
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....3507

NOTICES OF INTENDED REGULATORY ACTION

TITLE 8. EDUCATION

State Board of Education3518

TITLE 9. ENVIRONMENT

Virginia Waste Management Board3518

TITLE 17. LIBRARIES AND CULTURAL RESOURCES

Department of Historic Resources3519

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Board for Barbers and Cosmetology.....3519

Board for Hearing Aid Specialists3520

Real Estate Board.....3520

TITLE 22. SOCIAL SERVICES

State Board of Social Services3520

PROPOSED REGULATIONS

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Career and Technical Education Regulations (amending 8 VAC 20-120-10 through 8 VAC 20-120-50 and 8 VAC 20-120-70 through 8 VAC 20-120-160; adding 8 VAC 20-120-170; repealing 8 VAC 20-120-60).3521

TITLE 12. HEALTH

DEPARTMENT OF HEALTH

Regulations for the Licensure of Nursing Facilities (amending 12 VAC 5-371-40).....3528

Regulations for the Licensure of Hospitals in Virginia (amending 12 VAC 5-410-70).....3528

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

Board for Professional Soil Scientists Regulations (amending 18 VAC 145-20-10, 18 VAC 145-20-70, 18 VAC 145-20-90, 18 VAC 145-20-100, 18 VAC 145-20-120, 18 VAC 145-20-130, 18 VAC 145-20-140, 18 VAC 145-20-160, and 18 VAC 145-20-170; adding 18 VAC 145-20-91, 18 VAC 145-20-111, and 18 VAC 145-20-151; repealing 18 VAC 145-20-20 through 18 VAC 145-20-50, 18 VAC 145-20-80, 18 VAC 145-20-110, and 18 VAC 145-20-150). 3531

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Withdrawal

Telecommunications (repealing 20 VAC 5-400-80). 3545

Telecommunications Service Measurements. (20 VAC 5-402-10 et seq.)..... 3545

TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Qualified Equity and Subordinated Debt Investments Tax Credit Program..... 3546

Individual Income Tax (adding 23 VAC 10-110-225 through 23 VAC 10-110-229). 3546

FINAL REGULATIONS

TITLE 1. ADMINISTRATION

DESIGN-BUILD CONSTRUCTION MANAGEMENT REVIEW BOARD

Design-Build/Construction Management Review Board Rules and Regulations (amending 1 VAC 17-20-10, 1 VAC 17-20-40, 1 VAC 17-20-70, 1 VAC 17-20-110, 1 VAC 17-20-180, 1 VAC 17-20-210, 1 VAC 17-20-250, 1 VAC 17-20-270, 1 VAC 17-20-280, and 1 VAC 17-20-310). 3556

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Rules Governing Minimum Standards for Medicare Supplement Policies (amending 14 VAC 5-170-20, 14 VAC 5-170-30, 14 VAC 5-170-70, 14 VAC 5-170-90, 14 VAC 5-170-105, 14 VAC 5-170-120, 14 VAC 5-170-130, 14 VAC 5-170-150, and 14 VAC 5-170-180; adding Appendix D)..... 3558

Table of Contents

TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF DENTISTRY

Public Participation Guidelines (amending 18 VAC 60-10-10 through 18 VAC 60-10-40, 18 VAC 60-10-60, 18 VAC 60-10-70, 18 VAC 60-10-80 and 18 VAC 60-10-100)..... 3566

BOARD OF NURSING HOME ADMINISTRATORS

Public Participation Guidelines (amending 18 VAC 95-10-10 through 18 VAC 95-10-40, 18 VAC 95-10-60, 18 VAC 95-10-70, 18 VAC 95-10-80 and 18 VAC 95-10-100)..... 3566

BOARD OF OPTOMETRY

Public Participation Guidelines (amending 18 VAC 105-10-10 through 18 VAC 105-10-40, 18 VAC 105-10-60, 18 VAC 105-10-70, 18 VAC 105-10-80 and 18 VAC 105-10-100)..... 3566

BOARD OF VETERINARY MEDICINE

Public Participation Guidelines (amending 18 VAC 150-10-10 through 18 VAC 150-10-40, 18 VAC 150-10-60, 18 VAC 150-10-70, 18 VAC 150-10-80 and 18 VAC 150-10-100)..... 3566

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Copyright Dates of VDOT Properties (REPEALED). (24 VAC 30-370-10 et seq.)..... 3567

EMERGENCY REGULATIONS

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Standards and Regulations for Licensed Assisted Living Facilities (amending 22 VAC 40-71-10, 22 VAC 40-71-20, 22 VAC 40-71-30, 22 VAC 40-71-50, 22 VAC 40-71-60, 22 VAC 40-71-80, 22 VAC 40-71-90, 22 VAC 40-71-110, 22 VAC 40-71-130, 22 VAC 40-71-150 through 22 VAC 40-71-180, 22 VAC 40-71-200, 22 VAC 40-71-210, 22 VAC 40-71-270, 22 VAC 40-71-280, 22 VAC 40-71-290, 22 VAC 40-71-310, 22 VAC 40-71-330, 22 VAC 40-71-360, 22 VAC 40-71-410, 22 VAC 40-71-440, 22 VAC 40-71-450, 22 VAC 40-71-460, 22 VAC 40-71-480, 22 VAC 40-71-490, 22 VAC 40-71-510, 22 VAC 40-71-530 through 22 VAC 40-71-600, and 22 VAC 40-71-630 through 22 VAC 40-71-700; adding 22 VAC 40-71-275). 3568

GOVERNOR

GOVERNOR'S COMMENTS

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Regulations for the Control and Abatement of Air Pollution (Documents Incorporated by Reference -- Rev. B00).3590

General Definitions. (9 VAC 5-10-10 et seq.).....3590

General Provisions. (9 VAC 5-20-10 et seq.).....3590

Existing Stationary Sources. (9 VAC 5-40-10 et seq.)..3590

Permits for Stationary Sources. (9 VAC 5-80-10 et seq.)3590

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Sewage Collection and Treatment (SCAT) Regulations. (12 VAC 5-581-10 et seq.)3590

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Monthly Reporting in the Food Stamp Program (REPEALING). (22 VAC 40-560-10 et seq.).....3590

THE LEGISLATIVE RECORD

SJR 173/HJR 187: Joint Subcommittee to Study the Regulatory Responsibilities, Policies and Activities of the State Corporation Commission.....3591

HJR 681/SJR 363: Joint Subcommittee to Study Virginia's Election Process and Voting Techniques3592

Freedom of Information Advisory Council3594

Senate Transportation Committee: Subcommittee Studying Pedestrian Safety3596

SJR 351: Joint Subcommittee Studying Economic Incentives to Promote the Growth and Competitiveness of Virginia's Shipbuilding Industry.....3597

SJR 440: Joint Subcommittee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders3598

SJR 385: Commission on Educational Accountability3599

Filing Deadlines3601

GENERAL NOTICES/ERRATA

BOARD OF EDUCATION

Revision of the Mathematics Standards of Learning3602

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Annual Report Availability3602

DEPARTMENT OF SOCIAL SERVICES

Notice of Public Comment Period Regarding TANF State Plan
.....3602

DEPARTMENT OF TAXATION

VIRGINIA TAX BULLETIN

Interest Rates Third Quarter 2001. (01-3)3602

STATE WATER CONTROL BOARD

Proposed Consent Special Order - Doyles Mobile Home Park
Sewage Lagoon.....3603

Proposed Consent Special Order - Town of Victoria.....3603

Proposed Consent Special Order - WestPoint Stevens....3603

VIRGINIA CODE COMMISSION

Notice to State Agencies3604

Forms for Filing Material for Publication in *The Virginia
Register of Regulations*3604

ERRATA

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

State Plan Under Title XIX of the Social Security Act Medical
Assistance Program: General Provisions. (12 VAC 30-10-10
et seq.)3604

Groups Covered and Agencies Responsible for Eligibility
Determination. (12 VAC 30-30-10 et seq.)3604

STATE WATER CONTROL BOARD

Virginia Water Protection Permit Program Regulation. (9 VAC
25-210-10 et seq.)3604

Virginia Water Protection General Permit for Linear
Transportation Projects. (9 VAC 25-680-10 et seq.)3604

Virginia Water Protection General Permit for Impacts from
Development Activities. (9 VAC 25-690-10 et seq.)3604

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings.....3605

INDEPENDENT

Open Meetings and Public Hearings 3628

LEGISLATIVE

Open Meetings and Public Hearings 3628

CHRONOLOGICAL LIST

Open Meetings..... 3630

Public Hearings 3632

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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
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
Title 2. Agriculture			
2 VAC 15-20-81	Amended	17:14 VA.R. 2179	3/1/01
Title 4. Conservation and Natural Resources			
4 VAC 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 20-380-20	Amended	17:23 VA.R. 3455	7/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-380-50	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-450-30	Amended	17:18 VA.R. 2576	5/1/01
4 VAC 20-561-10 through 4 VAC 20-561-50	Added	17:16 VA.R. 2332	8/16/01
4 VAC 20-610-30	Amended	17:23 VA.R. 3456	7/1/01
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 20-890-25	Amended	17:23 VA.R. 3457	7/1/01
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	--
4 VAC 25-130 (Forms)	Amended	17:23 VA.R. 3473	--
Title 5. Corporations			
5 VAC 5-10-10 et seq.	Repealed	17:18 VA.R. 2577	6/1/01
5 VAC 5-20-10 through 5 VAC 5-20-280	Amended	17:18 VA.R. 2581-2587	6/1/01
5 VAC 5-30-10 through 5 VAC 5-30-70	Added	17:22 VA.R. 3312-3315	7/1/01
Title 6. Criminal Justice and Corrections			
6 VAC 20-200-10 through 6 VAC 20-200-180	Amended	17:19 VA.R. 2731-2735	7/4/01
Title 8. Education			
8 VAC 20-110-10	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-20	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-40	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-50	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-60	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-70	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-140	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-540-10 et seq.	Repealed	17:16 VA.R. 2334	5/23/01
8 VAC 20-541-10 through 8 VAC 20-541-60	Added	17:16 VA.R. 2335-2342	5/23/01
8 VAC 20-650-10 through 8 VAC 20-650-20 emer	Added	17:14 VA.R. 2202	3/7/01-3/6/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 9. Environment			
9 VAC 5-50-400	Amended	17:15 VA.R. 2248	6/1/01
9 VAC 5-60-60	Amended	17:15 VA.R. 2248	6/1/01
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 25-210-120 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
Title 10. Finance and Financial Institutions			
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
Title 11. Gaming			
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
Title 12. Health			
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

* 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 30-10-1000	Added	17:19 VA.R. 2741	7/4/01
9 VAC 25-210-115	Added	17:21 VA.R. 3063	8/1/01
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
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

** 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 30-90-70	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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-110-870	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-880	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-890	Repealed	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-900	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-910	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-920	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-921	Added	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-930	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-940	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-950	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-960	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-970	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-980	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-990	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1010	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1011	Added	17:13 VA.R. 2095	4/11/01
12 VAC 30-120-700 through 12 VAC 30-120-790	Added	17:18 VA.R. 2597-2622	7/1/01
12 VAC 30-120-770	Erratum	17:21 VA.R. 3124	--
12 VAC 35-110-10 et seq.	Repealed	17:20 VA.R. 2891	***
12 VAC 35-115-10 through 12 VAC 35-115-250	Added	17:20 VA.R. 2892-2920	***
12 VAC 35-115-50	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-70	Erratum	17:22 VA.R. 3371	--
12 VAC 35-120-10 et seq.	Repealed	17:20 VA.R. 2920	***
12 VAC 35-130-10 et seq.	Repealed	17:20 VA.R. 2920	***
Title 13. Housing			
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
Title 14. Insurance			
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
Title 16. Labor and Employment			
16 VAC 25-90-1910.1043	Amended	17:23 VA.R. 3458	9/15/01
16 VAC 25-90-1910.1030	Amended	17:23 VA.R. 3459	9/15/01
Title 17. Libraries and Cultural Resources			
17 VAC 15-20-20 through 17 VAC 15-20-50	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-20-70 through 17 VAC 15-20-120	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-20-150 through 17 VAC 15-20-170	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-30-10 et seq.	Repealed	17:14 VA.R. 2183	5/1/01
17 VAC 15-40-10 et seq.	Repealed	17:14 VA.R. 2183	5/1/01
17 VAC 15-50-20 through 17 VAC 15-50-50	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-70	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-90 through 17 VAC 15-50-110	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-130	Amended	17:14 VA.R. 2184	5/1/01

*** Effective date suspended in 17:23 VA.R. 3457.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
17 VAC 15-50-140	Repealed	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-150	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-160	Amended	17:14 VA.R. 2184	5/1/01
Title 18. Professional and Occupational Licensing			
18 VAC 5-20-10 et seq.	Repealed	17:14 VA.R. 2184	4/25/01
18 VAC 5-21-10 through 18 VAC 5-21-170	Amended	17:14 VA.R. 2184-2198	4/25/01
18 VAC 30-10-10	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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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
Title 19. Public Safety			
19 VAC 30-40-30	Amended	17:15 VA.R. 2252	5/9/01
19 VAC 30-70-160	Amended	17:15 VA.R. 2252	5/9/01
19 VAC 30-70-530	Amended	17:15 VA.R. 2255	5/9/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
19 VAC 30-150-5	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-10	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-20	Repealed	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-30	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-50	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-5	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-20	Repealed	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-30	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-40	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-45	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-165-10 et seq.	Amended	17:15 VA.R. 2258	5/9/01
Title 20. Public Utilities and Telecommunications			
20 VAC 5-309-10	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-15	Added	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-20	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-30	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-40	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-50	Amended	17:18 VA.R. 2658	7/1/01
20 VAC 5-309-70	Amended	17:18 VA.R. 2658	7/1/01
20 VAC 5-309-90 through 20 VAC 5-309-180	Added	17:18 VA.R. 2658-2660	7/1/01
20 VAC 5-312-10 through 20 VAC 5-312-110	Added	17:22 VA.R. 3351-3364	8/1/01
20 VAC 5-325-10 through 20 VAC 5-325-110	Added	17:23 VA.R. 3464-3466	7/1/01
Title 21. Securities and Retail Franchising			
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
Title 22. Social Services			
22 VAC 20-30-10 through 22 VAC 20-30-60	Amended	17:23 VA.R. 3466-3468	10/1/01
22 VAC 20-30-70	Repealed	17:23 VA.R. 3468	10/1/01
22 VAC 20-30-80 through 22 VAC 20-30-140	Amended	17:23 VA.R. 3468-3469	10/1/01
22 VAC 20-30-150	Added	17:23 VA.R. 3469	10/1/01
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
Title 24. Transportation and Motor Vehicles			
24 VAC 30-61-20	Amended	17:17 VA.R. 2456	6/6/01
24 VAC 30-61-40	Amended	17:17 VA.R. 2456	6/6/01
24 VAC 30-240-10	Amended	17:18 VA.R. 2671	5/1/01
24 VAC 30-280-10	Amended	17:13 VA.R. 2099	2/15/01
24 VAC 30-280-20 through 24 VAC 30-280-70	Added	17:13 VA.R. 2099-2102	2/15/01
24 VAC 30-440-10 et seq.	Repealed	17:14 VA.R. 2200	3/6/01
24 VAC 30-450-10 et seq.	Amended	17:14 VA.R. 2200	3/6/01
24 VAC 30-460-10	Repealed	17:14 VA.R. 2201	3/6/01
24 VAC 30-540-10	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-20	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-30	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-40	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-561-10	Amended	17:18 VA.R. 2672	5/2/01

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 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 20-340-10 et seq. Regulations Governing Driver Education.** The purpose of the proposed action is to amend the regulation to require a minimum number of miles driven during the behind-the-wheel phase of driver education instruction pursuant to § 22.1-205 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 22.1-16 and 22.1-205 of the Code of Virginia.

Public comments may be submitted until September 12, 2001.

Contact: Vanessa Wigand, Specialist in Driver Education, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-3300 or FAX (804) 225-2524.

VA.R. Doc. No. R01-259; Filed July 25, 2001, 11:43 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.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-110-10 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.



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.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

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.

Notices of Intended Regulatory Action

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 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.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-71-10 et seq. Standards and Regulations for Licensed Adult Care Residences.** The purpose of the proposed action is to replace an emergency regulation for adult care residences that will expire October 8, 2002. The replacement regulation will cover the same subject matter as the emergency regulation. The amendments are prompted by House Bills 1051 and 1251 passed by the 2000 Session of the General Assembly. The subject matter will include (i) requirements regarding an administrator who is shared between an assisted living facility and a nursing home; (ii) standards for safe, secure environments for residents with serious cognitive impairments; (iii) change in name from "adult care residence" to "assisted living facility"; (iv) possible amendments based on consideration of cost constraints of smaller operations; and (v) other revisions based on additional legislative mandates in the two bills. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25, 63.1-174 and 63.1-174.001 of the Code of Virginia.

Public comments may be submitted until September 12, 2001.

Contact: Judith Z. McGreal, Program Development Consultant, Department of Social Services, Division of Licensing Programs, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1792 or FAX (804) 692-2370.

VA.R. Doc. No. R01-258; Filed July 23, 2001, 1 p.m.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-120-10 et seq. ~~Vocational Career and Technical Education Regulations (amending 8 VAC 20-120-10 through 8 VAC 20-120-50 and 8 VAC 20-120-70 through 8 VAC 20-120-160; adding 8 VAC 20-120-170; repealing 8 VAC 20-120-60).~~

Statutory Authority: §§ 22.1-16 and 22.1-227 of the Code of Virginia.

Public Hearing Date: September 26, 2001, 2:30 p.m.

Public comments may be submitted until October 12, 2001.
(See Calendar of Events section
for additional information)

Agency Contact: Dr. Neil Brooks, Director of Career and Technical Education, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2847 or FAX (804) 371-2456

Basis: The following is a list of state and federal regulations that, in whole or in part, mandate regulations for Vocational Education:

Federal: Part B, Section 121 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.) specifies and details the responsibilities of the eligible state agencies. These responsibilities include the requirement that the participating agency coordinate the development, submission, and implementation of the State Plan, and evaluate the program, services, and activities assisted under this title.

State: Section 22.1-16 of the Code of Virginia: The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1.

Section 22.1-227 of the Code of Virginia: The Board of Education is designated as the State Board of Vocational Education to carry out the provisions of the federal Vocational Education Act of 1963, as amended, and as such shall promote and administer the provision of agriculture, business, marketing, home economics, health, technology education, and trade and industrial education in the public middle and high schools, regional schools established pursuant to § 22.1-26 of the Code of Virginia, postsecondary institutions, and other eligible institutions for youth and adults.

Purpose: The purpose of the proposed amendments is to:

1. Change the name of the regulations to Career and Technical Education Regulations;
2. Delete those regulations not deemed essential;

3. Revise the regulations to reflect changes in federal and state laws; and

4. Delete those current provisions that exceed state and federal law.

The proposed regulations will have a positive impact on the safety and welfare of individuals (school-age students) because the proposed regulations are designed to improve the quality and efficacy of career and technical programs in Virginia's public schools. Also, the proposed regulations will improve the safety standards in effect for these classes. Almost 90% of Virginia's public school students will take at least one career or technical education class while enrolled in the public schools; therefore, the quality of these offerings is of vital importance.

There is no negative impact on the health, safety, and welfare of families or individuals.

Substance: The major issues to be addressed in the proposed revised regulations will be the changes in the regulations necessitated by new federal and state laws.

8 VAC 20-120-30. State/federal financial assistance. The current regulation exceeds the minimum requirements of state law by requiring the local education agency to use financial assistance provided through categorical entitlements for travel, apprenticeship related instruction, and excess cost associated with supplemental services. The revisions to this regulation would delete the three items as uses for categorical entitlements. The revisions would further clarify the use of entitlements.

8 VAC 20-120-40. Local vocational plan and application. The current regulation exceeds the minimum requirements of the federal law by requiring local educational agencies to submit an application annually that coincides with the state application. The proposed revision would state that the plan be submitted as specified in federal legislation, the Carl D. Perkins Vocational and Technical Education Act of 1998, Section 134, which is typically less than annually.

8 VAC 20-120-50. Vocational Advisory Council. The current regulation does not exceed the minimum requirements of federal law. The proposed revisions are for the purpose of changing the language to correspond to the present federal law as it relates to membership and reporting procedures. Students, teachers, and parents would be added as members to the council (The Perkins Act of 1998, Section 134 (b) (4).

The requirement of the council to provide a report annually to the Department of Education would be deleted as this is not required by The Perkins Act of 1998.

8 VAC 20-120-60. Program evaluation. Proposed revision would eliminate this regulation and include it in the "reporting" regulation.

Proposed Regulations

8 VAC 20-120-70. Reporting requirements. The current regulation does not exceed the minimum requirements of the federal law.

8 VAC 20-120-80. Management of equipment inventory. The current regulation exceeds the minimum requirements. The proposed revisions will specify the exact procedures local education agencies must follow regarding equipment purchased with state and federal funds as described in The Perkins Act of 1998 and the Education Department General Administrative Regulations (EDGAR).

8 VAC 20-120-90. Construction of facilities. The current regulation does not exceed the minimum requirements of state and federal laws. The proposed revision would delete the reference to financial assistance for construction as this assistance is no longer applicable.

8 VAC 20-120-100. Access to vocational programs. The current regulation does not exceed the minimum requirements.

8 VAC 20-120-110. New vocational education programs. The current regulation does not exceed the minimum requirements.

8 VAC 20-120-120. Program requirements. The current regulation exceeds minimum requirements as federal regulations do not specifically establish the criterion of requiring a full sequence of courses for each program offered. The proposed revisions would delete the full sequence requirement. The revisions would add that competencies be industry validated and include all aspects of the industry (The Perkins Act of 1998, Section 3).

8 VAC 20-120-130. Special populations. The current regulation exceeds the minimum requirements of state and federal laws by requiring the local education agency to provide certain services to handicapped and disadvantaged students enrolled in vocational education courses. The proposed revision defines special populations and compliance by requiring the IEP and/or Section 504 Plan to be developed cooperatively by career and technical education and special education representatives. Students' learning and career preparation opportunities are maximized when both career and technical education and special education representatives are involved in the process.

8 VAC 20-120-140. Cooperative education. The current regulation does not exceed the minimum requirements of state and federal laws. The proposed revisions define cooperative education and limit the number of students in a class and coordinated by the teacher.

8 VAC 20-120-150. Maximum class size. The current regulation exceeds the minimum requirements of state and federal law by limiting the enrollment to 20 students. The proposed revision to this regulation would delete the reference to 20 students and state that the enrollment shall not exceed the number of work stations.

8 VAC 20-120-160. Vocational student organizations. The current regulation exceeds minimum requirements of state and federal laws by requiring vocational student organizations to be an integral part of each vocational program offered. The proposed revision would change the requirement to meet the

definition of a vocational student organization as defined in The Perkins Act of 1998. The Act states that students engage in activities that are an integral part of the instructional program.

8 VAC 20-120-170. Student safety. This is proposed as a new section of the regulation. The regulation would meet the minimum requirements of state and federal laws. The Perkins Act of 1998 requires that vocational programs include all aspects of the industry with safety as one aspect. The State Standards for Accrediting Public Schools in Virginia requires that safe laboratories be provided by the local education agency. The proposed regulation would address safety as an integral part of the instructional program, limit enrollment where equipment that could result in harm is used, and require each program to comply with health and safety laws.

Issues: The primary advantages to the localities of the proposed revisions would be:

1. The regulations would comply with new state and federal laws. Localities will know what they must do to be in compliance with the state and federal laws pertaining to career and technical education.
2. The regulations will reduce the requirements that localities would need to be in compliance.

The proposed revisions do not present any disadvantages to 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 Board of Education (board) proposes to make several changes to the proposed regulations. These changes include (i) elimination of a reporting requirement by the local advisory councils to the Department of Education (department), (ii) certain competencies will become mandatory, and (iii) the maximum class sizes for disadvantaged students and students with disabilities are changed to maximum average class size, with a moderately higher ceiling. Additionally, the board proposes to replace the term "vocational" with "career and technical" in both the title of, and throughout the regulations. These proposed regulations have already been implemented as emergency regulations.

Estimated economic impact. Under the current regulations, each local educational agency is required to establish a general vocational advisory council to provide advice to the local educational agency. The vocational advisory council is

required to provide an annual report to the department describing its activities. The board proposes to eliminate the annual report requirement. The proposed elimination of the report will produce a net benefit. The individuals that currently produce the report will benefit by saving the time and resources used to produce the report. The department's staff checks to make sure that the report is received each year, but makes no other use of the report. Thus, the elimination of the report should not produce any cost.

Currently, localities can add and subtract to the required state-established competencies for vocational programs. Due to federal legislation, these proposed regulations require that there be minimum state-established, industry-validated competencies, from which localities may add, but not subtract. This proposed change may be beneficial in that it could help ensure that all localities do in fact include the most basic necessary competencies for each career and technical program. On the other hand, it is possible that a particular locality might have a local industry for which the minimum state-established, industry-validated competencies are not necessarily the most appropriate. In this case, time spent on mandatory competencies might take away from time better spent on other subjects. As stated earlier, though, these proposed regulations have already been implemented as emergency regulations. According to DOE, there have been no complaints about the minimum state-established, industry-validated competencies that have been established. This implies that the possibility of inappropriate mandatory minimum state-established, industry-validated competencies has not occurred. Thus, this proposed change will most likely have a net positive impact or little effect.

Under the current regulations, localities may not have more than 15 students in career and technical educational classes for disadvantaged students. The proposed regulations would increase the ceiling on number of students per class to 18, while also adding a provision that the average class size cannot exceed 15. These proposed changes have the potential to be beneficial by permitting some students to take career and technical courses who are currently unable to do so. For example, say a school offers a career and technical course during two periods. The class during the first period has 12 students registered, and the class during the second period has 15 students registered. Say there are three students who wish to take the career and technical course, who have a scheduling conflict with the first time period, but whose schedules are open during the second period. These three students would be able to take the career and technical course under the proposed regulations, but not under the current regulations. Thus, the three students would clearly benefit. On the other hand, the increased class size (from 15 to 18) may reduce the individual attention received by the other 15 students in the class. If the benefits received by the three students in being able to take the class exceed the costs of reduced individual attention received by the other 15 students in the class, then the proposed change would produce a net benefit. Data is not available to determine whether on average the benefit for one to three students additional being able to take a career and technical course outweighs the cost of a small reduction in individual attention received by the remaining 15 students.

Under the current regulations, localities may not have more than 10 students in career and technical educational classes for students with disabilities, or 12 students when an instructional aide is provided. The proposed regulations would increase the ceiling on number of students per class to 12 and 15, respectively, while also adding a provision that the average class size cannot exceed 10 and 12, respectively. The benefits and costs of these proposed changes are analogous to the benefits and costs of the proposed changes discussed above for career and technical courses for disadvantaged students.

Businesses and entities affected. The proposed amendments will affect all 132 school divisions in the Commonwealth.

Localities particularly affected. The proposed amendments will affect all localities within the Commonwealth.

Projected impact on employment. The proposed amendments are not expected to significantly affect employment.

Effects on the use and value of private property. The proposed amendments are 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 agency concurs with the economic impact analysis completed by the Virginia Department of Planning and Budget.

Summary:

The Board of Education proposes to amend these regulations by changing the name of the regulations, deleting those provisions not deemed essential, revising the regulations to reflect changes in federal and state laws, and deleting those current provisions that exceed state and federal law.

CHAPTER 120.

VOCATIONAL CAREER AND TECHNICAL EDUCATION REGULATIONS.

8 VAC 20-120-10. Authority to promulgate; requirements for compliance with state and federal regulations.

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

These regulations are promulgated by the Board of Education pursuant to § 22.1-216 of the Code of Virginia for career and technical education programs funded in whole or in part with state funds. Federal laws pertaining to such programs permit state regulations in addition to federal requirements (see Carl D. Perkins Vocational and Technical Education Act of 1998, § 121).

Local education agencies operating career and technical education programs shall comply with these regulations of the Board of Education and requirements of applicable federal legislation, including the Education Department General Administrative Regulations (EDGAR), and the Carl D. Perkins Vocational and Technical Education Act of 1998.

Proposed Regulations

8 VAC 20-120-20. Definitions.

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

"All aspects of an industry" includes, with respect to a particular industry that a student is preparing to enter: planning, management, finances, technical and production skills, underlying principles of technology, labor and environmental issues related to that industry.

"Board" means The Virginia Board of Education.

"Career and technical student organizations" means those organizations for individuals enrolled in career and technical education programs that engage in an annual program of work including activities that are an integral part of the instructional program. These organizations may have state and national units that aggregate the work and purposes of instruction in career and technical education at the local level; if so, these organizations shall be (i) National FFA Organization; (ii) Future Business Leaders of America; (iii) Health Occupations Students of America; (iv) Family, Career and Community Leaders of America; (v) DECA: An Association of Marketing Students; (vi) Technology Student Association; and (vii) Skills USA - VICA.

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

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

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

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

"Department" means The Virginia Department of Education.

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

"Employability skills" means the generic skills related to seeking, obtaining, keeping and advancing in an occupation.

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

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

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

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

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

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

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

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

~~*"Least restrictive environment"* means that educational setting for handicapped students which, to the maximum extent possible, provides for education and supplementary~~

~~aid/services necessary to the handicapped student's special needs, in settings comparable to, but not separate from those provided students who are not handicapped unless the nature of severity of the handicap requires such separation.~~

"Local education agency" means *the local school division responsible for providing educational services to students; a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, town, school district division, or political subdivision in a state, or any other public educational institution or agency having administrative control and direction of a vocational career and technical education program.*

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

~~*"Local vocational career and technical education plan and application"* means a document submitted by a local education agency identifying specific improvement goals and objectives to be achieved and as prescribed by the Board of Education setting forth the proposed vocational career and technical education programs, services, and activities, and specific assurances of compliance with federal regulations.~~

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

~~*"Section 504"* means that section of the Rehabilitation Act of 1973 which is designed to eliminate discrimination on the basis of a disability in any program or activity receiving federal financial assistance.~~

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

~~*"Training agreement"* means a formal document, signed by the teacher-coordinator instructor, employer, parent or guardian, and student, and school administrator which states the policies requirements affecting the cooperative education student, the terms of the student's employment, and the responsibilities of all parties involved.~~

~~*"Training plan"* means a formal document that identifies classroom and on-the-job instruction which contributes to the employability of a each cooperative education student. (A recommended format is available from the Department of Education.)~~

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

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

PART II. ADMINISTRATION OF VOCATIONAL CAREER AND TECHNICAL EDUCATION PROGRAMS.

8 VAC 20-120-30. State/federal financial assistance.

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

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

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

~~a. Local administration and supervision for individuals who are endorsed as directors of vocational education or as supervisors in the vocational program areas where Principals and assistant principals of technical education centers if at least 50% of the their time is spent in vocational career and technical education program administration or supervision;~~

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

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

~~d. Equipment included on the Recommended Equipment Approved for Career and Technical Education Programs lists provided by the Department of Education; and~~

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

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

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

8 VAC 20-120-40. Local vocational career and technical education plan and application.

Each local education agency eligible participant shall submit to the Department of Education a local ~~vocational career and technical~~ education plan and application, for review and approval, to the Department of Education. *The local plan will be submitted as specified in federal legislation. In addition to the local career and technical education plan, an annual budget funding application will be submitted to the department for review and approval.*

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

Proposed Regulations

~~2. The local plan and application shall include all statements of assurance and meet all necessary conditions prescribed by federal legislation.~~

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

8 VAC 20-120-50. Vocational Career and Technical Education Advisory Council.

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

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

2. A ~~report shall be provided annually to the Department of Education describing activities of the Vocational Advisory Council. The council shall meet at regular intervals during the year to assist in the planning, implementing and assessing of career and technical education programs.~~

8 VAC 20-120-60. Program evaluation. (Repealed.)

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

8 VAC 20-120-70. Reporting requirements.

Local education agencies shall provide data on ~~vocational career and technical~~ education for federal ~~reporting~~ and for state ~~accountability requirements~~, planning and evaluation as prescribed by ~~federal legislation and~~ the Department of Education.

8 VAC 20-120-80. Management of equipment inventory.

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

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

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

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

~~1. Be acquired in accordance with state procurement laws and regulations;~~

~~2. Include a local match equal to 50% of the purchase price of the equipment; and~~

~~3. Be listed on the Recommended Equipment Approved for Career and Technical Education Programs list provided by the Department.~~

Equipment purchased with combined state and federal funds must be used in accordance with provisions of the Carl D. Perkins Vocational and Technical Education Act of 1998, and acquired and disposed of in accordance with federal Education Department General Administrative Regulations (EDGAR) and appropriate state procurement laws and regulations.

8 VAC 20-120-90. Construction of facilities.

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

PART III.

OPERATION OF ~~VOCATIONAL CAREER AND TECHNICAL~~ EDUCATION PROGRAMS.

8 VAC 20-120-100. Access to ~~vocational career and technical~~ education programs.

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

8 VAC 20-120-110. New ~~vocational career and technical~~ education programs.

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

8 VAC 20-120-120. Program requirements.

~~The following operational requirements shall apply to vocational education programs:~~

~~1. The full sequence of courses shall be offered for each occupational preparation program.~~

~~2. Vocational Career and technical education programs shall be competency-based to ensure that students are prepared to enter employment and continue formal education, and meet the following criteria:~~

~~3. The following standards shall apply to competency-based programs in vocational education:~~

~~a. Role-relevant 1. State established, industry-validated competencies are identified and stated;~~

~~b. 2. Competencies are specified to students prior to instruction;~~

~~c. Criterion-referenced 3. Measures for successful performance of individual competencies are identified, stated, and used to evaluate achievement of competencies; and~~

~~d. 4. A system exists for rating and documenting the competencies achieved by competency performance of each student; and~~

~~5. Competencies shall address all aspects of the industry and employability skills.~~

8 VAC 20-120-130. Special populations Individualized programs for students with disabilities.

~~Handicapped and disadvantaged students enrolled in vocational education programs shall be served in the least restrictive environment. Individualized education programs for handicapped students enrolled in occupational preparation programs shall be developed cooperatively by special education and vocational education representatives. Essential competency profiles provided by the Department of Education for career and technical education courses may be modified for students with Individualized Education Plans (IEP's) or Section 504 Plans who are enrolled in career and technical education courses. Such modification shall be made in conformance with IEP requirements as stated in Regulations Governing Special Education Programs for Children with Disabilities in Virginia. The modified list of essential competencies must, as a group, be selected so that student attainment of the essential competencies prepares the student for a job or occupation.~~

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

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

~~a. Assessment of interests, abilities, and special needs with respect to successful completion of the vocational education program;~~

~~b. Special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to assist handicapped and disadvantaged students to successfully complete the vocational education program;~~

~~c. Guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provisions of such special services; and~~

~~d. Counseling services designed to facilitate the transition from school to post-school employment and career opportunities.~~

8 VAC 20-120-140. Cooperative education.

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

~~1. Career and technical education programs using the cooperative education method of instruction shall:~~

~~a. Be limited to an average of 20 students per instructor per class period where the cooperative method of instruction is required;~~

~~b. Have a class period assigned to the instructor for on-the-job coordination for each 20 students participating in on-the-job training; and~~

~~c. Specify provisions for instructor travel for on-the-job coordination.~~

~~2. Parties to the training agreement shall include the student, parent or guardian, instructor, employer, and a school administrator.~~

8 VAC 20-120-150. Maximum class size.

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

~~1. Vocational education laboratory classes which use equipment that could result in bodily injury, if operated in an unsafe or improper manner, shall be limited to a maximum of 20 students per instructor.~~

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

~~3. Vocational 1. Career and technical education classes specially designed courses approved for disadvantaged students shall be limited to an average of 15 students per instructor per class period with no class being more than 18.~~

~~4. Vocational 2. Career and technical education classes specially designed courses approved for handicapped students with disabilities shall be limited to an average of 10 students per instructor per class period with no class being more than 12 or up to an average of 12 students per class period with no class being more than 15 where an instructional aide is provided.~~

Proposed Regulations

8 VAC 20-120-160. ~~Vocational Career and technical education~~ student organizations.

~~Vocational~~ A career and technical education student organizations organization shall be an integral and active part of each ~~vocational~~ secondary career and technical program (grades 9, 10, 11, 12) offered. The following criteria will be met:

1. All ~~vocational~~ career and technical education students shall be provided opportunities to participate in instructional activities of the local organization ~~whether or not dues are paid~~.

