase

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# Proposed Regulations

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would be very small for each taxpayer. VEC cites that during the 15 years that reimbursable employers have been required to post a bond or deposit funds, the agency has drawn upon the bonds to reimburse the unemployment trust fund only once. In addition, there are currently only 360 reimbursable employers versus the approximately 161,000 employers who pay unemployment insurance.

The elimination of the surety bond or deposit cost will likely encourage organizations that are eligible to be reimbursable employers, but currently choose to pay unemployment insurance, to become reimbursable employers. The number of such eligible organizations that do not currently choose to be reimbursable employers is not known by VEC. Additional reimbursable employers will increase the likelihood that at any given time a reimbursable employer fails to pay their required reimbursement (due to bankruptcy, etc.) and VEC is unable to obtain the full payment through the legal system. Thus, the probability that the unemployment trust fund would absorb the cost of the unemployment benefits paid to laid off employees from reimbursable employers that failed to reimburse would increase. Given that there has been only one such occurrence in the 15 years that reimbursable employers have been required to post a bond or deposit funds, it would likely remain rare if the increase in nonprofits that choose to be reimbursable employers is not large, and the new reimbursable employers are not significantly riskier than the reimbursable employers of the last 15 years. Since the number of new reimbursable employers and their riskiness in regard to failing to reimburse cannot be accurately estimated given the available data, the increase in the probability that the unemployment trust fund would absorb the cost of unemployment benefits paid to laid off employees from reimbursable employers that failed to reimburse is not known.

On those occasions that the unemployment trust fund absorbs the cost of the unemployment benefits due to employees of reimbursable employers that failed to reimburse, the cost will be added to the trust fund's pool cost charges. Under the current regulations, each year the unemployment trust fund acquires pool cost charges from: (i) benefit charges which cannot be assigned to an individual employer, (ii) net transfer credits due to employment commissions in other states, and (iii) the difference between the benefit charges of all employers with a maximum experience rating tax rate and the amount of the taxes resulting from applying the maximum experience rating tax rate against the payrolls of the same employers. Interest earned on the assets in the trust fund is used to pay the pool cost charges. When the pool costs exceed the value of the interest, nonreimbursable employers (includes all for-profit organizations) are charged a pool tax to pay off the excess pool cost charges. Thus, during years when the pool tax is in effect, i.e., when the pool costs exceed the value of the interest, the cost absorbed by the trust fund will lead to marginally higher pool taxes for nonreimbursable employers.

Businesses and entities affected. The proposed changes affect the 360<sup>1</sup> nonprofit reimbursable employers in Virginia, the nonprofit employers who currently pay unemployment

insurance, purveyors of surety bonds, and, to a lesser degree, all for-profit employers. Nonprofit organizations that choose to be reimbursable employers benefit by a reduction in their cost of doing business. The elimination of the reimbursable that employers either post a surety bond or deposit money or securities will negatively affect demand for firms that provide surety bonds.

Localities particularly affected. The proposed amendment will potentially affect all Virginia localities.

Projected impact on employment. The elimination of the requirement for surety bonds or security deposits will result in a decreased demand for surety bonds; this may produce a small negative impact on employment in firms that provide surety bonds. The elimination of the requirement will produce a small decrease in the cost of doing business in Virginia for nonprofit organizations; thus, this may produce a small positive impact on employment in nonprofit organizations. As has been discussed, the elimination of the requirement may in some years produce a very small increase in taxes for nonreimbursable employers. On its own, this occasional very small increase in taxes is unlikely to affect employment. If other very small cost increases occur simultaneously, there may be a marginally negative impact on employment.

Effects on the use and value of private property. The proposed changes will decrease the demand in Virginia for surety bonds. The value of purveyors of surety bonds may decrease slightly. On the other hand, reimbursable employers will be able to spend the assets previously tied up in surety bonds or deposits more productively. Thus, the value of nonprofits may increase slightly. In some years the cost of doing business for nonreimbursable employers may increase very slightly. Thus the value of these organizations may decrease by a commensurate very small amount.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Virginia Employment Commission concurs with the Department of Planning and Budget's economic impact analysis for the proposed regulations.

Summary:

*The proposed amendments eliminate the requirement for "reimbursable" employers to post a surety bond. Reimbursable employers are government and nonprofit entities who are not required to pay unemployment taxes, but are required to reimburse the unemployment insurance trust fund for benefits paid to qualified individuals separated from such employers.*

**16 VAC 5-20-10. Taxable employers.**

A. Taxes shall become due for all taxable employers on the last day of the month following the end of the calendar quarter for which they have accrued. This subsection shall not apply to reimbursable employers, including governmental entities and nonprofit organizations electing coverage under the provisions of §§ 60.2-501 through 60.2-507 of the Code of Virginia.

B. The first tax payment of an employer who becomes liable for taxes in any year shall become due on the next due date following the month in which he became subject to the Act.

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<sup>1</sup> Source: VEC

The first payment of such an employer shall include taxes for all wages payable for each employing unit from the first day of the calendar year.

C. Payment for each calendar quarter shall include taxes for wages payable in all pay periods (weekly, biweekly, semi-monthly, monthly) ending within such calendar quarter.

D. Upon written request of any employer filed with the commission on or before the due date of any tax payment, the commission for good cause may grant in writing an extension of time for the payment of such taxes, but (i) no extension of time shall exceed 30 days, (ii) no extension shall postpone payment beyond the last date for filing tax returns under the Federal Unemployment Tax Act, 26 USCS USC §§ 3302, and 3306, and (iii) interest as provided in § 60.2-519 of the Code of Virginia shall be payable from the original due date as if no extension had been granted.

**16 VAC 5-20-20. Reimbursable employers.**

~~A. All nonprofit organizations, pursuant to the provisions of § 60.2-501 of the Code of Virginia shall file with the Chief of Tax at the Commission's administrative office a surety bond equal to 1.0% of the employer's taxable wages, as defined in § 60.2-229 of the Code of Virginia, for the most recent four calendar quarters prior to the election to make payments in lieu of taxes. Such bond shall be executed by an approved bonding company. Any such nonprofit organization having made the election to make payments in lieu of taxes prior to the effective date of this chapter shall file with the Chief of Tax at the commission's administrative office a surety bond equal to 1.0% of the employer's taxable payroll for the most recent four calendar quarters prior to the effective date of this chapter. If the nonprofit organization did not pay wages in each of such four calendar quarters the amount of the bond or deposit shall be 1.0% of the taxable payroll estimated for four calendar quarters from any such quarters in which the organization did pay wages. If the nonprofit organization did not pay wages in any quarter, then the amount of bond or deposit shall be 1.0% of taxable payroll estimated by the organization, such estimate to be adjusted at the end of four calendar quarters by the commission.~~

~~B. In lieu of the bond set forth in subsection A, any nonprofit organization may elect to deposit with the commission money or securities equal to 1.0% of the employer's taxable payroll for the most recent four calendar quarters prior to the election to make payments in lieu of taxes. Any deposit of money or securities shall be retained in an escrow account until liability is terminated, at which time it shall be returned to the organization less any deductions. The commission may deduct from deposited funds, or sell the securities to the extent necessary to provide, a sum sufficient to satisfy any due and unpaid payments in lieu of taxes, or any unpaid taxes and any applicable interests and penalties. Within 30 days following any such deduction the employer must deposit sufficient additional money or securities to make whole its deposit at the prior 1.0% level.~~

~~If any nonprofit organization fails to file such bond with the commission within 30 days after such election, the commission may terminate the organization's election to make payments in lieu of taxes.~~

*Reimbursable employers shall not be required to post a bond.*

**NOTICE:** The forms used in administering 16 VAC 5-20-10 et seq., Unemployment Taxes, are listed below. Any amended or deleted forms are reflected in the listing.

FORMS

~~Voluntary Election to Become an Employer Under the Virginia Unemployment Compensation Act, VEC-FC-24 (rev. 1/87).~~

~~Election (of method of payment) by Nonprofit Organizations, Governmental Agencies, or Political Subdivisions, VEC-FC-47 (rev. 1/92).~~

~~Unemployment Insurance in Virginia: Employer's Handbook (rev. 2/93). (Although issued for informational purposes only, this booklet contains some interpretative material.)~~

VA.R. Doc. No. R00-286; Filed July 11, 2001, 8:24 a.m.

\* \* \* \* \*

**Title of Regulation: 16 VAC 5-32-10 et seq. Required Records and Reports (amending 16 VAC 5-32-10 and 16 VAC 5-32-20).**

**Statutory Authority:** § 60.2-111 of the Code of Virginia.

**Public Hearing Date:** September 17, 2001 - 1 p.m.

Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

**Agency Contact:** Lyn Coughlin, Senior Planner, Virginia Employment Commission, 703 E. Main Street, Room 329, Richmond, VA 23218, telephone (804) 786-1070, FAX (804) 225-3923 or e-mail lcoughlin@vec.state.va.us.

**Basis:** The Virginia Employment Commission (VEC) is authorized to promulgate regulations in § 60.2-111 A of the Code of Virginia. This provision provides broad-based authority for the agency to "adopt, amend, or rescind such rules and regulations...as it deems necessary or suitable to that end."

**Purpose:** While the amendments are not essential to protect the health, safety or welfare of the citizens of the Commonwealth, they are intended to make technical changes, codify current agency practice with respect to recordkeeping, and to pave the way for employers to submit quarterly wage reports electronically.

Currently, state law provides, in § 60.2-114, that "[t]he commission may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commission deems necessary for the effective administration or this title." The commission typically uses certain records in order to verify wage reports in the event of an audit. The provisions in 16 VAC 5-32-10 B enumerate the documents that employers should keep in order to document that wages have been accurately reported and that taxes or refunds have been correctly computed and paid. The amendment does not increase the records employers are required to keep, but should help put employers on notice of the types of documents already required and will assist the

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# Proposed Regulations

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commission's auditors by providing more specific references than are contained in state statute.

Amendments in 16 VAC 5-32-20 changing a reference from "forms" to "format" are a first step in developing electronic filing for wage and tax reports. Currently such reports are prepared and submitted in paper format. By establishing electronic transmission of required reports, the agency hopes to make filing more convenient and reduce mailing costs and transmission time for employers and the commission.

**Substance:** The amendment to 16 VAC 5-32-10 A 1 is technical in nature and simply adopts wording used in the agency's authorizing statute to maintain consistency. The amendment to 16 VAC 5-32-10 A 7 a is technical and changes a reference in the regulation to the term used in the agency's definitions contained in 16 VAC 5-10-10. The amendment to 16 VAC 5-32-10 B codifies the agency's current practice, authorized by state law, of requiring certain documentation if it is necessary to ensure that wages have been accurately reported and taxes and refunds correctly computed and paid. The intent of codifying current requirements is to advise employers of the types of records that they should maintain in order to document quarterly wage reports. The amendment to 16 VAC 5-32-20 B requires that reports be made in a prescribed format rather than requiring such reports to be made on a specific form. This change prepares for the introduction of electronic wage reporting.

**Issues:** The issues associated with the proposed amendments are as follows:

1. The primary advantages to the public of enumerating the types of documents the commission may require is that the regulation better-informs employers of the documents that may be necessary in the event of an audit. The primary advantage of establishing electronic filing of required reports is that filing such reports electronically eliminates postage costs and transmission time. Reducing transmission times should reduce fines for late reporting. The commission has not identified any disadvantages to the public in these amendments.
2. The primary advantage to the commission and the Commonwealth of enumerating the types of records employers must keep is that it will eliminate uncertainty among employers about the types of records that may be requested. The primary advantages to the commission and the Commonwealth from establishing electronic report filing is a reduction in postage costs and transmission times associated with reporting. Electronic filing may also encourage timelier reporting. The commission has not identified any disadvantages to the Commonwealth in these amendments.

**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 Virginia Employment Commission (VEC) proposes to specify within these regulations the records that employers should keep in order to document that wages have been accurately reported and that taxes or refunds have been correctly computed and paid. Additionally, VEC proposes to amend language in the regulations so to allow electronic wage reports.

**Estimated economic impact.** Under the current regulations, employers are required to maintain financial records that are relevant to ensuring that wages are accurately reported and taxes or refunds are correctly computed and paid. The regulations do not specify the relevant documents. The proposed regulations would specify that particular records must be kept; the specific required documents are all payroll records, federal W2 and 1099 forms, and federal and state employment and income tax returns. Listing specific financial documents may help some employers to keep better records that are relevant to ensuring that wages are accurately reported and taxes or refunds are correctly computed and paid. Additionally, keeping better records may help ensure that employers avoid presumptions in favor of their adversary in a dispute before the VEC. The regulations state that "if such records are not maintained, there shall be a presumption in favor of the party making an allegation..." This proposed regulatory change essentially clarifies current VEC policy and reduces the likelihood that employers would not follow their requirement for recordkeeping due to confusion over the requirement. To the extent that the proposed change does improve employers' recordkeeping, it will enable VEC to make better-informed decisions.

VEC also proposes to amend regulatory language in order to allow electronic submission of quarterly reports by employers. According to VEC, employers will be permitted to file reports either via paper or electronically. Employers that choose to submit quarterly reports electronically would typically save \$1.36 in postage costs per year.<sup>1</sup> Electronic report submission may also save employers a small amount of labor time. Employers as a group will be better off with the electronic submission option since some will find it reduces their costs, while those that prefer traditional mail will retain that option.

The electronic report submission system would save VEC approximately \$15,709 to \$31,418 in mail processing labor costs. The agency would also save about \$15,716 to \$31,431 in postage. The labor and postage savings are based on VEC calculations that assume between five and ten percent of employers will use the electronic filing option. VEC's postage and labor costs are paid directly by the federal government. The agency's costs in creating the electronic submission system are also paid for with federal funds.

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<sup>1</sup> According to VEC, the quarterly reports are only one page for most employers.

Businesses and entities affected. The approximately 161,000<sup>2</sup> employers that submit quarterly wage reports to VEC are affected by the proposed regulatory changes. Additionally, one firm that will help create the electronic submission system and one firm that provides mail-processing services to VEC will also likely be affected.

Localities particularly affected. All Virginia localities are potentially affected by the proposed regulatory changes.

Projected impact on employment. Establishing an electronic report submission system will likely reduce VEC's demand for mail processing services by an amount estimated to be equivalent to \$15,709 to \$31,418. The firm that supplies mail-processing services for the agency may reduce their employment by some small amount. Also, a different firm will help VEC create the electronic report submission system. The agency's demand for their services will likely lead this firm to employ more labor. Otherwise, the proposed regulatory changes will not significantly affect employment.

Effects on the use and value of private property. The proposed specification of required records may encourage some employers to keep such records who in the past had not. The proposed new language that allows electronic submission of quarterly reports by employers will prompt some employers to use this technology. The value of their firms may increase by a very small amount as their costs (labor and postage) may decrease by an equivalently very small amount. The firm which will help create VEC's electronic report submission system will increase somewhat in value with the increased demand for their services; while the value of the firm which provides mail-processing services for the agency may fall with the decrease in demand for their services.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis as completed by the Department of Planning and Budget.

**Summary:**

*The proposal codifies in regulation current state and federal policies regarding the records employers may be required to produce in order to verify income reporting in the event of an audit. The amendment also lays the groundwork to allow employers to submit required wage reports electronically, which will eliminate postage costs and transmission time. The amendments also include technical changes.*

**16 VAC 5-32-10. Employing unit records.**

A. Each employing unit as defined under § 60.2-211 of the Code of Virginia, having services performed for it by one or more individuals in its employ, shall maintain records reasonably protected against damage or loss as hereinafter indicated and shall preserve such records. These records shall include for each worker:

1. A full legal name;

2. A social security account number;
  3. The state or states in which his services are performed; and if any of such services are performed outside the Commonwealth of Virginia not incidental to the services within the Commonwealth of Virginia, his base of operations with respect to such services (or if there is no base of operations then the place from which such services are directed or controlled) and his residence (by state). Where the services are performed outside the United States, the country in which performed;
  4. The date of hire, rehire, or return to work after temporary lay off;
  5. The date when work ceased and the reason for such cessation;
  6. Scheduled hours (except for workers without a fixed schedule of hours, such as those working outside their employer's establishment in such a manner that the employer has no record or definite knowledge of their working hours);
  7. a. Wages earned in any week of partial unemployment by a partially employed individual as such week individual is defined in 16 VAC 5-10-10;
  - b. Whether any week was in fact a week of less than full-time work;
  - c. Time lost, if any, by each such worker, and the reason therefor;
  8. Total wages in each pay period, and the total wages payable for all pay periods ending in each quarter, showing separately (i) money wages, including tips and dismissal or severance pay, and (ii) the cash value of other remuneration;
  9. Any special payments for service other than those rendered exclusively in a given quarter, such as annual bonuses, gifts, prizes, etc., showing separately (i) money payments, (ii) other remuneration, and (iii) nature of said payments;
  10. Amounts paid each worker as advancement, allowance or reimbursement for traveling or other business expenses, dates of payment, and the amounts of expenditures actually incurred and accounted for by such worker;
  11. Location in which the worker's services are performed within or outside of the United States and dates such services are performed outside of the United States. For the purposes of this subdivision, "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.
- B. *Employers shall provide the commission upon request all payroll records, federal W2 and 1099 forms, federal and state employment and income tax returns, and any other records that would be relevant to ensuring that wages had been accurately reported and taxes or refunds correctly computed and paid. Records required by this chapter to be maintained by employing units under the Act shall be preserved for four years from the date of payment of the tax based thereon and shall be subject to examination and audit by the commission.*

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<sup>2</sup> Source: VEC

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# Proposed Regulations

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C. If such records are not maintained, there shall be a presumption in favor of the party making an allegation, and the burden of overcoming such presumption shall rest upon the party failing to maintain the required records.

## 16 VAC 5-32-20. Required reports.

A. Each employer, as defined in § 60.2-210 of the Code of Virginia, shall report to the commission for each calendar quarter all the information concerning the number of workers subject to the Act and the total wages payable with respect to employment in all pay periods ending within each such quarter. Upon request, each such employer shall furnish the commission additional information revealing the wages earned by an individual in his employment during the time between the last pay period for which wages were paid in any quarter and the end of such quarter.

B. Each employer shall report quarterly, not later than the last day of the month following the end of the calendar quarter, ~~on forms the following information in the format~~ prescribed by the commission, ~~the following~~:

1. Employer's name, address, and any registration number assigned to him by the commission;
2. The quarterly period covered by the report;
3. The social security account numbers of the workers;
4. The full legal names of workers, with surnames last;
5. Each worker's total wages paid for the quarter.

Such reports shall be submitted for each calendar quarter of each year.

C. An employer shall immediately notify the commission of the filing of any voluntary or involuntary petition in bankruptcy or other proceeding under the Federal Bankruptcy Code, the commencement of any receivership or similar proceeding, or of any assignment for benefit of creditors, and any order of court under the laws of Virginia with respect to the foregoing.

D. Each employing unit shall make such reports as the commission may require and shall comply with instructions printed upon any report form issued by the commission pertaining to the preparation and return of such report.

1. Any employing unit which becomes an employer shall give notice to the commission of that fact within 30 days. The notice shall contain the employer's name, home address, business address, and name of business, if any.
2. Any employer who terminates his business for any reason or transfers or sells the whole or any part of his business or changes the name or address, or both, of his business, shall within 30 days of such action give notice of such fact in writing to the commission. The notice shall contain the employer's name, address, and account number, along with the name, address, and account number of any new owner or part owner.

E. Every corporation shall file with the commission a verified list of its officers and registered agent. Where it is claimed that any of the officers are not in the corporation's employment, a complete statement of the reasons shall be presented with said list.

An officer of a corporation, to be considered as being in the employment of a corporation, shall perform services, and these services shall be performed either (i) for remuneration or (ii) under a contract of hire.

**NOTICE:** The forms used in administering 16 VAC 5-32-10 et seq., Required Records and Reports, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

## FORMS

Quarterly Charge Statement, VEC-B-46 (eff. 1/92).

Reimbursable Statement, VEC-B-47 (eff. 6/90).

~~Notice of Overpayment, VEC-AC-7 (rev. 11/87).~~

Delinquent Notice, VEC-DA-33 (rev. 8/87).

Notification of Pending Civil Action, VEC-DA-34 (rev. 4/90).

Employers Quarterly Payroll Report, VEC-FC-10A (rev. 9/85).

Information for Use in Determining Whether an Employee-Employer Relationship Exists for Purposes of State Unemployment Taxes, VEC-FC-16 (rev. 1/87).

Employer's Quarterly Tax Report and Employer's Quarterly Payroll Report, VEC-FC-20 and VEC-FC-21 (rev. 1/92). (Now self-mailer, containing both forms.)

*Voluntary Election to Become an Employer Under the Virginia Unemployment Compensation Act, VEC-FC-24 (rev. 1/87).*

Report to Determine Liability, VEC-FC-27 (rev. 1/92).

Tax Rate Notice, VEC-FC-29 (rev. 7/92).

Statement to Correct Wage Information, VEC-FC-34 (rev. 2/87).

Taxable Payroll Division for Partial Acquisitions, VEC-FC-45 (rev. 7/92).

*Election (of method of payment) by Nonprofit Organizations, Governmental Agencies, or Political Subdivisions, VEC-FC-47 (rev. 1/92).*

Letter to Employer Establishing Tax Liability, VEC-FC-48.

Notice to Appear in Lieu of Summons, VEC-FC-53.

Notice of Account Closing, VEC-FC-56 (rev. 2/92).

Reply Form for Information Missing on FC-20, VEC-FC-60.

VIRGINIA EMPLOYMENT COMMISSION  
703 EAST MAIN STREET  
P. O. BOX 1358  
RICHMOND, VIRGINIA 23211

**VOLUNTARY ELECTION TO BECOME AN EMPLOYER UNDER  
THE VIRGINIA UNEMPLOYMENT COMPENSATION ACT**



**COMMONWEALTH of VIRGINIA**  
*Virginia Employment Commission*

*Dr. Thomas J. Towberman*  
Commissioner

**NON-PROFIT EMPLOYER  
PAYMENT CHOICE**

As a non-profit employer, you may choose to make tax payments on a regular quarterly basis or be self insured and reimburse the Commission only for the payments made on your behalf. (Virginia Unemployment Compensation Act, §60.2-501)

Your decision must be returned to us within 30 days or we will establish your account as a taxable employer.

Select one:

- Taxable
- Self insured

Employer Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Business Location: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

1. Firm Name: \_\_\_\_\_

2. Indicate Type of Organization:

Corporation \_\_\_\_\_ Date incorporated \_\_\_\_\_

Partnership \_\_\_\_\_ Date partnership formed \_\_\_\_\_

Other \_\_\_\_\_ Date became an "employing unit" \_\_\_\_\_

3. If not incorporated, give names of all persons owning an interest in the business:  
\_\_\_\_\_  
\_\_\_\_\_

4. Virginia Address: \_\_\_\_\_ Street and Number, or Rural Route \_\_\_\_\_ (P.O.) \_\_\_\_\_ (County) \_\_\_\_\_

5. If out-of-state firm give out-of-state address \_\_\_\_\_

The undersigned, being an employing unit under the provisions of the Virginia Unemployment Compensation Act, but not being an employer subject thereto, does hereby voluntarily elect, pursuant to the provisions of Section 60.2-510, as of January 1, 19 \_\_\_\_\_.

Dated \_\_\_\_\_ Firm Name: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as of January 1, 19 \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
VIRGINIA EMPLOYMENT COMMISSION

By: \_\_\_\_\_

Title: \_\_\_\_\_

VEC-EC-34 (R. 1/87)

• TDD (804) 371-3059 • Equal Opportunity Employer/Program

VEC-FC-47 (R. 4/85)

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# Proposed Regulations

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF MEDICINE

**Title of Regulation:** 18 VAC 85-110-10 et seq. Regulations Governing the Practice of Licensed Acupuncturists (amending 18 VAC 85-110-100).

**Statutory Authority:** §§ 54.1-2400 and 54.1-2956.9 of the Code of Virginia.

**Public Hearing Date:** August 3, 2001 - 9:30 a.m.

Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

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

**Basis:** Chapter 24 (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations, levy fees, administer a licensure and renewal program, and discipline regulated professionals. Section 54.1-2956.9 of the Code of Virginia gives the Board of Medicine authority to regulate the licensure of acupuncturists.

The legal authority to promulgate the proposed amendments is in the second enactment clause of Chapter 814 of the 2000 Acts of Assembly, which states: "That the Board of Medicine, in consultation with the Advisory Board on Acupuncture, shall promulgate regulations, including education and training requirements for doctors of medicine, osteopathy, chiropractic and podiatry who utilize acupuncture, and including the requirement for a standard form recommending a diagnostic examination for provision to the patient by the acupuncturist, to implement the provisions of this act within 280 days of enactment."

**Purpose:** The Code of Virginia requires the licensed acupuncturist to either get written documentation that the patient has received a diagnostic examination by a licensed practitioner of medicine, osteopathy, chiropractic or podiatry or to provide a written recommendation for such an examination to the patient. The enactment clause requires the board to promulgate regulations for this requirement, including a standard form to be signed by the patient.

While the Code of Virginia no longer requires that a person get a medical examination and referral prior to receiving acupuncture, concerns remain that a medical problem will go undiagnosed and untreated during the course of acupuncture treatment. Therefore, the requirement for a written recommendation for an examination by a physician will provide a measure of protection for a patient's safety and health.

**Substance:** Regulations for licensed acupuncturists are amended to specify a form which must be provided by a licensed acupuncturist to a patient who has not received a

diagnostic examination from a physician within the past six months.

**Issues:** There have been no issues related to the written recommendation form; the Code of Virginia requires that such a form be given to acupuncture patients. Many licensed acupuncturists already utilize such a form for their own protection and their concerns about their patients. Based on discussions by the Advisory Committee on Acupuncture related to the composition of the form, the most important information and signature lines have been placed at the top of the form with the information intended for the acupuncturist at the bottom. Since licensed acupuncturists are not required to be fluent in English and the patient may not understand English, the instructions provide that the licensee has an obligation to either provide the form in the language of the patient or ensure that it has been translated for their understanding.

There are no disadvantages to the public; the public is better protected by the requirement for a disclosure form that will ensure the patient is aware of the need for a diagnostic examination by a doctor.

There are no disadvantages to the agency, since there are no additional tasks or responsibilities involved in compliance with these amendments.

**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. Section 54.1-2956.9 of the Code of Virginia requires that, prior to performing any acupuncture procedure, an acupuncturist not licensed to practice medicine, osteopathy, chiropractic, or podiatry must either (i) obtain written documentation that the patient has received a diagnostic evaluation by a licensed medical practitioner with regard to the ailment or condition to be treated or (ii) provide a written recommendation for such an examination to the patient. The proposed regulatory action requires use of a standardized form for recommending a diagnostic evaluation and specifies that the form must be signed by the patient, that one copy be maintained in the patient's file, and that another copy be provided to the patient.

Estimated economic impact. The existing requirement that patients be made aware of the need for a diagnostic examination by a licensed physician arises from concerns that a medical problem may go undiagnosed and untreated during the course of acupuncture treatment.

Currently, there is no required standard form for the written recommendations. Pursuant to Chapter 814 of the 2000 Acts of Assembly, the proposed regulations require the use of a standard form specified by the Board of Medicine for written recommendations. The specific form developed by the board requires the signatures of both the patient and the acupuncturist, explains why the form is required, provides instructions to the acupuncturist explaining how many copies of the form are required, how it should be filled out, and what to do when the patient does not understand English. The Department of Health Professions (DHP) indicates that the specific form developed by the board is similar to what most acupuncturists have been using in practice. The degree of similarity between the proposed standard form and the forms that have been used in practice is unknown. Especially, DHP does not know whether the forms used in practice included signatures of the patient and the physician. Because similar forms have been used in practice, the proposed changes are not expected to have significant economic impact in many cases.

In some cases, the proposed changes may result in small costs and benefits. The proposed regulations require all the patients and the physicians to devote some time to fill out and sign the form. Some of the patients and physicians may not have been filling out a specific type of information or signing the form but are required to do so under the proposed regulations. This may cost some physicians and patients a small amount of time. The loss of about 10 to 20 seconds per additional person may add up to a non-negligible amount of time that could be used elsewhere. In addition, for those practitioners who do not already maintain this documentation, there are likely to be very small compliance costs associated with copying the required form and maintaining a copy in the patient's file. On the other hand, the proposed regulations may provide some benefits since the signatures of both the patient and the acupuncturist on the form will make it possible to determine if the patient received the required information should there be a disagreement. No such disagreements have been reported to date.<sup>1</sup>

Businesses and entities affected. The proposed changes will affect 108 licensed acupuncturists in Virginia and their patients. However, the number of patients receiving acupuncture treatment is unknown.

Localities particularly affected. All localities in Virginia will be potentially affected.

