



Virginia Register of Regulations

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission of Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date

specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **23:7 VA.R. 1023-1140 December 11, 2006**, refers to Volume 23, Issue 7, pages 1023 through 1140 of the *Virginia Register* issued on December 11, 2006.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **R. Steven Landes**, Chairman; **John S. Edwards**, Vice Chairman; **Ryan T. McDougle**; **Robert Hurt**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **James F. Almand**; **S. Bernard Goodwyn**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

January 2006 through November 2007

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
INDEX 1 Volume 23		January 2007
23:9	December 19, 2006 (Tuesday)	January 8, 2007
23:10	January 3, 2007	January 22, 2007
23:11	January 17, 2007	February 5, 2007
23:12	January 31, 2007	February 19, 2007
23:13	February 14, 2007	March 5, 2007
23:14	February 28, 2007	March 19, 2007
INDEX 2 Volume 23		April 2007
23:15	March 14, 2007	April 2, 2007
23:16	March 28, 2007	April 16, 2007
23:17	April 11, 2007	April 30, 2007
23:18	April 25, 2007	May 14, 2007
23:19	May 9, 2007	May 28, 2007
23:20	May 23, 2007	June 11, 2007
INDEX 3 Volume 23		July 2007
23:21	June 6, 2007	June 25, 2007
23:22	June 20, 2007	July 9, 2007
23:23	July 3, 2007 (Tuesday)	July 23, 2007
23:24	July 18, 2007	August 6, 2007
23:25	August 1, 2007	August 20, 2007
23:26	August 15, 2007	September 3, 2007
FINAL INDEX - Volume 23		October 2007
24:1	August 29, 2007	September 17, 2007
24:2	September 12, 2007	October 1, 2007
24:3	September 26, 2007	October 15, 2007
24:4	October 10, 2007	October 29, 2007
24:5	October 24, 2007	November 12, 2007

*Filing deadlines are Wednesdays unless otherwise specified.

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 2006 VAC Supplement includes final regulations published through *Virginia Register* Volume 22, Issue 22, dated July 10, 2006). Emergency regulations, if any, are listed, followed by the designation “emer,” and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 50-10-10 through 1 VAC 50-10-50	Repealed	22:26 VA.R. 4083	10/4/06
1 VAC 50-10-60 through 1 VAC 50-10-150	Added	22:26 VA.R. 4084-4085	10/4/06
1 VAC 50-20-1	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-5	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-10	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-20	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-30	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-40	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-50	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-60 through 1 VAC 50-20-90	Repealed	22:26 VA.R. 4086-4087	10/4/06
1 VAC 50-20-100	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-110	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-120	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-130	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-140	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-142	Added	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-150 through 1 VAC 50-20-180	Amended	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-190 through 1 VAC 50-20-220	Repealed	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-230	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-240	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-250	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-260	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-270	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-280	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-290	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-300	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-310	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-320	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-330	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-340	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-350	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-360	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-370	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-380	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-382	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-384	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-390	Amended	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-400 through 1 VAC 50-20-530	Repealed	22:26 VA.R. 4091-4093	10/4/06
1 VAC 50-20-540 through 1 VAC 50-20-600	Amended	22:26 VA.R. 4093-4098	10/4/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
1 VAC 50-20-601	Added	22:26 VA.R. 4098	10/4/06
1 VAC 50-20-605	Added	22:26 VA.R. 4099	10/4/06
1 VAC 50-20-610	Amended	22:26 VA.R. 4100	10/4/06
1 VAC 50-20-612	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-614	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-616	Added	22:26 VA.R. 4102	10/4/06
1 VAC 50-20-620 through 1 VAC 50-20-670	Amended	22:26 VA.R. 4102-4105	10/4/06
1 VAC 50-20-680	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-690	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-700	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 55-30-10 through 1 VAC 55-30-90	Added	23:3 VA.R. 334-337	
Title 2. Agriculture			
2 VAC 5-195-10 through 2 VAC 5-195-180	Added	22:25 VA.R. 3872-3876	8/21/06
2 VAC 5-210-10	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-20	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-30	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-40	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-41	Added	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-50	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-60	Amended	22:24 VA.R. 3581	7/19/06
2 VAC 5-330-30	Amended	22:24 VA.R. 3587	9/7/06
2 VAC 20-40-10	Amended	22:26 VA.R. 4105	10/5/06
2 VAC 20-40-20	Amended	22:26 VA.R. 4106	10/5/06
2 VAC 20-40-40	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-60	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-65	Added	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-70 through 2 VAC 20-40-110	Amended	22:26 VA.R. 4107-4109	10/5/06
2 VAC 20-40-120	Repealed	22:26 VA.R. 4109	10/5/06
Title 4. Conservation and Natural Resources			
4 VAC 5-36-50	Amended	23:6 VA.R. 845	1/1/07
4 VAC 5-36-60	Amended	23:6 VA.R. 848	1/1/07
4 VAC 5-36-70	Amended	23:6 VA.R. 849	1/1/07
4 VAC 5-36-90 through 4 VAC 5-36-120	Amended	23:6 VA.R. 850-856	1/1/07
4 VAC 5-36-150	Amended	23:6 VA.R. 856	1/1/07
4 VAC 5-36-170	Amended	23:6 VA.R. 857	1/1/07
4 VAC 5-36-200	Amended	23:6 VA.R. 858	1/1/07
4 VAC 5-36-210	Amended	23:6 VA.R. 862	1/1/07
4 VAC 20-20-20	Amended	23:4 VA.R. 574	10/1/06
4 VAC 20-20-20	Amended	23:8 VA.R. 1161	11/29/06
4 VAC 20-20-50	Amended	23:4 VA.R. 574	10/1/06
4 VAC 20-20-50	Amended	23:8 VA.R. 1161	11/29/06
4 VAC 20-150-70	Amended	22:23 VA.R. 3277	6/28/06
4 VAC 20-252-10	Amended	23:8 VA.R. 1162	1/1/07
4 VAC 20-252-20	Amended	23:8 VA.R. 1163	1/1/07
4 VAC 20-252-30	Amended	22:23 VA.R. 3277	7/1/06
4 VAC 20-252-50	Amended	22:23 VA.R. 3278	7/1/06
4 VAC 20-252-115	Added	22:23 VA.R. 3278	7/1/06
4 VAC 20-252-130	Amended	23:8 VA.R. 1163	1/1/07
4 VAC 20-252-135	Amended	23:8 VA.R. 1164	1/1/07
4 VAC 20-252-150	Amended	23:8 VA.R. 1165	1/1/07
4 VAC 20-252-155	Added	23:8 VA.R. 1165	1/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-252-160	Amended	23:8 VA.R. 1166	1/1/07
4 VAC 20-490-42 emer	Amended	23:8 VA.R. 1168	11/29/06-12/28/06
4 VAC 20-566-30	Amended	22:25 VA.R. 3877	8/1/06
4 VAC 20-610-30	Amended	23:4 VA.R. 575	10/1/06
4 VAC 20-610-40	Amended	23:4 VA.R. 576	10/1/06
4 VAC 20-610-60	Amended	23:4 VA.R. 576	10/1/06
4 VAC 20-720-20	Amended	23:4 VA.R. 578	10/1/06
4 VAC 20-720-40	Amended	23:4 VA.R. 579	10/1/06
4 VAC 20-720-50	Amended	23:4 VA.R. 579	10/1/06
4 VAC 20-720-60	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-70	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-75	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-80	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-100	Amended	23:4 VA.R. 581	10/1/06
4 VAC 20-900-10 through 4 VAC 20-900-30	Amended	22:23 VA.R. 3279-3280	7/1/06
4 VAC 20-910-45	Amended	23:6 VA.R. 865	11/1/06
4 VAC 20-910-45	Erratum	23:8 VA.R. 1290	--
4 VAC 20-1090-20	Repealed	23:4 VA.R. 581	10/1/06
4 VAC 20-1090-30	Amended	23:4 VA.R. 582	10/1/06
4 VAC 25-130-816.11	Amended	22:24 VA.R. 3587	9/6/06
4 VAC 25-130-816.64	Amended	22:24 VA.R. 3588	9/6/06
Title 6. Criminal Justice and Corrections			
6 VAC 20-120-80	Amended	22:20 VA.R. 2704	7/12/06
6 VAC 20-190-10 through 6 VAC 20-190-200	Repealed	22:10 VA.R. 1556-1559	2/22/06
6 VAC 20-210-10 through 6 VAC 20-210-110	Repealed	22:10 VA.R. 1561-1562	2/22/06
6 VAC 20-220-20 through 6 VAC 20-220-80	Repealed	22:10 VA.R. 1559-1560	2/22/06
6 VAC 20-240-10 through 6 VAC 20-240-120	Added	22:11 VA.R. 1764-1768	3/8/06
6 VAC 20-260-10 through 6 VAC 20-260-360 emer	Added	22:12 VA.R. 2044-2053	2/20/06-2/19/07
6 VAC 35-10-10 through 6 VAC 35-10-50	Amended	23:1 VA.R. 25-26	10/18/06
6 VAC 35-10-60	Repealed	23:1 VA.R. 26	10/18/06
6 VAC 35-10-70 through 100	Amended	23:1 VA.R. 26-27	10/18/06
6 VAC 35-10-105	Added	23:1 VA.R. 27	10/18/06
6 VAC 35-10-110	Amended	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120 through 6 VAC 35-10-150	Added	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120	Amended	23:1 VA.R. 28	10/18/06
6 VAC 40-10-10 through 6 VAC 40-10-90	Added	22:24 VA.R. 3746-3747	10/25/06
6 VAC 40-50-10 through 6 VAC 40-50-80 emer	Added	22:23 VA.R. 3406-3407	7/1/06-6/30/07
Title 8. Education			
8 VAC 20-21-10 through 8 VAC 20-21-730	Repealed	23:3 VA.R. 337	11/28/06
8 VAC 20-22-10 through 8 VAC 20-22-760	Added	23:3 VA.R. 344-376	11/28/06
8 VAC 20-131-5	Added	22:24 VA.R. 3589	9/7/06
8 VAC 20-131-10	Amended	22:24 VA.R. 3590	9/7/06
8 VAC 20-131-20	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-30	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-40	Repealed	22:24 VA.R. 3592	9/7/06
8 VAC 20-131-50 through 8 VAC 20-131-110	Amended	22:24 VA.R. 3592-3598	9/7/06
8 VAC 20-131-140	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-150	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-160	Repealed	22:24 VA.R. 3599	9/7/06
8 VAC 20-131-170 through 8 VAC 20-131-210	Amended	22:24 VA.R. 3599-3600	9/7/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-131-240	Amended	22:24 VA.R. 3600	9/7/06
8 VAC 20-131-260 through 8 VAC 20-131-310	Amended	22:24 VA.R. 3601-3607	9/7/06
8 VAC 20-131-315	Added	22:24 VA.R. 3607	9/7/06
8 VAC 20-131-320	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-325	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-330	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-340	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-350	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131-360	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131, Appendix I	Repealed	22:24 VA.R. 3609	9/7/06
8 VAC 20-521-30	Amended	22:26 VA.R. 4110	10/4/06
8 VAC 20-541-10 through 8 VAC 20-541-60	Repealed	23:3 VA.R. 376	11/29/06
8 VAC 20-542-10 through 8 VAC 20-542-600	Added	23:3 VA.R. 376-434	11/29/06
8 VAC 40-30	Repealed	22:23 VA.R. 3281	8/24/06
8 VAC 40-31-10 through 8 VAC 40-31-320	Added	22:23 VA.R. 3281-3298	8/24/06
8 VAC 103-20-10 through 8 VAC 103-20-50	Added	23:7 VA.R. 1045-1050	12/11/06
Title 9. Environment			
9 VAC 5-20-21	Amended	22:26 VA.R. 4111	10/4/06
9 VAC 5-20-21	Erratum	23:5 VA.R. 791	--
9 VAC 5-20-203	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-204	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-206	Amended	22:26 VA.R. 4114	10/4/06
9 VAC 5-40-250	Amended	23:5 VA.R. 737	12/15/06
9 VAC 5-40-300	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-300	Repealed	23:5 VA.R. 737	12/15/06
9 VAC 5-40-310	Repealed	23:5 VA.R. 738	12/15/06
9 VAC 5-40-311	Repealed	23:5 VA.R. 739	12/15/06
9 VAC 5-40-5060	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-5200	Amended	22:26 VA.R. 4116	10/4/06
9 VAC 5-40-5600	Amended	23:1 VA.R. 29	10/18/06
9 VAC 5-40-5610	Amended	23:1 VA.R. 29	10/18/06
9 VAC 5-40-5620	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5630	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5631	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5641	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5641	Erratum	23:5 VA.R. 791	--
9 VAC 5-40-5700	Amended	22:26 VA.R. 4116	10/4/06
9 VAC 5-40-5720	Amended	22:26 VA.R. 4117	10/4/06
9 VAC 5-40-5750	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-6970	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7050	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7120	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7130	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7140	Amended	22:26 VA.R. 4122	10/4/06
9 VAC 5-40-7140	Erratum	23:5 VA.R. 791	--
9 VAC 5-40-7210	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7240	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7250	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7260	Amended	22:26 VA.R. 4125	10/4/06
9 VAC 5-40-7260	Erratum	23:5 VA.R. 791	--
9 VAC 5-40-7270	Amended	22:26 VA.R. 4136	10/4/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-7300	Amended	22:26 VA.R. 4139	10/4/06
9 VAC 5-40-7330	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7360	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7370 through 9 VAC 5-40-7540	Added	23:5 VA.R. 740-745	12/15/06
9 VAC 5-40-7800	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-40-7880	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-50-250	Amended	22:23 VA.R. 3301	9/1/06
9 VAC 5-50-270	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-50-280	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1100	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1110	Amended	22:23 VA.R. 3303	9/1/06
9 VAC 5-80-1310	Repealed	22:23 VA.R. 3308	9/1/06
9 VAC 5-80-1605	Added	22:23 VA.R. 3309	9/1/06
9 VAC 5-80-1615	Added	22:23 VA.R. 3310	9/1/06
9 VAC 5-80-1625	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1635	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1645	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1655	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1665	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1675	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1685	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1695	Added	22:23 VA.R. 3323	9/1/06
9 VAC 5-80-1700	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1705	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1710	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1715	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1720	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1725	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1730	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1735	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1740	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1745	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1750	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1755	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1760	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1765	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1770	Repealed	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1775	Added	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1780	Repealed	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1785	Added	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1790	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1795	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1800	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1805	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1810	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1815	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1820	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1825	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1830	Repealed	22:23 VA.R. 3330	9/1/06
9 VAC 5-80-1835	Added	22:23 VA.R. 3330	9/1/06