~~Vocational~~ student organizations are:

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

2. Each middle school career and technical education program (grades 6-7-8) offered shall include co-curricular instructional activities related to the respective career and technical education student organization.

3. Where dues are collected for membership in such organizations, payment of such dues shall not determine a student's participation in instructional activities of the local organization.

8 VAC 20-120-170. Student safety.

A. Each career and technical education program shall include health and safety standards that are applicable to the operation of that program, which shall be made an integral part of program instruction.

B. Career and technical education laboratory classes that use equipment that could result in bodily injury shall be limited to a maximum of 20 students per instructor.

C. Each career and technical education program shall comply with applicable federal and state laws and regulations related to health and safety.

VA.R. Doc. No. R00-162; Filed July 25, 2001, 11:43 a.m.

TITLE 12. HEALTH

DEPARTMENT OF HEALTH

Title of Regulation: 12 VAC 5-371-10 et seq. Regulations for the Licensure of Nursing Facilities (amending 12 VAC 5-371-40).

Title of Regulation: 12 VAC 5-410-10 et seq. Regulations for the Licensure of Hospitals in Virginia (amending 12 VAC 5-410-70).

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 12, 2001 at 5 p.m.

(See Calendar of Events section for additional information)

Agency Contact: Carrie Eddy, Policy Analyst, Center for Quality Health Care Services, Department of Health, 3600 W. Broad Street, Suite 216, Richmond, VA 23230, telephone (804) 367-2102 or FAX (804) 367-2149.

Basis: Senate Bill 1282 and House Bill 2369 of the 1999 Session of the General Assembly mandated the implementation of the "Provisions of [each] act within 280 days of the date of enactment," which occurred on March 29, 1999. The department responded to this directive by promulgating emergency regulations that became effective December 31, 1999. The Administrative Process Act, specifically § 9-6.14:4.1 C 5 of the Code of Virginia, states that an emergency regulation may not exceed 12 months in duration. If any agency determines to continue regulating the subject matter governed by the emergency regulation, a regulation to replace the emergency regulation shall be promulgated. Because § 32.1-102.2 of the Code of Virginia requires the conditioning of initial and renewal licenses for nursing facilities and hospitals, the department must now take action to convert the emergency regulations to permanent regulations.

Purpose: An amendment to § 32.1-102.2 of the Code of Virginia requires the State Health Commissioner to "condition" the initial or renewal of a nursing facility or hospital license on whether the applicant has complied with any agreement to provide a level of care at a reduced rate to indigents or accepted patients requiring specialized care as a result of the granting of a Certificate of Public Need (COPN). In addition, renewal licenses shall be conditioned on the up-to-date payment of any civil penalties owed resulting from a willful failure to honor conditions of a COPN. Since the amendment to the Code of Virginia affects the licensure of nursing facilities and hospitals, amendment to the licensure regulations is required, specifically 12 VAC 5-371-40 and 12 VAC 5-410-70 respectively. Amendments to the regulations ensure that nursing facilities and hospitals are held accountable for meeting the conditions of an issued COPN and are providing the additional services as agreed upon by the provider when accepting the COPN.

The amendments to the regulations are essential for protecting the health, safety and welfare of the public by

assuring that nursing facilities and hospitals are providing the additional services as agreed upon by the provider when accepting the COPN.

Substance: Specifically, nursing facilities and hospitals must attest in the licensure application that they have complied with the COPN conditioning agreement. In addition, the granting of a renewal license is contingent upon the up-to-date payment of any civil penalties owed as a result of the willful refusal, failure, or neglect to honor the conditions established by the issued COPN.

Issues: Prior to the 1999 legislative action, there had been no accountability to assure that medical care facilities were complying with the conditions of the agreed upon issued COPNs or that civil penalties resulting from failure to honor conditions of a COPN were imposed or paid. Specifically, nursing facilities and hospitals must attest in the licensure application that they have complied with the COPN conditioning agreement. In addition, the granting of the renewal license is contingent upon the up-to-date payment of any civil penalties owed as a result of the willful refusal, failure, or neglect to honor the conditions established by the issued COPN. The authority to promulgate the amendments to the regulations is mandated in § 32.1-102.2 of the Code of Virginia, a result of the passage of SB1282 and HB2369 of the 1999 Session of the General Assembly. The department does not expect there to be any additional issues related to the conditioning of the license application that will need to be addressed as the amended regulation is formally promulgated. There are no disadvantages to the public or the Commonwealth as a result of 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. As a result of the passage of SB1282 and HB2369 of the 1999 session of the Virginia General Assembly, Section 32.1-102.2 of the Code of Virginia requires the State Health Commissioner, through regulation, to condition the issuing or renewing of a nursing facility or hospital license on whether the applicant has complied with any agreement as a result of the granting of a Certificate of Public Need (COPN) or upon the up-to-date payment of any civil penalties owed as a result of the willful failure to honor the condition of a COPN. Emergency regulations reflecting these requirements became effective on December 31, 1999. The Virginia Department of Health (department) proposes to amend the permanent regulations to reflect the requirements.

Estimated economic impact. In order to obtain a COPN, hospitals are typically required to agree to attempt to serve a set minimum percentage of charity care cases. If an existing hospital wishes to purchase new medical equipment, it must obtain a COPN for that specific equipment, and typically agree to attempt to serve a minimum amount of charity care cases using that equipment. According to the department, failure to comply with COPNs has been a common occurrence for hospitals. Nursing facilities are typically not required to serve a minimum number of charity cases as part of their COPN. Thus, failure to comply with COPN has not been problematic with nursing facilities.

Prior to the 1999 legislative action, Section 32.1-102.2 of the Code of Virginia required that the State Health Commissioner consider, when issuing or renewing a nursing facility or hospital license, whether the applicant has complied with any agreement as a result of the granting of a Certificate of Public Need (COPN). The proposed new language for the regulations specifically states that: (i) nursing facility and hospital licensure applications must include a statement of any agreement made as a condition for COPN approval to provide a level of care at a reduced rate to indigents or accept patients requiring specialized care, (ii) renewal of such licenses is conditional on the nursing facility or hospital demonstrating substantial compliance with their COPN, and (iii) renewal of such licenses is also conditional on the up-to-date payment of any civil penalties owed by the nursing facility or hospital as a result of willful refusal, failure, or neglect to honor conditions established in their COPN. Thus, the change in language regarding COPN compliance is a matter of degree; whereas before COPN compliance was considered in license renewal, now license renewal is conditional upon substantial compliance. Also, failure to pay fines is newly listed as grounds for denial of license renewal. Depending on how strictly the department enforces these amended provisions, hospitals will face new incentive to comply with their COPN.

Under the emergency regulations, the department did not deny license renewal to any hospitals, despite the failure of some hospitals to make significant progress toward meeting their minimum assigned percentage of charity cases. Also, the department has not assessed fines for failure to comply with COPN. To the extent that hospitals find the threat of lost licensure to be credible, they may make greater efforts to serve charity cases. If some of these individuals would not have otherwise received care, then if the value of those individuals' potentially improved health outcome exceeds the cost absorbed by the hospitals, there may be some net benefit. On the other hand, for some hospitals in areas where few indigents reside, finding enough indigent charity cases to meet their COPN may be costly and inefficient. For example, transporting patients long distances so that hospitals can meet their COPN when closer hospitals with comparable care are available may be unnecessarily costly.

Businesses and entities affected. The proposed amendments will affect the 265 licensed nursing facilities and 123 licensed hospitals in Virginia, as well as potential new nursing facilities and hospitals. In addition, to the extent that hospitals respond to the new incentives to comply with their COPN, some

Proposed Regulations

indigent individuals and patients requiring specialized may be affected.

Localities particularly affected. The proposed amendments potentially affect localities throughout the Commonwealth.

Projected impact on employment. The proposed amendments are not likely to have a large impact on employment.

Effects on the use and value of private property. Some private hospitals may make a greater effort to serve charity cases. The value of these hospitals may diminish slightly.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Virginia Department of Health concurs with the economic impact analysis of the proposed amendments to the Rules and Regulations for the Licensure of Hospitals and the Rules and Regulations for the Licensure of Nursing Facilities as developed by the Department of Planning and Budget.

Summary:

Section 32.1-102.2 of the Code of Virginia requires the State Health Commissioner, through regulation, to condition a nursing facility or hospital license on whether the applicant has complied with any agreement as a result of the granting of a Certificate of Public Need (COPN) or upon the up-to-date payment of any civil penalties owed as a result of the willful failure to honor the condition of a COPN. This action is to finalize the emergency regulatory action that became effective on December 31, 1999.

12 VAC 5-371-40. Licensing process.

A. Upon request, the center will provide consultation to any person seeking information about obtaining a license. The purpose of such consultation is to:

1. Explain the standards and the licensing process;
2. Provide assistance in locating other sources of information;
3. Review the potential applicant's proposed program plans, forms, and other documents, as they relate to standards; and
4. Alert the potential applicant regarding the need to meet other state and local ordinances, such as fire and building codes and environmental health standards, where applicable.

B. Upon request, the center will provide an application form for a license to operate a nursing facility.

C. The center shall consider the application complete when all requested information and the application fee is submitted with the form required. If the center finds the application incomplete, the applicant will be notified of receipt of the incomplete application.

D. The applicant shall complete and submit the initial application to the center at least 30 days prior to a planned opening date to allow the center time to act on the application. An application for a license may be withdrawn at any time.

E. Application for initial license of a nursing facility shall include a statement of any agreement made with the commissioner as a condition for Certificate of Public Need approval to provide a level of care at a reduced rate to indigents or accept patients requiring specialized care.

Any initial license issued to any nursing facility that made such agreement as a condition of its Certificate of Public Need approval shall not be renewed without demonstrating prior to or at the time of applying for renewal that it is substantially complying with its agreement.

F. The renewal of a nursing facility license shall be conditioned upon the up-to-date payment of any civil penalties owed as a result of willful refusal, failure, or neglect to honor certain conditions established in their award of a Certificate of Public Need pursuant to § 32.1-102.4 F of the Code of Virginia.

~~E. G.~~ Prior to changes in operation which would affect the terms of the license, the licensee must secure a modification to the terms of the license from the center.

~~F. H.~~ Requests to modify a license must be submitted in writing, 30 working days in advance of any proposed changes, to the Director of the Center for Quality Health Care Services and Consumer Protection.

~~G. I.~~ The license shall be returned to the center following a correction or reissuance when there has been a change in:

1. Address;
2. Operator;
3. Name; or
4. Bed capacity.

~~H. J.~~ The center will evaluate written information about any planned changes in operation which would affect either the terms of the license or the continuing eligibility for a license. A licensing representative may visit the facility during the process of evaluating a proposed modification.

~~I. K.~~ If a modification can be granted, the center shall respond in writing with a modified license. In the event a new application is needed, the licensee will receive written notification. When the modification cannot be granted, the licensee shall be advised by letter.

~~J. L.~~ The department shall send an application for renewal of the license to the licensee prior to the expiration date of the current license.

~~K. M.~~ The licensee shall submit the completed renewal application form along with any required attachments and the application fee by the date indicated in the cover letter.

~~L. N.~~ It is the licensee's responsibility to complete and return the application to assure timely processing. Should a current license expire before a new license is issued, the current license shall remain in effect provided the complete and accurate application was filed on time.

12 VAC 5-410-70. Request for issuance.

A. Hospital licenses shall be issued by the commissioner, but all requests for licensing shall be submitted initially to the office center. The procedure for obtaining the license shall include the following steps:

1. Request for application forms shall be made in writing to the office;
2. Application for license or license renewal to establish or maintain a hospital shall be made and submitted to the office;
3. All categories of inpatient beds shall be included on the hospital application for licensure in order for the licensing agency to have an accurate and complete record of the total bed capacity of the facility;
4. Application for initial license, change in license, or license renewal shall be accompanied by a check or money order for the service charge, payable to the licensing agency; and
5. Application for initial license of a hospital or for additions to an existing licensed hospital must be accompanied by evidence of approval from a representative of the State Fire Marshal and a copy of the occupancy permit issued by the local building official.

6. Application for initial license of a hospital shall include a statement of any agreement made with the commissioner as a condition for Certificate of Public Need approval to provide a level of care at a reduced rate to indigents or accept patients requiring specialized care.

Any initial license issued to any hospital that made such agreement as a condition of its Certificate of Public Need approval shall not be renewed without demonstrating prior to or at the time of applying for license renewal that it is substantially complying with its agreement.

B. The renewal of a hospital license shall be conditioned upon the up-to-date payment of any civil penalties owed as a result of willful refusal, failure, or neglect to honor certain conditions established in their award of a Certificate of Public Need pursuant to § 32.1-102.4 F of the Code of Virginia.

VA.R. Doc. Nos. R00-224 and R00-226; Filed July 12, 2001, 11:06 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

Title of Regulation: 18 VAC 145-20-10 et seq. Board for Professional Soil Scientists Regulations (amending 18 VAC 145-20-10, 18 VAC 145-20-70, 18 VAC 145-20-90, 18 VAC 145-20-100, 18 VAC 145-20-120, 18 VAC 145-20-130, 18 VAC 145-20-140, 18 VAC 145-20-160, and 18 VAC 145-20-170; adding 18 VAC 145-20-91, 18 VAC 145-20-111, and 18 VAC 145-20-151; repealing 18 VAC 145-20-20

through 18 VAC 145-20-50, 18 VAC 145-20-80, 18 VAC 145-20-110, and 18 VAC 145-20-150).

Statutory Authority: §§ 54.1-201 and 54.1-2200 et seq. of the Code of Virginia.

Public Hearing Date: August 16, 2001 - 10 a.m.
Public comments may be submitted until October 12, 2001.
(See Calendar of Events section for additional information)

Agency Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8537.

Basis: Section 54.1-201 of the Code of Virginia provides the authority for the board to promulgate regulations for those individuals who seek to be certified by the Commonwealth as professional soil scientists. The content of the regulations is up to the discretion of the board, but shall not be in conflict with the purposes of the statutory authority (§ 54.1-2200 et seq. of the Code of Virginia).

Purpose: The public assumes that if a soil scientist is state certified, they have complied with education, experience and examination requirements. In order to protect the public, the board desires to clarify the regulations so that those individuals seeking state certification in this profession can more easily understand the entry, renewal and reinstatement process. The current regulations are repetitive and unclear in several places. The board's intent is to more thoroughly define the type of experience needed for certification and to list the fees that are required for entry, for renewal and for reinstatement. Applicants for certification are often confused by the current entry requirements.

Substance: The substantive changes to existing regulations include:

1. 18 VAC 145-20-10 is amended to add a definition for "qualifying experience" and "department."
2. 18 VAC 145-20-20, 18 VAC 145-20-30, 18 VAC 145-20-40 and 18 VAC 145-20-50 are repealed because the information is more appropriately explained in the sections that follow.
3. 18 VAC 145-20-80 is deleted and more appropriately placed following the examination section.
4. 18 VAC 145-20-90 is amended to provide examples of the type of work that will qualify as experience. The board also expands the accepted qualifying experience by allowing applicants to submit experience from two or more of the outlined areas and adds laboratory studies and research/teaching to the accepted experience. Finally, this section clarifies that credits used to meet education requirements may not be used to meet experience requirements.
5. 18 VAC 145-20-91 is language moved from 18 VAC 145-20-110 to more appropriately follow the qualifying experience section.
6. 18 VAC 145-20-100 is amended to require that the examination be administered at least twice a year. Also to

Proposed Regulations

clarify that applicants approved for the examination shall take the examination within one year of approval versus the current two years. Those who fail the examination may retake the exam or any part thereof within one year of the initial failure. This change from two years to one year is justified because the examination is currently scheduled four times a year. The board believes this is sufficient time to pass all parts of the examination.

7. 18 VAC 145-20-110 is deleted because this language was moved to a more appropriate section.

8. 18 VAC 145-20-111 is language moved from 18 VAC 145-20-80. This information regarding waiver from examination is more appropriately placed after the section regarding examinations.

9. 18 VAC 145-20-120 is amended since certificates now expire two years from the last day of the month in which they were issued.

10. 18 VAC 145-20-130 is amended to clearly list the procedures for renewal including language regarding the certificate holder's responsibility to inform the Department of Professional and Occupational Regulation of his current mailing address. This is necessary for the department to notify the regulant regarding renewal or other information. This section also clarifies that when a certificate is revoked and an applicant applies again, the examination shall not be waived.

11. 18 VAC 145-20-140 is amended to clarify that if a regulant fails to renew within 180 days of the expiration date on the certificate, reinstatement procedures must be followed. If the certificate is not renewed within 360 days, the regulant shall apply as a new applicant and meet the education, experience and examination requirements as determined by the board.

12. 18 VAC 145-20-150 is deleted because this information is covered in a previous section.

13. 18 VAC 145-20-151 is added to clearly state the fees for entry, examination, reexamination, renewal and reinstatement. The addition of this chart sets this information apart.

14. 18 VAC 145-20-160 is amended to clarify that a certificate holder shall not submit false statements or fail to disclose facts for recertification.

15. 18 VAC 145-20-170 is amended to add a possible violation if the certificate holder fails to notify the board of a change of address within 30 days. Language is added to clarify that the board may suspend or revoke a license when the regulant has been found to have violated any provision of Chapter 22 of Title 54.1 of the Code of Virginia or any regulation of the board.

Issues: The primary advantage of these regulations is the added public protection. If a professional soil scientist is certified by the state, consumers of their services (individuals, businesses and government agencies) assume that the professional soil scientist has successfully complied with minimum entry requirements of education, experience and examination. These regulations clarify those minimum

requirements. The applicant benefits because a wider scope of experience will be accepted. The applicant should also benefit from improved clarity regarding the entry and renewal requirements.

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 for Soil Scientists (board) proposes to make several changes to the regulations. These changes include: (i) adding research and teaching as a category for qualifying experience, (ii) eliminating the requirement that at least 50% of the qualifying experience be in one category, (iii) requiring that individuals who qualify to take the certification examination must pass it within one year of approval, instead of the current two year period, and (iv) requiring the applicant to retake and pass only those parts of the exam that he or she fails.

Estimated economic impact. In order to qualify for certification, applicants must have a minimum amount of experience in soil evaluation. The current regulations list what activities qualify for experience. The board proposes to add "conducting research or teaching at an accredited institution of higher education the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist," as qualifying experience. Additionally, the current regulations require that at least 50% of the qualifying experience be in one category. The proposed regulations require the same amount of total qualifying experience, but do not require that at least 50% of the experience be in one category. Neither of these proposed changes reduce the amount of required soil science-related experience, but both broaden what can qualify as required experience. The proposed changes may allow a small number of potential applicants to have the required amount of experience who might not have otherwise. For these individuals, the proposed amendments are clearly beneficial. Since the board reserves the right to require that the quality of the experience is such that it "demonstrates to the board that the applicant is competent to practice as a professional soil scientist," the less restrictive language will not likely allow under-skilled individuals to become certified soil scientists and put the public at risk. Thus, these proposed changes are likely to produce a small net economic benefit.

The board proposes to require that individuals who qualify to take the certification examination must pass it within one year of approval, instead of the current two-year period. If the applicant does not pass the exam within the one-year period,

a new application with updated information regarding convictions and board actions in other states, as well as a new application fee of \$150, are required. This proposed change is clearly more restrictive and potentially costly for an applicant. The benefit derives from the board's ability to determine whether any convictions or board actions in other states have occurred during the second year; such events may persuade the board to deny the applicant permission to sit for the exam. This may help protect the public by preventing a potentially unscrupulous or incompetent individual from becoming certified in Virginia. There is insufficient data to determine whether the potential benefits outweigh the potential costs of this proposed change.

According to the Department of Professional and Occupational Regulation (DPOR), the certification exam has two parts. Under the current regulations, if either part is failed, the applicant must retake and pass both parts. The proposed regulations would require the applicant to retake and pass only those parts that he or she fails. This proposed change is clearly beneficial to applicants and is unlikely to put the public at risk. Thus, this proposed change would likely produce a net benefit.

Businesses and entities affected. The proposed amendments potentially affect the 99 licensed soil scientists¹ in the Commonwealth, as well potential future licensees.

Localities particularly affected. All Virginia localities are affected.

Projected impact on employment. The proposed amendments are not expected to significantly affect employment.

Effects on the use and value of private property. Some soil scientists may find it easier to satisfy the experience requirement for certification. These soil scientists may be able to attract more business by becoming certified. The potential increased business may increase the value of their practice.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board for Professional Soil Scientists concurs with the economic impact analysis.

Summary:

In addition to reorganizing and revising the regulations for clarity and ease of use, the proposed amendments (i) add research and teaching as a category for qualifying experience; (ii) eliminate the requirement that at least 50% of the qualifying experience be in one category; (iii) require that individuals who qualify to take the certification examination must pass it within one year of approval, instead of the current two-year period; and (iv) require the applicant to retake and pass only those parts of the exam that he fails.

18 VAC 145-20-10. Definitions.

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

"Board" means the Board for Professional Soil Scientists as established by Chapter 22, (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

"Department" means the Department of Professional and Occupational Regulation.

"Field study" means the investigation of a site to secure soils information by means of landscape analysis, and soil borings, excavations or test pits which are located plotted on a base map or other documents (e.g., aerial photographs, topographic maps, scaled site plans, subdivision plans, or narrative description of the location).

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, but not limited to, observation, investigation, and consultation on measured, observed and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports and interpretive drawings.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil and predicting their suitability for and response to various uses.

"Soil map" means a map showing distribution of soil types or other soil mapping units in relation to the prominent landforms and cultural features of the earth surface.

"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principals of soil evaluation as acquired by education and experience in the formation, description and mapping of soils.

"Soil survey" means a systematic field investigation of the survey area that provides a soil evaluation and a system of uniform definitions of soil characteristics for all the different kinds of soil found within the study area, all of which are incorporated into a soil report which includes a soil map.

18 VAC 145-20-20. Procedural requirements. (Repealed.)

~~A. Each applicant is responsible for obtaining a current application package. All correspondence and requests for applications should be directed to:~~

Assistant Director
Board for Professional Soil Scientists
Department of Professional and Occupational Regulation
3600 West Broad Street
Richmond, Virginia 23230

¹ Source: DPOR

Proposed Regulations

(804) 367-2785

~~B. Fully documented applications must be submitted with the appropriate fee(s) by applicants seeking consideration for certification no later than 90 days prior to the scheduled examination. The date the completely documented application and fees are received in the board's office shall determine if the application meets the deadline set by the board. Incomplete applications will be returned to the applicant.~~

~~C. Applicants who have been found ineligible for any reason, may request further consideration by submitting in writing evidence of additional qualifications, training or experience. No additional fee will be required provided the requirements for certification are met within a period of three years from the date the original application is received by the Department of Professional and Occupational Regulation.~~

~~D. Members of the board may not serve as personal references, but they may be listed as persons who have supervised the work of the applicant.~~

~~E. The board may make further inquiries and investigations with respect to the qualifications of the applicant and all references, etc. to confirm or amplify information supplied.~~

~~F. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.~~

~~G. For the purpose of determining eligibility or requirements for examination or qualification for practice, a board may require a personal interview with the applicant.~~

~~H. Notice of examination. Each candidate will be sent a written notice of the time and place of any examination for which the candidate is eligible. Each candidate shall promptly notify the board as to whether the candidate intends to appear for the examination and pay the examination fee as instructed. Failure to so notify the board may result in loss of eligibility for that particular examination. Each examination fee shall be applied to the next scheduled examination and shall be forfeited for failure to notify the board or for failure to appear.~~

~~18 VAC 145-20-30. Determining qualifications of applicants. (Repealed.)~~

~~In determining the qualifications of an applicant for certification as a professional soil scientist, a majority vote of the board members who are soil scientists shall be required.~~

~~18 VAC 145-20-40. Fees. (Repealed.)~~

~~A. The following nonrefundable fees are required and shall not be prorated:~~

- ~~1. The application fee for certification shall be \$150.~~
- ~~2. The fee for renewal of certification shall be \$175.~~
- ~~3. The fee for taking the examination or reexamination for certification shall be \$150.~~

~~4. The penalty fee for late renewal or reinstatement shall be \$200.~~

~~B. Deadline for applications and examination fees. Fully documented, completed applications must be submitted with the proper application fee and received in the board's office no later than 90 days prior to the next scheduled exam. Examination and reexamination fees must be received in the board's office no later than 30 days prior to the next scheduled examination.~~

~~18 VAC 145-20-50. Applicability of certification program. (Repealed.)~~

~~The Certification Program for Professional Soil Scientists set forth in Chapter 22 of Title 54.1 of the Code of Virginia and this chapter is voluntary and shall not be construed to prohibit:~~

- ~~1. The practice of soil evaluation by individuals who are not certified soil scientists as defined in this chapter;~~
- ~~2. The work of an employee or a subordinate of a certified soil scientist or of an individual who is practicing soil evaluation without being certified; or~~
- ~~3. The practice of any profession or occupation which is regulated by another regulatory board within the Department of Professional and Occupational Regulation.~~

~~18 VAC 145-20-70. Qualifications for examination.~~

~~An applicant shall satisfy one of the following criteria in order to qualify for the examination:~~

- ~~1. Hold a bachelor's degree from an accredited institution of higher education in a soils *soil science* curriculum (see 18 VAC 145-20-91) which has been approved by the board and have at least four years of experience in soil evaluation, the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist; or~~
- ~~2. Hold a bachelor's degree in one of the natural sciences and have at least five years of experience in soil evaluation, the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist; or~~
- ~~3. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates to the board that the applicant is competent to practice as a *professional* soil scientist; or~~
- ~~4. Have at least four years of experience in soil science research or as a teacher of soils *soil science* curriculum in an accredited institution of higher education which offers an approved four-year program in soils and at least two years of soil evaluation experience, the quality of which demonstrates to the board that the applicant is competent to practice as a *professional* soil scientist.~~

~~18 VAC 145-20-80. Waiver from examination through reciprocity or experience. (Repealed.)~~

~~Any person certified, registered or licensed as a soil scientist in any jurisdiction of the United States may be granted a Virginia certificate without written examination, provided that:~~

~~1. The applicant holds an unexpired certificate or its equivalent issued to him on the basis of equivalent requirements for certification in Virginia by a regulatory body of another state, territory or possession of the United States and is not the subject of any disciplinary proceeding before such regulatory body which could result in the suspension or revocation of his certificate, and such other regulatory body recognizes the certificates issued by this board; or~~

~~2. Any person who can verify on the forms provided a record of at least 10 years of experience in soil evaluation, the quality of which demonstrates to the board the applicant is competent to practice as a professional soil scientist.~~

18 VAC 145-20-90. Qualifying experience in soil evaluation.

A. An applicant ~~must~~ *shall* demonstrate at least one-half of the ~~required~~ experience in ~~one two~~ or ~~all more~~ of the following areas:

1. Soil mapping. Compiling of soil maps *representing at least 5,000 acres* as a part of a soil survey or surveys with a formal mapping legend under the direct guidance of an experienced *technical* supervisor. Acceptable maps shall be maps in a published report, a report scheduled to be published or a *report* of a publishable quality; or

2. Soil evaluation. Conducting *at least 20* soil evaluation ~~usually from existing soil data~~ for a specific land use, ~~such as septic tank drain fields uses under the direct guidance of an experienced technical supervisor. Examples of such uses include, but are not limited to, on-site wastewater disposal, residential and commercial development, sanitary landfill sites, forestry production, or individual farm mapping for agriculture production, soil erosion and sediment control, shrink-swell or hydric soils. The experience shall be supervised by an individual with a minimum of a year's more experience than the applicant.~~ The finished product shall have been submitted to a *client* or government agency (e.g., Health Department, Environmental Protection Agency, ~~Environmental Impact Studies~~, Department of Environmental Quality, local planning commission); or

3. Field/*Laboratory* studies. Conducting *at least 10* detailed field or *laboratory* studies ~~which have been done~~ under the ~~supervision~~ *direct guidance* of an individual with a minimum of a year's ~~more experience than the applicant~~ *experienced technical supervisor*. The field or *laboratory* study shall have resulted in a soil evaluation report that was accepted by the client or *government* agency.

4. *Research/Teaching*. Conducting *at least one* research project as part of a *thesis or publication or teaching at least one full time course in a soil science curriculum at an accredited institution of higher education the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist.*

B. ~~The remaining required experience may be fulfilled in one or more of the following areas:~~

~~4-~~ 5. Consulting (public/private). Assembling or compiling soil information either with existing data or field studies, and evaluating data for a specific land use. The work may be

either ~~done~~ *done* independently ~~done~~ or ~~done~~ under supervision. The ~~At least three~~ *written report reports* shall have been submitted to the client or *government* agency.

~~2. Soil mapping, soil evaluation, or field studies, as described above, which have been done independently or under supervision.~~

~~3-~~ 6. Education. Each year of full-time undergraduate study in a soils curriculum or related natural science may count as one-half year of experience up to a maximum of two years. Each year of full-time graduate study in a soils curriculum may count as one year of experience up to a maximum of two years. With a passing grade, ~~32~~ *30* semester credit hours or ~~48~~ *45* quarter credit hours is considered to be one year. ~~No credit~~ *Credits* used as to ~~meet education credit requirements may also not be used as to meet experience credit requirements.~~

18 VAC 145-20-91. Core course requirements.

A. *At least 15 semester hours selected from the identified courses below or the equivalent are required for course work or a degree core to be considered a soil science degree or a soil science related degree.*

<i>Intro to Crop and Soil Environmental Sciences</i>	
<i>Soil Evaluation</i>	<i>Soil Genesis/Classification</i>
<i>Soils</i>	<i>Soil Fertility/Management</i>
<i>Soils Lab</i>	<i>Soil Fertility/Management Lab</i>
<i>Man and Environment</i>	<i>Soil/Groundwater Pollution</i>
<i>Soil Survey/Taxonomy</i>	<i>Soils for Waste Disposal</i>
<i>Soil Microbiology</i>	<i>Soil Microbiology Lab</i>
<i>Soil Resource Management</i>	<i>Forest Soils/Hydrology</i>
<i>Soil Chemistry</i>	<i>Clay Mineralogy</i>
<i>Topics in Soil Genesis</i>	<i>Soil Interpretations</i>
<i>Soil Seminar</i>	<i>Advanced Concepts in Soil Genesis</i>
<i>Special Studies (Soils Based)</i>	<i>Independent Studies (Soil Based)</i>
<i>Field Studies (Soils Based)</i>	<i>Soil Biochemistry</i>
<i>Soils and Land Use</i>	<i>Soil Geomorphology</i>
<i>Soil Physical and Colloidal Chemistry</i>	<i>Soil Conservation</i>
<i>Soil - Plant Relations</i>	
<i>Soil - Plant - Animal Interrelationships in Grasslands</i>	
<i>Aluminum Chemistry in the Soil System</i>	
<i>Soil Physics or Physical Properties</i>	

B. *An applicant may petition the board in writing to review the syllabus and other supporting documents of a course not listed in subsection A of this section for academic credit. The course shall contain content to enhance the knowledge of the*

Proposed Regulations

applicant in the study of soils. The applicant must demonstrate course equivalency in order to receive academic credit.

18 VAC 145-20-100. Examination.

A. A board-approved examination shall be administered at least ~~once~~ twice a year, at a time designated by the board department.

B. An applicant must meet all eligibility requirements as of the date the application is filed with the board department.

C. A candidate who is unable to take the examination at the time scheduled must notify the board in writing prior to the date of the examination; such a candidate will be rescheduled for the next examination without additional fee. Failure to so notify the board department will result in forfeiture of the examination or reexamination fee.

~~D. A candidate who has not appeared for an examination after the first written notice regardless of reasons, will not be sent another examination notice until the candidate submits a written request to be rescheduled.~~

~~E. A candidate who does not appear for an examination within two years of approval will be ineligible to sit for an examination. Individuals wishing to sit for an examination will be required to submit a new application with fee in accordance with this chapter.~~

~~D. A candidate approved to take an examination shall do so within one year of the date of approval or submit a new application and fee in accordance with these regulations.~~

~~F. E. Candidates will be notified of passing or failing the examination. No scores will be reported to candidates. Only the board and its staff shall have access to examination papers, scores and answer sheets.~~

~~G. F. Upon payment of the reexamination fee, a candidate who is unsuccessful in passing an fails the examination will or any part thereof shall be allowed to retake any examination(s) given the failed examination or any part thereof within two years one year of the date of initial failure notification of initial unsuccessful examination results. After the two-year one-year period has elapsed, an applicant will shall be required to submit a new application with and fee in accordance with this chapter in order to take an the examination.~~

18 VAC 145-20-110. Core course requirements. (Repealed.)

~~A. At least 15 semester hours selected from the identified courses below or the equivalent are required for course work or a degree core to be considered a soil science degree or a soil science related degree.~~

~~Intro to Crop and Soil Environmental Sciences
Soil Evaluation
Soils
Soils Lab
Man and Environment
Soil Survey/Taxonomy
Soil Microbiology
Soil Resource Management
Soil Chemistry~~

~~Topics in Soil Genesis
Soil Seminar
Special Studies (Soils Based)
Field Studies (Soils Based)
Soils and Land Use
Soil Physical and Colloidal Chemistry
Soil-Plant Relations
Soil-Plant-Animal Interrelationships in Grasslands
Aluminum Chemistry in the Soil System
Soil Conservation
Soil Physics or Physical Properties
Soil Genesis/Classification
Soil Fertility/Management
Soil Fertility/Management Lab
Soil/Groundwater Pollution
Soils for Waste Disposal
Soil Microbiology Lab
Forest Soils/Hydrology
Clay Mineralogy
Soil Interpretations
Advanced Concepts in Soil Genesis
Independent Studies (Soil Based)
Soil Biochemistry
Soil Geomorphology~~

~~The applicant must demonstrate course equivalency.~~

~~B. An applicant may petition the board in writing to review for academic credit the syllabus and other supporting documents of a course not listed in subsection A of this section. The course shall contain content to enhance the knowledge of the applicant in the study of soils.~~

18 VAC 145-20-111. Waiver from examination through reciprocity or experience.

~~An applicant qualified to take the examination may be granted a Virginia certificate without written examination, provided that:~~

~~1. The applicant holds an unexpired professional soil scientist certificate or equivalent issued on the basis of equivalent requirements for certification in Virginia, by a regulatory body of another state, territory or possession of the United States and is not the subject of any disciplinary proceeding before such regulatory body which could result in the suspension or revocation of his certificate, and such other regulatory body recognizes the certificates issued by this board, or~~

~~2. The applicant can verify a record of at least 10 years of experience as set forth in 18 VAC 145-20-90 in soil evaluation that demonstrates to the board that the applicant is competent to practice as a professional soil scientist.~~

PART III. RENEWAL OF CERTIFICATE RENEWAL/REINSTATEMENT AND FEES.