Projected impact on employment. The proposed regulatory change is not expected to have any significant impact on employment.

Effects on the use and value of private property. The proposed regulatory change is not expected to significantly affect the use and value of private property.

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

## Summary:

*The proposed amendment requires a standard form that recommends a diagnostic examination by a physician be provided to the patients of acupuncturists.*

## **18 VAC 85-110-100. General requirements.**

Prior to performing acupuncture, a licensed acupuncturist shall obtain written documentation that the patient has received a diagnostic examination within the past six months by a licensed doctor of medicine, osteopathy, chiropractic, or podiatry acting within the scope of his practice or shall provide to the patient a written recommendation for such a diagnostic examination *on a form specified by the board and signed by the patient. One copy of the signed form shall be maintained in the patient's chart and another copy provided to the patient.*

**NOTICE:** The forms used in administering 18 VAC 85-110-10 et seq., Regulations Governing the Practice of Licensed Acupuncturists, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

## FORMS

Instructions for Completing the Application for Licensed Acupuncturist, American Graduates (rev. 8/99).

Instructions for Completing the Application for Licensed Acupuncturist, Non-American Graduates (rev. 8/99).

Application for a License to Practice as an Acupuncturist (rev. 7/98).

Form #A, Claims History Sheet (rev. 1/98).

Form #B, Activity Questionnaire (rev. 1/98).

Form #C, Clearance from Other State Boards (rev. 1/98).

Verification of NCCAOM Certification (rev. 7/98).

Renewal Notice and Application (rev. 2/00).

*Recommendation for a Diagnostic Examination (eff. 2001).*

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<sup>1</sup> Source: DHP

## Recommendation for a Diagnostic Examination

WE, THE UNDERSIGNED, DO AFFIRM THAT \_\_\_\_\_  
(NAME OF PATIENT) HAS BEEN ADVISED BY \_\_\_\_\_  
(NAME OF LICENSED ACUPUNCTURIST), TO CONSULT A PHYSICIAN  
REGARDING THE CONDITION FOR WHICH ACUPUNCTURE  
TREATMENT IS BEING SOUGHT.

\_\_\_\_\_  
(Signature of patient)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of acupuncturist)

\_\_\_\_\_  
(Date)

The Code of Virginia requires that prior to performing acupuncture, a licensed acupuncturist shall either "(i) obtain written documentation that the patient had received a diagnostic examination from a licensed practitioner of medicine, osteopathy, chiropractic or podiatry with regard to the ailment or condition to be treated or (ii) provide to the patient a written recommendation for such a diagnostic examination." (§54.1-2956.9 of the Code of Virginia)

### Instructions to Licensed Acupuncturist:

The law requires the Board of Medicine to adopt a standard form to be used by licensed acupuncturists in recommending a diagnostic examination. **Therefore, this form must be given to any patient seeking acupuncture treatment from whom the acupuncturist has not obtained written documentation of a diagnostic examination from a licensed practitioner of medicine, osteopathy, chiropractic or podiatry for the ailment or condition being treated.**

- The form must be in duplicate with one copy to be given to the patient and one copy kept on file with the patient's records.
- The form must be signed and dated by both the patient and the licensed acupuncturist.
- If the patient does not understand English, the licensed acupuncturist must either provide the form in the language of the patient or ensure that it has been translated for the patient in his language.

## BOARD OF NURSING

**Title of Regulation:** 18 VAC 90-20-10 et seq. **Regulations Governing the Practice of Nursing (adding 18 VAC 90-20-36).**

**Statutory Authority:** §§ 54.1-2400 and 54.1-3012.1 of the Code of Virginia.

**Public Hearing Date:** September 25, 2001 - 3 p.m.

Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

**Agency Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

**Basis:** Chapter 24 (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations, levy fees, administer a licensure and renewal program, and discipline regulated professionals.

House Bill 1249 and Senate Bill 488 of the 2000 Session of the General Assembly amended § 54.1-3005 of the Code of Virginia in the Nursing Practice Act, which specifies the powers and duties of the board, to permit the collection of data and added § 54.1-3012.1 with a mandate for the collection and dissemination of workforce information with such funds as are appropriated for that purpose.

**Purpose:** The law specifies in § 54.1-3012.1 of the Code of Virginia that the Board of Nursing is mandated to collect, store and make available nursing workforce information on nurses and to promulgate regulations to implement the provisions of that section of the Code of Virginia. The goal of the proposed regulation is to implement provisions of the law, which require the collection of demographic and employment information that will provide some basis for strategies to address the problem of nursing shortages in the Commonwealth and to anticipate the need for the education and training of nurses to meet future demands. Providing a sufficient nursing workforce for a variety of health care settings is essential to the health, safety and welfare of the public. Regulations to provide for data collection and the resulting statistical information can assist in that effort.

**Substance:** The board is required to collect and update information biennially and to make the data available to interested parties only in aggregate form. Information which could identify individual nurses cannot be released in any form or manner. The data elements to be collected are specified in the Code of Virginia as follows: i) demographic data; (ii) level of education; (iii) employment status; (iv) employment setting such as in a hospital, physician's office, or nursing home; (v) geographic location of employment; (vi) type of nursing position or area of specialty; and (vii) number of hours worked per week.

The Code of Virginia has specifically set out minimal requirements for data elements, a schedule for collection and provisions for confidentiality, but the board is required to promulgate regulations that address at least the data

elements to be collected, the process for collection and distribution, and provisions for confidentiality.

**Issues:** Most of the issues related to workforce data collection have already been addressed by passage of the legislation in HB1249 and SB488. That legislation, as introduced, would have required the Board of Nursing to collect, store and distribute information from special dedicated funds of the board, which are derived from fees charged to nurses. Since the data is intended for workforce planning and not for public protection, the Office of the Attorney General ruled during a previous session of the General Assembly that the board could not use its funds for that purpose. Therefore, the enabling legislation was amended to specify that data collection would occur with "such funds as are appropriated for this purpose." Accompanying the legislation was a budget amendment appropriating \$40,000 for each of the two years of the biennium for data collection by the board.

With the limitation of the funding and the specific prohibition against distribution of information which identifies individual nurses, some of the intended uses for and issues related to data collection became moot. For example, some nursing education programs had wanted to use the information to send mailings to nurses, customized according to data provided on a survey by the board. That would require identification of nurses by name and address with the responses given on the data survey form, which is prohibited by law. Also, collection of data on all 140,000 nurses licensed or certified under the board will not be possible with the funds available. With only \$40,000 available each year to collect, store and develop reports, the board will be required to solicit information from a sampling of its licensees. A sampling of the workforce may be useful but may not provide the extensive informational base that hospitals and educational institutions had intended to be accumulated.

Once the parameters of the legislation and the limitations of funding were discussed and understood by an advisory group on nursing workforce data, issues surrounding the promulgation of regulations were resolved in favor of rules that are reflective of and conforming to the law. By making available data on the nursing workforce, institutions charged with planning for nursing education and employment will be able to more accurately plan their curriculum and recruitment to address manpower needs for the future.

**Advantages and Disadvantages.** Disadvantages of the data collection include: (i) insufficient funding to collect information on all certified and licensed nurses may result in less useful data and (ii) the data collection does not directly address the nursing shortage (especially the shortage of certified nurse aides in long-term care facilities) since it does not address the reasons why persons who hold the appropriate license or certification may choose to work in other occupations or settings. The data collection has a limited purpose, but it may be useful to academicians, hospital and long-term care administrators and those responsible for nursing education and employment. If the reported data provides some information that results in the development of strategies to address the nursing shortage and to make nursing an attractive profession for future workers, then the result would

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# Proposed Regulations

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be advantageous to the public whose health, welfare and safety may be jeopardized by shortages.

There are no particular advantages or disadvantages to the state agency that regulates nurses, since the data collection will be performed under a contract with a vendor with such funding as is appropriated for that purpose in the General Fund. No additional employees in the Department of Health Professions will be necessary to implement provisions of law and regulation for workforce data collection.

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. Section 54.1-3012.1 of the Code of Virginia mandates that the Board of Nursing (board) collect, store, and make available demographic and employment information on nurses licensed or certified by the board. The proposed regulation specifies the data elements to be collected, the process for collection and distribution, and provisions for confidentiality.

Estimated economic impact. The purpose of the proposed regulation is to collect demographic and employment information from nurses that will provide: (i) some basis for the board and others to develop strategies to address the problem of nursing shortages in the Commonwealth and (ii) educational institutions with the necessary information to anticipate future needs related to the education and training of nurses. The General Assembly appropriated \$40,000 each year for the next two years for implementation of this project. This level of funding, according to the board, will be sufficient to collect, store and develop reports from only a sample of the approximately 140,000 nurses licensed or certified in Virginia, rather than from the entire nursing population.

If the reported data provides information that results in the development of strategies to address the nursing shortage in Virginia and allows nursing educational institutions and employers to more accurately plan their curriculum and recruitment to meet future demands, then the proposed regulation could result in significant economic benefit for employers, consumers, and providers of nursing services in Virginia. The board does, however, note several disadvantages that may limit the potential benefit derived from the proposed data collection initiative. These disadvantages include: (i) insufficient funding to collect information on all certified and licensed nurses and (ii) the data collection does not directly address the nursing shortage (especially the shortage of certified nurse aides in long term care facilities) since it does not capture the reasons why persons who hold

the appropriate license or certification may choose to work in other occupations or settings.

The proposed regulation has the potential to provide some beneficial information to academicians, hospital and long-term care administrators, and others responsible for nursing education and employment. The value of this information is unknown and therefore it is difficult to determine whether it will outweigh the cost to taxpayers of \$80,000 over the next two years.

Businesses and entities affected. The Board of Nursing will solicit demographic and employment information from a sample of its approximately 140,000 licensees. Completion of the survey is voluntary and provisions in the Code of Virginia and the proposed regulation prohibit the distribution of information that identifies individual nurses, therefore the privacy of respondents should not be comprised. If the information collected provides information that results in the development of strategies to address the nursing shortage in Virginia or allows nursing educational institutions and employers to more accurately plan their curriculum and recruitment to meet future demands, then the proposed regulation could also affect employers, consumers, and providers of nursing services in Virginia.

Localities particularly affected. The proposed regulation is not expected to uniquely affect any particular localities.

Projected impact on employment. By providing information that may result in the development of strategies to address the nursing shortage in Virginia and make nursing an attractive profession for future workers, the proposed regulation could potentially impact future supply of nurses and increase employment in this field.

Effects on the use and value of private property. The proposed regulation is not expected to have any significant effects on the use and value of private property in Virginia.

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

Summary:

*Pursuant to § 54.1-3012.1 of the Code of Virginia, the proposed amendment specifies the procedures and the information for the purpose of collecting data on the nursing workforce.*

**18 VAC 90-20-36. Data collection of nursing workforce information.**

*A. With such funds as are appropriated for the purpose of data collection, the board shall collect workforce information biennially from a representative sample of registered nurses, licensed practical nurses, and certified nurse aides and shall make such information available to the public. Data collected shall be compiled, stored and released only in the aggregate and shall not provide information which would identify individual responders.*

*B. The information to be collected on nurses shall include, but not be limited to: (i) demographic data to include age, sex and*

*ethnicity; (ii) level of education; (iii) employment status; (iv) employment setting or settings such as in a hospital, physician's office, or nursing home; (v) geographic location of employment; (vi) type of nursing position or area of specialty; and (vii) number of hours worked per week in each setting. In addition, the board may determine other data to be collected as necessary.*

VA.R. Doc. No. R01-17; Filed July 10, 2001, 11:19 a.m.

## BOARD OF PHYSICAL THERAPY

**Title of Regulation:** 18 VAC 112-10-10 et seq. **Public Participation Guidelines.**

**Statutory Authority:** §§ 9-6.14:7.1, 54.1-2400 and 54.1-3475 of the Code of Virginia.

**Public Hearing Date:** August 6, 2001 - 9 a.m.

Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

**Agency Contact:** Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9924.

**Basis:** Section 9-6.14:7.1 of the Administrative Process Act specifically mandates the adoption of public participation guidelines pursuant to the provisions of the Act. Section 54.1-2400 of the Code of Virginia gives health regulatory boards authority to promulgate regulations, and § 54.1-3475 establishes the Board of Physical Therapy and gives it authority to promulgate regulations.

**Purpose:** Created by statute in the 2000 Session of the General Assembly, the new Board of Physical Therapy adopted emergency regulations to provide for public participation in the regulatory process. It has followed these regulations by sending notices to the public for any meeting at which a regulatory action is to be considered, for an intended regulatory action, for comment on a proposed regulation, and for adoption of a final regulation.

The board has determined that the proposed public participation guidelines are reasonable, clearly stated and adequate to protect the public interest in the development and promulgation of regulations. Changes to emergency regulations are necessary for additional clarity and updating of the requirements in order to provide for electronic submissions by the agency and the affected parties. These regulations are intended to ensure participation in the process of developing and promulgating regulations for the health professions which are essential for public health, safety and welfare.

**Substance:** The board is proposing Public Participation Guidelines regulations in order to improve the clarity of the current emergency regulations, to incorporate forms of notification through the Virginia Regulatory Townhall and the Commonwealth Calendar, and to improve the procedures for public involvement in the process. The proposed regulations will replace the emergency regulations that are in effect from October 17, 2000, to October 16, 2001.

**Issues:** For the most part, regulations providing public participation guidelines are requirements on the board in compliance with the Administrative Process Act. The primary issue identified during the review of these regulations was the need to incorporate electronic forms of regulatory submission, notification and communication that are currently available or may become available in the near future. Therefore, language that would permit notification and comment by facsimile, email or other electronic means was incorporated in the proposal. Regulations will also ensure that an electronic mailing list may be maintained on a state website in addition to the traditional list for mailings by the board.

While requirements for public participation in the regulatory process should be electronically inclusive, the board continues to be obligated to notify by regular mail if an entity chooses that form of notification.

There are no disadvantages of the proposed regulations to members of the public. Individuals may choose to remain on the regular mailing list, be notified of regulatory actions electronically, or both. Public comment on Notices of Intended Regulatory Action or proposed regulations is currently permitted and being received by facsimile or email, so these regulations will ensure that type of transmission is acceptable.

There are no disadvantages to the board which is currently posting meeting notices affecting regulations and all regulatory submissions on the Townhall. If electronic notification and comment becomes more prevalent, there may be a modest reduction in the board's cost of mailings.

**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 proposed regulation establishes procedures for notifying the public concerning opportunities for participation in the development and review of regulations promulgated by the Board of Physical Therapy. These permanent regulations will replace emergency regulations that have been in place since the board was created by the General Assembly in 2000.

Estimated economic impact. This regulation sets forth procedures for soliciting public input in the regulatory decision making process of the Board of Physical Therapy. In addition to traditional paper submissions and lists, the proposed regulation also permits notification and comment by facsimile, email, or other electronic means, and allows electronic mailing lists to be maintained. If electronic notification and comment becomes more prevalent, there could be a

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# Proposed Regulations

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reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these provisions also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The economic value of public participation is difficult to measure. However, the decision-making process is improved if individuals, especially those who will be affected by the decision, are allowed to have input. The benefits, although small, should outweigh the cost of providing the forum for public participation.

Businesses and entities affected. The proposed regulation could potentially affect any individual interested in the regulatory actions of the Board of Physical Therapy. There are currently 184 entities listed on the mailing list for this board.

Localities particularly affected. The proposed regulation will not affect any particular localities as it applies statewide.

Projected impact on employment. The proposed regulation is not expected to have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed regulation is not expected to have any effects on the use and value of private property in Virginia.

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

## Summary:

*The proposed regulations provide guidelines for public participation in the regulatory process of the board. These regulations replace emergency regulations that are currently in effect and are intended to further enable electronic communication, notification and comment in the development of regulations.*

## CHAPTER 10. PUBLIC PARTICIPATION GUIDELINES.

### PART I. GENERAL PROVISIONS.

#### **18 VAC 112-10-10. Purpose.**

*The purpose of this chapter is to provide guidelines for the involvement of the public in the development and promulgation of regulations of the Board of Physical Therapy. The guidelines do not apply to regulations exempted or excluded from the provisions of the Administrative Process Act in § 9-6.14:4.1 of the Code of Virginia. These rules seek to expand participation by providing for electronic exchange with the public and thereby increasing participation, reducing costs, and improving the speed of communication.*

#### **18 VAC 112-10-20. Definitions.**

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

*"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.*

*"Board" means the Board of Physical Therapy.*

*"Notification lists" means lists used by the board to notify persons pursuant to these rules. Such lists may include electronic mailing lists maintained through a state website or regular mailing lists maintained by the board.*

*"Person" means an individual, a corporation, a partnership, an association, a governmental body, a municipal corporation, or any other legal entity.*

### PART II. NOTIFICATION LISTS.

#### **18 VAC 112-10-30. Composition of lists.**

*A. The board shall maintain lists of persons who have requested to be notified of the formation and promulgation of regulations.*

*B. Any person may request to be placed on a notification list by indicating so electronically or in writing to the board. The board may add to a list any person it believes will serve the purpose of enhancing participation in the regulatory process.*

*C. The board may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.*

*D. The board shall periodically request those persons on the notification lists to indicate their desire to either continue to receive documents by regular mail, be notified electronically or be deleted from the lists. Persons who elect to be included on an electronic mailing list may also request that all notices and mailings be sent in hard copy. When either regular or electronic mail is returned as undeliverable or there has been no response to the request from the board, such persons shall be deleted from the list.*

#### **18 VAC 112-10-40. Documents to be sent to persons on the lists.**

*Persons on the notification lists, as described in 18 VAC 112-10-30, shall be mailed or have electronically transmitted the following documents related to the promulgation of regulations:*

- 1. A notice of intended regulatory action.*
- 2. A notice of the comment period on a proposed regulation and instructions on how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office.*
- 3. A notification of the adoption of a final regulation and instructions on how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office.*
- 4. A notice soliciting comment on a final regulation when the regulatory process has been extended.*

PART III.  
PUBLIC PARTICIPATION PROCEDURES.

**18 VAC 112-10-50. Petition for rulemaking.**

A. As provided in § 9-6.14:7.1 of the Code of Virginia, any person may petition the board to develop a new regulation or amend an existing regulation.

B. A petition shall include but need not be limited to the following:

1. The petitioner's name, mailing address, telephone number, and, if applicable, the organization represented in the petition.
2. The number and title of the regulation to be addressed.
3. A description of the regulatory problem or need to be addressed.
4. A recommended addition, deletion, or amendment to the regulation.

C. The board shall receive, consider and respond to a petition within 180 days.

D. Nothing herein shall prohibit the board from receiving information from the public and proceeding on its own motion for rulemaking.

**18 VAC 112-10-60. Notice of Intended Regulatory Action.**

A. The notice of intended regulatory action (NOIRA) shall state the purpose of the action and a brief statement of the need or problem the proposed action will address.

B. The NOIRA shall indicate whether the board intends to hold a public hearing on the proposed regulation after it is published. If the board does not intend to hold a public hearing, it shall state the reason in the NOIRA.

C. If prior to the close of the 30-day comment period on the NOIRA, the board receives a request for a public hearing on the proposed regulation from at least 25 persons, such a hearing shall be scheduled.

**18 VAC 112-10-70. Notice of Comment Period.**

A. The notice of comment period (NOCP) shall indicate that copies of the proposed regulation are available electronically or from the board and may be requested in writing from the contact person specified in the NOCP.

B. The NOCP shall indicate that copies of the statement of substance, issues, basis, purpose, and estimated impact of the proposed regulation may also be requested in writing.

C. The NOCP shall make provision for comments pertaining to the proposed regulation by regular mail, Internet, facsimile or electronic means. With the exception of comment received at a scheduled public hearing, oral comment may not be accepted.

**18 VAC 112-10-80. Notice of meeting.**

A. At any meeting of the board or advisory committee at which the formation or adoption of regulation is anticipated, the subject shall be described in a notice of meeting, which

has been posted electronically on the Internet and transmitted to the Registrar for inclusion in the Virginia Register.

B. If the board anticipates action on a regulation for which an exemption to the Administrative Process Act is claimed under § 9-6.14:4.1. of the Code of Virginia, the notice of meeting shall indicate that a copy of the proposed regulation is available on a state website or upon request to the board at least two days prior to the meeting and that a copy of the regulation shall be made available to the public attending such meeting.

**18 VAC 112-10-90. Public hearings on regulations.**

The board shall conduct a public hearing during the 60-day comment period following the publication of a proposed regulation or amendment to an existing regulation unless, at a noticed meeting, the board determines that a hearing is not required.

**18 VAC 112-10-100. Periodic review of regulations.**

A. Unless otherwise directed by Executive Order, the board shall conduct an informational proceeding at least every two years to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. Such proceeding may be conducted separately or in conjunction with other informational proceedings or hearings.

C. Notice of the proceeding shall be transmitted to the Registrar for inclusion in the Virginia Register and shall be sent to the mailing list identified in 18 VAC 112-10-30.

PART IV.  
ADVISORY COMMITTEES.

**18 VAC 112-10-110. Appointment of committees.**

A. The board may appoint an ad hoc advisory committee whose responsibility shall be to assist in the review and development of regulations for the board.

B. The board may appoint an ad hoc advisory committee to provide professional specialization or technical assistance when the board determines that such expertise is necessary to address a specific regulatory issue or need or when groups of individuals register an interest in working with the agency.

**18 VAC 112-10-120. Limitation of service.**

A. An advisory committee that has been appointed by the board may be dissolved by the board when:

1. There is no response to the Notice of Intended Regulatory Action; or
2. The board determines that the promulgation of the regulation is either exempt or excluded from the requirements of the Administrative Process Act.

B. An advisory committee shall remain in existence no longer than 12 months from its initial appointment. If the board determines that the specific regulatory need continues to exist beyond that time, it shall set a specific term for the committee of not more than six additional months. At the end of that extended term, the board shall evaluate the continued need

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# Proposed Regulations

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and may continue the committee for additional six-month terms.

VA.R. Doc. No. R01-35; Filed July 10, 2001, 11:21 a.m.

## BOARD OF PSYCHOLOGY

**Title of Regulation:** 18 VAC 125-10-10 et seq. Public Participation Guidelines (amending 18 VAC 125-10-10, 18 VAC 125-10-20, 18 VAC 125-10-30, 18 VAC 125-10-40, 18 VAC 125-10-60, 18 VAC 125-10-70, 18 VAC 125-10-80, and 18 VAC 125-10-100).

**Statutory Authority:** §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

**Public Hearing Date:** August 6, 2001 - 9:15 a.m.

Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

**Agency Contact:** Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913.

**Basis:** Section 9-6.14:7.1 of the Administrative Process Act specifically mandates the adoption of public participation guidelines pursuant to the provisions of the Act. These proposed amendments do not exceed the mandate of the Act but do provide additional clarity to the public for their participation in the regulatory process.

**Purpose:** Since the effective date of the current public participation guidelines in 1994, the board has followed the regulations by sending notices to the public for any meeting at which a regulatory action is to be considered, for an intended regulatory action, for comment on a proposed regulation, and for adoption of a final regulation. Opportunities for written and oral comment have been provided at each stage of the regulatory process, including holding a public hearing on any regulatory amendments affecting the licensure of the professions the board regulates. With the availability of e-mail and fax, comments may now be received electronically. In addition, the board has provided information on the Regulatory Townhall to all persons on the public participation guidelines mailing list with instruction on how to access regulatory submissions and request to join the mailing list.

Regulations have allowed for individuals and organizations to petition the board for rulemaking on an issue of interest and have also provided for the appointment of advisory committees on issues such as continuing competency.

Following a review of every regulation, the board has determined that the current public participation guidelines are reasonable, clearly stated and adequate to protect the public interest in the development and promulgation of regulations. Amendments proposed are necessary for additional clarity and updating of the requirements in order to provide for electronic submissions by the agency and the affected parties. These regulations are intended to ensure participation in the process of developing and promulgating regulations for

the health professions that are essential for public health, safety and welfare.

**Substance:** The board is recommending amendments to its Public Participation Guidelines regulations in order to improve the clarity of the regulations, to incorporate forms of notification through the Virginia Regulatory Townhall and the Commonwealth Calendar, and to improve the procedures for public involvement in the process.

**Issues:** For the most part, regulations providing public participation guidelines are requirements on the board in compliance with the Administrative Process Act. The primary issue identified during the review of these regulations was the need to incorporate electronic forms of regulatory submission, notification and communication that are currently available or may become available in the near future. Therefore, amendments that would permit notification and comment by facsimile, email or other electronic means were incorporated in proposed amendments. Amendments will also ensure that an electronic mailing list may be maintained on a state website in addition to the traditional list for mailings by the board.

While requirements for public participation in the regulatory process should be electronically inclusive, the board continues to be obligated to notify by regular mail if an entity chooses that form of notification.

There are no disadvantages of the proposed regulations to members of the public, who may choose to remain on the regular mailing list, be notified of regulatory actions electronically, or both. Public comment on Notices of Intended Regulatory Action or proposed regulations is currently permitted and being received by facsimile or e-mail, but amended regulations will ensure that type of transmission.

There are no disadvantages to the board, which is currently posting meeting notices affecting regulations and all regulatory submissions on the Townhall. If electronic notification and comment becomes more prevalent, there may be a modest reduction in the board's cost of mailings.

**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 Board of Psychology proposes to revise its public participation guidelines (PPGs) to incorporate electronic forms of regulatory submission, notification, and communication that are currently available or may become available in the near future. Specific amendments include permitting notification

and comment by facsimile, email, or other electronic means, and allowing electronic mailing lists to be maintained in addition to traditional paper lists.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in a particular area of regulation.

There are no clear disadvantages associated with the changes proposed by the Board of Psychology. Interested parties will be encouraged to be notified of regulatory actions electronically through the Virginia Regulatory Town Hall. However, individuals may also choose to remain on the traditional mailing lists, which will continue to be maintained by the board.

If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

Businesses and entities affected. The proposed changes will affect individuals and organizations interested in the regulations governing individuals licensed by the Board of Psychology. There are currently 100 entities listed on the PPG mailing list for the Board of Psychology.

Localities particularly affected. No localities are particularly affected by the proposed changes to this regulation.

Projected impact on employment. The proposed changes to this regulation are not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed changes to this regulation are not anticipated to have a significant effect on the use and value of private property.

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

**Summary:**

*The proposed amendments update the guidelines for public participation in the regulatory process of the board, specifically, to further enable electronic communication, notification and comment in the development of regulations.*

**18 VAC 125-10-10. Purpose.**

The purpose of this chapter is to provide guidelines for the involvement of the public in the development and promulgation of regulations of the Board of Psychology. The guidelines do not apply to regulations exempted or excluded from the provisions of the Administrative Process Act (§ 9-6.14.4.1 of the Code of Virginia). *These rules seek to*

*expand participation by providing for electronic exchange with the public and thereby increasing participation, reducing costs, and improving the speed of communication.*

**18 VAC 125-10-20. Definitions.**

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

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Board" means the Board of Psychology.

"Notification lists" means lists used by the board to notify persons pursuant to these rules. Such lists may include electronic mailing lists maintained through a state website or regular mailing lists maintained by the board.

"Person" means an individual, a corporation, a partnership, an association, a governmental body, a municipal corporation, or any other legal entity.

PART II.  
MAILING-LIST NOTIFICATION LISTS.

**18 VAC 125-10-30. Composition of the mailing-list lists.**

A. The board shall maintain a list lists of persons or entities who have requested to be notified of the formation and promulgation of regulations.

B. Any person or entity may request to be placed on the mailing a notification list by indicating so electronically or in writing to the board. The board may add to the a list any person or entity it believes will serve the purpose of enhancing participation in the regulatory process.

C. The board may maintain additional mailing lists for persons or entities who have requested to be informed of specific regulatory issues, proposals, or actions.

D. The board shall periodically request those persons on the mailing-list notification lists to indicate their desire to either continue to receive documents by regular mail, be notified electronically or be deleted from the list lists. Persons who elect to be included on an electronic mailing list may also request that all notices and mailings be sent in hard copy. When either regular or electronic mail is returned as undeliverable or there has been no response to the request from the board, individuals or organizations such persons shall be deleted from the list.

**18 VAC 125-10-40. Documents to be sent to persons or entities on the mailing-list lists.**

Persons or entities on the mailing-list notification lists, as described in 18 VAC 125-10-30, shall be mailed or have electronically transmitted the following documents related to the promulgation of regulations:

1. A notice of intended regulatory action;
2. A notice of the comment period on a proposed regulation and instructions on how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office;

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# Proposed Regulations

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3. A ~~copy of any final regulation adopted by the board~~ notification of the adoption of a final regulation and instructions on how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office; and

4. A notice soliciting comment on a final regulation when the regulatory process has been extended.

## 18 VAC 125-10-60. Notice of Intended Regulatory Action.

A. The notice of intended regulatory action (NOIRA) shall state the purpose of the action and a brief statement of the need or problem the proposed action will address.