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9 VAC 5-80-1840	Repealed	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1845	Added	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1850	Repealed	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1855	Added	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1860	Repealed	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1865	Added	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1870 through 9 VAC 5-80-1920	Repealed	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1925	Added	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1930	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1935	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1940	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1945	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1950	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1955	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1960	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1965	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1970	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1975	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1985	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-1995	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-2000 through 9 VAC 5-80-2020	Amended	22:23 VA.R. 3343-3355	9/1/06
9 VAC 5-80-2040 through 9 VAC 5-80-2070	Amended	22:23 VA.R. 3355-3358	9/1/06
9 VAC 5-80-2090	Amended	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2091	Added	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2110 through 9 VAC 5-80-2140	Amended	22:23 VA.R. 3359-3362	9/1/06
9 VAC 5-80-2141 through 9 VAC 5-80-2143	Added	22:23 VA.R. 3362-3366	9/1/06
9 VAC 5-80-2144	Added	22:23 VA.R. 3367	9/1/06
9 VAC 5-80-2180	Amended	22:23 VA.R. 3372	9/1/06
9 VAC 5-80-2200 through 9 VAC 5-80-2240	Amended	22:23 VA.R. 3373-3375	9/1/06
9 VAC 20-60-18	Amended	22:23 VA.R. 3375	8/23/06
9 VAC 20-85-20	Amended	23:4 VA.R. 584	11/29/06
9 VAC 20-85-30	Amended	23:4 VA.R. 585	11/29/06
9 VAC 20-85-40	Amended	23:4 VA.R. 585	11/29/06
9 VAC 20-85-60 through 9 VAC 20-85-170	Amended	23:4 VA.R. 585-589	11/29/06
9 VAC 25-31-10	Amended	22:24 VA.R. 3610	9/6/06
9 VAC 25-31-30	Amended	22:24 VA.R. 3619	9/6/06
9 VAC 25-31-80	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-100	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-165	Added	22:24 VA.R. 3637	9/6/06
9 VAC 25-31-220	Amended	22:24 VA.R. 3651	9/6/06
9 VAC 25-31-290	Amended	22:24 VA.R. 3656	9/6/06
9 VAC 25-31-770	Amended	22:24 VA.R. 3657	9/6/06
9 VAC 25-31-780	Amended	22:24 VA.R. 3658	9/6/06
9 VAC 25-31-790	Amended	22:24 VA.R. 3662	9/6/06
9 VAC 25-31-800	Amended	22:24 VA.R. 3667	9/6/06
9 VAC 25-31-840	Amended	22:24 VA.R. 3670	9/6/06
9 VAC 25-31-870	Amended	22:24 VA.R. 3677	9/6/06
9 VAC 25-260-5	Amended	23:1 VA.R. 41	*
9 VAC 25-260-30	Amended	22:26 VA.R. 4142	*

* Upon filing notice of EPA approval with the Registrar of Regulations.

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9 VAC 25-260-30	Amended	23:1 VA.R. 38	*
9 VAC 25-260-50	Amended	23:1 VA.R. 42	*
9 VAC 25-260-187	Added	23:1 VA.R. 42	*
9 VAC 25-260-310	Amended	23:1 VA.R. 44	*
9 VAC 25-260-480	Amended	23:1 VA.R. 46	*
9 VAC 25-660-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-690-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-720-70	Amended	23:6 VA.R. 869	2/26/07
9 VAC 25-820-10 through 9 VAC 25-820-70	Added	23:2 VA.R. 231-251	11/1/06
Title 11. Gaming			
11 VAC 5-20-200	Amended	22:25 VA.R. 3907	11/6/06
11 VAC 5-20-210 through 11 VAC 5-20-520	Repealed	22:25 VA.R. 3907-3914	11/6/06
11 VAC 10-70-20	Amended	22:25 VA.R. 3916	11/4/06
11 VAC 10-70-20	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-30	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-30	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-40	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-40	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-50	Repealed	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-50	Repealed	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-60 through 11 VAC 10-70-90	Amended	22:25 VA.R. 3917-3918	11/4/06
11 VAC 10-70-60	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-70	Amended	22:26 VA.R. 4145	9/4/06-11/3/06
11 VAC 10-70-80	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-90	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-170	Amended	22:25 VA.R. 3918	11/4/06
11 VAC 10-70-170	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-10	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-10	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-30	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-30	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-50	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-50	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
Title 12. Health			
12 VAC 5-31-10	Amended	23:6 VA.R. 870	12/13/06
12 VAC 5-31-50	Amended	23:6 VA.R. 876	12/13/06
12 VAC 5-31-60	Amended	23:6 VA.R. 876	12/13/06
12 VAC 5-31-110	Amended	23:6 VA.R. 877	12/13/06
12 VAC 5-31-140	Amended	23:6 VA.R. 877	12/13/06
12 VAC 5-31-190	Amended	23:6 VA.R. 877	12/13/06
12 VAC 5-31-220	Amended	23:6 VA.R. 878	12/13/06
12 VAC 5-31-230	Amended	23:6 VA.R. 878	12/13/06
12 VAC 5-31-1610	Amended	23:5 VA.R. 745	12/13/06
12 VAC 5-31-2000 through 12 VAC 5-31-2260	Repealed	23:6 VA.R. 879-888	12/13/06
12 VAC 5-60-10 through 12 VAC 5-60-260	Repealed	23:5 VA.R. 745	12/13/06
12 VAC 5-480-10 through 12 VAC 5-480-8920	Repealed	22:25 VA.R. 3877	9/20/06
12 VAC 5-481-10 through 12 VAC 5-481-3670	Added	22:25 VA.R. 3877	9/20/06
12 VAC 5-585-70	Amended	23:3 VA.R. 438	11/9/06