18 VAC 145-20-120. Expiration.

~~Certificates issued by the board under this chapter shall expire on June 30 of each odd-numbered year following the date of issuance. Certificate holders shall be notified by mail of the fee and the procedure for renewal at least 45 days before the date the certificate expires. Certificate holders~~

~~must submit the renewal notice and appropriate fee before the certificate expires two years from the last day of the month in which they were issued, as indicated on the certificate.~~

18 VAC 145-20-130. Procedures for renewal.

~~A. If the renewal fee is not received by the board within 30 calendar days following the expiration date noted on the certificate, a penalty fee of \$200 shall be required in addition to the regular renewal fee. No certificate may be renewed more than six months following the date of expiration.~~

~~B. A. The department shall mail a renewal notice to the certificate holder at the last known address of record at least 30 days prior to expiration. Failure to receive written this notice from the Department of Professional and Occupational Regulation does not relieve the certificate holder from the requirement to renew the certificate. If the certificate holder fails to receive the renewal notice, the certificate holder may submit a copy of the certificate shall be submitted with the required fee in lieu of the renewal notice. A certificate holder shall keep the department informed of his current mailing address. Change of address shall be reported to the department in writing within 30 calendar days of the change.~~

~~B. If the renewal fee is not received by the department within 30 calendar days following the expiration date noted on the certificate, a late renewal fee of \$25 shall be required in addition to the regular renewal fee. If the certificate is renewed after 30 days from the expiration date and prior to 180 days of the expiration date, the effective date of the renewal shall be the original renewal date. No certificate may be renewed more than 180 days following the date of expiration noted on the certificate.~~

~~C. The date a fee is received by the department of Professional and Occupational Regulation or its agent will be used to shall determine whether a penalty late renewal fee or the requirement for reinstatement or reapplication is applicable.~~

~~D. Suspended certificates are not renewable A certificate suspended by board order shall not be renewed until reinstated by the board the period of suspension has ended and all terms and conditions of the board's order have been met. Individuals renewing certificates within 30 days after the suspension is lifted will not be required to pay a late fee.~~

~~E. A revoked certificate cannot be renewed. An individual whose certificate has been revoked must file a new application and obtain approval of the board to recover certification. Examination shall not be waived.~~

18 VAC 145-20-140. Reinstatement.

~~A. If the certificate holder fails to renew the certificate renewal fee and late renewal fee are not received by the department within six months 180 days following his the expiration date noted on the certificate, the certificate holder shall no longer be considered a certificate holder and will be required to apply for certificate reinstatement. The applicant will be required to show the board that he meets shall meet the current eligibility standards for certification as a professional soil scientist. The applicant may apply by examination or by reciprocity. The board may also require reexamination. The application fee for~~

~~reinstatement shall be an amount equal to include the regular renewal fee plus the \$200 penalty reinstatement fee.~~

~~B. After 36 months from the date of expiration If the reinstatement fee is not received by the department within 360 days following the expiration date noted on the certificate, the applicant must shall apply as a new applicant, and meet all current education and, experience, and examination requirements and pass the current examination as may be required by the board.~~

18 VAC 145-20-150. Reissuance of certificate. (Repealed.)

~~An individual whose certificate has been revoked must file a new application and obtain approval of the board to regain certification. Reexamination shall be required.~~

18 VAC 145-20-151. Fees.

~~Checks or money orders shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:~~

Fee Type	When due	Amount due
New application	with application	\$150
Examination fee	upon approval for exam	\$150
Reexamination fee	Upon request to be rescheduled for exam	\$75 for each part
Renewal fee	With renewal card	\$175
Late renewal fee	30 days after date of expiration	\$25
Reinstatement fee	180 days after date of expiration	\$200
Dishonored check fee	With replacement check	\$25

PART IV.
STANDARDS OF PRACTICE AND CONDUCT.

18 VAC 145-20-160. Professional conduct.

A certified professional soil scientist:

1. Shall not submit any false statements, make any misrepresentations or fail to disclose any facts requested concerning any application for certification or recertification.
2. Shall not engage in any fraud or, deceit or misrepresentation in advertising, in soliciting or in providing professional services.
3. Shall not knowingly sign, stamp, or seal any plans, drawings, blueprints, surveys, reports, specifications, maps or other documents not prepared or reviewed and approved by the certificate holder.

Proposed Regulations

FORMS

4. Shall not knowingly represent a client or employer on a project on which ~~he~~ *the certificate holder* represents or has represented another client or employer without making full disclosure thereof.

5. Shall express a professional opinion only when it is founded on adequate knowledge of established facts at issue and based on a background of technical competence in the subject matter.

6. Shall not knowingly misrepresent factual information in expressing a professional opinion.

7. Shall immediately notify the client or employer and the appropriate regulatory agency if ~~his~~ *the certificate holder's* professional judgment is overruled and not adhered to ~~in the use of all reasonable means necessary to advise when~~ *advising* appropriate parties of any circumstances of a substantial threat to the public health, safety, or welfare.

8. Shall exercise reasonable care when rendering professional services and shall apply the technical knowledge, skill and terminology ordinarily applied by practicing soil scientists.

18 VAC 145-20-170. Grounds for suspensions, revocation, denial of application, renewal or other disciplinary action.

A. The board has the power to fine any certificate holder or to revoke or suspend any certificate at any time after a hearing conducted pursuant to the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, when the person is found to have:

1. Committed fraud or deceit in obtaining or attempting to obtain certification.

~~2. Committed any violation, or cooperated with others in violating 18 VAC 145-20-160 of the Standards of Practice and Conduct, or any other regulations of the board, or governing statutes of the board.~~

~~3.~~ 2. Performed any act in the practice of his profession likely to deceive, defraud or harm the public.

~~4.~~ 3. Committed any act of gross negligence, incompetence, or misconduct in the practice of soil science.

~~5.~~ 4. Been convicted of a felony under the terms specified in § 54.1-204 of the Code of Virginia.

The board may suspend or revoke a certificate or may fine a certificate holder when the certificate holder has been found to have violated or cooperated with others in violating any provisions of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia or any regulation of the board.

B. The board may, in its discretion, refuse to grant, renew or reinstate a certificate of any person for any of the reasons specified in subsection A of this section, § 54.1-2200 et seq. of the Code of Virginia and this chapter.

NOTICE: The forms used in administering 18 VAC 145-20-10 et seq., Board for Professional Soil Scientists Regulations, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Application for Certification as a Virginia Certified Professional Soil Scientist *Certification Application (with instructions)*, 34CERT (eff. 7/00).

Experience Log, 34EXP (eff. 7/00).

Proposed Regulations

10. Education ♦ (excluding high school) used to meet education requirements or convert to experience pursuant to 18 VAC 145-20-90.B.3 of the Board for Professional Soil Scientist Rules and Regulation. List in chronological order.

Name of Institution	Beginning Month/Year	Ending Month/Year	Major	Graduate Hours Completed	Degree Received

♦ A certified/official transcript or other notarized document verifying the completion of the required courses and/or degrees must be submitted to the Board for Professional Soil Scientists.

11. Have you passed a soil science examination in any other jurisdiction?

No

Yes If yes, list the jurisdiction and the month/year the examination was administered.

12. Do you hold a **current** Professional Soil Scientist license, certification or registration from another state?

No

Yes If yes, please complete the following table. You are also required to submit an original Certification of Licensure/Letter of Good Standing ♦, dated within the last 60 days, from each state.

State	License, Certification or Registration Number	Expiration Date

♦ Certifications/Letters must include: 1) the license/certification/registration number; 2) the initial date of licensure; 3) the expiration date of the license or renewal fees; 4) the means of obtaining licensure (i.e., exam, reciprocity, etc.) and the minimum requirements that were met to qualify for licensure; 5) all closed disciplinary actions resulting in violations or undetermined findings; and 6) an original authorized signature and board/department seal.

13. Do you hold an **expired** Professional Soil Scientist license, certification or registration from another state?

No

Yes If yes, please complete the following table. You are also required to submit an original Certification of Licensure/Letter of Good Standing ♦, dated within the last 60 days, from each state.

State	License, Certification or Registration Number	Expiration Date

♦ Certifications/Letters must include: 1) the license/certification/registration number; 2) the initial date of licensure; 3) the expiration date of the license or renewal fees; 4) the means of obtaining licensure (i.e., exam, reciprocity, etc.) and the minimum requirements that were met to qualify for licensure; 5) all closed disciplinary actions resulting in violations or undetermined findings; and 6) an original authorized signature and board/department seal.

14. Personal references. **One** of the three references must be a qualified or licensed/certified/registered soil scientists.

Name	Address	Telephone Number(s)	Certified?	Certificate Number/State
1.		() -	Y <input type="checkbox"/> N <input type="checkbox"/>	
2.		() -	Y <input type="checkbox"/> N <input type="checkbox"/>	
3.		() -	Y <input type="checkbox"/> N <input type="checkbox"/>	

15. Have you ever been subject to a disciplinary action imposed by any (including Virginia) local, state or national regulatory body?

No

Yes If yes, list the jurisdiction in which the disciplinary action took place and the license number. Provide an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, voluntary surrender of license, monetary penalty, fine, reprimand, etc.). Attach copies of any correspondence or documentation (including a copy of the final order, decree or case decision) related to this matter. If necessary, you may attach a separate sheet of paper.

16. A. Have you ever been convicted in any jurisdiction of **any felony**? *Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose violations that were adjudicated as a minor in the juvenile court system.*

No Yes If yes, please provide the information requested in #16.C.

B. Have you ever been convicted in any jurisdiction of **any misdemeanor**? *Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose violations that were adjudicated as a minor in the juvenile court system.*

No Yes If yes, please provide the information requested in #16.C.

C. If you answered "yes" to either question #16.A. or #16.B., list the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction, state police and court records; information on the current status of incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, you may attach a separate sheet of paper.

17. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I will notify the Department if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested certification. I also certify that I understand, and have complied with, all the laws of Virginia related to professional soil scientist certification under the provisions of Title 54.1, Chapter 22 of the *Code of Virginia* and the *Virginia Board for Professional Soil Scientist Rules and Regulations*.

Signature _____

Date _____

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

Introduction

The Board for Professional Soil Scientists would like to welcome you to its certification program.

Application Requirements

Applicants must complete a current application package to be eligible for Virginia Professional Soil Scientist Certification. All correspondence should be directed to:

Assistant Director
Board for Professional Soil Scientists
3600 West Broad Street
Richmond, Virginia 23230-4917
Telephone: (804) 367-2785
Facsimile: (804) 367-2474

Applications must be submitted with the appropriate fee no later than 90 days prior to a scheduled examination. The date the completed application and fees are received in the board office determines whether the applicant meets the application deadline. Incomplete applications will be returned to the applicant.

Members of the Board for Professional Soil Scientists may not serve as personal references; however, board members may be shown as persons who have supervised the work of the applicant.

A majority vote of the Board for Professional Soil Scientists is required to grant certification to an applicant. To determine eligibility for examination or certification, the board may require a personal interview with the applicant. The board may make further inquiries and investigations to confirm or amplify application information. The failure of any applicant to comply with a written request by the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application. Applicants found to be ineligible may request further consideration by submitting, in writing, evidence of additional qualifications, training, or experience. No additional fee will be required, provided the requirements for certification are met within 12 months from the date the original application was received.

Examination Notices and Fees

Each candidate will be sent a written notice of the time and place of the examination for which the candidate is eligible. Candidates shall promptly notify the board as to whether they intend to appear for the examination. Failure to notify the board may result in loss of eligibility for that particular examination. Each examination fee shall be applied to the next scheduled examination and shall be forfeited for failure to notify the board or for failure to appear.

Examination and reexamination fees must be received in the board office no later than 30 days prior to the next scheduled examination.

Applicability of Certification Program

The voluntary certification program for Professional Soil Scientists as set forth in Chapter 22, Title 54.1 of the *Code of Virginia* shall not be construed to prohibit:

1. The practice of soil evaluation by individuals who are not certified soil scientists as defined in the *Board for Professional Soil Scientist Rules and Regulations*.
2. The work of an employee or a subordinate of a certified soil scientist or of an individual who is practicing soil evaluation without being certified.
3. The practice of any profession or occupation which is regulated by another regulatory board within the Department of Professional and Occupational Regulation.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Withdrawal

Title of Regulation: **20 VAC 5-400-10 et seq. Telecommunications (repealing 20 VAC 5-400-80).**

Title of Regulation: **20 VAC 5-402-10 et seq. Telecommunications Service Measurements.**

The State Corporation Commission has WITHDRAWN the proposed repeal of 20 VAC 5-400-80, Telecommunications and the promulgation of 20 VAC 5-402-10 et seq., Telecommunications Service Measurements that were published in 14:2 VA.R. 239-255 October 13, 1997.

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

AT RICHMOND, JULY 13, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC970146

Ex Parte: In the matter of revising rules governing service standards for local exchange telephone companies

ORDER CLOSING CASE

By Order of June 10, 1993, the State Corporation Commission ("Commission") adopted Regulations Governing Service Standards for Local Exchange Telephone Companies (20 VAC 5-400-80).

After the enactment of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq., the Commission's Staff ("Staff") reviewed these service rules to reflect anticipated changes in the local service marketplace. On September 17, 1997, the Commission entered an Order establishing a rulemaking proceeding and inviting comments on the Staff's proposed revised rules. Comments were received from numerous parties.

Since these comments were received, the competitive environment in the telecommunications marketplace has changed. To date, the Commission has certificated more than 200 telephone companies to provide local exchange telecommunications services in the Commonwealth. While these new entrants have collectively captured less than 5% of the local exchange market, this initial development of local exchange competition is significant.

It is also important to recognize the transitional nature of local competition. The incumbent local exchange telephone companies still provide much of the underlying network infrastructure used by reseller and unbundled network

element-based competitors. Until there are separate networks proving local exchange alternatives, we should consider that service quality standards may need to be transitional as the shape of competition continues to evolve.

In addition, the Commission needs to take a fresh look at whether the emergence of local competition has changed customer expectations. Most service standards, including those currently in place in Virginia, rely on customer satisfaction models that pre-date competition. Moreover, the standards do not take into account the many technological changes that have occurred.

We believe that, given the Commission's role in ensuring satisfactory service in the Commonwealth, the creation of a new set of rules governing retail service standards is warranted. Wholesale service standards are currently being addressed in Case No. PUC000026.

Therefore, since the current proposed rules in this case are dated and may not address new issues raised by competition, we find that this case should be closed without prejudice. By this Order, we direct the Staff to prepare new rules governing retail service standards, taking into consideration the competitive environment and the differences between incumbent local exchange carriers and competitive local exchange carriers. In preparing these new rules, the Staff should also consider standards to measure customer satisfaction. We will establish a new docket to consider adopting the new rules.

Accordingly, IT IS ORDERED THAT:

(1) The proposed regulations governing service standards for local exchange companies located at Volume 14 of Issue 2 of the Virginia Register of Regulations be withdrawn.

(2) This case be, and hereby is, dismissed from the Commission's docket of active cases.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all local exchange and interexchange telecommunications carriers as listed in Appendices A and B; John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Division of Communications.

VA.R. Doc. Nos. R98-32 and R98-33; Filed July 24, 2001, 1:37 p.m.



Proposed Regulations

TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Title of Regulation: **Qualified Equity and Subordinated Debt Investments Tax Credit Program.**

23 VAC 10-110-10 et seq. Individual Income Tax (adding 23 VAC 10-110-225 through 23 VAC 10-110-229).

Statutory Authority: §§ 58.1-203 and 58.1-339.4 of the Code of Virginia.

Public Hearing Date: September 24, 2001 - 10 a.m.

Public comments may be submitted until October 12, 2001.

(See Calendar of Events section for additional information)

Agency Contact: David Mason, Senior Tax Policy Analyst, Department of Taxation, P.O. Box 1880, Richmond, VA 23220-1880, telephone (804) 367-6585 or FAX (804) 367-0045.

Basis: Chapter 2 (§ 58.1-203) of Title 58.1 of the Code of Virginia authorizes the Commissioner of the Department of Taxation to promulgate regulations relating to the interpretation and enforcement of the laws of the Commonwealth governing taxes administered by the department. In addition § 58.1-339.4 G of the Code of Virginia requires the department to promulgate a regulation governing the Qualified Equity and Subordinated Debt Program.

Purpose: The Department of Taxation is promulgating a new regulation 23 VAC 10-110-225 et seq. governing the Qualified Equity and Subordinated Debt Investments Tax Credit Program. An emergency regulation adopted by the department expired in February 2000.

The 1998 session of the General Assembly enacted Chapter 491 that established a new program in the Commonwealth to stimulate capital investment in selected small businesses. The Qualified Equity and Subordinated Debt program provides for a maximum tax credit equal to 50% of the amount of the investment. The amount of the credit that may be taken in any taxable year is limited to the lesser of the income tax imposed on the taxpayer for the taxable year, or \$50,000. The proposed regulation sets forth the operating procedures of the program including the process for applying for the credit, what types of businesses are eligible and ineligible, and the procedures to be used to ensure that the dollar volume of tax credits requested for a given taxable year does not exceed the statutory limit of \$5,000,000.

The department has concluded that the regulation is essential for the efficient and economical performance of this economic development incentive. The regulation is necessary to comply with the statutory provisions of § 58.1-339.4 of the Code of Virginia. The emergency regulation promulgated under this mandate has expired. It is essential that the department promulgate a permanent regulation to outline the tax credit application and allocation procedures for both qualified small businesses and their individual investors.

Substance: The proposed regulation sets forth the procedures to be used to qualify for the Qualified Equity and

Subordinated Debt Tax Credit Program. The program, effective for taxable years beginning on and after January 1, 1999, is designed to stimulate capital investment in selected small businesses that meet the statutory eligibility guidelines. The credit available to a taxpayer in a taxable year is limited to the lesser of the tax imposed for the taxable year or \$50,000. Where the aggregate amount of the requested credits for investments made in a calendar year exceed \$5 million, the department will allocate the available tax credits pro rata among the approved tax credit applicants. Unused credits may be carried forward to offset future income tax liability for up to 15 taxable years.

Issues: There are no disadvantages to the public or the Commonwealth as a result of the implementation of this program.

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 of Taxation (department) proposes to add four sections to the Individual Income Tax regulations in order to govern the Qualified Equity and Subordinated Debt Investments Tax Credit program. The proposed new sections have been in effect as emergency regulations, which expired in February 2000.

Estimated economic impact. The 1998 session of the General Assembly enacted Chapter 491 that established a new program in the Commonwealth to stimulate capital investment in selected small businesses. The Qualified Equity and Subordinated Debt Investments Tax Credit program provides for a maximum tax credit equal to 50% of the amount of the investment. The amount of the credit that may be taken in any taxable year is limited to the lesser of the state income tax imposed on the taxpayer for the taxable year, or \$50,000. In order for an investment to qualify under this program, the investment must be in a qualified business. According to § 58.1-339.4 of the Code of Virginia, "qualified" businesses are required to have gross revenues of no more than \$5 million, be domiciled in Virginia, and conduct most of their business in the Commonwealth. Several types of businesses do not qualify as "qualified" businesses, including but not limited to financial institutions, professional service corporations, governmental and charitable institutions, real estate firms, and business consulting firms. An investment shall not be qualified if the taxpayer who has made the investment, or any of such taxpayer's family members, or any entity affiliated with such taxpayer, receives or has received

compensation from the qualified business in exchange for services provided to such businesses as an employee, officer, director, manager, or independent contractor.

The proposed new sections of the regulations set forth the operating procedures of the program, including the process for applying for a credit, what types of businesses are eligible and ineligible, and the procedures to be used to ensure that the dollar volume of tax credits awarded for a given taxable year does not exceed the statutory limit of \$5,000,000. If the value of tax credits correctly claimed in a given taxable year exceed \$5,000,000, then each taxpayer will be awarded prorated credits. Specifically, the new sections of the regulations state that “the amount of such prorated credit shall be determined by multiplying a fraction, the numerator of which shall be the credit requested by the eligible taxpayer for such year, and the denominator of which shall be the total credits requested by all eligible taxpayers for such taxable year, by the Commonwealth’s annual fiscal limitation of \$5 million.” For example, if \$10 million in tax credits are correctly requested in a given taxable year, each qualified taxpayer will be awarded 50%¹ of the credit correctly requested for that year. Individual taxpayers may use only \$50,000 of the awarded prorated credit in any given year. If the awarded prorated credit exceeds \$50,000 for an individual taxpayer, the credit may be taken in annual increments of \$50,000 for up to 15 years.

For taxable year 1999, requested credits totaled \$8.24 million, exceeding the \$5 million statutory cap. Qualified investors were awarded a 60.67% proration of their requested credit.² According to the department, applications received for taxable year 2000 indicate that the cap will again be exceeded; approved applicants will receive a yet to be determined prorated credit.

Under the proration system, taxpayers are uncertain as to how much in tax credits they will receive for their qualified investments at the time the investment decision is made. The uncertainty may discourage some potential investments. But the uncertainty of the proration system seems necessary with the presence of the cap on tax credits under this program.

A limited number of investors (164 in taxable year 1999)³ will clearly benefit from the Qualified Equity and Subordinated Debt Investments Tax Credit program, in the form of lower state taxes due. Also, some small businesses (62 in 1999, 54 in 2000)⁴ will benefit by receiving additional investment. Some of the investments that are declared qualified for this program would likely have been made even without this program. Other investments, or increases in the quantity of investments made, will likely be due to the tax credit incentives of the program. The additional investments made in small businesses due to the incentives of this program may allow some businesses to expand and others to avoid bankruptcy who otherwise would have been unable to do so. This may lead to the creation or preservation of jobs, and increasing or

preservation of demand for supplies and services from other businesses, etc, that otherwise would not have occurred. No data is available indicating the number of jobs that will be created or maintained due to investments prompted by this program; nor is there data indicating by how much demand for supplies and services from other businesses will increase due to investments prompted by this program.

On the other hand, the Commonwealth will award \$5 million a year in tax credits.⁵ The amount of tax credits actually used from those earned under this program may be more or less than \$5 million in any given year. The credits will create lost revenue for the Commonwealth. These dollars, if not issued as tax credits under this program, could be used for expenditures on programs that benefit citizens of the Commonwealth, funding for the Revenue Stabilization Fund, or tax cuts for a broader or different portion of Virginia taxpayers. Governing the Qualified Equity and Subordinated Debt Investments Tax Credit program will also create administrative costs. For Fiscal Year 2001, the department has \$203,574 budgeted to run three programs that include tax credit caps. The preponderance of that cost is attributable to the Qualified Equity and Subordinated Debt Investments Tax Credit program.⁶ Since there are some initial costs associated with setting up systems to run the program that will not exist or will be smaller in future years, the administrative cost of running the program is expected to be somewhat smaller in future years.

Whether the benefits of the program outweigh the costs depend on how the benefits and costs are valued. In order for a fair comparison to be made, reasonable estimates of the following benefit components are necessary: the portion of qualified investments that would have not been made without the existence of this program, the number and value of jobs that are created or preserved due to the qualified investments that would have not been made without the existence of this program, and the value of increased or preserved demand for goods and services from suppliers of the qualified businesses that otherwise would not have occurred, etc. Since none of this data is available, an accurate comparison of the benefits with the costs of the program cannot be made.

Businesses and entities affected. The proposed new sections to the regulations will affect taxpayers who wish to apply for the tax credit, and the small businesses that those taxpayers invest in. For taxable year 1999, there were 164 taxpayers who applied for and were approved for the tax credit. For taxable year 1999, there were 62 businesses that had applications for the “qualified business” designation approved. For taxable year 2000, there were 54 businesses that had their applications approved.⁷ According to the department, “the largest number of applications were made by manufacturers and technology businesses (ISPs, computer and information services, biotech and dotcoms). In addition, there is a wide diversity of companies that were approved,

¹ Calculation: \$5 million divided by \$10 million equals 0.5 or 50%.

² Source: Department of Taxation

³ Source: Department of Taxation

⁴ Ibid

⁵ Less than \$5 million in tax credits may be requested and approved in some future years. Thus far though, the amount requested and approved has been well above \$5 million.

⁶ Source: Department of Taxation

⁷ The Department of Taxation provided all of the data in this paragraph.

Proposed Regulations

including commercial fishing, chemical manufacturing, electronic voting, scrape metal recycling, farming, and a manufacturer of three dimensional holograms.”

Localities particularly affected. The proposed regulations potentially affect investors and small businesses throughout the Commonwealth.

Projected impact on employment. The Qualified Equity and Subordinated Debt Investments Tax Credit program will likely encourage some investments in small businesses that otherwise would not have occurred. These investments may allow some businesses to expand and others to avoid bankruptcy. Thus, the program will likely have a positive impact on employment.

Effects on the use and value of private property. Since the program will likely encourage private investment, the value of small businesses that receive such investments will increase.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Taxation has reviewed the economic impact analysis prepared by the Department of Planning and Budget and is in agreement with their analysis.

Summary:

The proposed action replaces expired emergency regulations with permanent regulations for claiming the Qualified Equity and Subordinated Debt Investment Tax Credit and for allocating tax credits if total credit requests exceed \$5 million in a calendar year.

23 VAC 10-110-225. Qualified Equity and Subordinated Debt Investments Tax Credit; Definitions.

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

"Affiliated" means a direct or indirect ownership interest of at least 80% in an entity. An indirect ownership interest includes, but is not limited to, direct ownership interests held by a taxpayer's family members or an entity affiliated with such taxpayer or family members, or any combination of these.

"Equity" means common stock or preferred stock, regardless of class or series, of a corporation; a partnership interest in a limited partnership; or a membership interest in a limited liability company, any of which is not required, or subject to an option on the part of the taxpayer, to be redeemed by the issuer within five years from the date of issuance.

"Family member" means, when applied with respect to an individual taxpayer, (i) spouse, (ii) children, (iii) grandchildren, (iv) parents, (v) spouse's parents, and (vi) grandparents.

"Primarily engaged in business in the Commonwealth" means 50% or more of the entity's gross receipts are derived from sources within Virginia.

"Qualified business" means a business which (i) has annual gross revenues of no more than \$5 million in its most recently completed taxable year, (ii) is commercially domiciled in the Commonwealth, (iii) is primarily engaged in business or does substantially all of its production in the Commonwealth, and

(iv) is not primarily engaged, or is not primarily organized to engage, in any of the following types of businesses:

1. Banks;
2. Savings and loan institutions;
3. Credit or finance;
4. Financial, broker or investment;
5. Businesses organized for the primary purpose of rendering professional services as defined in Chapter 7 (§ 13.1-542 et seq.) of Title 13.1 of the Code of Virginia;
6. Accounting;
7. Government, charitable, religious or trade institutions or organizations;
8. Conventional coal, oil and gas, and mineral exploration;
9. Insurance;
10. Real estate design or engineering;
11. Construction or construction contracting;
12. Business consulting or business brokering;
13. Residential housing, real estate brokerage, sale or leasing businesses, or real estate development; or
14. Any business that is in violation of the law, and such others as the Department of Taxation may designate.

A business in its first taxable year of operation will be deemed to have annual gross revenues of no more than \$5 million and be primarily engaged in business and do substantially all of its production in the Commonwealth if the commercial domicile pursuant to 23 VAC 10-120-140 of such business is within the Commonwealth.

"Qualified investment" means a cash investment in a qualified business in the form of equity or subordinated debt. An investment shall not be qualified, however, if the taxpayer who holds such investment, or any of such taxpayer's family members, or any entity affiliated with such taxpayer, receives or has received compensation, as defined in § 58.1-302 of the Code of Virginia, from the qualified business in exchange for services provided to such business as an employee, officer, director, manager, consultant, independent contractor or otherwise in connection with or within one year before or after the date of such investment. For purposes hereof, reimbursement of reasonable expenses incurred shall not be deemed to be compensation. A qualified investment shall not include existing investments or instruments that have been purchased, transferred, or otherwise obtained without providing new capital to a qualified business.

An investment which would otherwise qualify for this credit will not be allowed if 50% or more of the proceeds resulting from the investment are used within one year of the cash investment to retire or reduce debt or equity of a qualified business that was incurred prior to the investment.

"Subordinated debt" means indebtedness of a corporation, general or limited partnership, or limited liability company that (i) by its terms requires no repayment of principal for the first

three years after issuance; (ii) is not guaranteed by any other person or entity or secured by any assets of the issuer or any other person or entity; and (iii) is subordinated to all indebtedness and obligations of the issuer to national or state-chartered banking or savings and loan institutions.

"Substantially all of its production in the Commonwealth" means 80% or more of the entity's expenses are incurred within Virginia.

23 VAC 10-110-226. Qualified Equity and Subordinated Debt Investments Tax Credit; general credit provisions.

A. For taxable years beginning on or after January 1, 2001, a taxpayer shall be allowed a credit against the taxes imposed by Articles 2 (Individual Income Tax; § 58.1-320 et seq.) and 6 (Taxation for Estates and Trusts; § 58.1-360 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia in an amount equal to 50% of such taxpayer's qualified investments made during such taxable year.

B. The aggregate amount of the credit that may be used by any taxpayer per taxable year shall not exceed the lesser of (i) the tax imposed for such taxable year or (ii) \$50,000. The credit is not refundable and may not be carried back. Any credit, or portion thereof, not usable for the taxable year in which the credit was earned may be, to the extent allowable, carried over for the next 15 succeeding taxable years or until the total amount of the tax credit earned has been taken, whichever occurs first.

C. The total amount of tax credits available for the Commonwealth's fiscal year shall not exceed \$5 million. In the event that the total eligible credit requests exceed the Commonwealth's annual fiscal limitation, each taxpayer shall be granted a pro rata amount as determined by the Department of Taxation. The amount of such prorated credit shall be determined by multiplying a fraction, the numerator of which shall be the credit requested by the eligible taxpayer for such year, and the denominator of which shall be the total credits requested by all eligible taxpayers for such taxable year, by the Commonwealth's annual fiscal limitation of \$5 million.

D. The amount of any credit attributable to a qualified investment by a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, as they may determine.

The limitation in subsection B (ii) of this section shall be construed to allow individual partners, shareholders, or members to each claim annual credits of \$50,000.

23 VAC 10-110-227. Qualified Equity and Subordinated Debt Investments Tax Credit; qualified business application procedure.

A. Every eligible entity desiring to be designated as a qualified business for purposes of this tax credit must make an application on the Application for Designation as a Qualified Business for the Qualified Equity and Subordinated Debt Investments Tax Credit to the Department of Taxation. Such application must be made prior to the issuance of any equity or subordinated debt; otherwise, the issuance shall not qualify

for the tax credit, except as provided in subsection B of this section.

1. A qualified business application must be made at least 90 days prior to the issuance of any equity or subordinated debt to ensure that the Department of Taxation's determination regarding the entity's qualification will be made prior to the issuance date.

2. A qualified business application may be made less than 90 days prior to the issuance of any equity or subordinated debt; however, the Department of Taxation cannot ensure that its determination regarding the entity's qualification will be made prior to the issuance date.

B. A qualified business application will not be accepted after the issuance date of any equity or subordinated debt, except in the following instances:

1. Issuances of equity or subordinated debt made between January 1, 2001, and before September 1, 2001, the qualified business application is made by October 1, 2001;

2. Issuances of equity or subordinated debt made on or after September 1, 2001, and before January 1, 2002, the qualified business application is made prior to the issuance date as described in subdivisions A 1 and 2 of this section. (For example, issuances made on September 1, 2001 and before January 1, 2002, will require a qualified business application no later than June 1, 2001, to ensure that the Department of Taxation's determination will be made prior to the issuance date); and

3. Issuances of equity or subordinated debt made on or after January 1, 2002, but within three months of the end of the most recently completed taxable year of the qualified business, the application is made by the first business day of the fourth month following the end of the most recently completed taxable year.

C. The entity seeking designation as a qualified business shall make application by completing and submitting the Application for Designation as a Qualified Business for the Qualified Equity and Subordinated Debt Investments Tax Credit to the Department of Taxation.

D. If the Department of Taxation determines the entity is a qualified business, the Department of Taxation shall issue a certification to the entity stating the same. Such designation shall be valid only for the calendar year of issuance.

E. Upon issuance of equity or subordinated debt to taxpayers, the qualified business shall issue a statement to each taxpayer for attachment to the taxpayer's tax credit application. Such statement shall contain the following information:

1. The qualified business certification granted by the Department of Taxation;

2. The type of investment at issue (i.e., equity or subordinated debt) and the amount; and

3. That the investment at issue meets the definition of a qualified investment for purposes of this credit.

Proposed Regulations

a. If the investment at issue is equity, the statement must also indicate that such issuance is an original issuance which provides new capital to the qualified business, and that it is not required or subject to an option on the part of the taxpayer to be redeemed by the issuer within five years from the date of issuance.

b. If the investment at issue is subordinated debt, the statement must also indicate that such issuance is an original issuance which provides new capital to the qualified business, and that (i) by its terms requires no repayment of principal for the first three years after issuance; (ii) is not guaranteed by any other person or entity, or secured by any assets of the issuer or any other person or entity; and (iii) is subordinated to all indebtedness and obligations of the issuer to national or state-chartered banking or savings and loan institutions.

23 VAC 10-110-228. Qualified Equity and Subordinated Debt Investments Tax Credit; tax credit application procedure.

A. Eligible taxpayers who qualify for the equity and subordinated debt investment tax credit must make an application on the Taxpayer Application for the Qualified Equity and Subordinated Debt Investments Tax Credit to the Department of Taxation. For any taxable year that ends after January 1, and on or before December 31 of a calendar year, eligible taxpayers must submit an application and supporting documentation requesting the tax credit no later than April 1 of the subsequent calendar year. Subject to the provisions of 23 VAC 10-110-227, for example, eligible taxpayers that have taxable years ending after December 31, 2000, and before January 1, 2002, an application and supporting documentation requesting the tax credit must be submitted no later than April 1, 2002.

B. Applications must be made on the form prescribed by the Department of Taxation and sent by certified mail with a return receipt requested and postmarked no later than the date specified in this section.

C. Each taxpayer shall timely supply all information the Department of Taxation deems necessary to properly determine the allowable credit amount. Such information shall include, but shall not be limited to, the following:

1. A copy of the statement issued by the qualified business pursuant to 23 VAC 10-110-227 D.
2. The taxable year during which the qualified investment was made.
3. The name, address, federal identification number, and Virginia account number of the taxpayer.
4. A certification by the taxpayer, under penalty of perjury, that the qualified investment meets all conditions outlined in § 58.1-339.4 of the Code of Virginia and these regulations.
5. In the case of a partnership, electing small business corporation (S corporation), or limited liability company, the application shall include the name, address, and social security number of each of its individual partners, shareholders, or members, and a statement as to how any allowable credit shall be distributed to each of its individual

partners, shareholders, or members. Notification of the allowable credit amount shall be sent to the entity, and a copy of such notification shall be attached to each individual taxpayer's Virginia income tax return on which the credit is claimed.

D. The Department of Taxation shall review all applications for completeness and notify taxpayers of any questions, omissions, errors, or concerns, no later than June 1. Taxpayers must fully respond to any such notices no later than the two-week period ending no later than June 15.

E. All eligible taxpayers shall be notified by June 30 as to the amount of applicable tax credit that may be claimed for the taxable year for which the request was made.

