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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2001 VAC Supplement includes final regulations published through *Virginia Register* Volume 17, Issue 21, dated July 2, 2001). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 1. Administration</b>			
1 VAC 17-20-10	Amended	17:24 VA.R. 3556	9/12/01
1 VAC 17-20-40	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-70	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-110	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-180	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-210	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-250	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-270	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-280	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-310	Amended	17:24 VA.R. 3558	9/12/01
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 20-70-120	Amended	18:5 VA.R. 726	12/1/01
4 VAC 20-380-20	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-380-50	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-398-10 through 4 VAC 20-398-90	Added	18:6 VA.R. 875-877	11/1/01
4 VAC 20-510-20	Amended	18:5 VA.R. 726	1/1/02
4 VAC 20-610-30	Amended	17:23 VA.R. 3456	7/1/01
4 VAC 20-620-10 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-20 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-40 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-670-20	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-30	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-40	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-720-20	Amended	18:3 VA.R. 354	10/1/01
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	18:3 VA.R. 354-357	10/1/01
4 VAC 20-890-25	Amended	17:23 VA.R. 3457	7/1/01
4 VAC 20-910-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-950-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-970-30	Amended	18:5 VA.R. 727	1/1/02
4 VAC 25-130 (Forms)	Amended	17:23 VA.R. 3473	--
<b>Title 5. Corporations</b>			
5 VAC 5-30-10 through 5 VAC 5-30-70	Added	17:22 VA.R. 3312-3315	7/1/01
<b>Title 8. Education</b>			
8 VAC 20-160-10	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-30	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-40	Amended	18:5 VA.R. 729	12/19/01
<b>Title 9. Environment</b>			
9 VAC 5-10-20	Amended	18:7 VA.R. 998	2/1/02
9 VAC 5-20-21	Amended	18:7 VA.R. 1004	2/1/02
9 VAC 5-40-240	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-250	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-310	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-311	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-460	Amended	18:7 VA.R. 1006	2/1/02

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-890	Amended	18:4 VA.R. 588	1/1/02
9 VAC 5-40-2930	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5210	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5230	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8130	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8150	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-400	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-410	Amended	18:7 VA.R. 1007	2/1/02
9 VAC 5-50-420	Amended	18:7 VA.R. 1011	2/1/02
9 VAC 5-60-60	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-80	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-90	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-100	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-110	Amended	18:7 VA.R. 1016	2/1/02
9 VAC 5-80-10	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-370	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-390	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-1710	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-2010	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 20-60-18	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-70 Appendices I through VI	Repealed	18:3 VA.R. 377-388	11/21/01
9 VAC 20-70-10	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-70-41	Repealed	18:3 VA.R. 361	11/21/01
9 VAC 20-70-50 through 9 VAC 20-70-75	Amended	18:3 VA.R. 362-363	11/21/01
9 VAC 20-70-81	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-90	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-111	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-112	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-113	Amended	18:3 VA.R. 365	11/21/01
9 VAC 20-70-150 through 9 VAC 20-70-230	Amended	18:3 VA.R. 366-376	11/21/01
9 VAC 20-70-240	Repealed	18:3 VA.R. 376	11/21/01
9 VAC 20-70-250	Amended	18:3 VA.R. 376	11/21/01
9 VAC 20-70-260	Amended	18:3 VA.R. 377	11/21/01
9 VAC 20-70-280	Repealed	18:3 VA.R. 377	11/21/01
9 VAC 20-70-290	Added	18:3 VA.R. 377	11/21/01
9 VAC 20-130 (Forms)	Added	17:26 VA.R. 3758-3759	--
9 VAC 20-130 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 20-190-10 through 9 VAC 20-190-80	Added	18:3 VA.R. 389-390	11/21/01
9 VAC 25-31 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 25-210-80	Erratum	17:24 VA.R. 3604	--
9 VAC 25-430-20	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-30	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-60	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-650-10 through 9 VAC 25-650-200	Added	18:4 VA.R. 590-604	12/5/01
9 VAC 25-650-50	Erratum	18:7 VA.R. 1064	--
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 25-680-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-50	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-100	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-40	Erratum	17:24 VA.R. 3604	--
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-10-10	Amended	17:22 VA.R. 3345	7/1/01
10 VAC 5-20-30	Amended	17:22 VA.R. 3346	6/27/01

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 12. Health</b>			
12 VAC 5-218-10 through 12 VAC 5-218-90 emer	Added	18:4 VA.R. 634-637	11/1/01-10/31/02
12 VAC 30-10-631	Added	18:7 VA.R. 1016	1/16/02
12 VAC 30-10-640	Amended	18:7 VA.R. 1016	1/16/02
12 VAC 30-30-10	Amended	18:7 VA.R. 1016	1/16/02
12 VAC 30-40-220	Amended	18:7 VA.R. 1020	1/16/02
12 VAC 30-50-20	Amended	18:7 VA.R. 1022	1/16/02
12 VAC 30-50-30	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-60	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-70	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-100	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-100	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-105	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-105	Amended	18:7 VA.R. 1025	1/16/02
12 VAC 30-50-140	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-140	Amended	18:7 VA.R. 1027	1/16/02
12 VAC 30-50-210	Amended	18:4 VA.R. 605	12/5/01
12 VAC 30-50-229.1	Amended	18:7 VA.R. 1028	1/16/02
12 VAC 30-50-260	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-60-21	Added	18:6 VA.R. 883	1/2/02
12 VAC 30-60-170	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-70-120	Repealed	18:6 VA.R. 883	1/2/02
12 VAC 30-70-201	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-420	Amended	18:6 VA.R. 883	1/2/02
12 VAC 30-70-420	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-435	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-120-210 emer	Amended	18:5 VA.R. 743	10/17/01-10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-215 emer	Added	18:5 VA.R. 745-751	10/17/01-10/16/02
12 VAC 30-120-220 emer	Amended	18:5 VA.R. 752	10/17/01-10/16/02
12 VAC 30-120-230 emer	Amended	18:5 VA.R. 755	10/17/01-10/16/02
12 VAC 30-120-240 emer	Amended	18:5 VA.R. 758	10/17/01-10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249 emer	Added	18:5 VA.R. 760-771	10/17/01-10/16/02
12 VAC 30-120-250 emer	Amended	18:5 VA.R. 771	10/17/01-10/16/02
12 VAC 30-120-251 through 12 VAC 30-120-255 emer	Added	18:5 VA.R. 772-777	10/17/01-10/16/02
12 VAC 30-120-258 emer	Added	18:5 VA.R. 777	10/17/01-10/16/02
12 VAC 30-120-259 emer	Added	18:5 VA.R. 778	10/17/01-10/16/02
12 VAC 30-141-10 et seq. emer	Added	17:25 VA.R. 3660-3670	8/1/01-7/31/02
12 VAC 30-141-100 emer	Amended	17:26 VA.R. 3757	8/22/01-7/31/02
12 VAC 35-110	Repealed	18:3 VA.R. 391	11/21/01
12 VAC 35-115-10 through 12 VAC 35-115-250	Added	18:3 VA.R. 392-414	11/21/01
12 VAC 35-115-50	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-70	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-250	Erratum	18:6 VA.R. 911	--
12 VAC 35-120	Repealed	18:3 VA.R. 414	11/21/01
12 VAC 35-130	Repealed	18:3 VA.R. 415	11/21/01
<b>Title 13. Housing</b>			
13 VAC 5-175-10	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-20	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-30	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-40	Amended	18:7 VA.R. 1034	1/1/02
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 14. Insurance</b>			
14 VAC 5-170-20	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-30	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-70	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-90	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-105	Amended	17:24 VA.R. 3562	9/1/01
14 VAC 5-170-120	Amended	17:24 VA.R. 3563	9/1/01
14 VAC 5-170-130	Amended	17:24 VA.R. 3565	9/1/01
14 VAC 5-170-150	Amended	17:24 VA.R. 3566	9/1/01
14 VAC 5-170-180	Amended	17:24 VA.R. 3566	9/1/01
Appendix D	Added	17:24 VA.R. 3566	9/1/01
14 VAC 5-200-20 through 14 VAC 5-200-40	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-70	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-75	Added	18:6 VA.R. 885	2/1/02
14 VAC 5-200-80	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-160	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-175	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-210-70	Amended	18:7 VA.R. 1035	12/1/01
14 VAC 5-300-90	Amended	17:22 VA.R. 3347	8/1/01
14 VAC 5-330-10	Repealed	18:3 VA.R. 415	12/31/01
<b>Title 16. Labor and Employment</b>			
16 VAC 25-60-50	Repealed	18:5 VA.R. 729	12/31/01
16 VAC 25-60-60	Repealed	18:5 VA.R. 730	12/31/01
16 VAC 25-60-70	Repealed	18:5 VA.R. 731	12/31/01
16 VAC 25-85-1904.0 through 16 VAC 25-85-1904.09	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.10 (c)	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.11	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.13 through 16 VAC 25-85-1904.28	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.29 except (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.30 through 1904.46	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.10 (a)&(b)	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.12	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.29 (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-90-1910.1030	Amended	17:23 VA.R. 3459	9/15/01
16 VAC 25-90-1910.1043	Amended	17:23 VA.R. 3458	9/15/01
16 VAC 25-175-1926.750 through 16 VAC 25-175-1926.759	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.760 (d) & (e)	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.761	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.500	Amended	18:5 VA.R. 732	1/18/02
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-21-10	Amended	18:7 VA.R. 1036	1/16/02
18 VAC 5-21-20	Amended	18:7 VA.R. 1035	1/1/02
18 VAC 5-21-30 through 18 VAC 5-21-70	Amended	18:7 VA.R. 1038-1042	1/16/02
18 VAC 5-21-90	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-120	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-170	Amended	18:7 VA.R. 1043	1/16/02
18 VAC 10-20-10	Amended	18:7 VA.R. 1045	3/1/02
18 VAC 10-20-15	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-20	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-30	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-40	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-55	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-75	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-100	Repealed	18:7 VA.R. 1046	3/1/02

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 10-20-110 through 18 VAC 10-20-170	Amended	18:7 VA.R. 1046-1049	3/1/02
18 VAC 10-20-180	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-190 through 18 VAC 18 VAC 10-20-220	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-240	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-250	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-260	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-270	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-280	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-290	Repealed	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-295	Added	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-300	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-310	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-320	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-340 through 18 VAC 10-20-380	Amended	18:7 VA.R. 1050-1052	3/1/02
18 VAC 10-20-400	Amended	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-410	Repealed	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-420 through 18 VAC 10-20-450	Amended	18:7 VA.R. 1052-1053	3/1/02
18 VAC 10-20-480	Repealed	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-490	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-505	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-530 through 18 VAC 10-20-570	Amended	18:7 VA.R. 1053-1054	3/1/02
18 VAC 10-20-590 through 18 VAC 10-20-620	Amended	18:7 VA.R. 1054-1055	3/1/02
18 VAC 10-20-640	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-650	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-660	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-680	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-720	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-740	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-750	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-760	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-780	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 15-20	Erratum	18:7 VA.R. 1064	--
18 VAC 15-20-10	Amended	18:6 VA.R. 887	1/2/02
18 VAC 15-20-20	Amended	18:6 VA.R. 888	1/2/02
18 VAC 15-20-21	Added	18:6 VA.R. 890	1/2/02
18 VAC 15-20-30 through 18 VAC 15-20-90	Amended	18:6 VA.R. 890-893	1/2/02
18 VAC 15-20-100	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-101	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-110	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-120 through 18 VAC 15-20-140	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-150	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-160 through 18 VAC 15-20-240	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-250	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-251	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-260	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-270	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-271	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-280	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-290	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-291	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-300 through 18 VAC 15-20-320	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-330	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-331	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-332	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-340 through 18 VAC 15-20-360	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-361	Added	18:6 VA.R. 894	1/2/02

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 15-20-370 through 18 VAC 15-20-390	Repealed	18:6 VA.R. 895	1/2/02
18 VAC 15-20-400 through 18 VAC 15-20-450	Amended	18:6 VA.R. 895	1/2/02
18 VAC 15-20-451 through 18 VAC 15-20-455	Added	18:6 VA.R. 895-896	1/2/02
18 VAC 15-20-455.1	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-456 through 18 VAC 15-20-459	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-459.1 through 18 VAC 15-20-459.15	Added	18:6 VA.R. 896-897	1/2/02
18 VAC 15-20-460 through 18 VAC 15-20-500	Amended	18:6 VA.R. 897-899	1/2/02
18 VAC 15-20-510	Repealed	18:6 VA.R. 899	1/2/02
18 VAC 15-20-511	Added	18:6 VA.R. 899	1/2/02
18 VAC 15-20-520 through 18 VAC 15-20-610	Amended	18:6 VA.R. 899-900	1/2/02
18 VAC 15-20-620 through 18 VAC 15-20-690	Repealed	18:6 VA.R. 900	1/2/02
18 VAC 15-20-700 through 18 VAC 15-20-880	Amended	18:6 VA.R. 900-907	1/2/02
18 VAC 15-20-890 through 18 VAC 15-20-960	Repealed	18:6 VA.R. 908	1/2/02
18 VAC 25-21-10 through 18 VAC 25-21-70	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-90	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-110	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-180	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-200	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-210	Added	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-220	Added	18:7 VA.R. 1059	2/1/02
18 VAC 50-30-10	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-20	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-40	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-90	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-90	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-200	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 60-10-10 through 18 VAC 60-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-20-10 emer	Amended	18:5 VA.R. 780	12/1/01-10/30/02
18 VAC 60-20-250 through 18 VAC 60-20-330 emer	Added	18:5 VA.R. 780-782	12/1/01-10/30/02
18 VAC 75-10-10	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-20	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-30	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-40	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-60	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-70	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-80	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-100	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 85-20-131	Amended	18:4 VA.R. 607	12/5/01
18 VAC 85-110-100	Amended	18:4 VA.R. 607	12/5/01
18 VAC 90-20-36	Added	18:7 VA.R. 1059	1/16/02
18 VAC 95-10-10 through 18 VAC 95-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-10 through 18 VAC 105-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-100	Amended	17:24 VA.R. 3566	9/12/01



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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 112-10-10 through 18 VAC 112-10-120	Added	18:5 VA.R. 733	12/19/01
18 VAC 112-20-10	Amended	17:25 VA.R. 3657	9/12/01
18 VAC 112-20-10 emer	Amended	18:3 VA.R. 429	11/1/01-10/31/02
18 VAC 112-20-90	Amended	17:25 VA.R. 3658	9/12/01
18 VAC 112-20-130 emer	Amended	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-131 emer	Added	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-135 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-136 emer	Added	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-140 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 115-10-10	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-20	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-30	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-40	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-60	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-70	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-80	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-100	Amended	18:1 VA.R. 32	10/24/01
18 VAC 145-20-10	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-20 through 18 VAC 145-20-50	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-70	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-80	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-90	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-91	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-100	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-110	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-111	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-120	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-130	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-140	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-150	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-151	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-160	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-170	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 150-10-10 through 18 VAC 150-10-40	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-60	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-70	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-80	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-100	Amended	17:24 VA.R. 3567	9/12/01
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-312-10 through 20 VAC 5-312-110	Added	17:22 VA.R. 3351-3364	8/1/01
20 VAC 5-312-10	Amended	18:4 VA.R. 613	10/10/01
20 VAC 5-312-10	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-70	Amended	18:4 VA.R. 614	10/10/01
20 VAC 5-312-70	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-80	Amended	18:4 VA.R. 615	10/10/01
20 VAC 5-312-80	Erratum	18:7 VA.R. 1064	--
20 VAC 5-325-10 through 20 VAC 5-325-110	Added	17:23 VA.R. 3464-3466	7/1/01
20 VAC 5-400-10 through 20 VAC 5-400-60	Repealed	18:4 VA.R. 619-628	10/17/01
20 VAC 5-400-100 through 20 VAC 5-400-170	Repealed	18:4 VA.R. 629	10/17/01
20 VAC 5-400-190	Repealed	18:4 VA.R. 630	10/17/01
20 VAC 5-400-200	Repealed	18:4 VA.R. 632	10/17/01
20 VAC 5-401-10 through 20 VAC 5-401-50	Added	18:4 VA.R. 619-620	10/17/01
20 VAC 5-403-10 through 20 VAC 5-403-70	Added	18:4 VA.R. 621-627	10/17/01
20 VAC 5-405-10 through 20 VAC 5-405-130	Added	18:5 VA.R. 735-736	10/23/01
20 VAC 5-409-10 through 20 VAC 5-409-70	Added	18:4 VA.R. 627-628	10/17/01
20 VAC 5-411-10 through 20 VAC 5-411-90	Added	18:4 VA.R. 628-629	10/17/01

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
20 VAC 5-413-10 through 20 VAC 5-413-40	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-10	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-20	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-419-10 through 20 VAC 5-419-40	Added	18:4 VA.R. 630-632	10/17/01
20 VAC 5-421-10	Added	18:4 VA.R. 632	10/17/01
20 VAC 5-421-20	Added	18:4 VA.R. 632	10/17/01
<b>Title 22. Social Services</b>			
22 VAC 20-30-10 through 22 VAC 20-30-60	Amended	17:23 VA.R. 3466-3468	*
22 VAC 20-30-70	Repealed	17:23 VA.R. 3468	*
22 VAC 20-30-80 through 22 VAC 20-30-140	Amended	17:23 VA.R. 3468-3469	*
22 VAC 20-30-150	Added	17:23 VA.R. 3469	*
22 VAC 40-71-10 emer	Amended	17:24 VA.R. 3568	10/9/01-10/8/02
22 VAC 40-71-20 emer	Amended	17:24 VA.R. 3571	10/9/01-10/8/02
22 VAC 40-71-30 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-50 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-60 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-80 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-90 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-110 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-130 emer	Amended	17:24 VA.R. 3574	10/9/01-10/8/02
22 VAC 40-71-150 through 22 VAC 40-71-180 emer	Amended	17:24 VA.R. 3574-3579	10/9/01-10/8/02
22 VAC 40-71-210 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-270 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-275 emer	Added	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-280 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-290 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-310 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-330 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-360 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-410 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-440 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-450 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-460 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-480 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-490 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-530 through 22 VAC 40-71-600 emer	Amended	17:24 VA.R. 3582-3584	10/9/01-10/8/02
22 VAC 40-71-630 through 22 VAC 40-71-700 emer	Amended	17:24 VA.R. 3584-3589	10/9/01-10/8/02
22 VAC 40-560	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 40-690 (Forms)	Amended	18:7 VA.R. 1061	--
22 VAC 40-705-10 emer	Amended	18:5 VA.R. 784	1/1/02-12/31/02
22 VAC 40-705-40 through 22 VAC 40-705-90 emer	Amended	18:5 VA.R. 786-790	1/1/02-12/31/02
22 VAC 40-705-110 through 22 VAC 40-705-160 emer	Amended	18:5 VA.R. 790-794	1/1/02-12/31/02
22 VAC 40-705-180 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-705-190 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-730-10	Erratum	17:25 VA.R. 3679	--
22 VAC 40-790	Repealed	18:5 VA.R. 736	12/19/01
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 20-70-30 emer	Amended	18:3 VA.R. 433	9/21/01-9/20/02
24 VAC 30-40	Repealed	18:3 VA.R. 416	11/21/01
24 VAC 30-41-10 through 24 VAC 30-41-760	Added	18:3 VA.R. 416-427	11/21/01
24 VAC 30-71-160	Amended	18:5 VA.R. 737	12/19/01
24 VAC 30-260-10 et seq.	Repealed	17:25 VA.R. 3658	7/26/01
24 VAC 30-370-10 et seq.	Repealed	17:24 VA.R. 3567	9/12/01

\* Effective date suspended in 18:1 VA.R. 32.

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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 30-520-10	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-520-20	Amended	17:25 VA.R. 3658	7/26/01
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

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 2. AGRICULTURE

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commissioner of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly. Under that provision, localities are authorized to waive, with respect to real estate devoted to the production of crops that require more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use. The Commissioner of Agriculture and Consumer Services is to promulgate regulations to carry out the provisions of the act. The agency invites comment on whether there should be an adviser.

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

Statutory Authority: § 58.1-3230 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Lawrence Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-7679 or e-mail lredford@vdacs.state.va.us.

VA.R. Doc. No. R02-79; Filed November 15, 2001, 3:55 p.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-340. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed action is to repeal the weights and measures regulation. Amendments to the Virginia Weights and Measures Law by the 1993 Session of the General Assembly have rendered the regulation ineffective. The 1993 amendments included the adoption by reference of sections of the National Institute of Standards and Technology (NIST), Handbook 130. The adopted sections of

Handbook 130 replaced and eliminated the need for regulations addressing labeling and method of sale. All remaining provisions are obsolete or are adequately addressed by other state laws or regulations. The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 3.1-926 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-80; Filed November 15, 2001, 3:55 p.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-380. Rules and Regulations for the Enforcement of the Virginia Dealers in Agricultural Products Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including extending the complaint deadline. The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 3.1-722.13 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-81; Filed November 15, 2001, 3:55 p.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-390. Rules and Regulations for the Enforcement of the Virginia Seed Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including clarifying 2 VAC 5-390-10, Methods of Inspecting, Sampling, Testing, and Application Tolerances; repealing 2 VAC 5-390-60, Weed Seeds and 2 VAC 5-390-100, Origin; creating a new section to require the labeling of transgenic seed; and adding a section to allow the sale and distribution of certain second-generation hybrid (F2)

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# Notices of Intended Regulatory Action

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seed. The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 3.1-271 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-82; Filed November 15, 2001, 3:55 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-420. Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need. Among matters to be considered are amendments to address changes in the marketplace and technology now in use in the petroleum industry; modify the specifications for gasoline and diesel fuel to update all product specifications and testing methods of the American Society of Testing and Materials; establish minimum standards for all gasoline and diesel fuel sold in the Commonwealth; delete certain outdated provisions; amend the registration requirements of gasoline and diesel fuel to comply with the 1992 amendments to the Motor Fuels and Lubricating Oils Law; and update the notation for documents incorporated by reference to reflect all documents incorporated by the aforementioned actions. Since the amendments would be extensive, it is recommended that the amendment be accomplished by the repeal of the existing regulation and by the adoption of a new regulation concurrently. The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 59.1-156 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-84; Filed November 15, 2001, 3:55 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-470. Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery**

**Stock.** Virginia grape nursery stock growers have shown no interest in participation in this voluntary program for over 10 years. This lack of interest is attributed to the realization that virus-free certified grape nursery stock does not bring any economic benefit when offering the stock for sale. Grape nursery stock that is not certified as virus-free must still meet pest cleanliness requirements or "apparent disease-free" status for interstate movement as required by the Plants and Plant Products Inspection Law (§ 3.1-188.32 et seq. of the Code of Virginia). The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 3.1-188.35 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793, or e-mail ffulgham@vdacs.state.va.us.

VA.R. Doc. No. R02-83; Filed November 15, 2001, 3:55 p.m.

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## TITLE 3. ALCOHOLIC BEVERAGES

### ALCOHOLIC BEVERAGE CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-20. Advertising.** The purpose of the proposed action is to (i) implement the changes suggested in the most recent periodic review; (ii) address the possible removal of some of the differences in advertising allowed between spirits, wine and beer; (iii) consider adding amphitheaters to those places where billboard advertising is allowed; and (iv) consider expanding the ability of manufacturers and wholesalers to provide certain promotional items and service items to retailers.

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

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

Public comments may be submitted until 5 p.m., January 2, 2002.

**Contact:** Sara M. Gilliam, Assistant Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or e-mail smgilliam@abc.state.va.us.

VA.R. Doc. No. R02-74; Filed November 13, 2001, 9:52 a.m.

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# Notices of Intended Regulatory Action

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### STATE BOARD OF JUVENILE JUSTICE

#### Extension of Public Comment Period

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to consider amending regulations entitled: **6 VAC 35-140. Standards for Juvenile Residential Facilities.** The purpose of the proposed action is to provide standards for post-dispositional detention in accordance with the 2000 Appropriations Act, item 476 A 3 and to reinstate certain historical standards that conform closely to nationally accepted standards.

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

Statutory Authority: §§ 16.1-309.9, 66-10 and 66-25.1 of the Code of Virginia.

The public comment period is extended until January 4, 2002.

**Contact:** Donald R. Carignan, Regulatory Coordinator, 700 E. Franklin St., 4th Floor, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R02-43; Filed November 8, 2001, 4:49 p.m.

#### Extension of Public Comment Period

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to consider promulgating regulations entitled: **6 VAC 35-160. Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System.** The purpose of the proposed action is to establish standards for the form and content of information submitted to the Virginia Juvenile Justice Information System, protect the integrity and the confidentiality of the information, and ensure the security and dissemination of information in accordance with law.

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

Statutory Authority: §§ 16.1-223 and 66-10 of the Code of Virginia.

The public comment period is extended until January 4, 2002.

**Contact:** Donald R. Carignan, Regulatory Coordinator, 700 E. Franklin St., 4th Floor, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R02-42; Filed November 9, 2001, 10:42 a.m.

## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Additional Public Comment Period

The State Water Control Board is receiving additional public comment on the Notice of Intended Regulatory Action for 9 VAC 25-760, James River (Richmond Regional West) Surface Water Management Area, published in 18:3 VA.R. 242-244 October 22, 2001. Additional comments will be accepted until January 16, 2002.

**Contact:** Erlinda Patron, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, e-mail elpatron@deq.state.va.us.

VA.R. Doc. No. R02-14; Filed November 28, 2001, 11:43 a.m.



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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120. Waivered Services (Managed Care: Medallion and Medallion II).** The purpose of the proposed action is to promulgate program changes affecting inclusion of foster care or subsidized adoption children into managed care, update the definition of emergency services, shorten the time for the preassigned process, reduce clients' options for at-will changing of primary care physicians, incorporate provider contract changes, and remove the regulatory requirement for the "carve out" of mental health services in Northern Virginia.

The agency does not intend to hold a public hearing after publication.

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

Public comments may be submitted until January 30, 2002.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R02-85; Filed November 30, 2001, 10:10 a.m.

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

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental

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# Notices of Intended Regulatory Action

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Retardation and Substance Abuse Services Board intends to consider amending regulations entitled: **12 VAC 35-11. Public Participation Guidelines**. The purpose of the proposed action is to update provisions to include the use of electronic technology to facilitate public participation in rulemaking and to clarify the legal authority for promulgating regulations.

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

Statutory Authority: §§ 2.2-4007 and 37.1-10 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

**Contact:** Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252 or FAX (804) 371-0092.

VA.R. Doc. No. R02-77; Filed November 14, 2001, 1:43 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider amending regulations entitled: **12 VAC 35-40. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children**. The purpose of the proposed action is to amend the regulations to eliminate standards that duplicate other regulations and to revise and update the provisions.