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12 VAC 5-585-510	Amended	23:3 VA.R. 438	11/9/06
12 VAC 5-585-600 through 12 VAC 5-585-630	Amended	23:3 VA.R. 442-450	11/9/06
12 VAC 5-590-10	Amended	22:24 VA.R. 3677	9/6/06
12 VAC 5-590-370	Amended	22:24 VA.R. 3683	9/6/06
12 VAC 5-590-410	Amended	22:24 VA.R. 3708	9/6/06
12 VAC 5-590-440	Amended	22:24 VA.R. 3711	9/6/06
12 VAC 5-590-505	Added	23:1 VA.R. 47	10/18/06
12 VAC 5-590, Appendix N	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 5-590, Appendix O	Erratum	23:7 VA.R. 1112	9/6/06
12 VAC 5-590-545	Amended	22:24 VA.R. 3712	9/6/06
12 VAC 5-590-820	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 30-40-10	Amended	22:23 VA.R. 3376	8/23/06
12 VAC 30-40-290	Amended	22:23 VA.R. 3377	8/23/06
12 VAC 30-40-300	Amended	22:23 VA.R. 3379	8/23/06
12 VAC 30-40-360	Added	22:23 VA.R. 3385	8/23/06
12 VAC 30-50-190	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-70-221 emer	Amended	22:26 VA.R. 4183	9/4/06-9/3/07
12 VAC 30-70-291	Amended	22:23 VA.R. 3388	8/23/06
12 VAC 30-70-301	Amended	22:25 VA.R. 3921	11/6/06
12 VAC 30-70-425	Amended	22:23 VA.R. 3389	8/23/06
12 VAC 30-70-426	Repealed	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-20	Amended	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-30	Amended	22:23 VA.R. 3393	8/23/06
12 VAC 30-80-75 emer	Added	23:7 VA.R. 1067	11/21/06-11/20/07
12 VAC 30-90-19	Amended	22:23 VA.R. 3395	8/23/06
12 VAC 30-110-90	Amended	22:26 VA.R. 4168	11/20/06
12 VAC 30-110-370	Amended	22:26 VA.R. 4168	11/20/06
12 VAC 30-110-710	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-110-960	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-120-215	Amended	22:24 VA.R. 3718	9/6/06
12 VAC 30-120-280	Amended	22:26 VA.R. 4170	11/20/06
12 VAC 30-120-290	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-310	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-320	Amended	22:26 VA.R. 4173	11/20/06
12 VAC 30-120-380	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-120-720	Amended	22:24 VA.R. 3721	9/6/06
12 VAC 30-120-920	Amended	22:24 VA.R. 3724	9/6/06
12 VAC 30-141-10	Amended	22:26 VA.R. 4147	10/4/06
12 VAC 30-141-10	Amended	23:7 VA.R. 1083	1/10/07
12 VAC 30-141-40	Amended	22:26 VA.R. 4149	10/4/06
12 VAC 30-141-100	Amended	22:26 VA.R. 4150	10/4/06
12 VAC 30-141-100	Amended	23:7 VA.R. 1085	1/10/07
12 VAC 30-141-120	Amended	23:7 VA.R. 1086	1/10/07
12 VAC 30-141-150	Amended	23:7 VA.R. 1087	1/10/07
12 VAC 30-141-160	Amended	22:26 VA.R. 4151	10/4/06
12 VAC 30-141-170	Repealed	22:26 VA.R. 4152	10/4/06
12 VAC 30-141-175	Added	22:26 VA.R. 4153	10/4/06
12 VAC 30-141-180	Amended	23:7 VA.R. 1088	1/10/07
12 VAC 30-141-200	Amended	22:23 VA.R. 3387	8/23/06
12 VAC 30-141-200	Amended	22:26 VA.R. 4155	10/4/06
12 VAC 30-141-500	Amended	22:16 VA.R. 2385	7/3/06

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12 VAC 30-141-500	Amended	22:23 VA.R. 3387	8/23/06
12 VAC 30-141-650	Amended	23:7 VA.R. 1088	1/10/07
12 VAC 30-141-670 through 12 VAC 30-141-880	Added	23:7 VA.R. 1089-1098	1/10/07
12 VAC 30-150-40	Amended	22:25 VA.R. 3924	11/6/06
12 VAC 30-150-50	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-70	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-80	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 30-150-90	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 35-115-10 through 12 VAC 35-115-150	Amended	23:1 VA.R. 50-79	10/18/06
12 VAC 35-115-145	Added	23:1 VA.R. 76	10/18/06
12 VAC 35-115-146	Added	23:1 VA.R. 77	10/18/06
12 VAC 35-115-160	Repealed	23:1 VA.R. 79	10/18/06
12 VAC 35-115-170 through 12 VAC 35-115-250	Amended	23:1 VA.R. 79-91	10/18/06
Title 13. Housing			
13 VAC 10-50-10 through 13 VAC 10-50-100	Repealed	23:5 VA.R. 746	11/1/06
13 VAC 10-120-10 through 13 VAC 10-120-80	Amended	23:5 VA.R. 746-748	11/1/06
Title 14. Insurance			
14 VAC 5-30-20	Erratum	22:24 VA.R. 3755	--
14 VAC 5-30-80	Erratum	22:24 VA.R. 3755	--
14 VAC 5-260 (Forms)	Erratum	22:24 VA.R. 3756	--
14 VAC 5-260-10	Amended	23:2 VA.R. 253	10/2/06
14 VAC 5-260-20	Repealed	23:2 VA.R. 253	10/2/06
14 VAC 5-260-30 through 14 VAC 5-260-60	Amended	23:2 VA.R. 253-257	10/2/06
14 VAC 5-260-80	Amended	23:2 VA.R. 257	10/2/06
14 VAC 5-260-90	Amended	23:2 VA.R. 257	10/2/06
14 VAC 5-260-110	Added	23:2 VA.R. 258	10/2/06
Title 16. Labor and Employment			
16 VAC 25-60-10	Amended	22:25 VA.R. 3878	9/21/06
16 VAC 25-60-30	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-40	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-80	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-90	Amended	22:25 VA.R. 3880	9/21/06
16 VAC 25-60-100	Amended	22:25 VA.R. 3881	9/21/06
16 VAC 25-60-120 through 16 VAC 25-60-150	Amended	22:25 VA.R. 3882-3883	9/21/06
16 VAC 25-60-190	Amended	22:25 VA.R. 3883	9/21/06
16 VAC 25-60-260	Amended	22:25 VA.R. 3884	9/21/06
16 VAC 25-60-300	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-320	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-340	Amended	22:25 VA.R. 3886	9/21/06
16 VAC 25-90-1910.95	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.134	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.178	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.266	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.441	Repealed	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1000	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1017	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1018	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1020	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1025	Amended	22:23 VA.R. 3396	9/1/06

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16 VAC 25-90-1910.1027	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1028	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1029	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1030	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1043	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1045	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1047	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1048	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1050	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1051	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1052	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1450	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-100-1915.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.60	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.62	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.754	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1092	Repealed	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1101	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1127	Amended	22:23 VA.R. 3396	9/1/06
Title 18. Professional and Occupational Licensing			
18 VAC 10-20-10	Amended	23:1 VA.R. 96	2/1/07
18 VAC 10-20-15	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-17	Added	23:1 VA.R. 97	2/1/07
18 VAC 10-20-20	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-25	Added	23:1 VA.R. 98	2/1/07
18 VAC 10-20-30	Repealed	23:1 VA.R. 98	2/1/07
18 VAC 10-20-60	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-35 through 18 VAC 10-20-55	Amended	23:1 VA.R. 98-99	2/1/07
18 VAC 10-20-70	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-75	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-80	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-85	Added	23:1 VA.R. 99	2/1/07
18 VAC 10-20-90 through 18 VAC 10-20-420	Amended	23:1 VA.R. 99-110	2/1/07
18 VAC 10-20-440 through 18 VAC 10-20-560	Amended	23:1 VA.R. 110-113	2/1/07
18 VAC 10-20-565	Repealed	23:1 VA.R. 114	2/1/07
18 VAC 10-20-570 through 18 VAC 10-20-620	Amended	23:1 VA.R. 113-116	2/1/07
18 VAC 10-20-625	Repealed	23:1 VA.R. 116	2/1/07
18 VAC 10-20-630 through 18 VAC 10-20-660	Amended	23:1 VA.R. 116-117	2/1/07
18 VAC 10-20-665	Repealed	23:1 VA.R. 117	2/1/07
18 VAC 10-20-670 through 18 VAC 10-20-795	Amended	23:1 VA.R. 117-122	2/1/07
18 VAC 15-20-20	Amended	23:3 VA.R. 451	12/1/06
18 VAC 15-20-30	Repealed	23:3 VA.R. 453	12/1/06
18 VAC 15-20-31	Added	23:3 VA.R. 454	12/1/06
18 VAC 15-20-32	Added	23:3 VA.R. 454	12/1/06
18 VAC 15-20-33	Added	23:3 VA.R. 457	12/1/06
18 VAC 15-20-33	Erratum	23:5 VA.R. 791	--
18 VAC 15-20-34	Added	23:3 VA.R. 458	12/1/06
18 VAC 15-20-40	Repealed	23:3 VA.R. 459	12/1/06
18 VAC 15-20-50	Repealed	23:3 VA.R. 459	12/1/06
18 VAC 15-20-51	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-52	Added	23:3 VA.R. 459	12/1/06

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18 VAC 15-20-53	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-60	Amended	23:3 VA.R. 460	12/1/06
18 VAC 15-20-70	Amended	23:3 VA.R. 460	12/1/06
18 VAC 15-20-80 through 18 VAC 15-20-150	Repealed	23:3 VA.R. 461	12/1/06
18 VAC 15-20-250 through 18 VAC 15-20-361	Repealed	23:3 VA.R. 461-463	12/1/06
18 VAC 15-20-400 through 18 VAC 15-20-451	Amended	23:3 VA.R. 464-466	12/1/06
18 VAC 15-20-453	Amended	23:3 VA.R. 466	12/1/06
18 VAC 15-20-456	Amended	23:3 VA.R. 466	12/1/06
18 VAC 15-20-459.6 through 18 VAC 15-20-460	Repealed	23:3 VA.R. 466-468	12/1/06
18 VAC 15-20-461	Added	23:3 VA.R. 468	12/1/06
18 VAC 15-20-462	Added	23:3 VA.R. 468	12/1/06
18 VAC 15-20-463	Added	23:3 VA.R. 469	12/1/06
18 VAC 15-20-464	Added	23:3 VA.R. 469	12/1/06
18 VAC 15-20-470	Amended	23:3 VA.R. 469	12/1/06
18 VAC 15-30-30	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-40	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-50	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-51 through 18 VAC 15-30-54	Added	23:3 VA.R. 472-475	12/1/06
18 VAC 15-30-100 through 18 VAC 15-30-330	Repealed	23:3 VA.R. 475-481	12/1/06
18 VAC 15-30-161 through 18 VAC 15-30-167	Added	23:3 VA.R. 477-479	12/1/06
18 VAC 15-30-332	Added	23:3 VA.R. 481	12/1/06
18 VAC 15-30-334	Added	23:3 VA.R. 481	12/1/06
18 VAC 15-30-420	Amended	23:3 VA.R. 481	12/1/06
18 VAC 15-30-510	Amended	23:3 VA.R. 482	12/1/06
18 VAC 15-30-810	Amended	23:3 VA.R. 483	12/1/06
18 VAC 15-30-820	Amended	23:3 VA.R. 484	12/1/06
18 VAC 25-21-70	Amended	22:26 VA.R. 4155	11/1/06
18 VAC 25-21 (Forms)	Amended	22:26 VA.R. 4155	--
18 VAC 30-20-80 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-170 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-171 emer	Added	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 41-30-10 through 18 VAC 41-30-250	Added	23:1 VA.R. 124-131	11/1/06
18 VAC 41-50-10 through 18 VAC 41-50-420	Added	22:25 VA.R. 3887-3900	10/1/06
18 VAC 50-22-40 emer	Amended	23:1 VA.R. 131	8/21/06-8/20/07
18 VAC 50-22-50 emer	Amended	23:1 VA.R. 132	8/21/06-8/20/07
18 VAC 50-22-60 emer	Amended	23:1 VA.R. 133	8/21/06-8/20/07
18 VAC 50-22-300 through 18 VAC 50-22-350 emer	Added	23:1 VA.R. 134	8/21/06-8/20/07
18 VAC 60-20-10	Amended	22:23 VA.R. 3397	8/23/06
18 VAC 60-20-20	Amended	22:23 VA.R. 3398	8/23/06
18 VAC 60-20-20	Amended	23:7 VA.R. 1098	1/10/07
18 VAC 60-20-30	Amended	23:7 VA.R. 1099	1/10/07
18 VAC 60-20-71	Added	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-100	Amended	22:24 VA.R. 3749	10/23/06
18 VAC 60-20-105	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-106	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-108	Amended	22:26 VA.R. 4175	11/18/06
18 VAC 60-20-210	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 60-20-230	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 60-20-250	Amended	23:7 VA.R. 1099	1/10/07
18 VAC 60-20 (Forms)	Amended	23:7 VA.R. 1100	1/10/07