1. In the case of a partnership, electing small business corporation (S corporation), or limited liability company, notification of the allowable credit amount shall be sent to the entity, and a copy of such notification shall be included with each individual taxpayer's Virginia income tax return on which the credit is claimed.

2. Each S corporation shall attach to its annual income tax return, when filed, a schedule listing the name, address, social security number, and allocable credit amount for each of its individual shareholders.

3. Each partnership and limited liability company shall provide a schedule listing the name, address, social security number, and allocable credit amount for each of its individual partners or members to the Department of Taxation within 60 days of the Department of Taxation's notice certifying the amount of allowable credit.

F. Eligible taxpayers who will not receive the final certification of their credits prior to the due date of their individual state income tax returns must either file the appropriate return extension request or file their income tax return by the due date, and then amend their return after receiving a credit certification. Amended returns to claim the tax credit must be filed within the applicable statute of limitations.

23 VAC 10-110-229. Qualified Equity and Subordinated Debt Investments Tax Credit; required equity and subordinated debt investment holding period.

A. Equity received in connection with a qualified business investment must be held by the taxpayer for at least five full calendar years following the calendar year for which a tax credit for a qualified investment is earned except in any of the following instances: (i) the liquidation of the qualified business issuing such equity; (ii) the merger, consolidation or other acquisition of such business with or by a party not affiliated with such business; or (iii) the death of the taxpayer.

B. The five-calendar year holding period is to be distinguished from the redemption period (five years from the date of issuance) during which an equity investment cannot be required, or be subject to an option on the part of the taxpayer, to be redeemed by the issuer. The redemption period requirement must be met in order to qualify an equity investment for credit eligibility. The five-calendar year holding period must be met in order to avoid recapture of the credit.

C. A subordinated debt instrument received in connection with a qualified business investment must be held by the taxpayer for at least three years after the date of issuance except in any of the following instances: (i) the liquidation of the qualified business issuing such subordinated debt; (ii) the merger, consolidation or other acquisition of such business with or by a party not affiliated with such business; or (iii) the death of the taxpayer.

D. If the holding period requirement for the equity or subordinated debt is not met, the taxpayer shall immediately notify the Department of Taxation of such failure and forfeit all used and unused tax credits. The notice of failure to meet the statutory requirements shall specify the aggregated credits claimed to date. The notice shall be deemed a tax assessment, to which the Department of Taxation shall add a penalty equal to the amount of the forfeit credits. In addition thereto, interest on the tax assessment and penalty shall be assessed at the rate of 1.0% per month, compounded monthly, from the date the tax credits were claimed by the taxpayer.

E. Upon written request, the Department of Taxation shall have the discretion to abate any assessed penalty, in full or in part, if the taxpayer establishes reasonable cause for the failure to hold such equity for the five-calendar year holding period. The reason for any such abatement shall be preserved among the records of the Department of Taxation.

NOTICE: The forms used in administering 23 VAC 10-110-10 et seq., Individual Income Tax, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Virginia Consumers Use Tax Return for Individuals, Form CU-7 (eff. 9/93).

Virginia Individual Resident Income Tax Return (Booklet - Instructions for Form 760 and 760S), Form 760 and 760S.

Underpayment of Estimated Tax by Individuals, Estates and Trusts, Form 760 C.

Virginia Tentative Tax Return an Application for Extension of Time to File Individual or Fiduciary Income Tax Return, Form 760E (eff. 8/93).

Virginia Estimated Individual Income Tax Declaration and Forms for Individuals, Estates and Trusts (Booklet - Instructions for Form 760ES), Form 760ES.

Underpayment of Estimated Tax by Farmers and Fishermen, Form 760F.

Virginia Part-Year Resident Individual Income Tax Return (Booklet - Instructions for Form 760PY), Form 760PY.

Short Individual Resident Income Tax Return (Booklet - Instructions for Form 760 and 760S), Form 760S.

Virginia Nonresident Individual Income Tax Return (Booklet - Instructions for Form 763), Form 763.

Virginia Special Nonresident Claim for Individual Income Tax Withheld, Form 763-S.

Credit Computation Schedule, Schedule CR, Form 760.

Schedule for Computing the Age Deduction for Taxpayers 62 and Over, Out-of-State Tax Credit or State of Residence and the Addition to Tax, Penalty and Interest, Schedule NPY, Forms 760PY and 763.

Enterprise Zone Credit, Form 301 (eff. 9/92).

Computation of ACRS Subtraction, Form 302 (eff. 8/92).

Application for Designation as a Qualified Business for the Qualified Equity and Subordinated Debt Investments Tax Credit, Form QBA, 2601695, with instructions (eff. 1/01).

Taxpayer Application for Qualified Equity and Subordinated Debt Investments Tax Credit, Form EDC, 2601154, with instructions (eff. 7/00).

Proposed Regulations

Form QBA

VA Dept. Of Taxation
2601695 01/01

Application for Designation as a Qualified Business for the Qualified Equity and Subordinated Debt Investments Tax Credit

See the instructions for details on when and where to file.

Business Entity Type <input type="checkbox"/> Corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company	Name	Official Use Only
	Trading As	
	Street address	Federal Employer Identification Number
	City, State and ZIP Code	Virginia Account Number
	Principal business activity code: IRS	VA Department of Taxation

Use this form to apply for designation as a qualified business for purposes of issuing equity or subordinated debt instruments which qualify for the Virginia Qualified Equity and Subordinated Debt Investments Tax Credit. The credit provides individuals and estates and trusts a credit for making investments in a qualifying business that is primarily engaged in business or does substantially all of its production in Virginia. **IMPORTANT:** This application must be completed and timely filed by the issuing entity in accordance with the regulations (23 VAC 10-110-225 et seq.) prior to the issuance of any equity or subordinated debt instruments; otherwise, such issuances will not qualify for the tax credit. If the Department of Taxation determines the entity is a qualified business, such designation will only be valid during the calendar year of issuance. See instructions for investor information.

BUSINESS ENTITY IDENTIFICATION (Attach a separate page if additional space is needed.)

- See "Qualified business" in instructions or Code of Virginia § 58.1-339.4.
- Is the business domiciled in Virginia? Yes No STOP; the business does not qualify
- Is Virginia where the business entity is primarily engaged in business or does substantially all of its production? Yes No STOP; the business does not qualify
- Were the business' annual gross revenues for the most recent fiscal year less than \$5,000,001? Yes No STOP; the business does not qualify
If yes, what were the gross annual revenues? _____
- Briefly describe the type of business or activities in which the entity is primarily engaged or primarily organized to engage.

ISSUANCE INFORMATION

- Describe the type of instrument the business entity is planning to issue for purposes of this tax credit.

 TYPE: _____ ANTICIPATED DATE OF ISSUANCE: _____
 Equity: _____ Date: _____
 Subordinated debt: _____ Date: _____

Declaration: I, the undersigned officer or other person authorized to act on behalf of the business entity, have read and understand the limitations and restrictions set forth for this application and the associated tax credit.

Authorized signature _____ Title _____ Date _____ Phone number _____

Printed Name _____

WHERE TO GET HELP: Write to Department of Taxation, P. O. Box 715, Richmond, VA 23218-0715 or call (804) 786-2992. To order forms or regulations call 1-888-268-2829 (toll free outside Richmond), (804) 236-2760 or 236-2761. Our web page, www.tax.state.va.us, contains most Virginia tax forms and additional tax information. Forms are available from your Commissioner of the Revenue, Director of Finance, or Director of Tax Administration.

VA Dept. Of Taxation

2801695

**Instructions for the Qualified Business Designation Application - Form QBA
Qualified Equity and Subordinated Debt Investments Tax Credit**

Pursuant to Code of Virginia § 58.1-339.4, this credit is effective for taxable years beginning on and after January 1, 1999. Title 23 of the Virginia Administrative Code (VAC) 10-110-225 et seq. provides additional information on this credit, including definitions of terms used in this application. For a copy of this regulation or additional forms, see Where to Get Help on Form QBA.

GENERAL INFORMATION CONCERNING THIS CREDIT

The Qualified Equity and Subordinated Debt Investments Tax Credit is allowable to taxpayers making a qualified investment in the form of equity or subordinated debt from a qualifying business which is engaged in business or does substantially all of its production in Virginia.

WHO MUST FILE THIS APPLICATION, FORM QBA

Businesses who want to sell equity and subordinated debt investments for which taxpayers may claim credit for the Qualified Equity and Subordinated Debt Investments Tax Credit.

WHEN TO FILE THIS APPLICATION, FORM QBA

File Form QBA to apply for designation as a qualified business at least 90 days before issuing any equity or subordinated debt instruments; otherwise, the issuance will not qualify for the tax credit. The Department of Taxation will issue a certificate of qualification if it determines the business entity is qualified. Designation as a qualified business is valid only for the calendar year of issuance.

WHERE TO FILE THIS APPLICATION, FORM QBA

File Form QBA with the Department of Taxation, Equity and Subordinated Debt Investments Tax Credit, P. O. Box 715, Richmond, VA 23218-0715.

INFORMATION TO BE PROVIDED TO TAXPAYERS (INVESTORS)

Upon issuance of equity or subordinated debt, the qualified business must provide each taxpayer with a statement containing:

- A copy of the qualified business certification from the Department of Taxation, a description of each investment by amount and type (i.e., equity or subordinated debt), and verification that the investment meets the definition of a qualified investment for purposes of claiming the tax credit pursuant to 23 VAC 10-110-225 et seq.
- If an equity investment, the statement must say the issuance is original, providing new capital to the qualified business and that it is not required, or subject to an option, that the issuer redeem the issuance within five years of issuance date.
- In a subordinated debt investment, the statement must say that the issuance is original, providing new capital to the qualified business and that, by its terms, requires no repayment of principal for three years after issuance, is not guaranteed nor secured by assets of the issuer nor by any other person or entity, and is subordinate to all issuer's indebtedness and obligations to national or state chartered banking or savings and loan institutions.

The taxpayer is required to attach this statement to their Qualified Equity and Subordinated Debt Investments Tax Credit Application (Form EDC).

DEFINITIONS

"Equity" means common stock or preferred stock, regardless of class or series, of a corporation; a partnership interest in a limited partnership; or a membership interest in a limited liability company, any of which is not required or subject to an option on the part of the taxpayer to be redeemed by the issuer within five years from the date of issuance.

"Subordinated debt" means indebtedness of a corporation, general or limited partnership, or limited liability company that (i) by its terms requires

no repayment of principal for the first three years after issuance; (ii) is not guaranteed by any other person or entity, or secured by any assets of the issuer or any other person or entity; and (iii) is subordinated to all indebtedness and obligations of the issuer to national or state-chartered banking or savings and loan institutions.

"Qualified investment" means a cash investment in a qualified business in the form of equity or subordinated debt. An investment shall not be qualified, however, if the taxpayer who holds such investment, or any of such taxpayer's family members, or any entity affiliated with such taxpayer, receives or has received compensation from the qualified business in exchange for services provided to such business as an employee, officer, director, manager, independent contractor or otherwise in connection with or within one year before or after the date of such investment. For purposes hereof, reimbursement of reasonable expenses incurred shall not be deemed to be compensation. A qualified investment shall not include existing investments or instruments that have been purchased, transferred, or otherwise obtained without providing new capital to a qualified business.

"Qualified business" means a business which (i) has annual gross revenues of no more than five million dollars in its most recent tax year, (ii) is commercially domiciled in the Commonwealth, (iii) is primarily engaged in business or does substantially all of its production in the Commonwealth, and (iv) is not primarily engaged, or is not primarily organized to engage, in any of the following types of businesses:

1. Banks;
2. Savings and loan institutions;
3. Credit or finance;
4. Financial, broker or investment;
5. Businesses organized for the primary purpose of rendering professional services as defined in Chapter 7 (§ 13.1-542 et seq.) of Title 13.1;
6. Accounting;
7. Government, charitable, religious or trade institutions or organizations;
8. Conventional coal, oil and gas, and mineral exploration;
9. Insurance;
10. Real estate design or engineering;
11. Construction or construction contracting;
12. Business consulting or business brokering;
13. Residential housing, real estate brokerage, sale or leasing businesses, or real estate development; or
14. Any business which is in violation of the law.

"Commercial domicile" means the state where the principal office from which the business affairs of the corporation are normally directed or managed. See 23 VAC 10-120-140 D.

"Primarily engaged in business in the Commonwealth" means 50% or more of the entity's gross receipts are derived from sources within Virginia. **"Substantially all of its production in the Commonwealth"** means 80% or more of the entity's expenses are incurred within Virginia.

Proposed Regulations

Form EDC
2601154 7/00

Virginia Department of Taxation Taxpayer Application for Qualified Equity and Subordinated Debt Investments Tax Credit

TAX YEAR _____

File this form by April 1. This credit must be approved *before* being claimed on your tax return. See instructions for details.

Name	Official Use Only
Social Security Number, FEIN or Virginia Account Number	Req. \$ _____
Street address	App. \$ _____
City, State and ZIP Code	Date: _____
Entity Type: _____ Individual _____ Partnership _____ LLC _____ S Corporation	

If you made a cash investment in a qualifying business in the form of qualified equity or subordinated debt, file this application with the Virginia Department of Taxation. The Department will determine the allowable credit amount. The credit is equal to 50% of the amount of all qualifying investments made during the taxable year. The aggregate amount of credit that may be claimed per taxpayer per year is limited to the amount of tax or \$50,000, whichever is less. The credit is nonrefundable, however, excess credit may be carried forward for up to fifteen years. The allowable credits will be prorated by the Department of Taxation if total annual requests exceed \$5 million. Penalties and forfeiture of this credit may apply if the equity investment is held for less than five years following the year the credit is allocated or on any subordinated debt investment that is held for less than three years. **IMPORTANT:** See instructions for details on when and where to file. Late filing will disqualify you for the credit.

PART I - BUSINESS ENTITY IDENTIFICATION

Complete a section for each qualifying investment. You must have a department issued QBA-C from each qualifying business. Do not include investments in which you or any family members, or any entity affiliated with you, receives or has received compensation from the qualified business in exchange for services provided to the business as an employee, officer, director, manager, independent contractor or otherwise connected within one year before or after the date of investment. Attach additional pages if needed.

1. Name of Qualified Business Entity: _____
2. Certificate Number from Form QBA-C provided by the qualified business _____
3. Name and type of investment (i.e. equity or subordinated debt) _____
Date Qualified Investment Made _____ Amount of Qualified Investment \$ _____
Purchased from _____

1. Name of Qualified Business Entity: _____
2. Certificate Number from Form QBA-C provided by the qualified business _____
3. Name and type of investment (i.e. equity or subordinated debt) _____
Date Qualified Investment Made _____ Amount of Qualified Investment \$ _____
Purchased from _____

PART II -TOTAL CREDIT REQUESTED

1. TOTAL QUALIFIED INVESTMENT (including any amounts listed on separate pages) \$ _____
2. Multiply TOTAL QUALIFIED INVESTMENT (line 1) amount by 0.5; enter result here: \$ _____

Under penalty of law, I have read and understand the limitations and restrictions for this credit.

Taxpayer Signature: _____ Title: _____

Printed Name: _____ Date: _____ Phone: _____

Tax Preparer Name: _____ Phone: _____

Address: _____

Instructions for Form EDC, Application for Qualified Equity and Subordinated Debt Investment Tax Credit

When To File

File Form EDC as soon after receiving all Form(s) QBA-C for qualified investments made during your tax year and as soon as possible BEFORE your tax filing deadline.

For calendar year taxpayers making a qualified investment during 2000, file this application and all supporting documentation no later than April 1, 2001

For taxable years ending after January 1, and on or before December 31, file this application and all supporting documentation no later than April 1 of the following year.

What To Attach

Attach a copy of the qualified business' certification (issued to the business by Department of Taxation), Form QBA-C, and the business' statement describing the investment by amount and type with verification by the business that the investment meets the definition of a qualified investment for purposes of claiming the credit pursuant to 23 VAC 10-110-225 et seq and *Code of Virginia* 58.1-339.4.

Where To File

File Form EDC and attachments with **Department of Taxation, ATTN: Capped Credit Unit, P. O. Box 715, Richmond, VA 23218-0715.**

What To Expect From the Department of Taxation

The Virginia Department of Taxation will review all applications for completeness and notify taxpayers of any errors by June 1. If any additional information is needed, it must be provided no later than June 15 in order for the investment to be considered for the tax credit. All eligible taxpayers shall be notified by June 30 as to the allowable credit amount that may be claimed for the qualified investment. If the total eligible credit requests received exceed the Commonwealth's annual \$5 million limitation, each taxpayer shall be granted a pro rata amount as determined by the department.

What Does The Taxpayer Need to Do

Upon receiving notification of the allowable credit amount, taxpayers may claim the allowable credit amount on the applicable Virginia income tax return and compute any carryover credit amount.

IMPORTANT: Taxpayers who do not receive notification of allowable credit amounts before their Virginia income tax return due date must file the appropriate return extension request or file their regular return without the credit and then file an amended tax return after receipt of notification of the allowable credit amount to claim the tax credit.

Required Investor Holding Period

Equity received in connection with a qualified business investment must be held by the taxpayer for at least five calendar years following the calendar year for which the credit is allocated except in any of the following: the liquidation of the qualified business issuing the equity, a merger, consolidation or other acquisition of the business with or by a party not affiliated with the business or, death of the taxpayer. Subordinated debt must be held for 3 years.

Penalty for Not Meeting the Required Holding Period

If the required holding period is not met, the taxpayer must forfeit the unused credit amount and will be assessed for the credit utilized, to which shall be added a 100% penalty plus interest, computed at the rate of 1% per month, compounded monthly from the date the tax credits were claimed. See 23 VAC 10-110-225 et seq. for details.

Pass-Through Entities

Each pass-through entity must attach to its Virginia tax return, for the year in which the distribution was made, a copy of the distribution statement specifying their share of the credit.

Also, within 60 days of making the distribution, each pass-through entity must provide the Department of Taxation (Capped Credit Unit) a copy of the schedule listing the name, address, social security number (or FEIN), and the amount of distribution allocated to each shareholder, member or partner. This information should be sent to: **Department of Taxation, ATTN: Capped Credit Unit, P. O. Box 715, Richmond, VA 23218-0715** within 60 days of making the distribution.

All pass-through entities distributing this credit to its owner(s), shareholders, partners or members must provide the same with a copy of the approved Form EDC and distribution statement specifying the individual's amount and percentage of the authorized credit for the business entity.

Where To Get Help

Write the **Department of Taxation, ATTN: Capped Credit Unit, P. O. Box 715, Richmond, VA 23218-0715** or call **(804) 786-2992**. To order forms or a copy of regulations, call **1-888-268-2829 (toll free outside Richmond), (804) 236-2760, or (804) 236-2761**. Connect to our web page at **www.tax.state.va.us** to obtain most Virginia income tax forms and additional tax information. Forms are also available from your local Commissioner of the Revenue, Director of Finance or Director of Tax Administration.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 1. ADMINISTRATION

DESIGN-BUILD CONSTRUCTION MANAGEMENT REVIEW BOARD

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with (i) § 9-6.14:4.1 C 2, which excludes regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority; (ii) § 9-6.14:4.1 C 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors; and (iii) § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Design-Build/Construction Management Review Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **1 VAC 17-20-10 et seq. Design-Build/Construction Management Review Board Rules and Regulations (amending 1 VAC 17-20-10, 1 VAC 17-20-40, 1 VAC 17-20-70, 1 VAC 17-20-110, 1 VAC 17-20-180, 1 VAC 17-20-210, 1 VAC 17-20-250, 1 VAC 17-20-270, 1 VAC 17-20-280, and 1 VAC 17-20-310).**

Statutory Authority: § 11-41.2:2 of the Code of Virginia.

Effective Date: September 12, 2001.

Summary:

The amendments require any public body pursuing design-build or construction management for a project to have any architect or professional engineer, with professional competence appropriate to the subject, in its employ or under contract during the preparation of the Request for Proposal (RFP) and during the evaluation of proposals submitted in response to the RFP.

Agency Contact: Copies of the regulation may be obtained from Freddie M. Adcock, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 225-3871.

1 VAC 17-20-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless a different meaning is provided or is plainly required by the context:

"Architect" means a person who by reason of his knowledge of the mathematical and physical sciences and the principles of architecture and architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the Virginia Board for

Architects, Professional Engineers, Land Surveyors, *Certified Interior Designers* and Landscape Architects through licensure as an architect.

"Construction" means building, altering, repairing, improving or demolishing any structure, building or highway and any draining, dredging, excavation, grading or similar work upon real property.

"Construction management contract" means a contract in which a person is retained by a public body in connection with a construction project to advise the public body on matters of constructability, cost, and schedule; to assist the public body as an independent resource with technical expertise; to coordinate and administer contracts for construction of the project; and to provide, or be at-risk for, some portion of the construction services for the project. (See Part VI (1 VAC 17-20-230 et seq.) for a more complete explanation of the construction management contracts covered by this chapter.)

"Construction manager" means a person who enters into a construction management contract with a public body.

"Construction services" means any service which facilitates construction or which is traditionally provided by a contractor as a part of his contract for construction, including, but not limited to, general condition provisions, site safety, and scheduling and coordination of trade contractors.

"Design-build contract" means a contract in which a person is retained by a public body to both design and build the structure, building, highway or other item specified in the contract.

"Design-builder" means a person who enters into a design-build contract with a public body.

"Person" means any individual, sole proprietorship, partnership, association, limited liability company, joint venture, corporation or other legal entity.

"Professional engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience and whose competence has been attested by the Virginia Board for Architects, Professional Engineers, Land Surveyors, *Certified Interior Designer* and Landscape Architects through licensure as a professional engineer.

"Public body" means any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty and empowered by law to undertake the activities described in the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The term public body

shall not include the Commonwealth or its departments, agencies, and institutions.

"*Request for proposal (RFP)*" means the second step of a two-step, competitive negotiation process in which the public body issues a written request to those persons who have been prequalified by the public body to submit both technical and cost proposals.

"*Request for qualifications (RFQ)*" means the first step of a two-step, competitive negotiation process in which the public body publishes a written request for the purpose of inviting interested qualified persons to apply for prequalification.

"*Review board*" means the Design-Build/Construction Management Review Board.

1 VAC 17-20-40. Officers; meetings; quorum.

A. The review board shall elect its chairman and vice-chairman from among its members. Subject to further action by the review board, the chairman and vice-chairman shall serve for terms of two years, except that members elected to fill vacancies shall be for the unexpired terms. ~~No person shall be eligible to serve for more than two successive full terms as chairman or vice-chairman.~~

B. The review board shall meet at least monthly; however, monthly meetings may be canceled by the chairman if there is no business before the review board. Five members shall constitute a quorum.

1 VAC 17-20-70. Professional advisor.

Prior to making a determination as to the use of design-build or construction management for a specific construction project, the public body shall have in its employ or under contract an architect or professional engineer with professional competence appropriate to the project who shall advise the public body regarding the use of design-build or construction management for that project and assist the public body with the preparation of the request for proposal *and the evaluation of proposals submitted by interested offerors in response to the RFP* for that project.

1 VAC 17-20-110. Review of a specific construction project.

A. A request by a public body for review of a specific construction project shall be submitted in writing to the address provided in 1 VAC 17-20-100.

B. The public body shall submit 12 copies of the following with its written request for review of a specific construction project:

1. Evidence that the public body has in its employ or under contract an architect or professional engineer to advise the public body regarding the use of a design-build or construction management contract and to assist the public body with the preparation of the request for proposal *and the evaluation of proposals submitted by interested offerors in response to the RFP for the project* (see 1 VAC 17-20-70 and 1 VAC 17-20-80);

2. A certified copy of the ordinance or resolution adopting the public body's written procedures governing the selection, evaluation, and award of design-build and

construction management contracts. If the ordinance or resolution has been previously submitted to and approved by the review board (see 1 VAC 17-20-100), a copy of the review board's letter of approval;

3. If not a part of the adopted ordinance or resolution, a certified copy of the public body's written procedures governing the selection, evaluation, and award of design-build and construction management contracts. If the written procedures have been previously submitted to and approved by the review board (see 1 VAC 17-20-100), a copy of the review board's letter of approval;

4. The public body's findings as to the specific construction project under consideration that (i) a design-build or construction management contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the public body by using a design-build or construction management contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous. The findings shall include the information and data upon which the findings are based. Such information and data shall include, at a minimum, estimates for cost and time using the traditional design-bid-build procedures, as compared with the proposed design-build or construction management procedures; and

5. A written narrative describing the criteria of the specific construction project under consideration in areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications.

1 VAC 17-20-180. Evaluation committee.

A. The public body shall appoint an evaluation committee of not less than three *voting* members, ~~one of whom shall be the architect or professional engineer employed by or under contract with the public body.~~

B. If an employee of the public body, the professional advisor (see 1 VAC 17-20-70 and 1 VAC 17-20-80) shall be a voting member of the evaluation committee; if not an employee of the public body, the professional advisor may be a voting or nonvoting member of the evaluation committee as permitted by the public body's internal procurement policies and procedures.

1 VAC 17-20-210. Request for proposal.

A. The public body shall prepare a request for proposal (RFP) which shall include and define the criteria of the specific construction project in areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications. The RFP may also define such other requirements as the public body determines appropriate for that particular construction project. In addition, the RFP shall define the criteria to be used by the evaluation committee to evaluate each proposal. ~~B.~~ The public body shall establish procedures whereby comments concerning specifications or other provisions in the RFP can be received and considered prior to the time set for receipt of proposals.

Final Regulations

~~C. B.~~ At least 10 days prior to the date set for receipt of proposals, the public body shall invite those potential offerors selected under 1 VAC 17-20-200; to submit sealed technical and cost proposals. An offeror's cost proposal shall be sealed separately from its technical proposal. Upon receipt of an offeror's technical and cost proposals, the offeror's cost proposal shall be secured by the public body and kept sealed until evaluation of all technical proposals is completed.

1 VAC 17-20-250. Evaluation committee.

A. The public body shall appoint an evaluation committee of not less than three *voting* members, ~~one of whom shall be the architect or professional engineer employed by or under contract with the public body.~~

B. *If an employee of the public body, the professional advisor (see 1 VAC 17-20-70 and 1 VAC 17-20-80) shall be a voting member of the evaluation committee; if not an employee of the public body, the professional advisor may be a voting or nonvoting member of the evaluation committee as permitted by the public body's internal procurement policies and procedures.*

1 VAC 17-20-270. Selection of qualified offerors (Step I); prequalification.

The evaluation committee shall evaluate each responding potential offeror's qualifications submittal and any other relevant information and shall select a minimum of two offerors deemed fully qualified and best suited among those submitting their qualifications on the basis of the selection criteria set forth in the RFQ.

An offeror may be denied prequalification only upon those grounds specified in § 11-46 of the Code of Virginia.

At least 30 days prior to the date established for the submission of proposals, the public body shall advise in writing each offeror which sought prequalification whether or not that offeror has been prequalified. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.

1 VAC 17-20-280. Request for proposal.

A. The public body shall prepare a request for proposal (RFP) which shall include and define the criteria of the specific construction project in areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications. The RFP may also define such other requirements as the public body determines appropriate for that particular construction project. The RFP shall define the predesign, design phase, bid phase, or construction phase services, as appropriate, to be provided by the construction manager. In addition, the RFP shall define the criteria to be used by the evaluation committee to evaluate each proposal. ~~B.~~ The public body shall establish procedures whereby comments concerning specifications or other provisions in the RFP can be received and considered prior to the time set for receipt of proposals.

~~C. B.~~ At least 10 days prior to the date set for the receipt of proposals, the public body shall invite those potential offerors

selected under 1 VAC 17-20-270 to submit sealed technical and cost proposals. An offeror's cost proposal shall be sealed separately from its technical proposal and shall include the offeror's lump sum price for all requested preconstruction phase services. A lump sum price or GMP shall be established for all requested construction services as hereinafter described. Upon receipt of an offeror's technical and cost proposals, the offeror's cost proposal shall be secured by the public body and kept sealed until evaluation of all technical proposals is completed.

1 VAC 17-20-310. Evaluation of projects and contracts.

The review board shall evaluate construction projects procured by design-build or construction management contracts entered into by public bodies, including: cost and time savings; effectiveness of the selection, evaluation, and award of such contracts; and the benefit to the public body. In addition, the review board shall report to the General Assembly and the Governor on or before December 1, 1999, and again on or before December 31, 2002, concerning the review board's evaluation of and findings regarding all design-build and construction management contracts undertaken by public bodies and include any recommendations relating to future use of design-build or construction management contracts by such public bodies.

The provisions of this Part VII apply to any design-build or construction management contract entered into by a public body on or after July 1, 1996.

VA.R. Doc. No. R01-255; Filed July 12, 2001; 11:07 a.m.



TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

<p>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.</p>

Title of Regulation: 14 VAC 5-170-10 et seq. **Rules Governing Minimum Standards for Medicare Supplement Policies (amending 14 VAC 5-170-20, 14 VAC 5-170-30, 14 VAC 5-170-70, 14 VAC 5-170-90, 14 VAC 5-170-105, 14 VAC 5-170-120, 14 VAC 5-170-130, 14 VAC 5-170-150, and 14 VAC 5-170-180; adding Appendix D).**

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: September 1, 2001.

Summary:

The amendments incorporate changes required by federal law pursuant to the Ticket to Work and Work Incentives Improvement Act of 1999 and the Balanced Budget Refinement Act of 1999. Other changes include additional

requirements for attained age rated policies, further description of the approval process for Medicare select policies, and specification that actuarial certifications may be required in the review of the proposed rated changes. Changes are also included to reflect the 2001 deductible and copayment amounts under Medicare.

Agency contact: Ann Colley, Bureau of Insurance, State Corporation Commission, 1300 E. Main Street, 6th Floor, Richmond, VA 23219; Mailing Address: P.O. Box 1157, Richmond, VA 23218; telephone (804) 371-9813, e-mail acolley@scc.state.va.us.

AT RICHMOND, JULY 23, 2001

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS010083

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Minimum Standards for
Medicare Supplement Policies

ORDER ADOPTING REVISIONS TO RULES

WHEREAS, by order entered herein May 22, 2001, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to June 26, 2001, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Minimum Standards for Medicare Supplement Policies, unless on or before June 26, 2001, any person objecting to the adoption of the proposed revisions filed a request for a hearing with the Clerk of the Commission;

WHEREAS, the May 22, 2001, Order also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before June 26, 2001;

WHEREAS, as of the date of this Order no request for a hearing has been filed with the Clerk of the Commission;

WHEREAS, comments were filed timely with the Clerk of the Commission by Trigon Blue Cross Blue Shield and Golden Rule Insurance Company;

WHEREAS, in response to the filed comments, the Bureau has recommended certain changes to the proposed revisions; and

THE COMMISSION, having considered the proposed revisions, the filed comments, and the Bureau's response and recommendation, is of the opinion that the attached proposed revisions, as amended, should be adopted;

THEREFORE, IT IS ORDERED THAT:

(1) The revisions to Chapter 170 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Minimum Standards for Medicare Supplement Policies," which amend the rules at 14 VAC 5-170-20, 14 VAC 5-170-30, 14 VAC 5-170-70, 14 VAC 5-170-90, 14 VAC 5-170-105, 14 VAC 5-170-

120, 14 VAC 5-170-130, 14 VAC 5-170-150, and 14 VAC 5-170-180, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective September 1, 2001;

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky, who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, including a copy of the attached revised rule, to all insurers, health services plans, and health maintenance organizations licensed to write Medicare supplement insurance in the Commonwealth of Virginia; and by forwarding a copy of this Order, including a copy of the attached revised rules, to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations; and

(3) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirement of paragraph (2) above.

<p><u>REGISTRAR'S NOTICE:</u> The proposed regulation was adopted as published in 17:20 VA.R. 2804-2849 June 18, 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.</p>

14 VAC 5-170-20. [No change from proposed].

14 VAC 5-170-30. [No change from proposed].

14 VAC 5-170-70. [No change from proposed].

14 VAC 5-170-90. Medicare select policies and certificates.

A. 1. This section shall apply to Medicare Select policies and certificates, as defined in this section.

2. No policy or certificate may be advertised as a Medicare Select policy or certificate unless it meets the requirements of this section.

3. A Medicare Select issuer subject to these rules is deemed a health carrier responsible for a "managed care health insurance plan " or "MCHIP" as defined in § 38.2-5800 of the Code of Virginia.

B. For the purposes of this section:

"Complaint" means any dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers.

"Grievance" means dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate with the administration, claims practices, or provision of services concerning a Medicare Select issuer or its network providers.

"Medicare Select issuer" means an issuer offering, or seeking to offer, a Medicare Select policy or certificate.

Final Regulations

"Medicare Select policy" or "Medicare Select certificate" mean respectively a Medicare supplement policy or certificate that contains restricted network provisions.

"Network provider" means a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy.

"Restricted network provision" means any provision which conditions the payment of benefits, in whole or in part, on the use of network providers.

"Service area" means the geographic area [~~approved by the State Corporation Commission~~] within which an issuer is authorized to offer a Medicare Select policy.

C. The State Corporation Commission may authorize an issuer to offer a Medicare Select policy or certificate, pursuant to this section and § 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 (42 USC § 1395ss(t)) if the State Corporation Commission finds that the issuer has satisfied all of the requirements of this chapter. *The State Corporation Commission shall, in lieu of the requirements set forth in subsections D, E, and F of this section, accept a Certificate of Quality Assurance issued by the Virginia Commissioner of Health pursuant to § 32.1-137.2 A of the Code of Virginia, provided that the Virginia Commissioner of Health has issued such a certificate. If the Virginia Commissioner of Health has reviewed the application of the issuer and has denied or disapproved a Certificate of Quality Assurance, or has revoked a Certificate of Quality Assurance previously issued, the issuer's plan of operation shall be deemed not to be in compliance with the requirements of this section, and the issuer shall not be authorized to offer Medicare Select policies or certificates in this Commonwealth.*

D. A Medicare Select issuer shall not issue a Medicare Select policy or certificate in this Commonwealth until its plan of operation has been approved by the State Corporation Commission.

E. A Medicare Select issuer shall file a proposed plan of operation with the State Corporation Commission in a format prescribed by the State Corporation Commission. The plan of operation shall contain at least the following information:

1. Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

a. Services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community.

b. The number of network providers in the service area is sufficient, with respect to current and expected policyholders, either:

(1) To deliver adequately all services that are subject to a restricted network provision; or

(2) To make appropriate referrals.

c. There are written agreements with network providers describing specific responsibilities.

d. Emergency care is available 24 hours per day and seven days per week.

e. In the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting such providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This subdivision shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate.

2. A statement or map providing a clear description of the service area.

3. A description of the grievance procedure to be utilized.

4. A description of the quality assurance program, including:

a. The formal organizational structure;

b. The written criteria for selection, retention, and removal of network providers; and

c. The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted.

5. A list and description, by specialty, of the network providers.

6. Copies of the written information proposed to be used by the issuer to comply with subsection I of this section.

7. Any other information requested by the State Corporation Commission.

F. 1. A Medicare Select issuer shall file any proposed changes to the plan of operation, except for changes to the list of network providers, with the State Corporation Commission prior to implementing such changes. *Such changes shall be approved or disapproved in writing by the State Corporation Commission within 30 days after receipt of a complete filing by the State Corporation Commission. Such changes shall be considered approved by the State Corporation Commission after 30 days unless specifically disapproved in writing. Within 10 days after approval of such changes by the State Corporation Commission, the issuer shall provide a copy of the approved changes to the Virginia Department of Health (VDH) at its Center for Quality Health Care Services and Consumer Protection. A copy of the notice to VDH shall be filed with the State Corporation Commission.*

2. An updated list of network providers shall be filed with the State Corporation Commission at least quarterly.

G. A Medicare Select policy or certificate shall not restrict payment for covered services provided by non-network providers if:

1. The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition; and

2. It is not reasonable to obtain such services through a network provider.

H. A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

I. A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions, and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

1. An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with:

a. Other Medicare supplement policies or certificates offered by the issuer; and

b. Other Medicare Select policies or certificates.