The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-182 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

**Contact:** Leslie Anderson, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-1747 or FAX (804) 692-0066.

VA.R. Doc. No. R02-78; Filed November 14, 2001, 1:43 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF FUNERAL DIRECTORS AND EMBALMERS

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **18 VAC 65-20. Regulations of the Board of Funeral Directors and Embalmers**. The purpose of the proposed

action is to (i) modify the requirements for a change of ownership, (ii) provide additional access to licensure by endorsement, (iii) clarify the scope of practice for courtesy card holders, and (iv) require persons who handle remains with a surface transportation and removal service registration to have OSHA training. Other recommendations for the preparation room and its equipment and for documentation of embalming came from a task force on the inspection process. During the development of regulations, the board intends to receive comment on the need to require continuing education renewal and on the definition of a branch establishment. It will also consider any other issues raised during public comment on the Notice of Intended Regulatory Action.

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

Statutory Authority: Chapter 28 (§ 54.1-2800 et seq.) of 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m., January 2, 2002.

**Contact:** Elizabeth Young Tisdale, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943, or e-mail etisdale@dhp.state.va.us.

VA.R. Doc. No. R02-73; Filed November 9, 2001, 2:11 p.m.

## BOARDS OF NURSING AND MEDICINE

### Additional Public Comment Period

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled: **18 VAC 90-40. Regulations for Prescriptive Authority for Nurse Practitioners**. The purpose of the proposed action is to seek additional comment on the recommendation to amend the regulation governing prescriptive authority for nurse practitioners to provide less burdensome requirements for site visits and chart reviews by supervising physicians, to make certain changes related to expanded prescriptive authority, and to clarify requirements or terminology which are not easily understood. The Notice of Intended Regulatory Action was originally published in 17:10 VA.R. 1449 January 1, 2001.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2957.01 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

VA.R. Doc. No. R01-83; Filed November 20, 2001, 2:56 p.m.

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# Notices of Intended Regulatory Action

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## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### DEPARTMENT OF MOTOR VEHICLES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Motor Vehicles intends to consider amending regulations entitled: **24 VAC 20-70. Regulations Governing Requirements for Proof of Residency to Obtain a Virginia Driver's License or Photo Identification Card.** The purpose of the proposed action is to amend 24 VAC 20-70-30 by removing subsection D, thereby eliminating acceptability and use of the Residency Certification Form (DL-51) in the application process for driver's licenses and photo identification cards.

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

Statutory Authority: §§ 46.2-203, 46.2-323 and 46.2-345 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

**Contact:** Thomas P. Falat, Assistant Commissioner, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone, (804) 367-1848, FAX (804) 367-6631 or toll-free 1-800-272-9268.

VA.R. Doc. No. R02-76; Filed November 21, 2001, 12:05 p.m.





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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

**Title of Regulation:** 12 VAC 5-508. Regulations Governing the Virginia Physician Loan Repayment Program.

**Statutory Authority:** § 32.1-122.6:1 of the Code of Virginia.

**Public Hearing Date:** January 9, 2002 - 10 a.m.

Public comments may be submitted until March 3, 2002.

(See Calendar of Events section for additional information)

**Agency Contact:** Norma Marrin, Business Manager, Office of Health Planning, Virginia Department of Health, 1500 E. Main Street, Richmond, VA 23219, telephone (804) 786-4891 or FAX (804) 371-0116.

**Basis:** Legal authority to promulgate this regulation is in § 32.1-122.6:1 of the Code of Virginia and the Appropriation Act of 2000, Item 300 C. The scope of these regulations is to regulate a loan repayment program for physicians, psychiatrists, and medical students willing to practice their profession in designated medically underserved areas of the Commonwealth in exchange for payment of their medical educational loans.

**Purpose:** These regulations are intended to increase access to health care in medically underserved areas of the Commonwealth. The goal is to reduce the number of medical shortage areas in the Commonwealth and reduce health disparities that exist between race, gender, socioeconomic, and age groups that are found within these medically underserved areas.

**Substance:** These regulations set forth the criteria for eligibility for the Virginia Medical Loan Repayment Program for primary care physicians and psychiatrists; the general terms and conditions applicable to the obligation of each loan repayment recipient to practice in a Virginia Medically Underserved Area (VMUA) as identified by the Board of Health by regulation or a federal Health Professional Shortage Area (HPSA) in Virginia designated by the Bureau of Primary Health Care, Health Resources Administration; and penalties for a recipient's failure to fulfill the practice requirements of the Virginia Medical Loan Repayment Program.

**Issues:** The loan repayment program has never been implemented because funding, until now, was not available. The Appropriation Act of 2000, Item 300 C, provides use of unexpended scholarship funds for this program. The program will provide a positive incentive to recruit primary care physicians, psychiatrists, and medical students to practice in designated medically underserved areas or in approved state or local institutions of the Commonwealth. Therefore, citizens of underserved areas can stay within their communities for

health care, communities will be strengthened by having health practitioners living and working in their area, and state institutions seeking practitioners will have a pool of applicants from which to recruit. By providing the Virginia Loan Repayment Program, the Virginia Department of Health will increase access to health care for Virginians living in medically underserved areas, as mandated in § 32.1-122.20 of the Code of Virginia. There are no disadvantages to the public or the Commonwealth in promulgating these regulations.

**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 § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 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. Item 300A of the 2000 Appropriation Act funded the Physician Loan Repayment Program by making unexpended and repaid medical scholarship money available for the program. Loan repayment benefits will be used to repay outstanding qualifying medical education loans and will be based on the availability of funds. The proposed regulation sets forth eligibility criteria for the program, defines general terms and conditions, and states the penalties for a recipient's failure to fulfill the obligation of each loan repayment recipient to practice in a designated medically underserved area or an approved state or local institution.

Estimated economic impact. If available funds are used to successfully recruit individuals who otherwise may not have chosen to practice in underserved areas or approved local or state institution, the proposed regulation has the potential to have a significant positive effect on access to health care in medically underserved areas of Virginia and increase the pool of applicants from which state and local institutions can recruit. Since funds for implementation of this regulation will be based on the balance after medical scholarships are awarded through the Virginia Medical Scholarship Program, it is not known how much, if any, funding will be available for the loan repayment program. Therefore, the economic impact of this regulation, while expected to be positive, cannot be estimated at this time.

Businesses and entities affected. The proposed regulation could potentially affect any eligible physician willing to practice in Virginia Medically Underserved Area (VMUA) as

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# Proposed Regulations

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identified by the Virginia Board of Health or a federal Health Professional Shortage Area (HPSA) in Virginia, designated by the Bureau of Primary Health Care, Health Resources Administration.

Localities particularly affected. The proposed regulation could specifically benefit, by increasing access to health care services, underserved areas of the Commonwealth identified by the Virginia Board of Health or the federal Bureau of Primary Health Care, Health Resources Administration.

Projected impact on employment. Implementation of the physician loan repayment program may increase the number of physicians employed in certain areas of Virginia. However, given that the level of funding is unknown, the magnitude of this effect is not measurable at this time.

Effects on the use and value of private property. The proposed changes to this regulation could potentially increase the value of a new medical license for award recipients by decreasing the cost of obtaining that license.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: VDH concurs substantially with the DPB economic impact analysis conducted on these regulations.

## Summary:

*The proposed regulations set forth the criteria for eligibility for the Virginia Physician Loan Repayment Program for primary care physicians and psychiatrists; the general terms and conditions applicable to the obligation of each loan repayment recipient to practice in a designated medically underserved area or an approved state or local institution; and penalties for a recipient's failure to fulfill his obligation to practice in a medically underserved area or an approved state or local institution.*

### CHAPTER 508.

#### REGULATIONS GOVERNING THE VIRGINIA PHYSICIAN LOAN REPAYMENT PROGRAM.

##### Article 1.

##### Definitions and General Information.

### 12 VAC 5-508-10. Definitions.

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

*"Board" or "Board of Health" means the State Board of Health.*

*"Commercial loans" means loans made by banks, credit unions, savings and loan associations, insurance companies, schools, and either financial or credit institutions that are subject to examination and supervision in their capacity as lenders by an agency of the United States or of the state in which the lender has its principal place of business.*

*"Commissioner" means the State Health Commissioner.*

*"Department" means Virginia Department of Health.*

*"Full-time" means at least 40 hours per week for 45 weeks per year.*

*"Health Professional Shortage Area" or "HPSA" means a geographic area in Virginia designated by the Bureau of Primary Health Care, Health Resources Administration as medically underserved in accordance with the procedures of the Public Health Service Act (42 USC § 254e) and implementing regulations (42 CFR Part 5.2).*

*"Medically underserved area" means a geographic area in Virginia designated by the State Board of Health in accordance with the rules and regulations for the identification of medically underserved areas, § 32.1-122.5 of the Code of Virginia, or designated as federal health professional shortage area (HPSA) in Virginia, designated by the Bureau of Primary Health Care, Health Resources Administration in accordance with the Public Health Service Act (42 USC § 254e) and implementing regulations (42 CFR Part 5.2).*

*"Participant" or "loan repayment participant" means an eligible primary care physician, an eligible psychiatrist, or an eligible medical student who enters into a contract with the commissioner and participates in the loan repayment program.*

*"Penalty" means the amount of money equal to twice the amount of all monetary loan repayment paid to the loan repayment participant, less any service obligation completed.*

*"Practice" means the practice of medicine by a recipient in one of the designated primary care specialties in a specific geographic area determined to be fulfillment of the recipient's loan repayment obligation.*

*"Primary care" means the specialties of family practice medicine, general internal medicine, pediatric medicine, obstetrics and gynecology, and psychiatry.*

*"Reasonable educational expenses" means the costs of education, exclusive of tuition, that are considered to be required by the school's degree program or an eligible program of study, such as fees for room, board, transportation and commuting costs, books, supplies, educational equipment and materials, and clinical travel, which was a part of the estimated student budget of the school in which the participant was enrolled.*

*"State or local institution" means any Virginia state agency or local government agency that may require services of a primary care practitioner. This includes, but is not limited to, the Department of Health; the Department of Mental Health, Mental Retardation, and Substance Abuse Services; the Department of Corrections; and local community services boards.*

### 12 VAC 5-508-20. General information and purpose of chapter.

*These regulations set forth the criteria for eligibility for the Virginia Physician Loan Repayment Program for physicians and medical students; the general terms and conditions applicable to the obligation of each loan repayment recipient to practice in a state or local institution or a medically underserved area of Virginia, as identified by the Board of Health by regulation or a federal health professional shortage area (HPSA) in Virginia, designated by the Bureau of Primary Health Care, Health Resources Administration; and penalties*

for a recipient's failure to fulfill the practice requirements of the Virginia Physician Loan Repayment Program.

The purpose of the Virginia Physician Loan Repayment Program is to improve the recruitment and retention of primary care practitioners in underserved areas of Virginia and in state and local institutions. A limited number of loan repayment participation contracts will be signed with participants in return for service in a designated Virginia Medically Underserved Area (VMUA) or Health Professional Shortage Area (HPSA), and targeted at practitioners located in non-profit community-based or hospital-based primary care centers. Private-for-profit entities will be eligible depending on the insurance status of the patient population. State and local institutions are eligible. Loan repayment benefits are to be used to repay outstanding qualifying medical educational loans and are based on the availability of funds.

## **12 VAC 5-508-30. Compliance with the Administrative Process Act.**

Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia (the Administrative Process Act) governs the promulgation and administration of this chapter and applies to any appeal of a case decision made pursuant to or based upon this chapter.

### Article 2.

#### Administration of the Virginia Physician Loan Repayment Program.

## **12 VAC 5-508-40. Administration.**

The State Health Commissioner, as executive officer of the Board of Health, shall administer this program. Any requests for variance from these regulations shall be considered on an individual basis by the board in regular session.

## **12 VAC 5-508-50. Eligible applicants.**

Eligible applicants for the Virginia Physician Loan Repayment Program must:

1. Be a citizen of the United States;
2. Be an allopathic (M.D.), osteopathic (D.O.) physician or medical student pursuing a degree as an M.D. or D.O., who has completed post-graduate training in specialties of family practice medicine, general internal medicine, general pediatrics, obstetrics/gynecology, osteopathic general practice or psychiatry. Note that obstetrics/gynecology practitioners must provide prenatal care and obstetric service to be eligible for the Virginia Physician Loan Repayment Program. Practitioners who practice only gynecology are not eligible to participate in the loan repayment program;
3. Have a valid unrestricted Virginia license to practice medicine, a copy of which shall be furnished to the Virginia Physician Loan Repayment Program;
4. Be enrolled in the final year of an approved residency program in allopathic medicine, osteopathic medicine, psychiatry, or already in practice;
5. Have submitted a completed application to participate in the Virginia Physician Loan Repayment Program; and

6. Have signed and submitted a written contract agreeing to repay educational loans and to serve for the applicable period of obligated service in an area of defined need.

## **12 VAC 5-508-60. Application requirement and restrictions.**

The applicant must submit a completed application for loan repayment on a form provided by the Virginia Physician Loan Repayment Program between the dates of January 1 and May 1 of the year in which the applicant intends to initiate practice in a medically underserved area. The applicant must agree to serve for not less than two years and up to four years.

## **12 VAC 5-508-70. Selection criteria.**

Applicants shall be competitively reviewed and selected for participation in the Virginia Physician Loan Repayment Program based upon the following criteria:

1. Commitment to serve. The individual's stated commitment to serve in a designated medically underserved area of Virginia or in a state or local institution.
2. Virginia residents/graduates. Preferential consideration will be given to individuals who are or have been Virginia residents, graduates of Virginia medical schools (verification will be obtained by the Virginia Physician Loan Repayment Program), or natives of rural and designated medically underserved areas.
3. Availability for service. Individuals who are immediately eligible and available for service will be given higher consideration.
4. Length of proposed commitment. Preferential consideration will be given to individuals who commit to longer periods of service.
5. Selection for participation. All of an individual's professional qualifications and competency to practice in an underserved area will be considered, including board eligibility or certification in his specialty, professional achievements, and other indicators of competency received from supervisors, program directors, etc.
6. No other obligations. Individuals shall have no other obligation for health professional service to the federal government or state government unless such obligation will be completely satisfied prior to the beginning of service under the Virginia Physician Loan Repayment Program.

## **12 VAC 5-508-80. Loan repayment amount.**

The amount that the Commonwealth agrees to repay will depend upon availability of funds and the applicant's indebtedness, but no amount will exceed the total indebtedness. For each year of participation, the Commonwealth will repay loan amounts according to the following schedule: two years of service will receive up to \$50,000 (minimum requirement); three years of service will receive up to \$85,000; and four years of service will receive up to \$120,000.

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# Proposed Regulations

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## **12 VAC 5-508-90. Loans qualifying for repayment.**

Based on the availability of funds, the loan repayment program will pay for the cost of education necessary to obtain a medical degree. The program will pay toward the outstanding principal, interest, and related expense of federal, state, or local government loans (not to include repayment of the Virginia Medical Scholarship Program) and commercial loans obtained by the participant for:

1. School tuition and required fees incurred by the participant;
2. Other reasonable educational expenses, including fees, books and laboratory expenses; and
3. Reasonable living expenses.

## **12 VAC 5-508-100. Repayment restrictions.**

The following financial debts or service obligations are not qualified for repayment by the loan repayment program:

1. Public Health Service Physician Shortage Area Scholarship;
2. Public Health and National Health Service Corps Scholarship Training Program;
3. Indian Health Service Scholarship Program;
4. Armed Forces Health Professions Scholarship Programs;
5. National Health Service Corps Scholarship Program financial damages or loans obtained to repay such damages;
6. Indian Health Corps Scholarship or loans obtained to repay such damages;
7. Financial damages or loans obtained to repay damages incurred as a result of breach of contract with any other federal, state, local agency or commercial institution;
8. Loans for which documentation verifying the educational use of the loans is not available or is not sufficient;
9. Loans or part of loans obtained for educational or personal expenses during the participant's education that exceed the "reasonable" level, as determined by the school's standard budget in the year the loan was made;
10. Loans that have been repaid in full, and loans that incur their own obligation for service which has not yet been performed;
11. Loans from friends and relatives; and
12. The Virginia Medical Scholarship Program.

The Department of Health will be the final authority in determining qualifying educational loans.

## **12 VAC 5-508-110. Release of information.**

Applicants shall agree to execute a release to allow the board access to loan records, credit information, and information from lenders necessary to verify eligibility and to determine loan repayments. To facilitate the process, applicants should submit pay-off statements from each lending institution.

Participants who have consolidated qualifying loans with other loans may be asked to submit other documentation, such as copies of original loan applications, to verify the portion of the loan that qualifies for repayment.

The applicant is required to submit all requested loan documentation prior to approval by the Commonwealth.

## **12 VAC 5-508-120. Service obligation sites.**

All sites eligible for loan repayment participation will be located in a designated medically underserved area of the Commonwealth or in a state or local institution. All placements must be to an approved entity providing primary health care within the designated VMUA or HPSA or a state or local institution. Each applicant will be provided with a list of pre-approved areas.

## **12 VAC 5-508-130. Effective date for start of service.**

Applicants become participants in the loan repayment program only when the applicant and the commissioner or his designee have signed the loan repayment program contract. The effective start date of the obligated service under contract is the date of employment or the date of the commissioner's signature, whichever is later.

If the contracted participant fails to begin or complete the period of professional practice to which he has agreed, the participant will be subject to the financial damages specified in the contract.

## **12 VAC 5-508-140. Repayment policy.**

It will be the responsibility of the participant to negotiate with each lending institution for the terms of the educational loan repayments. Each lending institution must certify that the participant's debt is a valid educational loan prior to payment by the loan repayment program. Any penalties associated with early repayment shall be the responsibility of the participant.

## **12 VAC 5-508-150. Disbursement procedure.**

In an effort to assist loan repayment participants in reducing their educational debt with as little interest expense as is possible, the Virginia Physician Loan Repayment Program will disburse the funds in a lump sum payment. A participant will be paid one lump sum payment up to \$50,000 the first year for the minimum two-year commitment within 45 days of execution of the contract. If a participant commits to a service obligation greater than two years, he will be paid a lump sum payment up to \$35,000 the following year depending on availability of funds, approximately 45 days after the beginning of the subsequent year. The maximum number of years to which a participant can commit is four years.

## **12 VAC 5-508-160. Compensation during service.**

Each participant is responsible for negotiating his own compensation package directly with the site where he will provide primary health care services.

## **12 VAC 5-508-170. Tax implications.**

Loan repayments are income and, therefore, are taxable by the United States Internal Revenue Service. It will be the responsibility of each participant to report the loan repayment

award when preparing his tax return. Program participants should seek the advice of a qualified tax advisor regarding this matter.

The board will provide a form 1099 to applicants awarded loan repayment.

### **12 VAC 5-508-180. Monitoring during service.**

Monitoring of the service by participants shall be conducted on an ongoing basis by department staff. Service verification forms will be submitted by the participant to the department semi-annually (every six months), countersigned by a representative of the service site, e.g., the medical director, human resource coordinator, chief executive officer, etc., certifying continuous full-time service by participants.

The participant is required to maintain practice records in a manner that will allow the department to readily determine if the individual has complied with or is complying with the terms and conditions of the participation agreement. Department staff reserves the right to conduct a regular survey to ensure that all participants are maintaining practices that accept Medicare and Medicaid assignment and do not discriminate based on the patient's ability to pay.

### **12 VAC 5-508-190. Change of practice site.**

Should any participant find that he is unable to fulfill the service commitment at the loan repayment site to which he has committed to practice, he may be placed in breach of contract status or he may be expected to continue service at another approved loan repayment site within six months from departure from the previous site. This site will be selected in consultation with the participant and with the approval of the commissioner.

In the event of a dispute between the participant and the site, every effort will be made to resolve the dispute before reassignment will be permitted.

### **12 VAC 5-508-200. Terms of service.**

The following are the terms of service for the loan repayment program:

1. The participant shall contract to provide a minimum of two years with a maximum of up to four years in whole year increments. Additional service beyond the two-year commitment is dependent upon the availability of state funds for the Virginia Physician Loan Repayment Program. An existing contract may be renewed for one year at a time up to a maximum of four years, as funds become available;
2. The participant shall begin service within 12 months from entering into the contract;
3. The participant shall provide full-time service of at least 40 hours per week for 45 weeks per year to allow for continuing education, holidays, and vacation. The minimum 40-hour week must not be performed in less than four days per week, with no more than 12 hours of work performed in any 24-hour period. Time spent in an "on-call" status will not count toward the 40-hour week. Any exceptions to the "on-call" provisions of this section must be approved in advance by the commissioner prior to placement.

4. No period of internship, residency, or other advanced clinical training may count toward satisfying a period of obligated service under this loan repayment program.

### **12 VAC 5-508-210. Conditions of practice.**

A. The participant must agree to provide health service without discrimination regardless of a patient's ability to pay. Payments from Medicare and Medicaid or both must be accepted by the designated service site.

B. The participant must agree to comply with all policies, rules, and regulations of the designated service site.

Article 3.  
Contract.

### **12 VAC 5-508-220. Loan repayment contract.**

Prior to becoming a participant in the Virginia Physician Loan Repayment Program, the applicant shall enter into a contract with the commissioner agreeing to the terms and conditions upon which the loan repayment is granted. The contract shall:

1. Include the terms and conditions to carry out the purposes and intent of this program;
2. Provide that the participant will be required to provide primary health care services at an approved site in a designated medically underserved area or in a state or local institution for a minimum period of two years. A four-year commitment is required in order to be eligible for the maximum amount of loan repayment, depending upon availability of funds. All loan repayment program participation will be contingent upon continuous, full-time practice in a medically underserved area of Virginia or in a state or local institution;
3. Provide for repayment of all amounts paid, plus interest, and penalties, less any service time, as set out in the contract in the event of breach of the contract;
4. Be signed by the applicant; and
5. Be signed by the commissioner or his designee.

### **12 VAC 5-508-230. Breach of contract.**

The following may constitute breach of contract:

1. Participant's failure to begin or complete his term of obligated service under the terms and conditions of the Virginia Physician Loan Repayment contract, regardless of the length of the agreed period of obligated service;
2. Participant's falsification or misrepresentation of information or misrepresentation of information on the program application or verification forms or other required document;
3. Participant's employment being terminated for good cause, as determined by the employer and confirmed by the department. If employment is terminated for reasons beyond the participant's control (e.g., closure of site), the participant must transfer to another approved site in a designated medically underserved area or in a state or local institution within six months of termination. Failure of

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# Proposed Regulations

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participant to accept such a transfer site shall be deemed to be a breach of the contract; and

4. Participant's failure to provide all reasonable, usual and customary full-time health care service for at least 45 weeks per year.

## 12 VAC 5-508-240. Collection procedure.

If any person who has received funds and has been declared in breach of contract under this program at any time becomes an employee of the Commonwealth or any of its agencies, he shall be deemed to have agreed, as a condition of employment, to voluntarily or involuntarily withholding his wages to repay the default damages.

Failure of a participant to make any repayment of the penalty when it is due shall be cause for the commissioner to refer the debt to the Attorney General of the Commonwealth of Virginia for collection. The recipient shall be responsible for any costs of collection as may be provided in Virginia law.

## 12 VAC 5-508-250. Waiver and suspension or both.

Participants have the obligation to complete full-time continuous service for the period of their entire commitment. Under unusual circumstances (e.g., illness), a participant may request that the commissioner agree to a postponement of the service obligation. This postponement, if granted, will not relieve the participant of the responsibility to complete the remaining portion of the obligation. Such postponement will not be permitted as a matter of course, but may be allowed in the most compelling cases.

Waiver of the default provisions may be considered if the participant suffers from a physical or mental disability that occurs after the participant's commitment and results in the total and permanent inability of the participant to perform the obligated service (as determined by the commissioner), or if the participant dies during the period of obligated service.

## 12 VAC 5-508-260. Cash reimbursement and penalty.

Regardless of the length of the agreed period of obligated service, participants who serve less than the two-year minimum (but at least one year) are liable to pay monetary damages to the Commonwealth of Virginia as stated in the contract. The default penalty will require the participant to repay twice the total amount of the award received. (For example, if a recipient owes \$50,000, he would have to repay at total of \$100,000.)

Article 4.  
Records and Reporting.

## 12 VAC 5-508-270. Reporting requirements.

A. Each participant shall at any time provide information as required by the commissioner to verify compliance with the practice requirements of the Virginia Physician Loan Repayment Program, e.g., verification of employment, see 12 VAC 5-508-180.

B. Each participant shall promptly notify the commissioner, in writing, within 30 days before any of the following events occur:

1. Participant changes name;

2. Participant changes address;

3. Participant changes practice site;

4. Participant no longer intends to fulfill service obligation as a primary care health care provider in a designated medically underserved area; or

5. Participant ceases to practice as a physician.

**NOTICE:** The forms used in administering 12 VAC 5-508, Regulations Governing the Virginia Physician Loan Repayment Program, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Office of Health Planning, Virginia Department of Health, 1500 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

### FORMS

Application Form.

Application for Recruitment (Site Application).

Authorization of Release Form.

Certification.

Certification of Nondelinquent Status.

Verification of Employment.

Documents Checklist.

Virginia Loan Repayment Program Contract.

Health Professional Shortage Areas (HPSAs) and Virginia Medically Underserved Areas (VMUAs) as of November 16, 2001.

VA.R. Doc. No. R01-106; Filed December 11, 2001, 11:05 a.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 4. CONSERVATION AND RECREATION

### MARINE RESOURCES COMMISSION

**REGISTRAR'S NOTICE:** The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** **4 VAC 20-610. Pertaining to Commercial Fishing and Mandatory Harvest Reporting (amending 4 VAC 20-610-40 and 4 VAC 20-610-60).**

**Statutory Authority:** § 28.2-201 of the Code of Virginia.

**Effective Date:** January 1, 2002.

#### Summary:

*The amendments require (i) all registered commercial fishermen and all holders of seafood landing licenses who harvest nonfederally permitted species from federal waters or who do not sell their harvest to a federally permitted dealer to report their harvest to the commission on a monthly basis; (ii) all registered commercial fishermen and Seafood Landing License holders to report the number of hours worked daily, the number of crew members, and a vessel name and identification number (Coast Guard documentation number or Virginia license number or hull/VIN number); and (iii) any waterman not fishing during any month to report no activity to the commission by postage paid postal card or by toll free telephone line.*

**Agency Contact:** Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

#### 4 VAC 20-610-40. Registration procedures.

A. Applicants holding a valid Commercial Fisherman Registration License may register during the period December 1 through February 28 of each year as commercial fishermen as follows:

1. The applicant shall complete an application for a Commercial Fisherman Registration License.
2. The applicant shall mail the completed application and \$150, or \$75 if 70 years old or older during the license year, to the Virginia Marine Resources Commission, ~~P.O. Box 756 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607-0756~~ 23607.
3. The Commercial Fisherman Registration License will be returned to the applicant by mail upon validation of his application.

B. Persons desiring to enter the commercial fishery and those fishermen failing to register as provided in subdivision A may apply only during December, January or February of each year. All such applications shall be for a delayed registration and shall be made as provided below.

1. The applicant shall complete an application for a Commercial Fisherman Registration License by providing his complete name, mailing address, social security number, birth date, weight, height, eye color, hair color, telephone number of residence, and signature.

2. The applicant shall mail the completed application and \$150, or \$75 if 70 years old or older during the license year, to the Virginia Marine Resources Commission, ~~P.O. Box 756 2600 Washington Avenue, Newport News, VA 23607-0756~~ 23607.