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18 VAC 65-20-70	Amended	23:7 VA.R. 1102	1/10/07
18 VAC 65-20-130	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-20-140	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-20-154	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-20 (Forms)	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 70-20-30	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20-50	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20 (Forms)	Amended	22:26 VA.R. 4156	--
18 VAC 76-20-10	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-20	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-30	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-50	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-60	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-70	Added	22:23 VA.R. 3403	8/23/06
18 VAC 85-20-22 emer	Amended	22:26 VA.R. 4187	9/1/06-8/31/07
18 VAC 85-20-122	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 85-20-226 emer	Added	22:26 VA.R. 4188	9/1/06-8/31/07
18 VAC 85-20-330	Amended	22:25 VA.R. 3901	9/20/06
18 VAC 85-40-35 emer	Amended	22:26 VA.R. 4189	9/1/06-8/31/07
18 VAC 85-40-67 emer	Added	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-35 emer	Amended	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-61 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-26 emer	Amended	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-73 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-101-25 emer	Amended	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-101-153 emer	Added	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-110-35 emer	Amended	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 85-110-161 emer	Added	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 90-25-15 through 18 VAC 90-25-80	Amended	23:3 VA.R. 487-492	11/14/06
18 VAC 90-25-71	Added	23:3 VA.R. 491	11/14/06
18 VAC 90-25-72	Added	23:3 VA.R. 491	11/14/06
18 VAC 90-25-81	Added	23:3 VA.R. 492	11/14/06
18 VAC 90-25-100 through 18 VAC 90-25-130	Amended	23:3 VA.R. 492-494	11/14/06
18 VAC 90-30-10 emer	Amended	22:26 VA.R. 4194	9/1/06-8/31/07
18 VAC 90-30-80	Amended	22:26 VA.R. 4177	11/18/06
18 VAC 90-30-120 emer	Amended	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 90-30-121 emer	Added	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 95-20-220	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 95-20-221	Added	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-310	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-330	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-340	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-380	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-390	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 105-20-20	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 110-20-20	Amended	22:15 VA.R. 2321	5/3/06
18 VAC 110-20-20	Erratum	22:16 VA.R. 2399	--
18 VAC 110-20-20	Amended	22:24 VA.R. 3726	9/6/06
18 VAC 110-20-20	Erratum	22:25 VA.R. 3935	--
18 VAC 110-20-20	Amended	23:4 VA.R. 635	11/29/06
18 VAC 110-20-70	Amended	22:24 VA.R. 3751	10/23/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-20-630	Amended	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-640	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-660	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-670	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-720	Amended	23:4 VA.R. 634	11/29/06
18 VAC 110-30-15	Amended	23:4 VA.R. 637	11/29/06
18 VAC 110-50-10 through 18 VAC 110-50-150	Added	22:24 VA.R. 3729-3735	9/6/06
18 VAC 110-50-20	Amended	23:4 VA.R. 637	11/29/06
18 VAC 112-20-50	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 112-20-65	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 120-30-100	Amended	23:3 VA.R. 497	12/11/06
18 VAC 155-20-10	Amended	22:26 VA.R. 4160	11/1/06
18 VAC 155-20-110	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-120	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-160	Amended	22:26 VA.R. 4162	11/1/06
18 VAC 155-20-220	Amended	22:26 VA.R. 4163	11/1/06
18 VAC 155-20-280	Amended	22:26 VA.R. 4166	11/1/06
18 VAC 155-20 (Forms)	Amended	22:26 VA.R. 4166	--
18 VAC 160-20-10	Amended	23:1 VA.R. 136	12/1/06
18 VAC 160-20-74	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-76	Amended	22:26 VA.R. 4179	12/1/06
18 VAC 160-20-90	Amended	22:26 VA.R. 4180	12/1/06
18 VAC 160-20-95	Added	23:1 VA.R. 137	12/1/06
18 VAC 160-20-104	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-106	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-109	Amended	23:1 VA.R. 138	12/1/06
18 VAC 160-20-140	Amended	23:1 VA.R. 139	12/1/06
Title 20. Public Utilities and Telecommunications			
20 VAC 5-315 (Form)	Amended	23:4 VA.R. 639	--
20 VAC 5-315-10	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-20	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-30	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-40	Amended	23:3 VA.R. 501	9/26/06
20 VAC 5-413-5	Added	23:3 VA.R. 504	12/1/06
20 VAC 5-413-10	Amended	23:3 VA.R. 504	12/1/06
20 VAC 5-413-20	Amended	23:3 VA.R. 505	12/1/06
20 VAC 5-413-25	Added	23:3 VA.R. 505	12/1/06
20 VAC 5-413-30	Amended	23:3 VA.R. 505	12/1/06
20 VAC 5-413-35	Added	23:3 VA.R. 506	12/1/06
20 VAC 5-413-40	Amended	23:3 VA.R. 506	12/1/06
20 VAC 5-413-50	Added	23:3 VA.R. 506	12/1/06
Title 22. Social Services			
22 VAC 40-35-10 emer	Amended	22:26 VA.R. 4196	9/1/06-8/31/07
22 VAC 40-35-80 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07
22 VAC 40-35-90 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07
22 VAC 40-35-100 emer	Amended	22:26 VA.R. 4199	9/1/06-8/31/07
22 VAC 40-71	Repealed	23:6 VA.R. 892	12/28/06
22 VAC 40-72-10 through 22 VAC 40-72-1160	Added	23:6 VA.R. 893-952	12/28/06
22 VAC 40-72-789	Erratum	22:26 VA.R. 4207	--
22 VAC 40-72-1060	Erratum	22:26 VA.R. 4207	--