2. A description (including address, phone number and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals, and other providers.

3. A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized.

4. A description of coverage for emergency and urgently needed care and other out-of-service area coverage.

5. A description of limitations on referrals to restricted network providers and to other providers.

6. A description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer.

7. A description of the Medicare Select issuer's quality assurance program and grievance procedure.

J. Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to subsection I of this section and that the applicant understands the restrictions of the Medicare Select policy or certificate.

K. A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. Such procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures.

1. The grievance procedure shall be described in the policy and certificates and in the outline of coverage.

2. At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

3. Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision makers who have authority to fully investigate the issue and take corrective action.

4. If a grievance is found to be valid, corrective action shall be taken promptly.

5. All concerned parties shall be notified about the results of a grievance.

6. The issuer shall report no later than each March 31st to the State Corporation Commission regarding its grievance procedure. The report shall be in a format prescribed by the State Corporation Commission and shall contain the number of grievances filed in the past year and a summary of the subject, nature, and resolution of such grievances.

L. At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

M. 1. At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for six months.

2. For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this subdivision, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

N. Medicare Select policies and certificates shall provide for continuation of coverage in the event the Secretary determines that Medicare Select policies and certificates issued pursuant to this section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

1. Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies and certificates available without requiring evidence of insurability.

2. For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the

Final Regulations

purposes of this subdivision, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

O. A Medicare Select issuer shall comply with reasonable requests for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program.

14 VAC 5-170-105. Guaranteed issue for eligible persons.

A. Guaranteed issue provisions follow:

1. Eligible persons are those individuals described in subsection B of this section who, *subject to subdivision B 2 b of this section*, apply to enroll under the policy not later than 63 days after the date of the termination of enrollment described in subsection B, and who submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

2. With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in subsection C of this section that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

B. An eligible person is an individual described in any of the following subdivisions:

1. The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare, and the plan terminates, or the plan ceases to provide substantially all such supplemental health benefits to the individual, ~~or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide all health benefits to the individual because the individual leaves the plan.~~

2. [a.] The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, and any of the following circumstances apply, *or the individual is 65 years of age or older and is enrolled with a Program of All Inclusive Care for the Elderly (PACE) provider under § 1894 of the Social Security Act (42 USC § 1395eee), and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare+Choice plan:*

[~~a.~~ (1)] ~~The organization's or plan's certification under 42 USC §§ 1395w-21 et seq. certification of the organization or plan has been terminated or the organization or plan has notified the individual of an impending termination of such certification; or~~

[~~b.~~ (2)] ~~The organization has been terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual~~

resides, or has notified the individual of an impending termination or discontinuance of such plan; or

~~b.~~ [~~e.~~ (3)] The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in § 1851(g)(3)(B) of the federal Social Security Act (42 USC § 1395w-21) (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under § 1856 of the Social Security Act (42 USC § 1395w-26)), or the plan is terminated for all individuals within a residence area; [or]

~~e.~~ [~~f.~~ (4)] The individual demonstrates, in accordance with guidelines established by the Secretary, that:

[~~(4)~~ a.] The organization offering the plan substantially violated a material provision of the organization's contract under § 1859 of the Social Security Act (42 USC §§ 1395w-21 et seq.) in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

[~~(2)~~ b.] The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

~~f.~~ [~~e.~~ (5)] The individual meets such other exceptional conditions as the Secretary may provide. [~~including the following:~~]

[b.] (1) *An individual described in subdivision 2 [~~e~~ (2) a] of this subsection may elect to apply subsection A of this section by substituting, for the date of termination of enrollment, the date on which the individual was notified by the Medicare+Choice organization of the impending termination or discontinuance of the Medicare+Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.*

(2) *In the case of an individual making the election in subdivision 2 [~~e~~ b] (1) of this subsection, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under subsection A of this section shall only become effective upon termination of coverage under the Medicare+Choice plan involved.*

3. a. The individual is enrolled with:

(1) An eligible organization under a contract under § 1876 (Medicare risk or cost);

(2) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

(3) An organization under an agreement under § 1833(a)(1)(A) (health care prepayment plan); or

(4) An organization under a Medicare Select policy; and

b. The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under subdivision B 2 of this section.

4. The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

a. (1) Of the insolvency of the issuer or bankruptcy of the nonissuer organization; or

(2) Of other involuntary termination of coverage or enrollment under the policy;

b. The issuer of the policy substantially violated a material provision of the policy; or

c. The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual.

5. a. The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, any eligible organization under a contract under § 1876 (Medicare risk or cost), any similar organization operating under demonstration project authority, any PACE program under § 1894 of the Social Security Act (42 USC § 1395eee), an organization under an agreement under § 1833(a)(1)(A) of the Social Security Act (42 USC § 1395) (health care prepayment plan), or a Medicare Select policy; and

b. The subsequent enrollment under subdivision 5 a of this subsection is terminated by the enrollee during any period within the first 12 months of such subsequent enrollment (during which the enrollee is permitted to terminate such subsequent enrollment under § 1851(e) of the federal Social Security Act) (42 USC § 1395w-21) [-; or]

6. The individual, upon first becoming ~~enrolled in eligible for benefits under Part A of Medicare~~ ~~Part B for benefits~~ at age 65 or older, enrolls in a Medicare+Choice plan under Part C of Medicare, or a PACE program under § 1894 of the Social Security Act (42 USC § 1395eee) and disenrolls from the plan or program by not later than 12 months after the effective date of enrollment.

C. The Medicare supplement policy to which eligible persons are entitled under:

1. Subdivisions B 1, 2, 3, and 4 of this section is a Medicare supplement policy which has a benefit package classified as Plan A, B, C or F offered by any issuer.

2. Subdivision B 5 of this section is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in subdivision 1 of this subsection.

3. Subdivision B 6 of this section shall include any Medicare supplement policy offered by any issuer.

D. Notification provisions are:

1. At the time of an event described in subsection B of this section because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection A of this section. Such notice shall be communicated in writing contemporaneously with the notification of termination.

2. At the time of an event described in subsection B of this section because of which an individual ceases enrollment under a contract or agreement, policy or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection A of this section. Such notice shall be communicated in writing within 10 working days of the issuer receiving notification of disenrollment.

14 VAC 5-170-120. Loss ratio standards and refund or credit of premium; annual filing; public hearing.

A. 1. Loss ratio standards. A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form:

a. At least 75% of the aggregate amount of premiums earned in the case of group policies; or

b. At least 65% of the aggregate amount of premiums earned in the case of individual policies, calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for such period and in accordance with accepted actuarial principles and practices.

2. All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

3. For policies issued prior to July 30, 1992, expected claims in relation to premiums shall meet:

Final Regulations

a. The originally filed anticipated loss ratio when combined with the actual experience since inception;

b. The appropriate loss ratio requirement from subdivisions 1 a and 1 b of this subsection when combined with actual experience beginning with July 1, 1991, to date; and

c. The appropriate loss ratio requirement from subdivisions 1 a and 1 b of this subsection over the entire future period for which the rates are computed to provide coverage.

B. 1. Refund or credit calculation. An issuer shall collect and file with the State Corporation Commission by May 31 of each year the data contained in the applicable reporting form contained in Appendix A for each type in a standard Medicare supplement benefit plan.

2. If on the basis of the experience as reported the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

3. For the purposes of this section, for policies or certificates issued prior to July 30, 1992, the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after April 28, 1996. The first such report shall be due by May 31, 1998.

4. A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. The refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary, but in no event shall it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

C. Annual filing of premium rates. An issuer of Medicare supplement policies and certificates issued before or after July 30, 1992, in this Commonwealth shall file annually its rates, rating schedule, and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the State Corporation Commission in accordance with the filing requirements and procedures prescribed by the State Corporation Commission. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three years.

The supporting documentation shall also include a certification by a qualified actuary that to the best of the actuary's knowledge and judgment, the following items are true with respect to the filing:

1. The assumptions present the actuary's best judgment as to the [~~expected~~ reasonable] value for each assumption and are consistent with the issuer's business plan at the time of the filing;

2. The anticipated lifetime loss ratio, future loss ratios, and except for policies issued prior to July 30, 1992, third-year loss ratios all exceed the applicable ratio;

3. Except for policies issued prior to July 30, 1992, the filed rates maintain the proper relationship between policies which had different rating methodologies;

4. The filing was prepared based on the current standards of practices as promulgated by the Actuarial Standards Board, including the data quality standard of practice, as described at www.actuary.org;

5. The filing is in compliance with the applicable laws and regulations in this Commonwealth; and

6. The premiums are reasonable in relation to the benefits provided.

As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this Commonwealth shall file with the State Corporation Commission, in accordance with the applicable filing procedures of this Commonwealth:

1. a. Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. The supporting documents as necessary to justify the adjustment shall accompany the filing.

b. An issuer shall make such premium adjustments necessary to produce an expected loss ratio under the policy or certificate to conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for the Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

c. If an issuer fails to make premium adjustments acceptable to the State Corporation Commission, the State Corporation Commission may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this section.

2. Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. The riders, endorsements or policy forms shall provide a clear description of the

Medicare supplement benefits provided by the policy or certificate.

D. Public hearings. The State Corporation Commission may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after July 30, 1992, if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for such reporting period. Public notice of the hearing shall be furnished in a manner deemed appropriate by the State Corporation Commission.

14 VAC 5-170-130. Filing and approval of policies and certificates and premium rates.

A. An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this Commonwealth unless the policy form or certificate form has been filed with and approved by the State Corporation Commission in accordance with filing requirements and procedures prescribed by the State Corporation Commission.

B. An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule, and supporting documentation have been filed with and approved by the State Corporation Commission in accordance with the filing requirements and procedures prescribed by the State Corporation Commission.

The filing shall also include a certification by a qualified actuary that to the best of the actuary's knowledge and judgment, the following items are true with respect to the filing:

1. *The assumptions present the actuary's best judgment as to the [~~expected~~ reasonable] value for each assumption and are consistent with the issuer's business plan at the time of the filing;*
2. *The anticipated lifetime loss ratio, future loss ratios, and except for policies issued prior to July 30, 1992, third-year loss ratio all exceed the applicable ratio;*
3. *The filing was prepared based on the current standards or practices as promulgated by the Actuarial Standards Board including the data quality standard of practice as described at www.actuary.org;*
4. *The filing is in compliance with applicable laws and regulations in this Commonwealth; and*
5. *The premiums are reasonable in relation to the benefits provided.*

C. 1. Except as provided in subdivision 2 of this subsection, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

2. An issuer may offer, with the approval of the State Corporation Commission, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

- a. The inclusion of new or innovative benefits;
- b. The addition of either direct response or agent marketing methods;
- c. The addition of either guaranteed issue or underwritten coverage;
- d. The offering of coverage to individuals eligible for Medicare by reason of disability.

3. For the purposes of this section, a "type" means an individual policy, a group policy, an individual Medicare Select policy or a group Medicare Select policy.

D. 1. Except as provided in subdivision 1 a of this subsection, an issuer shall continue to make available for purchase any policy form or certificate form issued after July 30, 1992, that has been approved by the State Corporation Commission. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous 12 months.

a. An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the State Corporation Commission in writing its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate.

b. An issuer that discontinues the availability of a policy form or certificate form pursuant to subdivision 1 a of this subsection shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the State Corporation Commission of the discontinuance. The period of discontinuance may be reduced if the State Corporation Commission determines that a shorter period is appropriate.

2. The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this subsection.

3. A change in the rating structure or methodology shall be considered a discontinuance under subdivision 1 of this subsection unless the issuer complies with the following requirements:

a. The issuer provides an actuarial memorandum, in a form and manner prescribed by the State Corporation Commission, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates.

b. The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The State Corporation Commission may approve a change to the differential which is in the public interest.

E. 1. Except as provided in subdivision 2 of this subsection, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan

Final Regulations

shall be combined for purposes of the refund or credit calculation prescribed in 14 VAC 5-170-120.

2. Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

14 VAC 5-170-150. [No change from proposed].

14 VAC 5-170-180. [No change from proposed].

Appendix D. [No change from proposed].

VA.R. Doc. No. R01-207; Filed July 24, 2001, 12:43 p.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF DENTISTRY

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

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

Effective Date: September 12, 2001.

Summary:

The regulations provide guidelines for public participation in the regulatory process of the board. The amendments further enable electronic communication, notification and comment in the development of regulations.

Agency Contact: Elaine Yeatts, Department of Health Professions, Southern States Building, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:12 VA.R. 2020-2023 February 26, 2001, without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R00-257; Filed July 24, 2001, 1:55 p.m.

BOARD OF NURSING HOME ADMINISTRATORS

Title of Regulation: 18 VAC 95-10-10 et seq. Public Participation Guidelines (amending 18 VAC 95-10-10 through 18 VAC 95-10-40, 18 VAC 95-10-60, 18 VAC 95-10-70, 18 VAC 95-10-80 and 18 VAC 95-10-100).

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

Effective Date: September 12, 2001.

Summary:

The regulations provide guidelines for public participation in the regulatory process of the board. The amendments further enable electronic communication, notification and comment in the development of regulations.

Agency Contact: Elaine Yeatts, Department of Health Professions, Southern States Building, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:12 VA.R. 2020-2023 February 26, 2001, without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R00-262; Filed July 24, 2001, 2:04 p.m.

BOARD OF OPTOMETRY

Title of Regulation: 18 VAC 105-10-10 et seq. Public Participation Guidelines (amending 18 VAC 105-10-10 through 18 VAC 105-10-40, 18 VAC 105-10-60, 18 VAC 105-10-70, 18 VAC 105-10-80 and 18 VAC 105-10-100).

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

Effective Date: September 12, 2001.

Summary:

The regulations provide guidelines for public participation in the regulatory process of the board. The amendments further enable electronic communication, notification and comment in the development of regulations.

Agency Contact: Elaine Yeatts, Department of Health Professions, Southern States Building, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:12 VA.R. 2020-2023 February 26, 2001, without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R00-263; Filed July 24, 2001, 2:02 p.m.

BOARD OF VETERINARY MEDICINE

Title of Regulation: 18 VAC 150-10-10 et seq. Public Participation Guidelines (amending 18 VAC 150-10-10 through 18 VAC 150-10-40, 18 VAC 150-10-60, 18 VAC 150-10-70, 18 VAC 150-10-80 and 18 VAC 150-10-100).

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

Effective Date: September 12, 2001.

Summary:

The regulations provide guidelines for public participation in the regulatory process of the board. The amendments

further enable electronic communication, notification and comment in the development of regulations.

Agency Contact: Elaine Yeatts, Department of Health Professions, Southern States Building, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:12 VA.R. 2020-2023 February 26, 2001, without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R00-265; Filed July 24, 2001, 2:03 p.m.

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TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

REGISTRAR'S NOTICE: The following regulation is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 2 of the Code of Virginia, which excludes regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority. The Commonwealth Transportation Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **24 VAC 30-370-10 et seq. Copyright Dates of VDOT Properties (REPEALED).**

Statutory Authority: § 33.1-12 of the Code of Virginia.

Effective Date: September 12, 2001.

Summary:

This regulation establishes the rules for designating materials or other property created or produced using state-owned resources, during work hours, or within the scope of employment as copyrighted by the Commonwealth of Virginia. The regulation is being repealed because it is a statement of internal policy and procedures and not regulatory in nature, and also because the subject matter is addressed specifically in the Code of Virginia. Further, an Executive Memorandum issued periodically by the Governor is the mechanism by which policies concerning this subject are implemented.

VA.R. Doc. No. R01-257; Filed July 20, 2001, 9:52 a.m.

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EMERGENCY REGULATIONS

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: 22 VAC 40-71-10 et seq. Standards and Regulations for Licensed Assisted Living Facilities (amending 22 VAC 40-71-10, 22 VAC 40-71-20, 22 VAC 40-71-30, 22 VAC 40-71-50, 22 VAC 40-71-60, 22 VAC 40-71-80, 22 VAC 40-71-90, 22 VAC 40-71-110, 22 VAC 40-71-130, 22 VAC 40-71-150 through 22 VAC 40-71-180, 22 VAC 40-71-200, 22 VAC 40-71-210, 22 VAC 40-71-270, 22 VAC 40-71-280, 22 VAC 40-71-290, 22 VAC 40-71-310, 22 VAC 40-71-330, 22 VAC 40-71-360, 22 VAC 40-71-410, 22 VAC 40-71-440, 22 VAC 40-71-450, 22 VAC 40-71-460, 22 VAC 40-71-480, 22 VAC 40-71-490, 22 VAC 40-71-510, 22 VAC 40-71-530 through 22 VAC 40-71-600, and 22 VAC 40-71-630 through 22 VAC 40-71-700; adding 22 VAC 40-71-275).

Statutory Authority: §§ 63.1-25, 63.1-174 and 63.1-174.001 of the Code of Virginia.

Effective Dates: October 9, 2001, through October 8, 2002.

Preamble:

Chapters 808 and 845 of the 2000 Acts of Assembly made changes to Article 1 (§ 63.1-172 et seq.) of Chapter 9 of the Code of Virginia and required that regulations be promulgated within 280 days of enactment. House Bill 2490 from the 2001 General Assembly session made additional changes to § 63.1-174 of the Code of Virginia. Because these changes revised Chapter 845, the proposed emergency regulation for assisted living facilities had to be revised accordingly. This regulation is not otherwise exempt under the provisions of § 9-6.14:4.1 C 4 of the Code of Virginia.

These emergency regulations change the name of homes for aged, infirm or disabled adults from "adult care residence" to "assisted living facility." These regulations make an allowance for a shared administrator when an assisted living facility and a nursing home are located in the same building. The regulations provide programmatic requirements for secure environments for residents with serious cognitive impairments due to a primary psychiatric diagnosis of dementia. Cost constraints of small facilities in complying with the assisted living facility regulations were reviewed.

Agency Contact: L. Richard Martin, Jr., Division of Policy and Research, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1825, FAX (804) 692-1814 or e-mail lrm2@dss.state.va.us.

CHAPTER 71.

STANDARDS AND REGULATIONS FOR LICENSED ADULT CARE RESIDENCES ASSISTED LIVING FACILITIES.

22 VAC 40-71-10. Definitions.

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

"*Activities of daily living (ADLs)*" means bathing, dressing, toileting, transferring, bowel control, bladder control and eating/feeding. A person's degree of independence in performing these activities is a part of determining appropriate level of care and services.

"*Administer medication*" means to open a container of medicine or to remove the prescribed dosage and to give it to the resident for whom it is prescribed.

"*Administrator*" means the licensee or a person designated by the licensee who oversees the day-to-day operation of the facility, including compliance with all regulations for licensed adult care residences assisted living facilities.

~~"*Adult care residence*" means any place, establishment, or institution, public or private, operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; and (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214 of the Code of Virginia, when such facility is licensed by the Virginia Department of Social Services as a child caring institution under Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia, but including any portion of the facility not so licensed. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults.~~

"*Ambulatory*" means the condition of a resident who is physically and mentally capable of self-preservation by evacuating in response to an emergency to a refuge area as defined by the Uniform Statewide Building Code without the assistance of another person, or from the structure itself without the assistance of another person if there is no such refuge area within the structure, even if such resident may require the assistance of a wheelchair, walker, cane, prosthetic device, or a single verbal command to evacuate.

"*Assisted living care*" means a level of service provided by an ~~adult care residence assisted living facility~~ for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (i.e., abusive, aggressive, disruptive) as documented on the uniform assessment instrument.

"*Assisted living facility*" means any ~~congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and~~

Substance Abuse Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214 of the Code of Virginia, when such facility is licensed by the Virginia Department of Social Services as a child-caring institution under Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia, but including any portion of the facility not so licensed; and (iv) any housing project for seniors or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, including but not limited to, U.S. Department of Housing and Urban Development Sections 8, 202, 221(d)(3), 221 (d)(4), 231, 236 or 811 housing, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults.

"Building" means a structure with exterior walls under one roof.

"Case management" means multiple functions designed to link clients to appropriate services. Case management may include a variety of common components such as initial screening of needs, comprehensive assessment of needs, development and implementation of a plan of care, service monitoring, and client follow-up.

"Case manager" means an employee of a public human services agency who is qualified and designated to develop and coordinate plans of care.

"Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms, including when the drug is used in one or more of the following ways:

1. In excessive dose (including duplicate drug therapy);
2. For excessive duration;
3. Without adequate monitoring;
4. Without adequate indications for its use;
5. In the presence of adverse consequences which indicate the dose should be reduced or discontinued; and
6. In a manner that results in a decline in the resident's functional status.

"Committee" means a person who has been legally invested with the authority and charged with the duty of managing the estate or making decisions to promote the well-being of a person who has been determined by the circuit court to be totally incapable of taking care of his person or handling and managing his estate because of mental illness or mental retardation. A committee shall be appointed only if the court finds that the person's inability to care for himself or handle and manage his affairs is total.

"Continuous licensed nursing care" means around-the-clock observation, assessment, monitoring, supervision, or provision of medical treatments provided by a licensed nurse. Residents requiring continuous licensed nursing care may include:

1. Individuals who have a medical instability due to complexities created by multiple, interrelated medical conditions; or
2. Individuals with a health care condition with a high potential for medical instability.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee of the Virginia Department of Social Services, acting as the authorized agent in carrying out the duties specified in the Code of Virginia.

"Direct care staff" means supervisors, assistants, aides, or other employees of a facility who assist residents in their daily living activities. Examples are likely to include nursing staff, geriatric assistants and mental health workers but are not likely to include waiters, chauffeurs, and cooks.

"Discharge" means the movement of a resident out of the ~~adult care residence~~ *assisted living facility*.

"Emergency" means, as it applies to restraints, a situation which may require the use of a restraint where the resident's behavior is unmanageable to the degree an immediate and serious danger is presented to the health and safety of the resident or others.

"Emergency placement" means the temporary status of an individual in an ~~adult care residence~~ *assisted living facility* when the person's health and safety would be jeopardized by not permitting entry into the facility until the requirements for admission have been met.

"Extended license" means a license that is granted for more than one year's duration because the facility demonstrated a pattern of strong compliance with licensing standards.

"Guardian" means a person who has been legally invested with the authority and charged with the duty of taking care of the person, managing his property and protecting the rights of the person who has been declared by the circuit court to be incapacitated and incapable of administering his own affairs. The powers and duties of the guardian are defined by the court and are limited to matters within the areas where the person in need of a guardian has been determined to be incapacitated.

"Habilitative service" means activities to advance a normal sequence of motor skills, movement, and self-care abilities or to prevent unnecessary additional deformity or dysfunction.

"Health care provider" means a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital, dentist, pharmacist, registered or licensed practical nurse, optometrist, podiatrist, chiropractor, physical therapist, physical therapy assistant, clinical psychologist, or health maintenance organization. This list is not all inclusive.

Emergency Regulations

"Household member" means any person domiciled in an ~~adult care residence~~ *assisted living facility* other than residents or staff.

"Human subject research" means any medical or psychological research which utilizes human subjects who may be exposed to the possibility of physical or psychological injury as a consequence of participation as subjects and which departs from the application of those established and accepted methods appropriate to meet the subject's needs but does not include (i) the conduct of biological studies exclusively utilizing tissue or fluids after their removal or withdrawal from a human subject in the course of standard medical practice, (ii) epidemiological investigations, or (iii) medical treatment of an experimental nature intended to save or prolong the life of the subject in danger of death, to prevent the subject from becoming disfigured or physically or mentally incapacitated or to improve the quality of the subject's life pursuant to § 37.1-234 of the Code of Virginia.

"Independent living environment" means one in which the resident or residents perform all activities of daily living and instrumental activities of daily living for themselves without requiring the assistance of any staff member in the ~~adult care residence~~ *assisted living facility*.

"Independent living status" means that the resident is assessed as capable of performing all activities of daily living and instrumental activities of daily living for himself without requiring the assistance of any staff member in the ~~adult care residence~~ *assisted living facility*. (If the policy of a facility dictates that medications are administered or distributed centrally without regard for the residents' capacity, this shall not be considered in determining independent status.)

"Independent physician" means a physician who is chosen by the resident of the ~~adult care residence~~ *assisted living facility* and who has no financial interest in the ~~adult care residence~~ *assisted living facility*, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the ~~residence~~ *facility*.

"Individualized service plan" means the written description of actions to be taken by the licensee to meet the assessed needs of the resident.

"Instrumental activities of daily living (IADLs)" means meal preparation, housekeeping, laundry, and managing money. A person's degree of independence in performing these activities is a part of determining appropriate level of care and services.

"Intermittent intravenous therapy" means therapy provided by a licensed health care professional at medically predictable intervals for a limited period of time on a daily or periodic basis.

"Licensee" means any person, association, partnership or corporation to whom the license is issued.

"Licensed health care professional" means any health care professional currently licensed by the Commonwealth of Virginia to practice within the scope of his profession, such as a clinical social worker, dentist, licensed practical nurse, nurse practitioner, pharmacist, physical therapist, physician,

physician assistant, psychologist, registered nurse, and speech-language pathologist.

NOTE: Responsibilities of physicians contained within this chapter may be implemented by nurse practitioners or physician assistants as assigned by the supervising physician and within the parameters of professional licensing.

"Maintenance or care" means the protection, general supervision and oversight of the physical and mental well-being of the aged, infirm or disabled individual. Assuming responsibility for the well-being of residents, either directly or through contracted agents, is considered "general supervision and oversight."

"Maximum physical assistance" means that an individual has a rating of total dependence in four or more of the seven activities of daily living as documented on the uniform assessment instrument.

NOTE: An individual who can participate in any way with performance of the activity is not considered to be totally dependent.

"Mental impairment" means a disability which reduces an individual's ability to reason or make decisions.

"Minimal assistance" means dependency in only one activity of daily living or dependency in one or more of the instrumental activities of daily living as documented on the uniform assessment instrument.

"Moderate assistance" means dependency in two or more of the activities of daily living as documented on the uniform assessment instrument.

"Nonambulatory" means the condition of a resident who by reason of physical or mental impairment is not capable of self-preservation without the assistance of another person.

"Nonemergency" means, as it applies to restraints, circumstances which may require the use of a restraint for the purpose of providing support to a physically weakened resident.

"Payee" means an individual, other than the guardian or committee, who has been designated to receive and administer funds belonging to a resident in an ~~adult care residence~~ *assisted living facility*. A payee is not a guardian or committee unless so appointed by the court.

"Personal representative" means the person representing or standing in the place of the resident for the conduct of his affairs. This may include a guardian, committee, attorney-in-fact under durable power of attorney, next of kin, descendent, trustee, or other person expressly named by the resident as his agent.

"Physical impairment" means a condition of a bodily or sensory nature that reduces an individual's ability to function or to perform activities.

"Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, which restricts freedom of movement or access to his body.

"*Psychopharmacologic drug*" means any drug prescribed or administered with the intent of controlling mood, mental status or behavior. Psychopharmacologic drugs include not only the obvious drug classes, such as antipsychotic, antidepressants, and the anti-anxiety/hypnotic class, but any drug that is prescribed or administered with the intent of controlling mood, mental status, or behavior, regardless of the manner in which it is marketed by the manufacturers and regardless of labeling or other approvals by the Federal Drug Administration (FDA).

"*Public pay*" means a resident of an adult care facility eligible for benefits under the Auxiliary Grants Program.

"*Qualified assessor*" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility preadmission screening or to complete the uniform assessment instrument for a home- and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of ~~adult care residences~~ *assisted living facilities*, or any hospital which has contracted with the Department of Medical Assistance Services to perform nursing facility preadmission screenings.

"*Rehabilitative services*" means activities that are ordered by a physician or other qualified health care professional which are provided by a rehabilitative therapist (physical therapist, occupational therapist or speech-language pathologist). These activities may be necessary when a resident has demonstrated a change in his capabilities and are provided to enhance or improve his level of functioning.

"*Resident*" means any aged, infirm, or disabled adult residing in an ~~adult care residence~~ *assisted living facility* for the purpose of receiving maintenance or care.

"*Residential living care*" means a level of service provided by an ~~adult care residence~~ *assisted living facility* for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. Included in this level of service are individuals who are dependent in medication administration as documented on the uniform assessment instrument. This definition includes *the services provided by independent living facilities* that voluntarily become licensed.

"*Respite care*" means services provided for maintenance and care of aged, infirm or disabled adults for temporary periods of time, regularly or intermittently. Facilities offering this type of care are subject to this chapter.

"*Restorative care*" means activities designed to assist the resident in reaching or maintaining his level of potential. These activities are not required to be provided by a rehabilitative therapist and may include activities such as range of motion, assistance with ambulation, positioning, assistance and instruction in the activities of daily living, psychosocial skills training, and reorientation and reality orientation.

"*Safe, secure environment*" means a self-contained special care unit for individuals with serious cognitive impairments due to a primary psychiatric diagnosis of dementia who cannot recognize danger or protect their own safety and

welfare. Means of egress that lead to unprotected areas must be monitored or secured through devices that conform to applicable building and fire safety standards, including but not limited to, door alarms, cameras, constant staff oversight, security bracelets that are part of an alarm system, pressure pads at doorways, delayed egress mechanisms, locking devices and perimeter fence gates. There may be one or more self-contained special care units in a facility or the whole facility may be a self-contained special care unit.

NOTE: Nothing in this definition limits or contravenes the privacy protections set forth in § 63.1-182.1 of the Code of Virginia.

"*Serious cognitive impairment*" means severe deficit in mental capability of a chronic, enduring or long term nature that affects areas such as thought processes, problem-solving, judgment, memory, and comprehension and that interferes with such things as reality orientation, ability to care for self, ability to recognize danger to self or others, and impulse control. Such cognitive impairment is not due to acute or episodic conditions, nor conditions arising from treatable metabolic or chemical imbalances or caused by reactions to medication or toxic substances. Prior to admission to a safe, secure environment, an individual shall have been assessed by a physician as having a serious cognitive impairment, which is due to a primary psychiatric diagnosis of dementia, as set forth in 22 VAC 40-71-700 B 1.

"*Skilled nursing treatment*" means a service ordered by a physician which is provided by and within the scope and practice of a licensed nurse.

"*Systems review*" means a physical examination of the body to determine if the person is experiencing problems or distress, including cardiovascular system, respiratory system, gastrointestinal system, urinary system, endocrine system, musculoskeletal system, nervous system, sensory system and the skin.

"*Transfer*" means movement of a resident to a different assigned living area within the same licensed facility.

"*Transfer trauma*" means feelings or symptoms of stress, emotional shock or disturbance, hopelessness, or confusion resulting from the resident being moved from one residential environment to another.

"*Uniform assessment instrument (UAI)*" means the department designated assessment form. There is an alternate version of the form which may be used for private pay residents, i.e., those not eligible for benefits under the Auxiliary Grants Program. Social and financial information which is not relevant because of the resident's payment status is not included on the private pay version of the form.

22 VAC 40-71-20. Applicability.

A. These standards and regulations for licensed ~~adult care residences~~ *assisted living facilities* apply to any ~~facility~~ *congregate residential setting*:

1. That ~~is operated or maintained~~ *provides or coordinates* personal and health care services, 24-hour supervision, and assistance for the maintenance or care of four or more

Emergency Regulations

adults in one or more locations who are aged, infirm or disabled.

2. That assumes responsibility, either directly or through contracted agents, for the maintenance or care of four or more adults who are aged, infirm or disabled.

B. The following types of facilities are not subject to licensure as an ~~adult care residence~~ *assisted living facility*.

1. A facility or portion of a facility licensed by the State Board of *Health or the Department of Mental Health, Mental Retardation, and Substance Abuse Services*.

2. The home or residence of an individual who cares for or maintains only persons related to him by blood or marriage.

3. A facility or portion of a facility, licensed as a children's residential facility under § ~~63.1-185~~ 63.1-195 et seq. of the Code of Virginia, serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped.

4. *Any housing project for seniors or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority.*

22 VAC 40-71-30. Types of facilities and scope of services.

A. An ~~adult care residence~~ *assisted living facility* licensed for residential living *care* as defined in 22 VAC 40-71-10 shall comply with Parts I through V.

B. An ~~adult care residence~~ *assisted living facility* licensed for assisted living *care* as defined in 22 VAC 40-71-10 shall comply with Parts I through VI.

NOTE: Within assisted living *care* there are two payment levels for recipients of an auxiliary grant: Regular assisted living and intensive assisted living as defined in regulations promulgated by the Department of Medical Assistance Services.

22 VAC 40-71-50. Licensee.

A. The licensee shall ensure compliance with all regulations for licensed ~~adult care residences~~ *assisted living facilities* and terms of the license issued by the department; with other relevant federal, state or local laws and regulations; and with the facility's own policies.

B. The licensee shall meet the following requirements:

1. The licensee shall give evidence of financial responsibility.

2. The licensee shall be of good character and reputation.

3. The licensee shall protect the physical and mental well-being of residents.

4. The licensee shall keep such records and make such reports as required by this chapter for licensed ~~adult care residences~~ *assisted living facilities*. Such records and reports may be inspected at any reasonable time in order to determine compliance with this chapter.

5. The licensee shall meet the qualifications of the administrator if he assumes those duties.

C. An ~~adult care residence~~ *assisted living facility* sponsored by a religious organization, a corporation or a voluntary association shall be controlled by a governing board of directors that shall fulfill the duties of the licensee.

22 VAC 40-71-60. Administrator.

A. Each ~~residence facility~~ shall have an administrator of record. This does not prohibit the administrator from serving more than one facility.

B. The administrator shall meet the following minimum qualifications and requirements:

1. The administrator shall be at least 21 years of age.

2. He shall be able to read, to write, and to understand this chapter.

3. He shall be able to perform the duties and to carry out the responsibilities required by this chapter.

4. The administrator shall be a high school graduate or shall have a General Education Development Certificate (GED), and have completed at least one year of successful post secondary education from an accredited college or institution or administrative or supervisory experience in caring for adults in a group care facility. The following exception applies: Administrators employed prior to the effective date of these standards shall be a high school graduate or shall have a GED, or shall have completed one year of successful experience in caring for adults in a group care facility.

5. *Any person meeting the qualifications for a licensed nursing home administrator under § 54.1-3103 of the Code of Virginia may (i) serve as an administrator of an assisted living facility and (ii) serve as the administrator of both an assisted living facility and a licensed nursing home, provided the assisted living facility and licensed nursing home are part of the same building.*

~~5.~~ 6. The administrator shall demonstrate basic respect for the dignity of residents by ensuring compliance with residents' rights.

~~6.~~ 7. He shall meet the requirements stipulated for all staff in subsection A of 22 VAC 40-71-70.

~~7.~~ 8. He shall not be a resident.

C. The ~~residence facility~~ licensee/operator, ~~residence facility~~ administrator, relatives of the licensee/operator or administrator, or ~~residence facility~~ employees shall not act as, seek to become, or become the committee or guardian of any resident unless specifically so appointed by a court of competent jurisdiction pursuant to Chapter 4 (§ 37.1-128.01 et seq.) of Title 37.1 of the Code of Virginia.