B. The NOIRA shall indicate whether the board intends to hold a public hearing on the proposed regulation after it is published. If the board does not intend to hold a public hearing, it shall state the reason in the NOIRA.

C. ~~The NOIRA shall state that a public hearing will be scheduled.~~ If, during prior to the close of the 30-day comment period on the NOIRA, the board receives requests a request for a public hearing on the proposed regulation from at least 25 persons, such a hearing shall be scheduled.

## 18 VAC 125-10-70. Notice of Comment Period.

A. The notice of comment period (NOCP) shall indicate that copies of the proposed regulation are available *electronically* or from the board and may be requested in writing from the contact person specified in the NOCP.

B. The NOCP shall indicate that copies of the statement of substance, issues, basis, purpose, and estimated impact of the proposed regulation may also be requested in writing.

C. The NOCP shall make provision for ~~either oral or written~~ ~~submittals on comments pertaining to the proposed regulation or on the impact on regulated entities and the public and on the cost of compliance with the proposed regulation by regular mail, Internet, facsimile or electronic means.~~ *With the exception of comment received at a scheduled public hearing, oral comment may not be accepted.*

## 18 VAC 125-10-80. Notice of meeting.

A. At any meeting of the board or advisory committee at which the formation or adoption of regulation is anticipated, the subject shall be described in ~~the~~ a notice of meeting, *which has been posted electronically on the Internet* and transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

B. If the board anticipates action on a regulation for which an exemption to the Administrative Process Act is claimed under § 9-6.14:4.1 of the Code of Virginia, the notice of meeting shall indicate that a copy of the *proposed* regulation is available *on a state website* or upon request *to the board* at least two days prior to the meeting. A copy of the regulation shall be made available to the public attending such meeting.

## 18 VAC 125-10-100. ~~Biennial~~ Periodic review of regulations.

A. ~~At least once each biennium~~ *Unless otherwise directed by Executive Order*, the board shall conduct an informational proceeding *at least every two years* to receive comment on all

existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. Such proceeding may be conducted separately or in conjunction with other informational proceedings or hearings.

C. Notice of the proceeding shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register and shall be sent to the ~~mailing list~~ *notification lists* identified in 18 VAC 125-10-30.

VA.R. Doc. No. R00-264; Filed July 10, 2001, 11:20 a.m.

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## TITLE 22. SOCIAL SERVICES

### DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Title of Regulation: **22 VAC 45-70-10 et seq. Provision of Services in Rehabilitation Teaching (amending 22 VAC 45-70-10 through 22 VAC 45-70-40 and 22 VAC 45-70-60 through 22 VAC 45-70-80; repealing 22 VAC 45-70-50).**

Statutory Authority: § 63.1-85 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

Agency Contact: Jane B. Ward-Solomon, Program Director, Rehabilitation Teaching/Independent Living, Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3112, FAX (804) 371-3351, toll free 1-800-622-2155 or (804) 371-3140/TTY.

Basis: Section 63.1-85(7) of the Code of Virginia mandates the commissioner to promulgate regulations to carry out the provisions of this title. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and it comports with applicable state and/or federal law.

Purpose: This regulation has not been updated since 1990. The department proposes making content changes to eliminate unnecessary detail and bring it up to date in the areas of visual eligibility and certification of eligibility and financial participation. Since these sections deal with substantive rights and benefits of individuals, they are essential in protecting the health, safety and welfare of citizens.

Substance: The sections dealing with Certification of Eligibility Determination and Certification of Ineligibility have been combined into one section, Eligibility Determination. This new section clarifies the eligibility process. The Financial Participation section has been rewritten. It addresses the current department practice of applying a financial needs assessment for rehabilitation teaching services so that consumers who have sufficient resources may contribute toward the cost of their individualized plan of services.

Issues: The amendments are advantageous to the agency and the public as the majority of proposed changes update language or remove unnecessary details. In addition, the section concerning financial participation is revised to reflect current department practices. No disadvantages to the agency or the public have been identified.

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 Department for the Blind and Vision Impaired (DBVI) is proposing to revise its Provision of Services in Rehabilitation Teaching regulation. This regulation sets forth the eligibility requirements and describes the services provided under the department's Rehabilitation Teaching Program. The majority of the proposed changes update language or remove unnecessary details in order to increase the clarity of the regulation. The revised regulation would also expand the section concerning financial participation to reflect the current practices of the department.

Estimated economic impact. None of the proposed changes are expected to have any impact on eligibility for, or on the quantity or quality of, rehabilitation teaching services provided by DBVI. According to the department, the proposed financial participation requirements have been enforced for approximately the past 10 years. The proposed regulation, therefore, should have no economic impact on providers or recipients of rehabilitation teaching services, aside from making the regulation easier to understand and potentially more useful to the regulated community.

Businesses and entities affected. The proposed changes to this regulation will not involve any change in current practices and therefore are not expected to affect any of the providers or recipients of rehabilitation teaching services in Virginia.

Localities particularly affected. The proposed regulatory changes are not expected to uniquely affect any particular localities.

Projected impact on employment. The proposed regulatory changes are not expected to have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed regulatory changes are not expected to have any effects on the use and value of private property in Virginia.

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

Summary:

*The proposed amendments eliminate unnecessary detail and bring the regulation up to date in the areas of visual eligibility, certification of eligibility, financial participation guidelines and incorporating the new agency name.*

**22 VAC 45-70-10. Definitions.**

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

"Assessment" means the systematic evaluation or identification of the ~~clients'~~ *consumers'* need for *and ability to benefit from* services.

~~"Client"~~ "Consumer" means any person *undergoing an assessment or receiving a service provided by the Rehabilitation Teaching Program of the Department for the Visually Handicapped Blind and Vision Impaired.*

~~"Individualized Written Rehabilitation Program (IWRP)"~~ means ~~an individualized~~ *a written rehabilitation program of rehabilitation teaching services identified during the assessment for each individual being provided specified consumer determined eligible for services by this program.*

"Blindness, legal blindness" means the condition as defined in §§ 63.1-142 and 63.1-166 of the Code of Virginia.

"Reasonable expectation" means that rehabilitation teaching services ~~will be anticipated to~~ significantly assist ~~an individual~~ *a consumer* to improve his ability to function independently.

"Rehabilitation teaching" means the process of guiding and instructing a visually impaired ~~person~~ *consumer* through an individualized plan of instruction designed to develop and raise the level of adaptive coping skills, and functional independence.

"Severely visually impaired" means vision less *than* 20/70 in the better eye with correction or a field restricted to 70 degrees or less in the better eye.

**22 VAC 45-70-20. Referral.**

~~The department shall expeditiously and equitably process referrals for rehabilitation teaching services.~~

A. ~~A referral is any person for whom rehabilitation teaching services have been requested and for whom the worker has obtained~~ *To be considered for services, the following information must be obtained:*

1. Name and address;
2. Date of birth and sex;
3. Disability; and
4. ~~Referral source and~~ Date of referral.

*The department shall expeditiously process persons referred for rehabilitation teaching services.*

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# Proposed Regulations

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~~B. Processing referrals. An assessment by the Department for the Visually Handicapped Blind and Vision Impaired is required of each severely disabled person who applies for rehabilitation teaching services. The assessment is limited to that information necessary to determine whether the individual is eligible to be provided eligibility for rehabilitation teaching services consistent with 22 VAC 45-70-30 and to determine which rehabilitation teaching services are needed.~~

## PART III. ELIGIBILITY AND INELIGIBILITY.

### **22 VAC 45-70-30. Eligibility for rehabilitation teaching services.**

~~A. To be eligible for rehabilitation teaching services, a client consumer must have a visual disability which, for the individual, limitation that constitutes or results in a substantial handicap impediment to personal independent functioning.~~

~~The presence of A consumer has a visual disability for purposes of eligibility for the Department for the Visually Handicapped's rehabilitation teaching services shall constitute limitation if one or more of the following criteria are met.~~

- ~~1. Be legally blind Legal blindness;~~
- ~~2. 20/100 to 20/200 distance vision in the better eye with correcting glasses or a field limitation to 30 degrees or less in the better eye, and if the person has been unable to adjust to the loss of vision and if it is determined by the rehabilitation teacher that the person is in need of the specialized services available through the Department for the Visually Handicapped's Blind and Vision Impaired's rehabilitation teaching; or~~
- ~~3. Night blindness or a rapidly progressive eye condition which, in the opinion of a qualified ophthalmologist, will reduce the distance vision to 20/200 or less.~~

~~B. A reasonable expectation that rehabilitation teaching services will significantly assist the individual consumer to improve his ability to cope with blindness and to function more independently.~~

### **22 VAC 45-70-40. Certification of Eligibility determination.**

~~A. Prior to or simultaneously with acceptance of a visually handicapped individual consumer for rehabilitation teaching services, there shall be a certification determination of eligibility; the certification a case narrative shall state the basis for the visual eligibility and a reasonable expectation that rehabilitation teaching will significantly assist the individual consumer in achieving or maintaining functional independence. When a consumer is determined ineligible for rehabilitation teaching services, the rehabilitation teacher shall inform the consumer of the ineligibility determination, stating the reason or reasons. This may be done during a personal contact or by a letter.~~

~~B. The certification shall be approved, dated, and signed by a DVH staff member.~~

### **22 VAC 45-70-50. Certification of ineligibility. (Repealed.)**

~~When an individual is determined ineligible for rehabilitation teaching services, the rehabilitation teacher shall inform the~~

~~client of the ineligibility determination, stating the reason or reasons; this may be done during a personal contact or by a letter. A certification of ineligibility shall be placed in the case folder explaining the reasons the client is ineligible.~~

### **22 VAC 45-70-60. The Individualized Written Rehabilitation Teaching Program (IWRP).**

~~A. Initial plan development.~~

~~1. The IWRP shall be initiated and periodically updated for individually provided specify the rehabilitation teaching services that the consumer and DBVI instructor jointly determine are necessary to raise the level of adaptive coping skills and functional independence.~~

~~2. The IWRP shall be initiated after determination of eligibility and periodically updated to include additional rehabilitation teaching services that are needed by the consumer.~~

~~2- 3. Rehabilitation teaching services shall be provided in accordance with IWRP.~~

~~3. The IWRP shall be initiated after certification of eligibility for rehabilitation teaching services.~~

### **22 VAC 45-70-70. Scope of rehabilitation teaching services.**

Services provided through the rehabilitation teaching services program may include:

1. ~~Intake~~ Counseling to determine the handicapped individual's consumer's need for specific rehabilitation teaching services.

2. Referral to and information regarding available community resources and programs that might benefit the individual consumer.

3. Counseling to assist the visually handicapped individual consumer cope with visual loss.

4. Provision of low vision services in accordance with regulation governing this program. This includes: assessment of need, arrangement for examination, arrangement for or coordination of purchase of low vision aids, and the provision of instruction and follow up services Regulations Governing Low Vision, 22 VAC 45-110-10 et seq.

5. Instruction in the following areas:

a. Personal management skills or activities of daily living;

b. Home management skills;

c. Communication skills; including reading, and writing braille, typing, script writing, and use of electronic equipment and technology;

d. Other appropriate adaptive coping skills, i.e., leisure and recreational activities; and

e. Information and instruction in the acquisition of and use of adaptive equipment.

**22 VAC 45-70-80. Financial participation.**

~~There is no financial participation required for the counseling, referral, and instructional services provided through rehabilitation teaching.~~

*A. The Department for the Blind and Vision Impaired has elected to uniformly apply a financial needs assessment for persons receiving purchased rehabilitation teaching services and goods in the Commonwealth. Purchased services and goods may be provided at no cost to the recipient who is legally blind if the family's income is less than 100% of the federally estimated median income for Virginia, and if the family's assets are less than 50% of the federally estimated median income as determined by the United States Department of Health and Human Services, Family Support Administration. The Department for the Blind and Vision Impaired will change its financial participation levels to match the above-referenced estimated median income level every third year.*

*B. There is no financial participation required for the assessment, counseling, low vision exams, information and referral, and instructional services provided through the rehabilitation teaching services program.*

*C. Consumers must be both legally blind and demonstrate financial need as determined by the financial needs assessment in order to receive any purchased services or goods other than a low vision exam.*

*D. Allowable deductions from income.*

*1. Expenses that may be deducted from family income on the financial needs assessment are unusual medical expenses and the education of a consumer or family member to attend a private or public educational facility. Medical expenses such as routine doctors' visits and hospital insurance premiums may not be deducted.*

*2. When the consumer's gross family income, liquid assets, or both, exceed the financial eligibility requirement after allowable deductions have been considered, the consumer and his family are required to apply the excess toward the cost of those services provided by rehabilitation teaching services for which financial need is considered.*

VA.R. Doc. No. R00-180; Filed July 6, 2001, 11:13 a.m.

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**Title of Regulation: 22 VAC 45-90-10 et seq. Supervision of Administrative Regulations Governing Intake and Social Services (REPEALING).**

**Statutory Authority:** § 63.1-85 of the Code of Virginia.

**Public Hearing Date:** N/A -- Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

**Agency Contact:** Joseph A. Bowman, Deputy Commissioner, Services Delivery, Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3144, FAX (804) 371-3157, toll free 1-800-622-2155 or (804) 371-3140/TTY.

**Basis:** Even though the department has the authority to promulgate this regulation under § 63.1-85(7) of the Code of Virginia, the department has determined that the existing regulation describes the agency's internal referral process. The agency has further determined that this internal agency process does not require regulatory action.

**Purpose:** The department's internal procedures for processing individuals referred for agency services is not an activity that requires state regulation. Repeal of this regulation will not have an impact on the health, safety or welfare of citizens.

**Substance:** This regulation is being repealed because it merely describes internal agency operating procedures for receiving and processing persons referred for agency services.

**Issues:** Repealing this regulation allows the agency to exercise flexibility in establishing internal procedures and for processing individuals referred to the agency for services. This activity does not require regulatory action and eliminating the regulation will not impede the public's access to the department's services. There are no disadvantages to the public or the Commonwealth with repeal of this regulation.

**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 Department for the Blind and Vision Impaired (DBVI) is proposing to repeal its Supervision of Administrative Regulations Governing Intake and Social Services as it has determined that this area does not need to be regulated. This regulation describes the department's internal procedures for processing individuals referred to the agency for services.

Estimated economic impact. According to DBVI, there will be no change in the public's access to the department's services, and individuals referred for services will continue to be processed in the same manner as set forth under the existing regulations. Based on this information, the repeal of this regulation is not expected to have any economic impact on individuals referred to DBVI for services.

Businesses and entities affected. The proposed repeal of this regulation will not change access to services offered by DBVI or the department's practices for processing referred individuals, and therefore is not expected to affect any of the providers or recipients of DBVI services in Virginia.

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# Proposed Regulations

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**Localities particularly affected.** The proposed repeal of this regulation is not expected to uniquely affect any particular localities.

**Projected impact on employment.** The proposed repeal of this regulation is not expected to have any impact on employment in Virginia.

**Effects on the use and value of private property.** The repeal of this regulation is not expected to have any effects on the use and value of private property in Virginia.

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

**Summary:**

*The department proposes the repeal of this regulation. The existing regulation outlines the department's internal procedures for processing individuals referred to the department for services and specifies circumstances in which individuals may not be referred to other services that the department provides. The internal procedures of the department do not require regulatory action.*

VA.R. Doc. No. R00-182; Filed July 6, 2001, 11:13 a.m.

\* \* \* \* \*

**Title of Regulation:** 22 VAC 45-110-10 et seq. Regulations Governing Low Vision (amending 22 VAC 45-110-10 through 22 VAC 45-110-50; repealing 22 VAC 45-110-60).

**Statutory Authority:** § 63.1-85 of the Code of Virginia.

**Public Hearing Date:** N/A -- Public comments may be submitted until September 28, 2001.

(See Calendar of Events section for additional information)

**Agency Contact:** Marge A. Owens, Human Services Program Coordinator, Department for the Blind and Vision Impaired, VRCBVI, 401 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3344, FAX (804) 371-3092, toll free 1-800-622-2155 or (804) 371-3151/TTY.

**Basis:** Section 63.1-85 of the Code of Virginia mandates the commissioner to promulgate regulations to carry out the provisions of Title 63.1 of the Code of Virginia. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed changes and that it comports with applicable state and federal law.

**Purpose:** A review of the financial participation criteria determined that portions of this regulation were no longer necessary to protect the health, safety, or welfare of citizens or for the efficient and economical performance of an important governmental function. Programs within the department are now funded to provide this service.

**Substance:** The department's endowment funds are no longer used to purchase low vision optical aids and the section specifying that those funds will be used must be amended to reflect this change.

**Issues:** There are no disadvantages to the public or the Commonwealth with the change in terminology or the elimination of endowment funds for this service.

**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 Department for the Blind and Vision Impaired (DBVI) is proposing to amend its Regulations Governing Low Vision. This regulation sets forth the requirements and describes the low vision services provided by the department. These services are provided to individuals served by the department's education services, vocational rehabilitation, or rehabilitation teaching programs. The proposed changes include removing all references to endowment fund sponsorship of low vision aids and revising the referral, eligibility, pre-examination, and financial participation sections in order to accurately reflect the current practices of the department.

**Estimated economic impact.** Language in the existing regulation states that endowment fund sponsorship is available for individuals whose family income is at or below the level established for Medicaid and that endowment fund sponsorship is limited solely by the availability of funds. According to DBVI, the department's endowment fund has not been used to pay for low vision aids in over a decade. Client financial participation in the cost of low vision aids is determined according to regulations governing the sponsoring DBVI program (education services, vocational rehabilitation, or rehabilitation teaching). These programs include provisions that provide financial assistance for individuals with low incomes.

The proposed changes will not have any impact on eligibility for, or on the quantity or quality of, low vision services provided by DBVI. The proposed regulation, therefore, should have no economic impact on recipients of low vision aids and services, aside from making the regulation consistent with current practices of the department and potentially more useful to the regulated community.

**Businesses and entities affected.** The proposed changes to this regulation will not involve any change in current practices and therefore are not expected to affect any of the providers or recipients of low vision aids and services in Virginia.

**Localities particularly affected.** The proposed regulatory changes are not expected to uniquely affect any particular localities.

Projected impact on employment. The proposed regulatory changes are not expected to have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed regulatory changes are not expected to have any effects on the use and value of private property in Virginia.

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

Summary:

*The proposed amendments delete the obsolete subsections that deal with using the department's endowment funds as sponsorship for low vision services and add a requirement for consumer financial participation in the cost of low vision aids. The section dealing with driving with bioptics is repealed, and language changes are made to update and simplify terminology.*

**22 VAC 45-110-10. Definitions.**

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

*"Bioptics"* means telescopes mounted in a superior position in carrier lenses.

*"Client"* *"Consumer"* means any person receiving a service provided by the Low Vision Program of the Department for the ~~Visually Handicapped Blind and Vision Impaired (DBVI).~~

*"Low vision"* means reduced visual functioning. It is the condition ~~which~~ *that* exists when no further medical or surgical procedures or regular prescription lenses are beneficial but residual vision exists.

*"Low vision aids"* means optical and nonoptical devices ~~which~~ *that* are prescribed for the purpose of enhancing ~~subnormal~~ or low vision.

*"Low vision services"* means all aspects ~~which~~ *that* are necessary to the comprehensive provision of services, i.e., preexamination evaluations, low vision examination, provision of prescribed low vision aids, and follow-up training and counseling in the use of low vision aids.

*"SSI"* means ~~Supplemental Security Income which is supplemental income for individuals in economic need. It is administered and regulated by the Social Security Administration.~~

**22 VAC 45-110-20. Low vision services referral.**

An individual who has low vision and needs and desires low vision services may be referred for *DBVI* services. ~~A case record shall be opened for every individual who is referred for low vision services. Each case record shall include a referral form and a narrative report. The narrative report shall state the desired outcome of the provision of services and the means by which the decision to receive services was made. The department shall document the evaluation for low vision services and the services provided, if any.~~

**22 VAC 45-110-30. Eligibility.**

An individual ~~shall~~ *may* be eligible for low vision services if the individual's corrected visual acuity is 20/70 or worse in the better eye ~~and the consumer has met the eligibility requirements of at least one of the following department programs: education services, vocational rehabilitation, or rehabilitation teaching.~~

**22 VAC 45-110-40. Preexamination.**

~~Prior to the scheduling of~~ *An ophthalmological or optometrical eye report shall be required before* a low vision examination by ~~an agency case manager, the receipt of an ophthalmological or optometrical eye report shall be required, except where an ophthalmologist or optometrist examiner has stated the necessity for an examination prior to the sending of the report is scheduled.~~ The eye ~~report~~ examination shall have been made within one year from the date of the scheduled low vision examination; except where the eye condition is stable, the eye ~~report~~ examination may have been made within two years from the date of the scheduled low vision examination.

~~An authorization form issued by the agency case manager shall be prepared for all clients in order to pay for the examination through an appropriate payment source in the agency as long as that source has determined that funds are available.~~

**22 VAC 45-110-50. Financial participation.**

~~A. General provision. Endowment fund sponsorship shall be limited solely by the availability of funds. Endowment fund sponsorship is available for an individual whose income is at or below the level established for Medicaid.~~

~~B. A. Low vision examination. An authorization form issued by the agency case manager may be prepared to pay for the examination through an appropriate payment source in the agency as long as funds are available. There is no charge to the individual consumer for a low vision examination as long as funds are available for this activity as determined by the agency.~~

~~B. Low vision aids. Consumer financial participation in the cost of low vision aids will be determined according to regulations promulgated by the sponsoring DBVI program.~~

~~C. Low vision aids. An individual shall be eligible for endowment fund sponsorship for the provision of low vision aids if the individual's family income falls at or beneath the established levels for Medicaid eligibility or SSI eligibility as established by the federal government, whichever is higher. An individual who is eligible for endowment fund sponsorship shall receive the prescribed low vision aids at no charge. This provision of aids through endowment fund sponsorship shall be limited to a maximum of:~~

- ~~1. One near aid;~~
- ~~2. One distance aid;~~
- ~~3. A pecket magnifier; and~~
- ~~4. Sun wear.~~

~~All of these shall be stock items.~~

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# Proposed Regulations

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~~An individual who is not eligible for endowment fund sponsorship or other funding source sponsorship shall be required to purchase the aids. The aids shall be dispensed at cost.~~

**22 VAC 45-110-60. ~~Driving with bioptics. (Repealed.)~~**

~~Low vision services will provide evaluation for bioptic systems, where appropriate, and will prescribe them as indicated in order to enhance residual vision.~~

VA.R. Doc. No. R00-177; Filed July 6, 2001, 11:13 a.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## 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.

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

**REGISTRAR'S NOTICE:** The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 F of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** 4 VAC 20-380-10 et seq. Pertaining to Grey Trout (Weakfish) (amending 4 VAC 20-380-20 and 4 VAC 20-380-50).

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

**Effective Date:** July 1, 2001.

#### Summary:

*The amendment establishes the method for determining the possession limit for grey trout for each vessel and further establishes a maximum possession limit of 450 pounds per vessel.*

**Agency Contact:** Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

#### 4 VAC 20-380-20. Definitions.

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

~~"Closed season" means an interval of time, in days, when it shall be unlawful for any fisherman to possess any grey trout less than 12 inches in length or more than 150 pounds of grey trout 12 inches or greater in length.~~

"Fishing season" means the time period of April 1 through March 31.

"Grey trout" means any fish of the species *Cynoscion regalis*.

#### 4 VAC 20-380-50. Commercial fishing season.

A. The closed season on grey trout harvested by pound net shall be May 1 through May 22, and September 13 through March 31 except as provided in subdivision 1 of this subsection.

1. Any pound net fisherman who holds 2 or 3 pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only one of those licenses to be exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 4, 5, or 6 pound net licenses in accordance with the provisions of 4

VAC 20-600-10 et seq. may forfeit only two of those licenses to be exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 7, 8, or 9 pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only three of those licenses to be exempt from the closed seasons as established in this subsection. Forfeiture of any license shall be through March 31, of each fishing season, and shall occur prior to May 1 of each fishing season.

2. Any pound net licensee who forfeits a license pursuant to subdivision 1 of this subsection shall retain his priority rights to such locations for future licensing until April 1 of the following fishing season. Any pound net fisherman who forfeits one or more pound net licenses may reclaim such licenses during the period of March 15 of the current fishing season through April 1 of the following fishing season, but shall not set or fish any pound nets provided for by such licenses prior to April 1.

3. Those pound net licensees who hold multiple gear licenses and satisfy the requirement of subdivision 1 of this subsection may transfer an unused license to a licensee who holds a single pound net license.

B. The closed seasons on grey trout harvested by gill net shall be May 14 through October 7, and December 18 through March 31.

C. The closed seasons on grey trout harvested by haul seine shall be April 1 through April 15; June 11 through August 20; and September 25 through March 31.

D. The closed season on landing grey trout harvested by trawl shall be September 26 through March 31.

*E. During any closed season described in subsections A, B, C, and D of this section, the boat or vessel possession limit for grey trout shall be the lesser of 450 pounds or an amount equal to the number of registered commercial fishermen or seafood landing licensees on board multiplied by 150 pounds, except that only one license per person, either the commercial fisherman's registration license or seafood landing license, shall be used to calculate the boat or vessel possession limit.*

*The possession of quantities of grey trout in excess of these limits, or the possession of any grey trout less than 12 inches in total length, shall be a violation of this chapter. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.*

VA.R. Doc. No. R01-252; Filed June 29, 2001, 2:03 p.m.

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# Final Regulations

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**Title of Regulation:** 4 VAC 20-610-10 et seq. **Pertaining to Commercial Fishing and Mandatory Harvest Reporting (amending 4 VAC 20-610-30).**

**Statutory Authority:** §§ 28.2-201 and 28.2-243 of the Code of Virginia.

**Effective Date:** July 1, 2001.

**Summary:**

*The amendment makes it unlawful for a person whose commercial fisherman's registration license or fishing gear license has been revoked to work as another registered commercial fisherman's agent. Some technical changes are also made.*

**Agency Contact:** Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

**4 VAC 20-610-30. Commercial fisherman registration license; exceptions.**

A. In accordance with § 28.2-241 C of the Code of Virginia, only persons who hold a valid Commercial Fisherman Registration License may sell, trade, or barter their catch, or give their catch to another, in order that it may be sold, traded, or bartered. Only these licensees may sell their catches from Virginia tidal waters, regardless of the method or manner in which caught. Exceptions to the requirement to register as a commercial fisherman for selling catch are authorized for the following persons only:

1. Persons taking menhaden under the authority of licenses issued pursuant to § 28.2-402 of the Code of Virginia.
2. Persons independently harvesting and selling, trading, or bartering no more than three gallons of minnows per day who are not part of, hired by, or engaged in a continuing business enterprise.
  - a. Only minnow pots, a cast net or a minnow seine less than 25 feet in length may be used by persons independently harvesting minnows.
  - b. All other marine species taken during the process of harvesting minnows shall be returned to the water immediately.

3. Any person whose commercial fisherman registration license or fishing gear license is not revoked by the Marine Resources Commission pursuant to § 28.2-232 of the Code of Virginia is authorized to possess the registration license of a commercial fisherman in order to serve as an agent for fishing the commercial fisherman's gear and selling the catch. No commercial fisherman shall use more than one person as an agent at any time. The agent shall possess the registration license and gear license of the commercial fisherman when fishing. When transporting or selling a commercial fisherman's catch, the agent shall possess either the registration license of that commercial fisherman or a bill of lading indicating that fisherman's name, address, commercial fisherman registration license number, date and amount of product to be sold.

B. In accordance with § 28.2-241 H of the Code of Virginia, only persons with a valid Commercial Fisherman Registration License may purchase gear licenses. Beginning with licenses for the 1993 calendar year and for all years thereafter, gear licenses will be sold only upon presentation of evidence of a valid Commercial Fisherman Registration License.

Exceptions to the prerequisite requirement are authorized for the following gears only, and under the conditions described below:

1. Menhaden purse seine licenses issued pursuant to § 28.2-402 of the Code of Virginia may be purchased without holding a Commercial Fisherman Registration License.
2. Commercial gear licenses used for recreational purposes and issued pursuant to § 28.2-226.2 of the Code of Virginia may be purchased without holding a Commercial Fisherman Registration License.