3. The Commercial Fisherman Registration License will be returned to the applicant by mail two years after the date of receipt of the application by the commission. Notification of any change in the address of the applicant shall be the responsibility of the applicant.

C. No part of the Commercial Fisherman Registration License fee shall be refundable.

D. The Commercial Fisherman Registration License may be renewed annually during the months of December, January or February. Any person failing to renew his license shall be subject to the delay provision of ~~subdivision~~ subsection B of this section.

#### 4 VAC 20-610-60. Mandatory harvest reporting.

A. It shall be unlawful for any person holding a Commercial Fisherman Registration License to fail to fully report their catches and related information as set forth in this chapter.

B. It shall be unlawful for any recreational fisherman, charter boat captain, head boat captain, commercial fishing pier operator, or owner of a private boat licensed pursuant to §§ 28.2-302.7 through 28.2-302.9 of the Code of Virginia to fail to report recreational catches upon request to those authorized by the commission.

C. *All registered commercial fishermen and all holders of a Seafood Landing License shall ~~accurately and legibly~~ complete a daily form *accurately and legibly* describing that day's harvest from Virginia tidal and federal waters. The forms used to record daily harvest shall be those provided by the commission or another approved by the commission. Registered commercial fishermen may use more than one form when selling to more than one buyer.*

D. Registered commercial fishermen shall submit a monthly catch report to the commission no later than the fifth day of the following month. This report shall be accompanied by the daily catch records described in ~~subdivision~~ subsection C of

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*this section.* Completed forms shall be mailed or delivered to the commission or other designated locations.

E. The monthly catch report and daily catch records shall include the name and signature of the registered commercial fisherman and his license registration number, buyer or private sale information, date of ~~sale~~ *harvest*, city or county of landing, water body fished, gear type and amount used, number of hours ~~gear~~ *fished*, ~~number of hours watermen fished~~, ~~number of crew on board including captain~~, species harvested, market category, and live weight or processed weight or species harvested, ~~and vessel identification (Coast Guard documentation number, Virginia license number or hull/VIN number)~~. Any information on the price paid for the catch may be ~~voluntarily~~ provided *voluntarily*.

F. Registered commercial fishermen not fishing during a ~~calendar year~~ *month* shall so notify the commission no later than ~~the 5th February~~ *4* of the following ~~year~~ *month* by ~~postage paid postal card provided by the commission or by calling the commission's toll free telephone line.~~

G. Any person licensed as a commercial seafood buyer pursuant to § 28.2-228 of the Code of Virginia shall maintain for a period of one year a copy of each fisherman's daily catch record form for each purchase made. Such records shall be made available upon request to those authorized by the commission.

H. Registered commercial fishermen shall maintain their daily catch records for one year and shall make them available upon request to those authorized by the commission.

I. Registered commercial fishermen and licensed seafood buyers shall allow those authorized by the commission to sample catch and seafood products to obtain biological information for scientific and management purposes only. Such sampling shall be conducted in a manner which does not hinder normal business operations.

J. The reporting of oyster harvest and transactions shall be made in accordance with 4 VAC 20-200-10 et seq. and shall be exempted from the procedures described in this section.

*K. The reporting of the harvest of federally permitted species from beyond Virginia's tidal waters that are sold to a federally permitted dealer shall be exempt from the procedures described in this section.*

VA.R. Doc. No. R02-96; Filed December 3, 2001, 11:17 a.m.

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**Title of Regulation:** 4 VAC 20-620. **Pertaining to Summer Flounder (amending 4 VAC 20-620-30 and 4 VAC 20-620-40).**

**Statutory Authority:** §§ 28.2-201 and 28.2-204 of the Code of Virginia.

**Effective Date:** December 1, 2001.

**Summary:**

*The amendments extend the harvest of flounder over a longer period in order to provide for a more equitable*

*distribution of Summer Flounder among industry participants during the fourth quarter offshore fishery.*

**Agency Contact:** Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

## **4 VAC 20-620-30. Commercial harvest quotas.**

A. During each calendar year, commercial landings of Summer Flounder shall be limited to the total pounds calculated pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder Fishery Management Plan, as approved by the National Marine Fisheries Service on August 6, 1992 (50 CFR Part 625); and shall be distributed as described in subsections B through H of this section.

B. The commercial harvest of Summer Flounder from Virginia tidal waters for each calendar year shall be limited to 300,000 pounds. Out of this amount, 142,114 pounds shall be set aside for a Chesapeake Bay-wide harvest quota.

C. From the first Monday ~~following~~ *in* January 4 through March 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 64.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section.

D. During the period of April 1 through June 30 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 6.4% of the total specified in subsection A of this section after deducting the amount specified in subsection B, except as modified by 4 VAC 20-620-40.

E. ~~During the period of~~ *From the first Monday in* November 4 through December 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 29.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section and as may be further modified by subsection F.

F. During the periods set forth in subsections C and D of this section, should landings exceed or fall short of the quota specified for that period any such excess shall be deducted from, and any such shortage shall be added to, the quota for the period set forth in subsection E of this section. During the period specified in subsection B of this section, should landings be projected to fall short of the quota specified for that period, any such shortage shall be added to the quota for the period set forth in subsection E of this section. A projection of harvest under this subsection will be made on or about November 1.

G. For each of the time periods and quotas set forth in subsections C, D, and E of this section, the Marine Resources Commission will give timely notice to the industry of the calculated poundages and any adjustments thereto. It shall be unlawful for any person to harvest or to land Summer Flounder for commercial purposes after the commercial harvest or landing quota as described in this section has been attained and announced as such. If a person lands Summer Flounder after the harvest or landing quota has been attained



and announced as such, the entire amount of Summer Flounder in that person's possession shall be confiscated.

H. It shall be unlawful for any buyer of seafood to receive any Summer Flounder after any commercial harvest or landing quota as described in this section has been attained and announced as such.

#### **4 VAC 20-620-40. Commercial vessel possession limitations.**

A. From the first Monday ~~following~~ in January 4 through March 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of 10,000 pounds.
2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day period, with the first 10-day period beginning on the first Monday ~~following~~ in January 4.
3. Land in Virginia more than a total of 10,000 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the first Monday ~~following~~ in January 4.

B. When it is projected and announced that 85% of the quota for the period from the first Monday following January 1 through March 31 has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

C. During the period of April 1 through June 30 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

D. During the period of July 1 through October 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

~~E. During the period November 1 through December 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 7,500 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed~~

~~species on board the vessel. From the first Monday in November through December 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:~~

- ~~1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of 7,500 pounds.~~
- ~~2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day period, with the first 10-day period beginning on the first Monday in November.~~
- ~~3. Land in Virginia more than a total of 7,500 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the first Monday in November.~~

F. For each of the time periods set forth in subsections A, B, C and E of this section, the Marine Resources Commission will give timely notice of any changes in possession limits.

G. Each possession limit described in subsections A, B, C, D and E of this section shall be determined by the net weight of Summer Flounder as customarily packed, boxed and weighed by the seafood buyer or processor. The net weight of any Summer Flounder found in excess of this possession limit described in subsections A, B, C, D and E of this section shall be prima facie evidence of violation of this chapter. Persons in possession of Summer Flounder, aboard any vessel, in excess of the possession limit shall be in violation of this chapter. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit shall be in violation of this chapter.

H. If a person violates the possession limits described in this section, the entire amount of Summer Flounder in that person's possession shall be confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine patrol officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

I. It shall be unlawful for a licensed seafood buyer or federally permitted seafood buyer to fail to contact the Marine Resources Commission Operation Station prior to a vessel offloading Summer Flounder harvested outside of Virginia. The buyer shall provide to the Marine Resources Commission the name of the vessel and its captain and the anticipated or approximate offloading time. Once offloading of any vessel is complete and the weight of the landed Summer Flounder has been determined, the buyer shall contact the Marine Resources Commission Operations Station and report the vessel name and corresponding weight of Summer Flounder landed. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 10 p.m. to 7 a.m.

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J. Any boat or vessel possessing more than the lawful limit of Summer Flounder that has entered Virginia waters for safe harbor shall not offload any Summer Flounder.

K. After any commercial harvest or landing quota as described in 4 VAC 20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

VA.R. Doc. No. R02-95; Filed November 30, 2001, 11:17 a.m.

*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.*

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## 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.

Effective Date: January 31, 2002.

Summary:

*The amendments change the name of the regulations, delete those provisions not deemed essential, revise the regulations to reflect changes in federal and state laws, and delete those current provisions that exceed state and federal law.*

*Changes made to the proposed regulation are a result of recommendations made during the public comment period that either allow localities more flexibility or clarify their requirements to meet the regulation.*

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

Agency Contact: Dr. Neils 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.

#### 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.~~

#### **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, [ *student performance*, ] 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 career and technical education~~ ] 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 [ ~~;~~ *and*
5. *Excludes supplies and materials as defined by the Virginia Department of Planning and Budget's Expenditure Structure, May 2001.* ]

"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

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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 [ in a classroom/laboratory that includes the necessary environment, instructional and consumable materials and equipment to enable each student to accomplish competencies within a career and technical education course. ]~~

## 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.~~
- ~~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 the amount of state funding ]; 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~~ *disability* ], 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 Programs ] (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~~

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*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 [ with no class being more than 24 ] where the cooperative [ education ] 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. Career and technical education laboratory classes that use equipment that has been identified by the U.S. Department of Labor for hazardous occupations shall be limited to a maximum of 20 students per laboratory. ]

~~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 [ 4. 2. ] Career and technical education classes specially designed courses approved for [ students who are ] 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. 3. ] 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.~~

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

[ A. All career and technical education students shall be provided opportunities to participate in instructional activities of the local organization. ]

~~Vocational [ B. ] 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. C. ] 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. D. ] 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. B. ] Each career and technical education program shall comply with applicable federal and state laws and regulations related to health and safety.

[ DOCUMENT INCORPORATED BY REFERENCE

*Expenditure Structure, May 2001, Department of Planning and Budget. ]*

VA.R. Doc. No. R00-162; Filed December 11, 2001, 11:06 a.m.

**TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS**

**STATE CORPORATION COMMISSION**

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 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.

Title of Regulation: **10 VAC 5-40. Credit Unions (adding 10 VAC 5-40-30).**

Statutory Authority: §§ 6.1-225.3:1 and 12.1-13 of the Code of Virginia.

Effective Date: December 15, 2001.

Agency Contact: George H. Latham, Deputy Commissioner, Bureau of Financial Institutions, State Corporation Commission, Tyler Bldg., P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9657 or e-mail glatham@scc.state.va.us.

Summary:

*The State Corporation Commission is exercising its statutory authority that all credit unions be governed by federal regulations with respect to their regular reserves.*

AT RICHMOND, DECEMBER 5, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Case No. BFI010204

Ex Parte: In re:  
reserves of state  
credit unions

ORDER ADOPTING A REGULATION

By Order entered herein on October 1, 2001, the Commission directed that notice be given of its proposal, acting pursuant to § 6.1-225.3:1 of the Code of Virginia, to amend its regulations applicable to state credit unions, § 10 VAC 5-40-10, et seq. of the Virginia Administrative Code. Notice of the proposed amendment was published in the Virginia Register on October 22, 2001, and the proposed amendment was posted on the Commission's website. Interested parties were afforded the opportunity to file written comments in favor of or against the proposal on or before November 5, 2001. No written comments in opposition were filed, and the Staff has suggested no modifications to the proposal.

The Commission, having considered the record and the proposed amendment, concludes that the proposed amendment will equalize the powers of state credit unions and federal credit unions in relation to maintenance of reserves while providing adequate assurance of the solvency of state credit unions, and that the proposed amendment should be adopted.

THEREFORE, IT IS ORDERED THAT:

(1) Proposed 10 VAC 5-40-30 entitled "Regular reserve accounts," attached hereto, is adopted effective December 15, 2001.

(2) The proposed regulation shall be transmitted for publication in the Virginia Register.

(3) This case is dismissed and the papers herein shall be placed among the ended cases.

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

**10 VAC 5-40-30. Regular reserve accounts.**

*Pursuant to § 6.1-225.3:1 of the Code of Virginia, a state credit union shall establish and maintain a regular reserve account in accordance with applicable provisions of Part 702 of the National Credit Union Administration Rules and Regulations, 12 CFR 702.1 through 702.403, regardless of subdivisions 1, 2, and 3 of § 6.1-225.58 of the Code of Virginia.*

VA.R. Doc. No. R02-38; Filed December 5, 2001, 1:57 p.m.

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## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

**Title of Regulation:** 12 VAC 5-408. Certificate of Quality Assurance of Managed Care Health Insurance Plan Licensees (amending 12 VAC 5-408-10 through 12 VAC 5-408-360).

**Statutory Authority:** § 32.1-137.1 of the Code of Virginia.

**Effective Date:** January 30, 2002.

**Summary:**

*The amendments (i) make appropriate distinctions between preferred provider organizations (PPOs) and health maintenance organizations (HMOs); (ii) limit compliance in sections requiring clinical data to those MCHIP licensees that have access to clinical data; (iii) allow PPOs that do not have clinical data to demonstrate quality assurance in administering care rather than delivering care; and (iv) provide greater opportunities for voluntary compliance by eliminating unnecessarily prescriptive language.*

*Changes made to the proposed regulation in response to public comments add language to ensure the timely processing of credentialing information and for the administrative simplification of the credentialing process. Subsection C of 12 VAC 5-408-360 is amended for clarity.*

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

**Agency Contact:** Rene Cabral-Daniels, Department of Health, Center for Quality Health Care Services, 3600 W. Broad Street, Suite 216, Richmond, VA 23230, telephone (804) 367-2100 or FAX (804) 367-2149.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 17:26 VA.R. 3733-3755 September 10, 2001, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 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.

**12 VAC 5-408-10. [ No change from proposed. ]**

**12 VAC 5-408-20. [ No change from proposed. ]**

**12 VAC 5-408-30. [ No change from proposed. ]**

**12 VAC 5-408-40. [ No change from proposed. ]**

**12 VAC 5-408-50. Preferred provider organizations Compliance provisions appropriate for type of plan.**

A. Managed care health insurance plan licensees that operate a preferred provider organization offer one or more PPO plans as defined in this chapter must require their PPO plans to only comply with the following sections:

1. Parts I (12 VAC 5-408-10 et seq.) and II (12 VAC 5-408-160 et seq.) of this chapter;

2. Part III (12 VAC 5-408-220 et seq.) of this chapter except for subdivision [ A ] 1 of 12 VAC 5-408-220 and subdivisions [ A ] 2 and [ A ] 10 of 12 VAC 5-408-240;

3. 12 VAC 5-408-260 through 12 VAC 5-408-280 of this chapter except subsection E of 12 VAC 5-408-260, subsections [ D and ] E [ and F ] of 12 VAC 5-408-270 and subsection G of 12 VAC 5-408-280; and

4. Parts VI (12 VAC 5-408-320 et seq.) and VII (12 VAC 5-408-360 et seq.) of this chapter.

~~B. In lieu of compliance with subdivisions A 2 through 4 of this section, the licensee shall demonstrate that the preferred provider organization operates in conformity with the standards of one of the following:~~

~~1. The Health Network Standards, Version 3.0, or the Health Plan Standards, Version 3.0, whichever is applicable to the type of PPO, of the American Accreditation HealthCare Commission/URAC;~~

~~2. The Joint Commission on Accreditation of Healthcare Organizations' Accreditation Standards for Preferred Provider Organizations (1997); or~~

~~3. Accreditation standards specifically governing health quality improvement processes for PPOs issued by other nationally recognized organizations accepted by the department.~~

~~C. Accreditation is not required to meet the requirements of subsection B unless the MCHIP licensee operates a PPO and desires its PPO to be exempt from the comprehensive onsite examination described in 12 VAC 5-408-90. The licensee must follow the provisions of 12 VAC 5-408-100 to be eligible for exemption from examination.~~

*The MCHIP licensee may comply with 12 VAC 5-408-170, 12 VAC 5-408-200, as well as subdivisions A 2 through A 4 of this section, by demonstrating it operates a PPO plan in conformity with the standards of a nationally recognized accrediting body applicable to preferred provider organizations and acceptable to the department. While such demonstration shall be considered reasonable and adequate compliance for purposes of initial and renewal MCHIP certification, the department may employ a checklist to identify and determine compliance with specific statutory or regulatory requirements that are more stringent than the nationally recognized accrediting body standards.*

*B. Managed care health insurance plan licensees other than PPO plans, including health maintenance organizations, must comply with this entire chapter. The MCHIP licensee may comply with 12 VAC 5-408-170, 12 VAC 5-408-200, 12 VAC 5-408-210, as well as Parts III through VI (12 VAC 5-408-220 through 12 VAC 5-408-360) of this chapter by demonstrating that the MCHIP licensee operates in conformity with the standards of a nationally recognized accrediting body that are appropriate for the type of MCHIP corresponding to the licensee and acceptable to the department. Such demonstration shall be considered reasonable and adequate compliance for purposes of initial and renewal MCHIP certification. Nothing in the preceding sentences shall preclude the department from imposing further requirements if*



the regulatory requirements are more stringent than the nationally recognized accrediting body's standards.

C. Accreditation by a nationally recognized accrediting body shall satisfy the department in demonstrating that the MCHIP licensee operates in conformity with the standards of a nationally recognized accrediting body as permitted under subsection A or B of this section, provided the MCHIP licensee follows the provisions of 12 VAC 5-408-100 to be eligible for exemption from examination. Otherwise, an MCHIP that is not accredited shall be subject to the triennial comprehensive onsite examination requirements of 12 VAC 5-408-90. Nothing in the preceding sentences shall preclude the department from imposing further requirements if the regulatory requirements are more stringent than the nationally recognized accrediting body's standards.

**12 VAC 5-408-60. [ No change from proposed. ]**

**12 VAC 5-408-70. [ No change from proposed. ]**

**12 VAC 5-408-80. [ No change from proposed. ]**

**12 VAC 5-408-90. [ No change from proposed. ]**

**12 VAC 5-408-100. [ No change from proposed. ]**

**12 VAC 5-408-110. [ No change from proposed. ]**

**12 VAC 5-408-120. [ No change from proposed. ]**

**12 VAC 5-408-130. [ No change from proposed. ]**

**12 VAC 5-408-140. [ No change from proposed. ]**

**12 VAC 5-408-150. [ No change from proposed. ]**

**12 VAC 5-408-160. Management and administration.**

A. No person shall establish or operate a managed care health insurance plan in Virginia without first obtaining a license from the Bureau of Insurance and a certificate of quality assurance from the department.

B. The MCHIP licensee must comply with:

1. This chapter;
2. Other applicable federal, state or local laws and regulations; and
3. The MCHIP licensee's own policies and procedures.

C. The MCHIP licensee shall submit or make available reports and information as described in § 32.1-137.4 of the Code of Virginia necessary to establish compliance with these standards and applicable laws.

D. The MCHIP licensee shall permit representatives from the center to conduct examinations or reviews to:

1. Verify application information;
2. Determine compliance with these standards;
3. Review necessary records, including contracts for delegated services and capitated rate information; and
4. Investigate complaints and review appeals procedures.

E. The licensee shall notify the center and providers in writing within 30 days prior to of implementing any material changes affecting the MCHIP [ ~~plan~~ licensee ], including:

1. Mailing address;
2. Ownership;
3. Health care services provided, including any delegated services;
4. Medical director;
5. MCHIP or licensee name;
6. Significant provider network changes; and
7. Any systematic material changes in the quality assurance [ ~~plan~~ ] program, complaint process, or utilization review process.

If more advanced notice of a specific change is required by law for notices to providers or enrollees covered persons, notice given to the department under this section shall be no less than notice given to enrollees covered persons under the law.

F. All applications, including those for renewal, shall require:

1. A description of the geographic area to be served with a map clearly delineating the boundaries of the service area or areas;
2. A description of the complaint system required under § 32.1-137.6 of the Code of Virginia and 12 VAC 5-408-130;
3. A description of the procedures and programs established by the licensee to assure both availability and accessibility of adequate personnel and facilities [ ~~and to assess the quality of health care services provided~~ ]; and
4. A list of the MCHIP licensee's managed care health insurance plans; and
5. A description of the MCHIP's quality assurance program.

G. In addition, applications shall include the following, ~~as applicable to the type of MCHIP:~~

- ~~1. A description of the MCHIP's disease management program;~~
- ~~2. 1. A detailed description of the plan's MCHIP's prescription drug benefit program, if one is offered;~~
- ~~3. A description of the quality improvement plan;~~
4. ~~2. If the MCHIP requires or performs utilization management, the utilization review plan including a description of the criteria, clinical and therapeutic guidelines, and their derivation or source;~~
- ~~5. 3. A description of the plan's MCHIP licensee's credentialing process;~~
- ~~6. 4. The current provider directory identifying providers by specialty and by service area, including those providers who are not currently accepting new patients, so that the department can determine whether it complies with subsection G of § 38.2-3407.10 of the Code of Virginia;~~

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~~7.~~ 5. A copy of the MCHIP's evidence of coverage or insurance plan coverage limitations and exclusions and other information provided to ~~enrollees covered persons~~;

~~8.~~ 6. A description of all types of payment arrangements that the MCHIP licensee uses to compensate providers for health care services rendered to ~~enrollees covered persons~~, including, but not limited to, withholds, bonus payments, capitation, processing fees, and fee-for-service discounts; and

~~9.~~ 7. For those MCHIP licensees that conduct clinical studies, a list of clinical studies with abstracts of study design, objectives and, if available, results as applicable to the type of MCHIP licensee.

H. A list demonstrating the basic health care services, as required by law, that the licensee provides, arranges, pays for, or reimburses shall be appropriately integrated throughout the MCHIP's service area. Services shall be based upon prevailing nationally recognized standards of medical practice.

I. The licensee shall have a written policy stating the MCHIP's ~~commitment to treating enrollees~~ MCHIP licensee treats covered persons in a manner that respects their rights as well as its expectations of provider and ~~enrollee covered person~~ responsibilities. The services shall be accessible to all ~~enrollees covered persons~~, including those with diverse cultural and ethnic backgrounds, and those with physical and mental disabilities.

## 12 VAC 5-408-170. Provider credentialing and recredentialing.

A. The MCHIP licensee shall establish and maintain a comprehensive credentialing verification program to ensure its providers meet the minimum standards of professional licensure or certification. Written supporting documentation for providers who have completed their residency or fellowship requirements for their specialty area more than 12 months prior to the credentialing decision shall include, ~~but is not limited to:~~

1. Current valid license and history of licensure or certification;
2. Status of hospital privileges, if applicable;
3. Valid DEA certificate, ~~as~~ if applicable;
4. Information from the National Practitioner Data Bank, as available;
5. Education and training, including post graduate training, if applicable;
6. Specialty board certification status, if applicable;
7. Practice or work history covering at least the past five years; and
8. Current, adequate malpractice insurance and malpractice history of at least the past five years.

B. The MCHIP licensee may grant provisional credentialing for providers who have completed their residency or fellowship requirements for their specialty area within 12

months prior to the credentialing decision. Written supporting documentation necessary to provisionally credential a practitioner shall include:

1. Primary source verification of a current, valid license to practice prior to granting the provisional status;
2. Written confirmation of the past five years of malpractice claims or settlements, or both, from the malpractice carrier or the results of the National Practitioner Data Bank query prior to granting provisional status; and
3. A completed application and signed attestation.

C. Providers provisionally credentialed may remain so for 60 calendar days.

~~B.~~ D. Policies for credentialing and recredentialing shall include, ~~but are not limited to the:~~

1. Criteria used to credential and recredential;
2. Process used to make credentialing and recredentialing decisions;
3. Type of providers, including network providers, covered under the credentialing and recredentialing policies;
4. Process for notifying providers of information obtained that varies substantially from the information provided by the provider; [ ~~and~~ ]
5. Process for receiving input from participating providers to make recommendations regarding the credentialing and recredentialing process [ ~~;~~ and ]

[ 6. A requirement that the MCHIP licensee notify the applicant within 60 calendar days of receipt of an application if information is missing or if there are other deficiencies in the application. The MCHIP licensee shall complete the credentialing process within 90 calendar days of the receipt of all such information requested by the MCHIP licensee or, if information is not requested from the applicant, within 120 calendar days of receipt of an application. The department may impose administrative sanctions upon an MCHIP licensee for failure to complete the credentialing process as provided herein if it finds that such failure occurs with such frequency as to constitute a general business practice. ]

The policies shall be made available to participating providers and applicants upon written request.

[ E. A provider fully credentialed by an MCHIP licensee, who changes his place of employment or his nonMCHIP licensee employer, shall, if within 60 calendar days of such change and if practicing within the same specialty, continue to be credentialed by that MCHIP licensee upon receipt by the MCHIP licensee of the following:

1. The effective date of the change;
2. The new tax ID number and copy of W-9, as applicable;
3. The name of the new practice, contact person, address, telephone and fax numbers; and

4. Other such information as may materially differ from the most recently completed credentialing application submitted by the provider to the MCHIP licensee.

*This provision shall not apply if the provider's prior place of employment or employer had been delegated credentialing responsibility by the MCHIP licensee.*

*Nothing in this section shall be construed to require an MCHIP licensee to contract or recontract with a provider. ]*

~~G.~~ [ ~~E.~~ F. ] The appropriate credentialing process shall be completed before the provider:

1. Begins seeing ~~enrollees~~ covered persons;
2. Enters into the employment or contractual relationship with the MCHIP licensee; and
3. Is included in the listing of health care providers as a participating provider in any marketing and ~~enrollee~~ covered person materials.

~~D.~~ [ ~~F.~~ G. ] The providers shall be recredentialed at least every ~~two~~ three years. Recredentialing documentation shall include:

1. Current valid license or certification;
2. Status of hospital privileges, if applicable;
3. Current valid DEA registration, if applicable;
4. Specialty board eligibility or certification status, if applicable;
5. Data from ~~enrollee~~ covered person complaints and the results of quality reviews, utilization management reviews and ~~enrollee~~ covered persons satisfaction surveys, as applicable; and
6. Current, adequate malpractice insurance and history of malpractice claims and professional liability claims resulting in settlements or judgments.

~~E.~~ [ ~~G.~~ H. ] All information obtained in the credentialing process shall be subject to review and correction of any erroneous information by the health care provider whose credentials are being reviewed. *Nothing in the previous sentence shall require an MCHIP or MCHIP licensee to disclose to a provider, or any other person or party, information or documents: (i) that the MCHIP or the MCHIP licensee, itself, develops or causes to be developed as part of the MCHIP's credentialing process or (ii) that are privileged under applicable law. The department may require the MCHIP licensee to provide a copy of its credentialing policies.*

~~F.~~ [ ~~H.~~ I. ] Providers shall be required by the MCHIP licensee to notify the MCHIP of any changes in the status of any credentialing criteria.

~~G.~~ [ ~~I.~~ J. ] The MCHIP licensee shall not refuse to initially credential or refuse to reverify the credentials of a health care provider solely because the provider treats a substantial number of patients who require expensive or uncompensated care.