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22 VAC 40-80-60	Amended	23:6 VA.R. 952	12/28/06
22 VAC 40-80-120	Amended	23:6 VA.R. 952	12/28/06
22 VAC 40-80-340	Amended	23:6 VA.R. 953	12/28/06
22 VAC 40-80-345	Added	23:6 VA.R. 954	12/28/06
22 VAC 40-80-370	Amended	23:6 VA.R. 955	12/28/06
22 VAC 40-80-430	Amended	23:6 VA.R. 955	12/28/06
22 VAC 40-325-10	Amended	22:25 VA.R. 3901	10/1/06
22 VAC 40-325-20	Amended	22:25 VA.R. 3902	10/1/06
22 VAC 40-745-10 through 22 VAC 40-745-70	Amended	23:1 VA.R. 140-145	11/1/06
22 VAC 40-745-90	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-100	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-110	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-901-10	Amended	22:25 VA.R. 3903	10/1/06
22 VAC 40-901-40 through 22 VAC 40-901-90	Added	22:25 VA.R. 3903-3905	10/1/06
Title 23. Taxation			
23 VAC 10-20-40	Repealed	23:8 VA.R. 1196	3/10/07
23 VAC 10-20-50	Repealed	23:8 VA.R. 1196	3/10/07
23 VAC 10-20-70	Repealed	23:8 VA.R. 1196	3/10/07
23 VAC 10-20-100	Repealed	23:8 VA.R. 1197	3/10/07
23 VAC 10-20-120	Repealed	23:8 VA.R. 1197	3/10/07
23 VAC 10-20-150	Repealed	23:8 VA.R. 1197	3/10/07
23 VAC 10-55-10	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-55-20	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-55-30	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-55-60 through 23 VAC 10-55-90	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-60-10	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-60-20	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-60-30	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-60-60 through 23 VAC 10-60-100	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-65-10	Repealed	23:8 VA.R. 1204	3/10/07
23 VAC 10-65-20	Repealed	23:8 VA.R. 1203	3/10/07
23 VAC 10-65-30	Repealed	23:8 VA.R. 1204	3/10/07
23 VAC 10-65-50 through 23 VAC 10-65-100	Repealed	23:8 VA.R. 1204-1205	3/10/07
23 VAC 10-70	Repealed	23:6 VA.R. 956	2/10/07
23 VAC 10-75-10	Repealed	23:8 VA.R. 1206	3/10/07
23 VAC 10-75-30 through 23 VAC 10-75-60	Repealed	23:6 VA.R. 958-959	2/10/07
23 VAC 10-110-10	Repealed	23:8 VA.R. 1208	3/10/07
23 VAC 10-110-50	Repealed	23:8 VA.R. 1208	3/10/07
23 VAC 10-110-100	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-120	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-140	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-150 through 23 VAC 10-110-167	Repealed	23:8 VA.R. 1212-1221	3/10/07
23 VAC 10-110-200	Repealed	23:8 VA.R. 1221	3/10/07
23 VAC 10-110-210	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-260	Repealed	23:8 VA.R. 1210	3/10/07
23 VAC 10-110-290	Repealed	23:8 VA.R. 1210	3/10/07
23 VAC 10-110-300	Repealed	23:8 VA.R. 1210	3/10/07
23 VAC 10-112-50 through 23 VAC 10-112-90	Repealed	23:6 VA.R. 960-961	2/10/07
23 VAC 10-115-30	Repealed	23:6 VA.R. 962	2/10/07
23 VAC 10-115-120	Repealed	23:6 VA.R. 962	2/10/07
23 VAC 10-115-130	Repealed	23:6 VA.R. 962	2/10/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
23 VAC 10-120-50 through 23 VAC 10-120-67	Repealed	23:8 VA.R. 1223-1232	3/10/07
23 VAC 10-120-85	Repealed	23:8 VA.R. 1238	3/10/07
23 VAC 10-120-87	Repealed	23:8 VA.R. 1239	3/10/07
23 VAC 10-120-290	Repealed	23:8 VA.R. 1232	3/10/07
23 VAC 10-120-340	Repealed	23:8 VA.R. 1239	3/10/07
23 VAC 10-120-360 through 23 VAC 10-120-364	Repealed	23:8 VA.R. 1233-1236	3/10/07
23 VAC 10-120-370	Repealed	23:8 VA.R. 1239	3/10/07
23 VAC 10-120-450	Repealed	23:8 VA.R. 1240	3/10/07
23 VAC 10-130	Repealed	23:8 VA.R. 1240	3/10/07
23 VAC 10-140-20	Repealed	23:6 VA.R. 963	2/10/07
23 VAC 10-140-30	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-80	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-90	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-120	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-140 through 23 VAC 10-140-180	Repealed	23:6 VA.R. 964-965	2/10/07
23 VAC 10-140-210	Repealed	23:6 VA.R. 965	2/10/07
23 VAC 10-140-220	Repealed	23:6 VA.R. 965	2/10/07
23 VAC 10-140-240 through 23 VAC 10-140-270	Repealed	23:6 VA.R. 965	2/10/07
23 VAC 10-210-60	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-110	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-150	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-180	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-200	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-210	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-240	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-260	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-270	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-300	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-330	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-370	Repealed	23:8 VA.R. 1251	3/10/07
23 VAC 10-210-460	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-510	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-520	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-540	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-640	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-710	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-740	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-890	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-950	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1000	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1010	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1040	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1050	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-2000	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-2010	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-2030	Repealed	23:8 VA.R. 1247	3/10/07
23 VAC 10-210-2034	Repealed	23:8 VA.R. 1247	3/10/07
23 VAC 10-210-2040	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-3020	Repealed	23:8 VA.R. 1253	3/10/07
23 VAC 10-210-4000	Repealed	23:8 VA.R. 1248	3/10/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
23 VAC 10-210-4030	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-4060	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-4080 through 23 VAC 10-210-5050	Repealed	23:8 VA.R. 1248-1249	3/10/07
23 VAC 10-210-5080	Repealed	23:8 VA.R. 1249	3/10/07
23 VAC 10-210-5090 through 23 VAC 10-210-5094	Repealed	23:8 VA.R. 1255-1257	3/10/07
23 VAC 10-220-80 and 23 VAC 10-220-90	Repealed	23:6 VA.R. 967	2/10/07
23 VAC 10-230-10	Repealed	23:8 VA.R. 1258	3/10/07
23 VAC 10-230-60	Repealed	23:8 VA.R. 1258	3/10/07
23 VAC 10-230-70	Repealed	23:8 VA.R. 1259	3/10/07
23 VAC 10-230-100	Repealed	23:8 VA.R. 1259	3/10/07
23 VAC 10-230-130	Repealed	23:8 VA.R. 1260	3/10/07
23 VAC 10-230-50	Repealed	23:6 VA.R. 968	2/10/07
23 VAC 10-250	Repealed	23:8 VA.R. 1260	3/10/07
23 VAC 10-300-10	Repealed	23:8 VA.R. 1262	3/10/07
23 VAC 10-300-40	Repealed	23:8 VA.R. 1263	3/10/07
23 VAC 10-300-60	Repealed	23:8 VA.R. 1263	3/10/07
23 VAC 10-300-70	Repealed	23:8 VA.R. 1263	3/10/07
23 VAC 10-310-10	Repealed	23:6 VA.R. 970	2/10/07
23 VAC 10-310-40	Repealed	23:6 VA.R. 970	2/10/07
23 VAC 10-330-1 through 23 VAC 10-330-10	Repealed	23:8 VA.R. 1264-1265	3/10/07
23 VAC 10-330-40 through 23 VAC 10-330-130	Repealed	23:8 VA.R. 1265-1267	3/10/07
23 VAC 10-340-10	Repealed	23:8 VA.R. 1268	3/10/07
23 VAC 10-340-50 through 23 VAC 10-340-190	Repealed	23:8 VA.R. 1268-1271	3/10/07
23 VAC 10-350-10 through 23 VAC 10-350-40	Repealed	23:8 VA.R. 1272-1273	3/10/07
23 VAC 10-350-50	Repealed	23:6 VA.R. 971	2/10/07
23 VAC 10-350-60	Repealed	23:6 VA.R. 973	2/10/07
23 VAC 10-350-70	Repealed	23:8 VA.R. 1273	3/10/07
23 VAC 10-350-80	Repealed	23:8 VA.R. 1273	3/10/07
23 VAC 10-350-90	Repealed	23:6 VA.R. 974	2/10/07
23 VAC 10-350-100	Repealed	23:6 VA.R. 974	2/10/07
23 VAC 10-350-110 through 23 VAC 10-350-190	Repealed	23:8 VA.R. 1273-1275	3/10/07
23 VAC 10-360	Repealed	23:6 VA.R. 975	2/10/07
23 VAC 10-370-10	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-30	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-50	Repealed	23:6 VA.R. 977	2/10/07
23 VAC 10-370-60	Repealed	23:6 VA.R. 977	2/10/07
23 VAC 10-370-130	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-140	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-150	Repealed	23:6 VA.R. 977	2/10/07
23 VAC 10-370-160	Repealed	23:8 VA.R. 1278	3/10/07
23 VAC 10-370-170	Repealed	23:8 VA.R. 1278	3/10/07
23 VAC 10-370-190 through 23 VAC 10-370-230	Repealed	23:8 VA.R. 1278-1279	3/10/07
23 VAC 10-380	Repealed	23:8 VA.R. 1279	3/10/07
23 VAC 10-390-10	Repealed	23:6 VA.R. 979	2/10/07
23 VAC 10-390-30	Repealed	23:6 VA.R. 979	2/10/07
23 VAC 10-390-50	Repealed	23:6 VA.R. 979	2/10/07
Title 24. Transportation and Motor Vehicles			
24 VAC 30-271-10	Amended	23:2 VA.R. 259	11/1/06
24 VAC 30-271-20	Amended	23:2 VA.R. 259	11/1/06
24 VAC 30-280-10	Repealed	23:8 VA.R. 1281	12/1/06
24 VAC 30-280-20 through 24 VAC 30-280-70	Amended	23:8 VA.R. 1281-1287	12/1/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 30-280-25	Added	23:8 VA.R. 1282	12/1/06
24 VAC 30-280-65	Added	23:8 VA.R. 1287	12/1/06
24 VAC 30-550	Repealed	22:24 VA.R. 3736	9/6/06
24 VAC 30-551-10 through 24 VAC 30-551-100	Added	22:24 VA.R. 3736-3744	9/6/06
24 VAC 30-600	Repealed	22:24 VA.R. 3736	9/6/06

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF NURSING

Initial Agency Notice

Title of Regulation: **18 VAC 90-25. Regulations Governing Certified Nurse Aides.**

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

Name of Petitioner: Lorrene Maynard.

Nature of Petitioner's Request: To establish an inactive license for certified nurse aides.

Agency's Plan for Disposition of Request: The board will publish the petition for rulemaking and request comment for 30 days from publication. The board will consider the petition and any public comment at its meeting on March 20, 2007, and will make a decision whether to proceed with rulemaking or deny the petitioner request.

Comments may be submitted until February 7, 2007.

Agency Contact: Jay P. Douglas, Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, or email jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R07-85; Filed December 19, 2006, 10:28 a.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 12. HEALTH

STATE BOARD OF HEALTH

† 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 Health intends to consider amending regulations entitled **12 VAC 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to address recommendations on site access control as contained in the 2005 Joint Legislative Audit and Review Commission Report (House Document No. 89), entitled Review of Land Application of Biosolids in Virginia. The amendment is designed to provide site access control by clarifying the description of high and low potential for public access and revising the requirements contained in the farmer/land owner agreements. Permit applicants provide copies of these agreements to VDH when requesting a permit authorizing land application of biosolids on the sites listed in the signed agreements. VDH will request that the regulations advisory committee (BURAC) provide recommendations that will be used to develop a draft amendment.

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

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

Public comments may be submitted until February 8, 2007.

Contact: C.M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475 or email cal.sawyer@vdh.virginia.gov.

VA.R. Doc. No. R07-86; Filed December 19, 2006, 11:15 a.m.

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 30-80, Methods and Standards for Establishing Payment Rates; Other Types of Care**. The purpose of the proposed action is to implement new methodology for school division reimbursement.

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

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until January 11, 2007.

Contact: William Lessard, Provider Reimbursement Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4593, FAX (804) 786-1680 or email william.lessard@dmas.virginia.gov.

VA.R. Doc. No. R07-50; Filed November 21, 2006, 11:39 a.m.

TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to consider amending regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to clarify the sales tax application to health care purchases, including prescription and nonprescription drugs, proprietary medicines, controlled drugs, and medical supplies and devices.

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

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

Public comments may be submitted until 5 p.m. on January 10, 2007.

Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

VA.R. Doc. No. R07-49; Filed November 14, 2006, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to consider amending regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to include as exempt tangible personal property that is purchased by churches for use in recording and reproducing religious worship services.

Notices of Intended Regulatory Action

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

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

Public comments may be submitted until 5 p.m. on January 10, 2007.

Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

VA.R. Doc. No. R07-48; Filed November 14, 2006, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to consider amending regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to expand the current sales tax exemption to include medicines and drugs purchased by for-profit nursing homes, clinics, etc.

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

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

Public comments may be submitted until 5 p.m. on January 24, 2007.

Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

VA.R. Doc. No. R07-52; Filed November 29, 2007, 4:04 p.m.



REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 2. AGRICULTURE

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

Proposed Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 13 of the Code of Virginia, which excludes the Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to § 3.1-530.1 of the Code of Virginia. The State Board of Agriculture and Consumer Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 2 VAC 5-490. Regulations Governing Grade "A" Milk (amending 2 VAC 5-490-10 through 2 VAC 5-490-90, 2 VAC 5-490-110, 2 VAC 5-490-120 and 2 VAC 5-490-140; adding 2 VAC 5-490-15, 2 VAC 5-490-25, 2 VAC 5-490-31 through 2 VAC 5-490-39.6, 2 VAC 5-490-73, 2 VAC 5-490-75, 2 VAC 5-490-103, 2 VAC 5-490-105 and 2 VAC 5-490-131 through 2 VAC 5-490-138; and repealing 2 VAC 5-490-130).

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 8, 2007.

(See Calendar of Events section for additional information)

Agency Contact: John A. Beers, Program Supervisor, Office of Dairy and Foods, Department of Agriculture and Consumer Services, 102 Governor Street, Suite 349, Richmond, VA 23219, telephone (804) 786-1452, FAX (804) 371-7792, email john.beers@vdacs.virginia.gov.

Summary:

The proposed amendments adopt the provisions of the 2005 revision of the Pasteurized Milk Ordinance (PMO). The PMO is a federal model regulation for states to adopt to govern the production, processing, distribution and sale of grade "A" milk and milk products. The requirements in the PMO are established under a cooperative state and federal program operated in cooperation with the National Conference on Interstate Milk Shipment (NCIMS). NCIMS is composed of dairy industry representatives, state milk regulatory personnel, federal representatives from the

Food and Drug Administration and academia. The NCIMS holds a conference every two years for the purpose of considering changes to the requirements of the PMO. The PMO establishes minimum standards for individual dairy farms, dairy plant processors and state regulatory programs to comply with Interstate Milk Shipment (IMS) ratings. Milk from grade "A" farm suppliers and dairy processors must achieve acceptable rating scores on IMS ratings in order to be shipped in interstate commerce. IMS ratings provide the mechanism for the orderly marketing of milk and milk products in the United States. Compliance with IMS rating requirements is essential to maintain the ability of Virginia dairy farms and plants to market their products outside of Virginia.

The amendments incorporate condensed milk products and dry milk products formerly adopted by referencing "Grade "A" Condensed and Dry Milk Product and Condensed and Dry Whey," supplement I to the Grade "A" Pasteurized Milk Ordinance. This change was caused by the combining of the two documents in the 2005 PMO.

PART I.

DEFINITIONS AND STANDARDS OF IDENTITY.

2 VAC 5-490-10. Definitions and standards of identity.

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

"A hazard that is reasonably likely to occur" means a hazard for which a prudent milk plant, receiving station or transfer station operator would establish controls because experience, illness data, scientific reports, or other information provide a basis to conclude that there is a reasonable possibility that, in the absence of these controls, the hazard will occur in the particular type of milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product being processed.