C. Exceptions to the two-year delay may be granted by the commissioner if he finds any of the following:

1. (i) The applicant for an exception (i) has demonstrated, to the satisfaction of the commissioner, that the applicant has fished a significant quantity of commercial gear in Virginia waters during at least two of the previous five years; and (ii) ~~the applicant~~ can demonstrate, to the satisfaction of the commissioner, that a significant hardship caused by unforeseen circumstances beyond the applicant's control has prevented the applicant from making timely application for registration. The commissioner may require the applicant to provide such documentation as he deems necessary to verify the existence of hardship.
2. The applicant is purchasing another commercial fisherman's gear, and the seller of the gear holds a Commercial Fisherman Registration License and the seller surrenders that license to the commission at the time the gear is sold.
3. An immediate member of the applicant's family, who holds a current registration, has died or is retiring from the commercial fishery and the applicant intends to continue in the fishery.
4. Any applicant denied an exception may appeal the decision to the commission. The applicant shall provide a request to appeal to the commission 30 days in advance of the meeting at which the commission will hear the request. The commission will hear requests at their March, June, September, and December meetings.
5. Under no circumstances will an exception be granted solely on the basis of economic hardship.

VA.R. Doc. No. R01-251; Filed June 29, 2001, 2:05 p.m.

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**Title of Regulation:** 4 VAC 20-890-10 et seq. Pertaining to Channeled Whelk (amending 4 VAC 20-890-25).

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

**Effective Date:** July 1, 2001.

**Summary:**

*The amendment prohibits setting, fishing or conch potting of any type in an area extending 250 yards from either span of the Chesapeake Bay Bridge-Tunnel. This action is taken in order to promote the general welfare of the seafood industry by avoiding gear conflicts proximate to the Chesapeake Bay Bridge-Tunnel.*

**Agency Contact:** Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

**4 VAC 20-890-25. Entry limitation; transfers; prohibitions.**

A. The sale of commercial conch pot licenses shall be limited to registered commercial fishermen, solely for the harvest of channeled whelk from Virginia waters described in this section, who meet either of the following requirements:

1. The fisherman shall have held a provisional Virginia conch pot permit in 1999 and reported in accordance with the requirements of 4 VAC 20-610-60 and the 1999 conch pot permit; or
2. The fisherman shall provide the commission with proof of having harvested channeled whelk from federal waters during the January 1, 1997, through October 1, 1999, period.

B. Any person licensed for commercial conch pot under the provisions of this section may transfer such license to any registered commercial fisherman when said transfer is documented on the form provided by the commission and approved by the Commissioner of Marine Resources. Upon approval, the person entering the Virginia commercial conch pot fishery shall purchase a commercial conch pot license in his own name. No commercial conch pot license shall be transferred more than once per calendar year.

C. It shall be unlawful for any person licensed under the provisions of subsection A of this section as a commercial conch pot fisherman to do any of the following, unless otherwise specified:

1. Place, set or fish any conch pot within any channel.
2. Fail to be on board the vessel when that vessel is operating in a commercial conch pot harvesting capacity within Virginia tidal waters;
3. Fail to display the commercial conch pot license plate prominently on the starboard side of the vessel;
4. Fail to inscribe each conch pot buoy with the last four numbers of the commercial fisherman registration license preceded by the letter "W," which correspond to the lawful conch pot licensee;

5. Place, set or fish more than 200 conch pots within Virginia tidal waters;

6. Retain by-catch of any other species caught by conch pots; and

7. Fail to report harvest-related data from harvests in Virginia waters on a monthly basis on forms supplied by the commission; and

8. Set, place, or fish a conch pot of any type in an area extending 250 yards from either span of the Chesapeake Bay Bridge-Tunnel. For purposes of this section, the distance shall be measured from the outer edges of each span and shall extend from the low water mark on Fisherman's Island to the one-mile marker on the south end of the bridge-tunnel.

D. It shall be unlawful for any person to take or catch channeled whelk with conch pots from the tidal waters of Virginia without first having purchased a conch pot license from the commission or its agent.

The fee for the conch pot license shall be \$48.

No person may purchase a conch pot license unless he is a registered commercial fisherman as described in § 28.2-241 of the Code of Virginia.

VA.R. Doc. No. R01-253; Filed June 29, 2:06 p.m.



**TITLE 12. HEALTH**

**STATE BOARD OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES**

**Suspension of Regulatory Process**

**Title of Regulation:** 12 VAC 35-110-10 et seq. Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (REPEALED).

**Title of Regulation:** 12 VAC 35-115-10 et seq. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services.

**Title of Regulation:** 12 VAC 35-120-10 et seq. Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services (REPEALED).

**Title of Regulation:** 12 VAC 35-130-10 et seq. Rules and Regulations to Assure the Rights of Clients in Community Programs (REPEALED).

The Department of Mental Health, Mental Retardation and Substance Abuse Services is suspending the July 18, 2001 effective date of 12 VAC 35-110-10 et seq., 12 VAC 35-115-10 et seq., 12 VAC 35-120-10 et seq., and 12 VAC 35-130-10

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# Final Regulations

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et seq. The final regulations were published in the Virginia Register on June 18, 2001 (17:20 2891-2920). The suspension is in response to requests from at least 25 people for an additional comment period on the changes with substantial impact made to the regulations from the time they were published as a proposed regulation to the time they were published as final regulations.

The Department of Mental Health, Mental Retardation and Substance Abuse Services will receive comments on the changes made to the regulations until August 30, 2001. Comments may be submitted to Margaret Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23218-1797.

VA.R. Doc. Nos. R00-68, R00-39, R00-141 and R00-142, Filed July 13, 2001, 10:38 a.m.

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## TITLE 16. LABOR AND EMPLOYMENT

### DEPARTMENT OF LABOR AND INDUSTRY

#### Safety and Health Codes Board

**REGISTRAR'S NOTICE:** The following regulations are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 16 VAC 25-90-1910 et seq. Federal Identical General Industry Standards - Cotton Dust Standard (amending 16 VAC 25-90-1910.1043).

**Statutory Authority:** § 40.1-22(5) of the Code of Virginia.

**Effective Date:** September 15, 2001.

**Summary:**

*This is a direct final order which amends the cotton dust standard. The amendment was proposed in this fashion since the change was supported by relevant government agencies, industry groups, and the union representing textile workers. Due to the substance of the comments received from interested parties, and the general lack of opposition to the proposed rule, OSHA determined that the direct final rule process was the appropriate means of implementing this change.*

*This rule adds 29 CFR 1910.1043(n)(4), or cotton washed in a batch kier system, to the types of washed cotton that are partially exempt from the cotton dust standard. This method prescribes that cotton be washed repeatedly in a giant kettle.*

*In order to be considered partially exempt under this revised standard, the cotton must be washed under the following conditions:*

- 1. With water;*
- 2. With cotton fiber mechanically opened and thoroughly pretwetted before forming the cake;*
- 3. For low-temperature processing, at a temperature of no less than 60°C with a water-to-fiber ratio of no less than 40:1; or, for high-temperature processing, at a temperature of no less than 93°C with a water-to-fiber ratio of no less than 15:1;*
- 4. With a minimum of one wash cycle followed by two rinse cycles for each batch, using fresh water in each cycle; and*
- 5. With bacterial levels in the wash water controlled to limit bacterial contamination of the cotton.*

*Employers who meet these requirements are not exempt from the requirements of paragraphs (h) medical surveillance, (k)(2) through (4) record keeping—medical records, and Appendices B, C, and D of the regulation.*

**Agency Contact:** Copies of the regulation may be obtained from Regina P. Cobb, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-0610.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Cotton Dust Standard, General Industry (29 CFR 1910.1043) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On June 11, 2001, the Safety and Health Codes Board adopted an identical version of federal OSHA's amendment to the final rule for the Cotton Dust standard, 29 CFR 1910.1043.

The text of the amendments to 16 VAC 25-90-1910.1043, Cotton Dust Standard can be found in the December 7, 2000, issue of the Federal Register, Volume 65, Number 236, pages 76563-76567.

When the regulations, as set forth in the amendment to the Cotton Dust Standard, 16 VAC 90-1910.1043, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
April 6, 2001	September 15, 2001

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**Title of Regulation: 16 VAC 25-90-1910 et seq. Federal Identical General Industry Standards - Occupational Exposure to Bloodborne Pathogens (amending 16 VAC 25-90-1910.1030).**

**Statutory Authority:** § 40.1-22(5) of the Code of Virginia.

**Effective Date:** September 15, 2001.

**Summary:**

Federal OSHA revised the Bloodborne Pathogens (“BBP”) standard to conform with the requirements of the federal Needlestick Safety and Prevention Act (P.L. 106-430). The revision to the BBP standard added new requirements for employers, including additions to the exposure control plan and keeping a sharps injury log. It does not impose new requirements for employers to protect workers from sharps injuries. The original standard already required employers to adopt engineering and work practice controls that would eliminate or minimize employee exposure from hazards associated with bloodborne pathogens. The revision does, however, specify in greater detail the engineering controls, such as safer medical devices, that must be used to reduce or eliminate worker exposure.

The revisions to federal OSHA’s Bloodborne Pathogens standard required under the federal Needlestick Safety and Prevention Act can be broadly categorized into four areas: (i) modification of definitions relating to engineering controls; (ii) revision and updating of the Exposure Control Plan; (iii) solicitation of employee input; and (iv) recordkeeping.

Specifically, in paragraph (b), Definitions, the revised standard added two additional terms, “Sharps with engineered sharps injury protections” and “Needleless systems.” The definition of one other term, “Engineering Controls,” was altered to clarify that safer medical devices are considered to be engineering controls under the standard.

Paragraph (c)(1)(iv) was revised to specifically require consideration of safer needle devices as part of the re-evaluation of appropriate engineering controls during the annual review of employer’s exposure control plan. The employer must:

1. Take into account innovations in medical procedure and technological developments that reduce the risk of exposure (e.g., newly available medical devices designed to reduce needlesticks); and
2. Document consideration and use of appropriate, commercially available, and effective safer devices (e.g., describe the devices identified as candidates for use, the method(s) used to evaluate those devices, and justification for the eventual selection).

Paragraph (c)(1)(v) calls for employers to solicit input from frontline employees (nonmanagerial employees responsible for direct patient care) in choosing safer devices.

Employees selected should represent the range of exposure situations encountered in the workplace, such as those in geriatric, pediatric, or nuclear medicine, and others involved in direct care of patients.

Paragraph (h)(5) requires that employers with employees who are occupationally exposed to blood or other potentially infectious materials and who are required to maintain a log of occupational injuries and illnesses under existing recordkeeping rules must also establish a log to track needlesticks injuries, rather than only recording those cuts or sticks that actually lead to illness. Additionally, employers must maintain the privacy of employees who have suffered these injuries.

**Agency Contact:** Copies of the regulation may be obtained from Regina P. Cobb, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-0610.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Occupational Exposure to Bloodborne Pathogens, General Industry (29 CFR 1910.1030) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On June 11, 2001, the Safety and Health Codes Board adopted an identical version of federal OSHA’s amendment to the final rule for the Occupational Exposure to Bloodborne Pathogens, 29 CFR 1910.1030.

The text of the amendments to 16 VAC 25-90-1910.1030, Occupational Exposure to Bloodborne Pathogens can be found in the January 18, 2001, issue of the Federal Register, Volume 66, Number 12, pages 5317-5325.

When the regulations, as set forth in the revised final rule for the Occupational Exposure to Bloodborne Pathogens, 16 VAC 25-90-1910.1030, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
April 18, 2001	September 15, 2001
29 CRF 1904.6	16 VAC 25-60-60, Administrative Regulations for the VOSH Occupational Safety and Health Program - Occupational Injury and Illness Records, § 60



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# Final Regulations

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## TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

### STATE CORPORATION COMMISSION

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Appendices 1 through 7 referenced in the following order are not being published. However, these appendices are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5 p.m., Monday through Friday.

**Title of Regulation:** 20 VAC 5-325-10 et seq. Rules for Enforcement of § 56-257 of the Code of Virginia.

**Statutory Authority:** §§ 12.1-13 and 56-265.15 of the Code of Virginia.

**Effective Date:** July 1, 2001.

**Summary:**

*The General Assembly amended § 56-257 of the Code of Virginia effective July 1, 2001. As amended, this statute directs the State Corporation Commission ("commission") to enforce the provisions of § 56-257 and to publish for comment on or before January 1, 2001, the first set of regulations required by the provisions of that statute. Amended § 56-257 requires all operators having the right to install underground utility lines, except interstate gas pipelines subject to regulation by the United States Department of Transportation, to install underground utility lines in accordance with accepted industry standards. "Accepted industry standards" include, as applicable, standards established by the National Electric Safety Code, the commission's pipeline safety regulations, the Department of Health's Waterworks Regulations (12 VAC 5-590-10 et seq.), and standards established by the Utility Industry Coalition of Virginia. "Operator" is defined by §§ 56-257 and 56-265.15 as any person who owns, furnishes, or transports materials or services by means of a utility line.*

*The rules adopted by the commission take effect on July 1, 2001. The rules direct all operators, except interstate gas pipelines subject to regulation by the United States Department of Transportation, to install underground utility lines in accordance with the accepted industry standards, as defined by § 56-257, in effect at the time of the lines' installation. In the case of a conflict among these standards, the most stringent standard will apply. The rules address operators' responsibilities to maintain accurate installation records. The procedures by which the commission's Division of Energy Regulation will investigate and the commission will enforce the provisions of § 56-257 of the Code of Virginia as to those operators that do not*

*comply with the foregoing industry standards are also included in the rules.*

**Agency Contact:** Massoud Tahamtani, Assistant Director, Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9264.

AT RICHMOND, JUNE 28, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE000662

**Ex Parte:** In the matter of adopting rules governing the manner of installing underground utility lines

#### ORDER ADOPTING RULES

This Order promulgates rules for the enforcement of § 56-257 of the Code of Virginia. The 2000 General Assembly amended § 56-257 of the Code of Virginia effective July 1, 2001, to provide that an "operator",<sup>1</sup> as defined in § 56-265.15, having the right to install underground utility lines, as defined in § 56-265.15, "except interstate gas pipelines subject to regulation by the U.S. Department of Transportation, shall install such underground lines in accordance with accepted industry standards". See 2000 Va. Acts ch. 779. Section 56-257 of the Code of Virginia, as amended, defines "accepted industry standards" to include, as applicable, standards established by the National Electric Safety Code, the Commission's pipeline safety regulations, the Department of Health's waterworks regulations (12 VAC 5-590-10 et seq.), and the Utility Industry Coalition of Virginia. It also directs the State Corporation Commission ("Commission") to promulgate any rules or regulations necessary to enforce the provisions of the statute as to those operators that do not comply with accepted industry standards when installing underground utility lines.<sup>2</sup>

Section 56-257 of the Code of Virginia, as amended, expressly prohibits the Commission from ordering action by, or imposing penalties on, any county, city, or town. Instead, it requires the Commission to inform counties, cities, and towns of alleged violations of accepted industry standards or regulations adopted under the statute, and provides that, at the request of the locality, the Commission may suggest corrective action.

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<sup>1</sup> Section 56-265.15 of the Code of Virginia defines "operator" to mean "any person who owns, furnishes or transports materials or services by means of a utility line."

<sup>2</sup> "Utility line" for purposes of § 56-257 of the Code of Virginia has the same meaning as in § 56-265.15, i.e., any item of public or private property which is buried or placed below ground or submerged for use in connection with the storage or conveyance of water, sewage, telecommunications, electric energy, cable television, oil, petroleum products, gas, or other substances, and includes but is not limited to pipes, sewers, combination storm/sanitary sewer systems, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles below ground. . . .

In an effort to identify issues relative to the enforcement of § 56-257, Staff met with a number of stakeholders on September 20, 2000. Based on the issues raised during that meeting as well as the need for enforcement procedures, the Staff developed proposed "Rules for the Enforcement of § 56-257 of the Code of Virginia" ("Rules").

On November 30, 2000, the Commission entered an Order that: (i) docketed the proceeding, (ii) directed the Division of Information Resources to publish notice of the Staff's proposed Rules on two occasions in newspapers of general circulation throughout the Commonwealth, (iii) invited interested parties to comment or request a hearing on the proposed Rules set out as Attachment 1 to the November 30 Order, (iv) required that the Order, together with the proposed Rules be forwarded for publication in the Virginia Register of Regulations, and (v) directed the Division of Information Resources to file with the Clerk of the Commission the proof of the publication required by the Order.

On January 25, 2001, the Division of Information Resources filed its proof of the publication of notice required by the November 30, 2000, Order Prescribing Notice and Inviting Comments.

In response to the November 30, 2000, Order, A&N Electric Cooperative, BARC Electric Cooperative, Central Virginia Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Inc., Northern Virginia Electric Cooperative, Powell Valley Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, Southside Electric Cooperative, Inc., and the Virginia Maryland & Delaware Association of Electric Cooperatives ("the Cooperatives") jointly filed comments. Arlington County ("Arlington"); Cox Virginia Telecom, Inc. ("Cox"); Virginia Telecommunications Industry Association ("VTIA"); Appalachian Power Company ("AEP-VA"); Delmarva Power & Light Company ("Delmarva"); Fairfax County Water Authority ("Fairfax County"); and Roanoke Gas Company ("Roanoke") also filed comments. Columbia Gas of Virginia, Inc. ("Columbia"); Washington Gas Light Company ("WGL"); and Virginia Natural Gas, Inc. ("VNG") (hereafter collectively referred to as "the gas Companies") jointly filed comments. None of the parties filing comments requested a hearing on the Rules, although several requested leave to participate in a hearing if one was convened.

On February 23, 2001, the Commission entered an Order that directed its Staff to file a report on these comments on or before April 20, 2001. The Order also invited interested parties of record to file on or before May 10, 2001, further comments in reply to, together with any request for hearing on, any recommendations or further revisions to the Rules set out in the Staff's report.

On April 19, 2001, the Commission granted the Staff's request to extend the due date for filing the Staff's report to May 3, 2001, and authorized interested parties of record to file further comments in response to the report or to request a hearing on the same by May 17, 2001.

On May 3, 2001, the Staff filed its report in this matter. In its report, the Staff summarized and analyzed the comments filed in this matter, and proposed further revisions to the Rules.

On May 17, 2001, the Cooperatives, AEP-VA, the gas Companies, and Cox each filed further comments in response to the Staff's report. None of these parties requested a hearing on the Staff's report, although several of those commenting requested leave to participate if the Commission determined to convene a hearing.

The Virginia Cable Telecommunications Association ("Cable Association" or "VCTA") filed a "Motion to Accept Comments in Response to the Staff Report", together with its comments. In support of its Motion, the Cable Association noted that while it did not file initial comments in response to the November 30, 2000, Order, it was interested in the proposed Rules, had reviewed the Staff report, and generally supported the report's recommendations. The VCTA alleged that no other party was likely to be prejudiced by its comments and contended that receiving its comments would not cause the Commission to delay the consideration of the proposed Rules or to implement those Rules by July 1, 2001. The Cable Association did not request a hearing, but asked that if a hearing was scheduled, it be permitted to participate in the hearing.

NOW, upon consideration of the initial comments filed herein, the Motion filed by the Cable Association, the Staff report, and the comments filed in response to that report, the Commission is of the opinion and finds that the Cable Association's motion should be granted and that its comments should be accepted for filing in this proceeding. In addition, we find that no request for hearing was made, and therefore no ore tenus hearing should be convened in this matter. Further, we find that the attached Rules for the enforcement of § 56-257 of the Code of Virginia should be adopted, effective July 1, 2001. A complete set of these Rules is appended to this Order as Attachment A.

In adopting these Rules, we have carefully considered the pleadings and comments of the participants in this proceeding. The substance of these comments has been vital in crafting the Rules hereby promulgated in this Order. While we will not review each Rule in detail, we will comment briefly on several of the Rules that received extensive comment.<sup>3</sup> The reference to the rule numbers set out in the discussion below refers to the rule numbers as they appear in Appendix 2 to the May 3, 2001, Staff report. Finally, minor revisions to the Rules have also been made to prepare them for publication in the Virginia Register of Regulations.

### Rule 30 - Installation of Utility Lines

Rule 30 requires that all operators, except interstate gas pipelines subject to regulation by the United States Department of Transportation, install their underground utility

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<sup>3</sup> For ease of reference, the designation "20 VAC 5-325" will be dropped. The reader should assume this is the title and chapter for all the rules discussed in this Order unless specifically stated otherwise. For example, when the Order refers to "Rule 30", it should be understood that this refers to 20 VAC 5-325-30.

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# Final Regulations

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lines in accordance with the applicable standards set forth in § 56-257 of the Code of Virginia in effect at the time of installation. This Rule also provides that if there is a conflict among any of the standards, the most stringent standard shall be applied, unless the conflict can otherwise be resolved without violating an applicable law or a regulation. Rule 30 concludes by providing that the rule's reference to the standards set out in § 56-257 does not change or extend the standard's application, but will make the standards subject to enforcement as set forth in Part III of Chapter 325 of the Rules.

Cox comments that proposed Rule 30 is susceptible to multiple interpretations. It contends that the Rule, as presently drafted, could be interpreted to mean that telecommunications companies might be expected to adhere to the Department of Health's waterworks regulations. The Cable Association supports Cox's comments, observing that in its view, the Rules would gain clarity by specifying that the standards to be applied are those that pertain to the type of utility performing the installation.

As Staff noted in its May 3, 2001, report, the industry standards referenced in § 56-257 of the Code of Virginia, as amended, already specify the purpose and scope of the standards. Further, as amended, § 56-257 B of the Code of Virginia directs the Commission to enforce the directives found in § 56-257 A "as to those operators that do not comply with such accepted industry standards."<sup>4</sup> It does not authorize the Commission to create new standards or to amend existing ones.

The gas Companies comment that the most stringent standard language in Rule 30 may be inconsistent with the legislative intent for § 56-257, and that this portion of the Rule would render meaningless the standards adopted by the Utility Industry Coalition of Virginia ("UIC"). Among other things, they contend that the Staff proposal fails to offer guidance on the standard to be applied when industry standards appear to conflict. They observe that the unintended effect of applying the most stringent standard may be to exacerbate the challenges faced by operators in areas of the state with many underground utility lines and structures.

On occasion, the standards referenced in § 56-257 of the Code of Virginia may conflict. In our view, Rule 30 appropriately provides guidance to operators by positing "the most stringent" standard, e.g., in the case of separation standards, the standard providing the greatest level of separation between underground utility lines, as an acceptable means by which an operator may resolve conflicts between standards.

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<sup>4</sup> Section 56-257 A of the Code of Virginia, as amended, provides that [e]very operator, as defined in § 56-265.15, having the right to install underground utility lines, as defined in § 56-265.15, except interstate gas pipelines subject to regulation by the U.S. Department of Transportation, shall install such underground utility lines in accordance with accepted industry standards. Such standards shall include, as applicable, standards established by the National Electric Safety Code, the Commission's pipeline safety regulations, the Department of Health's waterworks regulations (12 VAC 5-590-10 et seq.), and standards established by the Utility Industry Coalition of Virginia.

The language in Rule 30 further provides that the most stringent standard shall be applied "unless the conflict can otherwise be resolved without violating applicable law or regulation". AEP-VA proposed this language at page 4 of its January 22, 2001, Comments. As AEP-VA notes

. . . while there may be certain situations where conflicts between different standards simply cannot be resolved, except by applying the more stringent standard, this will not always necessarily be the case. The standards that are being adopted include a certain degree of flexibility, and the particular facts presented in a situation may present opportunities for complying with all applicable requirements without always having to apply the most stringent standard. To the extent that different standards applicable to different industries need to be reconciled, the goal of these rules should be to resolve the conflict and to move toward a consensus position, rather than simply to provide a mechanism to determine which standard will control. To the extent that there is an opportunity afforded by the standards, as they are applicable separately, to resolve conflicts without violating any applicable law or regulation, the revision suggested by AEP-VA will preserve that opportunity.

January 22, 2001, AEP-VA Comments at 4-5.

We agree with AEP-VA. In our view, Rule 30 preserves the opportunity to apply the standards adopted by the UIC through the language "unless the conflict can otherwise be resolved without violating applicable law or regulation." This language provides guidance and flexibility to operators of underground utility lines.

The Cooperatives propose to revise the phrase "unless the conflict can otherwise be resolved without violating applicable law or regulation" by adding "by the operators involved" to the Rule. We do not disagree and will accept the Cooperatives' recommendation as to this revision of the Rule.

## Rule 40 - Operator's Responsibilities to Maintain Accurate Records

The Cable Association agrees with Staff that the phrase ". . . for use in connection with . . ." in Rule 40 means utility lines in active service. May 17, 2001, VCTA Comments at 2. However, it fears that in the future the Commission or appellate courts could interpret the reference in § 56-265.15 to each underground utility line installed after July 1, 2001, differently so as to apply the rule to abandoned lines still capable of being used in connection with the storage or conveyance of utility services in the sense that an abandoned hammer remains capable of use in driving nails. The Cable Association urges us to add the word "active" to modify the phrase "underground utility line" in the first sentence of Rule 40. Cox proposes a similar revision to Rule 40.

Rule 40 applies to installations of utility lines made after July 1, 2001. If a line is available for use, and can in fact be used, then the operator must maintain a reasonably accurate record of that installation. If, on the other hand, an operator abandons a utility line so that the line may no longer be used "in connection with the storage or conveyance" of utility service as contemplated by the definition of § 56-265.15 of the Code of Virginia, no record need be maintained by the

operator for that line. We decline to refine further the definition of "utility line" and find that the plain meaning of the words used in § 56-257, and, in turn, § 56-265.15, to define "utility line" provides sufficient guidance to operators.

The VCTA comments that it is unclear whether the accuracy of records required in the first sentence of Rule 40 is also required for notations prescribed in the second sentence of that Rule. It opines that a lesser degree of accuracy on installation records is needed when noting the location of a preexisting underground utility line and the action taken by the operator installing the underground utility line to protect against damage from such preexisting underground utility lines.

With regard to VCTA's concerns about the accuracy required by Rule 40 for operator records, the Rule plainly states that these records must be "reasonably accurate". If in the course of installing a line, an operator discovers another line in proximity to the one being installed, Rule 40 requires the installing operator to note the location of the pre-existing line relative to the line being installed, and the action taken by the installing operator to protect against damage from the preexisting underground utility line. Reasonableness is the lodestar of Rule 40. Whether a particular action is reasonable will be dependent on the factual context of each case. Additionally, the documentation of installation data is necessary in order to determine the relevant industry standards that should be applied to installations made after July 1, 2001, and that the installation was made in accordance with such standards.

Cox comments that Rule 40 is inefficient and requires a duplication of efforts when excavations occur. Cox opines that an operator must inform the notification center where an excavation will be occurring and is required to keep a record of the excavation. Cox asserts that under Rule 40, both the operator and notification center will be required to keep a record of the excavation, thus creating a duplication of the records maintained. Cox also objects to the second sentence of Rule 40, commenting that the Rule would require Cox to add fields to its current software to track installation dates of particular lines.

Rule 40 does not address excavation records, as Cox asserts. It only requires an operator to prepare and maintain reasonably accurate installation records as to underground utility lines installed after July 1, 2001. Cox apparently agrees that it is meritorious to maintain reasonably accurate installation records but proposes to do so only for "active" underground utility lines installed after July 1, 2001.

The Cooperatives comment that while the standards should only require an operator to ensure that a minimum separation distance, or appropriate protective measure such as a shield, is present at the time of installation, the Rule as proposed by Staff would require the operator to expose the other utility line to ascertain that line's exact location. The Cooperatives propose to strike "the location of such preexisting underground utility line" from the second sentence of Rule 40.

In order to make a reasoned decision relative to whether an appropriate protective measure is necessary, the Cooperatives and other operators must ascertain whether a

minimum separation distance can be maintained between the underground line being installed and any pre-existing one. Information on the location of a line that is already underground is important to the operator's decision-making process as the operator contemplates a new underground installation. Consequently, we decline to delete "the location of such pre-existing underground utility line" from the second sentence of Rule 40.

In contrast to Cox, the Cable Association, and the Cooperatives, the Gas Companies appear to support Rule 40 as it appears in Appendix 2 to the Staff report. May 17, 2001, Gas Companies' Comments at 6-7.

Finally, multi-dimensional maps and drawings are not required by this Rule as VTIA's January 22, 2001 comments appear to suggest. Instead, the distance separating the pre-existing underground line and the installed line and any action taken to protect the line if appropriate separation cannot be achieved may simply be noted on the relevant records maintained by the operator. We will adopt Rule 40 as proposed in Appendix 2 of the Staff report.

### Rule 90 - Civil Penalties

The Cable Association disagrees with the Staff's recommendation in its report to retain the civil penalties permitted by § 12.1-13 of the Code of Virginia. They comment that the failure to comply with industry standards designed to mitigate the potential damage to underground utility lines is no more serious a violation than a violation that actually damages the underground facilities, and therefore lower penalties than those identified in § 12.1-13 should be the rule. May 17, 2001, Comments of the Cable Association at 3.