~~H.~~ [ ~~J.~~ K. ] The MCHIP licensee shall have policies and procedures for altering the conditions of the provider's

participation with the MCHIP licensee. The policies shall include actions to be taken to improve performance prior to termination and an appeals process for instances when the MCHIP licensee chooses to alter the condition of provider participation based on issues of quality of care or service, except in circumstances where an ~~enrollee's~~ covered person's health has been jeopardized. Providers shall have complete and timely access to all data and information used by the licensee to identify or determine the need for altering the conditions of participation.

~~I.~~ [ ~~K.~~ L. ] The MCHIP licensee shall retain the right to approve new providers and sites based on quality issues, and to terminate or suspend individual providers. Termination or suspension of individual providers for quality of care considerations shall be supported by documented records of noncompliance with specific ~~plan~~ MCHIP expectations and requirements for providers. The provider shall have a prescribed system of appeal of this decision available to them as prescribed in the ~~contract between the MCHIP contract~~ with or its delegated service [ ~~provider entity~~ ] and the provider.

~~J.~~ [ ~~L.~~ M. ] Providers shall be informed of the appeals process. Profession specific providers actively participating in the MCHIP plan shall be included in reviewing appeals and making recommendations for action.

~~K.~~ [ ~~M.~~ N. ] The MCHIP licensee shall notify appropriate authorities when a provider's application or contract is suspended or terminated because of quality deficiencies by the health care provider whose credentials are being reviewed.

~~L.~~ [ ~~N.~~ O. ] There shall be an organized system to manage and protect the confidentiality of personnel files and records. Records and documents relating to a provider's credentialing application shall be retained for at least seven years.

**12 VAC 5-408-180. [ No change from proposed. ]**

**12 VAC 5-408-190. [ No change from proposed. ]**

**12 VAC 5-408-200. [ No change from proposed. ]**

**12 VAC 5-408-210. [ No change from proposed. ]**

**12 VAC 5-408-220. Purpose.**

~~A.~~ The MCHIP licensee shall have a comprehensive, systematic, and organized quality [ ~~improvement assurance~~ ] program for the purpose of:

1. Improving ~~enrollee's~~ covered person's health outcomes;
2. ~~Enhancing~~ Assuring the quality of the ~~clinical care and service~~ services provided to ~~enrollees~~ covered persons;
3. Increasing ~~enrollee~~ covered person satisfaction;
4. Maximizing opportunities for MCHIP improvements and minimizing opportunities for errors;
5. Monitoring, ~~measuring~~ and evaluating quality ~~of care issues~~ activities; and
6. ~~Satisfying all federal and state reporting incidences to the appropriate entities requirements.~~

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~~B. The plan's quality improvement program shall ensure that the services the MCHIP provides, arranges, pays for, or reimburses shall, at a minimum:~~

- ~~1. Be (i) consistent with prevailing nationally recognized medical standards of care, (ii) adequately available, (iii) accessible, (iv) appropriate for enrollees' clinical conditions, and (v) guided by a combination of utilization review guidelines, treatment protocols, accepted practice guidelines, and clinical case data that ensures balanced clinical decision making;~~
- ~~2. Identify and treat acute and chronic illnesses;~~
- ~~3. Allow for preventive services;~~
- ~~4. Provide for the treatment of enrollees with similar medical conditions while recognizing individual case differences;~~
- ~~5. Allow for a variety of treatment options that are commensurate with the MCHIP's benefit coverage;~~
- ~~6. Offer enrollee guidance for treatment out of network if treatment is not available through the MCHIP;~~
- ~~7. Recognize identified public health goals;~~
- ~~8. Allow for the evaluation and use of new technology or the new application of existing technology; and~~
- ~~9. Provide for a multidisciplinary treatment approach that addresses the physical and psychological function and functional status of the MCHIP's enrollees.~~

## 12 VAC 5-408-230. Program requirements.

A. The MCHIP *licensee* shall be structured operationally to administer the quality *improvement assurance* program. The quality *improvement assurance* operations shall include, but not be limited to:

1. Establishing performance goals designed to improve the quality of health care services provided by the MCHIP *licensee and governed by the certificate*;
2. Developing a quality [ *improvement assurance* ] plan to implement the goals;
3. Measuring and assessing the MCHIP's *MCHIP licensee's* performance in meeting the goals;
4. Implementing activities based upon the assessments to improve and maintain performance;
5. Integrating the quality [ *improvement assurance* ] activities of all ~~other~~ *appropriate* organizational units, providers, delegated health service providers, and the governing body into the quality [ *improvement assurance* ] program and providing feedback to those entities;
6. Enlisting *enrollee covered person* input through sources such as satisfaction surveys, reviews of complaints, appeals, and requests to change providers, ~~and utilizing enrollee and provider participation in the program~~;
7. Identifying the resources necessary for the MCHIP to successfully pursue *improvement priorities*;

~~8. 7. Maintaining and documenting the plan's *licensee's* compliance with state and federal laws, as well as private accreditation requirements, if applicable, that govern the MCHIP's *MCHIP licensee's* quality *improvement assurance* program; and~~

~~9. 8. Ensuring that the MCHIP's *MCHIP licensee's* quality *improvement assurance* goals are communicated to all *appropriate* organizational units of the plan, ~~enrollees, providers~~ *MCHIP licensee* and delegated health service *entities and made available to covered persons and providers upon request.*~~

B. The quality *improvement assurance* program shall be managed by professional personnel qualified by training and experience to implement the MCHIP's *MCHIP licensee's* program goals. The organizational relationship and responsibilities for quality *improvement assurance* shall be clearly defined.

C. The quality *improvement assurance* program shall be structured to include, ~~but is not limited to:~~

- ~~1. A quality *improvement* Operations accountable for the quality [ *improvement assurance* ] program;~~
- ~~2. A quality *improvement assurance* program advisory committee whose members include ~~enrollees covered persons~~ and representatives from the operations responsible for quality [ *improvement assurance* ], utilization management, provider affairs, credentialing, complaints and appeals, customer service, medical records, and data management; *and*~~
- ~~3. A *medical director designated physician or clinical professional appropriate to the type* of the MCHIP; *licensee.*~~
- ~~4. *Committees established accountable to the quality improvement program operations that meet to address specific ongoing aspects of the quality improvement program; and*~~
- ~~5. *Committees established to provide the quality improvement program with periodic input regarding the quality improvement program from Virginia providers active in the plan and enrollees.*~~

D. The MCHIP *licensee* shall designate a board-certified physician *or clinical professional appropriate to the type of MCHIP* to serve as ~~medical director~~ *the designated physician or clinical professional.*

E. The ~~medical director shall provide supervision and oversight of the quality improvement program including, but not limited to~~ *designated physician, or clinical professional as appropriate to the type of MCHIP licensee, must have substantial involvement in the quality assurance program. Substantial involvement may be evidenced by:*

1. Defining the responsibilities and interrelationships for professional services;
2. Coordinating, supervising and overseeing the functioning of professional services;

3. *Providing* input into the medical performance of providers;
4. Overseeing the continuing in-service education of the MCHIP's professional staff;
5. Providing clinical direction and leadership to the continuous quality [ ~~improvement assurance~~ ] program;
6. Establishing policies and procedures covering all health care services provided to ~~enrollees covered persons~~; and
7. Ensuring review of provider credentials including, but not limited to:
  - a. Delineating qualifications for participating in the MCHIP;
  - b. Establishing a system for verification of providers' credentials, recredentialing, performance reviews; and
  - c. Obtaining information about any disciplinary action against ~~the a~~ provider.

F. The quality ~~improvement~~ *assurance* program advisory committee shall:

1. Recommend policies for quality ~~improvement~~ *assurance*;
2. Review and approve the quality ~~improvement~~ *assurance* program;
3. Evaluate the results of the quality ~~improvement~~ *assurance* program;
4. Initiate quality ~~improvement~~ *assurance* activities; and
5. Ensure implementation of the quality ~~improvement~~ *assurance* program.

G. All determinations and actions made by the committee shall be recorded in minutes that are dated, approved and current.

H. The quality ~~improvement~~ *assurance* program operations shall maintain written descriptions of the responsibilities of each of the operational units of the licensee and the governing body in the planning, development, implementation and evaluation of the ~~plan's~~ *MCHIP licensee's* quality ~~improvement~~ *assurance* program. The descriptions shall ~~clearly delineate the responsibilities of each unit, to whom the responsibilities are delegated, and the organizational relationship that each operational unit has with another to provide quality health care~~ *include an organizational chart*.

~~I. The director of the quality improvement program shall report directly to the executive management of the MCHIP.~~

~~J. I.~~ A written report shall be issued annually by quality ~~improvement~~ *assurance* operations to the MCHIP's *MCHIP licensee's* executive management and to the governing body. The purpose of the report shall be to evaluate the MCHIP's *MCHIP licensee's* quality ~~improvement~~ *assurance* program activities including, at a minimum:

1. The MCHIP licensee's achievements in meeting its quality ~~improvement~~ *assurance* expectations;
2. Those areas where expectations were not met or where improvements are still needed;

3. The impact of the MCHIP's *MCHIP licensee's* quality ~~improvement~~ *assurance* program, including specific programmatic initiatives, on the quality of care received by ~~enrollees covered persons~~ as assessed using ~~generally accepted clinical reasonable~~ indicators; and

4. New areas identified through the quality ~~improvement~~ *assurance* assessment process that will be incorporated in the next annual quality ~~improvement~~ *assurance* program plan; and.

~~5. Resources identified as necessary to assist in meeting the MCHIP's quality improvement expectations.~~

~~K. J.~~ The quality assurance program is accountable to the governing body shall retain the ultimate authority for the MCHIP ~~licensee's~~ quality improvement program. Documentation shall be maintained by the MCHIP *licensee* that the governing body has reviewed the annual quality ~~improvement~~ *assurance* program report and has provided direction to the program and, as necessary, other operational units in response to the report.

~~L. K.~~ A summary of the program shall be provided to appropriate managers, providers and staff members of the MCHIP *licensee*, and shall be available to ~~enrollees covered persons~~ of the MCHIP upon request. ~~The program shall be made available to all other managers, providers, and staff upon request.~~

~~M. L.~~ There shall be a mechanism in place to inform ~~enrollees covered persons~~, providers, and employers of the MCHIP licensee's annual performance results each year, upon request.

**12 VAC 5-408-240. [ Program Quality assurance ] plan.**

~~[ A. ]~~ Each MCHIP licensee shall have a written quality ~~improvement~~ *assurance* plan. The plan shall include:

1. The quality ~~improvement~~ *assurance* performance expectations for the MCHIP *licensee* for the year and an explanation as to the rationale for targeting these expectations;

2. Delineation of the expected outcomes for the performance expectations;

3. The performance activities to implement the plan and the specific lines of authority and accountability for implementation;

4. The data collection and analysis methodologies to be used to evaluate the quality of ~~health care~~ services;

5. *For MCHIP licensees that have access to clinical data, clinical studies, applicable to the type of MCHIP, that target clinical diagnosis and treatments with the requirement that those diagnoses focused upon are pertinent to a substantial number of its enrollees covered persons, or have been identified as major public health risks. The plan shall also include studies that are pertinent to the enrollees covered persons of the product lines that the MCHIP manages or that address major public health risks;*

6. Strategies to evaluate provider performance and systems, ~~direct request~~ *request* corrective action *when patterns are*

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~~identified, and act when corrective action has not been taken;~~

~~7. Methods to assess enrollee and provider covered person satisfaction and respond to enrollee and provider satisfaction results regarding the provision of the quality of the health care services so as to identify opportunities for improvement and set improvement goals;~~

~~8. For MCHIP licensees that have access to clinical data, evaluations of the actual outcomes of care provided to selected groups of enrollees covered persons with an analysis of variations in care;~~

~~9. For MCHIP licensees that have access to clinical data, amendment of treatment protocols and clinical practice guidelines, as necessary, to make them current and the development of new protocols and clinical practice guidelines, as necessary, to address clinical conditions;~~

~~10. Examination of the overutilization and underutilization of services and interventions when either are identified;~~

~~11. 10. Strategies to evaluate the coordination and continuity of care that enrollees covered persons receive; and~~

~~12. 11. Analysis of the accessibility of enrollee covered person services including emergency services and after-hour care; and within the licensee's geographic service area. Compliance [ can may ] be demonstrated by evidence of contract language with providers stipulating after-hour care, customer satisfaction surveys, and complaint reviews.~~

~~13. Strategies to evaluate experimental treatment procedures.~~

**12 VAC 5-408-250. [ No change from proposed. ]**

**12 VAC 5-408-260. [ No change from proposed. ]**

**12 VAC 5-408-270. [ No change from proposed. ]**

**12 VAC 5-408-280. [ No change from proposed. ]**

**12 VAC 5-408-290. [ No change from proposed. ]**

**12 VAC 5-408-300. [ No change from proposed. ]**

**12 VAC 5-408-310. [ No change from proposed. ]**

**12 VAC 5-408-320. Delegated services.**

A. If the MCHIP licensee contracts for any of the following services, it shall retain accountability for the oversight of those services:

1. Quality assurance activities;
2. Credentialing and recredentialing;
3. ~~Enrollee~~ Covered person education, communication and satisfaction;
4. Utilization management;
5. Health promotion;
6. Records management;

~~7. Data management, to include the collection of clinical trial and the audit of all clinical trial data;~~

~~8. Providers and provider networks;~~

~~9. Claims administration; or~~

~~10. Pharmacy benefits.~~

B. The MCHIP licensee shall establish and implement written procedures to evaluate the effectiveness of any delegated service.

C. ~~The MCHIP licensee shall require the delegated service~~ ~~complies [ provider entity ] to maintain documentation of its compliance~~ with this chapter, its agreement with the MCHIP licensee to provide services, and any applicable state and federal laws ~~required of the MCHIP to provide the service shall be maintained by the MCHIP licensee.~~

D. Data and information exchanged between the delegated service [ entity ] and the plan shall be accomplished in a manner that is timely, efficient, and effective.

~~E. The MCHIP shall ensure that data held by the delegated service that is required to be shared with the state's Health Care Data Reporting System is transmitted according to collection requirements.~~

F. E. The MCHIP licensee shall require the delegated service [ entity ] to provide for timely and efficient access by state examiners to data, records, and personnel necessary to determine compliance with this chapter.

**12 VAC 5-408-330. [ No change from proposed. ]**

**12 VAC 5-408-340. Exchange of information.**

~~A. The MCHIP shall inform its enrollees and providers which services they may need are delegated and how those services are accessed.~~

~~B. A. If the delegated services are health care services, then the [ contractor delegated services entity ] or the MCHIP licensee shall also inform the plan's enrollees of at least make the following information available if requested by the MCHIP's covered persons:~~

1. The procedures for filing complaints and appeals;
2. The utilization management decision process;
3. The process for appealing claims denials;
4. How to access emergency and urgent care;
5. How to obtain services not covered in the delegated health services' benefit package;
6. The process for changing from one practitioner to another;
7. Orientation process for new ~~enrollees covered persons~~;
8. ~~Enrollee~~ Covered person participation opportunities; and
9. Participating practitioners and providers.

~~G. B. If the delegated health services are health care services, then the delegated service entity or the MCHIP~~

licensee shall also inform the MCHIP's providers of at least the following:

1. Opportunities for provider involvement;
2. ~~Quality improvement program~~ [ *Plan MCHIP licensee* ] expectations of providers in achieving quality assurance program goals;
3. Provider credentialing process;
4. Procedures for complaints and appeals;
5. Process for utilization management decisions; and
6. ~~How~~ Procedures to approve covered person access to emergency and urgent care.

**12 VAC 5-408-350. Quality improvement—integration assurance program.**

A. As it pertains to the ~~enrollees~~ covered persons, the MCHIP licensee shall integrate monitoring of the delegated ~~health services service entity with respect to the following activities~~ within its quality improvement [ assurance ] program:

1. ~~Quality improvement assurance~~ program activities;
2. ~~Quality improvement outcomes assurance~~ [ *outcome plan* ] measures; and
3. Complaint and appeals processes.

~~B. At least annually, the MCHIP shall evaluate the delegated health service's quality improvement program, and complaint and appeals processes, and provide the delegated health service with a report of its evaluation.~~

~~G. B.~~ When the MCHIP's licensee's expectations have not been met, the MCHIP licensee shall require the delegated health service entity to provide:

1. A corrective action plan that addresses areas where performance expectations have not been met; and
2. Evidence that corrective action was taken in keeping with corrective action plans.

**12 VAC 5-408-360. Utilization review and management.**

A. The MCHIP licensee shall have a utilization review and management process that complies with the requirements of §§ 32.1-137.7 through 32.1-137.16 of the Code of Virginia and this chapter. The process shall be managed by a licensed physician.

B. In developing its utilization review program, the MCHIP licensee shall utilize ~~one of the following:~~ (i) the ~~Health applicable~~ utilization review and management standards (~~Version 3.0~~) of the American Accreditation HealthCare Commission/URAC or (ii) the ~~"Standards for Utilization Management" and the "Standards for the Delegation of Utilization Management"~~ of the National Committee for Quality Assurance's ~~"Standards for the Accreditation of Managed Care Organizations,"~~ effective July 1, 1999, which ~~are incorporated by reference~~ Assurance or other nationally recognized accrediting body [ ~~appropriate to the type of MCHIP and~~ ] acceptable to the department, as the criteria for determining compliance with the utilization management and

review requirements of this section except in those instances in which state requirements in law or regulation are more stringent. *Applicable utilization review and management standards are those included in an accreditation or certification program for a specific type of MCHIP, such as health maintenance organizations or preferred provider organizations, or [ for utilization review entities such as private review agents licensed in Virginia, to which MCHIPs may delegate utilization review and management services.*

~~C. The MCHIP licensee, or its contracted private review agent or other delegated service entity for utilization review and management services, may demonstrate compliance with the utilization management and review requirements of this section by attaining accreditation or certification with the American Accreditation HealthCare Commission/URAC, the National Committee for Quality Assurance [ ~~for utilization review or management~~ ], or other nationally recognized accrediting body [ with comparable standards for utilization review ] accepted by the department. The department may require the MCHIP to demonstrate compliance with particular requirements of §§ 32.1-137.7 through 32.1-137.16 of the Code of Virginia, as well as any other pertinent sections, and this chapter that are more stringent than the applicable accreditation requirements. The department may provide a checklist or other standardized method by which [ MCHIP ] licensees may demonstrate compliance with the more stringent requirements.~~

~~D. An MCHIP [ licensee ] that is not accredited by a nationally recognized accrediting body [ ~~appropriate to the type of MCHIP~~ ] and accepted by the department shall be subject to the triennial comprehensive onsite examination requirements of 12 VAC 5-408-90 for purposes of demonstrating compliance with the utilization review and management requirements of this section.~~

~~G. E.~~ The purpose of the utilization review process shall be to monitor access to and utilization of health care services with the process ensuring that the conduct of utilization review is:

1. Impartial, timely, consistent and based upon supportive medical evidence;
2. Performed by appropriately qualified health personnel;
3. Comprehensive in assuring that good faith efforts to obtain all information necessary to make utilization review decisions are made;
4. Evaluated routinely so that program changes that determine the necessity, appropriateness, efficiency and efficacy of health care services provided by the ~~plan~~ MCHIP licensee can be made as a result of the evaluation; and
5. Reported annually to the MCHIP's MCHIP licensee's governing body.

~~D. F.~~ In addition, the utilization review process shall:

1. Allow for flexibility, taking into account individual cases when appropriate;
2. Provide avenues for provider input into the establishment of clinical guidelines and protocols;

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3. Afford opportunity for reconsideration and appeal of adverse determinations in a manner that is easily understood and accessed by ~~enrollees~~ covered persons and providers; and

4. Be coordinated with other components of the MCHIP that use or could benefit from utilization review data.

**E. G.** The utilization review process shall be based upon a written plan that is reviewed annually and that shall contain, at a minimum:

1. A description of the scope of the utilization review process, both internal and external;
2. A description of the organizational responsibilities for utilization review including the qualifications of utilization review personnel;
3. The clinical review guidelines, standards, and protocols which are applied in utilization review determinations;
4. Mechanisms to evaluate uniform application of guidelines and to determine the necessity for case-by-case decision making;
5. Procedures for soliciting and implementing provider input in the development of guidelines as well as evaluating provider usage of the guidelines;
6. A description of the process for monitoring over utilization and under utilization;
7. Provisions for notice to ~~enrollees~~ covered persons and providers regarding any need for precertification, concurrent certification, or retrospective review as a prerequisite for approval of payment or access to service;
8. Procedures for reconsideration of adverse decisions and appeals including expedited appeals;
9. Guidelines for the delegation of utilization review to external entities and the expectations for that delegation;
10. Guidelines for the notification in clear and understandable terms of the reasons for denial of services or payments to providers and subscribers;
11. Mechanisms for review and implementation of experimental treatments and new technology;
12. Mechanisms for soliciting and evaluating provider and ~~enrollee~~ covered person satisfaction with utilization review determinations and the MCHIP's MCHIP licensee's appeal process and implementing mechanisms to address areas of dissatisfaction; and
13. Procedures for the maintenance of records required under § 32.1-137.16 of the Code of Virginia.

VA.R. Doc. No. R01-77; Filed December 11, 2001, 11:04 a.m.

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## TITLE 15. JUDICIAL

### JUDICIAL INQUIRY AND REVIEW COMMISSION

**REGISTRAR'S NOTICE:** The following regulations were filed by description with the Registrar of Regulations in accordance with § 2.3 of the Virginia Code Commission Regulations implementing the Virginia Register Act. Section 2.3 of the Virginia Code Commission Regulations allows the Registrar to authorize the filing of a regulatory document by description in lieu of filing the entire text pursuant to criteria identified in that section.

**Title of Regulation:** 15 VAC 10-10. Rules of the Judicial Inquiry and Review Commission.

**Statutory Authority:** § 17.1-902 of the Code of Virginia.

**Effective Date:** December 3, 2001.

**Exemptions Claimed:**

*This regulation is exempt from the Administrative Process Act pursuant to § 2.2-4002 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. Subdivision 2 a of § 2.3 of the Virginia Code Commission Regulations allows regulations concerning public officers and employees to be filed by description subject to the authorization of the Registrar of Regulations.*

**Description:**

*These rules govern proceedings before the Judicial Inquiry and Review Commission. This amendment revises Rule 16, Preservation of Files, to conform more closely to the record retention requirements of § 17.1-913 of the Code of Virginia.*

**Document Availability:**

*Web site: The full text of the rules are available on the commission's web site at <http://www.courts.state.va.us/jirc/rules.html>.*

*Mail or Facsimile: The rules are available by mail or fax by writing to P.O. Box 367, Richmond, VA 23218-0367, or by calling (804) 786-6636.*

*Document available for inspection at the following location: 100 North Ninth Street, Richmond, VA 23219.*

VA.R. Doc. No. R02-97; Filed December 3, 2001, 11:45 a.m.

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**TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION**

**BOARD OF PHYSICAL THERAPY**

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 7 of the Code of Virginia, which exempts regulations of the regulatory boards served by the Department of Health Professions pursuant to Title 54.1 which are limited to reducing fees charged to regulants and applicants. The Board of Physical Therapy will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision.

**Title of Regulation:** 18 VAC 112-20. Regulations Governing the Practice of Physical Therapy (amending 18 VAC 112-20-135 and 18 VAC 112-20-150; adding 18 VAC 112-20-151).

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

**Effective Date:** January 30, 2002.

**Summary:**

*The amendments reduce fees for applicants and regulants for the next two years in order to reduce the surplus in the board's budget. Renewal fees are reduced for physical therapists from \$135 to \$60 and for physical therapist assistants from \$70 to \$30. Other fees, including those for application, reinstatement, endorsement, inactive license and late renewal are similarly reduced. A fee for certification of grades to another jurisdiction is permanently eliminated, and the fee for applying for reinstatement after revocation is permanently reduced from \$2,000 to \$1,000.*

**Agency Contact:** Elizabeth Young Tisdale, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924.

**18 VAC 112-20-135. Inactive license.**

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee of \$70 for a physical therapist and \$35 for a physical therapist assistant, be issued an inactive license. *From January 31, 2002, to January 1, 2004, the inactive renewal fee shall be \$30 for a physical therapist and \$15 for a physical therapist assistant.*

1. The holder of an inactive license shall not be required to meet active practice requirements.
2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.

B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated; and
2. Providing proof of active practice hours in another jurisdiction equal to those required for renewal of an active license in Virginia for the period in which the license has been inactive. If the inactive licensee does not meet the requirement for active practice, the license may be reactivated by meeting the traineeship requirements prescribed in subsection B of 18 VAC 112-20-140.

**18 VAC 112-20-150. Fees in effect on January 1, 2004, and thereafter.**

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Licensure by examination.

1. The application fee shall be \$140 for a physical therapist and \$105 for a physical therapist assistant.
2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement shall be \$140 for a physical therapist and \$105 for a physical therapist assistant.

D. Licensure renewal and reinstatement.

1. The fee for active license renewal for a physical therapist shall be \$135 and for a physical therapist assistant shall be \$70 and shall be due in the licensee's birth month in each even-numbered year.
2. A fee of \$25 for a physical therapist assistant and \$50 for a physical therapist for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.
3. The fee for reinstatement of a license that has expired for two or more years shall be \$180 for a physical therapist and \$120 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.

E. Other fees.

1. The fee for *an application for* reinstatement of a license ~~pursuant to § 54.1-2921 of the Code of Virginia that has been revoked~~ shall be ~~\$2,000~~ \$1,000.
2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.
3. The fee for a returned check shall be \$25.
4. The fee for a letter of good standing/verification to another jurisdiction shall be \$10; ~~the fee for certification of grades to another jurisdiction shall be \$25.~~

**18 VAC 112-20-151. Fees in effect through December 31, 2003.**

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Licensure by examination.

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1. The application fee shall be \$100 for a physical therapist and \$60 for a physical therapist assistant.

2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement shall be \$100 for a physical therapist and \$60 for a physical therapist assistant.

D. Licensure renewal and reinstatement.

1. The fee for active license renewal for a physical therapist shall be \$60 and for a physical therapist assistant shall be \$30 and shall be due in the licensee's birth month, in each even-numbered year.

2. A fee of \$10 for a physical therapist assistant and \$20 for a physical therapist for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.

3. The fee for reinstatement of a license that has expired for two or more years shall be \$105 for a physical therapist and \$60 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.

E. Other fees.

1. The fee for an application for reinstatement of a license that has been revoked shall be \$1,000.

2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.

3. The fee for a returned check shall be \$25.

4. The fee for a letter of good standing/verification to another jurisdiction shall be \$10.

Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a Nonapproved Program) (rev. ~~8/00~~ 12/01).

Instructions for Completing Reinstatement of Licensure Application for Physical Therapist/Physical Therapist Assistant (rev. ~~8/00~~ 12/01).

The FSBPT Score Transfer Service, National Physical Therapy Examination (PT/PTA), Score Transfer Request Application (rev. 7/99).

Traineeship Application, Statement of Authorization (rev. 8/00).

Traineeship Application, Statement of Authorization (1,000-hour traineeship) (rev. 8/00).

Traineeship Application, Statement of Authorization, Relicensure (480-hour traineeship) (rev. 8/00).

Relicensure Traineeship Certification (rev. 8/00).

Form #A, Claims History Sheet (rev. 7/00).