"Abnormal milk" means milk that is visibly changed in color, odor or texture.

"Acidified lowfat milk" means "acidified lowfat milk" as defined in 21 CFR 131.136.

"Acidified milk" means "acidified milk" as defined in 21 CFR 131.111.

"Acidified milk product" means a product with an acidity of not less than 0.50% expressed as lactic acid, which product is obtained by the addition of food grade acids to pasteurized

Regulations

cream, half-and-half, heavy cream, light cream, lowfat milk, milk, skim milk, or sour cream.

~~"Acidified skim milk" means "acidified skim milk" as defined in 21 CFR 131.144.~~

"Acidified sour cream" means "acidified sour cream" as defined in 21 CFR 131.162.

~~"Acidified sour half and half" means "acidified sour half and half" as defined in 21 CFR 131.187.~~

"Adulterated milk" or "adulterated milk product" means any milk, milk product, condensed milk product, or dry milk product which meets one or more of the conditions specified in Section 402 of the Federal Food, Drug and Cosmetic Act, as amended (21 USC 342).

"Aseptically processed milk" means milk that is hermetically sealed in a container and so thermally processed before or after packaging in conformance with 21 CFR Part 113 and the provisions of this chapter so as to render the product free of microorganisms capable of reproducing in the product under nonrefrigeration conditions of storage and distribution and that is free of viable microorganisms (including spores) capable of causing disease in humans.

"Aseptically processed milk product" means any milk or milk product that is hermetically sealed in a container and so thermally processed before or after packaging in conformance with 21 CFR Part 113 and the provisions of this chapter so as to render the product free of microorganisms capable of reproducing in the product under normal nonrefrigeration conditions of storage and distribution and that is free of viable microorganisms (including spores) capable of causing disease in humans.

"Aseptic processing" means that the product has been subjected to sufficient heat processing and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 CFR Part 113 and the provisions of this chapter and to maintain the commercial sterility of the product under normal nonrefrigerated conditions.

"Audit" means an evaluation of the entire milk plant, receiving station or transfer station facility and HACCP System to ensure compliance with the voluntary HACCP program requirements of this chapter.

"Automatic milking installation" means the entire installation of one or more automatic milking units, including the hardware and software utilized in the operation of individual automatic milking units, the animal selection system, the automatic milking machine, the milk cooling system, the system for cleaning and sanitizing the automatic milking unit, the teat cleaning system, and the alarm systems associated with the process of milking cooling, cleaning and sanitation.

"Boiled custard" means "eggnog" as defined in 21 CFR 131.170.

"Bulk milk hauler" means any person who holds a permit issued by the Virginia Department of Agriculture and Consumer Services to collect official milk samples and transport: (i) raw milk from a dairy farm to a milk plant, receiving station or transfer station; or (ii) raw milk products from one milk plant, receiving station or transfer station to another milk plant, receiving station or transfer station.

"Butterfat" means the fat of milk.

"Buttermilk" means the fluid milk product that remains after the manufacture of butter from milk or cream and contains not less than 8.25% of milk solids not fat.

"Cancel" means to permanently nullify, void, or delete a grade A permit issued by the State Regulatory Authority.

"Centralized deviation log" means a centralized log or file identifying data detailing any deviation of critical limits and the corrective actions taken.

"CFR" means the Code of Federal Regulations.

"Clean" means the surfaces of equipment and facilities have had an effective and thorough removal of product, soils, and contaminants.

"Coffee cream" means "light cream."

"Commercially sterile" means (i) the food has been thermally processed by the application of heat to render the food free of viable microorganisms (including spores) of public health significance and microorganisms capable of reproducing in the food under normal nonrefrigerated conditions of storage and distribution; or (ii) the food has been processed with the application of heat and the water activity of the food has been controlled to render the food free of microorganisms capable of reproducing in the food under normal nonrefrigerated conditions of storage and distribution.

"Concentrated milk" means "concentrated milk" as defined in 21 CFR 131.115.

"Concentrated milk product" means any of the following foods: homogenized concentrated milk, ~~vitamin D concentrated milk,~~ homogenized concentrated skim milk, ~~fortified concentrated skim milk,~~ concentrated lowfat milk, ~~fortified concentrated lowfat milk,~~ concentrated flavored milk, ~~concentrated flavored milk product, or concentrated products made from~~ concentrated milk ~~or~~ and concentrated skim milk, which when combined with potable water according to the instructions printed on the food's container, conforms to the definition of the corresponding milk product in this chapter.

"Condensed buttermilk" means the product resulting from the removal of a considerable portion of water from buttermilk.

"Condensed and dry milk product" means grade A condensed milk, grade A condensed and dry whey, grade A dry milk product, or grade A dry milk and whey product.

"Condensed milk" means ~~milk unsterilized and unsweetened, resulting from the removal of a portion of water concentrated milk as defined in 21 CFR 131.115.~~ This definition does not include:

1. Any sterilized milk or milk product, when the sterilized milk or milk product is hermetically sealed in a container and processed, either before or after sealing, so as to prevent microbial spoilage; or
2. Any evaporated milk or sweetened condensed milk, except when the evaporated milk or sweetened condensed milk is combined with other substances in the commercial preparation of any pasteurized, ultra-pasteurized, or aseptically processed milk or milk product.

"Condensed whey" means ~~the product resulting from the removal of a portion of the water contained in the whey~~ "condensed whey" as defined in 21 CFR 184.1979(a)(2).

"Consumer" means any person who uses any grade A milk, grade A milk product, or milk product.

"Corrective action" means procedures followed when a deviation occurs.

"Cottage cheese" means "cottage cheese" as defined in 21 CFR 133.128.

"Cottage cheese dry curd" means "dry curd cottage cheese."

"Cream" means "cream" as defined in 21 CFR 131.3(a).

"Critical control point" means a step at which control can be applied and is essential to prevent or eliminate a milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product safety hazard or reduce it to an acceptable level.

"Critical limit" means a maximum value or a minimum value to which a biological, chemical, or physical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of a milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product safety hazard.

"Cultured half-and-half" means "sour half-and-half."

~~"Cultured lowfat milk" means "cultured lowfat milk" as defined in 21 CFR 131.138.~~

"Cultured milk" means "cultured milk" as defined in 21 CFR 131.112.

~~"Cultured skim milk" means "cultured skim milk" as defined in 21 CFR 131.146.~~

"Cultured sour cream" means "sour cream."

"Dairy farm" means any place or premises where any cow, goat, or sheep, water buffalo, or other mammal (except humans) is kept, from which cow, goat, or sheep any, water buffalo, or other mammal (except humans) milk or any milk

product is provided, sold, or offered for sale for human consumption or provided to a milk plant, cheese plant, frozen desserts plant, transfer station, or receiving station.

"Deficiency" means an element that is inadequate or missing from the requirements of a HACCP System or with the voluntary HACCP program requirements of this chapter.

"Deny" means the State Regulatory Authority will not issue a grade A permit to the applicant.

"Deviation" means a failure to meet a critical limit.

"Drug" means: (i) articles recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, or official National Formulary, or any supplement to any of them; (ii) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; (iii) articles other than food intended to affect the structure or any function of the body of man or other animals; and (iv) articles intended for use as a component of any articles specified in clause (i), (ii), or (iii) of this definition, but does not include devices or their components, parts, or accessories.

"Dry buttermilk" means "dry buttermilk" as defined in 7 CFR 58.251.

"Dry buttermilk product" means "dry buttermilk product" as defined in 7 CFR 58.251.

"Dry cream" means "dry cream" as defined in 21 CFR 131.149.

"Dry curd cottage cheese" means "dry curd cottage cheese" as defined in 21 CFR 133.129.

"Dry milk product" means a product resulting from the drying of any milk or milk product and any product resulting from the combination of a dry milk product with other safe and suitable dry ingredients.

"Dry whey" means ~~the product resulting from the drying of whey, while leaving all other constituents in the same relative proportions as whey~~ "dry whey" as defined in 21 CFR 184.1979.

"Dry whey product" means a product resulting from the drying of whey or whey products and any product resulting from the combination of dry whey products with other wholesome dry ingredients.

"Dry whole milk" means "dry whole milk" as defined in 21 CFR 131.147.

"Eggnog" means "eggnog" as defined in 21 CFR 131.170.

"Eggnog-flavored milk" means a milk product, to which an emulsifier and a maximum of 0.5% stabilizer may have been added consisting of a mixture of (i) at least 3.25% butterfat, (ii) at least 0.5% egg yolk solids, (iii) sweetener, and (iv) flavoring.

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"Evaporated milk" means "evaporated milk" as defined in 21 CFR 131.130.

~~"Evaporated skimmed milk" means "evaporated skimmed milk" as defined in 21 CFR 131.132.~~

"Flavored milk" means milk to which a flavor or sweetener has been added.

"Flavored milk product" means any milk product to which a flavor or sweetener has been added.

"Fortified milk" means milk, other than vitamin D milk, the vitamin or mineral content of which milk has been increased.

"Fortified milk product" means any milk product, other than a vitamin D milk product, the vitamin or mineral content of which milk product has been increased.

"Frozen milk concentrate" means the frozen milk product which, when water is added in accordance with instructions on the package containing the frozen milk product, the reconstituted milk product contains the percentage of milkfat and the percentage of milk solids not fat of milk.

"Goat milk" means the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy goats which, when sold in retail packages, contains not less than 2.5% milkfat and not less than 7.5% nonfat milk solids not fat.

"Grade A condensed and dry whey" means condensed or dry whey which complies with the provisions of the ~~"Grade A Condensed and Dry Milk Products and Condensed and Dry Whey," Supplement I to the "Grade "A" Pasteurized Milk Ordinance-1978 Recommendations, 2005 Revision"~~ and this chapter.

"Grade A condensed milk" means condensed milk which complies with the provisions of the ~~"Grade A Condensed and Dry Milk Products and Condensed and Dry Whey," Supplement I to the "Grade "A" Pasteurized Milk Ordinance-1978 Recommendations, 2005 Revision"~~ and this chapter.

"Grade A dry milk product" means any dry milk product which complies with the provisions of the ~~"Grade A Condensed and Dry Milk Products and Condensed and Dry Whey," Supplement I to the "Grade "A" Pasteurized Milk Ordinance-1978 Recommendations, 2005 Revision"~~ and this chapter.

"Grade A dry milk and whey product" means any dry milk or whey product which has been produced for use in any grade A pasteurized, ultra-pasteurized, or aseptically processed milk product; and which has been manufactured under the provisions of the ~~"Grade A Condensed and Dry Milk Products and Condensed and Dry Whey," Supplement I to the "Grade "A" Pasteurized Milk Ordinance-1978 Recommendations, 2005 Revision"~~ and this chapter.