D. Facility owners shall notify the licensing agency of a change in a facility's administrator. The notifications shall be sent to the licensing agency in writing within 10 working days of the change.

E. It shall be the duty of the administrator to oversee the day-to-day operation of the ~~residence~~ facility. This shall include, but shall not be limited to, responsibility for:

1. Services to residents;
2. Maintenance of buildings and grounds;
3. Supervision of ~~adult care residence~~ assisted living facility staff.

F. Either the administrator or a designated assistant who meets the qualifications of the administrator shall be awake and on duty on the premises at least 40 hours per week.

G. When an administrator terminates employment, a new administrator shall be hired within 90 days from the date of termination.

H. The administrator shall attend at least 20 hours of training related to management or operation of a residential facility for adults or client specific training needs within each 12-month period. When adults with mental impairments reside in the facility, at least five of the required 20 hours of training shall focus on the resident who is mentally impaired. Documentation of attendance shall be retained at the facility and shall include title of course, location, date and number of hours.

I. Whenever an assisted living facility and a licensed nursing home have a single administrator, there shall be a written management plan that addresses the care and supervision of the assisted living facility residents. The management plan shall include, but not be limited to, the following:

1. *Written policies and procedures that describe how the administrator will oversee the care and supervision of the residents and the day-to-day operation of the facility;*
2. *If the administrator does not provide the direct management of the assisted living facility, the plan shall specify a designated individual who shall serve as manager and who shall be directly supervised by the administrator;*
3. *A current organizational chart that depicts the lines of responsibility;*
4. *A position description for the administrator, and if applicable, for the manager.*

22 VAC 40-71-80. Staff training and orientation.

A. All employees shall be made aware of:

1. The purpose of the facility;
2. The services provided;
3. The daily routines; and
4. Required compliance with regulations for ~~adult care residences~~ assisted living facilities as it relates to their duties and responsibilities.

B. All personnel shall be trained in the relevant laws, regulations, and the ~~residence's~~ facility's policies and procedures sufficiently to implement the following:

1. Emergency and disaster plans for the facility;

2. Techniques of complying with emergency and disaster plans including evacuating residents when applicable;

3. Use of the first aid kit and knowledge of its location;

4. Confidential treatment of personal information;

5. Observance of the rights and responsibilities of residents;

6. Procedures for detecting and reporting suspected abuse, neglect, or exploitation of residents to the appropriate local department of social services. (NOTE: Section 63.1-55.3 of the Code of Virginia requires anyone providing full- or part-time care to adults for pay on a regular basis to report suspected adult abuse, neglect, or exploitation);

7. Techniques for assisting residents in overcoming transfer trauma; and

8. Specific duties and requirements of their positions. Training in these areas shall occur within the first seven days of employment, and prior to assuming job responsibilities unless under the sight supervision of a trained staff person.

C. Within the first 30 days of employment, all direct care staff shall be trained to have general knowledge in the care of aged, infirm or disabled adults with due consideration for their individual capabilities and their needs.

D. On an annual basis, all direct care staff shall attend at least eight hours of training.

1. The training shall be relevant to the population in care and shall be provided through in-service training programs or institutes, workshops, classes, or conferences.

2. When adults with mental impairments reside in the facility, at least two of the required eight hours of training shall focus on the resident who is mentally impaired.

3. Documentation of this training shall be kept by the facility in a manner that allows for identification by individual employee.

22 VAC 40-71-90. Staff duties performed by residents.

A. Any resident who performs any staff duties shall meet the personnel and health requirements for that position.

B. There shall be a written agreement between the ~~residence~~ facility and any resident who performs staff duties.

1. The agreement shall specify duties, hours of work, and compensation.

2. The agreement shall not be a condition for admission or continued residence.

3. The resident shall enter into such an agreement voluntarily.

22 VAC 40-71-110. Employee records and health requirements.

A. A record shall be established for each staff member. It shall not be destroyed until two years after employment is terminated.

Emergency Regulations

B. Personal and social data to be maintained on employees are as follows:

1. Name;
2. Birthdate;
3. Current address and telephone number;
4. Position and date employed;
5. Last previous employment;
6. For persons employed after November 9, 1975, copies of at least two references or notations of verbal references, obtained prior to employment, reflecting the date of the reference, the source and the content;
7. For persons employed after July 1, 1992, an original criminal record report and a sworn disclosure statement;
8. Previous experience or training or both;
9. Social security number;
10. Name and telephone number of person to contact in an emergency;
11. Notations of formal training received following employment; and
12. Date and reason for termination of employment.

C. Health information required by these standards shall be maintained at the facility for the licensee or administrator or both, each staff member, and each household member who comes in contact with residents.

1. Initial tuberculosis examination and report.
 - a. Within 30 days before or seven days after employment, each individual shall obtain an evaluation indicating the absence of tuberculosis in a communicable form.
 - b. When a staff person terminates work at a licensed facility and begins working at another licensed facility with a gap in service of six months or less, the previous statement of tuberculosis screening may be transferred to the second facility.
 - c. Each individual shall submit documentation that he is free of tuberculosis in a communicable form. This information shall include the results of a Mantoux tuberculin skin test, chest x-ray or bacteriological examination as deemed appropriate by a physician to rule out tuberculosis in a communicable form. This documentation shall be maintained at the facility and shall include the information contained on the form recommended by the Virginia Department of Health.
2. Subsequent evaluations.
 - a. Any individual who comes in contact with a known case of infectious tuberculosis shall be screened as deemed appropriate in consultation with the local health department.

b. Any individual who develops respiratory symptoms of three or more weeks duration shall be evaluated immediately for the presence of infectious tuberculosis.

c. Any individual not previously reacting significantly to a Mantoux tuberculin skin test shall be retested annually. Annual chest x-rays are not required.

3. Any individual suspected to have infectious tuberculosis shall not be allowed to return to work or have any contact with the residents and personnel of the ~~residence~~ *facility* until tuberculosis is ruled out or determined by a physician to be noninfectious.

4. If a staff member develops an active case of tuberculosis the facility shall report this information to the local health department.

D. At the request of the administrator of the facility or the department, a report of examination by a licensed physician shall be obtained when there are indications that the safety of residents in care may be jeopardized by the physical or mental health of a specific individual.

E. Any individual who, upon examination or as a result of tests, shows indication of a physical or mental condition which may jeopardize the safety of residents in care or which would prevent performance of duties:

1. Shall be removed immediately from contact with residents; and
2. Shall not be allowed contact with residents until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed statement from the physician.

22 VAC 40-71-130. Standards for staffing.

A. The ~~adult care residence~~ *assisted living facility* shall have staff adequate in knowledge, skills, and abilities and sufficient in numbers to provide services to attain and maintain the physical, mental and psychosocial well-being of each resident as determined by resident assessments and individualized service plans, and to assure compliance with this chapter.

B. There shall be sufficient staff on the premises at all times to implement the approved fire plan.

C. There shall be at least one staff member awake and on duty at all times in each building when at least one resident is present.

EXCEPTION: In buildings that house 19 or fewer residents, the staff member on duty does not have to be awake during the night if none of the residents requires a staff member awake and on duty at night.

22 VAC 40-71-150. Admission and retention of residents.

A. No resident shall be admitted or retained for whom the facility cannot provide or secure appropriate care, or who requires a level of service or type of service for which the facility is not licensed or which the facility does not provide, or if the facility does not have the staff appropriate in numbers and with appropriate skill to provide such services.

B. ~~Adult care residences~~ *Assisted living facilities* shall not admit an individual before a determination has been made that the facility can meet the needs of the resident. The facility shall make the determination based upon:

1. The completed UAI;
2. The physical examination report; and
3. An interview between the administrator or a designee responsible for admission and retention decisions, the resident and his personal representative, if any.

NOTE: In some cases, medical conditions may create special circumstances which make it necessary to hold the interview on the date of admission.

C. Upon receiving the UAI prior to admission of a resident, the ~~adult care residence~~ *assisted living facility* administrator shall provide written assurance to the resident that the facility has the appropriate license to meet his care needs at the time of admission. Copies of the written assurance shall be given to the personal representative, if any, and case manager, if any, and shall be kept on file at the facility.

D. All residents shall be 18 years of age or older.

E. No person shall be admitted without his consent and agreement, or that of his personal representative, if applicable.

F. ~~Adult care residences~~ *Assisted living facilities* shall not admit or retain individuals with any of the following conditions or care needs:

1. Ventilator dependency;
2. Dermal ulcers III and IV except those stage III ulcers which are determined by an independent physician to be healing, as permitted in subsection G of this section;
3. Intravenous therapy or injections directly into the vein, except for intermittent intravenous therapy managed by a health care professional licensed in Virginia as permitted in subsection H or subsection I of this section;
4. Airborne infectious disease in a communicable state that requires isolation of the individual or requires special precautions by the caretaker to prevent transmission of the disease, including diseases such as tuberculosis and excluding infections such as the common cold;
5. Psychotropic medications without appropriate diagnosis and treatment plans;
6. Nasogastric tubes;
7. Gastric tubes except when the individual is capable of independently feeding himself and caring for the tube or as permitted in subsection I of this section;
8. Individuals presenting an imminent physical threat or danger to self or others;
9. Individuals requiring continuous licensed nursing care;
10. Individuals whose physician certifies that placement is no longer appropriate;

11. Unless the individual's independent physician determines otherwise, individuals who require maximum physical assistance as documented by the UAI and meet Medicaid nursing facility level of care criteria as defined in the State Plan for Medical Assistance (12 VAC 30-10-10 et seq.);

12. Individuals whose health care needs cannot be met in the specific ~~adult care residence~~ *assisted living facility* as determined by the ~~residence~~ *facility*.

G. When a resident has a stage III dermal ulcer that has been determined by an independent physician to be healing, periodic observation and any necessary dressing changes shall be performed by a licensed health care professional under a physician's treatment plan.

H. Intermittent intravenous therapy may be provided to a resident for a limited period of time on a daily or periodic basis by a licensed health care professional under a physician's treatment plan. When a course of treatment is expected to be ongoing and extends beyond a two-week period, evaluation is required at two-week intervals by the licensed health care professional.

I. At the request of the resident, care for the conditions or care needs specified in subdivisions F 3 and F 7 of this section may be provided to a resident in an ~~adult care residence~~ *assisted living facility* by a physician licensed in Virginia, a nurse licensed in Virginia under a physician's treatment plan or by a home care organization licensed in Virginia when the resident's independent physician determines that such care is appropriate for the resident. This standard does not apply to recipients of auxiliary grants.

J. When care for a resident's special medical needs is provided by licensed staff of a home care agency, the ~~adult care residence~~ *assisted living facility* staff may receive training from the home care agency staff in appropriate treatment monitoring techniques regarding safety precautions and actions to take in case of emergency.

K. Notwithstanding § 63.1-174.001 of the Code of Virginia, at the request of the resident, hospice care may be provided in an ~~adult care residence~~ *assisted living facility* under the same requirements for hospice programs provided in Article 7 (§ 32.1-162.1 et seq.) of Chapter 5 of Title 32.1 of the Code of Virginia, if the hospice program determines that such program is appropriate for the resident.

L. A person shall have a physical examination by an independent physician, including screening for tuberculosis, within 30 days prior to the date of admission. The report of such examination shall be on file at the ~~adult care residence~~ *assisted living facility* and shall contain the following:

1. The date of the physical examination;
2. Height, weight, and blood pressure;
3. Significant medical history;
4. General physical condition, including a systems review as is medically indicated;
5. Any diagnosis or significant problems;

Emergency Regulations

6. Any allergies;

7. Any recommendations for care including medication, diet and therapy;

8. The type or types of tests for tuberculosis used and the results. This information shall include the results of a Mantoux tuberculin skin test, chest x-ray or bacteriological examination as deemed appropriate by a physician to rule out tuberculosis in a communicable form. Documentation is required which includes the information contained on the form recommended by the Virginia Department of Health;

9. A statement that the individual does not have any of the conditions or care needs prohibited by subsection F of this section;

10. A statement that specifies whether the individual is considered to be ambulatory or nonambulatory; and

11. Each report shall be signed by the examining clinician.

NOTE: See 22 VAC 40-71-10, definition of "licensed health care professional" for clarification regarding "physician."

M. When a person is accepted for respite care or on an intermittent basis, the physical examination report shall be valid for six months.

N. Subsequent tuberculosis evaluations.

1. Any resident who comes in contact with a known case of infectious tuberculosis shall be screened as deemed appropriate in consultation with the local health department.

2. Any resident who develops respiratory symptoms of three or more weeks duration shall be evaluated immediately for the presence of infectious tuberculosis.

3. If a resident develops an active case of tuberculosis, the facility shall report this information to the local health department.

O. The department, at any time, may request a report of a current psychiatric or physical examination, giving the diagnoses or evaluation or both, for the purpose of determining whether the resident's needs may continue to be met in an ~~adult care residence~~ *assisted living facility*. When requested, this report shall be in the form specified by the department.

P. An ~~adult care residence~~ *assisted living facility* shall only admit or retain residents as permitted by its use group classification and certificate of occupancy. The ambulatory/nonambulatory status of an individual is based upon:

1. Information contained in the physical examination report; and

2. Information contained in the most recent UAI.

Q. An emergency placement shall occur only when the emergency is documented and approved by a Virginia adult protective services worker or case manager for public pay individuals or an independent physician or a Virginia adult protective services worker for private pay individuals.

R. When an emergency placement occurs, the person shall remain in the ~~adult care residence~~ *assisted living facility* no longer than seven working days, unless all the requirements for admission have been met and the person has been admitted.

S. Prior to or at the time of admission to an ~~adult care residence~~ *assisted living facility*, the following personal and social data on a person shall be maintained in the individual's record:

1. Name;

2. Last home address, and address from which resident was received, if different;

3. Date of admission;

4. Social security number;

5. Birthdate (If unknown, estimated age);

6. Birthplace, if known;

7. Marital status, if known;

8. Name, address and telephone number of personal representative, or other person responsible;

9. Name, address and telephone number of next of kin, if known (two preferred);

10. Name, address and telephone number of personal physician, if known;

11. Name, address and telephone number of personal dentist, if known;

12. Name, address and telephone number of clergyman and place of worship, if applicable;

13. Name, address and telephone number of local department of social services or any other agency, if applicable, and the name of the case manager or caseworker;

14. Service in the Armed Forces, if applicable;

15. Special interests and hobbies; and

16. Information concerning advance directives, if applicable.

NOTE: For assisted living care facilities, 22 VAC 40-71-640 also applies.

T. At or prior to the time of admission, there shall be a written agreement/acknowledgment of notification dated and signed by the resident/applicant for admission or the appropriate personal representative, and by the licensee or administrator. This document shall include the following:

1. Financial arrangement for accommodations, services and care which specifies:

a. Listing of specific charges for accommodations, services, and care to be made to the individual resident signing the agreement, the frequency of payment, and any rules relating to nonpayment;

b. Description of all accommodations, services, and care which the facility offers and any related charges;

c. The amount and purpose of an advance payment or deposit payment and the refund policy for such payment;

d. The policy with respect to increases in charges and length of time for advance notice of intent to increase charges;

e. If the ownership of any personal property, real estate, money or financial investments is to be transferred to the ~~residence~~ *facility* at the time of admission or at some future date, it shall be stipulated in the agreement; and

f. The refund policy to apply when transfer of ownership, closing of facility, or resident transfer or discharge occurs.

2. Requirements or rules to be imposed regarding resident conduct and other restrictions or special conditions and signed acknowledgment that they have been reviewed by the resident or his appropriate personal representative.

3. Acknowledgment that the resident has been informed of the policy regarding the amount of notice required when a resident wishes to move from the facility.

4. Acknowledgment that the resident has been informed of the policy required by 22 VAC 40-71-490 I regarding weapons.

5. Those actions, circumstances, or conditions which would result or might result in the resident's discharge from the facility.

6. Acknowledgment that the resident has reviewed a copy of § 63.1-182.1 of the Code of Virginia, Rights and Responsibilities of Residents of ~~Adult Care Residences~~ *Assisted Living Facilities*, and that the provisions of this statute have been explained to him.

7. Acknowledgment that the resident or his personal representative has reviewed and had explained to him the ~~residence's~~ *facility's* policies and procedures for implementing § 63.1-182.1 of the Code of Virginia, including the grievance policy and the transfer/discharge policy.

8. Acknowledgment that the resident has been informed of the bed hold policy in case of temporary transfer, if the facility has such a policy.

U. Copies of the signed agreement/acknowledgment of notification shall be provided to the resident and any personal representative and shall be retained in the resident's record.

V. A new agreement shall be signed or the original agreement shall be updated and signed by the licensee or administrator when there are changes in financial arrangements, services, or requirements governing the resident's conduct. If the original agreement provides for specific changes in financial arrangements, services, or requirements, this standard does not apply.

W. An ~~adult care residence~~ *assisted living facility* shall establish a process to ensure that any resident temporarily detained in an inpatient facility pursuant to § 37.1-67.1 of the

Code of Virginia is accepted back in the ~~adult care residence~~ *assisted living facility* if the resident is not involuntarily committed pursuant to § 37.1-67.3 of the Code of Virginia.

X. If an ~~adult care residence~~ *assisted living facility* allows for temporary movement of a resident with agreement to hold a bed, it shall develop and follow a written bed hold policy, which includes, but is not limited to, the conditions for which a bed will be held, any time frames, terms of payment, and circumstances under which the bed will no longer be held.

22 VAC 40-71-160. Discharge of residents.

A. When actions, circumstances, conditions, or care needs occur which will result in the discharge of a resident, discharge planning shall begin immediately. The resident shall be moved within 30 days, except that if persistent efforts have been made and the time frame is not met, the facility shall document the reason and the efforts that have been made.

B. The ~~adult care residence~~ *assisted living facility* shall immediately notify the resident and the resident's personal representative, if any, of the planned discharge. The notification shall occur at least 14 calendar days prior to the actual discharge date. The reason for the move shall be discussed with the resident and his personal representative at the time of notification.

C. The ~~adult care residence~~ *assisted living facility* shall adopt and conform to a written policy regarding the number of calendar days notice that is required when a resident wishes to move from the facility. Any required notice of intent to move shall not exceed 45 days.

D. The facility shall assist the resident and his personal representative, if any, in the discharge or transfer processes. The facility shall help the resident prepare for relocation, including discussing the resident's destination. Primary responsibility for transporting the resident and his possessions rests with the resident or his personal representative.

E. When a resident's condition presents an immediate and serious risk to the health, safety or welfare of the resident or others and emergency discharge is necessary, 14-day notification of planned discharge does not apply, although the reason for the relocation shall be discussed with the resident and when possible his personal representative, if any.

F. Under emergency conditions, the resident or his personal representative and the family, caseworker, social worker or other agency personnel, as appropriate, shall be informed as rapidly as possible, but by the close of the business day following discharge, of the reasons for the move.

G. At the time of discharge, except as noted in subdivision 5 of this subsection, the ~~adult care residence~~ *assisted living facility* shall provide to the resident or his personal representative a dated statement signed by the licensee or administrator which contains the following information:

1. The date on which the resident or his personal representative was notified of the planned discharge and the name of the personal representative who was notified;

Emergency Regulations

2. The reason or reasons for the discharge;
3. The actions taken by the facility to assist the resident in the discharge and relocation process;
4. The date of the actual discharge from the facility and the resident's destination;
5. When the termination of care is due to emergency conditions, the dated statement shall contain the above information as appropriate and shall be provided or mailed to the resident or his personal representative as soon as practicable and within 48 hours from the time of the decision to discharge.

H. A copy of the written statement required by subsection G of this section shall be retained in the resident's record.

I. When the resident is discharged and moves to another caregiving facility, the ~~adult care residence~~ *assisted living facility* shall provide to the receiving facility such information related to the resident as is necessary to ensure continuity of care and services. Original information pertaining to the resident shall be maintained by the ~~adult care residence~~ *assisted living facility* from which the resident was discharged. The ~~adult care residence~~ *assisted living facility* shall maintain a listing of all information shared with the receiving facility.

J. Within 60 days of the date of discharge, each resident or his appropriate personal representative shall be given a final statement of account, any refunds due, and return of any money, property or things of value held in trust or custody by the facility.

22 VAC 40-71-170. Assessment and individualized service plans.

A. Uniform assessment instrument.

1. Private pay residents. As a condition of admission, the facility shall obtain a UAI with the items completed that are specified in Assessment in Adult Care Residences (22 VAC 40-745-10 et seq.). The facility shall obtain the UAI from one of the following entities:

- a. An independent physician;
- b. A facility employee with documented training in the completion of the UAI and appropriate application of level of care criteria, provided the administrator or the administrator's designated representative approves and then signs the completed UAI; or
- c. A case manager employed by a public human services agency or other qualified assessor.

2. Public pay residents. As a condition of admission, the facility shall obtain a completed UAI from the prospective resident's case manager or other qualified assessor.

3. The UAI shall be completed within 90 days prior to the date of admission to the ~~adult care residence~~ *assisted living facility* except that if there has been a change in the resident's condition since the completion of the UAI which would appear to affect the admission, a new UAI shall be completed.

4. When a resident moves to an ~~adult care residence~~ *assisted living facility* from another ~~adult care residence~~ *assisted living facility* or other long-term care setting which uses the UAI, if there is a completed UAI on record, another UAI does not have to be completed. The transferring long-term care provider must update the UAI to indicate any change in the individual's condition.

B. Facilities opting to complete the UAI for prospective private pay residents shall ensure that the information is obtained as required by 22 VAC 40-745-10 et seq.

C. Individualized service plan. The licensee/administrator or designee, in conjunction with the resident, and the resident's family, case worker, case manager, health care providers or other persons, as appropriate, shall develop and implement an individualized service plan to meet the resident's service needs.

An individualized service plan is not required for those residents who are assessed as capable of maintaining themselves in an independent living status.

The service plan shall be completed within 45 days after admission and shall include the following:

1. Description of identified need;
2. A written description of what services will be provided and who will provide them;
3. When and where the services will be provided; and
4. The expected outcome.
5. If a resident lives in a building housing 19 or fewer residents, the service plan shall include a statement that specifies whether the person does need or does not need to have a staff member awake and on duty at night.

The master service plan shall be filed in the resident's record; extracts from the plan may be filed in locations specifically identified for their retention, e.g., dietary plan in kitchen.

D. The individualized service plan shall reflect the resident's assessed needs and support the principles of individuality, personal dignity, freedom of choice and home-like environment and shall include other formal and informal supports that may participate in the delivery of services.

E. Uniform assessment instruments shall be completed at least once every 12 months on residents of ~~adult care residences~~ *assisted living facilities*. Uniform assessment instruments shall be completed as needed as the condition of the resident changes and whenever there is a change in the resident's condition that appears to warrant a change in the resident's approved level of care. All UAIs shall be completed as prescribed in subsections A and B of this section.

F. At the request of the ~~adult care residence~~ *assisted living facility*, the resident's representative, the resident's physician, the Department of Social Services, or the local department of social services, an independent assessment using the UAI shall be completed to determine whether the resident's care needs are being met in the ~~adult care residence~~ *assisted living facility*. The ~~adult care residence~~ *assisted living facility*

shall assist the resident in obtaining the independent assessment as requested.

G. For private pay residents, the ~~adult care residence~~ *assisted living facility* shall be responsible for coordinating with an independent physician, a case manager or other qualified assessor as necessary to ensure that UAIs are completed as required.

H. Individualized service plans shall be reviewed and updated at least once every 12 months. Individualized service plans shall be reevaluated as needed as the condition of the resident changes.

I. The licensee shall designate a staff person to review, monitor, implement and make appropriate modifications to the individualized service plan. This person shall also keep the resident's case manager, if applicable, informed of significant changes in the resident's condition.

22 VAC 40-71-180. Resident and personnel records.

A. Any forms used for recordkeeping shall contain at a minimum the information specified in this chapter. Model forms, which may be copied, will be supplied by the department upon request.

B. Any physician's notes and progress reports in the possession of the facility shall be retained in the resident's record.

C. Copies of all agreements between the facility and the resident and official acknowledgment of required notifications, signed by all parties involved, shall be retained in the resident's record. Copies shall be provided to the resident and any appropriate personal representative.

D. All records which contain the information required by these standards for both residents and personnel shall be retained at the facility and kept in a locked area.

E. The licensee shall assure that all records are treated confidentially and that information shall be made available only when needed for care of the resident. All records shall be made available for inspection by the department's representative.

F. Residents shall be allowed access to their own records.

G. The resident's individual record shall be kept current and the complete record shall be retained until two years after the resident leaves the ~~residence facility~~.

H. A current picture of each resident shall be readily available for identification purposes, or if the resident refuses to consent to a picture, there shall be a narrative physical description, which is annually updated, maintained in his file.

22 VAC 40-71-210. Resident rooms.

A. The resident shall be encouraged to furnish or decorate his room as space and safety considerations permit and in accordance with this chapter.

B. Bedrooms shall contain the following items:

1. A separate bed with comfortable mattress, springs and pillow for each resident. Provisions for a double bed for a married couple shall be optional;

2. A table or its equivalent accessible to each bed;

3. An operable bed lamp or bedside light accessible to each resident;

4. A sturdy chair for each resident (wheelchairs do not meet the intent of this standard);

5. Drawer space for clothing and other personal items. If more than one resident occupies a room, ample drawer space shall be assigned to each individual;

6. At least one mirror; and

7. Window coverings for privacy.

C. Adequate and accessible closet or wardrobe space shall be provided for each resident.

D. The ~~residence facility~~ shall have sufficient bed and bath linens in good repair so that residents always have clean:

1. Sheets;

2. Pillowcases;

3. Blankets;

4. Bedspreads;

5. Towels;

6. Washcloths; and

7. Waterproof mattress covers when needed.

22 VAC 40-71-270. Resident rights.

A. The resident shall be encouraged and informed of appropriate means as necessary to exercise his rights as a resident and a citizen throughout the period of his stay at the ~~residence facility~~.

B. The resident has the right to voice or file grievances, or both, with the ~~residence facility~~ and to make recommendations for changes in the policies and services of the ~~residence facility~~. The residents shall be protected by the licensee or administrator, or both, from any form of coercion, discrimination, threats, or reprisal for having voiced or filed such grievances.

C. Any resident of an ~~adult care residence~~ *assisted living facility* has the rights and responsibilities as provided in § 63.1-182.1 of the Code of Virginia and this chapter.

D. The operator or administrator of an ~~adult care residence~~ *assisted living facility* shall establish written policies and procedures for implementing § 63.1-182.1 of the Code of Virginia.

E. The rights and responsibilities of residents in ~~adult care residences~~ *assisted living facilities* shall be reviewed with all residents annually. Evidence of this review shall be the resident's written acknowledgment of having been so informed which shall include the date of the review and shall be filed in his record.

Emergency Regulations

F. The ~~residence~~ facility shall make available in an easily accessible place a copy of the rights and responsibilities of residents and shall include in it the name, title, address and telephone number of the appropriate regional licensing supervisor of the Department of Social Services, the toll-free telephone number of the Virginia Long-Term Care Ombudsman Program and any substate (local) ombudsman program serving the area, and the toll-free number of the Department for the Rights of Virginians with Disabilities.

22 VAC 40-71-275. Freedom of movement.

A. Residents who have a UAI, physician assessment, psychiatric or psychological evaluation, or individualized service plan that does not indicate the need for close oversight shall be allowed to freely leave the facility.

B. Doors leading to the outside shall not be locked from the inside or secured from the inside in any manner that amounts to a lock, except that doors may be locked or secured in a manner that amounts to a lock in self-contained special care units as provided in 22 VAC 41-71-700 B.

NOTE: Any devices used to lock or secure doors in any manner must be in accordance with applicable building and fire codes.

C. The facility shall provide freedom of movement for the residents to common areas and to their personal spaces. The facility shall not lock residents out of or inside their rooms.

22 VAC 40-71-280. Visiting in the residence facility.

A. Daily visits to residents in the ~~residence~~ facility shall be permitted.

B. If visiting hours are restricted, daily visiting hours shall be posted in a place conspicuous to the public.

22 VAC 40-71-290. Visiting outside the residence facility.

Residents shall not be prohibited from making reasonable visits away from the ~~residence~~ facility except when there is written order of the appropriate personal representative to the contrary.

22 VAC 40-71-310. Resident councils.

Every ~~adult care residence~~ assisted living facility shall assist the residents in establishing and maintaining a resident council, except when the majority of the residents do not want to have a council. The council shall be composed of residents of the facility and may include their family members. The council may extend membership to advocates, friends and others.

22 VAC 40-71-330. Food service and nutrition.

A. When any portion of an ~~adult care residence~~ assisted living facility is subject to inspection by the State Department of Health, the ~~residence~~ facility shall be in compliance with those regulations, as evidenced by a report from the State Department of Health.

B. All meals shall be served in the dining area as designated by the facility. Under special circumstances, such as temporary illness or incapacity, meals may be served in a resident's room provided a sturdy table is used.

C. Residents with independent living status who have kitchens equipped with stove, refrigerator and sink within their individual apartments may have the option of obtaining meals from the facility or from another source.

1. The facility must have an acceptable health monitoring plan for these residents and provide meals both for other residents and for residents identified as no longer capable of maintaining independent living status.

2. An acceptable health monitoring plan includes: Assurance of adequate resources, accessibility to food, a capability to prepare food, availability of meals when the resident is sick or temporarily unable to prepare meals for himself.

D. Personnel shall be available to help any resident who may need assistance in reaching the dining room or when eating.

22 VAC 40-71-360. Catering or contract food service.

A. Catering service or contract food service, if used, shall be approved by the state or local health department or both.

B. Persons who are employed by a food service contractor or catering service and who are working on the premises of the ~~adult care residence~~ assisted living facility shall meet the health requirements for employees of ~~adult care residences~~ assisted living facilities as specified in this chapter and the specific health requirements for food handlers in that locality.

C. Catered food or food prepared and provided on the premises by a contractor shall meet the dietary requirements set forth in this chapter.

22 VAC 40-71-410. Do Not Resuscitate (DNR) orders.

Do Not Resuscitate orders shall only be carried out in a licensed ~~adult care residence~~ assisted living facility when the order has been prescribed by a physician, is included in the individualized service plan and there is a licensed nurse available to implement the order.

22 VAC 40-71-440. Management and control of resident funds.

Pursuant to § 63.1-182.1 A 3 of the Code of Virginia, unless a committee or guardian of a resident has been appointed (see 22 VAC 40-71-60 C), the resident shall be free to manage his personal finances and funds; provided, however, that the ~~residence~~ facility may assist the resident in such management in accordance with 22 VAC 40-71-450 and 22 VAC 40-71-460.

22 VAC 40-71-450. Resident accounts.

The ~~residence~~ facility shall provide to each resident a monthly statement or itemized receipt of the resident's account and shall place a copy also in the resident's record. The monthly statement or itemized receipt shall itemize any charges made and any payments received during the previous 30 days or during the previous calendar month and shall show the balance due or any credits for overpayment on the resident's account.

22 VAC 40-71-460. Safeguarding residents' funds.

A. If the resident delegates the management of personal funds to the ~~residence~~ *facility*, the following standards apply:

1. Residents' funds shall be held separately from any other moneys of the ~~residence~~ *facility*. Residents' funds shall not be borrowed, used as assets of the ~~residence~~ *facility*, or used for purposes of personal interest by the licensee/operator, administrator, or residence staff.

2. If the ~~residence's~~ *facility's* accumulated residents' funds are maintained in a single interest-bearing account, each resident shall receive interest proportionate to his average monthly account balance. The ~~residence~~ *facility* may deduct a reasonable cost for administration of the account.

3. If any personal funds are held by the ~~residence~~ *facility* for safekeeping on behalf of the resident, a written accounting of money received and disbursed, showing a current balance, shall be maintained. Residents' funds and the accounting of the funds shall be made available to the resident or the personal representative or both upon request.

B. No ~~residence~~ *facility* administrator or staff member shall act as either attorney-in-fact or trustee unless the resident has no other preferred designee and the resident himself expressly requests such service by or through ~~residence~~ *facility* personnel. Any ~~residence~~ *facility* administrator or staff member so named shall be accountable at all times in the proper discharge of such fiduciary responsibility as provided under Virginia law, shall provide a quarterly accounting to the resident, and, upon termination of the power of attorney or trust for any reason, shall return all funds and assets, with full accounting, to the resident or to his personal representative or to another responsible party expressly designated by the resident. See also 22 VAC 40-71-60 C regarding committees or guardians appointed by a court of competent jurisdiction.

22 VAC 40-71-480. Staff training when aggressive or restrained residents are in care.

The following training is required for staff in ~~adult care residences~~ *assisted living facilities* that accept, or have in care, residents who are aggressive or restrained:

1. Aggressive residents.

a. Direct care staff shall be trained in methods of dealing with residents who have a history of aggressive behavior or of dangerously agitated states prior to being involved in the care of such residents.

b. This training shall include, at a minimum, information, demonstration, and practical experience in self-protection and in the prevention and de-escalation of aggressive behavior.

2. Restrained residents.

a. Direct care staff shall be appropriately trained in caring for the health needs of residents who are restrained prior to being involved in the care of such residents. Licensed medical personnel, e.g., R.N.s, L.P.N.s, are not required to take this training if their academic background deals with this type of care.

b. This training shall include, at a minimum, information, demonstration and experience in:

(1) The proper techniques for applying and monitoring restraints;

(2) Skin care appropriate to prevent redness, breakdown, and decubiti;

(3) Active and active assisted range of motion to prevent joint contractures;

(4) Assessment of blood circulation to prevent obstruction of blood flow and promote adequate blood circulation to all extremities;

(5) Turning and positioning to prevent skin breakdown and keep the lungs clear;

(6) Provision of sufficient bed clothing and covering to maintain a normal body temperature; and

(7) Provision of additional attention to meet the physical, mental, emotional, and social needs of the restrained resident.

3. The training described in subdivisions 1 and 2 of this section shall meet the following criteria:

a. Training shall be provided by a qualified health professional.

b. A written description of the content of this training, a notation of the person/agency/organization or institution providing the training and the names of staff receiving the training shall be maintained by the facility except that, if the training is provided by the department, only a listing of staff trained and the date of training are required.

4. Refresher training for all direct care staff shall be provided at least annually or more often as needed.

a. The refresher training shall encompass the techniques described in subdivision 1 or 2 of this section, or both.

b. A record of the refresher training and a description of the content of the training shall be maintained by the facility.

22 VAC 40-71-490. General requirements.

A. Buildings licensed for ambulatory residents or nonambulatory residents shall be classified by and meet the specifications for the proper use group as required by the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.).

B. A certificate of occupancy shall be obtained as evidence of compliance with the applicable edition of the Virginia Uniform Statewide Building Code.

C. Before construction begins or contracts are awarded for any new construction, remodeling, or alterations, plans shall be submitted to the department for review.

D. Doors and windows.

1. All doors shall open and close readily and effectively.

Emergency Regulations

2. Any doorway or window that is used for ventilation shall be effectively screened.
- E. There shall be enclosed walkways between residents' rooms and dining and sitting areas which are adequately lighted, heated, and ventilated. This requirement shall not apply to existing buildings or ~~residences facilities~~ that had licenses in effect on January 1, 1980, unless such buildings are remodeled after that date or there is a change of sponsorship of the licensed ~~residence facility~~.
- F. There shall be an ample supply of hot and cold water from an approved source available to the residents at all times.
- G. Hot water at taps available to residents shall be maintained within a range of 105°--120°F.
- H. Where there is an outdoor area accessible to residents, such as a porch or lawn, it shall be equipped with furniture in season.
- I. Cleaning supplies and other hazardous materials shall be stored in a locked area. This safeguard shall be optional in an independent living environment.
- J. Each facility shall develop and implement a written policy regarding weapons on the premises of the facility that will ensure the safety and well-being of all residents and staff.