Form #B, Employment/Practice Verification of Physical Therapy (rev. 8/00).

Form #C, Verification of State Licensure (rev. 8/00).

Form #L, Certificate of Physical Therapy Education (rev. 7/00).

Renewal Notice and Application (rev. ~~2/00~~ 12/01).

VA.R. Doc. No. R02-99; Filed December 11, 2001, 10:49 a.m.



**NOTICE:** The forms used in administering 18 VAC 112-20, Regulations Governing the Practice of Physical Therapy, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Physical Therapy, 6606 West Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

Application for a License to Practice Physical Therapy (Examination) (rev. 8/00).

Application for a License to Practice Physical Therapy (Endorsement) (rev. 8/00).

Application for Reinstatement of Licensure (rev. 8/00).

Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an Approved Program) (rev. ~~8/00~~ 12/01).

Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a Nonapproved Program) (rev. ~~8/00~~ 12/01).

Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an Approved Program) (rev. ~~8/00~~ 12/01).

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# EMERGENCY REGULATIONS

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **Managed Care: Medallion II.**

**12 VAC 30-120. Waivered Services (amending 12 VAC 30-120-360, 12 VAC 30-120-370, 12 VAC 30-120-380, and 12 VAC 30-120-390 through 420; repealing 12 VAC 30-120-385).**

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

Effective Dates: December 1, 2001, through November 30, 2002.

Preamble:

*Section 2.2-4011 of the Code of Virginia provides for regulations which an agency finds are necessitated by an emergency situation. To enable the director, in lieu of the Board of Medical Assistance Services, to comply with changes in federal law, waiver and industry standards, he must adopt these regulatory changes as emergency regulations. This issue qualifies as an emergency regulation as provided for in § 2.2-4011 because it concerns a situation involving an imminent threat to public health. If the agency cannot immediately promulgate these program changes as set out herein, it will be prohibited from proceeding with its planned expansions of its managed care programs as has been approved by the Centers for Medicare and Medicaid Services (CMS) (formerly the Health Care Financing Administration (HCFA)). Such a failure to implement the federally approved changes would endanger the agency's federal funding for this program and thereby risk the loss of health care services by the managed care Medicaid recipients. Consequently, this regulation may be adopted without public comment with the prior approval of the Governor.*

*Chapter 1073 of the 2000 Acts of Assembly, Item 319 K, directed the agency to seek federal approval of certain changes to its Medallion II programs. The purpose of the mandated changes was to bring this waiver program into compliance with recent federal law changes as well as other federal changes and changes to industry standards of practice.*

Substance: The purpose of implementing emergency regulations is to conform the regulations of the Medallion II waiver to federal law changes contained in the 1997 Balanced Budget Act, requirements of the Health Care Financing Administration (HCFA) (now the Centers for Medicare and Medicaid Services (CMS)), and state industry standards.

Based on changes enacted by the Balanced Budget Act of 1997, and new waiver requirements of CMS, the agency is required to implement new program regulations. Also, as part of the approval of the Medallion II waiver modifications, the agency must conform its regulations to Item 319J of Chapter 1073 of the 2000 Acts of Assembly. This language required the agency to modify the process by which Medicaid recipients are enrolled into managed care programs.

Changes to the Medallion II regulations are being made for three reasons: (i) to permit one managed care organization (MCO) to operate in a region instead of the former two MCOs; (ii) to limit enrollees time to select a primary care provider to 30 days, and; (iii) to modify the preassignment process. These changes include:

1. Repealing 12 VAC 30-120-385. This provision of the regulation has expired. It previously provided a carve-out of mental health services for implementation in Northern Virginia. Without the repeal of this section, the agency would be unable to implement managed care services in Northern Virginia and this would have an impact on the delivery of quality managed care services to citizens of Northern Virginia.
2. Shortening of the preassignment process - 12 VAC 30-120-370. The change would allow recipients to be enrolled into managed care sooner by reducing the waiting period, thereby increasing their access to quality health care. The shortening of the preassignment process was mandated in Chapter 1073 of the 2000 Acts of Assembly Item 319J.
3. Changes in choice of health plan type - 12 VAC 30-120-370. This change allows for recipients receiving managed care services in areas where there is only one contracted Managed Care Organization (MCO) to have a choice of enrolling with the contracted MCO or the Primary Care Case Management (PCCM) programs. All eligible recipients in areas where one contracted MCO exists, however, are automatically assigned to the contracted MCO. Individuals are allowed 90 days after the effective date of enrollment to change from either the contracted MCO to the PCCM program or vice versa. This change in provision of the regulation would comply with waiver approval recently received by CMS and allow the agency to implement the expansion of the MCO program. Without this change, the mandated expansion cannot proceed.

Agency Contact: Adrienne Fegans, Managed Care, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4714, FAX (804) 371-4986 or e-mail afegans@dmas.state.va.us.

#### **12 VAC 30-120-360. Definitions.**

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

*"Appeal"* means any written communication from a client or his representative which clearly expresses that he wants to present his case to a reviewing authority.

*"Area of residence"* means the recipient's address in the Medicaid eligibility file.

*"Capitation payment"* means the payment issued to an ~~HMO~~ MCO contractor by DMAS on behalf of a client, in return for which the ~~HMO~~ MCO accepts responsibility for the services to be provided under a contract.

*"Client," "clients," "recipient" or "enrollee"* means an individual or individuals having current Medicaid eligibility who shall be

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# Emergency Regulations

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authorized by DMAS to be a member or members of Medallion II.

"Covered services" means Medicaid services as defined in the State Plan for Medical Assistance.

"Disenrollment" means a change in enrollment from one Medallion II ~~HMO~~ Managed Care Organization ("MCO") plan to another MCO.

"DMAS" means the Department of Medical Assistance Services.

"Eligible person" means any person determined by DMAS as eligible to receive services and benefits under the State Plan for Medical Assistance.

"Emergency services" means ~~those health care services provided in a hospital, clinic, office, or other facility that is equipped to furnish the required care, that are rendered by participating or nonparticipating providers~~ after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

1. Placing the client's health or, with respect to a pregnant woman, the health of the woman or her unborn child in serious jeopardy;
2. Serious impairment to bodily functions; or
3. Serious dysfunction of any bodily organ or part.

*Emergency services provided within the MCO plan's service area shall include covered health care services from nonaffiliated providers only when delay in receiving care from a provider affiliated with the managed care organization could reasonably be expected to cause the recipient's condition to worsen if left unattended.*

"Enrollment broker" means the individual who enrolls recipients in the contractor plan, and who is responsible for the operation and documentation of a toll-free recipient service helpline. The responsibilities of the enrollment broker may include, but shall not be limited to, recipient education and enrollment, recipient marketing and outreach.

"Foster care" means a child who received either foster care assistance under Title IV-E of the Social Security Act or state and local foster care assistance.

"Grievance" means any request by a client, or a provider on behalf of a client, to an ~~HMO~~ MCO to resolve a dispute regarding coverage or payment for services under the Medallion II Program.

"Health care plan" means any arrangement in which any health maintenance organization undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services.

~~"HMO" "Managed Care Organization" or "MCO" means a health maintenance organization, as licensed by the State Corporation Commission's Bureau of Insurance, which undertakes to provide or arrange for one or more health care plans. an organization which offers managed care health~~

*insurance plans (MCHIP) as defined by Virginia Code § 38.2-5800. Any health maintenance organization as defined in § 38.2-4300 or health carrier that offers preferred provider contracts or policies as defined in § 38.2-3407 or preferred provider subscription contracts as defined in § 38.2-4209 shall be deemed to be offering one or more MCHIPs.*

"Network" means doctors, hospitals or other health care providers who participate or contract with an ~~HMO~~ MCO and as a result, agree to accept a mutually-agreed upon sum or fee schedule as payment in full for covered services.

"Nonparticipating provider" means a facility not in the ~~HMO's~~ MCO's network or a provider not in the ~~HMO's~~ MCO's network practicing at a facility not in the ~~HMO's~~ MCO's network.

"Primary care case management (PCCM)" means a system under which a primary care case manager contracts with the State to furnish case management services (which include the location, coordination and monitoring of primary health care services) to Medicaid recipients.

"Spend-down" means the process of reducing countable income by deducting incurred medical expenses for medically needy individuals, as determined in the State Plan for Medical Assistance.

"Subsidized adoption" means any child for whom an adoption assistance agreement is in effect.

## **12 VAC 30-120-370. Medallion II enrollees.**

A. DMAS shall determine enrollment in Medallion II. Enrollment in Medallion II is not a guarantee of continuing eligibility for services and benefits under the Virginia Medical Assistance Program.

B. The following individuals shall be excluded from participating in Medallion II. Individuals not meeting the exclusion criteria must participate in the Medallion II program.

1. Individuals who are inpatients in state mental hospitals;
2. Individuals who are approved by DMAS as inpatients in long-stay hospitals, nursing facilities, or intermediate care facilities for the mentally retarded;
3. Individuals who are placed on spend-down;
4. Individuals who are participating in federal waiver programs for home-based and community-based Medicaid coverage;
5. Individuals who are participating in foster care or subsidized adoption programs;
6. Individuals who are in the third trimester of pregnancy upon initial assignment to Medallion II and who request exclusion. Following the end of the pregnancy, these individuals shall be required to enroll to the extent they remain eligible for Medicaid;
7. Individuals who are in their ninth month of pregnancy, when they are or will be automatically assigned or reassigned, and were not in the Medicaid ~~HMO~~ MCO to which they were assigned or reassigned within the last seven months, if they are seeking care from a provider (physician or hospital or both) not affiliated with the ~~HMO~~

MCO to which they were previously assigned. Exclusion requests may be made by the HMO MCO, a provider, or the recipient. Following the end of the pregnancy, these individuals shall be required to enroll to the extent they remain eligible for Medicaid and do not meet any other exclusion;

8. Individuals who live outside their area of residence for greater than 60 days except those individuals placed there for medically necessary services funded by the HMO MCO;

9. Individuals who enter into a Medicaid approved hospice program in accordance with DMAS criteria;

10. Individuals with any other comprehensive group or individual health insurance coverage;

11. Individuals who have been preassigned to an HMO MCO but have not yet been enrolled, who are inpatients in hospitals, other than those listed in subdivisions 1 and 2 of this subsection, until the first day of the month following discharge;

12. Individuals who have been preassigned to an HMO MCO but have not yet been enrolled, who are scheduled for surgery which is scheduled to be within 30 days of initial enrollment into the HMO MCO, which requires an inpatient hospital stay, until the first day of the month following discharge;

13. Individuals who have been preassigned to an HMO MCO but have not yet been enrolled, who have been diagnosed with a terminal condition and who have a life expectancy of six months or less, if they request exclusion. The client's physician must certify the life expectancy; and

14. Certain individuals between birth and age three certified by the Department of Mental Health, Mental Retardation and Substance Abuse Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 USC § 1471 et seq.) who are granted an exception by DMAS to the mandatory Medallion II enrollment.

C. Medallion II managed care plans shall be offered to recipients, and recipients shall be enrolled in those plans, exclusively through an independent enrollment broker under contract to DMAS.

D. Clients shall be enrolled as follows:

1. All eligible persons, except those meeting one of the exclusions of subsection B of this section, shall be enrolled in Medallion II.

2. Clients shall receive a Medicaid card from DMAS during the interim period, and shall be provided authorized medical care in accordance with DMAS' procedures, after eligibility has been determined to exist.

3. Once individuals are enrolled in Medicaid, they will receive a letter indicating that they may select one of the contracted HMOs MCOs. These letters shall indicate a preassigned HMO MCO, determined as provided in subsection E of this section, in which the client will be enrolled if he does not make a selection within a period specified by DMAS of not less than 45 30 days.

4. The effective date of coverage in the Medallion II program for newly eligible individuals under the Virginia Medical Assistance Program (except for those specified under subdivision 6 of this subsection) and individuals who move from the area of their Medallion II HMO MCO shall be assigned to an HMO MCO as described in subdivision 3 of this subsection.

5. A child born to a woman enrolled with an HMO MCO will be enrolled with the HMO MCO from birth until the last day of the third month including the month of birth, unless otherwise specified by the Enrollment Broker. For instance, a child born during the month of February will be automatically enrolled until April 30. By the end of that third month, the child will be disenrolled unless the Enrollment Broker specifies continued enrollment. If the child remains an inpatient in a hospital at the end of that third month, the child shall automatically remain enrolled until the last day of the month of discharge, unless this child's parent requests disenrollment.

6. Individuals who lose then regain eligibility for Medallion II within 60 days will be reenrolled into their previous HMO MCO without going through preassignment and selection.

E. Clients who do not select an HMO MCO as described in subdivision D 3 of this section shall be assigned to an HMO MCO as follows:

1. MEDALLION primary care physicians will be asked to select the HMO MCO in which their MEDALLION clients will be enrolled.

~~2. Clients currently enrolled in "Options" shall be assigned to the HMO in which they participated under "Options" if that HMO contracts with DMAS for Medallion II.~~

~~3.~~ 2. Clients not assigned pursuant to subdivision 1 or 2 of this subsection shall be assigned to the HMO MCO of another family member, if applicable.

4. 3. All other clients shall be assigned to an HMO MCO on a basis of approximately equal number by HMO MCO in each locality.

4. *In areas where there is only one contracted MCO, recipients have a choice of enrolling with the contracted MCO or the PCCM programs. All eligible recipients in areas where one contracted MCO exists, however, are automatically assigned to the contracted MCO. Individuals are allowed 90 days after the effective date of a new or initial enrollment to change from either the contracted MCO to the PCCM program or vice versa.*

F. Following their initial enrollment into an HMO MCO or PCCM program, recipients shall be restricted to ~~that HMO the MCO or PCCM program~~ until the next open enrollment period, unless appropriately disenrolled or excluded by the department.

1. During the first 90 calendar days of enrollment in a new or initial HMO MCO, a client may disenroll from that HMO MCO to enroll into another HMO MCO for any reason. Such disenrollment shall be effective no later than the first day of the second month after the month in which the client requests disenrollment.

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2. During the remainder of the enrollment period, the client may only disenroll from one ~~HMO~~ MCO into another MCO upon determination by DMAS that good cause exists as determined under subsection H of this section.

G. The department shall conduct an annual open enrollment for all Medallion II participants. The open enrollment period shall be the 60 calendar days before the end of the enrollment period. Prior to the open enrollment period, DMAS will inform the recipient of the opportunity to remain with the current ~~HMO~~ MCO or change to another ~~HMO~~ MCO, without cause, for the following year. Enrollment selections will be effective on the first of the next month following the open enrollment period. Recipients who do not make a choice during the open enrollment period will remain with their current ~~HMO~~ MCO and shall have priority over those individuals who are seeking to enroll with that ~~HMO~~ MCO.

H. Disenrollment for good cause may be requested at any time.

1. After the first 90 days of enrollment in an ~~HMO~~ MCO, clients must request disenrollment from DMAS based on good cause. The request must be made in writing to DMAS and cite the reasons why the client wishes to disenroll. Good cause for disenrollment shall include the following:

- a. A recipient's desire to seek services from a federally qualified health center which is not under contract with the current ~~HMO~~ MCO but is under contract to another ~~HMO~~ MCO available to the recipient;
- b. Performance or nonperformance of service to the recipient by an ~~HMO~~ MCO or one or more of its providers which is deemed by the department's external quality review organizations to be below the generally accepted community practice of health care. This may include poor quality care;
- c. Lack of access to necessary specialty services covered under the State Plan;
- d. A client has a combination of complex medical factors that, in the sole discretion of DMAS, would be better served under another contracted ~~HMO~~ MCO or provider; or
- e. Other reasons as determined by DMAS through written policy directives.

2. DMAS shall determine whether good cause exists for disenrollment.

3. Good cause for disenrollment shall be deemed to exist and the disenrollment shall be granted if DMAS fails to take final action on a valid request prior to the first day of the second month after the request.

4. The DMAS determination concerning good cause for disenrollment may be appealed by the client in accordance with the department's client appeals process at 12 VAC 30-110-10 through 12 VAC 30-110-380.

5. The current ~~HMO~~ MCO shall provide, within two working days of a request from DMAS, information necessary to determine good cause.

## 12 VAC 30-120-380. Medallion II provider MCO responsibilities.

A. The ~~HMO~~ MCO shall provide, at a minimum, all medically necessary covered services provided under the State Plan for Medical Assistance and further defined by written DMAS regulations, policies and instructions, except as otherwise modified or excluded in this part.

Nonemergency services provided by hospital emergency departments shall be covered by ~~HMOs~~ MCOs in accordance with rates negotiated between the ~~HMOs~~ MCOs and the emergency departments.

B. Services that shall be provided outside the ~~HMO~~ MCO network, and reimbursed by DMAS, are school-based services and community mental health services (rehabilitative, targeted case management and waiver services). Clients may also seek emergency services and family planning services from a provider outside the ~~HMO~~ MCO. The ~~HMOs~~ MCOs shall pay for emergency services and family planning services whether they are provided inside or outside the ~~HMO~~ MCO network.

~~The HMOs shall pay for services furnished in:~~

- ~~1. Facilities or by practitioners outside the HMOs' networks if services are needed because of a medical emergency;~~
- ~~2. Areas outside the HMOs' service areas if medical services are needed and the recipient's health would be endangered if he were required to travel to his place of residence;~~
- ~~3. Another state if it is general practice for recipients in that area to receive medical services in another state; and~~
- ~~4. Facilities or by practitioners outside the HMOs' networks if the needed medical services or necessary supplementary resources are not available in the HMOs' networks.~~

C. Immunizations shall not be included in the fee that DMAS pays the ~~HMOs~~ MCOs. The ~~HMO~~ MCO may choose to offer immunizations under the regular Medicaid immunization reimbursement methodology or may refer the patient to a local health department.

D. The ~~HMOs~~ MCO shall report encounter data to DMAS under the contract requirements, which may include data reports based on the Health Plan Employer Data and Information Set (HEDIS), report cards for clients, and ad hoc quality studies performed by *the MCO* or third parties.

E. The ~~HMO~~ MCO shall maintain such records as may be required by federal and state law and regulation and by DMAS policy. The ~~HMO~~ MCO shall furnish such required information to DMAS, the Attorney General of Virginia or his authorized representatives, or the State Medicaid Fraud Control Unit on request and in the form requested.

F. The ~~HMO~~ MCO shall ensure that the health care provided to its clients meets all applicable federal and state mandates, community standards for quality, and standards developed pursuant to the DMAS managed care quality program.

G. Effective January 1, 1997, each ~~HMO~~ MCO shall test the readability of its program information documents by use of the

Flesch Readability Formula, as set forth in Rudolf Flesch, *The Art of Readable Writing* (1949, as revised 1962), and no program information document shall be used unless it achieves a Flesch total readability score of 40 or better. This requirement shall not apply to language that is mandated by federal or state laws, regulations, or agencies.

All program information documents within the scope of this section, and all amendments thereto, shall be filed with DMAS in advance of their use and distribution, accompanied by certificates setting forth the Flesch scores and certifying compliance with the requirements of this section. Any program information document to which this does not apply shall be accompanied by a documentation of the federal or state laws, regulation or agency mandate that authorizes the exemption. The term "program information documents" means all forms, brochures, handbooks or other documentation (i) provided to recipients covered under Medicaid managed care programs and (ii) describing the programs' medical care coverages and the rights and responsibilities of recipients covered. The term "recipient" shall include potential recipients and recipients.

H. The HMOs MCOs shall promptly provide or arrange for the provision of all required services. Initial face-to-face medical evaluations shall be available within 48 hours for urgent care and within 15 business days for routine care. On-call clinicians shall be available 24 hours per day, seven days per week.

I. The HMOs MCOs must meet standards specified by DMAS for sufficiency of provider networks. The HMOs MCOs shall include in their network a sufficient number of providers of each type of covered service (i.e., speech, occupational, or physical therapy) to ensure adequate access. For example, HMOs MCOs must include, but are not necessarily limited to, providers specializing in early childhood, youth and geriatric services.

J. Preauthorization and concurrent review decisions must be supervised by qualified medical professionals and completed within two business days after receipt of all necessary information.

K. When the need is identified, the HMOs MCOs shall designate a single case manager, who shall function as an exceptional needs care coordinator within the HMO MCO, for all persons with complex health care needs.

L. The HMOs MCOs shall not charge copayments to any categorically needy enrollees.

**12 VAC 30-120-385. ~~Medallion II provider responsibilities in Northern Virginia. (Repealed.)~~**

~~In addition to the requirements in 12 VAC 30-120-380, HMOs providing services in the Northern Virginia region shall comply with the requirements of this section. Inpatient and outpatient mental health services provided by physicians, practitioners, and clinics shall be provided outside the HMO network and shall be reimbursed directly by DMAS.~~

**12 VAC 30-120-390. Payment rate for Medallion II HMOs MCOs.**

The payment rate to HMOs MCOs shall be based on contract negotiations.

**12 VAC 30-120-395. Payment rate for emergency care out-of-network providers.**

The HMOs MCOs shall pay for emergency services when ~~they are~~ provided outside the HMO MCO network. Emergency care provided to a Medallion II client by a provider or facility not participating in the ~~client's~~ MCO's network will be reimbursed according to the current Medicaid fee schedule. This reimbursement shall be considered payment in full to the provider or facility of emergency care.

**12 VAC 30-120-400. Quality Control and Utilization Review.**

A. DMAS shall rigorously monitor the quality of care provided by the HMOs MCOs. DMAS may contract with one or more external quality review organizations to perform focused studies on the quality of care provided by the HMOs MCOs. Specifically, DMAS shall monitor to determine if the HMO MCO:

1. Fails substantially to provide the medically necessary items and services required under law or under the contract to be provided to an enrolled recipient and the failure has adversely affected (or has substantial likelihood of adversely affecting) the individual. This shall be monitored through the review of encounter data on a routine basis and other methods determined by DMAS.
2. Imposes on clients premium amounts in excess of premiums permitted. This shall be monitored through surveying a sample of clients at least annually and other methods determined by DMAS.
3. Engages in any practice that discriminates among individuals on the basis of their health status or requirements for health care services, including expulsion or refusal to reenroll an individual, or any practice that could reasonably be expected to have the effect of denying or discouraging enrollment (except as permitted by § 1903(m) of the Social Security Act (42 USC § 1396b(m))) by eligible individuals whose medical conditions or histories indicate a need for substantial future medical services. This shall be monitored through surveying a sample of clients at least annually and other methods determined by DMAS.
4. Misrepresents or falsifies information that it furnishes, under § 1903(m) of the Social Security Act (42 USC § 1396b(m)) to HCFA, DMAS, an individual, or any other entity. This shall be monitored through surveying a sample of clients at least annually and other methods determined by DMAS.
5. Fails to comply with the requirements of 42 CFR 417.479(d) through (g) relating to physician incentive plans, or fails to submit to DMAS its physician incentive plans as required or requested in 42 CFR 434.70. This provision shall be monitored through review of the information listed in 42 CFR 417.479(h)(1) as submitted by the HMOs MCOs in accordance with the requirements of 42 CFR 434.70.

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B. DMAS shall ensure that data on performance and patient results is collected. Specifically, DMAS shall review, which may include on-site reviews, encounter data submitted by the ~~HMOs~~ MCOs as defined in the contracts. This review shall include, but not be limited to:

1. Whether services were properly authorized or excluded,
2. The adequacy and appropriateness of services provided or denied, and
3. Analysis of possible trends in increases or reductions of services.

C. DMAS shall ensure that quality outcomes information is provided to ~~HMOs~~ MCOs. DMAS shall ensure that changes which are determined to be needed as a result of quality control or utilization review are made.

## 12 VAC 30-120-410. Sanctions.

A. If DMAS determines that an ~~HMO~~ MCO is not in compliance with state or federal laws, regulations (including but not limited to the requirements of or pursuant to 12 VAC 30-120-380 F), or their Medallion II contract, DMAS may impose sanctions on the ~~HMO~~ MCO. The sanctions may include but are not limited to:

1. Limiting enrollments in the ~~HMO~~ MCO by freezing voluntary recipient enrollments,
2. Freezing DMAS assignment of recipients to the ~~HMO~~ MCO,
3. Limiting ~~HMO~~ MCO enrollment to specific areas,
4. Denying, withholding, or retracting payments to the ~~HMO~~ MCO,
5. Terminating the ~~HMO's~~ MCO's Medallion II contract, and
6. Developing procedures with which the ~~HMO~~ MCO must comply to eliminate specific sanctions.

B. In the case of an ~~HMO~~ MCO that has repeatedly failed to meet the requirements of §§ 1903(m) and 1932 of the Social Security Act, DMAS shall, regardless of what other sanctions are imposed, impose the following sanctions.

1. Appoint a temporary manager to:
  - a. Oversee the operation of the Medicaid managed care organization upon a finding by DMAS that there is continued egregious behavior by the organization or there is a substantial risk to the health of enrollees; or
  - b. Assure the health of the organization's enrollees if there is a need for temporary management while (i) there is an orderly termination or reorganization of the organizations or (ii) improvements are made to remedy the violations found under subsection A of this section. Temporary management under this subdivision may not be terminated until DMAS has determined that the ~~HMO~~ MCO has the capability to ensure that the violations shall not recur.

2. Permit individuals enrolled with the ~~HMO~~ MCO to disenroll without cause. If this sanction is imposed, DMAS

shall be responsible for notifying such individuals of the right to disenroll.

C. Prior to terminating a contract as permitted under subdivision A 5 of this section, DMAS shall provide the ~~HMO~~ MCO with a hearing. DMAS may not provide an ~~HMO~~ MCO with a pretermination hearing before the appointment of a temporary manager under subdivision B 1 of this section.

D. Prior to imposing any sanction other than termination of the ~~HMO's~~ MCO's contract, DMAS shall provide the ~~HMO~~ MCO with notice and such other due process protections as the state may provide.

E. In accordance with the terms of the contract, ~~HMOs~~ MCOs shall have the right to appeal any adverse action taken by DMAS. For appeal procedures not addressed by the contract, the ~~HMO~~ MCO shall proceed in accordance with the appeals provisions of the Virginia Public Procurement Act (§ ~~44-35~~ 2.2-4300 et seq. of the Code of Virginia). Pursuant to §§ ~~44-70~~ 2.2-4364 and ~~44-74~~ 2.2-4365 of the Code of Virginia, DMAS establishes an administrative appeals procedure, which the ~~HMO~~ MCO may elect to appeal decisions on disputes arising during the performance of its contract. Pursuant to § ~~44-74~~ 2.2-4365 of the Code of Virginia, such appeal shall be heard by a hearing officer; however, in no event shall the hearing officer be an employee of DMAS. In conducting the administrative appeal, the hearing officer shall follow the hearing procedure used in § ~~9-6-14~~ 2.2-4020 of the Code of Virginia.

F. When DMAS determines that an ~~HMO~~ MCO committed one of the violations specified in 12 VAC 30-120-400 A, DMAS shall implement the provisions of 42 CFR 434.67.

1. Any sanction imposed pursuant to this subsection shall be binding upon the ~~HMO~~ MCO.

2. The ~~HMO~~ MCO shall have the appeals rights for any sanction imposed pursuant to this subsection as specified in 42 CFR 434.67.