"Grade A permit" means the written document issued by the state regulatory authority to the person who operates: (i) dairy farm to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing; (ii) milk plant; (iii) receiving station; (iv) transfer station; (v) milk condensing plant; (vi) milk drying plant; (vii) whey condensing plant; or (viii) whey drying plant; after the State Regulatory Authority has inspected and approved the person's operation and determined the person's compliance with the provisions of this chapter for the operations specified in this definition.

"HACCP" means hazard analysis critical control point.

"HACCP plan" means the written document, which is based upon the principles of HACCP and delineates the procedures to be followed.

"HACCP system" means the implemented HACCP plan and prerequisite programs, including other applicable requirements of the voluntary HACCP program of this chapter.

"Half-and-half" means "half-and-half" as defined in 21 CFR 131.180.

"Hazard" means a biological, chemical, or physical agent that is reasonably likely to cause illness or injury in the absence of its control.

"Hazard analysis" means the process of collecting and evaluating information on hazards associated with the milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product under consideration, to decide which are reasonably likely to occur and must be addressed in the HACCP plan.

"Heavy cream" means "heavy cream" as defined in 21 CFR 131.150.

~~"Homogenized" means that milk or a milk product has been treated to ensure breakup of the fat globules in the milk or milk product to such an extent that, after 48 hours of undisturbed storage at 40°F, no visible cream separation occurs on the milk or milk product; and the fat percentage of the top 100 milliliters of the milk or milk product in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10% from the fat percentage of the remaining milk or milk product as determined after thorough mixing.~~

"Lactose-reduced lowfat milk" means the product resulting from the addition of safe and suitable enzymes to convert enough lactose to glucose or galactose so that less than 30% of the lactose remains in the lowfat milk from which the product is made.

"Lactose-reduced milk" means the product resulting from the addition of safe and suitable enzymes to convert enough lactose to glucose or galactose so that less than 30% of the lactose remains in the milk from which the product is made.

"Lactose-reduced skim milk" means the product resulting from the addition of safe and suitable enzymes to convert enough lactose to glucose or galactose so that less than 30% of the lactose remains in the skim milk from which the product is made.

"Light cream" means "light cream" as defined in 21 CFR 131.155.

"Light whipping cream" means "light whipping cream" as defined in 21 CFR 131.157.

~~"Lowfat cottage cheese" means "lowfat cottage cheese" as defined in 21 CFR 133.131.~~

~~"Lowfat dry milk" means "lowfat dry milk" as defined in 21 CFR 131.123.~~

~~"Lowfat milk" means "lowfat milk" as defined in 21 CFR 131.135.~~

"Lowfat yogurt" means "lowfat yogurt" as defined in 21 CFR 131.203.

"Low-sodium lowfat milk" means the milk product resulting from the treatment of lowfat milk by a process of passing the lowfat milk through an ion exchange resin process, or by any other process which has been recognized by the Food and Drug Administration that effectively reduces the sodium content of the product to less than 10 milligrams in 100 milliliters.

"Low-sodium milk" means the milk product resulting from the treatment of milk by a process of passing the milk through an ion exchange resin process, or by any other process which has been recognized by the Food and Drug Administration that effectively reduces the sodium content of the product to less than 10 milligrams in 100 milliliters.

"Low-sodium skim milk" means the milk product resulting from the treatment of skim milk by a process of passing the skim milk through an ion exchange resin process, or by any other process which has been recognized by the Food and Drug Administration that effectively reduces the sodium content of the product to less than 10 milligrams in 100 milliliters.

"Market milk" means milk.

"Market milk product" means milk product.

"Milk" means ~~"milk" as defined in 21 CFR 131.110. Except as otherwise provided in this chapter, and except where the term "goat milk" is distinguished from "cow milk" in 2 VAC 5-490-30-L and 2 VAC 5-490-50-A-3-e of this chapter, wherever the term "milk" is used, it shall be deemed to include "sheep milk" and "goat milk."~~ the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, goats, sheep, water buffalo, or other mammal (except humans) intended for human consumption excluding that obtained before and after birthing, for such a

period as may be necessary to render the milk practically colostrum free.

"Milk condensing plant" means any plant in which milk or any milk product is condensed or dried, or in which milk or any milk product is received, separated, or otherwise processed for drying and packaging.

"Milk drying plant" means any plant in which milk or any milk product is condensed or dried, or in which milk or any milk product is received, separated, or otherwise processed for drying and packaging.

~~"Milk distributor" means any person who offers for sale or sells to another person any milk or milk product.~~

"Milkfat" means the fat of milk.

~~"Milk hauler" means any person who transports any raw milk or raw milk product to or from a milk plant, a receiving station, or a transfer station.~~

"Milkhouse" means the building or room in which there is conducted on a grade A dairy farm (i) the cooling, handling, and storing of milk; and (ii) the washing, sanitizing, and storing of milk containers and utensils.

"Milk plant" means any place, premises, or establishment where any milk or milk product is collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed, condensed, dried, bottled, or prepared for distribution.

"Milk producer" means any person who operates a dairy farm and who provides, sells, or offers milk for sale for human consumption or to a milk plant, receiving station, or transfer station.

"Milk product" means: (i) acidified lowfat milk, acidified nonfat milk, acidified milk, acidified milk product, acidified reduced fat milk, acidified skim milk, acidified sour cream, acidified sour half-and-half, aseptically processed milk, aseptically processed milk product, buttermilk, coffee cream, concentrated milk, concentrated milk product, cottage cheese, cottage cheese dry curd, cream, cultured half-and-half, cultured milk, cultured lowfat milk, cultured nonfat milk, cultured reduced fat milk, cultured skim milk, cultured sour cream, cultured sour half-and-half, dry curd cottage cheese, eggnog, eggnog-flavored milk, flavored milk, flavored milk product, fortified milk, fortified milk product, frozen milk concentrate, goat milk, half-and-half, heavy cream, heavy whipping cream, lactose-reduced lowfat milk, lactose-reduced nonfat milk, lactose-reduced milk, lactose-reduced reduced fat milk, lactose-reduced skim milk, light cream, light whipping cream, lowfat cottage cheese, lowfat milk, lowfat yogurt, low-sodium lowfat milk, low-sodium nonfat milk, low-sodium milk, low-sodium reduced fat milk, low-sodium skim milk, milk, nonfat milk, nonfat yogurt, recombined milk, recombined milk product, reconstituted milk,

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reconstituted milk product, reduced fat milk, sheep milk, skim milk, sour cream, sour half-and-half, table cream, vitamin D milk, vitamin D milk product, whipped cream, whipped light cream, whipping cream, or yogurt; (ii) any of the following foods: milk, lowfat milk, or skim milk with added safe and suitable microbial organisms; or (iii) any food made with a food specified in (i) of this definition by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin, or mineral fortification. Nothing in this definition shall be deemed to include any evaporated milk, evaporated skim milk, condensed milk (sweetened or unsweetened), infant formula, ice cream or other dessert, dietary product, dry milk product (except as defined herein), canned eggnog in a rigid metal container, or butter or cheese, except when butter or cheese is combined with other substances to produce any pasteurized or aseptically processed food as specified in this definition.

"Misbranded milk" or "misbranded milk product" means any milk, milk product, or condensed and dry milk product that: (i) satisfies any of the conditions specified in § 403 of the Federal Food Drug, and Cosmetic Act, as amended (21 USC 343), (ii) does not conform to its definition; or (iii) is not labeled in accordance with 2 VAC 5-490-40.

"Nonconformity" means a failure to meet specified requirements of the HACCP system.

"Nonfat dry milk" means "nonfat dry milk" as defined in 21 CFR 131.125.

"Nonfat dry milk fortified with vitamins A and D" means "nonfat dry milk fortified with vitamins A and D" as defined in 21 CFR 131.127.

~~"Nonfat milk" means "skim milk" as defined in 21 CFR 131.143.~~

"Nonfat yogurt" means "nonfat yogurt" as defined in 21 CFR 131.206.

"Normal storage" means storage at a temperature of 45°F or cooler, but does not include freezing.

"Official laboratory" means a biological, chemical, or physical laboratory operated by the Commonwealth of Virginia.

"Officially designated laboratory" means: (i) a commercial laboratory authorized by the State Regulatory Authority to examine a milk, milk product, or condensed and dry milk products, producer samples of Grade "A" raw milk for pasteurization, or commingled milk tank truck samples of raw milk or milk products or (ii) a milk-industry laboratory authorized by the State Regulatory Authority to examine milk producer samples of raw milk for pasteurization, and for drug residues and bacterial limits, samples of raw milk commingled in a tank truck.¹

~~"Optional ingredient" means: (i) only an ingredient specified as an optional ingredient in the definition of a milk product; or (ii) in the case in which no optional ingredient is specified, grade A condensed milk, grade A dry milk product, grade A condensed whey, grade A dry whey, concentrated milk, concentrated milk product, flavor, sweetener, stabilizer, emulsifier, acidifier, vitamin, mineral, or other safe and suitable ingredient.~~

"Pasteurization" or "pasteurized" means the process of heating every particle of milk, milk product, or whey in equipment designed and operated in conformance with this chapter, to one of the temperatures given in the following table and held continuously at or above that temperature for at least the corresponding specified time for the equipment indicated:

Temperature	Time	Equipment
145°F*	30 minutes	<u>Vat Pasteurization</u>
161°F*	15 seconds	<u>High Temperature Short Time</u>
191°F	1.0 second	<u>High Temperature Short Time</u>
194°F	0.5 second	<u>High Temperature Short Time</u>
201°F	0.1 second	<u>High Temperature Short Time</u>
204°F	0.05 second	<u>High Temperature Short Time</u>
212°F	0.01 second	<u>High Temperature Short Time</u>

*If: (i) the fat content of the milk or milk product is 10% or more; (ii) the milk or milk product contains added sweeteners; (iii) the product is condensed milk; or (iv) the milk product is a condensed milk product, then pasteurization means increasing the specified temperature by 5°F.

*If the dairy product is cream for butter-making, then "pasteurization" means heating to at least 165°F and holding continuously in a vat pasteurizer for not less than 30 minutes or pasteurizing by the High Temperature Short Time method at a minimum temperature of not less than 185°F for not less than 15 seconds.

*If the milk product is eggnog, then "pasteurization" means heating to at least the following temperatures for the corresponding time specifications and equipment:

Temperature	Time	Equipment
155°F	30 minutes	<u>Vat Pasteurization</u>
175°F	25 seconds	<u>High Temperature Short Time</u>
180°F	15 seconds	<u>High Temperature Short Time</u>

Nothing in this definition shall be construed as barring any other process which has been recognized by the Food and Drug Administration as being equally efficacious as pasteurization, so long as that other process has been approved by the State Regulatory Authority.

"Person" means any individual, plant operator, partnership, corporation, company, firm, trustee, or institution.

"Prerequisite programs" means procedures, including Good Manufacturing Practices, that address operational conditions that provide the foundation for the HACCP system.

"Public" means any person in the Commonwealth.

"Pull date" means the date affixed to a consumer package or container of grade A pasteurized milk or grade A pasteurized milk product which is the date after the day of manufacturing and processing of the package or container and the last day on which the grade A pasteurized milk or grade A pasteurized milk product as determined by the milk plant may be offered for sale to consumers under normal storage.