22 VAC 40-71-530. Sleeping areas.

Resident sleeping quarters shall provide:

1. For not less than 450 cubic feet of air space per resident;
2. For square footage as provided in this subdivision:
 - a. As of February 1, 1996, all buildings approved for construction or change in use group, as referenced in the BOCA National Building Code, shall have not less than 100 square feet of floor area in bedrooms accommodating one resident; otherwise not less than 80 square feet of floor area in bedrooms accommodating one resident shall be required.
 - b. As of February 1, 1996, all buildings approved for construction or change in use group, as referenced in the BOCA National Building Code, shall have not less than 80 square feet of floor area per person in bedrooms accommodating two or more residents; otherwise not less than 60 square feet of floor area per person in bedrooms accommodating two or more persons shall be required;
3. For ceilings at least 7-1/2 feet in height;
4. For window areas as provided in this subdivision:
 - a. There shall be at least eight square feet of glazed window area above ground level in a room housing one person, and
 - b. There shall be at least six square feet of glazed window area above ground level per person in rooms occupied by two or more persons;
5. For occupancy by no more than four residents in a room. A ~~residence facility~~ that had a valid license on January 1, 1980, permitting care of more than four residents in specific

rooms, will be deemed to be in compliance with this standard; however, the ~~residence facility~~ may not exceed the maximum number of four residents in any other room in the facility. This exception will not be applicable if the ~~residence facility~~ is remodeled or if there is a change of sponsorship.

6. For at least three feet of space between sides and ends of beds that are placed in the same room;
7. That no bedroom shall be used as a corridor to any other room;
8. That all beds shall be placed only in bedrooms; and
9. That household members and staff shall not share bedrooms with residents.

22 VAC 40-71-540. Toilet, handwashing and bathing facilities.

A. In determining the number of toilets, washbasins, bathtubs or showers required, the total number of persons residing on the premises shall be considered. Unless there are separate facilities for household members or live-in staff, they shall be counted in determining the required number of fixtures. In a ~~residence facility~~ with a valid license on January 1, 1980, only residents shall be counted in making the determination unless such ~~residence facility~~ is subsequently remodeled or there is a change of sponsorship.

1. On each floor where there are residents' bedrooms, there shall be:
 - a. At least one toilet for each seven persons;
 - b. At least one washbasin for each seven persons;
 - c. At least one bathtub or shower for each 10 persons;
 - d. Toilets, washbasins and bathtubs or showers in separate rooms for men and women where more than seven persons live on a floor. Bathrooms equipped to accommodate more than one person at a time shall be labeled by sex. Sex designation of bathrooms shall remain constant during the course of a day.
 2. On floors used by residents where there are no residents' bedrooms there shall be:
 - a. At least one toilet;
 - b. At least one washbasin;
 - c. Toilets and washbasins in separate rooms for men and women in ~~residences facilities~~ where there are 10 or more residents. Bathrooms equipped to accommodate more than one person at a time shall be designated by sex. Sex designation of bathrooms must remain constant during the course of a day.
- B. Bathrooms shall provide for visual privacy for such activities as bathing, toileting, and dressing.
- C. There shall be ventilation to the outside in order to eliminate foul odors.
- D. The following sturdy safeguards shall be provided:
1. Handrails by bathtubs;

2. Grab bars by toilets; and
3. Handrails and stools by stall showers. These safeguards shall be optional for individuals with independent living status.

22 VAC 40-71-550. Toilet supplies.

A. The ~~residence~~ *facility* shall have an adequate supply of toilet tissue and soap. Toilet tissue shall be accessible to each commode.

B. Common handwashing ~~facilities~~ *washbasins* shall have paper towels or an air dryer, and liquid soap for hand washing.

22 VAC 40-71-560. Fire safety: Compliance with state regulations and local fire ordinances.

A. An ~~adult care residence~~ *assisted living facility* shall comply with the Virginia Statewide Fire Prevention Code, (13 VAC 5-50-10 et seq.) as determined by at least an annual inspection by the appropriate fire prevention official.

B. An ~~adult care residence~~ *assisted living facility* shall comply with any local fire ordinance.

22 VAC 40-71-570. Fire plans.

A. An ~~adult care residence~~ *assisted living facility* shall have a fire plan approved by the appropriate fire prevention official. The plan shall consist of the following:

1. Written procedures to be followed in the event of a fire. The local fire department or fire prevention bureau shall be consulted in preparing such a plan, if possible;
2. A drawing of each floor of each building, showing alternative exits for use in a fire, location of telephones, fire alarm boxes and fire extinguishers, if any. The drawing shall be prominently displayed on each floor of each building used by residents.

B. The telephone numbers for the fire department, rescue squad or ambulance, and police shall be posted by each telephone shown on the fire plan.

NOTE: In ~~adult care residences~~ *assisted living facilities* where all outgoing telephone calls must be placed through a central switchboard located on the premises, this information may be posted by the switchboard rather than by each telephone, providing this switchboard is manned 24 hours each day.

C. The licensee or administrator or both and all staff members shall be fully informed of the approved fire plan, including their duties, and the location and operation of fire extinguishers and fire alarm boxes, if available.

D. The approved fire plan shall be reviewed quarterly with all staff and with all residents.

22 VAC 40-71-580. Fire drills.

A. At least one fire drill shall be held each month for the staff on duty and all residents who are in the building at the time of the fire drill to practice meeting the requirements of the approved fire plan. During a three-month period:

1. At least one fire drill shall be held between the hours of 7 a.m. and 3 p.m.;

2. At least one fire drill shall be held between the hours of 3 p.m. and 11 p.m.; and

3. At least one fire drill shall be held between the hours of 11 p.m. and 7 a.m.

B. Additional fire drills may be held at the discretion of the administrator or licensing specialist and must be held when there is any reason to question whether all residents can meet the requirements of the approved fire plan.

C. Each required drill shall be unannounced.

D. Immediately following each required fire drill, there shall be an evaluation of the drill by the staff in order to determine the effectiveness of the drill. The licensee or administrator shall immediately correct any problems identified in the evaluation.

E. A record of required fire drills shall be kept in the ~~residence~~ *facility* for one year. Such record shall include the date, the hour, the number of staff participating, the number of residents, and the time required to comply with subdivision F 2 of this section.

F. Fire drills shall include at least the following:

1. Sounding of fire alarms;
2. Practice in building evacuation procedures or, if evacuation is not required, other procedures as specified in the approved fire plan. This practice shall be timed;
3. Practice in alerting fire fighting authorities;
4. Simulated use of fire fighting equipment;
5. Practice in fire containment procedures; and
6. Practice of other fire safety procedures as may be required by the facility's approved fire plan.

22 VAC 40-71-590. Emergency procedures.

A. An ~~adult care residence~~ *assisted living facility* shall have written procedures to meet other emergencies, including severe weather, loss of utilities, missing persons and severe injury.

B. The procedures required by subsection A of this section and the approved fire plan shall be discussed at orientation for new staff, for new residents, and for volunteers.

22 VAC 40-71-600. Provisions for emergency calls/signaling systems.

A. All ~~adult care residences~~ *assisted living facilities* shall have a signaling device that is easily accessible to the resident in his bedroom or in a connecting bathroom that enables the staff to be readily available to the resident.

B. In ~~residences~~ *facilities* licensed to care for 20 or more residents under one roof, there shall be a signaling device or intercom or a telephone which terminates at the staff station and permits staff to determine the origin of the signal. If the device does not terminate at the staff station so as to permit staff to determine the origin of the signal, staff shall make rounds at least once each hour to monitor for emergencies.

Emergency Regulations

These rounds shall begin when the majority of the residents have gone to bed each evening and shall terminate when the majority of the residents have arisen each morning.

1. A written log shall be maintained showing the date and time rounds were made and the signature of the person who made rounds.
2. Logs for the past three months shall be retained.
3. These logs shall be subject to inspection by the department.

PART VI.

ADDITIONAL REQUIREMENTS FOR ASSISTED LIVING CARE FACILITIES.

ARTICLE 1. GENERAL REQUIREMENTS.

22 VAC 40-71-630. Personnel and staffing.

A. The administrator shall be a high school graduate or shall have a General Education Development Certificate (GED) and shall have successfully completed at least two years of post secondary education or one year of courses in human services or group care administration from an accredited college or institution or a department approved curriculum specific to the administration of an ~~adult care residence~~ *assisted living facility*. The administrator also shall have completed at least one year of experience in caring for adults with mental or physical impairments, as appropriate to the population in care, in a group care facility. The following three exceptions apply:

1. Administrators employed prior to the effective date of these standards who do not meet the above requirement shall be a high school graduate or shall have a GED, or shall have completed at least one full year of successful experience in caring for adults in a group care facility;
2. Licensed nursing home administrators who maintain a current license from the Virginia Department of Health Professions;
3. Licensed nurses who meet the above experience requirements. The requirements in this standard are in lieu of the requirements specified in 22 VAC 40-71-60 B 4.

B. Any designated assistant administrator as referenced in 22 VAC 40-71-60 F, that is acting in place of the administrator for part or all of the 40 hours, shall meet the qualifications of the administrator, or if employed prior to the effective date of these standards, its exception, unless the designated assistant is performing as an administrator for fewer than 15 of the 40 hours referenced in 22 VAC 40-71-60 F or for fewer than four weeks due to the vacation or illness of the administrator, then the requirements of 22 VAC 40-71-60 B 4 shall be acceptable.

C. All direct care staff shall have satisfactorily completed, or within 30 days of employment shall enroll in and successfully complete within four months of employment, a training program consistent with department requirements, except as noted in subsections D and E of this section. Department requirements shall be met in one of the following four ways:

1. Registration as a certified nurse aide.
2. Graduation from a Virginia Board of Nursing approved educational curriculum from a Virginia Board of Nursing accredited institution for nursing assistant, geriatric assistant or home health aide.
3. Graduation from a department approved educational curriculum for nursing assistant, geriatric assistant or home health aide. The curriculum is provided by a hospital, nursing facility, or educational institution not approved by the Virginia Board of Nursing, e.g., out-of-state curriculum. To obtain department approval:
 - a. The facility shall provide to the licensing representative an outline of the course content, dates and hours of instruction received, the name of the institution which provided the training, and other pertinent information.

- b. The department will make a determination based on the above information and provide written confirmation to the facility when the course meets department requirements.

4. Successful completion of department approved ~~adult care residence~~ *assisted living facility* offered training. To obtain department approval:

- a. Prior to offering the course, the facility shall provide to the licensing representative an outline of the course content, the number of hours of instruction to be given, the name and professional status of the trainer, and other pertinent information.

- b. The content of the training shall be consistent with the content of the personal care aide training course of the Department of Medical Assistance Services; a copy of the outline for this course is available from the licensing representative.

- c. The training shall be provided by a licensed health care professional acting within the scope of the requirements of his profession.

- d. The department will make a determination regarding approval of the training and provide written confirmation to the facility when the training meets department requirements.

D. Licensed health care professionals, acting within the scope of the requirements of their profession, are not required to complete the training in subsection C of this section.

E. Direct care staff of the facility employed prior to February 1, 1996, shall either meet the training requirements in subsection C of this section within one year of February 1, 1996, or demonstrate competency in the items listed on a skills checklist within the same time period. The following applies to the skills checklist:

1. The checklist shall include the content areas covered in the personal care aide training course. A department model checklist is available from the licensing representative.
2. A licensed health care professional, acting within the scope of the requirements of his profession, shall evaluate

the competency of the staff person in each item on the checklist, document competency, and sign and date.

F. The facility shall obtain a copy of the certificate issued to the certified nurse aide, the nursing assistant, geriatric assistant or home health aide, or documentation indicating ~~adult care residence~~ *assisted living facility* offered training has been successfully completed. The copy of the certificate or the appropriate documentation shall be retained in the staff member's file. Written confirmation of department course or training approval shall also be retained in the staff member's file, as appropriate.

G. When direct care staff are employed who have not yet successfully completed the training program as allowed for in subsection C of this section, the administrator shall develop and implement a written plan for supervision of these individuals.

H. On an annual basis, all direct care staff shall attend at least 12 hours of training which focuses on the resident who is mentally or physically impaired, as appropriate to the population in care. This requirement is in lieu of the requirement specified in 22 VAC 40-71-80 D.

I. Documentation of the dates of the training received annually, number of hours and type of training shall be kept by the facility in a manner that allows for identification by individual employee.

J. Each ~~adult care residence~~ *assisted living facility* shall retain a licensed health care professional, either by direct employment or on a contractual basis, to provide health care oversight. The licensed health care professional, acting within the scope of the requirements of his profession, shall be on-site at least quarterly and more often if indicated, based on his professional judgment of the seriousness of a resident's needs or the stability of a resident's condition. The responsibilities of the professional while on site shall include at least quarterly:

1. Recommending in writing changes to a resident's service plan whenever the plan does not appropriately address the current health care needs of the resident.
2. Monitoring of direct care staff performance of health related activities, including the identification of any significant gaps in the staff person's ability to function competently.
3. Advising the administrator of the need for staff training in health related activities or the need for other actions when appropriate to eliminate problems in competency level.
4. Providing consultation and technical assistance to staff as needed.
5. Directly observing every resident whose care needs are equivalent to the intensive assisted living criteria and recommending in writing any needed changes in the care provided or in the resident's service plan. For auxiliary grant recipients receiving intensive assisted living services, the monitoring will be in accordance with the specifications of the Department of Medical Assistance Services.

6. Reviewing documentation regarding health care services, including medication and treatment records to assess that services are being provided in accordance with physicians' orders, and informing the administrator of any problems.

7. Reviewing the current condition and the records of restrained residents to assess the appropriateness of the restraint and progress toward its reduction or elimination, and advising the administrator of any concerns.

K. A resident's need for skilled nursing treatments within the facility shall be met by facility employment of a licensed nurse or contractual agreement with a licensed nurse, or by a home health agency or by a private duty licensed nurse.

22 VAC 40-71-640. Resident personal and social data.

Prior to or at the time of admission to an ~~adult care residence~~ *assisted living facility*, the following information on a person shall be obtained and placed in the individual's record:

1. Description of family structure and relationships;
2. Previous mental health/mental retardation services history, if any, and if applicable for care or services;
3. Current behavioral and social functioning including strengths and problems; and
4. Any substance abuse history if applicable for care or services.

22 VAC 40-71-650. Resident care and related services.

A. There shall be at least 14 hours of scheduled activities available to the residents each week for no less than one hour each day. The activities shall be designed to meet the specialized needs of the residents and to promote maximum functioning in physical, mental, emotional, and social spheres. This requirement is in lieu of the requirement specified in ~~22 VAC 40-71-250~~ 22 VAC 40-71-260 A.

B. Facilities shall assure that all restorative care and habilitative service needs of the residents are met. Staff who are responsible for planning and meeting the needs shall have been trained in restorative and habilitative care. Restorative and habilitative care includes, but is not limited to, range of motion, assistance with ambulation, positioning, assistance and instruction in the activities of daily living, psychosocial skills training, and reorientation and reality orientation.

C. In the provision of restorative and habilitative care, staff shall emphasize services such as the following:

1. Making every effort to keep residents active, within the limitations permitted by physicians' orders.
2. Encouraging residents to achieve independence in the activities of daily living.
3. Assisting residents to adjust to their disabilities, to use their prosthetic devices, and to redirect their interests if they are no longer able to maintain past involvement in activities.

Emergency Regulations

4. Assisting residents to carry out prescribed physical therapy exercises between visits from the physical therapist.

5. Maintaining a bowel and bladder training program.

D. Facilities shall assure that the results of the restorative and habilitative care are documented in the service plan.

E. Facilities shall arrange for specialized rehabilitative services by qualified personnel as needed by the resident. Rehabilitative services include physical therapy, occupational therapy and speech-language pathology services. Rehabilitative services may be indicated when the resident has lost or has shown a change in his ability to respond to or perform a given task and requires professional rehabilitative services in an effort to regain lost function. Rehabilitative services may also be indicated to evaluate the appropriateness and individual response to the use of assistive technology.

F. All rehabilitative services rendered by a rehabilitative professional shall be performed only upon written medical referral by a physician or other qualified health care professional.

G. The physician's orders, services provided, evaluations of progress, and other pertinent information regarding the rehabilitative services shall be recorded in the resident's record.

H. Direct care staff who are involved in the care of residents using assistive devices shall know how to operate and utilize the devices.

I. A licensed health care professional, acting within the scope of the requirements of his profession, shall perform an annual review of all the medications of each resident, including both prescription and over-the-counter medications. The results of the review shall be documented, signed and dated by the health care professional, and retained in the resident's record. Any potential problems shall be reported to the resident's attending physician and to the facility administrator. Action taken in response to the report shall also be documented in the resident's record.

ARTICLE 2.

ADDITIONAL REQUIREMENTS FOR ASSISTED LIVING CARE FACILITIES CARING FOR ADULTS WITH MENTAL ILLNESS OR MENTAL RETARDATION OR WHO ARE SUBSTANCE ABUSERS.

22 VAC 40-71-660. Psychiatric or psychological evaluation.

A. When determining the appropriateness of admission for applicants with serious mental illness, mental retardation or a history of substance abuse, a current psychiatric or psychological evaluation may be needed. The need for this evaluation will be indicated by the UAI or based upon the recommendation of the resident's case manager or other assessor.

B. A current evaluation for an applicant with mental illness or a history of substance abuse shall be no more than 12

months old, unless the case manager or other assessor recommends a more recent evaluation.

C. A current evaluation for a person with mental retardation shall be no more than three years old, unless the case manager or other assessor recommends a more recent evaluation.

D. The evaluation shall have been completed by a person having no financial interest in the ~~adult care residence~~ *assisted living facility*, directly or indirectly as an owner, officer, employee, or as an independent contractor with the ~~residence~~ *facility*.

E. A copy of the evaluation shall be filed in the resident's record.

22 VAC 40-71-670. Services agreement and coordination.

A. The facility shall enter into a written agreement with the local community mental health, mental retardation and substance abuse services board, or a public or private mental health clinic, treatment facility or agent to make services available to all residents. This agreement shall be jointly reviewed annually by the ~~adult care residence~~ *assisted living facility* and the service entity.

NOTE: This requirement does not preclude a resident from engaging the services of a private psychiatrist or other appropriate professional.

B. Services to be included in the agreement shall at least be the following:

1. Diagnostic, evaluation and referral services in order to identify and meet the needs of the resident;
2. Appropriate community-based mental health, mental retardation and substance abuse services;
3. Services and support to meet emergency mental health needs of a resident; and
4. Completion of written progress reports specified in 22 VAC 40-71-680.

C. A copy of the agreement specified in subsections A and B of this section shall remain on file in the ~~adult care residence~~ *assisted living facility*.

D. For each resident the services of the local community mental health, mental retardation and substance abuse services board, or a public or private mental health clinic, rehabilitative services agency, treatment facility or agent shall be secured as appropriate based on the resident's current evaluation.

22 VAC 40-71-680. Written progress reports.

A. The facility shall obtain written progress reports on each resident receiving services from the local community mental health, mental retardation and substance abuse services board, or a public or private mental health clinic, treatment facility or agent.

B. The progress reports shall be obtained at least every six months until it is stated in a report that services are no longer needed.

C. The progress reports shall contain at a minimum:

1. A statement that continued services are or are not needed;
2. Recommendations, if any, for continued services;
3. A statement that the resident's needs can continue to be met in an ~~adult care residence~~ *assisted living facility*, and
4. A statement of any recommended services to be provided by the ~~adult care residence~~ *assisted living facility*.

D. Copies of the progress reports shall be filed in the resident's record.

22 VAC 40-71-690. Obtaining recommended services.

The ~~adult care residence~~ *assisted living facility* shall assist the resident in obtaining the services recommended in the initial evaluation and in the progress reports.

ARTICLE 3.

ADDITIONAL REQUIREMENTS FOR ASSISTED LIVING CARE FACILITIES CARING FOR ADULTS WITH SERIOUS COGNITIVE DEFICITS IMPAIRMENTS.

22 VAC 40-71-700. Adults with serious cognitive deficits impairments.

All residents with serious cognitive impairments due to a primary psychiatric diagnosis of dementia who cannot recognize danger or protect their own safety and welfare shall be subject to either subsection A or B of this section. All residents with serious cognitive impairments due to any other diagnosis who cannot recognize danger or protect their own safety and welfare shall be subject to subsection A of this section.

NOTE: Serious cognitive impairment is defined in 22 VAC 40-71-10.

~~A. The requirements provided in subsection B of this section apply when any resident exhibits behavior indicating a serious cognitive deficit and when the resident cannot recognize danger or protect his own safety and welfare, except as noted in subdivision B 12 of this section. The following requirements apply when there is a mixed population of (i) residents who have a serious cognitive impairment as defined in 22 VAC 40-71-10 who cannot recognize danger or protect their own safety and welfare, and (ii) other residents. Except for special care units covered by subsection B of this section, these requirements apply to the entire facility unless specified otherwise.~~

~~B. If there is a mixed population the requirements apply to the entire facility unless specified otherwise. If there is a self-contained special care unit for residents with serious cognitive deficits, the requirements apply only to the special care unit.~~

1. There shall be at least two direct care staff members in each building at all times that residents are present who shall be responsible for their care and supervision.
2. During trips away from the facility, there shall be sufficient staff to provide sight and sound supervision to all residents *with serious cognitive impairments*.

3. Commencing immediately and within six months of employment, direct care staff shall complete four hours of ~~dementia/cognitive deficit~~ *training in the characteristics, care and supervision of residents with cognitive impairments*. This training is counted toward meeting the annual training requirements for the first year.

4. Commencing immediately and within three months of employment, the administrator shall complete 12 hours of ~~dementia/cognitive deficit~~ *impairment* training. This training is counted toward the annual training requirements for the first year.

5. Curriculum for the ~~dementia/cognitive deficit~~ *impairment* training shall be developed by a qualified health professional or by a licensed social worker, *shall be relevant to the population in care* and shall include, but need not be limited to:

- a. Explanation of ~~Alzheimer's disease and related disorders~~ *cognitive impairments*;
- b. Resident care techniques, ~~such as assistance with the activities of daily living~~;
- c. Behavior management;
- d. Communication skills; ~~and~~
- e. Activity planning; ~~and~~
- f. *Safety considerations.*

6. Within the first week of employment, employees other than the administrator and direct care staff shall complete one hour of orientation on the nature and needs of residents with ~~dementia/cognitive deficits~~ *impairments relevant to the population in care.*

7. Doors leading to the outside shall have a system of security monitoring, such as door alarms, cameras, or security bracelets which are part of an alarm system; ~~unless the door leads to a secured outdoor area.~~

8. The facility shall have a secured outdoor area for the residents' use or provide staff supervision while residents *with serious cognitive impairments* are outside.

9. There shall be protective devices on the bedroom and the bathroom windows of residents with ~~dementia~~ *serious cognitive impairments* and on windows in common areas accessible to ~~these residents with dementia~~ to prevent the windows from being opened wide enough for a resident to crawl through.

10. The facility shall provide to residents free access to an indoor walking corridor or other area which may be used for walking.

11. Special environmental precautions shall be taken by the facility to eliminate hazards to the safety and well-being of residents with ~~dementia~~ *serious cognitive deficits impairments*. Examples of environmental precautions include signs, carpet patterns and arrows which point the way; and reduction of background noise.

12. *When there are indications that ordinary materials or objects may be harmful to a resident with a serious*

Emergency Regulations

cognitive impairment, these materials or objects shall be inaccessible to the resident except under staff supervision.

42- **EXCEPTION:** This subsection does not apply when facilities are licensed for 10 or fewer residents if no more than three of the residents exhibit behavior indicating serious cognitive deficits impairments, when the resident cannot recognize danger or protect his own safety and welfare. The prospective resident or his personal representative shall be so notified prior to admission.

B. In order to be admitted or retained in a safe, secure environment as defined in 22 VAC 40-71-10, a resident must have a serious cognitive impairment due to a primary psychiatric diagnosis of dementia and be unable to recognize danger or protect his own safety and welfare. The following requirements apply when such residents reside in a safe, secure environment. These requirements apply only to the safe, secure environment.

1. *Prior to his admission to a safe, secure environment, the resident shall have been assessed by an independent physician as having a serious cognitive impairment due to a primary psychiatric diagnosis of dementia and as being unable to recognize danger or protect his own safety and welfare. The physician shall have an appropriate clinical background in the relevant area of serious cognitive impairments. The physician's assessment shall be in writing and shall be maintained in the resident's record.*

2. *Prior to placing a resident with a serious cognitive impairment due to a primary psychiatric diagnosis of dementia in a safe, secure environment, the facility shall obtain the written approval of one of the following persons, in the following order of priority:*

- a. The resident, if capable of making an informed decision;*
- b. A guardian or legal representative for the resident if one has been appointed;*
- c. A relative who is willing and able to take responsibility to act as the resident's representative, in the following specified order, (i) spouse; (ii) adult child; (iii) parent; (iv) adult sibling; (v) adult grandchild; (vi) adult niece or nephew; (vii) aunt or uncle;*
- d. An independent physician who is skilled and knowledgeable in the diagnosis and treatment of dementia if the resident is not capable of making an informed decision and a guardian, legal representative or relatives are unavailable.*

The obtained written approval shall be retained in the resident's file.

NOTE: As soon as one of the persons in the order as prioritized above disapproves of placement or continued placement in the safe, secure environment, then the assisted living facility shall not place or retain the resident or prospective resident in the special care unit.

3. *Six months after the completion of the initial and each subsequent uniform assessment instrument as required in 22 VAC 40-71-170, the assisted living facility shall perform a progress review of each resident. The facility shall also*

perform a progress review whenever warranted by a change in a resident's condition. The progress review shall be performed in consultation with the following persons, as appropriate: (i) the resident, (ii) a responsible family member, (iii) a guardian, (iv) a personal representative, (v) the resident's mental health provider, (vi) the licensed health care professional required in 22 VAC 40-71-630 J, (vii) the resident's physician, and (viii) any other professional involved with the resident. At the time of each annual and each progress review/update, the facility shall make a determination as to whether or not continued residence in the special care unit is appropriate. There shall be written justification of this determination.

4. *Therapeutic goals shall be established for each resident. These therapeutic goals shall be based on the resident's assessment and shall be documented on the resident's individualized service plan.*

5. *In addition to the requirements of 22 VAC 40-71-650 A, scheduled activities shall be designed to promote the achievement of therapeutic goals, as appropriate.*

6. *Each week a variety of scheduled activities shall be available that shall include, but not necessarily be limited to, the following categories:*

- a. Cognitive/mental stimulation/creative activities, e.g., discussion groups, reading, reminiscing, story telling, writing;*
- b. Physical activities (both gross and fine motor skills), e.g., exercise, dancing, gardening, cooking;*
- c. Productive/work activities, e.g., practicing life skills, setting the table, sorting coins, making decorations, folding clothes;*
- d. Social activities, e.g., games, music, arts and crafts;*
- e. Sensory activities, e.g., auditory, visual, scent and tactile stimulation; and*
- f. Outdoor activities, weather permitting; e.g., walking outdoors, field trips.*

NOTE: Several of the examples listed above may fall under more than one category.

NOTE: These activities do not require additional hours beyond those specified in 22 VAC 40-71-650 A.

7. *If appropriate to meet the needs of the resident, there shall be multiple short activities to work within short attention spans.*

8. *Staff shall regularly encourage, but never force, residents to participate in activities and provide guidance and assistance, as needed.*

9. *In addition to the scheduled activities required by 22 VAC 40-71-650 A, there shall be unscheduled staff and resident interaction throughout the day that fosters an environment that promotes socialization opportunities for residents.*

10. *Residents shall be given the opportunity to be outdoors on a daily basis, weather permitting.*

11. As appropriate, residents shall be encouraged to participate in supervised activities or programs outside the special care unit.

12. There shall be a designated employee who is responsible for management of the structured activities program. This person shall be qualified as evidenced by training and experience to manage the activities program and shall be on-site at least 20 hours a week.

13. There shall be at least two direct care staff members in each self-contained special care unit at all times when residents are present who shall be responsible for their care and supervision.

14. During trips away from the facility, there shall be sufficient staff to provide sight and sound supervision to residents.

15. Commencing immediately and within one month of employment, the administrator and direct care staff shall attend at least four hours of training in cognitive impairments due to dementia. This training is counted toward meeting the training requirement for the first year. The training shall cover, at a minimum, a basic overview of the following topics:

- a. Information about the cognitive impairment, including areas such as cause, progression, behaviors, management of the condition;
- b. Managing dysfunctional behavior; and
- c. Identifying and alleviating safety risks to residents with cognitive impairment.

16. Within the first year of employment, the administrator and direct care staff shall complete the following training in caring for residents with cognitive impairments due to dementia. This shall also include more in-depth training on the topics in subdivision 15 of this subsection. This training is counted toward meeting the training requirement for the first year.

- a. Assessing resident needs and capabilities and understanding and implementing service plans;
- b. Resident care techniques for persons with physical, cognitive, behavioral and social disabilities;
- c. Creating a therapeutic environment;
- d. Promoting resident dignity, independence, individuality, privacy and choice;
- e. Communicating with the resident;
- f. Communicating with families and other persons interested in the resident;
- g. Planning and facilitating activities appropriate for the resident;
- h. Common behavioral problems and behavior management techniques.

17. The training required in subdivisions 15 and 16 of this subsection shall be provided by a trainer with experience and knowledge in the care of individuals with cognitive impairments due to dementia.

18. During the first year of employment, direct care staff shall attend at least 16 hours of training. Thereafter, the annual training requirement specified in 22 VAC 40-71-630 H applies.

19. Within the first week of employment, employees, other than the administrator and direct care staff, who will have contact with residents in the special care unit shall complete one hour of orientation on the nature and needs of residents with cognitive impairments due to dementia.

20. Doors that lead to unprotected areas shall be monitored or secured through devices that conform to applicable building and fire codes, including but not limited to, door alarms, cameras, constant staff oversight, security bracelets that are part of an alarm system, pressure pads at doorways, delayed egress mechanisms, locking devices and perimeter fence gates.

21. There shall be protective devices on the bedroom and bathroom windows of residents and on windows in common areas accessible to residents to prevent the windows from being opened wide enough for a resident to crawl through.

22. The facility shall have a secured outdoor area for the residents' use or provide staff supervision while residents are outside.

23. The facility shall provide to residents free access to an indoor walking corridor or other area that may be used for walking.

24. As of the effective date of these standards, buildings approved for construction or change in use group, as referenced in the BOCA National Building Code, shall have glazed window area above ground level in at least one of the common rooms, e.g., living room, multipurpose room, dining room. The square footage of the glazed window area shall be at least 8% of the square footage of the floor area of the common room.

25. Special environmental precautions shall be taken by the facility to eliminate hazards to the safety and well-being of residents. Examples of environmental precautions include signs, carpet patterns and arrows which point the way, high visual contrast between floors and walls, and reduction of background noise.

26. When there are indications that ordinary materials or objects may be harmful to a resident, these materials or objects shall be inaccessible to the resident except under staff supervision.

27. Special environmental enhancements, tailored to the population in care, shall be provided by the facility to enable residents to maximize their independence and to promote their dignity in comfortable surroundings. Examples of environmental enhancements include memory boxes, activity centers, rocking chairs, and visual contrast between plates/eating utensils and the table.

/s/ James S. Gilmore, III
Governor
Date: July 6, 2001

VA.R. Doc. No. R01-256; Filed July 23, 2001, 1:01 p.m.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **Regulations for the Control and Abatement of Air Pollution (Documents Incorporated by Reference -- 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.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III

Governor

Date: July 2, 2001

VA.R. Doc. No. R00-223; Filed July 13, 2001, 11:56 a.m.

◆

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Title of Regulation: **12 VAC 5-581-10 et seq. Sewage Collection and Treatment (SCAT) Regulations.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III

Governor

Date: July 2, 2001

VA.R. Doc. No. R01-229; Filed July 13, 2001, 11:56 a.m.

◆

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-560-10 et seq. Monthly Reporting in the Food Stamp Program (REPEALING).**

Governor's Comment:

I have reviewed the regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to the repeal of this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III

Governor

Date: July 2, 2001

VA.R. Doc. No. R00-187; Filed July 13, 2001, 11:56 a.m.

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THE LEGISLATIVE RECORD

The Legislative Record is available on the Internet at <http://dls.state.va.us/pubs/legisrec/>

GENERAL NOTICES/ERRATA

BOARD OF EDUCATION

Revision of the Mathematics Standards of Learning

Notice is hereby given that the Board of Education intends to revise the Mathematics Standards of Learning, which were adopted in 1995. The revision process is expected to be ongoing through October 2001.

A public hearing will be conducted prior to the Board of Education's action to adopt revised Mathematics Standards of Learning. Notice of the time, date, and location of the public hearing will be posted on the Department of Education's web page: <http://www.pen.k12.va.us/>.

A copy of the current Mathematics Standards of Learning may be viewed on the Department of Education's web site: <http://www.pen.k12.va.us/go/Sols/math.html>.

Questions and written comments regarding the revision should be directed to Ms. Maureen Hajar, Director, Middle School Education at the Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-3616. Written comment is welcomed and will be received until October 5, 2001.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Annual Report Availability

The Director of the Department of Environmental Quality announces the availability of the department's first-ever annual report. The theme of this report – Partners in Protecting Virginia's Environment – highlights how the department and Virginia's citizens are working together to protect Virginia's natural resources. In addition, the report includes, among other things, sections on improving environmental literacy, safeguarding our water resources, managing waste and cleaning up and improving air quality through cooperation and innovation. The report is available online at the department's website: www.deq.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

Notice of Public Comment Period Regarding TANF State Plan

Pursuant to Title IV-A of the Social Security Act, § 402, Virginia will submit its (TANF) Temporary Assistance for Needy Families program State Plan to the United States Department of Health and Human Services following a 45-day comment period, beginning September 10, 2001.

A public hearing on the TANF State Plan will be conducted by the Department of Social Services, Temporary Assistance Programs Division, on October 15, 2001. The public hearing will take place at 1:30 p.m. at the Virginia Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, VA 23219. The public is invited to attend and to comment.

Written comment may be submitted through October 25, 2001, to Carlyn Snook, TANF Program Consultant, Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, VA 23219.

Copies of the TANF State Plan may be obtained from the Department of Social Services by calling Carlyn Snook at (804) 692-1836 or by writing Ms. Snook at: Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, VA 23219.

DEPARTMENT OF TAXATION

Virginia Tax Bulletin

June 29, 2001

01-3

INTEREST RATES THIRD QUARTER 2001

Federal rates change: State and certain local interest rates are subject to change every quarter based on changes in federal rates established pursuant to IRC § 6621. The federal rates for the third quarter of 2001 will be 7% for tax underpayments (assessments), 7% for tax overpayments (refunds) by taxpayers other than corporations, and 9% for "large corporate underpayments" as defined in IRC § 6621(c). Code of Virginia § 58.1-15 provides that the underpayment rates for Virginia taxes will be 2% higher than the corresponding federal rates and overpayment rates for Virginia taxes will be 2% higher than the federal rate for noncorporate taxpayers. Accordingly, the Virginia rates for the third quarter of 2001 will be 9% for tax underpayments (assessments), 9% for tax overpayments (refunds), and 11% for "large corporate underpayments."