Section 56-257 of the Code of Virginia, as amended, does not specify the fines to be imposed for a violation of the Commission's Rules to enforce that statute. Section 12.1-13 of the Code of Virginia addresses the fines to be imposed upon an individual or business conducted by any entity other than an individual for failure to comply with any valid rule, regulation, or Commission order where no fine or other penalty is imposed by statute. It provides that the amount of the fine that may be imposed on an individual may not exceed \$5,000, and the amount of a fine that may be imposed in the case of a business conducted by an entity other than an individual may not exceed \$10,000.

Neither Virginia statutes nor Rule 90 require us to impose the maximum penalty in every instance. However, there may be instances that include, but are not limited to, circumstances in which an individual or business entity has repeatedly violated § 56-257 of the Code of Virginia or where a violation of the statute and the Commission's regulations is particularly egregious. Since the legislature has not prescribed any other fines for violations of § 56-257, we presume that it intended that the fines provided for in § 12.1-13 apply to violations of § 56-257. A defendant cited for a probable violation of the Rules may offer evidence and argument on why penalties that are less than the maximum penalties permitted by § 12.1-13 of the Code of Virginia are appropriate.

We appreciate the insightful contribution of the participants to this rulemaking. As a result of the Staff's and other

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# Final Regulations

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participants' efforts, we believe that the rules adopted herein, in combination with the provisions of § 56-257 of the Code of Virginia, will serve to protect the public and provide meaningful guidance to operators installing underground utility lines. We therefore adopt the "Rules for the Enforcement of § 56-257 of the Code of Virginia," appearing as Attachment A hereto, effective July 1, 2001.

Accordingly, IT IS ORDERED THAT:

(1) The Rules for Enforcement of § 56-257 of the Code of Virginia, appended hereto as Attachment A, are hereby adopted, effective July 1, 2001.

(2) A copy of this Order and the Rules adopted herein shall be promptly forwarded to the Virginia Register of Regulations for publication.

(3) There being nothing further to be done in this matter, this case shall be dismissed from the Commission's docket of active proceedings, and the papers filed herein shall be placed in the Commission's files for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all the certificated electric utilities regulated by the Commission as set out in Appendix 1 hereto; all the certificated electric cooperatives regulated by the Commission as set out in Appendix 2 hereto; all the certificated water and sewer utilities subject to the Commission's regulation as set out in Appendix 3 hereto; all the telephone companies and telephone cooperatives regulated by the Commission as set out in Appendix 4 hereto; all of Virginia's certificated interexchange carriers as set out in Appendix 5 hereto; all the certificated gas companies regulated by the Commission as set out in Appendix 6 hereto; the parties identified in Appendix 7 hereto; John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Kodwo Ghartey-Tagoe, Esquire, McGuireWoods LLP, One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030; Cynthia Oakey, Esquire, and Karen L. Bell, Esquire, Dominion Resources Services, One James River Plaza, Richmond, Virginia 23219; James P. Guy, II, Esquire, LeClair Ryan, P.C., Innsbrook Corporate Center, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; James S. Copenhaver, Senior Attorney, Columbia Gas of Virginia, Inc., P.O. Box 35674, Richmond, Virginia 23235-0674; Donald R. Hayes, Senior Attorney, Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; Donald A. Fickenscher, Vice President and Chief Legal Officer, Virginia Natural Gas, Inc., 5100 East Virginia Beach Boulevard, Norfolk, Virginia 23502-3488; William T. Donahue, County Manager, Office of the County Manager, #1 Courthouse Plaza, 2100 Clarendon Boulevard, Suite 302, Arlington, Virginia 22201; Donald L. Crosby, senior Counsel, Cox Communications, Inc., 1400 Lake Hearn Drive, N.E., Atlanta, Georgia 30319; E. Ford Stephens, Esquire, Christian & Barton, L.L.P., 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Robert M. Gillespie, Esquire, Christian & Barton, L.L.P., 909 East Main Street, Suite 1200, Richmond, Virginia 23219; Richard D. Gary, Esquire, and Jason T. Jacoby, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Michael J.

Quinan, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; James R. Bacha, Esquire, American Electric Power Service Corporation, One Riverside Plaza, Columbus, Ohio 43215; Guy T. Tripp, III, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Charlie C. Crowder, Jr., General Manager, Fairfax County Water Authority, P.O. Box 1500, Merrifield, Virginia 22116-0815; Dale P. Moore, Director of Rates, Regulatory Affairs and Financial Planning, Roanoke Gas Company, P.O. Box 13007, Roanoke, Virginia 24030; and the Commission's Office of General Counsel and Division of Energy Regulation.

## CHAPTER 325.

### RULES FOR ENFORCEMENT OF § 56-257 OF THE CODE OF VIRGINIA.

#### PART I.

#### GENERAL PROVISIONS.

#### **20 VAC 5-325-10. Scope.**

*This chapter is hereby adopted, effective July 1, 2001, by the State Corporation Commission (commission) to enforce the provisions of § 56-257 of Title 56 of the Code of Virginia relative to the manner of installing underground utility lines as defined by § 56-265.15 of the Code of Virginia.*

#### **20 VAC 5-325-20. Definitions.**

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

*"Division" means the State Corporation Commission's Division of Energy Regulation.*

*"Installation records" means maps, drawings, diagrams, sketches, or any other depictions or descriptions of an underground utility line [ ~~that may be used to demonstrate compliance with the applicable standards as set out in 20 VAC 5-325-30 and 20 VAC 5-325-40~~ ].*

#### PART II.

#### STANDARDS.

#### **[ ~~20 VAC 5-325-30. Standards incorporated by reference.~~**

*~~The following standards are incorporated by reference within these rules and shall be considered part of the requirements of these rules:~~*

*~~1. The National Electrical Safety Code (C2-1997), dated August 1, 1996;~~*

*~~2. 49 CFR Parts 192 and 195;~~*

*~~3. The Virginia Department of Health's Waterworks Regulations (12 VAC 5-500-10 et seq.); and~~*

*~~4. Voluntary Underground Utility Facility Separation Standards, effective January 1, 2000, established by the Utility Industry Coalition of Virginia.~~*

~~20 VAC 5-325-40.~~ **20 VAC 5-325-30. ] Installation of utility lines.**

All operators, as defined in § 56-265.15 of the Code of Virginia, having the right to install underground utility lines, as defined in § 56-265.15 of the Code of Virginia, except interstate gas pipelines subject to regulation by the United States Department of Transportation, shall install such underground utility lines in accordance with the applicable standards [ as set forth in § 56-257 of the Code of Virginia ] in effect at the time of installation of such underground utility lines. [ ~~These standards include, as applicable, the standards incorporated by reference in 20 VAC 5-325-30.~~ ] If there is a conflict among any of the standards [ ~~incorporated by reference in 20 VAC 5-325-30.~~ ] the most stringent standard shall be applied [ , unless the conflict can otherwise be resolved by the operators involved without violating applicable law or regulation. Reference to standards set out in § 56-257 of the Code of Virginia shall not change or extend their application but shall make them subject to enforcement by the commission as set forth in Part III (20 VAC 5-325-60 et seq.) of this chapter ].

~~20 VAC 5-325-50.~~ **20 VAC 5-325-40. ] Operator's responsibilities to maintain accurate records.**

[ ~~In order to demonstrate compliance with § 56-257 of the Code of Virginia,~~ ] The operator shall prepare and maintain reasonably accurate installation records of each underground utility line installed after July 1, 2001. [ Whenever it is determined that an underground utility line is to be installed with less separation from a pre-existing underground utility line than required under the most stringent standard, the location of such pre-existing underground utility line and the action taken by the operator installing the underground utility line to protect against damage from such pre-existing underground utility line shall be noted on the installation records. ]

~~20 VAC 5-325-60.~~ **20 VAC 5-325-50. ] Emergency installations.**

Temporary repairs of underground utility lines performed to mitigate an emergency as defined in § 56-265.15 of the Code of Virginia are not required to comply with the provisions of these rules. Permanent repairs made after the emergency, as defined in § 56-265.15 of the Code of Virginia, ceases to exist must comply with this chapter [ to the extent possible without requiring the installation of new facilities and without requiring excavation or investigation beyond that necessitated by the repair ].

PART III.  
ENFORCEMENT.

~~20 VAC 5-325-70.~~ **20 VAC 5-325-60. ] Report of probable violations.**

Any person, as defined in § 56-265.15 of the Code of Virginia, may report probable violations of § 56-257 of the Code of Virginia to the division. Reports of probable violations may be submitted to the division in writing, by telephone, fax, e-mail, or in person.

~~20 VAC 5-325-80.~~ **20 VAC 5-325-70. ] Division investigation of probable violations.**

[ A. ] Upon receipt of a report of a probable violation, the division shall conduct an investigation to examine all the relevant facts regarding the reported probable violation. The investigation may include, among other things, records verification, informal meetings, teleconferences, and photo-documentation. Upon completion of the investigation and finding evidence of a probable violation of § 56-257 of the Code of Virginia and these rules, the division shall take one or more of the following actions:

1. Issue a warning letter to the person alleged to have committed the violation ("respondent");
2. Issue an information letter to a county, city, or town alleged to have committed the violation, advising of the discovery of an alleged violation;
3. Enter settlement negotiations with the respondent. Upon reaching agreement on settlement terms, the division shall present the proposed settlement to the commission for final acceptance or rejection; or
4. Request the issuance of a "Rule to Show Cause" order pursuant to the commission's Rules of Practice and Procedure ([ ~~5 VAC 5-10-10,~~ 5 VAC 5-20-10 ] et seq.).

[ B. Upon completion of the investigation and finding no evidence of a violation of § 56-257 of the Code of Virginia and this chapter, the division shall so advise the respondent by letter. ]

~~20 VAC 5-325-90.~~ **20 VAC 5-325-80. ] Commission action.**

A. The commission may accept or reject a proposed settlement to resolve probable violations. If the commission rejects a proposed settlement but finds a probable violation may have occurred, a public hearing will be scheduled to receive evidence and take appropriate enforcement action as provided by the commission's Rules of Practice and Procedure ([ ~~5 VAC 5-10-10~~ 5 VAC 5-20-10 ] et seq.).

B. If the commission finds, after a hearing, that a violation has occurred or is continuing, it may issue a remedial order or injunction. The remedial order or injunction may direct the party or parties, other than cities, counties, or towns, to take any action, including the payment of a civil penalty as provided by § 12.1-13 of the Code of Virginia. A remedial order issued by the commission under this section shall be effective upon issuance, in accordance with its terms, unless stayed, suspended, modified or rescinded.

C. If, upon investigation, the commission finds reasonable grounds to conclude that a violation has occurred or is continuing, and presents an immediate potential danger to life, health, property or essential public service, the commission may issue a temporary injunction and schedule a hearing and require the probable violator, other than cities, counties, or towns, to show cause why it should not be permanently enjoined on account of the alleged violation or violations.

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# Final Regulations

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[ ~~20 VAC 5-325-100~~, 20 VAC 5-325-90. ] **Civil penalties.**

A. The amount of the civil penalty for a violation of these rules shall be determined in accordance with § 12.1-13 of the Code of Virginia.

B. In determining the amount of any civil penalty included in a settlement, the nature, circumstances, and gravity of the violation, the degree of the probable violator's culpability, the probable violator's history of prior offenses, and such other factors as may be appropriate shall be considered.

C. The probable violator shall pay a civil penalty that has been imposed by the commission as a result of a rule to show cause or pursuant to an order of settlement by submitting to the division a certified check made payable to the Treasurer of Virginia in the correct amount of the civil penalty determined by the commission.

D. If the probable violator or named defendant in an order issued pursuant to these rules [ ~~promulgated hereunder~~ ] fails to comply with such order, then the amount of the civil penalty for failure to comply with the commission's order shall be determined in accordance with § 12.1-33 of the Code of Virginia.

[ ~~20 VAC 5-325-110~~, 20 VAC 5-325-100. ] **Petition for reconsideration.**

Any person subject to an order from the Virginia State Corporation Commission may petition the commission for reconsideration of its order under the commission's Rules of Practice and Procedure ( [ ~~5 VAC 5-10-10~~, 5 VAC 5-20-10 ] et seq.).

[ ~~20 VAC 5-325-120~~, 20 VAC 5-325-110. ] **Appeals generally.**

Any final finding, decision setting the substantive law, order or judgment of the commission may be appealed only to the Supreme Court of Virginia, subject to § 12.1-39 et seq. of the Code of Virginia, the commission's Rules of Practice and Procedure ( [ ~~5 VAC 5-10-10~~, 5 VAC 5-20-10 ] et seq.), and Rule 5:21 of the Supreme Court.

VA.R. Doc. No. R01-59; Filed June 29, 2001, 12:53 p.m.

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## TITLE 22. SOCIAL SERVICES

### DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

**Title of Regulation:** 22 VAC 20-30-10 et seq. Regulations Governing Interpreter Services for the Deaf and Hard of Hearing (amending 22 VAC 20-30-10 through 22 VAC 20-30-60 and 22 VAC 20-30-80 through 22 VAC 20-30-140; adding 22 VAC 20-30-150; repealing 22 VAC 20-30-70).

**Statutory Authority:** §§ 63.1-85.4 and 63.1-85.4:1 of the Code of Virginia.

**Effective Date:** October 1, 2001.

**Summary:**

The amendments add a statement of fees, add provisions for a grievance procedure, provide for separate interpreting and transliterating assessments, add provisions for a grievance procedure, and clarify confidentiality.

**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:** Copies of the regulation may be obtained from Leslie G. Hutcheson, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012, telephone (804) 662-9703.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 17:8 VA.R. 1184-1191 January 1, 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.

#### 22 VAC 20-30-10. Definitions.

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

"ASL" [ {or " } ] *American Sign Language* [ } " ] means the visual-manual language predominantly used by members of the deaf community.

~~"Assessment team" refers to the group of individuals who serve on the panel for Virginia Quality Assurance Screenings.~~

"Candidate" refers to any person who has applied to take the Virginia Quality Assurance Screening.

"Certified interpreter" refers to an advanced level interpreter who holds valid certification issued by the Registry of Interpreters for the Deaf, Inc., or the National Association of the Deaf, or a cued speech transliterator certified by the [ ~~National Cued Speech Association Testing, Evaluation, and Certification Unit, Inc~~ ].

~~"Closed screening" means a screening which may be offered to a group who has requested a screening for at least eight candidates within that group. Candidates on the waiting list to be screened may not be notified of closed screenings.~~

"Code of Ethics" means the guidelines for interpreters as established by the national Registry of Interpreters for the Deaf, Inc., and the Code of Conduct of the National Cued Speech Association TEC Unit.

"Consumer" refers to any individual: deaf, hard of hearing or hearing who is a recipient of interpreter services.

~~"Coordinator" refers to the Coordinator of the Virginia Quality Assurance Screening in the Department for the Deaf and Hard of Hearing.~~

"Cued speech" means a phonemically-based system used in conjunction with speech reading, comprised of handshapes representing consonant sounds and positions about the face representing vowel sounds.

"Deaf" refers to any person who has a hearing loss such that with or without amplification is unable to receive information in an auditory fashion and whose primary means of receiving communication is through visual input such as lip reading, sign language, finger spelling, cued speech, reading or writing.

"Department" means the Virginia Department for the Deaf and Hard of Hearing.

"Director" refers to the Director of the Virginia Department for the Deaf and Hard of Hearing.

"Directory" means the listing of qualified interpreters for the deaf and hard of hearing as compiled by the department.

"Expressive" means to convey a spoken message into a visual equivalent.

"Hard of hearing" refers to any person who has a hearing loss such that hearing is difficult but the understanding of spoken communication through the ear alone, with or without a hearing aid, is not precluded.

"Hearing" refers to any person who is able to comprehend conversational speech without an assistive device.

"Interpret" means to accurately convey messages without personal interjection between two or more parties using two languages.

"Interpreter" refers to any person who facilitates communication conveys messages between two or more parties using different languages or different forms of the same language and refers to sign language interpreter/transliterators and oral and cued speech transliterators. When the term is used to specifically identify an interpreter who interprets using ASL, this text will so indicate.

"Interpreting (ASL)" means the specific process of interpreting ASL vocabulary, structure, and grammatical components and does not include oral or cued speech transliterating or forms of manual communication using an English-based structure. The term is used specifically herein when discussing components of the VQAS assessment process.

"Manually-coded English" means any form of manual communication which that utilizes specified handshapes to represent English syntax.

"National Association of the Deaf" [ or " ] (NAD [ } " ] means the national membership organization that contracts with states to provide sign language interpreter evaluations.

[ "~~National Cued Speech Association~~" (NCSA) means the national training, evaluation, and certification unit of cued speech transliterators. ]

"Oral" means a communication mode which that is dependent upon ~~speech reading speechreading~~ and spoken communication.

~~"Panel" refers to the people selected to serve on an assessment team of the Virginia Quality Assurance Screening.~~

~~"Panelist" refers to any person who has satisfied the requirements for serving as a member of the assessment team for quality assurance screenings during live panel rating sessions.~~

"Qualified interpreter," as defined in § 63.1-85.4:1 of the Code of Virginia, refers to an interpreter who currently holds at least one of the following credentials:

1. Certification from any national organization whose certification process has been recognized by the Department for the Deaf and Hard of Hearing; or
2. A current screening level awarded by the Virginia Quality Assurance Screening Program of the Department for the Deaf and Hard of Hearing; or
3. A screening level or recognized evaluation from any other state when (i) the credentials meet the minimum requirements of Virginia Quality Assurance Screening and (ii) the credentials are valid and current in the state issued.

"Rater" refers to any person who has satisfied the requirements for serving as a member of the assessment team for rating videotapes of candidates who participate in the Virginia Quality Assurance Screening.

"Receptive" means to convey a visual message into a spoken equivalent.

"Results letter" means the letter sent to a candidate notifying the candidate of his scores on an assessment and any level awarded as a result of those scores.

"RID" [ { or " ] Registry of Interpreters for the Deaf, Inc. [ } " ] means the national membership organization of the interpreting profession.

"Scores" means the [ ~~raw~~ segment composite ] scores for any individual on the Code of Ethics or skills assessment.

"Screening" means the Virginia Quality Assurance Screening.

"Screening level" means the level of competency awarded to an interpreter ~~who has successfully satisfied the minimum standards established for VQAS based on the compilation of scores assigned by raters.~~

[ "~~Service provider~~" refers to the a person requesting interpreter services who may or may not also be the consumer. ]

"Transliterate" means to accurately convey messages without personal interjection between two or more parties using different forms of the same language, such as written or spoken English and a manually-coded form of English or cued speech.

"VQAS" [ means or " ] Virginia Quality Assurance Screening [ ~~which~~ " means the process that ] is designed to assess interpreting and transliterating skills of interpreters who facilitate communication between persons who are deaf or hard of hearing and persons who are hearing, and is administered by the Virginia Department for the Deaf and Hard of Hearing.

[ "Working days" means Monday through Friday, 12 months of the year, exclusive of federal and state holidays. ]

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# Final Regulations

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PART II.  
ADMINISTRATION OF INTERPRETER SERVICES.  
DIRECTORY OF QUALIFIED INTERPRETERS.

**22 VAC 20-30-20. [ No change from proposed. ]**

**22 VAC 20-30-30. [ No change from proposed. ]**

**22 VAC 20-30-40. [ Appeal Appeals ] procedure.**

If an interpreter desires to contest the department's decision to exclude that interpreter's request to be listed as a qualified interpreter, that interpreter must file a written appeal with the director within 30 working days of the determination. The director, or designee, shall provide an informal conference with that interpreter within 30 working days from the date *the request for appeal* was received. The final decision will be determined by the director who will provide written notification of that decision within 30 working days of the conference.

**22 VAC 20-30-50. [ No change from proposed. ]**

**22 VAC 20-30-60 through 22 VAC 20-30-100. [ No change from proposed. ]**

**22 VAC 20-30-110. VQAS assessment process.**

A. The agency may offer the following general assessments:

1. Code of Ethics Assessment.
2. Skills assessments in the following areas, each consisting of receptive, interactive and expressive components:
  - a. Sign Language Interpreting Skills Assessment;
  - b. Sign Language Transliterating Skills Assessment;
  - c. Sign Language Receptive Skills Assessment; and
  - d. Cued Speech Transliterating Skills Assessment.

B. The Code of Ethics Assessment shall assess a candidate's general knowledge and application of the Code of Ethics. The Code of Ethics Assessment shall be administered in writing or on videotape in the presence of a proctor. A score of 90% or higher is considered passing on the Code of Ethics Assessment.

A candidate shall not be eligible to participate in any skills assessment until a score of 90% or higher on the Code of Ethics has been achieved.

C. The Sign Language Interpreting Assessment shall assess a candidate's expressive, interactive, and receptive abilities using ASL vocabulary, structure and components. The assessment shall be administered on videotape.

D. The Sign Language Transliterating Skills Assessment shall assess a candidate's expressive, interactive and receptive abilities [ ~~using a form of manually-coded English demonstrated by a sign product and spoken product that uses English structure~~ ]. The assessment shall be administered on videotape.

E. The Sign Language Receptive Skills Assessment shall assess a candidate's receptive abilities using ASL. The assessment shall be administered on videotape. Only

*candidates who are deaf or hard of hearing may participate in this assessment.*

F. The Cued Speech Transliterating Skills Assessment shall assess a candidate's conversational expressive and receptive abilities using cued speech hand shapes and mouth movements. The assessment shall be administered on videotape.

G. ~~Each candidate's performance will be assessed either by a screening panel present during the assessment or skills assessment shall be videotaped and rated by individual raters. Panelists/raters~~ Raters will assess only the segments for which they have been specifically trained.

A. ~~Assessment team.~~

1. ~~A screening panel or individual ratings~~ Rating shall consist of at least one ~~panelist/rater~~ who is hearing and one ~~panelist/rater~~ who is deaf or hard of hearing.
2. All ~~panelists/raters~~ shall be fluent in the language mode being assessed and shall have successfully completed rater training as administered by the agency.
3. *Raters shall score each assessment using criteria established in agency policy and procedure.*

B. ~~Screening components. Each screening is comprised of two major categories:~~

1. ~~Part I — Code of Ethics: (General knowledge and application). Shall be administered prior to the other category orally (in front of a live panel, on videotape, or both) or in writing (in the presence of a monitor).~~

NOTE: A candidate may not participate in a performance assessment until 90% competency has been demonstrated on Part I, the Code of Ethics assessment.

2. ~~Part II — Skills Assessment.~~

a. ~~Sign Language Assessment. Interpreting (ASL) Performance: (Expressive and receptive abilities using ASL vocabulary, structure, and components) and Transliterating (English) Performance (Expressive and receptive abilities using a form of manually-coded English). The assessment may be administered in front of a live panel, on videotape, or both.~~

b. ~~Cued Speech. Transliterating Performance: Expressive and receptive abilities using cued speech hand shapes and mouth movements. The assessment may be administered in front of a live panel, on videotape, or both.~~

G. H. Awarding of screening levels *will be based upon the composite scores of all raters for each component of an assessment. The lowest composite score on any component of the assessment will determine the level awarded, if any.*

Each ~~panelist/rater~~ will independently assess a candidate's performance and assign a raw score for the required competencies within each category (~~Parts I and II~~). Raw scores will be totaled for each part, converted to percentages, and averaged with the other ~~panelists/raters~~ scores. ~~Parts I and II will be scored independently of each other by the department. Depending on the results, a candidate may:~~

1. Not receive any level at that time;
2. Receive a level for Interpreting (ASL) only;
3. Receive a level for Transliterating Sign Language only;
4. Receive a level for both Interpreting (ASL) and Transliterating Sign Language; or
5. Receive a level for Transliterating Cued Speech only.

~~D.~~ I. Criteria for screening levels.

1. A screening level of I, II, III, or IV will be awarded to candidates who satisfy the minimum competency requirements. (~~Refer to 22 VAC 20-30-110 B Screening Components.~~) These minimum requirements are:

- ~~1.~~ a. 90% Code of Ethics (~~Part I~~); and
- ~~2.~~ Performance b. Skills assessment scores (~~Part II Interpreting or Transliterating~~):
  - ~~a.~~ (1) 95% - Level IV
  - ~~b.~~ (2) 80% - Level III
  - ~~c.~~ (3) 65% - Level II
  - ~~d.~~ 50% - Level I

2. A candidate receiving performance scores between 50% and 64.9% (formerly Level 1) will receive designation as a novice interpreter. Novice interpreter is not a VQAS level and candidates receiving this designation will not be eligible for inclusion in the Directory of Qualified Interpreters.

~~E.~~ J. The department will notify candidates in writing of the status of their screening results within 90 working days of the screening date.

**22 VAC 20-30-120 through 22 VAC 20-30-140. [ No change from proposed. ]**

**22 VAC 20-30-150. Consumer grievance procedure.**

A. The Virginia Department for the Deaf and Hard of Hearing affords any resident of Virginia who has a complaint pertaining to [ ~~the quality of interpreter services provided an~~ alleged violation of the Code of Ethics ] by an interpreter holding a current VQAS Screening Level the right to a review and a fair hearing.

B. Before requesting a fair hearing, clients of VDDHH may make every effort to resolve the dispute through frank discussions with the interpreter whose actions are in dispute. It is normally expected that [ ~~virtually all most~~ ] grievances can be handled in this manner. If, however, the grievance is not resolved, the complainant should proceed.

C. Complaints that cannot be resolved through informal discussion and that involve an alleged violation of the Code of Ethics may proceed to the VDDHH complaint process. Complaints must be received within 30 days of the date of the alleged violation.

D. VDDHH shall make available a VQAS Interpreter Consumer Complaint Form that includes the tenets of the Code of Ethics. This form shall be used for all formal complaints.

E. When a complaint is received by the department alleging that an interpreter with a current VQAS level acted in violation of the Code of Ethics, the department may:

1. Determine whether the complaint has merit to be forwarded to a formal hearing.
2. If forwarded, form a grievance panel of at least three individuals, one of whom must be deaf or hard of hearing, one of whom must be a qualified interpreter, and one of whom must be a VDDHH staff member. All panelists must have received training in the understanding and application of the Code of Ethics. The panel shall convene within 90 calendar days of the date the complaint is received.

F. The grievance panel shall have the following responsibilities:

1. To determine by a majority at a formal hearing, through testimony (provided by the complainant, the defendant and any other interested and involved parties) and by reviewing any applicable evidence submitted by the parties involved, whether the alleged action did occur and if it occurred whether it was in violation of the Code of Ethics, was not in violation of the Code of Ethics, or that the testimony and evidence presented is insufficient to make a determination.

2. If the panel finds by a majority that a violation has occurred, to determine if the infraction was intentional or nonintentional and the degree of harm caused by the action and to make a recommendation to the department of appropriate action to be taken in accordance with agency policy and procedure.

3. To interpret the application of appropriate agency policies and procedures in the case. It does not have the [ ~~prerogative~~ authority ] to formulate or change policies or procedures.

G. The only actions the grievance panel may recommend are the following:

1. Removing the interpreter from the directory;
2. Voiding the interpreter's contract with the agency;
3. Requiring additional training as a condition of continued validity of current VQAS screening Levels; and
4. Suspending or revoking current VQAS level designations.

[ ~~Note:~~ ] An interpreter whose VQAS Level has been revoked may not apply for screening for a new level for a period of one year from the date of the revocation and may be required to provide evidence of additional training prior to reentering the screening process.

**NOTICE:** The forms used in administering 22 VAC 20-30-10 et seq., Regulations Governing Interpreter Services for the Deaf and Hard-of-Hearing, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

**FORMS**

[ Interpreter Services Consumer Complaint Process Information and Instructions, 751-005-04 (eff. 10/01). ]



**The Virginia Department for the Deaf and Hard of Hearing  
Interpreter Services Consumer Complaint Process  
Information and Instructions**

- This Interpreter Services Consumer Complaint Form is required by 22VAC20-30-140 Regulations Governing Interpreter Services for the Deaf and Hard of Hearing. You must use the attached form for any complaint you want to file under this regulation. If you do not use this form, the Virginia Department for the Deaf and Hard of Hearing can not respond to your complaint. **If you need help filling out this form, you may contact any VDDHH Outreach Provider. A complete list of Outreach Providers is available from VDDHH.**
- VDDHH will only review complaints that:
  - involve a specific violation of the Registry of Interpreters for the Deaf Code of Ethics, and,
  - involve an interpreter with a current Virginia Quality Assurance Screening Level.
- You should try to resolve the problem first. Before you file a formal complaint, you should try to resolve your problem with the interpreter. If you would like, you may request an informal meeting with the interpreter and the VDDHH Interpreter Programs Manager to discuss and try to resolve the complaint. If you do not think the meeting resolved your complaint or if you do not want to meet with the interpreter, you must submit this form.
- If you want to file a formal complaint, VDDHH must receive this form from you within 30 days of the date of the alleged violation of the Code of Ethics.
- When VDDHH receives this form, the Director and the Interpreter Programs Manager will review all of the information you provided. If the information you provided supports your complaint that the interpreter violated the RID Code of Ethics, VDDHH will forward your complaint to a grievance panel.
- The grievance panel will include at least three people including:
  - At least one person who is deaf or hard of hearing,
  - At least one qualified interpreter, and,
  - At least one VDDHH staff member.
- The grievance panel must meet within 90 days of the date the agency receives your complaint. The grievance panel will receive testimony from you, the interpreter, and any other interested and involved parties. You may give the panel any factual information or evidence to support your complaint. The interpreter may give the panel factual information or evidence to oppose your complaint. The grievance panel must decide, by a majority vote:
  - If the action of the interpreter did happen, did not happen, or if there is not enough information to know if it happened or not;
  - If it did happen, was the action in violation of the Code of Ethics?