## 12 VAC 30-120-420. Client grievances.

A. The ~~HMOs~~ MCOs shall, whenever a client's request for covered services is reduced, denied or terminated, or payment for services is denied, provide a written notice in accordance with the notice provisions specified in 12 VAC 30-110-70 through 12 VAC 30-110-100, federal requirements at 42 CFR 431.211, 431.213 and 431.214, and any other statutory or regulatory requirements.

B. Disputes between the ~~HMO~~ MCO and the client concerning any aspect of service delivery, including medical necessity and specialist referral, shall be resolved through a verbal informal or written formal grievance process operated by the ~~HMO~~ MCO or through the DMAS appeals process. A provider may act on behalf of a client in the ~~HMO's~~ MCO's internal informal or formal grievance procedures.

1. A written request for a grievance or appeal shall be filed within 30 days of the client's receipt of the notice of adverse action, in accordance with the time limit for requests for appeal specified in 12 VAC 30-110-160 and 12 VAC 30-110-170. Any written communication from a client or his representative (including a provider acting on behalf of the



client) which clearly expresses that he wants to present his case to a reviewing authority shall constitute an appeal request.

2. In compliance with 14 VAC 5-210-70 H 4, pending resolution of a written grievance filed by a client or his representative (including a provider acting on behalf of the client), coverage shall not be terminated for the client for any reason which is the subject of the written complaint. In addition, the HMO MCO shall not terminate or reduce services as specified in 12 VAC 30-110-100.

C. The HMO MCO shall develop written materials describing the informal and formal grievance system and its procedures and operation.

D. The HMO MCO shall designate a person or persons to be responsible for the receipt and timely processing of client grievances. The HMO MCO must maintain a grievance log summarizing each grievance. The grievance log shall capture the dates of receipt and decision and the nature of the decision. The log shall distinguish between Medicaid clients and commercial clients unless the HMO MCO maintains a separate system for Medicaid clients.

E. At the time of enrollment and at the time of any adverse actions, the HMO MCO shall notify the client, in writing, that:

1. Medical necessity, specialist referral or other service delivery issues may be resolved through a system of informal and formal grievances, within the HMO MCO or through the DMAS client appeals process,
2. Clients have the right to appeal directly to DMAS, and
3. The HMO MCO shall promptly provide grievance forms and written procedures to clients who wish to register written grievances.

F. The HMO MCO shall, within two days of receipt of any written request for a grievance, provide DMAS with a copy of the request.

G. The HMO MCO shall issue informal grievance decisions within seven days from the date of initial receipt of the grievance. The informal decision is not required to be in writing.

H. The HMO MCO shall issue formal grievance decisions within 14 days from the date of initial receipt of the formal grievance. The formal decision shall be required to be in writing and shall include but is not limited to:

1. The decision reached by the HMO MCO,
2. The reasons for the decision,
3. The policies or procedures which provide the basis for the decision, and
4. A clear explanation of further appeal rights.

I. The HMO MCO shall provide DMAS with a copy of its formal grievance decision concurrently with the provision of the decision to the client.

J. An expedited grievance decision shall be issued within 48 hours in case of medical emergencies, in which delay could

result in death or serious injury to a client. Written confirmation of the decision shall promptly follow the verbal notice of the expedited decision.

K. Any grievance decision by the HMO MCO may be appealed by the client to DMAS in accordance with the department's Client Appeals regulations at 12 VAC 30-110-10 through 12 VAC 30-110-380. DMAS shall conduct an evidentiary hearing in accordance with the Client Appeals regulations at 12 VAC 30-110-10 through 12 VAC 30-110-380 and shall not base any appealed decision on the record established by any grievance decision of the HMO MCO. The HMO MCO shall comply with the DMAS appeal decision. The DMAS decision in these matters shall be final and shall not be subject to appeal by the HMO MCO.

L. A client may appeal directly to DMAS in accordance with the department's client appeal process. DMAS shall conduct an evidentiary hearing in accordance with the Client Appeals regulations at 12 VAC 30-110-10 through 12 VAC 30-110-380 and shall not base any appealed decision on the record established by any decision of the HMO MCO. The HMO MCO shall comply with the DMAS appeal decision. The DMAS decision in these matters shall be final and shall not be subject to appeal by the HMO MCO.

M. The HMO MCO shall provide information necessary for any DMAS appeal within timeframes established by DMAS.

/s/ James S. Gilmore, III  
Governor

Date: November 29, 2001

VA.R. Doc. No. R02-94; Filed November 30, 2001, 10:10 a.m.



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# FORMS

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF MINES, MINERALS AND ENERGY

**EDITOR'S NOTICE:** The following forms have been revised by the Department of Mines, Minerals and Energy. The forms are available for public inspection at the Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, or at the department's Abingdon, Big Stone Gap, or Charlottesville offices. Copies of the forms may be obtained from Cheryl Cashman, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, telephone (804) 692-3213.

**Title of Regulation: 4 VAC 25-30. Minerals Other Than Coal Surface Mining Regulations.**

#### FORMS

Mineral Mining Annual Tonnage Report, DMM-146 (rev. ~~9/98~~ 12/00).

*Mineral Mining Annual Report for Contractors*, DMM-146C (12/00).

Permit/License Application, DMM-101 (rev. 9/98).

Request for Release of Mine Map, DMM-155/DM-MR-1 (rev. 3/97).

Notice of Application to Mine, DMM-103 (rev. 11/94).

Statement Listing the Names and Addresses of Adjoining Property Owners, DMM-103a (rev. 12/00; included in DMM-103).

Yearly Progress Report, DMM-105 (rev. 12/94).

Surety Bond, DMM-107 (rev. 4/98).

Legend, DMM-109 (rev. 11/94).

Relinquishment of Mining Permit, DMM-112 (rev. 11/94).

Request for Amendment, DMM-113 (rev. 2/95).

Consolidated Biennial Report of Waivered Counties, Cities and Towns, DMM-116 (rev. 12/99).

Biennial Waivered Counties, Cities and Towns Report of Individual Mining Companies, DMM-117 (rev. 12/99).

Consent for Right of Entry on Surface Mined Orphaned Land, DMM-120 (rev. 12/99).

Mineral Mining Annual Tonnage Report, DMM-146 (rev. 11/94).

E & T Service Evaluation, DMM-152 (rev. 9/00).

Request for Release of Mine Map, DMM-155 (rev. 11/94).

Notice of Operator Intent, DMM-156 (rev. 1/95).

License Renewal Application, DMM-157 (rev. 9/98).

Request Form, DMM-158 (eff. 9/00).

**Title of Regulation: 4 VAC 25-130. Coal Surface Mining Reclamation Regulations.**

#### FORMS

Anniversary Notification, DMLR-PT-028 (eff. 9/99).

Change Order Justification, DMLR-AML-065 (eff. 8/99).

Ground Water Monitoring Report, DMLR-PT-101 (rev. 11/99).

Application for Exemption Determination (Extraction of Coal Incidental to the Extraction Of Other Minerals), DMLR-211 (rev. 4/96).

Applicant Violator System (AVS) Ownership Control Information, DMLR-AML-003 (rev. 1/95).

Consent for Right of Entry-Exploratory, DMLR-AML-122 (rev. 3/98).

Consent for Right of Entry-Construction, DMLR-AML-123 (rev. 3/98).

Consent for Right of Entry-Construction Lien Waiver, DMLR-AML-174 (rev. 3/91).

License for Performance--Acid Mine Drainage Investigations and Monitoring (Abandoned Mine Land Program), DMLR-AML-175c (11/96).

License for Performance--Acid Mine Drainage Reclamation and Construction (Abandoned Mine Land Program), DMLR-AML-176c, (rev. 12/96).

Consent for Right of Entry-Ingress/Egress, DMLR-AML-177 (rev. 3/98).

Application for Recertification: DMLR Endorsement/Blaster's Certification, DMLR-BCME-03 (rev. 6/95).

Application for DMLR Endorsement: Blaster's Certification (Coal Surface Mining Operation), DMLR-BCME-04 (rev. 6/95).

Geology and Hydrology Information Part A through E, DMLR-CP-186 (rev. 3/86).

Sediment and Pond Design Data Sheet, DMLR-CP-187 (rev. 12/85).

Notice of Temporary Cessation, DMLR-ENF-220 (rev. 2/96).

Application for Small Operator's Assistance, DMLR-OA-106 (rev. 12/85).

Lands Unsuitable Petition, DMLR-OA-131 (rev. 12/85).

Application for Permit for Coal Exploration and Reclamation Operations (which Remove More Than 250 Tons) and NPDES, DMLR-PS-062 (rev. 12/85).

Chapter 19-Statement for Third Party-Certificate of Deposit, DMLR-PS-093 (rev. 12/85).

Cognovit Note, Part I and II, DMLR-PS-095 (rev. 12/85).

Application-Coal Surface Mining Reclamation Fund, DMLR-PS-162 (rev. 7/89).

Application for Release of Bond-Estimated Cost, DMLR-PS-212 (rev. 3/88).

Application for Release of Bond-Reclamation Fund, DMLR-PS-213 (rev. 3/88).

Example--Waiver (300 Feet from Dwelling), DMLR-PT-223 (rev. 2/96).

~~Verification That Application Was On Public Display, DMLR-PS-236 (rev. 5/90).~~

Surety Bond, DMLR-PT-013 (rev. 10/95).

Surety Bond-Federal Lands, DMLR-PT-013A (rev. 10/95).

Map Legend, DMLR-PT-017 (rev. 10/00).

Form Letter From Banks Issuing CD's For Coal Operators, DMLR-PT-026A (rev. 1/95).

Operator's Seeding Report, DMLR-PT-011 (rev. 4/96).

Request for Relinquishment, DMLR-PT-027 (rev. 4/96).

Water Supply Inventory List, DMLR-PT-030 (rev. 4/96).

Application for Permit for Coal Surface Mining and Reclamation Operations and National Pollutant Discharge Elimination Systems (NPDES), DMLR-PT-034 (rev. 2/99).

Application for Permit: Coal Surface Mining and Reclamation Operations, DMLR-PT-034D (rev. 8/98).

Coal Exploration Notice, DMLR-PT-051 (rev. 11/98).

Well Construction Data Sheet, DMLR-PT-053 (rev. 4/96).

Sediment Basin Design Data Sheet, DMLR-PT-086 (rev. 10/95).

Impoundment Construction and Annual Certification, DMLR-PT-092 (rev. 10/95).

Road Construction Certification, DMLR-PT-098 (rev. 10/95).

Ground Water Monitoring Report, DMLR-PT-101 (rev. 2/95).

Rainfall Monitoring Report, DMLR-PT-102 (rev. 8/98).

Pre-Blast Survey, DMLR-PT-104 (rev. 10/95).

Excess Spoil Fills and Refuse Embankments Construction Certification, DMLR-PT-105 (rev. 4/96).

Stage-Area Storage Computations, DMLR-PT-111 (rev. 10/95).

NPDES Discharge Monitoring Report, DMLR-PT-119 (rev. 2/95).

Water Monitoring Report --Electronic File/Printout Certification, DMLR-PT-119C (rev. 5/95; included in DMLR-PT-119).

Coal Surface Mining Reclamation Fund Application, DMLR-PT-162 (rev. 4/96).

Conditions --Coal Surface Mining Reclamation Fund, DMLR-PT-167 (rev. 10/95).

Coal Surface Mining Reclamation Fund Tax Reporting Form, DMLR-PT-178 (rev. 10/95).

Surface Water Monitoring Report, DMLR-PT-210 (rev. 8/98).

Application For Performance Bond Release, DMLR-PT-212 (rev. 4/96).

Public Notice: Application for Transfer, Assignment, or Sale of Permit Rights under Chapter 19 of Title 45.1 of the Code of Virginia, DMLR-PT-219 (8/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase I, DMLR-PT-225 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase II, DMLR-PT-226 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase III, DMLR-PT-227 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Incremental Bond Reduction, DMLR-PT-228 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Entire Permit Bond Reduction, DMLR-PT-229 (rev. 9/95).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Entire Permit Bond Release, DMLR-PT-230 (rev. 4/96).

*Verification of Public Display of Application, DMLR-PT-236 (8/01).*

Affidavit (Permit Application Information: Ownership and Control Information and Violation History Information), DMLR-PT-240 (rev. 12/98).

Stream Channel Diversion(s) Certification, DMLR-PT-233 (rev. 2/96).

Quarterly Acid-Base Monitoring Report, DMLR-PT-239 (rev. 6/95).

Affidavit (No Legal Change in a Company's Identity), DMLR-PT-250 (rev. 12/98).

Blasting Plan Data, DMLR-PT-103 (rev. 4/96).

Affidavit (Reclamation Fee Payment), DMLR-PT-244 (rev. 2/96).

Application--National Pollutant Discharge Elimination System (NPDES) Permit--Short Form C, DMLR-PT-128 (rev. 5/96).

National Pollutant Discharge Elimination System (NPDES) Short Form C--Instructions, DMLR-PT-128A (rev. 5/96).

Impoundment Inspection Report, DMLR-PT-251 (rev. 12/93).

Water Sample Tag, DMLR-TS-107 (rev. 3/83).

Surface Water Baseline Data Summary, DMLR-TS-114 (rev. 4/82).

Diversion Design Computation Sheet, DMLR-TS-120 (rev. 12/85).

# Forms

Sediment Channel Design Data Sheet, DMLR-TS-127 (rev. 12/85).

Virginia Stream Survey, DMLR-TS-217 (rev. 1/87).

Line Transect--Forest Land Count, DMLR-PT-224 (rev. 2/96).

Applicant Violator System (AVS) Ownership & Control Information, DMLR-AML-003 (rev. 4/97).

Application for Permit Renewal Coal Surface Mining and Reclamation Operations, DMLR-PT-034R (eff. 6/97).

Application for Coal Exploration Permit and National Pollutant Discharge Elimination System Permit, DMLR-PT-062 (formerly DMLR-PS-062) (rev. 6/97).

Conditions--Coal Surface Mining Reclamation Fund, DMLR-PT-167 (rev. 10/95).

Vibration Observations, DMLR-ENF-032V (eff. 9/97).

Application for Small Operator Assistance, DMLR-PT-106 (formerly CP-106) (rev. 9/97).

Application--National Pollutant Discharge Elimination System Application Instructions, DMLR-PT-128 (rev. 9/97).


Blasting Plan Data, DMLR-PT-103 (rev. 10/97).

Request for Relinquishment, DMLR-PT-027 (rev. 1/98).

Written Findings, DMLR-PT-237 (rev. 1/98).

Irrevocable Standby Letter of Credit, DMLR-PT-255 (rev. 7/98).

DMLR-AML-312, Affidavit (eff. 7/98).



**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT OF MINES, MINERALS AND ENERGY**  
**DIVISION OF MINERAL MINING**  
 900 Natural Resources Drive  
 P. O. Box 3727  
 Charlottesville, VA 22903  
 (804) 951-6310

**MINERAL MINING ANNUAL TONNAGE REPORT**  
**REPORT FOR CALENDAR YEAR \_\_\_\_\_**

1. COMPANY NAME \_\_\_\_\_ DMM PERMIT NO. \_\_\_\_\_
2. TOTAL TONS PRODUCED \_\_\_\_\_
3. WORKERS - Include the number of full or part-time persons who worked for any part of the period covered by this report. Include all owners, officers, clerical help, engineers and others who worked at the mine.

NUMBER OFFICE WORKERS	OFFICE HOURS	OFFICE WAGES	NUMBER PRODUCTION WORKERS PIT/PLANT	PRODUCTION HOURS	TOTAL PRODUCTION WAGES

**REPORT REQUIRED BY LAW - Code of Virginia, Title 45.1, Chapter 14.4-1, Section 45.1-161.292-35-A requires this form to be filled out and returned to this office by the 15th day of February. Operations that do not submit tonnage reports may be subject to closures.**

I, the undersigned, hereby certify that all information provided on this report is true and accurate to the best of my knowledge and belief. I further certify that all occupational injuries occurring on the mine site have been reported for calendar year \_\_\_\_\_.

SIGNED \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

DMM-146  
REV. 12/00



COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF MINES, MINERALS AND ENERGY  
 DIVISION OF MINERAL MINING  
 900 Natural Resources Drive  
 P. O. Box 3727  
 Charlottesville, VA 22903  
 (804) 951-6310

**Example - Verification: Public Display of Application**  
 Note: This is an example document that may be used for verification that an application was on public display and available for public review. If this example is not used, similar documentation must be provided to the Division of Mined Land Reclamation.

Certification

Company Name: \_\_\_\_\_

Application Number: \_\_\_\_\_ Permit No. \_\_\_\_\_

Pursuant to 4 VAC 25-130-773.13(a)(2) of the Virginia Coal Surface Mining Reclamation Regulations, this is to certify that the aforementioned application was filed at the \_\_\_\_\_ County Courthouse on the \_\_\_\_\_ day of \_\_\_\_\_ of 20\_\_\_\_, and remained on file for public review through the \_\_\_\_\_ day of \_\_\_\_\_ of 20\_\_\_\_.

\_\_\_\_\_  
 (Print Name)  
 Clerk of the Court, or  
 Authorized Designee  
 \_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 (Date)

(COUNTY SEAL)

MINERAL MINING ANNUAL REPORT FOR CONTRACTORS  
 REPORT FOR CALENDAR YEAR \_\_\_\_\_

- CONTRACTOR NAME \_\_\_\_\_
- DMM CONTRACTOR IDENTIFICATION NO. \_\_\_\_\_

MINE COMPANY NAME	DMM PERMIT NUMBER	WORKERS PROVIDED	HOURS WORKED	TOTAL WAGES*
TOTAL FOR CONTRACTOR				

\*Must be completed for sites where the total wages exceed \$1,000 (Use additional sheets as necessary)

REPORT REQUIRED BY LAW - Code of Virginia, Title 45.1, Chapter 14.4:1, Section 45.1-161.292-35.B requires this form to be filled out and returned to this office by the 15th day of February. Contractors that do not submit annual reports will be subject to closure.

I, the undersigned, hereby certify that all information provided on this report is true and accurate to the best of my knowledge and belief. I further certify that all occupational injuries involving contractor employees occurring on mine sites have been reported for calendar year \_\_\_\_\_.

SIGNED \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

DMM-146C  
12-00

DMLR/PT-236  
8/01

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# GOVERNOR

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## **EXECUTIVE ORDER NUMBER EIGHTY-SEVEN (01)**

### **DECLARATION OF A STATE OF EMERGENCY ARISING FROM DROUGHT AND FOREST FIRE OR THE POTENTIAL THEREOF THROUGHOUT THE COMMONWEALTH OF VIRGINIA**

On October 26, 2001, I verbally declared a state of emergency to exist within the Commonwealth of Virginia due to the existence of drought conditions and the resulting potential for widespread and very dangerous forest fires throughout Virginia. These conditions have and may continue in the future to pose a significant threat to public safety. I specifically authorized immediate placement of Virginia National Guard assets for deployment to assist the Virginia Department of Forestry, upon its request, in fighting and mitigating the effects of fires. I announced a statewide ban on all open burning effective 12:01 a.m. Saturday, October 27, 2001. The ban will remain in effect until existing weather conditions improve with rain or snow. Furthermore, I directed that state agencies provide assistance in dealing with potential or actual drought-related issues to the extent required by the Coordinator of Emergency Management in consultation with the Secretary of Public Safety, the Adjutant General of Virginia, the State Forester, the Commissioner of Health, the Commissioner of Agriculture and Consumer Services, and others as required.

The health and general welfare of the citizens of the Commonwealth required that state action be taken to help alleviate these drought-related conditions. I find that the effects of this drought constitute a natural disaster wherein human life and public and private property are imperiled, as described in § 44-75.1.A.4 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I do hereby confirm, ratify, and memorialize in writing my verbal orders issued October 26, 2001, wherein I proclaimed that a state of emergency exists in the Commonwealth and directed that appropriate assistance be rendered by agencies of both state and local governments to prevent and alleviate any conditions resulting from drought or forest fires. Pursuant to § 44-75.1.A.3 and A.4 of the Code of Virginia, I also direct that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid, to the extent required by the Coordinator of the Department of Emergency Management, in coordination with the Secretary of Public Safety, the Adjutant General of Virginia, and the State Forester.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and to recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The full implementation by agencies of the state and local governments of Volumes 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. I hereby direct evacuation of areas threatened or stricken by forest fires. Following a declaration of local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44.146.17 (l) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class I misdemeanor.

C. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact, and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

D. The following conditions apply to said deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management and with the approval of the Secretary of Public Safety, shall make available, on state active duty, such units and members of the Virginia National Guard and the Virginia Defense Force and such equipment as may be necessary or desirable to assist in alleviating both the potential and actual human suffering and damage to property as a result of the effects caused by the drought, including forest fires.

2. In all instances, members of the Virginia National Guard and the Virginia Defense Force shall remain subject to military command as prescribed by § 44.78.1 of the Code of Virginia and not subject to the civilian authorities of the state or local governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of Forestry or Emergency

Management or state or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

3. Should service under this executive order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

a. Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act subject to the requirements and limitations thereof; and, in addition,

b. The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. In the event of such injury or death as a result of service under this executive order, termination of this executive order is not intended to terminate entitlement to benefits as provided herein. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of the injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

E. The following conditions apply to service by the Virginia Defense Force:

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and

F. Members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia

Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments are, in the performance of those assignments, designated as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23 (a) of the Code of Virginia.

G. The costs incurred by the Virginia Department of Military Affairs in performing fire suppression missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 488 of Chapter 1073, 2000 Virginia Acts of Assembly. Upon my approval, the costs incurred by other state agencies in performing drought-related missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 45 of Chapter 1073, 2000 Virginia Acts of Assembly. Any reimbursement thereof from nonstate agencies for partial or full reimbursement of this cost shall be paid to the general fund of the state treasury to defray said sum sufficient expenditures.

This executive order shall be effective retroactive to October 26, 2001, upon its signing, and shall remain in full force and effect until June 30, 2002, unless sooner amended or rescinded by further executive order. That portion providing for benefits for members of the National Guard and Virginia Defense Force in the event of injury or death shall continue to remain in effect after termination of this executive order as a whole.

Given under my hand and under the Seal of the Commonwealth of Virginia this the 29th day of November, 2001.

/s/ James S. Gilmore, III  
Governor

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# GENERAL NOTICES/ERRATA

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## STATE CORPORATION COMMISSION

### Bureau of Insurance

December 3, 2001

#### Administrative Letter 2001-12

**TO: All Property & Casualty Insurers Licensed in Virginia**

**RE: Schedule Rating Plans/Individual Risk Premium Modification Plans Documentation for the Application of Debits and Credits**

The purpose of this administrative letter is to inform insurers that all premium debits and credits which are applied pursuant to any schedule rating plan/individual risk premium modification plan (SRP/IRPM) must be supported by evidence documented in the underwriting file of every new business and renewal policy. The Bureau of Insurance (Bureau) will enforce this position when conducting market conduct examinations and through other enforcement actions.

Section 38.2-1904 C of the Code of Virginia states:

*Classification rates may be modified to produce rates for individual risks in accordance with rating plans that establish standards for measuring variations in hazards, expense provisions or both. The standards may measure any difference between risks that can be demonstrated to have a probable effect upon losses or expenses.*

Instructions for filing SRP/IRPMs incorporating such standards were provided to insurers by the Bureau in Administrative Letter 1983-9 dated November 4, 1983. Among other things, the Bureau advised insurers that "all risk characteristics (including expense modification) must be justifiable, and that records of derivation must be maintained on an individual risk basis."

It has come to the attention of the Bureau that insurers are not documenting in their underwriting files the individual risk characteristics that justify the debits and credits that are being applied. In many cases, credits or debits are applied to new business policies when issued, and no further documentation is obtained when policies are renewed, even when modifications are changed at renewal. Characteristics of individual risks can and will change with the passage of time. For example, an insurer applying a credit for a new roof could not justify the continuation of such a credit when the roof becomes old and worn.

Although the Bureau will no longer require insurers to file manual rules that state that underwriting files must document the justification for credits and debits applied under an SRP/IRPM at each renewal of the policy, it remains the position of the Bureau that such documentation must be performed. Otherwise, the insurer will be deemed to be issuing policies that are not rated in accordance with the rating plan filed with the Bureau. Therefore, the Bureau will cite any failure to document the justification for schedule rating debits and credits as a violation of § 38.2-1906 D of the Code of Virginia.

/s/ Alfred W. Gross  
Commissioner of Insurance

Contact for questions regarding Administrative Letter 12 should be addressed to Pat Worley, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218.

\* \* \* \* \*

December 7, 2001

#### Administrative Letter 2001-13

**TO: All Insurers Licensed to Write Accident and Sickness Insurance in Virginia, and All Health Services Plans, and Health Maintenance Organizations Licensed in Virginia**

**RE: 14 VAC 5-190-10 et seq.: Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers Notification of Additional Reporting Requirements for the 2001 Reporting Period**

The purpose of this letter is to alert carriers to certain benefit or provider information which must be reported to the State Corporation Commission ("Commission"), on Form MB-1, due on or before May 1, 2002. Carriers are responsible for making necessary adjustments to their data capturing systems to ensure that Form MB-1 accurately reflects cost and utilization data relating to additional reporting categories for the 2001 reporting period (calendar year). This letter only summarizes those categories of coverage which will be reported for the first time. Carriers are encouraged to review **all** requirements applicable to mandated benefits and mandated providers as well as the associated reporting requirements to determine the extent to which these new reporting requirements affect their organization and to ensure compliance with all existing mandated benefit and provider requirements.

In addition to all reporting requirements currently in effect, cost and utilization data relating to the following categories of mandated benefits for calendar year 2001 will be reported on Form MB-1, due May 1, 2002. In each category identified below, the legislation requiring coverage of the benefit was effective July 1, 2000. Calendar year 2001 represents the first full calendar year during which the coverage requirement was in effect. Carriers should review the statutes identified below in their entirety for additional guidance concerning coverage requirements.

- § 38.2-3411.3 of the Code of Virginia requires that insurers, health services plans, and health maintenance organizations provide coverage for childhood immunizations.
- § 38.2-3418.7:1 of the Code of Virginia requires that insurers, health services plans, and health maintenance organizations provide coverage for colorectal cancer screening.
- § 38.2-3418.12 of the Code of Virginia requires that insurers, health services plans, and health maintenance organizations provide coverage for hospitalization and



anesthesia for dental procedures for specified covered persons.

- § 38.2-3418.13 of the Code of Virginia requires that insurers, health services plans, and health maintenance organizations offer and make available coverage for the treatment of morbid obesity.

In order to avoid confusion and to facilitate the capturing of appropriate data relating to the above requirements, the Bureau of Insurance has identified some of the CPT and ICD-9-CM codes for many of these requirements. The codes on the attached listing supplement the CPT and ICD-9-CM codes furnished to carriers previously. Carriers should refer to the complete listing of CPT and ICD-9-CM codes to ensure compliance with all reporting requirements.

Please refer any questions regarding this matter to Mary Ann Mason, Senior Insurance Market Examiner, State Corporation Commission, Bureau of Insurance – Life and Health Division, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9348 or FAX (804) 371-9944.