Rate for Addition to Tax for Underpayments of Estimated Tax

Taxpayers whose taxable year ends on March 31, 2001: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen) or on Form 500C (for corporations), the second quarter 10% underpayment rate will apply through the due date of the return, July 16, 2001, (for corporations), and August 1, 2001 (for individuals and fiduciaries).

Taxpayers whose taxable year ends on June 30, 2001: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen) or on Form 500C (for corporations), the third quarter 9% underpayment rate will apply through the due date of the return, October 15, 2001, (for corporations), and November 1, 2001 (for individuals and fiduciaries).

Local Tax

Assessments: Localities that assess interest on delinquent taxes under Code of Virginia § 58.1-3916 may impose interest at a rate not to exceed 10% for the first year of delinquency, and at a rate not to exceed 10% or the federal underpayment rate in effect for the applicable quarter, whichever is greater,

for the second and subsequent years of delinquency. For the third quarter of 2001, the federal underpayment rate is 7%.

Refunds: Effective July 1, 1999, localities which charge interest on delinquent taxes are required paying interest to

taxpayers on all overpayments or erroneously assessed taxes at the same rate as they charge interest on delinquent taxes under Code of Virginia § 58.1-3916.

Recent Interest Rates

Accrual Beginning	Period Through	Non-Corporation Overpayment (Refund)	Corporation Overpayment (Refund)	Underpayment (Assessment)	Large Corporate Underpayment
1-Apr-91	30-Jun-91	9%	9%	10%	---
1-Jul-91	31-Dec-91	9%	9%	12%	14%
1-Jan-92	31-Mar-92	8%	8%	11%	13%
1-Apr-92	30-Sep-92	7%	7%	10%	12%
1-Oct-92	30-Jun-94	6%	6%	9%	11%
1-Jul-94	30-Sep-94	7%	7%	10%	12%
1-Oct-94	31-Mar-95	8%	8%	11%	13%
1-Apr-95	30-Jun-95	9%	9%	12%	14%
1-Jul-95	31-Mar-96	8%	8%	11%	13%
1-Apr-96	30-Jun-96	7%	7%	10%	12%
1-Jul-96	31-Mar-98	8%	8%	11%	13%
1-Apr-98	31-Dec-98	7%	7%	10%	12%
1-Jan-99	31-Mar-99	7%	6%	9%	11%
1-Apr-99	31-Dec-99	8%	7%	10%	12%
1-Jan-00	31-Mar-00	10%	10%	10%	12%
1-Apr-00	31-Mar-01	11%	11%	11%	13%
1-Apr-01	30-Jun-01	10%	10%	10%	12%
1-Jul-01	30-Sep-01	9%	9%	9%	11%

For additional information: Contact the Office of Customer Services, Virginia Department of Taxation, P.O. Box 1115, Richmond, Virginia 23218-1115, or call the following numbers for additional information about interest rates and penalties.

Individual & Fiduciary Income Tax (804) 367-8031
 Corporation Income Tax (804) 367-8037
 Withholding Tax (804) 367-8037
 Soft Drink Excise Tax (804) 367-8098
 Aircraft Sales & Use Tax (804) 367-8098
 Other Sales & Use Taxes (804) 367-8037

STATE WATER CONTROL BOARD

Proposed Consent Special Order Doyles Mobile Home Park Sewage Lagoon

The State Water Control Board (SWCB) proposes to issue a Consent Special Order (CSO) to Ms. G. U. Webb for Doyles Mobile Home Park Sewage Lagoon regarding settlement of a civil enforcement action related to compliance with the Permit Regulation, 9 VAC 25-31-10 et seq. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019.

The final CSO may be examined at the department during regular business hours. Copies are available from Mr. Steele at the address above or by calling him at (540) 562-6777.

Proposed Consent Special Order Town of Victoria

The State Water Control Board proposes to issue a consent special order to the Town of Victoria to resolve certain alleged violations of environmental laws and regulations occurring at their East Sewer Treatment Plant and their water Treatment Plant in Lunenburg County, Virginia. The proposed order requires the Town of Victoria to complete corrective action at both facilities and to pay an \$8,000 civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments related to the proposed consent special order. Comments should be addressed to Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060-6295; or sent to the e-mail address of felupini@deq.state.va.us. All comments received by e-mail must include name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order WestPoint Stevens

The State Water Control Board proposes to issue a consent special order to WestPoint Stevens to resolve certain alleged violations of environmental laws and regulations occurring at their Drakes Branch facility in Charlotte County, Virginia. The

General Notices/Errata

proposed order requires WestPoint Stevens to pay an \$1,800 civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments related to the proposed consent special order. Comments should be addressed to Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060-6295; or sent to the e-mail address of felupini@deq.state.va.us. All comments received by e-mail must include name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

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

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://legis.state.va.us/codecomm/register/regindex.htm>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS - RR08

ERRATA

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

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

Title of Regulation: **12 VAC 30-30-10 et seq. Groups Covered and Agencies Responsible for Eligibility Determination.**

Publication: 17:19 VA.R. 2737-2740 June 4, 2001

Correction to Final Effective Date:

Change "August 2, 2001" to "August 1, 2001"

STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-210-10 et seq. Virginia Water Protection Permit Program Regulation.**

Publication: 17:21 VA.R. 3049-3070 July 2, 2001.

Correction to Final Regulation:

Page 3060, 9 VAC 25-210-80 C, first line, strike "may" and insert "shall"

Page 3060, 9 VAC 25-210-80 D, second line, insert "as" between "Accepted" and "complete"; third line, strike "may" and insert "shall"

Title of Regulation: **9 VAC 25-680-10 et seq. Virginia Water Protection General Permit for Linear Transportation Projects.**

Publication: 17:21 VA.R. 3070-3087 July 2, 2001.

Correction to Final Regulation:

Page 3072, 9 VAC 25-680-30 A 2, line 3, strike "a single and complete project"

Page 3074, 9 VAC 25-680-50 A 2, line 4, strike "9, 11, 17, 19" and insert "8, 13, 15"

Page 3081, 9 VAC 25-680-100 Part II A 3 b, next to last line, after "areas" insert "within"

Title of Regulation: **9 VAC 25-690-10 et seq. Virginia Water Protection General Permit for Impacts from Development Activities.**

Publication: 17:21 VA.R. 3087-3107 July 2, 2001.

Correction to Final Regulation:

Page 3090, 9 VAC 25-690-30 A 5, line 7, strike "may be acceptable"

Page 3092, 9 VAC 25-690-40 G 12 b, line 2, after "taking," insert "transportation,"

CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
 Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

† **August 23, 2001 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia. 

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY , e-mail boa@boa.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 

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **August 23, 2001 - 9 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. 

A meeting to discuss issues related to Virginia agriculture and consumer services. 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 board secretary at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail jknight@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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.

Calendar of Events

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 Horse Industry Board

† September 26, 2001 - 9:30 a.m. -- Open Meeting
Virginia Department of Forestry, 900 Natural Resources Drive, 2nd Floor, Conference Room, Charlottesville, Virginia. 

A meeting to (i) review the minutes of the previous meeting; (ii) review fiscal year marketing projects and budget; and (iii) consider revision of the grant guidelines and strategic plans. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Virginia Horse Industry Board, 1100 Bank St., Suite 1004, Richmond, VA 23219, telephone (804) 786-5842 or FAX (804) 371-7786.

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.

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_x 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_x Budget Trading Program as a means of mitigating the interstate transport of ozone and nitrogen oxides including 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_x 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_x 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_x 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.

† **August 28, 2001 - 7:30 p.m.** -- Public Hearing
City Hall, 441 Market Street, City Council Chambers, Suffolk, Virginia.

A public hearing to receive comments on the proposed issuance of a state operating permit for the Ciba Specialty Chemical Corporation located in Suffolk, Virginia.

Contact: B.W. Halcrow, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2184, FAX (757) 518-2103, e-mail bwhalcrow@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. (Interpreter for the deaf provided upon request)

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

Calendar of Events

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

September 7, 2001 - 10 a.m. -- Open Meeting
October 5, 2001 - 10 a.m. -- Open Meeting
† November 2, 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.

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

† August 16, 2001 - 10 a.m. -- Open Meeting
† September 20, 2001 - 10 a.m. -- Open Meeting
† October 18, 2001 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Directors. The board invites persons with disabilities, advocates or other interested parties to participate during the public comment session. Following the business meeting the board will meet in closed session to review loan applications.

Contact: Shilpa Joshi, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Dr., Richmond, VA 23228, telephone (804) 662-9000, FAX (804) 662-9533, toll-free (800) 552-5019, (804) 662-9000/TTY ☎, e-mail loanfund@erols.com.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

August 29, 2001 - 9 a.m. -- Open Meeting

September 26, 2001 - 9 a.m. -- Open Meeting

† October 31, 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.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† August 16, 2001 - 9:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A training session with the department's investigations unit.

Contact: Elizabeth Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9111, FAX (804) 662-9523, e-mail etisdale@dhp.state.va.us.

Special Conference Committee

† August 16, 2001 - 2 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

An informal hearing being held in accordance with § 9-6.14:11 of the Code of Virginia. No public comments will be heard.

Contact: Elizabeth Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.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.

BOARD FOR BARBERS AND COSMETOLOGY

† August 14, 2001 - 1 p.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

An exam workshop. A public comment period will be held at the beginning of the workshop.

Contact: Sharon M. Sweet, Examination Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572.

† September 10, 2001 - 8:30 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation and the time of the meeting is subject to change. Any person desiring to attend 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: Zelda W. Dugger, Board Administrator, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail barbercosmo@dpor.state.va.us.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

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 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 taylorjrg@dbvi.state.va.us.

Calendar of Events

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 ☎

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 ☎

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 ☎

CHARITABLE GAMING COMMISSION

† **August 30, 2001 - 10 a.m.** -- Open Meeting
Sheraton Oceanfront Hotel, 36th and Atlantic Avenue, Virginia Beach, Virginia.♿

A regular commission meeting.

Contact: Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cg.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

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 celliot@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.

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

† **September 13, 2001 - Noon** -- Open Meeting
Richmond City Hall, 900 East Broad Street, 5th Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss river issues. Requests for an interpreter for the deaf must be made two weeks prior to the meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

Virginia Soil and Water Conservation Board

† **September 20, 2001 - 9 a.m.** -- Open Meeting
Virginia State University, Petersburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Requests for interpreter for the deaf should be filed at least two weeks prior to the meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

BOARD FOR CONTRACTORS

† **September 19, 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 regularly scheduled meeting of the board, which will address policy and procedural issues, review and render case decisions on matured complaints against licensees and other matters which 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 and requiring 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

† **August 24, 2001 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A general business meeting to consider a new NOIRA for a time-limited waiver of certain requirements for licensure of substance abuse treatment practitioners and adopting preNOIRAs to set standards for Certified Substance Abuse Counselors and Certified Substance Counselor Assistants. The board will consider reports of standing committees. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail ebrown@dhp.state.va.us.

Credentials Committee

† **August 23, 2001 - Noon** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

Calendar of Events

A meeting to review applicant credentials.

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.

Examination Committee

† **August 24, 2001 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss RFPs for Licensed Professional Counselor and Certified Substance Abuse Counselor Examinations.

Contact: Evelyn B. Brown, Executive Director, 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.

Executive Committee

† **August 23, 2001 - 4 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to review the agenda for the full board meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail coun@dhp.state.va.us.

Regulatory/Supervision/Legislative Committee

† **August 23, 2001 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss time-limited waiver for licensure of substance abuse treatment practitioners and begin discussion on new standards for Certified Substance Abuse Counselors and Certified Substance Abuse Counselor Assistants relative to passage of HB 2095. The Committee will consider other regulatory issues as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, 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.sate.va.us.

Special Conference Committee

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.

DISABILITY SERVICES COUNCIL

† **September 6, 2001 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services 8004, Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The council will review Rehabilitative Services Incentive Fund grant proposals submitted by Disability Services Boards in response to Competitive Application packages and make grant awards.

Contact: LaDonna Rogers, Administrative Staff Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7154, FAX (804) 662-9533, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, e-mail rogersll@drs.state.va.us.

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.

† **September 26, 2001 - 2:30 p.m.** -- Public Hearing
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

† **October 12, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **9 VAC 20-120-10 et seq. Regulations Governing Vocational Education (Career and Technical Education)**. The purpose of the proposed action is to align the regulations with state and federal law and regulations.

Statutory Authority: §§ 22.1-16 and 22.1-227 of the Code of Virginia.

Contact: Dr. Neils Brooks, Director, Career and Technical Education, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2847 or FAX (804) 371-2456.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **August 20, 2001 - 7 p.m.** -- Public Hearing
Revercomb Administration Building, 10459 Courthouse Drive, Board Room, King George, Virginia. ♿

A public hearing to receive comments on the proposed issuance of a RCRA permit for the post-closure care of the waste management area at Naval Surface Warfare Center, Dahlgren Division.

Contact: Garwin W. Eng, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4131, e-mail dweng@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.

† **September 6, 2001 - 7 p.m.** -- Public Hearing
City of Radford Courthouse, 619 Second Street, Circuit Courtroom, Radford, Virginia. ♿

A public hearing to receive comments on the proposed issuance of a permit for post-closure care of hazardous waste management unit 5.

Contact: Garwin W. Eng, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4131, e-mail gweg@deq.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

August 14, 2001 - 9 a.m. -- Open Meeting
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.

BOARD OF GAME AND INLAND FISHERIES

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 13, 2001 - 7 p.m. -- Public Hearing
Holbert Building, 9104 Courthouse Road, Board of Supervisors Meeting Room, Spotsylvania, Virginia.

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.

Calendar of Events

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.

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.

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.

† **October 12, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-371-10 et seq. Regulations for Licensure of Hospitals** and **12 VAC 5-410-10 et seq. Regulations for the Licensure of Nursing Facilities.** Section 32.1-102.2 of the Code of Virginia requires the State Health Commissioner, through regulation, to condition a nursing facility or hospital license on whether the applicant has complied with any agreement as a result of the granting of a Certificate of Public Need (COPN) or upon the up-to-date payment of any civil penalties owned as a result of the willful failure to honor the condition of a COPN. This action is to finalize the emergency regulatory action that became effective on December 31, 1999.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Contact: Carrie Eddy, Policy Analyst, Center for Quality Health Care Services, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2102 or FAX (804) 367-2149.

Biosolids Use Regulations Advisory Committee

† **August 23, 2001 - 10 a.m.** -- Open Meeting
Natural Resources Building, 900 Natural Resources Drive,
Fontaine Research Park, Charlottesville, Virginia.

The purpose of this meeting is to discuss issues concerning implementation and revision of the Biosolids Use Regulations (12 VAC 5-585).

Contact: Cal Sawyer, Director, Wastewater Engineering, Department of Health, Main Street Station, 1500 East Main St., Room 109 Richmond, Vi 23219, telephone (804) 786-1755, e-mail csawyer@vdh.state.va.us.

Biosolids Use Information Committee

† **August 23, 2001 - 1 p.m.** -- Open Meeting
Natural Resources Building 900 Natural Resources Drive,
Fontaine Research Park, Charlottesville, Virginia.

A meeting to discuss issues concerning land application and agricultural use of biosolids.

Contact: Cal Sawyer, Director, Wastewater Engineering, Department of Health, Main Street Station, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1775, e-mail csawyer@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.

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.

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.

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 

BOARD FOR HEARING AID SPECIALISTS

† **September 17, 2001 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

An open meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation and the time of the meeting is subject to change. Any person who desires to attend the meeting and requires special accommodations or interpretative services should contact the department at 804-367-2785 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) 367-2785, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail hearingaidspec@dpor.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **August 23, 2001 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th St., Richmond,
Virginia. (By phone at George Mason University, Mason Hall,
Room D103.)

An informal work session of the Resources Committee.

Calendar of Events

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, e-mail lrung@schev.edu.

† **September 11, 2001 - 11 a.m.** -- Open Meeting
Virginia Commonwealth University, Siegel Center, Founders Room, Richmond, Virginia.

Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, e-mail lrung@schev.edu, homepage <http://www.schev.edu>.

DEPARTMENT OF HISTORIC RESOURCES

State Review Board and Historic Resources Board

† **September 12, 2001 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Auditorium, Richmond, Virginia. 

A quarterly meeting to consider proposed nominations to the Virginia Landmarks Register and to the National Register of Historic Places. Register preliminary applications, state highway markers, and historic preservation easements will also be considered.

Contact: Marc C. Wagner, Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY , e-mail mwagner@dhr.state.va.us.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **September 12, 2001 - 11:30 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

A joint luncheon meeting of the Board of Housing and Community Development and the Virginia Housing Development Authority Board of Commissioners.

Contact: Steve Calhoun, Department of Housing and Community Development, 501 N. 2nd St, Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090.

† **September 12, 2001 - 1 p.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

A regular business meeting. This meeting is held at the location of the 2001 Virginia Housing Conference.

Contact: Stephen W. Calhoun, Department of Housing and Community Development, 501 N. Second St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090, e-mail scalhoun@dhcd.state.va.us.

Codes and Standards Committee

† **September 12, 2001 - 8 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

Consideration of issues related to building and fire safety regulation and development of proposals for the full board.

Contact: Stephen W. Calhoun, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090, e-mail scalhoun@dhcd.state.va.us.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **August 22, 2001 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, (i) approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within its purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

JAMESTOWN-YORKTOWN FOUNDATION

† **November 8, 2001 - 10 a.m.** -- Open Meeting
† **November 9, 2001 - 8 a.m.** -- Open Meeting
Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A semi-annual meeting of the Board of Trustees. Specific schedule to be confirmed. Public comment will not be heard.

Contact: Laura W. Bailey, Executive Assistant to the Board, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, (757) 253-7236/TTY , e-mail lwbailey@jyf.state.va.us.

Executive and Finance Committees

† **August 20, 2001 - 12:30 p.m.** -- Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A joint meeting of the Jamestown-Yorktown Foundation's Executive and Finance Committees. Public comment will not be heard.

Contact: Laura W. Bailey, Executive Assistant to the Board, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (804) 253-4840, FAX (804) 253-5299, (804) 253-7236/TTY ☎, e-mail lwbailey@jyf.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† **August 16, 2001 - 10 a.m.** -- Open Meeting

† **August 29, 2001 - 10 a.m.** -- Open Meeting

Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A special subcommittee meeting of the council.

Contact: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

† **September 20, 2001 - 10 a.m.** -- Open Meeting

Virginia Employment Commission, 703 East Main Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

Virginia Migrant and Seasonal Farmworkers Board

† **October 24, 2001 - 10 a.m.** -- Open Meeting

State Capitol, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Betty B. Jenkins, Board Administrator, Department of Labor and Industry, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 782-2391, FAX (804) 371-6524, (804) 786-2376/TTY ☎, e-mail bbj@doli.state.va.us.

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.

LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

† **August 21, 2001 - 10:30 a.m.** -- Open Meeting

701 East Franklin Street, Lower Level, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Michael P. Murphy, Director, Environmental Enhancement, Litter Control and Recycling Fund Advisory Board, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, toll-free (800) 592-5482, (804) 698-4021/TTY ☎

Calendar of Events

COMMISSION ON LOCAL GOVERNMENT

† **September 5, 2001 - 10 a.m.** -- Open Meeting
Commission on Local Government, 900 East Main Street,
Suite 103, Richmond, Virginia. (Interpreter for the deaf
provided upon request)

A regular meeting.

Contact: Barbara W. Bingham, Administrative Assistant,
Commission on Local Government, 900 E. Main St., Suite
103, Richmond, VA 23219-3513, telephone (804) 786-6508,
FAX (804) 371-7999, (800) 828-1120/TTY, e-mail
bbingham@clg.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

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.

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.

† **October 24, 2001 - 8:30 a.m.** -- Open Meeting
Wyndham Hotel, 2801 Hershberger Road, Roanoke, Virginia.

A panel of the board will convene a formal hearing to
inquire into allegations that a practitioner may have violated
laws and regulations governing the practice medicine and
other healing arts in Virginia. The panel will meet in open
and closed sessions pursuant to the Code of Virginia.
Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, 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.

Informal Conference Committee

August 30, 2001 - 9 a.m. -- Open Meeting

† **September 27, 2001 - 9 a.m.** -- Open Meeting
Williamsburg Marriott Hotel, 50 Kingsmill Road, Williamsburg, Virginia.

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 Dixson, 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

August 24, 2001 - 9 a.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.

Calendar of Events

VIRGINIA MUSEUM OF FINE ARTS

† **September 20, 2001 - 12:30 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Auditorium, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Architect Search Committee

† **September 19, 2001 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO
Building, 2nd Floor Conference Room, Richmond, Virginia. 

A quarterly meeting.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Buildings and Grounds Committee

† **September 20, 2001 - 8:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO
Building, 2nd Floor Conference Room, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Collections Committee

† **September 20, 2001 - 9:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Auditorium, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Communications and Marketing Committee

† **September 19, 2001 - 3:15 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO
Building, 2nd Floor Conference Room, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Education and Programs Committee

† **September 19, 2001 - 2 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO
Building, 2nd Floor Conference Room, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Executive Committee

† **September 6, 2001 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main
Lobby Conference Room, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
Virginia 23221, telephone (804) 340-1503, FAX (804) 340-
1502, (804) 340-1401/TTY , e-mail
sbroyles@vmfa.state.va.us.

Exhibitions Committee

† **September 19, 2001 - 4:30 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO
Building, 2nd Floor Conference Room, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Finance Committee

† **September 20, 2001 - 11 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, Main Lobby Conference Room,
2800 Grove Avenue, Richmond, Virginia. 

A quarterly meeting. Public Comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Legislative Committee

† **September 19, 2001 - 11:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, Main Lobby Conference Room,
2800 Grove Avenue, Richmond, Virginia 23221 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Planning Committee

† **September 19, 2001 - 12:30 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, Auditorium, 2800 Grove Avenue, Richmond, Virginia 23221 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Program Review Committee

† **September 19, 2001 - 9 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, Main Lobby Conference Room, 2800 Grove Avenue, Richmond, Virginia 23221 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

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, and a meeting of the Marketing/Outreach Committee. 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 

BOARD OF NURSING

† **August 15, 2001 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia 

The Ad Hoc Committee will consider comments received during the review of regulations and develop draft amendments for the board's adoption at its September meeting. Public comment will be received at the beginning of the meeting.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

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.

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.

Committee of Joint Boards of Nursing and Medicine

† **August 29, 2001 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia 

The committee will consider amendments to regulations for prescriptive authority and other items of business as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

Special Conference Committee

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

Calendar of Events

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.

BOARD OF OPTOMETRY

† **August 22, 2001 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

An informal conference hearing. This is a public meeting; however, public comment will not be received.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail cstamey@dhp.state.va.us.

† **August 22, 2001 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A formal hearing. This is a public meeting; however, public comment will not be received.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail cstamey@dhp.state.va.us.

BOARD OF PHARMACY

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

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 OF PSYCHOLOGY

† **August 21, 2001 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 

Informal administrative hearings to hear possible violations of Board of Psychology regulations and statutes. No public comment will be heard.

Contact: Arnice Covington, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail acovington@dhp.state.va.us.

Regulatory Committee

† **August 21, 2001 - 4 p.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. 

The committee will consider issues related to the regulation of psychologists and sex offender treatment providers. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail ebrown@dhp.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 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, 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.

DEPARTMENT OF REHABILITATIVE SERVICES

† **August 13, 2001 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, Lee Building, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting of the Statewide Rehabilitation Council.

Contact: Katherine Lawson, Planner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300 Richmond, VA 23288-0300, telephone (804) 662-7255, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, e-mail lawsonkw@drs.state.va.us.

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 ☎

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

Calendar of Events

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.

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. 

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 28, 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 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.

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.

† **September 28, 2001 - 10 a.m.** -- Open Meeting
Virginia Department of Social Services, 730 East Broad Street, 8th Floor, Richmond, Virginia. 

A regular meeting.

Contact: Nan McKenney, Executive Director, State Board of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.

† **October 15, 2001 - 1:30 p.m.** -- Open Meeting

† **October 19, 2001 - 10 a.m.** -- Open Meeting

Department of Social Services, 730 East Broad Street, Richmond, Virginia. 

A public hearing on the Commonwealth's temporary assistance for needy families program state plan.

Contact: Carolyn Snook, TANF Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1836, FAX (804) 692-1709.

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.

† **October 12, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Professional Soil Scientists intends to amend regulations entitled: **18 VAC 145-20-10 et seq. Board for Soil Scientists Rules and Regulations.** The proposed amendments make several changes necessary to reflect the intent of the board and to ensure that any unnecessary requirements are removed. The proposed amendments also reorganize and revise the regulations for clarity and ease of use.

Statutory Authority: §§ 54.1-201 and 54.1-2200 et seq. of the Code of Virginia.

Contact: Karen W. O'Neal, Assistant Director, Board of Professional Soil Scientists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537.

DEPARTMENT OF TAXATION

† **September 24, 2001 - 10 a.m.** -- Public Hearing
Department of Motor Vehicles, 2300 West Broad Street, Williamsburg Room, Richmond, Virginia.

† **October 12, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **23 VAC 10-110-10 et seq. Individual Income Tax.** The purpose of the proposed action is to replace expired emergency regulations with permanent regulations for claiming the qualified equity and subordinated debt investments tax credit and for allocating tax credits if total credit requests exceed \$5 million in a calendar year.

Public comments may be submitted until October 12, 2001, to David T. Mason, Department of Taxation, P.O. Box 1880, Richmond, VA 23220-1880, e-mail dmason@tax.state.va.us.

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

Contact: Michael M. Melson, Executive Assistant, Department of Taxation, P.O. Box 1880, Richmond, VA 23220-1880, telephone (804) 367-8010 or FAX (804) 367-0045.

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.

† **November 8, 2001 - 9 a.m.** -- Open Meeting
VDOT Auditorium, 1221 East Broad Street, Richmond, Virginia. 

A full group meeting.

Contact: Jenny Wootton, Secretary of Technology, 1100 Bank St., #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 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.

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

Calendar of Events

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.

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.

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 VOLUNTARY FORMULARY BOARD

† **September 17, 2001 - 10 a.m.** -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor
Conference Room, Richmond, Virginia. 

A public hearing to consider the adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the formulary add and delete drugs to/from the Virginia Voluntary Formulary. Copies of the proposed revisions to the Virginia Voluntary Formulary are available for inspection at the Bureau of Pharmacy Services, Virginia Department of Health, Monroe Building, 101 North 14th Street, Room S-45, PO Box 2448, Richmond, Virginia 23218. Written comments sent to the above address and received prior to 5 p.m. on September 17, 2001, will be made a part of the hearing record and considered by the Formulary Board.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

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

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.

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.

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.

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**

Calendar of Events

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.

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.

VIRGINIA WORKFORCE COUNCIL

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.

INDEPENDENT

STATE LOTTERY BOARD

† **September 12, 2001 - 9:30 a.m.** -- Open Meeting
Pocahontas Building, 900 East Main Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board. Public comment will be received at the beginning of the meeting.

Contact: Barbara L. Robertson, Virginia State Lottery, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, e-mail brobertson@valottery.state.va.us.

VIRGINIA RETIREMENT SYSTEM

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

ADMINISTRATIVE LAW ADVISORY COMMITTEE

† **August 20, 2001 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 2nd Floor, Richmond, Virginia. 

A subcommittee of the Administrative Law Advisory Committee will meet to continue its study of the administrative hearing officer system as it relates to appeals of special education decisions.

Contact: Bess Hodges, Program Director, Administrative Law Advisory Committee, General Assembly Building, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail bhodges@leg.state.va.us

VIRGINIA CODE COMMISSION

August 30, 2001 - 10 a.m. -- Open Meeting
† **October 3, 2001 - 10 a.m.** -- Open Meeting
† **October 4, 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 

JOINT SUBCOMMITTEE STUDYING VIRGINIA'S ELECTION PROCESS AND VOTING TECHNOLOGIES

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 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 STUDYING THE RESPONSIBILITIES, POLICIES, AND ACTIVITIES OF THE STATE CORPORATION COMMISSION

† **September 19, 2001 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular meeting. Individuals with questions about the agenda or who require interpreter services or other special accommodations should contact Senate Committee Operations.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

MEMBERS OF THE JOINT SUBCOMMITTEE STUDYING THE EFFECTS OF ATTENTION DEFICIT DISORDER AND ATTENTION DEFICIT HYPERACTIVITY DISORDER ON STUDENT PERFORMANCE (HJR 660)

† **August 20, 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 Kathy Harris, Division of Legislative Services, (804) 786-3591.

Contact: Dawn B. Smith, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

JOINT SUBCOMMITTEE TO STUDY AND REVISE VIRGINIA'S STATE TAX CODE

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

Calendar of Events

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 ☎

COMMISSION ON THE FUTURE OF VIRGINIA'S ENVIRONMENT

† **August 27, 2001 - 1 p.m.** -- Open Meeting

NOTE: CHANGE IN MEETING DATE

† **September 26, 2001 - 1 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 📍

A regular meeting. Individuals with questions about the agenda or who require interpreter services or other special accommodations should contact Senate Committee Operations.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

CHRONOLOGICAL LIST

OPEN MEETINGS

August 13

Disability Commission

Nursing, Board of

- Special Conference Committee

† Rehabilitative Services, Department of

- State Rehabilitation Council

August 14

† Barbers and Cosmetology, Board of

Chesapeake Bay Local Assistance Board

- Grants Committee

- Northern Area Review Committee

- Southern Area Review Committee

- Subcommittee on Man-Made Channels and Their Relationship to RPAs

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

† Nursing, Board of

- Ad Hoc Committee on Massage Therapy

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

† Assistive Technology Loan Fund Authority

- Board of Directors

† Audiology and Speech-Language Pathology

- Special Conference Committee

† Labor and Industry, Department of

- Virginia Apprenticeship Council

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 20

† Administrative Law Advisory Committee

† Jamestown-Yorktown Foundation

- Executive and Finance Committees

† Student Performance, Joint Subcommittee Studying the

Effects of Attention Deficit Disorder and Attention Deficit Hyperactivity Disorder on

August 21

† Litter Control and Recycling Fund Advisory Board

Nursing, Board of

† Psychology, Board of

- Regulatory Committee

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

† Housing Development Authority, Virginia

- Board of Commissioners

Medicine, Board of

- Informal Conference Committee

† Optometry, Board of

Pharmacy, Board of

- Special Conference Committee

August 23

- † Accountancy, Board of
- † Agriculture and Consumer Services, Board of
Agriculture and Consumer Services, Department of
 - Virginia Cotton Board
 - Virginia Corn Board
- † Counseling, Board of
 - Credentials Committee
 - Executive Committee
 - Regulatory/Supervision/Legislative Committee
- † Health, State Board of
 - Biosolids Use Information Advisory Committee
 - Biosolids Use Regulations Advisory Committee
- † Higher Education for Virginia, State Council of
 - Resources Committee
- Mental Health, Mental Retardation and Substance Abuse
Services, State Board of
Virginia Military Institute

August 24

- † Counseling, Board of
 - Examination Committee
- Mental Health, Mental Retardation and Substance Abuse
Services, State Board of
 - State Human Rights Committee
- Virginia Military Institute

August 25

Virginia Military Institute

August 27

- Agricultural Council, Virginia
- † Virginia's Environment, Commission on the Future of

August 28

- Agricultural Council, Virginia
- Compensation Board
- Election Process and Voting Technologies, Joint
Subcommittee Studying
- Marine Resources Commission
- Nursing, Board of
 - Special Conference Committee
- † Small Business Financing Authority, Virginia

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
- † Labor and Industry, Department of
 - Virginia Apprenticeship Council
- † Nursing, Board of
 - Committee of the Joint Boards of Nursing and Medicine

August 30

- Code Commission, Virginia
- † Gaming Commission, Charitable
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
- † Local Government, Commission on

September 6

- † Disability Services Commission
Medicine, Board of
 - Informal Conference Committee
- † Museum of Fine Arts, Virginia
 - Executive Committee
- Technology Planning, Department of
 - Virginia Geographic Information Network Advisory
Board

September 7

- Art and Architectural Review Board

September 10

- † Barbers and Cosmetology, Board for
Medical Assistance Services, Department of
 - Pharmacy Liaison Committee

September 11

- † Higher Education for Virginia, State Council of
Resources, Authority, Virginia
Water Control Board, State

September 12

- Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
 - † Historic Resources, Department of
 - State Review and Historic Resources Board
 - † Housing and Community Development, Board of
 - Codes and Standards Committee
 - † Lottery Board, State
 - Prescription Drug Assistance, Joint Commission on
Real Estate Board
 - Education Committee

September 13

- † Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
- 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

- † Hearing Aid Specialists, Board for
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

- † Contractors, Board for
- † Museum of Fine Arts, Virginia
 - Architect Search Committee
 - Communications and Marketing Committee
 - Education and Programs Committee
 - Exhibitions Committee
 - Legislative Committee
 - Planning Committee

Calendar of Events

- Program Review Committee
- Polygraph Examiners Advisory Board
- Retirement System, Virginia
- † Responsibilities, Policies, and Activities of the State Corporation Commission, Joint Subcommittee Studying the
- Sewage Handling and Disposal Appeal Review Board

September 20

- † Assistive Technology Loan Fund Authority
 - Board of Directors
- † Conservation and Recreation, Department of
 - Virginia Soil and Water Conservation Board
- Education, Board of
 - Accountability Advisory Committee
- † Labor and Industry, Department of
 - Virginia Apprenticeship Council
- Land Evaluation Advisory Council, State
- † Museum of Fine Arts, Virginia
 - Buildings and Grounds Committee
 - Collection Committee
 - Finance Committee

September 24

- Nursing, Board of
- Technology Services, Council on

September 25

- Marine Resources Commission

September 26

- † Agriculture and Consumer Services, Department of
 - Virginia Horse Industry Board
- At-Risk Youth and Families, Comprehensive Services for
 - State Executive Council
- Education, Board of
- Nursing, Board of
- † Virginia's Environment, Commission on the Future of

September 27

- Agriculture and Consumer Services, Department of
 - Virginia Charity Food Assistance Board
- † Medicine, Board of
 - Informal Conference Committee
- Nursing, Board of

September 28

- † Social Services, State Board of

October 2

- Nursing, Board of
 - Special Conference Committee

October 3

- † Code Commission, Virginia
- Workforce Council, Virginia

October 4

- † Code Commission, 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
- † Social Services, State Board of

October 16

- Nursing, Board of

October 18

- † Assistive Technology Loan Fund Authority
 - Board of Directors
- Nursing, Board of
 - Special Conference Committee
- Retirement System, Virginia

October 19

- † Social Services, State Board of

October 22

- Education, Board of
- Nursing, Board of
 - Special Conference Committee

October 23

- Nursing, Board of
 - Special Conference Committee

October 24

- † Labor and Industry, Department of
 - Migrant and Seasonal Farmworkers Board
- † Medicine, Board of

October 31

- † At-Risk Youth and Families, Comprehensive Services for
 - State Executive Council

November 2

- † Art and Architectural Review Board

November 8

- † Jamestown-Yorktown Foundation
 - Board of Trustees
- † Technology Services, Council on

November 9

- † Jamestown-Yorktown Foundation
 - Board of Trustees

PUBLIC HEARINGS

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

- † Environmental Quality, Department of
- 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 28

- † Air Pollution Control Board, State

August 29

Health, State Board of

September 5

Health, State Board of

September 6

† Environmental Quality, Department of

September 17

Virginia Employment Commission

† Voluntary Formulary Board, Virginia

September 24

† Taxation, Department of

September 25

Nursing, Board of

September 26

† Education, Board of