- If the grievance panel determines that the interpreter's actions violated the Code of Ethics, the panel may recommend any or all of the following actions:
  - That information about the interpreter be removed from the Directory of Qualified Interpreters;
  - That the interpreter's contract with the agency be voided;
  - That the interpreter be required to participate in additional training; and/or
  - That the interpreter's current VOAS screening level be suspended or revoked.

**Please provide complete answers to each question on this form. Your complaint cannot be processed until all requested information is provided.**

1. What is your full name?
2. What is your address?
3. What is your phone number?
4. What is the name of the VOAS Screened Interpreter you allege violated the RID Code of Ethics?
5. What was the exact date you allege the interpreter violated the Code of Ethics?
6. Which part of the Code of Ethics do you allege the interpreter violated? Check all that apply.

- Interpreters/translators shall keep all assignment-related information strictly confidential.
- Interpreters/translators shall render the message faithfully, always conveying the content and spirit of the speaker using language most readily understood by the person(s) whom they serve.
- Interpreters/translators shall not counsel, advise or interject personal opinions.
- Interpreters/translators shall accept assignments using discretion with regard to skill, setting, and the consumers involved.
- Interpreters/translators shall request compensation for services in a professional and judicious manner.
- Interpreters/translators shall function in a manner appropriate to the situation.
- Interpreters/translators shall strive to further knowledge and skills through participation in work-shops, professional meetings, interaction with professional colleagues, and reading of current literature in the field.
- Interpreters/translators, by virtue of membership or certification by the RID, Inc., shall strive to maintain high professional standards in compliance with the Code of Ethics.

**7. Please describe in detail the incident. Who was present? Where did it happen? What did the interpreter do? How did the interpreter's actions violate the Code of Ethics?**

\_\_\_\_\_  
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\_\_\_\_\_

**FOR VDDHH OFFICE USE ONLY BELOW THIS LINE**

Date Completed Form Received: \_\_\_\_\_ Date of Internal Review: \_\_\_\_\_

Forward to Panel?  NO If "NO", reason:  
 YES If "YES":

Panelist Names:

Date Panelists contacted:

Date Panel Met:

Panel Determination

- Substantiated Complaint
- Unsubstantiated Complaint
- Not enough information to make a determination

Panel Recommendation (check all that apply):

- Remove this interpreter from the Directory.
- Void this interpreter's contract with the agency.
- Require this interpreter to take additional training in the area(s) of \_\_\_\_\_
  
- Suspend this interpreter's current VQAS level for \_\_\_\_\_ days.
- Revoke this interpreter's current VQAS level.

Signatures of Panel Members to Verify this Recommendation:

Action taken by VDDHH:

- Remove this interpreter from the Directory.
- Void this interpreter's contract with the agency.
- Require this interpreter to take additional training in the area(s) of \_\_\_\_\_
  
- Suspend this interpreter's current VQAS level for \_\_\_\_\_ days.
- Revoke this interpreter's current VQAS level.

Agency Head Signature:

- Interpreter Notified of Action. Date: \_\_\_\_\_
- Complainant Notified of Action. Date: \_\_\_\_\_

Form #751-005-04 10/01

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# Final Regulations

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## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMONWEALTH TRANSPORTATION BOARD

**REGISTRAR'S NOTICE:** The Department of Transportation is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property. This regulation was previously filed by description.

**Title of Regulation:** 24 VAC 30-540-10 et seq. **Conveyance of Land and Disposal of Improvements (adding 24 VAC 30-540-10, 24 VAC 30-540-20, 24 VAC 30-540-30, and 24 VAC 30-540-40.)**

**Statutory Authority:** §§ 33.1-12 and 33.1-223.2:2 of the Code of Virginia.

**Effective Date:** June 29, 2001.

**Summary:**

*The amendments provide that residue or surplus land be offered to the original former property owner at fair market value before it is offered for public sale and includes localities (with state agencies) in the "exceptions" portion as entities that may acquire residue or surplus land if needed for development and if the locality can make compensation satisfactory to the Director of Right of Way and Utilities. Other amendments are made for style and clarity.*

CHAPTER 540.  
CONVEYANCE OF LANDS LAND AND DISPOSAL OF IMPROVEMENTS.

#### 24 VAC 30-540-10. Policy.

It is the policy of VDOT to convey *residue and surplus lands land* based upon highest and best use.

VDOT classifies *residue and surplus land* in two ways:

1. *Residue and surplus land* suitable for independent development;
2. *Residue and surplus lands land* assembled with adjacent properties.

*Upon the approval to dispose of land, the locality in which the land is located shall be notified in writing of VDOT's interest in accordance with § 33.1-223.2:2 of the Code of Virginia once all previous landowner obligations have been satisfied.*

#### 24 VAC 30-540-20. Land for independent development.

A. *Residue and surplus land* with the potential of independent development and with a definite market value will be offered for public sale *after the land has been offered to the original former property owner at fair market value.*

B. Exceptions in the best interests of the Commonwealth are when:

1. ~~the~~ Transfer of property is included in negotiations for other ~~lands~~ *land* needed for right-of-way.

2. Another state agency or *locality* expresses a need for such property and is willing to acquire same for a consideration deemed satisfactory to the ~~State Right of Way Engineer~~ *Director of Right of Way and Utilities.*

#### 24 VAC 30-540-30. Land assembled with adjacent properties.

A. Certain surplus ~~lands~~ *are land* is unsuitable for independent development and therefore ~~are~~ is only usable for assemblage with ~~the~~ adjacent property.

B. Whenever VDOT conveys land or an interest in land to owners of record of adjoining ~~lands~~ *land*, one of the following actions is required to verify and confirm adjacent ownership:

STEP	ACTION
1	Owners of record must furnish the Right of Way and Utilities Division with an affidavit signed by one or more of the owners. This affidavit must certify the exact manner and names in which title to adjoining <del>lands</del> <i>stand land stands</i> in the local courthouse records.
2	Certification of title from the adjacent landowner's attorney may be required by the Chief Engineer or <del>State Right of Way Engineer</del> <i>Director of Right of Way and Utilities</i> if: substantial road frontage is involved; and <del>when</del> liens or deeds of trust exist on the adjacent property.

Upon satisfying the above, the *Commonwealth Transportation* Commissioner will execute the deeds in accordance with Code §§ 33.1-93, 33.1-149, and 33.1-154 *of the Code of Virginia.*

#### 24 VAC 30-540-40. Disposal of improvements.

The Commonwealth Transportation Board (CTB) grants to the *Commonwealth Transportation* Commissioner the power to dispose of improvements located on and acquired with any right-of-way in such manner as he may deem most expedient and in the best interest of the Commonwealth.

VA.R. Doc. No. R01-247; Filed June 29, 2001, 9:35 a.m.



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# FORMS

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF MINES, MINERALS AND ENERGY

**EDITOR'S NOTICE:** The indicated forms in the following list have been discontinued by the Department of Mines, Minerals and Energy. Direct questions to Gavin Bledsoe, Department of Mines, Minerals and Energy, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8157.

Title of Regulation: **4 VAC 25-130-10 et seq. Coal Surface Mining Reclamation Regulations.**

#### FORMS

Anniversary Notification, DMLR-PT-028 (eff. 9/99).

Change Order Justification, DMLR-AML-065 (eff. 8/99).

Ground Water Monitoring Report, DMLR-PT-101 (rev. 11/99).

Application for Exemption Determination (Extraction of Coal Incidental to the Extraction Of Other Minerals), DMLR-211 (rev. 4/96).

Applicant Violator System (AVS) Ownership Control Information, DMLR-AML-003 (rev. 1/95).

Consent for Right of Entry-Exploratory, DMLR-AML-122 (rev. 3/98).

Consent for Right of Entry-Construction, DMLR-AML-123 (rev. 3/98).

~~Consent for Right of Entry-Construction Lien Waiver, DMLR-AML-174 (rev. 3/91).~~

License for Performance--Acid Mine Drainage Investigations and Monitoring (Abandoned Mine Land Program), DMLR-AML-175c (11/96).

License for Performance--Acid Mine Drainage Reclamation and Construction (Abandoned Mine Land Program), DMLR-AML-176c, (rev. 12/96).

Consent for Right of Entry-Ingress/Egress, DMLR-AML-177 (rev. 3/98).

Application for Recertification: DMLR Endorsement/Blaster's Certification, DMLR-BCME-03 (rev. 6/95).

Application for DMLR Endorsement: Blaster's Certification (Coal Surface Mining Operation), DMLR-BCME-04 (rev. 6/95).

~~Geology and Hydrology Information Part A through E, DMLR-CP-186 (rev. 3/86).~~

~~Sediment and Pond Design Data Sheet, DMLR-CP-187 (rev. 12/85).~~

Notice of Temporary Cessation, DMLR-ENF-220 (rev. 2/96).

Application for Small Operator's Assistance, DMLR-OA-106 (rev. 12/85).

Lands Unsuitable Petition, DMLR-OA-131 (rev. 12/85).

Application for Permit for Coal Exploration and Reclamation Operations (which Remove More Than 250 Tons) and NPDES, DMLR-PS-062 (rev. 12/85).

Chapter 19-Statement for Third Party-Certificate of Deposit, DMLR-PS-093 (rev. 12/85).

Cognovit Note, Part I and II, DMLR-PS-095 (rev. 12/85).

~~Application Coal Surface Mining Reclamation Fund, DMLR-PS-162 (rev. 7/89).~~

~~Application for Release of Bond-Estimated Cost, DMLR-PS-212 (rev. 3/88).~~

~~Application for Release of Bond-Reclamation Fund, DMLR-PS-213 (rev. 3/88).~~

Example--Waiver (300 Feet from Dwelling), DMLR-PT-223 (rev. 2/96).

~~Verification That Application Was On Public Display, DMLR-PS-236 (rev. 5/90).~~

Surety Bond, DMLR-PT-013 (rev. 10/95).

Surety Bond-Federal Lands, DMLR-PT-013A (rev. 10/95).

Map Legend, DMLR-PT-017 (rev. 10/00).

Form Letter From Banks Issuing CD's For Coal Operators, DMLR-PT-026A (rev. 1/95).

Operator's Seeding Report, DMLR-PT-011 (rev. 4/96).

Request for Relinquishment, DMLR-PT-027 (rev. 4/96).

Water Supply Inventory List, DMLR-PT-030 (rev. 4/96).

Application for Permit for Coal Surface Mining and Reclamation Operations and National Pollutant Discharge Elimination Systems (NPDES), DMLR-PT-034 (rev. 2/99).

Application for Permit: Coal Surface Mining and Reclamation Operations, DMLR-PT-034D (rev. 8/98).

Coal Exploration Notice, DMLR-PT-051 (rev. 11/98).

Well Construction Data Sheet, DMLR-PT-053 (rev. 4/96).

Sediment Basin Design Data Sheet, DMLR-PT-086 (rev. 10/95).

Impoundment Construction and Annual Certification, DMLR-PT-092 (rev. 10/95).

Road Construction Certification, DMLR-PT-098 (rev. 10/95).

Ground Water Monitoring Report, DMLR-PT-101 (rev. 2/95).

Rainfall Monitoring Report, DMLR-PT-102 (rev. 8/98).

Pre-Blast Survey, DMLR-PT-104 (rev. 10/95).

Excess Spoil Fills and Refuse Embankments Construction Certification, DMLR-PT-105 (rev. 4/96).

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# Forms

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Stage-Area Storage Computations, DMLR-PT-111 (rev. 10/95).

NPDES Discharge Monitoring Report, DMLR-PT-119 (rev. 2/95).

Water Monitoring Report --Electronic File/Printout Certification, DMLR-PT-119C (rev. 5/95; included in DMLR-PT-119).

Coal Surface Mining Reclamation Fund Application, DMLR-PT-162 (rev. 4/96).

Conditions --Coal Surface Mining Reclamation Fund, DMLR-PT-167 (rev. 10/95).

Coal Surface Mining Reclamation Fund Tax Reporting Form, DMLR-PT-178 (rev. 10/95).

Surface Water Monitoring Report, DMLR-PT-210 (rev. 8/98).

Application For Performance Bond Release, DMLR-PT-212 (rev. 4/96).

Public Notice: Application for Transfer, Assignment, or Sale of Permit Rights under Chapter 19 of Title 45.1 of the Code of Virginia, DMLR-PT-219 (8/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase I, DMLR-PT-225 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase II, DMLR-PT-226 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase III, DMLR-PT-227 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Incremental Bond Reduction, DMLR-PT-228 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Entire Permit Bond Reduction, DMLR-PT-229 (rev. 9/95).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Entire Permit Bond Release, DMLR-PT-230 (rev. 4/96).

Affidavit (Permit Application Information: Ownership and Control Information and Violation History Information), DMLR-PT-240 (rev. 12/98).

Stream Channel Diversion(s) Certification, DMLR-PT-233 (rev. 2/96).

Quarterly Acid-Base Monitoring Report, DMLR-PT-239 (rev. 6/95).

Affidavit (No Legal Change in a Company's Identity), DMLR-PT-250 (rev. 12/98).

Blasting Plan Data, DMLR-PT-103 (rev. 4/96).

Affidavit (Reclamation Fee Payment), DMLR-PT-244 (rev. 2/96).

Application--National Pollutant Discharge Elimination System (NPDES) Permit--Short Form C, DMLR-PT-128 (rev. 5/96).

National Pollutant Discharge Elimination System (NPDES) Short Form C--Instructions, DMLR-PT-128A (rev. 5/96).

Impoundment Inspection Report, DMLR-PT-251 (rev. 12/93).

~~Water Sample Tag, DMLR-TS-107 (rev. 3/83).~~

~~Surface Water Baseline Data Summary, DMLR-TS-114 (rev. 4/82).~~

~~Diversion Design Computation Sheet, DMLR-TS-120 (rev. 12/85).~~

~~Sediment Channel Design Data Sheet, DMLR-TS-127 (rev. 12/85).~~

~~Virginia Stream Survey, DMLR-TS-217 (rev. 1/87).~~

Line Transect--Forest Land Count, DMLR-PT-224 (rev. 2/96).

Applicant Violator System (AVS) Ownership & Control Information, DMLR-AML-003 (rev. 4/97).

~~Application for Permit Renewal Coal Surface Mining and Reclamation Operations, DMLR-PT-034R (eff. 6/97).~~

Application for Coal Exploration Permit and National Pollutant Discharge Elimination System Permit, DMLR-PT-062 (formerly DMLR-PS-062) (rev. 6/97).

Conditions--Coal Surface Mining Reclamation Fund, DMLR-PT-167 (rev. 10/95).

Vibration Observations, DMLR-ENF-032V (eff. 9/97).

Application for Small Operator Assistance, DMLR-PT-106 (formerly CP-106) (rev. 9/97).

Application--National Pollutant Discharge Elimination System Application Instructions, DMLR-PT-128 (rev. 9/97).

Blasting Plan Data, DMLR-PT-103 (rev. 10/97).

Request for Relinquishment, DMLR-PT-027 (rev. 1/98).

Written Findings, DMLR-PT-237 (rev. 1/98).

Irrevocable Standby Letter of Credit, DMLR-PT-255 (rev. 7/98).

DMLR-AML-312, Affidavit (eff. 7/98).



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# GENERAL NOTICES/ERRATA

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## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

### General Notice Regarding Proposed Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and this agency's Public Participation Guidelines that the Chesapeake Bay Local Assistance Board is considering further revisions to regulations entitled **9 VAC 10-20-10 et seq. Chesapeake Bay Preservation Area Designation and Management Regulations**, prior to adopting them as final regulations. This regulation applies to the 84 counties, cities and towns of Tidewater, Virginia, as defined in § 10.1-2101 of the Code of Virginia. The statutory authority for these regulations is found in §§ 10.1-2103 and 10.1-2107 of the Code of Virginia. The proposed regulation was originally published in the October 9, 2000, edition of the Virginia Register of Regulations, and the public comment period concluded on December 8, 2000. In response to the many comments received from the public through mail, e-mail and public hearings, the board is considering these additional changes to the previously published amendments and requests additional public comments on these latest changes.

Copies of the latest changes under consideration, as well as the originally proposed amendments and associated documents can be viewed, downloaded, and printed from the agency's Internet web site, the address of which is <http://www.cblad.state.va.us>. The latest changes under consideration are presented on the web site with the changes denoted in color and enclosed in brackets, as indicated on the associated "key." Printed copies of the latest changes under consideration may be obtained by contacting Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, 101 North 14th Street, 17th Floor, Richmond, Virginia 23219-3684, by telephone at (804) 225-3440 or toll free at 1-800-243-7229/TDD, or by e-mail at [scrafton@cblad.state.va.us](mailto:scrafton@cblad.state.va.us).

In response to the previous public comment period, some of the proposed amendments received significant public comment, resulting in the additional changes being considered by the board. The major changes under consideration are as follows:

1. The board is considering further changes in a couple of sections in response to comments about the redevelopment criteria. First, the board proposes to restore the original definition of "redevelopment" in 9 VAC 10-20-40. Then, in 9 VAC 10-20-130 1, the board restores the original language that allows redevelopment projects within Resource Protection Areas (RPAs) and adds language making it clear that new development, not just redevelopment, is allowed within locally designated Intensely Developed Areas (IDAs). The board also adds language in subdivision 1 making it clear that these allowances are subject to local approval. Then, in subdivision 1 c the board reinserts the language removed from the definition of "redevelopment" as criteria for determining what projects qualify as redevelopment projects in RPAs that are not also IDAs.

2. In trying to clarify requirements pertaining to silvicultural activities, numerous commenters requested that the board add a definition of "silviculture" or "silvicultural activities," to clarify more specifically what kinds of activities are eligible for the "silvicultural exemption" referred to in 9 VAC 10-20-120 10. In response, a new definition of "silvicultural activities" is being considered in the Definitions section of the regulations (9 VAC 10-20-40). This definition tracks with several Code of Virginia sections pertaining to silvicultural activities and silvicultural best management practices in lands devoted to forest use.

3. In trying to clarify how local governments could determine the perenniality of streams for the purpose of designating RPAs, further changes are being considered in several sections. First, the board is considering deleting the definitions of "shoreline" and "tributary stream" in 9 VAC 10-20-40. Then, in 9 VAC 10-20-80 A, B and C (RPA designation criteria), new changes make clear that RPAs are to include lands "adjacent to waters with perennial flow," eliminating the terms "tributary stream" and "shoreline" and the need to define them. Furthermore, 9 VAC 10-20-80 D eliminates the earlier proposed option (in the definition) for identifying perennial streams, based on a drainage area of 320 acres or more. Instead, localities would be allowed to use the USGS maps, as before, or a more refined process to identify perennial streams for the general RPA designation process. Then, in 9 VAC 10-20-105, the board proposes another related change that requires localities to ensure that a refined, site-specific determination of perenniality and RPA boundaries is made at the time a plan-of-development or water quality impact assessment is reviewed. These changes, collectively, clarify and are consistent with board policies pertaining to these issues.

4. In 9 VAC 10-20-120 7 a, the board is considering the addition of yet another option for local governments to offer septic system owners to satisfy the 5-year pump-out requirement. This option, included in lieu of legislation proposed in the 2001 General Assembly session, would allow a landowner to have the septic system inspected every five years by a qualified sewage handler and, if the system were certified to be functioning properly, it would not have to be pumped out.

5. In 9 VAC 10-20-120 8, the board is considering several changes pertaining to the stormwater management criteria. In subdivision 8 a (1), the criteria are expanded to allow the use of best management practices (BMPs) that serve more than one development project or site. In subdivision 8 a (2), the criteria clarify that a locality may submit its local VPDES permit program to the board for consideration as an "equivalent" approach to achieving the stormwater management criteria. If the board approves the local stormwater program as equivalent, then development projects that comply with that local program would be deemed to comply with the regulation criteria. In subdivision 8 a (3), a landowner with a VPDES permit could submit information to the local government to establish that his permit requirements achieve water quality protection equivalent to or better than the local program criteria. If the

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## General Notices/Errata

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local government agrees, then the applicant would not have to implement any additional stormwater management measures.

6. In 9 VAC 10-20-130 1 e, the board further clarifies what kinds of stormwater management BMPs may be allowed to be built within RPAs and under what conditions.

7. A number of new changes are proposed to address the various concerns expressed in the public comments about the vegetated buffer area criteria. First in 9 VAC 10-20-130 3 a, the board is considering adding language that would require owners of lands converted from agricultural or silvicultural uses to other uses, such as development, to ensure that the required vegetated buffer area be reestablished with appropriate vegetation. Taken with the new definition of "silvicultural activities," this language is intended to reduce use of the perceived silvicultural exemption as a means of clearing land prior to development and avoiding having a forested buffer.

8. Next, the board is considering a number of changes that are intended to improve its clarification of conditions that apply where buffer modifications and encroachments are allowed. First, in 9 VAC 10-20-130 1, greater flexibility is added regarding the ability to develop new or infill lots (as well as to redevelop) within IDAs. In 9 VAC 10-20-130 4 a, the board makes it clear that its original allowance of flexibility for small lots platted prior to the regulations still applies and has not been changed. Furthermore, as requested through public comment, the board includes in 9 VAC 10-20-130 4 b a provision of flexibility, and associated conditions, for lots that were platted in good faith but contrary to the board's criteria between the adoption of the local program and the date that these amendments become effective. Then, the board adds provisions for local government approval for buffer modifications in 9 VAC 10-20-130 5 a and the use of locally established standards in 9 VAC 10-20-130 5 a (3). Finally, clarifications of criteria for the Exceptions Process set forth in 9 VAC 10-20-150 C, as discussed below, relate somewhat to the buffer criteria.

9. In 9 VAC 10-20-130 5 b, the board is considering further changes to address concerns expressed by Soil and Water Conservation Districts (SWCDs) and others about the process used to enforce the regulations on agricultural lands. The language is reorganized and changed in subsection 5 b (4) to clarify that the Agricultural Stewardship Act is not intended as the mechanism to be used to resolve these agricultural violations but, rather, that the time frames to be applied (as described now in the regulations) would be consistent with those applied through the Agricultural Stewardship Act, and in subsection 5 b (5) to establish which (generally extreme) situations must be reported by the SWCD staff to the local government for enforcement action.

10. As noted above, the board is considering changes to 9 VAC 10-20-150 C to further clarify criteria for granting exceptions. These changes are consistent with board policies and interpretations made in the past. There was considerable public comment criticizing the earlier proposed amendment (referring to a section of the Code of

Virginia) as forcing all exceptions to be reviewed by local Boards of Zoning Appeals. This was not the board's intent and has been clarified.

11. The board is considering further changes in 9 VAC 10-20-171, setting forth requirements pertaining to local comprehensive plans. First, some language that was proposed to be deleted has been restored. Some additional criteria have been added. In several subsections the word "should" has been changed to "shall." It is important to note here that most of these changes reflect actual practice in the board's review of the water quality protection aspects of local comprehensive plans and that, at this time, most of the Tidewater localities have updated their comprehensive plans and already had them reviewed by the board.

12. In response to numerous public comments, 9 VAC 10-20-181, 9 VAC 10-20-191, and 9 VAC 10-20-201 have been completely reorganized, including some major revisions. These changes are set forth now in 9 VAC 10-20-181 and 9 VAC 10-20-191, with 9 VAC 10-20-201 deleted. They apply more generally to land development ordinances and regulations, rather than specifically to zoning ordinances and subdivision ordinances. The changes address, among other things, concerns about various proposed plat notation requirements and the perception that zoning ordinances would have to be used to implement the local programs, rather than stand alone ordinances that have been allowed and adopted in some localities.

Comments: The board requests written comments from interested persons regarding the new changes made to the original draft regulation amendments. No additional public hearings will be held. The additional 30-day public comment period will commence on July 30, 2001, upon the publication of this notice in the Virginia Register of Regulations, and will end at 4 p.m. on Thursday, August 30, 2001. Written comments may be submitted to the individual indicated above at either the agency's mailing address or his email address, both of which are listed above.

### 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

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# CALENDAR OF EVENTS

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## 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](http://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

### COMMONWEALTH COUNCIL ON AGING

**August 3, 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 meeting of the Public Relations Committee.

**Contact:** Bill Peterson, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9325, e-mail [whpeter@vdh.state.va.us](mailto:whpeter@vdh.state.va.us).

### VIRGINIA AGRICULTURAL COUNCIL

† **August 27, 2001 - 9 a.m.** -- Open Meeting  
† **August 28, 2001 - 8:30 a.m.** -- Open Meeting  
The Best Western, Route 360, Warsaw, Virginia.  (Interpreter for the deaf provided upon request)

Field trips to various agricultural interests start at 11 a.m. on August 27, 2001, and resume on August 28, 2001, from 8:30 a.m. to noon. This is also an annual meeting to act upon the financial and business affairs of the council. The council will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes on August 27, 2001. Any person who needs any accommodation in order to participate at the meeting should contact Thomas Yates at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Thomas R. Yates, Assistant Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., 5th Floor, Room 509, Richmond, VA, telephone (804) 786-6060, FAX (804) 371-8372, (800) 828-1120/TTY 

## 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 and review 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 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, Virginia Cattle Industry Board, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632.

### Virginia Charity Food Assistance Advisory Board

† **September 27, 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 Corn Board

**August 22, 2001 - 1 p.m.** -- Open Meeting

**August 23, 2001 - 1 p.m.** -- Open Meeting  
Wintergreen Resort, Wintergreen, Virginia. 

Meetings to follow up the strategic planning meeting held in July. Members will develop specific and detailed action steps for the board to implement its strategic plan. 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 St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

## Virginia Cotton Board

**† August 23, 2001 - 3 p.m.** -- Open Meeting

Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. 

A meeting to approve minutes of the last meeting and review financial reports, the status of current projects and contracts, discuss priorities for future funding initiatives, and any other business that may come before the board. 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 Gail Moody-Milteer at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Gail Moody-Milteer, Program Director, Virginia Cotton Board, Department of Agriculture and Consumer Services, 1100 Armory Dr., Suite 120, Franklin, VA, telephone (757) 569-1100, FAX (757) 562-6104.

## Virginia Soybean Board

**August 15, 2001 - 3 p.m.** -- Open Meeting

Engel Farms, 13267 Wickerton Lane, Hanover, Virginia. 

A meeting to discuss checkoff revenues and the financial status of the board following the end of the fiscal year ending June 30, 2001. Reports will be heard from the chairman, United Soybean representatives, and other committees. 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 St., Room

1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

## STATE AIR POLLUTION CONTROL BOARD

**August 16, 2001 - 9 a.m.** -- Public Hearing

Department of Environmental Quality, 629 East Main Street, First Floor Conference Room, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

**September 6, 2001** - Public comments may be submitted until 4:30 p.m. on 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: **Regulations for the Control and Abatement of Air Pollution (Rev. B00): 9 VAC 5-10-10 et seq. General Definitions, 9 VAC 5-20-10 et seq. General Provisions, 9 VAC 5-40-10 et seq. Existing Stationary Sources, 9 VAC 5-80-10 et seq. Permits for Stationary Sources.** The purpose of the proposed amendments is to incorporate by reference the newest editions of technical documents that are required by federal law or regulation. They are included in order to ensure that the air pollution control regulations are properly implemented. The proposed amendments are being made to ensure that the most up-to-date and technically accurate documents are used, thus ensuring the proper implementation of the air pollution control regulations, and thereby protecting the public health and welfare.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until September 6, 2001, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482, (804) 698-4021/TTY , e-mail kgsabastea@deq.state.va.us.

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**August 22, 2001 - 10 a.m.** -- Public Hearing

Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

**September 14, 2001** - Public comments may be submitted until 4:30 p.m. on 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: **NO<sub>x</sub> Emissions Budget Trading Program (Rev. D98): 9 VAC 5-140-10 et seq. Regulations for Emissions Trading.** The purpose of the proposed regulation is to establish a NO<sub>x</sub> Budget Trading Program as a means of mitigating the interstate transport of ozone and nitrogen oxides including

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# Calendar of Events

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the following provisions: permitting allowance methodology, monitoring, banking, compliance supplement pool, compliance determination and opt-in provisions for sources not covered by the regulation.