/s/ Alfred W. Gross  
Commissioner of Insurance

**Virginia Code Section 38.2-3411.3: Childhood Immunizations**

ICD Codes

V03.5	Diphtheria alone
V03.6	Pertussis alone
V03.7	Tetanus alone
V03.8	Other specified vaccinations against single bacterial diseases
V04.0	Poliomyelitis
V04.2	Measles alone
V04.3	Rubella alone
V04.6	Mumps alone
V05.3	Viral hepatitis
V06.1	Diphtheria-tetanus-pertussis, combined [DTP]
V06.3	Diphtheria-tetanus-pertussis with poliomyelitis [DTP + polio]
V06.4	Measles-mumps-rubella [MMR]
V06.5	Tetanus-diphtheria [Td]
V06.8	Other combinations

CPT Codes

90700	Diphtheria, tetanus toxoids, and acellular pertussis vaccine (DtaP)
90701	Diphtheria, tetanus toxoids and whole cell pertussis vaccine (DtaP)
90702	Diphtheria and tetanus toxoids (DT)
90703	Tetanus toxoid
90704	Mumps virus vaccine, live
90705	Measles virus vaccine, live
90706	Rubella virus vaccine, live
90707	Measles, mumps and rubella virus vaccine (MMR), live
90708	Measles and rubella virus vaccine, live
90709	Rubella and mumps virus vaccine, live
90710	Measles, mumps, rubella, and varicella vaccine (MMRV), live

90712	Poliovirus vaccine, (any type(s) (OPV), live
90713	Poliovirus vaccine, inactivated (IPV), live
90719	Diphtheria toxoid
90720	Diphtheria, tetanus toxoids, and whole cell pertussis vaccine
90721	Diphtheria, tetanus toxoids, and acellular pertussis vaccine
90723	Diphtheria, tetanus toxoids, acellular pertussis vaccine, Hepatitis B, and poliovirus vaccine, inactivated
90744	Hepatitis B vaccine, pediatric dosage
90749	Unlisted vaccine/toxoid

**Virginia Code Section 38.2-3418.7:1: Colorectal Cancer Screening**

ICD Codes

V76.41	Rectal screening for malignant neoplasms
V76.51	Colon screening for malignant neoplasms

CPT Codes

44388	Colonoscopy through stoma; diagnostic
45330	Sigmoidoscopy, flexible; diagnostic
45355	Colonoscopy, rigid or flexible
45378	Colonoscopy, flexible
45999	Unlisted procedure, rectum
74270	Radiologic examination, colon; barium enema
74280	air contrast with specific high density barium
82270	Blood, occult; feces

**Virginia Code Section 38.2-3418.12: Hospitalization and Anesthesia for Dental Procedures**

CPT Codes

99100	Anesthesia for patient of extreme age, under one year and over seventy
99141	Sedation with or without analgesia, intravenous, intramuscular or inhalation
99142	oral, rectal and/or intranasal
99234	Observation or inpatient hospital care, low severity
99235	Observation or inpatient hospital care, moderate severity
99236	Observation or inpatient hospital care, high severity

**Virginia Code Section 38.2-3418.13: Treatment of Morbid Obesity**

CPT Codes

43659	Unlisted laparoscopy procedure, stomach
43842	Gastric restrictive procedure, without gastric bypass; vertical-banded gastroplasty
43843	other than vertical-banded gastroplasty
43846	Gastric restrictive procedure, with gastric bypass; Roux-en-Y gastroenterostomy
43847	with small bowel reconstruction to limit absorption
43848	Revision of gastric restrictive procedure

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# General Notices/Errata

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### TMDL for Fecal Coliform Bacteria on a 4.5 mile Segment of Accotink Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria on a 4.5 mile segment of Accotink Creek. This impaired segment is located in Fairfax County and begins at the confluence of Crooks Branch and extends to Lake Accotink. Accotink Creek is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the State's water quality standard for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7.C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The fourth public meeting on the development of the Accotink Creek fecal coliform TMDL will be held on Wednesday, January 9, 2002, at 7:30 p.m. in the City of Fairfax's City Hall Room 306 located at 10455 Armstrong Street in the City of Fairfax.

The public comment period will end on January 29, 2002. A fact sheet on the development of the TMDL for fecal coliform bacteria on Accotink Creek is available upon request. Questions or information requests should be addressed to Bryant H. Thomas. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Bryant H. Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA, 22193, telephone (703) 583-3828, FAX (703) 583-3841 or e-mail [bthomas@deq.state.va.us](mailto:bthomas@deq.state.va.us).

## STATE WATER CONTROL BOARD

### Proposed Consent Special Order Rapidan Service Authority Wilderness Wastewater Treatment Plant

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to Rapidan Service Authority (permittee) regarding the Wilderness Wastewater Treatment Plant (WWTP) located in Orange County, Virginia.

Wilderness WWTP is subject to VPDES Permit No. VA0083411. The order requires that the permittee select an engineering firm or submit a plan to meet final zinc and copper Permit effluent limits. The permittee has agreed to payment of a civil charge.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through January 30, 2002. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA, 22193. Please

address comments sent via e-mail to [saoakes@deq.state.va.us](mailto:saoakes@deq.state.va.us). In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3863, in order to examine or to obtain a copy of the order.

## VIRGINIA CODE COMMISSION

### Notice to State Agencies

**Mailing Address:** Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

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

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**Internet:** Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://legis.state.va.us/codecomm/register/regindex.htm>

#### FORMS:



NOTICE of INTENDED REGULATORY ACTION - RR01  
NOTICE of COMMENT PERIOD - RR02  
PROPOSED (Transmittal Sheet) - RR03  
FINAL (Transmittal Sheet) - RR04  
EMERGENCY (Transmittal Sheet) - RR05  
NOTICE of MEETING - RR06  
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS - RR08

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# CALENDAR OF EVENTS


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## Symbol Key

-  Location accessible to persons with disabilities  
 Teletype (TTY)/Voice Designation

## NOTICE


Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at [www.vipnet.org](http://www.vipnet.org) or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."


VIRGINIA CODE COMMISSION

## EXECUTIVE


### BOARD OF ACCOUNTANCY

† **January 4, 2002 - 10 a.m.** -- Open Meeting  
Sheraton Richmond West Hotel, 6624 West Broad Street, Washington Room, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A general meeting to discuss matters requiring board action. 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., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY , e-mail [boa@boa.state.va.us](mailto:boa@boa.state.va.us).

### COMMONWEALTH COUNCIL ON AGING

† **January 9, 2002 - 9 a.m.** -- Open Meeting  
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A regular business meeting of the Public Relations Committee. Public comments are welcome.

**Contact:** Marsha Mucha, Commonwealth Council on Aging, 1600 Forest Avenue, Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

† **January 9, 2002 - 10 a.m.** -- Open Meeting  
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia  (Interpreter for the deaf provided upon request)


A regular business meeting. Public comments are welcome.

**Contact:** Marsha Mucha, Commonwealth Council on Aging, 1600 Forest Avenue, Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **March 14, 2002 - 9 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia 

A general meeting.

**Contact:** Roy E. Seward, Secretary, Board of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, (800) 828-1120/TTY , e-mail [rseward@vdacs.state.va.us](mailto:rseward@vdacs.state.va.us).

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**March 14, 2002 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

**February 8, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-400. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law.** The purpose of the proposed amendments is to ensure that: (i) regulated products are properly formulated and labeled; (ii) the manufacturer's recommendations for use of these regulated products are in accordance with methods and procedures that enhance the safety, quality and quantity of the food supply for both humans and animals; (iii) guidelines are established for the methods used to provide verification of labeling claims for regulated products; and (iv) assessments against the manufacturer of a product is deficient when compared to its guarantee, or that is not properly labeled and thus has caused a negative economic impact on a consumer, are paid to the consumer when he may be identified. The amendments also include changes needed to make the regulation compatible with the 1994 changes to the Virginia Fertilizer Act.

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# Calendar of Events

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Statutory Authority: § 3.1-106.4 of the Code of Virginia.

**Contact:** J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-2476, FAX (804) 786-1571 or (804) 828-1120/TTY ☎

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**March 14, 2002 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

**February 8, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-610. Rules Governing the Solicitation of Contributions.** The purpose of the proposed regulatory action is to amend the regulation to conform with amendments to the Virginia Solicitation of Contributions Law relating to (i) the annual registration process and exemption to such registration, (ii) rules governing a professional solicitor, and (iii) general provisions relating to disclosure requirements by for-profit organizations and the use of private mailboxes by the regulated entities.

Statutory Authority: § 57-66 of the Code of Virginia.

**Contact:** Andy Alvarez, Program Manager, Office of Consumer Affairs, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA 23219, telephone (804) 786-1381, FAX (804) 786-5112, toll-free 1-800-9963 or 1-800-828-1120/TTY ☎

## Virginia Cattle Industry Board

† **January 29, 2002 - 10 a.m.** -- Open Meeting  
Four Points Hotel by Sheraton, U.S. 33, 1400 East Market Street, Harrisonburg, Virginia. ♿

A meeting to approve minutes from the September 2001 meeting and review the financial statement for the period September 1 through December 1. Staff will give program updates for the state and national level. A representative from the U.S. Meat Export Federation and Dr. Paul Graham will be present to update the board on their funded projects. Cherry, Bekaert and Holland will present the 2000-2001 audit report. 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 Reginald B. Reynolds at least five days before the meeting date so that suitable arrangements can be made. If you need directions to attend the board meeting, please call 540-433-2521.

**Contact:** Reginald B. Reynolds, Executive Director, Virginia Cattle Industry Board, Department of Agriculture and Consumer Services, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632.

## Virginia Cotton Board

† **March 8, 2002 - 9 a.m.** -- Open Meeting  
Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. ♿

A meeting to discuss and approve contractual arrangements with national and regional organizations, receive reports of programs and projects funded over the past year, and hear project proposal grant requests on cotton by VPIandSU, VSU, and other groups for the year 2002-03. During the meeting, financial reports will be heard and approved. 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 23851, telephone (757) 569-1100, FAX (757) 562-6104.

## Virginia Horse Industry Board

**February 8, 2002 - 10 a.m.** -- Open Meeting  
Holiday Inn Select, The Convention Center, 2801 Plank Road, Fredericksburg, Virginia. ♿

A meeting to review the minutes of the last meeting; hear reports on current and past projects and budget updates; and discuss upcoming projects for 2002, including grants review. 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, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1004, Richmond, VA, telephone (804) 786-5842, FAX (804) 371-7786.


## Pesticide Control Board

† **January 17, 2002 - 9 a.m.** -- Open Meeting  
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ♿

A general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.2-3711 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. 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 Dr. Marvin Lawson at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Dr. Marvin Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 401, Richmond, VA 23219, telephone (804) 371-6558, FAX (804) 371-8598, toll-free (800) 552-9963, e-mail jknight@vdacs.state.va.us.


## Virginia Pork Industry Board

† **January 24, 2002 - 8:30 a.m.** -- Open Meeting  
Airfield Conference Center, 15189 Airfield Road, Wakefield, Virginia. 

A general business meeting to review past minutes and approve projects. 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 John H. Parker at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** John H. Parker, Program Director, Virginia Pork Industry Board, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1012, Richmond, VA 23219, telephone (804) 786-7092, FAX (804) 371-7786.

## Virginia Sheep Industry Board

† **January 4, 2002 - 10:30 a.m.** -- Open Meeting  
Virginia Tech, Donaldson Brown Center, Otey Street, Blacksburg, Virginia. 

A meeting to hear and approve minutes of the board's last meeting and review the financial statement. In addition, the board will hear reports on projects and from organizations such as the Virginia Food Festival, the Chesapeake Heritage Arts and Fiber Festival, The Virginia Highlands Festival, the Virginia Junior Lamb Show Association, the Virginia FFA Foundation, the Virginia State Fair Junior Lamb Carcass Show and the USDA Wildlife Service. 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 Mike Carpenter at least three days before the meeting date so that suitable arrangements can be made.

**Contact:** Mike Carpenter, Program Director, Virginia Sheep Industry Board, Department of Agriculture and Consumer Services, Livestock Marketing Services, 116 Reservoir St., Harrisonburg, VA, telephone (540) 434-0779, FAX (540) 434-5607.

## STATE AIR POLLUTION CONTROL BOARD


**January 3, 2002 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, Virginia.

**January 21, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the State Air Pollution Control Board intends to adopt

regulations entitled: **9 VAC 220. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Orange County Facility; 9 VAC 5-221. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility.** Two variances are proposed to be granted to the Atlantic Research Corporation for rocket motor test operations. One variance is for the facility in Orange County, Virginia, from the opacity standard for new sources specified in 9 VAC 5-50-80. The other variance is for the facility in Gainesville (Prince William County), Virginia, from the opacity standard for existing sources specified in 9 VAC 5-40-80. The variances are proposed to be granted in consideration of the two facilities' effective limitation of the emissions of particulate matter from rocket motor test operations to 714 pounds per hour in lieu of the opacity limitations.

Statutory Authority: § 10.1-1307 C of the Code of Virginia.

**Contact:** Dr. Kathleen R. Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY 


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**January 7, 2002** - Public comments may be submitted this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-91. Regulation for the Control of Motor Vehicle Emissions in Northern Virginia (Rev. MG).** The purpose of the proposed amendments is to conform the regulation to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.

Statutory Authority: § 46.2-1180 of the Code of Virginia.

Public comments may be submitted until November 13, 2001, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY 

† **January 10, 2002 - 7 p.m.** -- Public Hearing  
Brosville/Cascade Public Library, Brosville, Virginia. 

A public hearing to receive comments on the Title V operating permit application from Solite Corporation for their facility located on Solite Road in Cascade.


**Contact:** S. Margaret Key, State Air Pollution Control Board, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, e-mail smkey@deq.state.va.us.

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# Calendar of Events

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NOTE: CHANGE IN HEARING DATE

**January 24, 2002 - 7 p.m.** -- Public Hearing  
Frances Redwood Center, Arvonia, Virginia. 


A public hearing to receive comments on the proposed draft permit for Tenaska Virginia II Partners, L.P. to construct and operate a combined cycle power plant 1.5 miles southeast of New Canton, near Route 670 in Buckingham County.

**Contact:** S. Margaret Key, State Air Pollution Control Board, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, e-mail smkey@deq.state.va.us.

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

**January 24, 2002 - 8:30 a.m.** -- Open Meeting  
Renaissance Hotel, 425 Water Street, Portsmouth, Virginia. 


A meeting of the Land Surveyor Section and invited subject matter experts to conduct an exam workshop.

**Contact:** Sharon M. Sweet, Examination Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8572, FAX (804) 367-2475, (804) 367-9753/TTY 


## ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

† **January 17, 2002 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to review loan applications for assistive technology purchases. Business meeting and public comments sessions are open to the public; loan review will take place in closed session.


**Contact:** Shilpa Joshi, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-9000, FAX (804) 662-9533, toll-free (800) 552-5019, (804) 662-9000/TTY , e-mail loanfund@erols.com.

## AUCTIONEERS BOARD


† **January 10, 2002 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter 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 auctioneers@dpor.state.va.us.

## BOARD FOR THE BLIND AND VISION IMPAIRED

**January 15, 2002 - 1 p.m.** -- Open Meeting  
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Board for the Blind and Vision Impaired is an advisory board responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly in the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budget and request for appropriations for the department. At this regular meeting, the board will review information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for the board members.

**Contact:** Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3145, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail proffikc@dbvi.state.va.us.

## BOARD FOR BRANCH PILOTS

**February 1, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Branch Pilots intends to amend regulations entitled: **18 VAC 45-10. Public Participation Guidelines**. The proposed amendments allow the board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Other changes which may be necessary will be considered.

Statutory Authority: §§ 2.2-4007 and 54.1-902 of the Code of Virginia.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail branchpilots@dpor.state.va.us.


## CEMETERY BOARD

**February 26, 2002 - 9:30 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, telephone (804) 367-8552, FAX (804) 367-2475, e-mail oneal@dpor.state.va.us.


## CHILD DAY-CARE COUNCIL

† **January 10, 2002 - 9 a.m.** -- Open Meeting  
Theater Row Building, Department of Social Services, 730 East Broad Street, Lower Level, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school age programs and preschools/nursery schools. Public comment period will be at noon. Please call ahead for possible changes in meeting time.

**Contact:** Arlene Kasper, Program Development Consultant, Child Day-Care Council, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1791, FAX (804) 692-2370, (800) 828-1120/TTY 


## STATE CHILD FATALITY REVIEW TEAM

**January 11, 2002 - 10 a.m.** -- Open Meeting  
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. 

The business portion of the State Child Fatality Review Team meeting, from 10 a.m. to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

**Contact:** Virginia Powell, Coordinator, State Child Fatality Review Team, 400 East Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail vpowell@vdh.state.va.us.


## COMMONWEALTH COMPETITION COUNCIL

**January 2, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A regular meeting.


**Contact:** Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, 1500 E. Franklin St., Richmond, VA 23219, telephone (804) 786-0240, FAX (804) 786-1594, e-mail competition@state.va.us.


## STATE BOARD FOR COMMUNITY COLLEGES

† **January 23, 2002 - 2:30 p.m.** -- Open Meeting  
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


Committees will meet as follows:

Academic and Student Affairs, Audit, and Budget and Finance Committees - 2:30 p.m.  
Facilities and Personnel Committees - 3:30 p.m..  
Executive Committee - 4:30 p.m.


**Contact:** D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

† **January 24, 2002 - 9 a.m.** -- Open Meeting  
Virginia Community College System, James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A regular meeting. Public comment will be received at the beginning of the meeting.


**Contact:** D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

## COMPENSATION BOARD

**January 8, 2002 - 2 p.m.** -- Open Meeting  
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A board meeting with constitutional officer associations regarding upcoming legislation.

**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.


**January 22, 2002 - 11 a.m.** -- Open Meeting  
Compensation Board, 202 North 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

† **January 10, 2002 - Noon** -- Open Meeting  
† **February 7, 2002 - 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.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone


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# Calendar of Events

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(804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.


## Goose Creek Scenic River Advisory Board

† **January 15, 2002 - 1:30 p.m.** -- Open Meeting  
Loudoun County Administration Building, 1 Harrison Street, S.E., Lovettsville Room, Leesburg, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

**Contact:** Richard 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 Outdoors Plan Technical Advisory Committee


† **January 9, 2002 - 10 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, Board Conference Room, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review the draft 2001 Virginia Outdoors Plan and provide comments to agency staff.

**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.

## Board on Conservation and Development of Public Beaches


NOTE: CHANGE IN MEETING DATE

† **January 15, 2002 - 10 a.m.** -- Open Meeting  
Hampton City Council Chambers, City Hall, 22 Lincoln Street, Hampton, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Requests for interpreter for the deaf should be made two weeks prior to 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


† **January 23, 2002 - 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 regularly scheduled meeting of the board to address policy and procedural issues, review and render case decisions on matured complaints against licensees, and other matters that may require board action. The meeting is open to the public, however, a portion of the board's business may be discussed in closed meeting. The


department fully complies with the Americans with Disabilities Act. Persons desiring to participate in the meeting and require special accommodations or interpreter services should contact Eric L. Olson.

**Contact:** Eric L. Olson, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.


## BOARD OF CORRECTIONAL EDUCATION

† **January 25, 2002 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.


**Contact:** Patty Ennis, Board Clerk, Board of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail paennis@dce.state.va.us.

## BOARD OF CORRECTIONS

† **January 15, 2002 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond Virginia. 

A meeting of the Correctional Services/Policy and Regulations Committee to discuss correctional services and policy/regulation matters that may be presented to the full board.


**Contact:** Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

† **January 16, 2002 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond Virginia. 

A monthly meeting to discuss correctional matters that may be brought before the full board.

**Contact:** Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

## BOARD OF DENTISTRY

† **January 4, 2002 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Conference Room 2, Fifth Floor, Richmond, Virginia. 

The agenda will include regulatory review, implementation of OMS regulations and routine business including board discussion of inquiries from the public. Public comment will be received at the beginning of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Dentistry, Southern States Bldg., 6606 W. Broad St., 4th



Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra\_reen@dhp.state.va.us.

† **January 4, 2002 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A formal hearing will convene to hear possible violations of the regulations governing the practice of dentistry. There will not be a public comment period.

**Contact:** Sandra K. Reen, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail sandra.reen@dhp.state.va.us.

## BOARD OF EDUCATION

**January 7, 2002 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Rooms C and D, Richmond, Virginia.

**February 28, 2002 - 9 a.m.** -- Open Meeting  
Richmond City Hall, 301 North 9th Street, Richmond School Board Meeting Room, Richmond, Virginia.

† **March 27, 2002 - 9 a.m.** -- Open Meeting  
Richmond area; location to be announced.

A regular business meeting. Public comment will be received. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency 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.

**January 28, 2002 - 9:30 a.m.** -- Open Meeting  
Cultural Arts Center at Glen Allen, 2880 Mountain Road, Glen Allen, Virginia.

† **March 18, 2002 - 9:30 a.m.** -- Open Meeting  
Old Dominion University, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A work session of the Advisory Board for Teacher Education and Licensure. No public comment will be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

**Contact:** Dr. Margaret N. Roberts, Office of Policy, Board of Education, P. O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Ground Water Protection Steering Committee

† **January 8, 2002 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A regular meeting of the steering committee. Anyone interested in ground water protection is welcome to attend. Meeting minutes and agenda are available from the contact person.

**Contact:** Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, e-mail mamassie@deq.state.va.us.

## DEPARTMENT OF GAME AND INLAND FISHERIES

† **February 4, 2002 - 7 p.m.** -- Public Hearing  
Department of Game and Inland Fisheries, Fredericksburg Regional Office, 1320 Belman Road, Fredericksburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **February 5, 2002 - 7 p.m.** -- Public Hearing  
Department of Game and Inland Fisheries, Williamsburg Regional Office, 5806 Mooretown, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **February 6, 2002 - 7 p.m.** -- Public Hearing  
Forest Public Library, 15583 Forest Road, Forest, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **February 12, 2002 - 7 p.m.** -- Public Hearing  
Smyth-Bland Regional Library, Copenhagen Meeting Room, 118 South Sheffey Street, Marion, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **February 13, 2002 - 7 p.m.** -- Public Hearing  
Department of Game and Inland Fisheries, Verona (Staunton) Regional Office, 4725 Lee Highway, Verona, Virginia. ♿ (Interpreter for the deaf provided upon request)

Public forums to receive comments on agency programs, regulations, and management of Virginia's freshwater fish and fishing resources; wildlife diversity, or wildlife management other than in the context of hunting, fishing, and trapping; and boating. All interested citizens are invited to attend. The comments and suggestions received will be considered by staff as they refine current programs and regulations and develop new ones.

**Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341, FAX (804) 367-0488, e-mail RegComments@dgif.state.va.us.

## BOARD FOR GEOLOGY

**January 16, 2002 - 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 general business meeting.

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# Calendar of Events

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**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

## STATE BOARD OF HEALTH

† **January 9, 2002 - 10 a.m.** -- Public Hearing  
Department of Health, 1500 East Main Street, Community Room, Richmond, Virginia.

† **March 3, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider adopting regulations entitled: **12 VAC 5-508. Regulations Governing the Virginia Physician Loan Repayment Program.** The purpose of the proposed regulations is to set forth the criteria for eligibility in the Physician Loan Repayment Program for primary care physicians and psychiatrists, the terms and conditions applicable to each loan recipient, and penalties for a recipient's failure to fulfill requirements.

Statutory Authority: § 32.1-122.6:1 of the Code of Virginia.

**Contact:** Norma Marrin, Business Manager, Office of Health Planning, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-4891 or FAX (804) 371-0116.

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**January 18, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled: **12 VAC 5-65. Rules and Regulations Governing Emergency Medical Services Do Not Resuscitate Program**, and adopt regulations entitled: **12 VAC 5-66. Regulations Governing Durable Do Not Resuscitate Orders.** The proposed regulation establishes a Durable Do Not Resuscitate (DDNR) Order that follows the patient throughout the entire health care setting.

Statutory Authority: § 54.1-2987.1 of the Code of Virginia.

**Contact:** David E. Cullen, Jr., Regulation and Compliance Manager, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free 1-800-523-6019.

## DEPARTMENT OF HEALTH PROFESSIONS

† **February 15, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

The Health Practitioner's Intervention Program Committee will meet with its contractor and representatives to review

reports, policies, and procedures for the Health Practitioner's 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 ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**January 8, 2002 - 9 a.m.** -- Open Meeting

**February 5, 2002 - 9 a.m.** -- Open Meeting

**March 5, 2002 - 9 a.m.** -- Open Meeting

Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia.☎ (Interpreter for the deaf provided upon request)

A Local Emergency Preparedness committee meeting as required by SARA Title III.

**Contact:** Robert Brown, Emergency Services Coordinator, Hopewell Industrial Safety Council, 300 N. Main St., Hopewell, VA telephone (804) 541-2298.

## STATEWIDE INDEPENDENT LIVING COUNCIL

**January 15, 2002 - 1 p.m.** -- Open Meeting

Comfort Suites Hotel at Innsbrook, 4051 Innslake Drive, Glen Allen, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

**Contact:** Jim Rothrock, Staffperson, Statewide Independent Living Council, 1802 Marroit Road, Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7118.

## BOARD OF JUVENILE JUSTICE

**January 9, 2002 - 9 a.m.** -- Public Hearing

Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, Virginia.

**February 1, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to amend regulations entitled: **6 VAC 35-60. Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs.** The amendments implement legislative directions (i) to establish standards for offices on youth addressing goals, objectives, and measures for evaluating effectiveness; and (ii) to shift the focus of those offices from direct service to coordination, planning and evaluation of youth services.

Statutory Authority: §§ 66-10, 66-27 and 66-28 of the Code of Virginia.

**Contact:** Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, 700 E. Franklin St., Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

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**January 9, 2002 - 9 a.m.** -- Public Hearing  
Department of Juvenile Justice, 700 East Franklin Street, Richmond, Virginia.

**February 1, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to amend regulations entitled: **6 VAC 35-150. Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts.** The amendments set statewide policy for court service units; require court service units to adhere to standard operating procedure to ensure uniformity of services; and permit greater flexibility in tailoring the level of services to the degree of risk presented by each case.

Statutory Authority: §§ 16.1-233 C, 16.1-309.2 et seq., and 66-10 of the Code of Virginia.

**Contact:** Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, 700 E. Franklin St., Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.


**January 9, 2002 - 9 a.m.** -- Open Meeting  
Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, Virginia. 

Committees will begin meeting at 9 a.m. and the Secure Services Committee and Non-secure Services Committee will meet at 9:30 a.m. to receive certification audit reports. Upon the conclusion of committee business the full board will meet to take certification action and receive public comment on proposed amendments to regulations.

**Contact:** Donald Carignan, Regulatory Coordinator, State Board of Juvenile Justice, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743, e-mail carigndr@djj.state.va.us.

## DEPARTMENT OF LABOR AND INDUSTRY


### Virginia Migrant and Seasonal Farmworkers Board

**January 23, 2002 - 10 a.m.** -- Open Meeting  
Tyler Building, 1300 East Main Street, 2nd Floor, Court Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board.