Beginning May 31, 2004, electric generating units with a nameplate capacity greater than 25 MWe and nonelectric generating units above 250 mmBtu will be subject to the provisions of the regulation. NO<sub>x</sub> emissions from subject units shall be capped to a specific limit (measured in tons) during the summer months of May 1 through September 31, otherwise known as the control period. The NO<sub>x</sub> cap shall be determined through a methodology based upon emission rates multiplied by heat input. If a unit does not use all of its allowances for a specific control period, those extra tons may be banked for future use or sold. If a unit exceeds the capped limit, additional allowances may be purchased or the source may use banked allowances to offset the amount of NO<sub>x</sub> generated above the capped limit.

Sources found to be out of compliance will be forced to surrender allowances for the next year on a ratio of 3:1, i.e., for every ton over the cap, three tons will be forfeited from the next year's allocation.

Emissions will need to be monitored according to 40 CFR Part 75 for all sources subject to the regulation and for any sources wishing to opt-in to the program.

A compliance supplement pool is provided for sources that generate early reduction credits or demonstrate "undue risk." The allowances from the pool are good for only two years and cannot be banked after that two-year period.

Statutory Authority: §§ 10.1-1308 and 10.1-1322.3 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. on September 14, 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, (804) 698-4021 TTY ☎, e-mail memajor@deq.state.va.us.

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

**September 12, 2001 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 W. Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

**Contact:** Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX

(804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

### **Architect Section**

NOTE: CHANGE IN MEETING DATE

**August 17, 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.

### **Certified Interior Designer Section**

**September 5, 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.

### **Land Surveyor Section**

**August 22, 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.

## Landscape Architect Section

**August 29, 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.

## Professional Engineer Section

**August 15, 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 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 apelsla@dpor.state.va.us.

## ART AND ARCHITECTURAL REVIEW BOARD

**August 3, 2001 - 10 a.m.** -- Open Meeting  
**September 7, 2001 - 10 a.m.** -- Open Meeting  
**October 5, 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, Art and Architectural Review Board, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY 

## VIRGINIA BOARD FOR ASBESTOS AND LEAD

**August 15, 2001 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 4W, Richmond, Virginia. 

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail asbestos@dpor.state.va.us.

## COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

### State Executive Council

**August 29, 2001 - 9 a.m.** -- Open Meeting  
**September 26, 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) 662-9831, e-mail AGS992@central.dss.state.va.us.

## VIRGINIA AVIATION BOARD

† **August 22, 2001 - 9 a.m.** -- Open Meeting  
Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, Virginia. 

A regular bimonthly meeting. Applications for state funding will be presented to the board and other aviation matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistance is needed. The Aviation Conference begins August 21 through August 24, 2001, at the Crystal Gateway.

**Contact:** Carolyn Toth, Office Manager/Administrative Assistant, 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.

## DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

### Statewide Rehabilitation Council for the Blind

† **September 15, 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)

Council meets quarterly to advise the Department for the Blind and Vision Impaired on matters related to vocational

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# Calendar of Events

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rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

**Contact:** James G. Taylor, VR Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail [taylorjg@dbvi.state.va.us](mailto:taylorjg@dbvi.state.va.us).

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† **September 28, 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 for the Blind and Vision Impaired intends to amend regulations entitled: **22 VAC 45-70-10 et seq. Provision of Services in Rehabilitation Teaching.** The regulation provides both eligibility requirements and services that are provided under the department's rehabilitation teaching program. The department is making content changes to eliminate unnecessary detail and bring the regulation up to date in the areas of visual eligibility.

**Contact:** Jane B. Ward-Solomon, Program Director, Rehabilitation Teaching/Independent Living, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3112, FAX (804) 371-3351, toll-free 1-800-622-2155 or (804) 371-3140/TTY ☎

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† **September 28, 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 for the Blind and Vision Impaired intends to repeal regulations entitled: **22 VAC 45-90-10 et seq. Supervision of Administrative Regulations Governing Intake and Social Services.** The existing regulation outlines the department's internal procedures for processing individuals referred to the department for services and specifies circumstances in which individuals may not be referred to other service that the department provides.

**Contact:** Joseph A. Bowman, Deputy Commissioner, Services Delivery, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3144, FAX (804) 371-3157, toll-free 1-800-622-2155 or (804) 371-3140/TTY ☎

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† **September 28, 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 for the Blind and Vision Impaired intends to amend regulations entitled: **22 VAC 45-110-10 et seq. Regulations Governing Low Vision.** The amendments delete the obsolete section that deals with using the department's endowment funds as sponsorship for low vision services and require consumer

financial participation in the cost of low vision aids. The section dealing with driving with bioptics is repealed and changes are made to update and simplify terminology.

Statutory Authority: § 63.1-85 of the Code of Virginia.

**Contact:** Marge A. Owens, Human Services Program Coordinator, Department for the Blind and Vision Impaired, 401 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3344, FAX (804) 371-3092, toll-free 1-800-622-2155 or (804) 371-3151/TTY ☎

## BOARD FOR BRANCH PILOTS

**August 1, 2001 - 9:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct examinations.

**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 [branchpilots@dpor.state.va.us](mailto:branchpilots@dpor.state.va.us).

**August 2, 2001 - 9:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct any and all 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 [branchpilots@dpor.state.va.us](mailto:branchpilots@dpor.state.va.us).

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **August 14, 2001 - 10 a.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Board, James Monroe Building, 101 North 14th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Northern Area Review Committee to conduct general business, including review of local Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, and location. No comments from the public will be entertained during the review committee meeting; however, written comments are welcome. A tentative agenda is available.

**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.

† **August 14, 2001 - 10:30 a.m.** -- Open Meeting  
James Monroe Building 101 North 14th Street, 17th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A subcommittee will conduct a work session to discuss with staff the issue of man-made channels and their relationship to RPAs. Public comments will be entertained.

**Contact:** Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7503, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail scrafton@cblad.state.va.us.

† **August 14, 2001 - 1 p.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Board, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Grants Committee will meet to consider the FY03 Competitive Grants Program's Request for Proposals. Public comment will be entertained.

**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.

† **August 14, 2001 - 2 p.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Board, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Southern Area Review Committee will conduct general business, including review of local Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, and location. No comments from the public will be entertained during the review committee meeting; however, written comments are welcome. A tentative agenda is available.

**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

† **August 28, 2001 - 11 a.m.** -- Open Meeting  
Ninth Street Office Building, 202 N. 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

**Contact:** Cindy P. 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.

## BOARD FOR CONTRACTORS

† **August 8, 2001 - 9 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 regular meeting to address policy and procedural issues, review and render case decisions on matured complaints against licensees, and other matters that may require board action. The meeting is open to the public; however, a portion of the board's business may be discussed in closed meeting. The department fully complies with the Americans for Disabilities Act. Persons desiring to participate in the meeting who require special accommodations or interpreter services should contact David E. Dick.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail contractors@dpor.state.va.us.

## BOARD OF COUNSELING

### Special Conference Committee

† **August 10, 2001 - 10 a.m.** -- Open Meeting  
† **August 17, 2001 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ♿

Informal conferences held pursuant to § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

**Contact:** Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail coun@dhp.state.va.us.

## DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† **August 1, 2001 - 10 a.m.** -- Open Meeting  
Virginia Relay Center, 831 Park Avenue, Norton, Virginia. (Interpreter for the deaf provided upon request)

The quarterly meeting of the advisory board. The board will receive public comment from 11:30 a.m. until noon.

**Contact:** Leslie Hutcheson, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA 23229, telephone (804) 662-9502, FAX (804) 662-9718, toll-free (800) 552-7917, (800) 552-7917/TTY ☎, e-mail hutchelg@ddhh.state.va.us.

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# Calendar of Events

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## BOARD OF EDUCATION

**September 20, 2001 - 9:30 a.m.** -- Open Meeting  
Henrico County School Board Office, 3820 Nine Mile Road,  
Richmond, Virginia. (Interpreter for the deaf provided upon request)

A working session of the Accountability Advisory Committee. Public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

**Contact:** Cam Harris, Board of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2102, FAX (804) 225-2524.

NOTE: CHANGE IN MEETING DATE

**† September 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)

**† October 22, 2001 - 9 a.m.** -- Open Meeting  
Virginia School For the Deaf and Blind, East Beverley Street, Staunton, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting. Public comment will be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

**Contact:** Dr. Margaret N. Roberts, Office of Policy, Board of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**† July 31, 2001 - 1:30 p.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

**† August 2, 2001 - 1:30 p.m.** -- Open Meeting  
Hampton Roads Planning District Commission, 723 Woodlake Drive, Chesapeake, Virginia.

**† August 8, 2001 - 1:30 p.m.** -- Open Meeting  
Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia.

**† August 9, 2001 - 1:30 p.m.** -- Open Meeting  
Department of Environmental Quality, 4411 Early Road, Harrisonburg, Virginia.

A meeting to brief interested stakeholders and receive public input on efforts to remove the Chesapeake Bay and its tidal tributaries from the federal list of impaired waters.

**Contact:** John Kennedy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4312, (804) 698-4021/TTY , e-mail jmkennedy@deq.state.va.us.

**† August 22, 2001 - 6 p.m.** -- Public Hearing  
Massanutten Regional Library, 174 South Main Street, Harrisonburg, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the draft Resource Conservation and Recovery Act permit for storage of hazardous waste and site-wide corrective action.

**Contact:** Dinesh Vithani, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4204, FAX (804) 698-4327, e-mail dkvithani@deq.state.va.us.

## VIRGINIA FIRE SERVICES BOARD

**† August 9, 2001 - 9:30 a.m.** -- Open Meeting  
Cecil F. Gilkerson Community Activity Center, 305 South Dogwood Drive, Harrisonburg, Virginia. (Interpreter for the deaf provided upon request)

Committee on Fire Education and Training - 9:30 a.m.  
Committee on Administration and Policy - 1 p.m.  
Committee on Fire Prevention and Control - 10 minutes after the conclusion of Administration and Policy  
Committee on Finance - 10 minutes after the conclusion of Fire Prevention and Control.

Please call Christy King for further assistance.

**Contact:** Christy L. King, Clerk to the Board, Virginia Fire Services Board, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

**† August 10, 2001 - 9 a.m.** -- Open Meeting  
Fire Station 1, 80 Maryland Avenue, Harrisonburg, Virginia. (Interpreter for the deaf provided upon request)

A full board meeting. Please call Christy King for assistance.

**Contact:** Christy L. King, Clerk to the Board, Virginia Fire Services Board, James Monroe Bldg., 101 N. 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

**† August 14, 2001 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

A meeting of the Task Force on Dual Licenses to discuss dual licensing. There will be a 15-minute public comment period at the beginning of the meeting.

**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.

## Examination Committee

† **August 7, 2001 - 9 a.m.** -- Open Meeting  
† **August 8, 2001 - 9 a.m.** -- Open Meeting  
Exterior, Inc., 3813 Gaskins Road, Richmond, Virginia. 

A meeting to review and develop new questions for the state board examination data bank. There will be a 15-minute public hearing at the beginning of the meeting.

**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.

## Special Conference Committee

**July 31, 2001 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, 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 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail CEmma-Leigh@dhp.state.va.us.

## BOARD OF GAME AND INLAND FISHERIES

**August 6, 2001 - 7 p.m.** -- Public Hearing  
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Public input meeting concerning federal frameworks for the 2001-2002 waterfowl hunting seasons. The Virginia Department of Game and Inland Fisheries (DGIF) is holding a public input meeting to discuss and receive public comments regarding season lengths and bag limits for the 2001-2002 hunting seasons for migratory waterfowl (ducks and coots, geese and brant, swan, gallinules and moorhens) and falconry. All interested citizens are invited to attend. DGIF Wildlife Division staff will discuss the population status of these species and present hunting season frameworks for them provided by the U.S. Fish and Wildlife Service. The public's comments will be solicited in the public hearing portion of the meeting. A summary of the results of this public hearing will be presented to the Virginia Board of Game and Inland Fisheries prior to its scheduled August 23, 2001, meeting. At the August 23 meeting, the board will hold another public hearing, after which it intends to set 2001-2002 hunting seasons and bag limits for the above species.

**Contact:** Bob Ellis, Wildlife Division Assistant Director, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond VA 23230, telephone (804) 367-1000, FAX (804) 367-0262, e-mail dgifweb@dgif.state.va.us.

**August 23, 2001 - 9 a.m.** -- Public Hearing  
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board will meet and adopt 2001-2002 hunting seasons and bag limits for migratory waterfowl (ducks and coots, geese and brant, swan, gallinules and moorhens) and falconry, based on frameworks provided by the U.S. Fish and Wildlife Service. The board will solicit and receive comments from the public during the public hearing portion of the meeting, at which time any interested citizen present shall be heard. The board may also review possible proposals for legislation for the 2002 Session of the General Assembly, discuss general and administrative issues and hold a closed session at some time during the meeting. The board may elect to hold a dinner Wednesday evening, August 22, at a location and time to be determined. In the event the board does not complete its entire agenda on August 23 it may convene the following day, August 24, 2001. The Board of Game and Inland Fisheries is exempt from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia) in promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia. It is required by § 9-6.14:22 to publish all proposed and final regulations.

**Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail dgifweb@dgif.state.va.us.

## STATE BOARD OF HEALTH

† **August 2, 2001 - 1 p.m.** -- Open Meeting  
† **August 3, 2001 - 8 a.m.** -- Open Meeting  
Radisson Hotel Old Town, 901 North Fairfax Street, Alexandria, Virginia. 

A routine two-day meeting. On August 2 the board will make an informal visit to the Casey Clinic and the Alexandria Health Department and have a reception with local officials. On August 3 the board will conduct a meeting to receive updates on various initiatives of the Virginia Department of Health, and to consider emergency and proposed regulations. Public comment will be received at 12:30 p.m. on August 3.

**Contact:** Eileen Mannix, Director, Office of Health Policy, Department of Health, 1500 E. Main St., Suite 227, Richmond, VA 23219, telephone (804) 786-4891 or FAX (804) 371-0116.

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**August 13, 2001 - 7 p.m.** -- Public Hearing  
Holbert Building, 9104 Courthouse Road, Board of Supervisors Meeting Room, Spotsylvania, Virginia.

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# Calendar of Events

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**August 15, 2001 - 7 p.m.** -- Public Hearing  
James City County Administration Center, Board of Supervisors Meeting Room, 101-C Mounts Bay Road, Williamsburg, Virginia.

**August 16, 2001 - 7 p.m.** -- Public Hearing  
Roanoke County Administration Center, Board of Supervisors Meeting Room, 5204 Bernard Drive, Roanoke, Virginia.

**September 10, 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 Health intends to adopt regulations entitled: **12 VAC 5-581-10 et seq. Sewage Collection and Treatment (SCAT) Regulations.** The purpose of the proposed action is to provide uniform statewide standards governing the design, construction, and operation of the sewage collection systems and sewage treatment works.

Statutory Authority: §§ 32.1-164 and 62.1-44.19 of the Code of Virginia.

**Contact:** Calmet M. Sawyer, Ph.D., P.E., Division Director, Division of Wastewater Engineering, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567.

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**August 20, 2001 - 7 p.m.** -- Public Hearing  
Henrico County Board of Supervisors Room, 4301 East Parham Road, Henrico County Complex, Richmond, Virginia.

**August 23, 2001 - 7 p.m.** -- Public Hearing  
Roanoke County Administration Building, 5204 Bernard Drive, Roanoke, Virginia.

**August 27, 2001 - 7 p.m.** -- Public Hearing  
1 County Complex, McCoart Building, Prince William County Board Chambers, Prince William, Virginia.

**August 29, 2001 - 7 p.m.** -- Public Hearing  
Virginia Beach Central Library, 4100 Virginia Beach Boulevard, Auditorium, Virginia Beach, Virginia.

**August 31, 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 Health intends to **repeal** regulations entitled: **12 VAC 5-420-10 et seq. Rules and Regulations Governing Restaurants** and **adopt** regulations entitled: **12 VAC 5-421-10 et seq. Regulations Governing Restaurants.** The purpose of the proposed action is to repeal the existing regulations and adopt new regulations that comply with the 1997 FDA Model Food Code. The proposed regulations address the emergence of new strains of bacteria and other organisms and incorporate new control measures for the prevention of food borne disease.

Statutory Authority: §§ 35.1-11 and 35.1-14 of the Code of Virginia.

**Contact:** Gary L. Hagy, Director, Division of Food and Environmental Services, Department of Health, P.O. Box 2448, Richmond, VA 23218-2448, telephone (804) 225-4022.

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**August 27, 2001 - 7 p.m.** -- Public Hearing  
Thomas Jefferson Health District Office Conference Room, 1138 Rose Hill Drive, Charlottesville, Virginia.

**August 29, 2001 - 7 p.m.** -- Public Hearing  
Board of Supervisors Room, Holbert Building, 9104 Courthouse Road, Spotsylvania, Virginia.

**September 5, 2001 - 7 p.m.** -- Public Hearing  
Human Services Auditorium, James City County Human Services Building, 5249 Old Towne Road, Williamsburg, Virginia.

**September 24, 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 Health intends to **repeal** regulations entitled: **12 VAC 5-430-10 et seq. Transient Lodging and Hotel Sanitation in Virginia** and **adopt** regulations entitled: **12 VAC 5-431-10 et seq. Sanitary Regulations Governing Hotels.** The proposed amendments update the regulations to more modern industry and public health standards. The regulations require annual inspections of a percentage of the total number of hotels. They also require automatic ice dispenser in lieu of ice machines with common ice bins.

Statutory Authority: §§ 35.1-11 and 35.1-13 of the Code of Virginia.

**Contact:** Gary L. Hagy, Director, Division of Food and Environmental Services, Department of Health, P.O. Box 2448, Room 115, Richmond, VA 23218, telephone (804) 225-4022 or FAX (804) 225-4003.

## State Emergency Medical Services Advisory Board

**August 3, 2001 - 1 p.m.** -- Open Meeting  
Sheraton Richmond West Hotel, 6624 West Broad Street, Richmond, Virginia. ☎

A regular quarterly meeting of the State Emergency Medical Services Advisory Board.

**Contact:** Gary Brown, Director, Office of Emergency Medical Services, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail [gbrown@vdh.state.va.us](mailto:gbrown@vdh.state.va.us).

## DEPARTMENT OF HEALTH PROFESSIONS

† **August 14, 2001 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia ☎

A meeting of the Enforcement Committee to receive a staff report on sanctions and discuss other matters related to the

disciplinary process. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY ☎, e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).

† **August 14, 2001 - 11 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A meeting of the Executive Committee to review the departmental budget and consider other items as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY ☎, e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).

† **August 14, 2001 - 1:30 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia ♿

A meeting to receive committee reports, hold an election of officers and conduct general business related to the regulation of health professionals in the Commonwealth. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, Southern States Bldg., 6606 W. Broad St., 4th Floor Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY ☎, e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).

**August 17, 2001 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Health Practitioners' Intervention Program Committee to meet with its contractor and representatives to review reports, policies, and procedures for the Health Practitioners' Intervention Program. The committee will meet in open session for general discussion of the program and may meet in executive session to consider specific requests from applicants or participants in the program.

**Contact:** John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114, (804) 662-9197/TTY ☎

## STATE LAND EVALUATION ADVISORY COUNCIL

**August 14, 2001 - 10 a.m.** -- Open Meeting  
Department of Taxation, Richmond District Office, 1708 Commonwealth Avenue, Richmond, Virginia.

A meeting to consider suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

**Contact:** H. Keith Mawyer, Property Tax Manager, Department of Taxation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8020.

**September 20, 2001 - 10 a.m.** -- Open Meeting  
Department of Taxation, Richmond District Office, 1708 Commonwealth Avenue, Richmond, Virginia.

A meeting to adopt ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

**Contact:** H. Keith Mawyer, Property Tax Manager, Department of Taxation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8020.

## THE LIBRARY OF VIRGINIA

† **September 17, 2001 - 8:15 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

- 7:30 a.m. - Executive Committee, Conference Room B.
- 8:15 a.m. - Public Library Development Committee, Orientation Room
- Publications and Educational Services Committee, Conference Room B
- Records Management Committee, Conference Room C.
- 9:30 a.m. - Archival and Information Services Committee, Orientation Room.
- Collection Management Services Committee, Conference Room B.
- Legislative and Finance Committee, Conference Room C.
- 10:30 a.m. - Library Board, Conference Room 2M.

**Contact:** Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail [jtaylor@lva.lib.va.us](mailto:jtaylor@lva.lib.va.us).

## VIRGINIA MANUFACTURED HOUSING BOARD

**August 8, 2001 - 10 a.m.** -- Open Meeting  
Ramada Plaza Resort Oceanfront, 57th Street and Atlantic Avenue, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to review applications for licenses in the manufactured housing program, address complaints and claims against licensees, handle claims to the Transaction Recovery Fund, and carry out other duties under the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

**Contact:** Curtis L. McIver, State Building Code Administrator, Department of Housing and Community Development, State Building Code Administrative Office, The Jackson Center, 501

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# Calendar of Events

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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

**August 28, 2001 - 9:30 a.m.** -- Open Meeting  
**September 25, 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 llewis@mrc.state.va.us.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### Medicaid Drug Utilization Review (DUR) Board

**August 16, 2001 - 2 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Board Room, Suite 1300, Richmond, Virginia. ♿

A general meeting.

**Contact:** Marianne Rollings, R.Ph., Board Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 225-4393, (800) 343-0634/TTY ☎, e-mail mrollings@dmas.state.va.us.

### Pharmacy Liaison Committee

**September 10, 2001 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Board Room, Suite 1300, Richmond, Virginia. ♿

A general meeting.

**Contact:** Marianne Rollings, R.Ph., Committee Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 225-4393, (800) 343-0634/TTY ☎, e-mail mrollings@dmas.state.va.us.

## BOARD OF MEDICINE

**August 3, 2001 - 9:30 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

**September 14, 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 of Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine,**

**Osteopathy, Podiatry, and Chiropractic.** The proposed amendments replace emergency regulations establishing that of the 200 hours of acupuncture training required for doctors of medicine, osteopathy, podiatry and chiropractic to practice acupuncture, 50 hours must be in clinical practice.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.9 of the Code of Virginia.

**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, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

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† **August 3, 2001 - 9:30 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

† **September 28, 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 of Medicine intends to amend regulations entitled: **18 VAC 85-110-10 et seq. Regulations Governing the Practice of Licensed Acupuncturists.** The purpose of the proposed amendments is to establish the requirements for licensed acupuncturists to provide a form to patients recommending a diagnostic examination by a physician.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.9 of the Code of Virginia.

**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, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

## Informal Conference Committee

**August 30, 2001 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott Hotel, 50 Kingsmill Road, Williamsburg, Virginia.

**August 9, 2001 - 8:45 a.m.** -- Open Meeting

† **September 6, 2001 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

† **August 15, 2001 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

† **August 22, 2001 - 9:30 a.m.** -- Open Meeting  
Wyndham Hotel, 2801 Hershberger Road, Roanoke, Virginia.

An informal conference committee composed of three members of the board will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail PSadler@dhp.state.va.us.

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

**August 17, 2001 - 10 a.m.** -- Public Hearing  
Jefferson Building, 1220 Bank Street, 9th Floor, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments of the Virginia Community Mental Health Services Performance Block Grant Application for federal fiscal year 2002. Copies of the application are available for review at the Office of Mental Health Services, Jefferson Building, 1220 Bank Street, 10th Floor, or at each Community Services Board office. Comments may be made at the hearing or in writing no later than August 17, 2001, to the Office of the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services. Anyone wishing to make a presentation at the meeting should contact Sterling Deal. Copies of oral presentations should be filed in writing at the time of the hearing.

**Contact:** Sterling G. Deal, Ph.D., Resource Analyst, P.O. Box 1797, State Mental Health, Mental Retardation and Substance Abuse Services Board, Richmond, VA 23218, telephone (804) 371-2148, FAX (804) 786-1836, (804) 371-8977/TTY ☎

† **August 23, 2001 - 1 p.m.** -- Open Meeting  
Department of Mental Health, Mental Retardation and Substance Abuse Services, 1220 Bank Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. A public comment period will be scheduled. The board will also meet on September 20 and 21. Times and locations for these meetings will be announced.

**Contact:** Marlene Butler, State Board Secretary, State Mental Health, Mental Retardation and Substance Abuse Services Board, Jefferson Bldg., 1220 Bank St., 13th Floor, Richmond, VA 23214, telephone (804) 786-7945, FAX (804) 371-2308.

## State Human Rights Committee

† **August 24, 2001 - 10:15 a.m.** -- Open Meeting  
Central Virginia Training Center, 210 Colony Road, Nagler Building, Madison Heights, Virginia.

A regular meeting to discuss business and conduct hearings relating to human rights issues.

**Contact:** Kli Kinzie, Executive Secretary, State Mental Health, Mental Retardation and Substance Abuse Services Board, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3988, FAX (804) 371-2308, (804) 371-8977/TTY ☎

## STATE MILK COMMISSION

**August 15, 2001 - 10 a.m.** -- Public Hearing  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive evidence and testimony related to Order 21 that was implemented on March 1, 2001, and terminates on August 31, 2001. The hearing will assist the commission in determining if the order should be terminated or extended and if existing regulations should be terminated, amended or retained in their current form. Written comments may be submitted until August 1, 2001, to Edward C. Wilson, Jr.

**Contact:** Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth Street Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

**August 15, 2001 - 1 p.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 of commissioners to consider industry issues, distributor licensing, base transfers, baseholder license amendment, fiscal matters, and to review reports from staff of the agency. Any persons requiring special accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr. at least five days prior to the meeting date so that suitable arrangements can be made.

**Contact:** Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth Street Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

## VIRGINIA MUSEUM OF NATURAL HISTORY

† **August 18, 2001 - 8 a.m.** -- Open Meeting  
Four Points Hotel-Sheraton, 900 Prices Fork Road, Blacksburg, Virginia. ♿

A meeting of the Finance/Development Committee to discuss finance and development issues, and a meeting of the Marketing/Outreach Committee to discuss marketing and educational issues. The meeting will include reports from the development, executive, finance, legislative, marketing, nominating, outreach, personnel, planning and facilities, and research and collections committees.

**Contact:** Cindy Rorrer, Executive Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8600, (540) 666-8638/TTY ☎

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# Calendar of Events

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## COMMONWEALTH NEUROTRAUMA INITIATIVE ADVISORY BOARD

**August 2, 2001 - 9:30 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general meeting to review the panel recommendations of the grant proposals submitted under Option B and select the grantees who will be awarded funding.

**Contact:** Sandra Prince, Program Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23228, telephone (804) 662-7021, FAX (804) 662-7122, toll-free (800) 552-5019, (800) 464-9950/TTY, e-mail [princesw@drs.state.va.us](mailto:princesw@drs.state.va.us).

## BOARD OF NURSING

**August 21, 2001 - 8:30 a.m.** -- Open Meeting  
**September 24, 2001 - 8:30 a.m.** -- Open Meeting  
**September 26, 2001 - 8:30 a.m.** -- Open Meeting  
**September 27, 2001 - 8:30 a.m.** -- Open Meeting  
**October 9, 2001 - 8:30 a.m.** -- Open Meeting  
**October 15, 2001 - 8:30 a.m.** -- Open Meeting  
**October 16, 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 St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY, e-mail [nursebd@dhp.state.va.us](mailto:nursebd@dhp.state.va.us).

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**† September 25, 2001 - 3 p.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

**† September 28, 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 of Nursing intends to amend regulations entitled: **18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing.** The amendments are proposed to provide rules for the collection of data about the nursing workforce. Proposed amendments replace and are identical to emergency rules currently in effect.

Statutory Authority: §§ 54.1-2400 and 54.1-3012.1 of the Code of Virginia.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY, e-mail [nursebd@dhp.state.va.us](mailto:nursebd@dhp.state.va.us).

## Special Conference Committee

**August 2, 2001 - 8:30 a.m.** -- Open Meeting  
**August 7, 2001 - 8:30 a.m.** -- Open Meeting  
**August 13, 2001 - 8:30 a.m.** -- Open Meeting  
**August 16, 2001 - 8:30 a.m.** -- Open Meeting  
**August 28, 2001 - 8:30 a.m.** -- Open Meeting  
**October 2, 2001 - 8:30 a.m.** -- Open Meeting  
**† October 18, 2001 - 8:30 a.m.** -- Open Meeting  
**† October 22, 2001 - 8:30 a.m.** -- Open Meeting  
**† October 23, 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 St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY, e-mail [nursebd@dhp.state.va.us](mailto:nursebd@dhp.state.va.us).

## BOARD FOR OPTICIANS

**August 3, 2001 - 9 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)

An open meeting to discuss 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 persons desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or TTY 804-367-9753 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:** Susan Luebehusen, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY, e-mail [opticians@dpor.state.va.us](mailto:opticians@dpor.state.va.us).

## BOARD OF PHARMACY

**† August 1, 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 regulatory and disciplinary items as presented on the agenda. 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](mailto:erussell@dhp.state.va.us).

## Special Conference Committee

† **August 15, 2001 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. ☎

† **August 22, 2001 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 4, Richmond, Virginia. ☎

A Special Conference Committee to 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 OF PHYSICAL THERAPY

† **August 6, 2001 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia.

† **September 28, 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 of Physical Therapy intends to adopt regulations entitled: **18 VAC 112-10-10 et seq. Public Participation Guidelines.** The proposed regulations establish guidelines for public participation in the promulgation of regulations and replace emergency regulations currently in effect.

Statutory Authority: §§ 54.1-2400 and 54.1-3475 of the Code of Virginia.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924.

## POLYGRAPH EXAMINERS ADVISORY BOARD

**September 19, 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 general meeting. 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.

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

**August 6, 2001 - 2 p.m.** -- Public Hearing  
Fairfax County Government Center, 12000 Government Center Parkway, Conference Rooms 4 and 5, Fairfax, Virginia. ☎

A public hearing to accept comments 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 September 6, 2001. Comments may be mailed to Debra Vought at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia 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 public hearing.

**Contact:** Judy Spiller, Administrative Staff 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.

## BOARD OF PSYCHOLOGY

† **August 6, 2001 - 9:15 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia.

† **September 28, 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 of Psychology intends to amend regulations entitled: **18 VAC 125-10-10 et seq. Public Participation Guidelines.** The proposed amendments update the guidelines for public participation in the regulatory process of the board, specifically, to further enable electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 and of the Code of Virginia.

**Contact:** Evelyn Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913.

## VIRGINIA PUBLIC SCHOOL AUTHORITY

† **September 14, 2001 - 9:30 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to consider applications and authorization for the Series 2001 B pool bond issue, which will have both subsidy and nonsubsidy components, and other related business.

**Contact:** Richard Davis, Manager, VPSA, Department of the Treasury, James Monroe Bldg., 101 N. 14th Street, 3rd Floor,

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# Calendar of Events

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Richmond, VA 23219, telephone (804) 225-4928, FAX (804) 225-3187, e-mail richard.davis@trs.state.va.us.

## REAL ESTATE BOARD

† **September 12, 2001 - 4 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Real Estate 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.

† **September 13, 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.

† **September 13, 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.

## BOARD OF REHABILITATIVE SERVICES

**August 13, 2001 - 11 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly business meeting to include a joint meeting with the Statewide Rehabilitation Council during the morning session.

**Contact:** Barbara G. Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, toll-free (800) 552-5019, (804) 662-7000/TTY (804) 662-7000

## VIRGINIA RESOURCES AUTHORITY

NOTE: CHANGE IN MEETING DATE

† **August 21, 2001 - 9 a.m.** -- Open Meeting  
**September 11, 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 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

† **August 8, 2001 - 10 a.m.** -- Open Meeting  
Hampton Inn, 900 West Main Street, Charlottesville, Virginia. (Interpreter for the deaf provided upon request)

Public comment is welcome and will be received at approximately 10 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 (804) 225-2042, e-mail wareka@drvd.state.va.us.

## SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

**August 15, 2001 - 10 a.m.** -- Open Meeting  
**September 19, 2001 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to hear appeals of health department denials of septic tank permits.

**Contact:** Susan Sherertz, Secretary to the Board, Sewage Handling and Disposal Appeal Review Board, 1500 E. Main St., Room 117, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **August 24, 2001 - 10 a.m.** -- Open Meeting  
Department of Business Assistance, 707 East Main Street,  
3rd Floor, Board Room, Richmond, Virginia. 

A meeting to review applications for loans submitted to the authority for approval and general business of the board. Time is subject to change depending upon the agenda of the board.

**Contact:** Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

## STATE BOARD OF SOCIAL SERVICES

**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.

† **August 15, 2001 - 9 a.m.** -- Open Meeting

† **August 16, 2001 - 9 a.m.** -- Open Meeting

Breaks Interstate Park, Rhododendron Lodge, Conference Center, Breaks, Virginia. 

A formal business meeting of the board. Public comment will be received at 1:30 p.m.

**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.

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**August 31, 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 40-560-10. Monthly Reporting in the Food Stamp Program.** The purpose of the proposed action is to repeal this regulation,

which identified which households were required to file monthly reports as a condition of eligibility for the Food Stamp Program.

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

**Contact:** Celestine Jackson, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1716, FAX (804) 692-1704.

## BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† **August 16, 2001 - 10 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 

A public hearing on proposed regulations, 18 VAC 145-20-10 et seq., Board for Professional Soil Scientist Regulations.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Board for Professional Soil Scientists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail oneal@dpor.state.va.us.

## COUNCIL ON TECHNOLOGY SERVICES

**September 24, 2001 - 9 a.m.** -- Open Meeting  
Virginia Military Institute, Lexington, Virginia.

A general meeting.

**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.

## DEPARTMENT OF TECHNOLOGY PLANNING

### Virginia Geographic Information Network Advisory Board

**September 6, 2001 - 1:30 p.m.** -- Open Meeting  
Location to be announced. 

A regular quarterly meeting.

**Contact:** William Shinar, VGIN Coordinator, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-8175, FAX (804) 371-2795, e-mail bshinar@vgin.state.va.us.

## COMMONWEALTH TRANSPORTATION BOARD

† **August 15, 2001 - 2 p.m.** -- Open Meeting  
CEI Building, 6400 Commerce Road, Springfield, 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

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# Calendar of Events

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St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti\_cm@vdot.state.va.us.

† **August 16, 2001 - 10 a.m.** -- Open Meeting  
Ronald Reagan Washington National Airport, 1 Aviation Circle, 2nd Floor, (located north of new terminal), Washington, D.C. ☒

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.

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**August 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 Commonwealth Transportation Board intends to **repeal** regulations entitled: **24 VAC 30-40-10 et seq. Rules and Regulations Governing Relocation Assistance** and **adopt** regulations entitled: **24 VAC 30-41-10 et seq. Rules and Regulations Governing Relocation Assistance**. The purpose of the proposed regulatory action is to ensure adequate relocation services and provide moving, replacement housing, and other expense payments so that individuals will not suffer disproportionate injuries as a result of the highway improvement program. VDOT is repealing the existing regulation and promulgating a replacement regulation that is intended to streamline procedures to improve operational efficiency and effectiveness. The text is revised and reformatted to make the policies and procedures more understandable to both displacees eligible for these services, as well as the VDOT personnel who will implement and interpret the regulation.

Statutory Authority: §§ 25-253 and 33.1-12 of the Code of Virginia, 42 USC § 4601 et seq.

**Contact:** Beverly D. Fulwider, Relocation Program Manager, Department of Transportation, Right of Way and Utilities Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4366 or (804) 786-1706.

## VIRGINIA EMPLOYMENT COMMISSION

† **September 17, 2001 - 1 p.m.** -- Public Hearing  
Virginia Employment Commission Central Office, 703 East Main Street, 1st Floor, Conference Room, Richmond, Virginia.

† **September 28, 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 Employment Commission intends to amend regulations entitled: **16 VAC 5-10-10 et seq. Definitions and General Provisions; 16 VAC 5-60-10 et seq. Benefits; 16 VAC 5-70-10 et seq. Interstate and Multistate Claimants; 16 VAC 5-80-10 et seq. Adjudication**. The purpose of the proposed action is to amend the regulations to establish unemployment application by telephone and the Internet and establish adjudication by telephone and incorporate other policy and statutory changes.

Statutory Authority: § 60.2-111 A of the Code of Virginia.

**Contact:** Lynnette H. Coughlin, Regulatory Coordinator, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 786-1070 or FAX (804) 225-3923.

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† **September 17, 2001 - 1 p.m.** -- Public Hearing  
Virginia Employment Commission Central Office, 703 East Main Street, 1st Floor, Conference Room 125, Richmond, Virginia.

† **September 28, 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 Employment Commission intends to amend regulations entitled: **16 VAC 5-20-10 et seq. Unemployment Taxes**. The purpose of the proposed action is to eliminate requirements for reimbursable nonprofit employers to post a surety bond.

Statutory Authority: § 60.2-111 A of the Code of Virginia.

**Contact:** Lynnette H. Coughlin, Regulatory Coordinator, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 786-1070 or FAX (804) 225-3923.

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† **September 17, 2001 - 1 p.m.** -- Public Hearing  
Virginia Employment Commission Central Office, 703 East Main Street, 1st Floor, Conference Room, Richmond, Virginia.

† **September 28, 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 Employment Commission intends to amend regulations entitled: **16 VAC 5-32-10 et seq. Required Records and Reports**. The purpose of the proposed amendments is to codify current state and federal policies regarding the records employers may be required to produce to verify income reporting and to allow employers to submit reports electronically.

Statutory Authority: § 60.2-111 of the Code of Virginia.

**Contact:** Lynnette H. Coughlin, Regulatory Coordinator, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 786-1070 or FAX (804) 225-3923.

## VIRGINIA MILITARY INSTITUTE

### Board of Visitors

**August 23, 2001 - 10 a.m.** -- Open Meeting  
Virginia Military Institute, Preston Library, Turman Room, Lexington, Virginia. 

A meeting of the Appeals Committee.

**Contact:** Colonel Michael M. Strickler, Secretary, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

**August 24, 2001 - 10 a.m.** -- Open Meeting  
Virginia Military Institute, Preston Library, Turman Room, Lexington, Virginia. 

Meetings of the following committees: Academic Affairs Committee; Audit, Finance, and Planning Committee; Cadet Affairs Committee; Legislative Affairs Committee; External Affairs Committee; and Nominating Committee.

**Contact:** Colonel Michael M. Strickler, Secretary, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

**August 25, 2001 - 10 a.m.** -- Open Meeting  
Virginia Military Institute, Preston Library, Turman Room, Lexington, Virginia. 

A regular meeting to elect the president, vice presidents, and secretary of the board and to receive committee reports.

**Contact:** Colonel Michael M. Strickler, Secretary, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

## VIRGINIA WASTE MANAGEMENT BOARD

**August 15, 2001 - 10 a.m.** -- Public Hearing on Amendment 15A

**August 15, 2001 - 11 a.m.** -- Public Hearing on Amendment 15B

Department of Environmental Quality, 629 East Main Street, Training Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

**September 6, 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 Waste Management Board intends to amend regulations entitled: **9 VAC 20-60-12 et seq. Virginia Hazardous Waste Management Regulations**. The purpose of proposed Amendment 15A is to clarify that low-level radioactive waste is not subject to the requirements of this regulation. The proposed amendments in Amendment 15B are the result of a

comprehensive review of incorporation of federal regulations and, among other things, delete the text located in Part XI describing the permitting process and replace it with analogous federal text.

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

**Contact:** Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4327, e-mail rgwickline@deq.state.va.us.

**August 15, 2001 - 1 p.m.** -- Open Meeting  
Department of Environmental Quality, 1st Floor Training Room, 629 East Main Street, Richmond, Virginia. 

A public meeting to receive comments on the intent to amend the Regulations for the Transportation of Hazardous Materials.

**Contact:** Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238, FAX (804) 698-4237, (804) 698-4021/TTY , e-mail msporterfi@deq.state.va.us.

## STATE WATER CONTROL BOARD

**July 31, 2001 - 2 p.m.** -- Public Hearing  
Rappahannock Regional Library, Theater, 1201 Caroline Street, Fredericksburg, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the proposed reissuance of Virginia Pollutant Discharge Elimination System Permits for the FMC, Massaponax and Fredericksburg wastewater treatment facilities located in Fredericksburg at 11801 Capital Lane, 10900 H.C. Drive and 700 Beulah-Salisbury Road, respectively.

**Contact:** Anna T. Westernik, State Water Control Board, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (540) 583-3837, FAX (540) 583-3841, e-mail atwesteri@deq.state.va.us.

**August 2, 2001 - 7 p.m.** -- Open Meeting  
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Training Room, Virginia Beach, Virginia. 

**August 3, 2001 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Glen Allen, Virginia. 

**August 6, 2001 - 7 p.m.** -- Open Meeting  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Training Room, Roanoke, Virginia. 

A public meeting to receive comments on the notice of intent to adopt regulations governing the discharge of sewage from boats.

**Contact:** Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032, e-mail mbgregory@deq.state.va.us.

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# Calendar of Events

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**August 14, 2001 - 9 a.m.** -- Open Meeting

**September 11, 2001 - 9 a.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee assisting in the development of regulations for the reuse of reclaimed wastewater.

**Contact:** Lily Choi, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032, e-mail [ychoi@deq.state.va.us](mailto:ychoi@deq.state.va.us).

**† August 14, 2001 - 10 a.m.** -- Open Meeting

Department of Environmental Quality, First Floor Conference Room, 629 East Main Street, Richmond, Virginia. 

A meeting of the advisory committee assisting the department in the development of a proposed general permit for small municipal separate storm sewer systems.

**Contact:** Burton R. Tuxford, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086, FAX (804) 698-4032, e-mail [brtuxford@deq.state.va.us](mailto:brtuxford@deq.state.va.us).

**† August 15, 2001 - 7 p.m.** -- Public Hearing

Callahan Elementary School, 4018 Midland Trail Road, Callahan, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the proposed issuance of a VPDES permit for a municipal discharge from Tanglewood Manor Home for Adults, Inc. to Ogle Creek in the Upper James River Basin.

**Contact:** Becky France, State Water Control Board, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6793, FAX (540) 562-6725, e-mail [blfrance@deq.state.va.us](mailto:blfrance@deq.state.va.us).

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**August 16, 2001 - 2 p.m.** -- Public Hearing

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

**September 14, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-650-10 et seq. Closure Plan and Demonstration of Financial Capability.** The purpose of the proposed regulation is to establish requirements for privately owned sewerage treatment systems and sewerage treatment works that discharge more than 1,000 and less than 40,000 gallons per day to have a closure plan and demonstrate financial capability to implement the plan.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

**Contact:** Jon van Soestbergen, State Water Control Board, Department of Environmental Quality, P.O. Box 10009,

Richmond, VA 23240, telephone (804) 698-4117, FAX (804) 698-4032, e-mail [jvansoest@deq.state.va.us](mailto:jvansoest@deq.state.va.us).

**† August 17, 2001 - 10 a.m.** -- Open Meeting

Department of Environmental Quality, 629 East Main Street, 1st Floor Conference Room, Richmond, Virginia. 

A meeting of the advisory committee assisting the department in the development of amendments to the storm water general VPDES permit for construction activities.

**Contact:** Burton R. Tuxford, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086, FAX (804) 698-4032, e-mail [brtuxford@deq.state.va.us](mailto:brtuxford@deq.state.va.us).

## VIRGINIA WORKFORCE COUNCIL

**August 1, 2001 - 10 a.m.** -- Open Meeting

Virginia Employment Commission, 703 East Main Street, Room 304, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Continuous Improvement and Evaluation Committee. Agenda to be announced. Public comment is scheduled for 11 a.m. Comments are limited to five minutes per speaker and a written copy of the remarks is requested.

**Contact:** Gail Robinson, Liaison, Virginia Workforce Council, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 225-2190, (800) 828-1120/TTY , e-mail [grobinson@vec.state.va.us](mailto:grobinson@vec.state.va.us).

**October 3, 2001 - 10 a.m.** -- Open Meeting

Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The exact location, time and agenda to be announced at a later date. Public comment is usually scheduled for 11 a.m. Comments are limited to five minutes per speaker and a written copy of the remarks is requested.

**Contact:** Gail Robinson, Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 225-2190, (800) 828-1120/TTY , e-mail [grobinson@vec.state.va.us](mailto:grobinson@vec.state.va.us).

## INDEPENDENT

### VIRGINIA RETIREMENT SYSTEM

**August 15, 2001 - 3 p.m.** -- Open Meeting

**† October 18, 2001 - 9 a.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, 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. ♿

Regular meetings of the Administration Committee and the Personnel Committee.

**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 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.

**September 19, 2001 - 3 p.m.** -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Investment Advisory Committee.

**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

### VIRGINIA CODE COMMISSION

**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 St., Richmond, VA 23219, telephone (804) 786-3591 FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

### DISABILITY COMMISSION

† **August 13, 2001 - 1 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.

A regular meeting. Questions about the meeting agenda should be directed to Brian Parsons, Virginia Board for People with Disabilities, (804) 786-0016.

**Contact:** Hudaidah F. Bhimdi, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

### COMMISSION ON EDUCATIONAL ACCOUNTABILITY (SJR 498, 1999)

**August 7, 2001- 1 p.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. Questions regarding the meeting should be directed to Kathy Harris, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations at least seven working days prior to the meeting.

**Contact:** Patty J. Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

### JOINT SUBCOMMITTEE STUDYING VIRGINIA'S ELECTION PROCESS AND VOTING TECHNOLOGIES

**July 31, 2001 - 10 a.m.** -- Open Meeting

Sheraton Richmond West, 6624 Broad Street, Richmond, Virginia.

An all-day meeting of the joint subcommittee. Any questions should be directed to Mary Spain, Jack Austin, or Ginny Edwards, Division of Legislative Services, (804) 786-3591.

**Contact:** Barbara L. Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

### Task Force #2 (Voter Registration and Election Day)

**August 28, 2001 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, 4th Floor West Conference Room, Richmond, Virginia.

An all-day meeting of the joint subcommittee. Any questions should be directed to Mary Spain, Jack Austin, or Ginny Edwards, Division of Legislative Services, (804) 786-3591.

**Contact:** Barbara L. Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

### JOINT SUBCOMMITTEE TO STUDY THE ORGANIZATION, STRUCTURE, REGULATIONS AND POLICIES OF THE DEPARTMENT OF HEALTH AND

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# Calendar of Events

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## THE DEPARTMENT OF ENVIRONMENTAL QUALITY RELATING TO THE MANAGEMENT AND TREATMENT OF WASTEWATER

† **August 8, 2001 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room C, Richmond, Virginia.

A regular meeting. Questions about the meeting agenda  
should be directed to Marty Farber, Division of Legislative  
Services, (804) 786-3591.

**Contact:** Hudaidah F. Bhimdi, House Committee Operations,  
P.O. Box 406, Richmond, VA 23218, telephone (804) 698-  
1540 or (804) 786-2369/TTY ☎

## JOINT COMMISSION ON PRESCRIPTION DRUG ASSISTANCE (HJR 810)

**September 12, 2001 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room C, Richmond, Virginia. ♿

**October 10, 2001 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room D, Richmond, Virginia. ♿

A meeting of the joint commission to develop ways and  
means to provide prescription drug assistance to needy  
senior citizens and to coordinate state and federal  
programs providing such assistance. Questions about the  
agenda should be addressed to Gayle Vergara, Division of  
Legislative Services, (804) 786-3591.

**Contact:** Lois V. Johnson, House Committee Operations,  
P.O. Box 406, Richmond, VA 23218, telephone (804) 698-  
1540 or (804) 786-2369/TTY ☎

## JOINT SUBCOMMITTEE TO STUDY CREATION OF A NORTHERN VIRGINIA REGIONAL TRANSPORTATION AUTHORITY (SJR 397, 2001)

**August 1, 2001 - 9:30 a.m.** -- Open Meeting  
Fairfax Municipal Government Center, 12000 Government  
Center Parkway, Room 232, Fairfax, Virginia. ♿ (Interpreter  
for the deaf provided upon request)

A regular meeting. Individuals with questions about the  
agenda or who require interpreter services or other special  
accommodations should contact Senate Committee  
Operations.

**Contact:** Thomas G. Gilman, Senate Committee Operations,  
P.O. Box 396, Richmond, VA 23218, telephone (804) 698-  
7450 or (804) 698-7419/TTY ☎

## JOINT SUBCOMMITTEE TO STUDY AND REVISE VIRGINIA'S STATE TAX CODE

**August 6, 2001 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room C, Richmond, Virginia.

**September 4, 2001 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate  
Room A, Richmond, Virginia.

A regular meeting. Questions regarding the meeting  
should be directed to Joan Putney, Mark Vucci or David  
Rosenberg, Division of Legislative Services, (804) 786-  
3591. Individuals requiring interpreter services or other  
accommodations should call or write Senate Committee  
Operations at least seven working days prior to the  
meeting.

**Contact:** Patty J. Lung, Senate Committee Operations, P.O.  
Box 396, Richmond, VA 23218, telephone (804) 698-7450 or  
(804) 698-7419/TTY ☎

## U.S. ROUTE 460 COMMUNICATIONS COMMITTEE

**August 8, 2001 - 10 a.m.** -- Open Meeting  
Department of Transportation, 1700 North Main Street,  
Suffolk, Virginia.

A regular meeting. Questions about the meeting agenda  
should be directed to Alan Wambold, Division of Legislative  
Services, (804) 786-3591.

**Contact:** Hudaidah F. Bhimdi, House Committee Operations,  
P.O. Box 406, Richmond, VA 23218, telephone (804) 698-  
1540 or (804) 786-2369/TTY ☎

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### July 31

Agriculture and Consumer Services, Department of  
- Virginia Cattle Industry Board  
Election Process and Voting Technologies, Joint  
Subcommittee Studying  
† Environmental Quality, Department of  
Funeral Directors and Embalmers, Board of  
- Special Conference Committee

#### August 1

Branch Pilots, Board for  
† Deaf and Hard-of-Hearing, Department for the  
- Advisory Board  
Northern Virginia Regional Transportation Authority, Joint  
Subcommittee to Study Creation of a  
† Pharmacy, Board of  
Workforce Council, Virginia  
- Continuous Improvement and Evaluation Committee

#### August 2

Branch Pilots, Board for  
† Environmental Quality, Department of  
† Health, State Board of  
Neurotrauma Initiative Advisory Board, Commonwealth  
Nursing, Board of  
- Special Conference Committee  
Water Control Board, State

#### August 3

Aging, Commonwealth Council on  
- Public Relations Committee  
Art and Architectural Review Board

† Health, State Board of  
Health, Department of  
- State Emergency Medical Services Advisory Board  
Opticians, Board for  
Water Control Board, State

## August 6

State Tax Code, Joint Subcommittee to Study and Revise  
Virginia's  
Water Control Board, State

## August 7

Educational Accountability, Commission on  
† Funeral Directors and Embalmers, Board of  
- Examination Committee  
Nursing, Board of  
- Special Conference Committee

## August 8

† Contractors, Board for  
† Environmental Quality, Department of  
† Funeral Directors and Embalmers, Board of  
- Examination Committee  
† Management and Treatment of Wastewater, Joint  
Subcommittee to Study the Organization, Structure,  
Regulations and Policies of the Department of Health and  
the Department of Environmental Quality Relating to the  
Manufactured Housing Board, Virginia  
† Rights of Virginians with Disabilities, Department for the  
- PAIMI Council  
U.S. Route 460 Communications Committee

## August 9

† Environmental Quality, Department of  
† Fire Services, Virginia  
- Administration and Policy Committee  
- Finance Committee  
- Fire Education and Training Committee  
- Fire Prevention and Control Committee  
Medicine, Board of  
- Informal Conference Committee

## August 10

† Counseling, Board of  
- Special Conference Committee  
† Fire Services Board, Virginia

## August 13

† Disability Commission  
Nursing, Board of  
- Special Conference Committee  
Rehabilitative Services, Board of

## August 14

† Chesapeake Bay Local Assistance Board  
- Grants Committee  
- Northern Area Review Committee  
- Southern Area Review Committee  
† Funeral Directors and Embalmers, Board of  
- Task Force on Dual Licenses  
† Health Professions, Department of  
- Enforcement Committee  
- Executive Committee  
Land Evaluation Advisory Council, State  
† Water Control Board, State

## August 15

Agriculture and Consumer Services, Department of  
- Virginia Soybean Board

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

- Professional Engineer Section

Asbestos and Lead, Virginia Board for

† Medicine, Board of

- Informal Conference Committee

Milk Commission, State

† Pharmacy, Board of

- Special Conference Committee

Retirement System, Virginia

Sewage Handling and Disposal Appeal Review Board

† Social Services, State Board of

† Transportation Board, Commonwealth

Waste Management Board, Virginia

## August 16

Medical Assistance Services, Department of

- Medicaid Drug Utilization Review Board

Nursing, Board of

- Special Conference Committee

Retirement System, Virginia

† Social Services, State Board of

† Transportation Board, Commonwealth

## August 17

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

- Architect Section

† Counseling, Board of

- Special Conference Committee

Health Professions, Department of

- Health Practitioners' Intervention Program Committee

† Water Control Board, State

## August 18

† Museum of Natural History, Virginia

## August 21

Nursing, Board of

† Resources Authority, Virginia

## August 22

Agriculture and Consumer Services, Department of

- Virginia Corn Board

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

- Land Surveyor Section

† Aviation Board, Virginia

† Medicine, Board of

- Informal Conference Committee

† Pharmacy, Board of

- Special Conference Committee

## August 23

† Agriculture and Consumer Services, Department of

- Virginia Cotton Board

- Virginia Corn Board

† Mental Health, Mental Retardation and Substance Abuse  
Services, State Board of

Virginia Military Institute

- Appeals Committee

## August 24

† Mental Health, Mental Retardation and Substance Abuse  
Services, State Board of

- State Human Rights Committee

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# Calendar of Events

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† Small Business Financing Authority, Virginia  
Virginia Military Institute

## August 25

Virginia Military Institute

## August 27

† Agricultural Council, Virginia

## August 28

† Agricultural Council, Virginia

† Compensation Board

Election Process and Voting Technologies, Joint  
Subcommittee Studying

Marine Resources Commission

Nursing, Board of

- Special Conference Committee

## August 29

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

- Landscape Architect Section

At-Risk Youth and Families, Comprehensive Services for

- State Executive Council

## August 30

Code Commission, Virginia

Medicine, Board of

- Informal Conference Committee

## September 4

State Tax Code, Joint Subcommittee to Study and Revise  
Virginia's

## September 5

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

- Certified Interior Designer Section

## September 6

† Medicine, Board of

- Informal Conference Committee

Technology Planning, Department of

- Virginia Geographic Information Network Advisory  
Board

## September 7

Art and Architectural Review Board

## September 10

Medical Assistance Services, Department of

- Pharmacy Liaison Committee

## September 11

Resources, Authority, Virginia

Water Control Board, State

## September 12

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

Prescription Drug Assistance, Joint Commission on

† Real Estate Board

- Education Committee

## September 13

† Real Estate Board

- Fair Housing Committee

## September 14

† Public School Authority, Virginia

## September 15

† Blind and Vision Impaired, Department for the

- Statewide Rehabilitation Council for the Blind

## September 17

† The Library of Virginia

- Archival and Information Services Committee

- Collection Management Services Committee

- Executive Committee

- Legislative and Finance Committee

- Publications and Educational Services Committee

- Public Library Development Committee

- Records Management Committee

## September 19

Polygraph Examiners Advisory Board

Retirement System, Virginia

Sewage Handling and Disposal Appeal Review Board

## September 20

Education, Board of

- Accountability Advisory Committee

Land Evaluation Advisory Council, State

## September 24

Nursing, Board of

Technology Services, Council on

## September 25

Marine Resources Commission

## September 26

At-Risk Youth and Families, Comprehensive Services for

- State Executive Council

† Education, Board of

Nursing, Board of

## September 27

† Agriculture and Consumer Services, Department of

- Virginia Charity Food Assistance Board

Nursing, Board of

## October 2

Nursing, Board of

- Special Conference Committee

## October 3

Workforce Council, Virginia

## October 5

Art and Architectural Review Board

## October 9

Nursing, Board of

## October 10

Prescription Drug Assistance, Joint Commission on

## October 15

Nursing, Board of

## October 16

Nursing, Board of

## October 18

† Nursing, Board of

- Special Conference Committee

† Retirement System, Virginia

## October 22

† Education, Board of

† Nursing, Board of

- Special Conference Committee

## October 23

† Nursing, Board of

- Special Conference Committee

## PUBLIC HEARINGS

### July 31

Water Control Board, State

### August 3

† Medicine, Board of

### August 6

Game and Inland Fisheries, Board of

† Physical Therapy, Board of

Professional and Occupational Regulation, Board for

† Psychology, Board of

### August 13

Health, State Board of

### August 15

Health, State Board of

Milk Commission, State

Waste Management Board, Virginia

† Water Control Board, State

### August 16

Air Pollution Control Board, State

Health, State Board of

† Soil Scientists, Board for Professional

Water Control Board, State

### August 17

State Mental Health, Mental Retardation and Substance

Abuse Services Board

### August 20

Health, State Board of

### August 22

Air Pollution Control Board, State

† Environmental Quality, Department of

### August 23

Game and Inland Fisheries, Board of

Health, State Board of

### August 27

Health, State Board of

### August 29

Health, State Board of

### September 5

Health, State Board of

### September 17

† Virginia Employment Commission

### September 25

† Nursing, Board of