**Contact:** Betty B. Jenkins, Board Administrator, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2391, FAX (804) 371-6524, (804) 786-2376/TTY , e-mail bbj@doli.state.va.us.

## THE LIBRARY OF VIRGINIA

**January 25, 2002 - 7:30 a.m.** -- Open Meeting  
† **March 18, 2002 - 7:30 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 


Meetings 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.


## COMMISSION ON LOCAL GOVERNMENT

**January 7, 2002 - 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 to consider such matters as may be presented.

**Contact:** Barbara 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.

## VIRGINIA MANUFACTURED HOUSING BOARD

† **January 31, 2002 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, 1st Floor, Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to address claims and complaints filed against licensees, review license applications, and handle other administrative functions under the Virginia Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

**Contact:** Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, State Building Code Administrative Office, 501 N. 2nd St., Richmond, VA 23219,

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# Calendar of Events

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telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY ☎, e-mail cmciver@dhcd.state.va.us.

## MARINE RESOURCES COMMISSION

**January 22, 2002 - 9:30 a.m.** -- Open Meeting

**February 26, 2002 - 9:30 a.m.** -- Open Meeting

**March 26, 2002 - 9:30 a.m.** -- Open Meeting

Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. 📍

A monthly meeting.

**Contact:** Stephanie Montgomery, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Newport News, VA 23607, telephone (757) 247-8088, FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail smont@mrc.state.va.us.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### Medicaid Pharmacy Liaison Committee

† **January 7, 2002 - 1 p.m.** -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. 📍

A meeting of the Medicaid Pharmacy Liaison Committee to conduct routine business.

**Contact:** Marianne Rollings, 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.

## BOARD OF MEDICINE

† **January 4, 2002 - 2 p.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 📍

A meeting of the Ad Hoc Committee on Outpatient Anesthesia to develop draft regulations for the use of anesthesia in outpatient surgery by doctors of medicine, osteopathy or podiatry. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **January 9, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 📍

A meeting of the Advisory Board on Acupuncture to consider issues related to the regulation of acupuncture by the Board of Medicine. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **January 9, 2002 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 📍

A meeting of the Advisory Committee on Radiologic Technology to consider issues related to the regulation of radiologic technology by the Board of Medicine. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **January 10, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 📍

A meeting of the Advisory Board on Occupational Therapy to consider issues related to the regulation of occupational therapy by the Board of Medicine. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **January 10, 2002 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 📍

A meeting of the Advisory Board on Respiratory Care to consider issues related to the regulation of respiratory care by the Board of Medicine. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **January 11, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 📍

A meeting of the Advisory Board on Athletic Training to consider issues related to the regulation of athletic training by the Board of Medicine. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **January 11, 2002 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 4, Richmond, Virginia. ♿

A meeting of the Advisory Board on Physician Assistants to consider issues related to the regulation of physician assistants by the Board of Medicine. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ♿, e-mail wharp@dhp.state.va.us.

† **January 25, 2002 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
Conference Room 2, 5th Floor, Richmond, Virginia ♿

A meeting of the Legislative Committee to consider regulatory and legislative issues, including the adoption of a NOIRA for the periodic review of the board's general regulations. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ♿, e-mail wharp@dhp.state.va.us.

† **February 7, 2002 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
Conference Room 2, 5th Floor, Richmond, Virginia ♿

A general business meeting including adoption of proposed regulations for anesthesia in outpatient surgery and continuing education requirements for respiratory care practitioners. Other legislative, regulatory and disciplinary matters will be considered as presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ♿, e-mail wharp@dhp.state.va.us.

### Informal Conference Committee

† **March 27, 2002 - 9:45 a.m.** -- Open Meeting  
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

A meeting to 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 or 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 Peggy.Sadler@dhp.state.va.us.

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

**January 5, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-102. Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse**; repeal regulations entitled: **12 VAC 35-170. Regulations for the Certification of Case Management**; and adopt regulations entitled: **12 VAC 35-105. Rules and Regulations for the Licensing of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services**. The purpose of the proposed action is to repeal two regulations and replace them with a new regulation to provide specific standards governing the administration, clinical services, support functions and physical environment of a licensed provider organization that are designed to protect the health, safety and welfare of clients receiving services. The new regulation will update certain requirements to reflect current practice and technology, clarify provisions, and incorporate recent statutory changes.

Statutory Authority: §§ 37.1-179.1 and 37.1-182 of the Code of Virginia.

**Contact:** Leslie Anderson, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0077.

## MOTOR VEHICLE DEALER BOARD

**January 14, 2002 - 8:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 8:30 a.m.

Franchise Law Committee - Five minutes after Dealer Practices Committee

Licensing Committee - 9:30 a.m. or five minutes after Franchise Law Committee

Advertising Committee - 10 a.m. or five minutes after Licensing Committee

Finance Committee - 10:30 a.m. or five to 45 minutes after Personnel Committee

Personnel Committee - Five minutes after Advertising Committee

Transaction Recovery Fund Committee - 11 a.m. or five to 45 minutes after Finance

The full board will meet at 1 p.m. Meetings may begin later but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the

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# Calendar of Events

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board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.


## VIRGINIA MUSEUM OF FINE ARTS

† **February 21, 2002 - 12:30 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, Auditorium, 2800 Grove Avenue, Richmond, Virginia. 


A quarterly meeting of the Board of Trustees with reports from the President, Director, Museum Foundation and Committees and approval of acquisition of art works. Portions of the meeting will be held in closed session. 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.


## Buildings and Grounds Committee

† **February 21, 2002 - 8:30 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. 


A quarterly meeting to update trustees on the current status of projects. 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

† **February 21, 2002 - 9:30 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 


A quarterly meeting for staff to present acquisition proposals to the committee. 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

† **February 20, 2002 - 3:15 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. 


A quarterly meeting to discuss marketing plans. 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

† **February 20, 2002 - 2 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. 


A quarterly meeting for staff to brief trustees on current activities. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


## Executive Committee

† **February 5, 2002 - 8 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 


A meeting held for staff to brief the Executive Committee. 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.


## Exhibitions Committee

† **February 20, 2002 - 11 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. 


A quarterly meeting to discuss museum exhibitions. 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.


## Expansion Project Committee

† **February 20, 2002 - 9 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. 


A quarterly meeting to plan the museum's expansion. 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

† **February 21, 2002 - 11 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main  
Lobby Conference Room, Richmond, Virginia. 


A quarterly meeting to update the trustees. 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

† **February 20, 2002 - 12:30 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, Auditorium, 2800 Grove  
Avenue, Richmond, Virginia. 


A quarterly meeting to update trustees on legislative activity. 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

† **February 20, 2002 - 9 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main  
Lobby Conference Room, Richmond, Virginia. 

A quarterly meeting to review museum programming. 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.


## BOARD OF NURSING


**January 4, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled: **18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners;** and **18 VAC 90-40. Regulations Governing Prescriptive Authority for Nurse Practitioners.** The purpose of the proposed action is to establish continuing competency requirements for renewal of a license or prescriptive authority for nurse practitioners and to authorize the Executive Director to grant extensions for compliance in accordance with regulations.


Statutory Authority: §§ 54.1-103, 54.1-2400, 54.1-2912.1 and 54.1-2957.01 of the Code of Virginia.

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

23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.

† **January 15, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia. 

A general business meeting. Public comment will be received at 11 a.m.

**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

**February 7, 2002 - 8:30 a.m.** -- Open Meeting


**February 11, 2002 - 8:30 a.m.** -- Open Meeting

**February 12, 2002 - 8:30 a.m.** -- Open Meeting


**February 19, 2002 - 8:30 a.m.** -- Open Meeting

**February 21, 2002 - 8:30 a.m.** -- Open Meeting


**February 26, 2002 - 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 NURSING HOME ADMINISTRATORS

† **January 23, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. 

A general business meeting including the adoption of proposed regulations pursuant to its regulatory review and an increase in fees. Public comment will be received at the beginning of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Nursing Home Administrators, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra\_reen@dhp.state.va.us.

## BOARD OF OPTOMETRY

† **January 25, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Legislative/Regulatory Committee to consider amendments to regulations resulting from the periodic review and other legislative or regulatory issues as

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# Calendar of Events

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may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9504, (804) 662-7197/TTY ☎, e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).

† **January 25, 2002 - 11 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia ♿

A general business meeting including the review of correspondence relating to ophthalmic prescriptions, adoption of proposed regulations pursuant to regulatory review, review of legislation and other business as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9504, (804) 662-7197/TTY ☎, e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).

## BOARD OF PHARMACY

### Special Conference Committee

† **January 16, 2002 - 9 a.m.** -- Open Meeting  
† **January 24, 2002 - 9 a.m.** -- Open Meeting  
† **February 5, 2002 9 a.m.** -- Open Meeting  
† **February 27, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting to discuss disciplinary matters. 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

**January 18, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia ♿

A regular board meeting.

**Contact:** Annie B. Artis, Administrative Staff Assistant, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, e-mail [ann.artis@dhp.state.va.us](mailto:ann.artis@dhp.state.va.us).

**January 18, 2002 - Noon** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia ♿

An informal conference to be held before the Special Conference Committee.

**Contact:** Annie B. Artis, Administrative Staff Assistant, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, e-mail [ann.artis@dhp.state.va.us](mailto:ann.artis@dhp.state.va.us).

† **February 1, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia ♿

A general business meeting including the adoption of amendments to regulations replacing the emergency continuing education regulations currently in effect. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, Southern States Bldg. 4th Floor, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail [etisdale@dhp.state.va.us](mailto:etisdale@dhp.state.va.us).

## BOARD OF PSYCHOLOGY

† **January 8, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia ♿

A meeting to receive comments on the quality of supervision and the possible need for changes to current supervision requirements.

**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](mailto:ebrown@dhp.state.va.us).

† **January 8, 2002 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia ♿

A general business meeting with consideration of sex offender treatment provider regulations, continuing education requirements and adoption of final regulations for public participation guidelines. The board will receive public comment 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](mailto:ebrown@dhp.state.va.us).

## REAL ESTATE APPRAISER BOARD

**February 5, 2002 - 10 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](mailto:reboard@dpor.state.va.us).



## REAL ESTATE BOARD

† **January 11, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting and a review of regulations.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

**February 13, 2002 - 4 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Continuing 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.

**February 14, 2002 - 8:30 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.

**February 14, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

## BOARD OF REHABILITATIVE SERVICES

† **January 24, 2002 - 8:45 a.m.** -- Open Meeting  
Ratcliffe Building, 1602 Rolling Hills Drive, Richmond,  
Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Barbara Tyson, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7011, toll-free (800) 552-5019, e-mail tysonbg@drs.state.va.us.

## VIRGINIA RESOURCES AUTHORITY

NOTE: CHANGE IN MEETING DATE

† **January 15, 2002 - 9 a.m.** -- Open Meeting

**February 12, 2002 - 9 a.m.** -- Open Meeting

Virginia Resources Authority, 707 East Main Street, 2nd Floor  
Conference Room, Richmond, Virginia.


A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Bonnie McRae, 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 REVIEW BOARD

† **January 23, 2002 - 10 a.m.** -- Open Meeting

† **February 27, 2002 - 10 a.m.** -- Open Meeting


Henrico County Health Department, 8600 Dixon Power Drive,  
Richmond, Virginia 

A meeting to hear appeals of health department denials of septic tank permits.

**Contact:** Susan C. Sherertz, Appeal Board Secretary, Department of Health, 1500 E. Main St., Room 115, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us..

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **January 22, 2002 - 10 a.m.** -- Open Meeting

Department of Business Assistance, 707 East Main Street,  
3rd Floor, Richmond, Virginia. 

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. Meeting 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.

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# Calendar of Events

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## DEPARTMENT OF SOCIAL SERVICES

**January 4, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-880. Child Support Enforcement Program**. The purpose of the proposed action is to update selected sections of the current child support enforcement regulation impacted by recent state and federal legislation.

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


**Contact:** Bill Brownfield, Manager, Division of Child Support Enforcement, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2401.

**January 18, 2002 - 10 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, 8th Floor, Conference Room, Richmond, Virginia. 


A regular meeting of the Family and Children's Trust Fund Board of Trustees. Contact the Office of the Family and Children's Trust Fund for more information.

**Contact:** Nan McKenney, Executive Director, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.


## BOARD FOR PROFESSIONAL SOIL SCIENTISTS

**February 13, 2002 - 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 business meeting.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8539, FAX (804) 367-2475, (804) 367-9735/TTY , e-mail [oneal@dpor.state.va.us](mailto:oneal@dpor.state.va.us).


## COUNCIL ON TECHNOLOGY SERVICES

**January 10, 2002 - 1:30 p.m.** -- Open Meeting  
Department of Information Technology, 110 South 7th Street, 3rd Floor, Executive Conference Room, Richmond, Virginia. 

A regular monthly meeting of the Enterprise Architecture Workgroup.

**Contact:** Paul Lubic, Information Technology Manager, Council on Technology Services, 110 S. 7th St., Suite 135, Richmond, VA, telephone (804) 371-0004, FAX (804) 371-2795, e-mail [plubic@dt.state.va.us](mailto:plubic@dt.state.va.us).

## TRANSPORTATION SAFETY BOARD

**January 24, 2002 - 10 a.m.** -- Open Meeting  
Virginia Department of Transportation, 1221 East Broad Street, Front Auditorium, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the board to discuss highway safety issues.

**Contact:** Angelisa Jennings, Policy Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23226, telephone (804) 367-2026.

## COMMONWEALTH TRANSPORTATION BOARD

**† January 16, 2002 - 2 p.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

**Contact:** Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail [Mathis\\_ca@vdot.state.va.us](mailto:Mathis_ca@vdot.state.va.us).

**† January 17, 2002 - 10 a.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. 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:** Carol A. Mathis, Administrative Assistant, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail [Mathis\\_ca@vdot.state.va.us](mailto:Mathis_ca@vdot.state.va.us).

## VIRGINIA VOLUNTARY FORMULARY BOARD

**January 7, 2002 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia.

A public hearing to consider drug categories that have recently been deleted from the Virginia Voluntary Formulary and for the adoption and issuance of revisions to the Formulary. The proposed revisions to the Formulary add drugs to the Formulary that became effective April 9, 2001 and the most recent supplement to that revision. Copies of the proposed revisions to the Virginia Voluntary Formulary

are available for inspection at the Bureau of Pharmacy Services, Virginia Department of Health, 101 North 14th Street, Richmond, VA 23219. Written comments sent to the above address and received prior to 5 p.m. on January 7, 2002, will be made a part of the hearing record and considered by the board.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 N. 14th St., S-45, PO Box 2448, Richmond VA, 22318, telephone (804) 786-4326.

**January 31, 2002 - 10:30 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia.

A meeting to review public hearing comments and data submitted by pharmaceutical manufacturers for products being considered for inclusion in the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 N. 14th St., Room S-45, PO Box 2448, Richmond, VA 23218, telephone (804) 786-4326.

## VIRGINIA WAR MEMORIAL FOUNDATION

**January 8, 2002 - Noon** -- Open Meeting  
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments will be heard.

**Contact:** Sandra H. Williams, Associate Director, Department of General Services, 621 S. Belvidere St., Richmond, VA 23220, telephone (804) 786-2060, FAX (804) 786-6652, (804) 786-6152/TTY, e-mail swilliams@vawarmemorial.state.va.us.

## VIRGINIA WASTE MANAGEMENT BOARD

**January 4, 2002 - 1:30 p.m.** -- Public Hearing  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

**January 7, 2002 - 1:30 p.m.** -- Public Hearing  
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. (Interpreter for the deaf provided upon request)

**January 8, 2002 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-120, Regulated Medical Waste Management Regulations**. The purpose of the proposed action is to consider amendment of the regulation to include, but not be limited to, the issue of storage of separately accumulated objects for personal hygiene, the issue of temporary

storage and such other issues which may result from public comment on the NOIRA or activities of the technical advisory committee established to assist in the development of any proposal.

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

Public comments may be submitted until 5 p.m. on January 23, 2002.

**Contact:** John E. Ely, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4249, FAX (804) 698-4327, e-mail jeely@deq.state.va.us.

## STATE WATER CONTROL BOARD

† **January 7, 2002 - 1 p.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting of the advisory committee assisting in the development of a regulation establishing a general VPDES permit for storm water discharges from small municipal separate storm sewer systems.

**Contact:** Burt Tuxford, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086, e-mail burtuxford@deq.state.va.us.

† **January 15, 2002 - 9:30 a.m.** -- Open Meeting  
† **February 12, 2002 - 9:30 a.m.** -- Open Meeting  
Department of Environmental Quality Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

A meeting of the technical advisory committee assisting in the development of a draft regulation for 9 VAC 25-740, Regulation for the Reuse of Reclaimed Water.

**Contact:** Lily Choi, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, e-mail ychoi@deq.state.va.us.

**January 23, 2002 - 9:30 a.m.** -- Open Meeting  
Department of Environmental Quality, 806 Westwood Office Park, Fredericksburg, Virginia.

A meeting of the advisory committee assisting in the development of the reissuance of the General VPDES Permit for Discharges from Petroleum Contaminated Sites.

**Contact:** Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075, e-mail rwayers@deq.state.va.us.

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**January 8, 2002 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

**January 9, 2002 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

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# Calendar of Events

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**January 31, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260. Water Quality Standards**. The purpose of the proposed action is to update surface water criteria for ammonia in freshwater, provide new alternative indicators for assessing bacterial water quality, and update contact recreational use designations for primary and secondary or seasonal uses, etc.

Statutory Authority: §§ 62.1-44.15(10) and 62.1-44.15(3a) of the Code of Virginia

**Contact:** Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, e-mail emdaub@deq.state.va.us.

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NOTE: CHANGE IN COMMENT DEADLINE

**February 2, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to promulgate regulations entitled: **9 VAC 25-720. Water Quality Management Planning Public Participation Guidelines Regulation**, and repeal regulations entitled:

**9 VAC 25-420. James River 3(C) Wastewater Management Plan Peninsula Area.**

**9 VAC 25-430. Roanoke River Basin Water Quality Management Plan.**

**9 VAC 25-440. Upper Roanoke River Subarea Water Quality Management Plan .**

**9 VAC 25-450. Upper James River Basin Water Quality Management Plan.**

**9 VAC 25-452. Upper James-Jackson River Subarea Water Quality Management Plan.**

**9 VAC 25-460. Metropolitan/Regional Water Quality Management Plan for Northern Neck Planning District (No. 17).**

**9 VAC 25-470. York River Basin Water Quality Management Plan.**

**9 VAC 25-480. Tennessee and Big Sandy River Basins Water Quality Management Plan**

**9 VAC 25-490. Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303(E) Water Quality Management Plan.**

**9 VAC 25-500. State Water Quality Management Plan for the Fifth Planning District.**

**9 VAC 25-510. Water Quality Management Plan for the Southwest Virginia 208 Planning Area.**

**9 VAC 25-520. Water Quality Management Plan for the First Tennessee-Virginia Development District.**

**9 VAC 25-530. Water Quality Management Plan for the Hampton Roads Planning Area (Planning Districts 20 & 21).**

**9 VAC 25-540. Water Quality Management Plan for the New River Basin.**

**9 VAC 25-550. Small Coastal River Basins and Chesapeake Bay Virginia Eastern Shore Portion Water Quality Management Plan.**

**9 VAC 25-560. Potomac-Shenandoah River Basin Water Quality Management Plan.**

**9 VAC 25-570. Richmond-Crater Interim Water Quality Management Plan.**

**9 VAC 25-572. Water Quality Management Plans.**


The purpose of the proposed action is to establish, among other planning items, the procedures for public participation during TMDL development, submittal of proposed TMDLs to EPA and inclusion of approved TMDLs and TMDL implementation plans in the water quality management plans. The action will also include repeal of existing water quality management plans.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.


**Contact:** Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone 804-698-4462, FAX 804-698-4136, e-mail chmartin@deq.state.va.us.

## LEGISLATIVE


### DISABILITY COMMISSION

**January 8, 2002 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A regular meeting. Questions about the agenda should be addressed 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 

### VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

**January 7, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd

Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaacouncil@leg.state.va.us.

## STATE WATER COMMISSION

† **January 8, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. Questions about the agenda should be addressed to Marty Farber or Sue Bulbulkaya, Division of Legislative Services, (804) 786-3591.

**Contact:** Hudaidah F. Bhimdi, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### January 2, 2002

Competition Council, Commonwealth

#### January 4

- † Accountancy Board of
- † Agriculture and Consumer Services, Department of
  - Virginia Sheep Industry Board
- † Dentistry, Board of
- † Medicine, Board of
  - Ad Hoc Committee on Outpatient Anesthesia

#### January 7

- Education, Board of
- Freedom of Information Advisory Council, Virginia
- Local Government, Commission on
- † Medical Assistance Services, Department of
  - Medicaid Pharmacy Liaison Committee
- † Water Control Board, State

#### January 8

- Compensation Board
- Disability Commission
- † Environmental Quality, Department of
  - Ground Water Protection Steering Committee
- Hopewell Industrial Safety Council
- † Psychology, Board of
  - Regulatory Committee
- War Memorial Foundation, Virginia
  - Board of Trustees
- † Water Commission, State

#### January 9

- † Aging, Commonwealth Council on
  - Public Relations Committee
- † Conservation and Recreation, Department of
  - Virginia Outdoors Plan Technical Advisory Committee
- Juvenile Justice, State Board of
- † Medicine, Board of
  - Advisory Committee on Acupuncture
  - Advisory Committee on Radiologic Technology

#### January 10

- † Auctioneers Board
- † Child Day-Care Council
- † Conservation and Recreation, Department of
  - Falls of the James Scenic River Advisory Board

- † Medicine, Board of
  - Advisory Board on Occupational Therapy
  - Advisory Board on Respiratory Care
- Technology Services, Council on
  - Enterprise Architecture Workgroup

#### January 11

- Child Fatality Review Team, State
- † Medicine, Board of
  - Advisory Board on Athletic Training
  - Advisory Board on Physician Assistants
- † Real Estate Board

#### January 14

- Motor Vehicle Dealer Board
  - Advertising Committee
  - Dealer Practices Committee
  - Finance Committee
  - Franchise Law Committee
  - Licensing Committee
  - Transaction Recovery Fund Committee

#### January 15

- Blind and Vision Impaired, Department for the
- Conservation and Recreation, Department of
  - Board on Conservation and Development of Public Beaches
  - Goose Creek Scenic River Advisory Board
- † Corrections, Board of
  - Correctional Services/Policy and Regulations Committee
- Statewide Independent Living Council
- † Nursing, Board of
- † Resources Authority, Virginia
- † Water Control Board, State

#### January 16

- † Corrections, Board of
- Geology, Board for
- † Pharmacy, Board of
  - Special Conference Committee
- † Transportation Board, Commonwealth

#### January 17

- † Agriculture and Consumer Services, Department of
  - Pesticide Control Board
- † Assistive Technology Loan Fund Authority
  - Board of Directors
- † Transportation Board, Commonwealth

#### January 18

- Physical Therapy, Board of
  - Special Conference Committee
- Social Services, State Board of
  - Family and Children's Trust Fund Board of Trustees

#### January 22

- Compensation Board
- Marine Resources Commission
- † Small Business Financing Authority
  - Board of Directors

#### January 23

- † Community Colleges, State Board for
  - Academic and Student Affairs Committee
  - Audit Committee
  - Budget and Finance Committee
  - Executive Committee
  - Facilities Committee
  - Personnel Committee

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# Calendar of Events

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† Contractors, Board for  
Labor and Industry, Department of  
- Migrant and Seasonal Farmworkers Board, Virginia  
† Nursing Home Administrators  
† Sewage Handling and Disposal Review Board  
Water Control Board, State

## January 24

† Agriculture and Consumer Services, Department of  
- Virginia Pork Industry Board  
Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
- Land Surveyor Section  
† Community Colleges, State Board for  
† Pharmacy, Board of  
- Special Conference Committee  
† Rehabilitative Services, Board of  
Transportation Safety Board

## January 25

† Correctional Education, Board of  
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  
† Medicine, Board of  
- Legislative Committee  
† Optometry, Board of  
- Legislative Committee/Regulatory Committee

## January 28

Education, Board of  
- Advisory Board for Teacher Education and Licensure

## January 29

† Agriculture and Consumer Services, Department of  
- Virginia Cattle Industry Board

## January 31

† Manufactured Housing Board, Virginia  
Voluntary Formulary Board, Virginia

## February 1

† Physical Therapy, Board of

## February 4

† Game and Inland Fisheries, Department of

## February 5

† Game and Inland Fisheries, Department of  
Hopewell Industrial Safety Council  
† Museum of Fine Arts, Virginia  
- Executive Committee  
† Pharmacy, Board of  
- Special Conference Committee  
Real Estate Appraiser Board

## February 6

† Game and Inland Fisheries, Department of

## February 7

† Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
† Medicine, Board of  
Nursing, Board of  
- Special Conference Committee

## February 8

Agriculture and Consumer Services, Department of  
- Virginia Horse Industry Board

## February 11

Nursing, Board of  
- Special Conference Committee

## February 12

† Game and Inland Fisheries, Department of  
Nursing, Board of  
- Special Conference Committee  
Resources Authority, Virginia  
- Board of Directors  
† Water Control Board, State

## February 13

† Game and Inland Fisheries, Department of  
Real Estate Board  
- Continuing Education Committee  
Soil Scientists, Board for Professional

## February 14

Real Estate Board  
- Fair Housing Committee

## February 15

† Health Professions, Department of  
- Health Practitioners' Intervention Program Committee

## February 19

Nursing, Board of  
- Special Conference Committee

## February 20

† Museum of Fine Arts, Virginia  
- Communications and Marketing Committee  
- Education and Programs Committee  
- Exhibitions Committee  
- Expansion Project Committee  
- Legislative Committee  
- Program Review Committee

## February 21

† Museum of Fine Arts, Virginia  
- Buildings and Grounds Committee  
- Collections Committee  
- Finance Committee  
Nursing, Board of  
- Special Conference Committee

## February 26

Cemetery Board  
Marine Resources Commission  
Nursing, Board of  
- Special Conference Committee

## February 27

† Pharmacy, Board of  
- Special Conference Committee  
† Sewage Handling and Disposal Appeals Review Board

## February 28

Education, Board of

## March 5

Hopewell Industrial Safety Council

## March 8

† Agriculture and Consumer Services, Department of  
- Virginia Cotton Board

## March 14

† Agriculture and Consumer Services, Board of

**March 18**

- † Education, Board of
  - Advisory Board for Teacher Education and Licensure
- † 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

**March 26**

Marine Resources Commission

**March 27**

- † Education, Board of
- † Medicine, Board of
  - Informal Conference Committee

### PUBLIC HEARINGS

**January 3, 2002**

Air Pollution Control Board, State

**January 4**

Waste Management Board, Virginia

**January 7**

Voluntary Formulary Board, Virginia

Waste Management Board, Virginia

**January 8**

Waste Management Board, Virginia

Water Control Board, State

**January 9**

- † Health, State Board of
- Juvenile Justice, State Board of
- Water Control Board, State

**January 10**

- † Air Pollution Control Board, State

**January 24**

Air Pollution Control Board, State

**March 14**

Agriculture and Consumer Services, Department of