"Raw milk" means: (i) any milk or any milk product which has not been pasteurized, ultra-pasteurized, or aseptically processed; or (ii) or any milk or any milk product which has been pasteurized, ultra-pasteurized, or aseptically processed and which has been exposed to microbiological contamination before, during, or after packaging.

"Receiving station" means any place, premises, or establishment where raw milk is: (i) received, collected, handled, stored, or cooled; and (ii) prepared for further transporting.

"Recombined milk" means the food which, when combined with potable water according to the instructions printed on the food's container, conforms to the milk fat and nonfat milk solids requirements for milk, as specified in the definition of "milk."

"Recombined milk product" means the food which, when combined with potable water according to the instructions printed on the food's container, conforms to the milk fat and milk nonfat solids requirements for the milk product designated on the food's container.

"Reconstituted milk" means "recombined milk."

"Reconstituted milk product" means "recombined milk product."

"Reduced lactose whey" means "reduced lactose whey" as defined in 21 CFR 184.1979a.

"Reduced minerals whey" means "reduced minerals whey" as defined in 21 CFR 184.1979b.

"Revoke" means to permanently annul, repeal, rescind, countermand, or abrogate a Grade A permit issued by the State Regulatory Authority.

"Safe and suitable" means "safe and suitable" as defined in 21 CFR 130.3(d).

"Sanitization" means the application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisms as far as is practicable, and when used does not adversely affect: (i) the equipment which comes in contact with milk, milk product, or condensed and dry milk product; (ii) the milk, milk product, or condensed and dry milk product; or (iii) the health of consumers.

"Septage" means material accumulated in a pretreatment system or privy.

"Sewage" means water-carried and nonwater-carried human excrement; kitchen, laundry, shower, bath, or lavatory wastes separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

"Sheep milk" means the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy sheep.

~~"Skim milk" means "skim milk" as defined in 21 CFR 131.143.~~

"Sour cream" means "sour cream" as defined in 21 CFR 131.160.

~~"Sour half and half" means "sour half and half" as defined in 21 CFR 131.185.~~

"State Regulatory Authority" means the Commissioner of Agriculture and Consumer Services or his agent when carrying out any duty specified in § 3.1-530.3 of the Code of Virginia or the State Health Commissioner or his agent when carrying out any duty specified in § 3.1-530.4 of the Code of Virginia.

"Suspend" means to temporarily nullify, void, debar, or cease for a period of time a grade A permit issued by the State Regulatory Authority.

"Sweetened condensed milk" means "sweetened condensed milk" as defined in 21 CFR 131.120.

~~"Sweetened condensed skimmed milk" means "sweetened condensed skimmed milk" as defined in 21 CFR 131.122.~~

"Table cream" means "light cream" as defined in 21 CFR 131.155.

"Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one ~~transport~~ milk tank truck to another.

"Trim" means to shorten the hair on the udder and tail of milking cows and goats by clipping, singeing, cutting, or other means.

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"Ultra-pasteurized" means, when used to describe any milk or milk product, that the milk or milk product has been thermally processed at a temperature of 280°F (138°C) or hotter for at least two seconds, either before or after packaging, so as to produce a product that has an extended shelf life under normal storage.

"Validation" means the element of verification focused on collecting and evaluating scientific and technical information to determine whether the HACCP plan, when properly implemented, will effectively control the hazards.

"Verification" means those activities, other than monitoring, that determine the validity of the HACCP plan and that the HACCP system is operating according to the plan.

"Vitamin A milk" means milk, the vitamin A content of which has been increased to at least 2000 International Units per quart.

"Vitamin A milk product" means a milk product, the vitamin A content of which has been increased to at least 2000 International Units per quart.

"Vitamin D milk" means milk, the vitamin D content of which has been increased to at least 400 International Units per quart.

"Vitamin D milk product" means a milk product, the vitamin D content of which has been increased to at least 400 International Units per quart.

"Water buffalo milk" means the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy water buffalo.

~~"Whey" means the liquid substance obtained by separating the coagulum from milk, cream, or skim milk during the cheese-making procedure and may have the acidity adjusted by the addition of safe and suitable pH-adjusting ingredients prior to pasteurization~~ "whey" as defined in 21 CFR 184.1979.

"Whey condensing plant" means a plant in which whey is condensed or in which whey is received and processed for drying and packaging.

"Whey drying plant" means a plant in which whey is dried or in which whey is received and processed for drying and packaging.

"Whey product" means any fluid product removed from whey, or made by the removal of any constituent from whey, or by the addition of any wholesome substance to whey or parts thereof.

"Whipped cream" means "heavy cream" as defined in 21 CFR 131.150 or "light whipping cream" as defined in 21 CFR 131.157, into which air or gas has been incorporated.

"Whipped light cream" means "light whipped cream" as defined in 21 CFR 131.155, into which air or gas has been incorporated.

"Whipping cream" means "light whipping cream" as defined in 21 CFR 131.157.

"Yogurt" means "yogurt" as defined in 21 CFR 131.200.

~~[†]—IMS LIST—Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers"; the current edition of this publication contains the list of officially designated laboratories and may be obtained from the U.S. Food and Drug Administration, Milk Safety Branch, HFF 346, 200 "C" St., S.W., Washington, D.C. 20204.~~

PART II.

GRADE A MILK AND MILK PRODUCTS.

2 VAC 5-490-15. Grade A milk and milk products.

Grade A milk, milk products, and condensed and dry milk products shall comply with the specific standard of identity established for each milk product, condensed milk product or dry milk product and the requirements of this chapter. Grade A milk and milk products, and condensed and dry milk products include: (i) (a) acidified lowfat milk, acidified nonfat milk, acidified milk, acidified milk product, acidified reduced fat milk, acidified skim milk, acidified sour cream, acidified sour half-and-half, aseptically processed milk, aseptically processed milk product, boiled custard, buttermilk, coffee cream, concentrated milk, concentrated milk product, condensed buttermilk, cottage cheese, cottage cheese dry curd, cream, cultured half-and-half, cultured milk, cultured lowfat milk, cultured nonfat milk, cultured reduced fat milk, cultured skim milk, cultured sour cream, cultured sour half-and-half, dry buttermilk, dry buttermilk product, dry cream, dry curd cottage cheese, dry whole milk, eggnog, eggnog-flavored milk, flavored milk, flavored milk product, fortified milk, fortified milk product, frozen milk concentrate, goat milk, half-and-half, heavy cream, heavy whipping cream, lactose-reduced lowfat milk, lactose-reduced nonfat milk, lactose-reduced milk, lactose-reduced reduced fat milk, lactose-reduced skim milk, light cream, light whipping cream, lowfat cottage cheese, lowfat dry milk, lowfat milk, lowfat yogurt, low-sodium lowfat milk, low-sodium nonfat milk, low-sodium milk, low-sodium reduced fat milk, low-sodium skim milk, milk, nonfat milk, nonfat dry milk, nonfat dry milk fortified with vitamins A and D, nonfat yogurt, recombined milk, recombined milk product, reconstituted milk, reconstituted milk product, reduced lactose whey, reduced fat milk, reduced minerals whey, sheep milk, skim milk, sour cream, sour half-and-half, table cream, vitamin A milk, vitamin A milk product, vitamin D milk, vitamin D milk product, whipped cream, whipped light cream, whipping cream, or yogurt; (b) any of the following foods: milk, lowfat milk, or skim milk with added safe and suitable microbial organisms; or (c) any food made with a food specified in

clause (i) (a) of this definition by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin, or mineral fortification; and (ii) grade A condensed milk, grade A condensed whey, grade A dry whey, grade A dry milk product, grade A dry milk and grade A dry whey product. Nothing in this section shall be deemed to include any evaporated milk, evaporated skim milk, condensed milk (sweetened or unsweetened), infant formula, ice cream or other dessert, dietary product, dry milk product (except as defined herein), canned eggnog in a rigid metal container, or butter or cheese, except when butter or cheese is combined with other substances to produce any pasteurized or aseptically processed food as specified in this definition.

PART III.
ADULTERATED OR MISBRANDED MILK OR MILK PRODUCTS.

2 VAC 5-490-20. Adulterated or misbranded milk or milk products.

A. No person may produce, provide, sell, offer, expose for sale, or possess; any adulterated or misbranded; ~~condensed and~~ milk product; dry milk product; milk; or milk product.

B. ~~Any~~ Each person who produces, provides, sells, offers, exposes for sale, or possesses; any adulterated or misbranded; ~~condensed and~~ milk product; dry milk product; milk; or milk product shall be subject to having the person's adulterated or misbranded; ~~condensed and~~ milk product, dry milk product, milk, or milk product impounded by the State Regulatory Authority.

C. No person may provide, sell, offer, or expose for sale; any; ~~condensed and~~ milk product; dry milk product; milk; or milk product to any milk plant for use in any grade A milk or grade A milk product if the person does not possess a permit from the State Regulatory Authority, unless the Commissioner of Agriculture and Consumer Services makes a finding in writing (which the Commissioner of Agriculture and Consumer Services may renew for terms not to exceed 90 days per term, without limitation) that: (i) the supply of grade A raw milk for pasteurization, ultra-pasteurization, or aseptic processing is not adequate to meet the nutritional needs of any person who secures milk in the Commonwealth; or (ii) the supply of pasteurized, ultra-pasteurized, or aseptically processed milk or milk product at retail is not available for purchase by any person who secures milk in the Commonwealth.

D. No person may produce, provide, sell, offer, expose for sale, or possess any; ~~condensed and~~ milk product; dry milk product; milk; or milk product; under the provision of subsection C of this section unless the condensed milk product, dry milk product, milk or milk product is labeled "ungraded."

2 VAC 5-490-25. Impounding of adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product.

The State Regulatory Authority shall comply with the following administrative procedures when impounding any adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product:

1. The State Regulatory Authority shall serve the person with a written impoundment notice. The written impoundment notice shall specify the violations and inform the person of the opportunity to appear before the State Regulatory Authority in person, by counsel, or by other qualified representative at a fact-finding conference for the informal presentation of factual data, arguments, and proof to contest the written notice of violation.

2. The written impoundment notice shall include:

a. The name of the adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product;

b. The size and number of separate units in the lot being impounded;

c. The product code and sell by date for the lot of product, if each exists; and

d. A statement directing the person to:

(1) Immediately remove from sale the entire lot of adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product;

(2) Isolate and identify as not for sale the entire lot of adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product in the person's storage area in a location separate from any storage accessible from a retail sales area; and

(3) Comply with one of the following options:

(a) If the condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product is adulterated: (i) the entire lot shall be destroyed or (ii) the entire lot shall be held and returned to the manufacturer, distributor, or producer; or

(b) If the condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product is misbranded: (i) the entire lot shall be destroyed; (ii) the entire lot shall be held and returned to the manufacturer, distributor, or producer; or (iii) the entire lot shall be held and new labels affixed to each container in the lot which comply with all provisions for labeling of condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product contained in this chapter prior to being offered for sale.

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PART IV. PERMITS.

2 VAC 5-490-30. Permits.

A. No person may produce, provide, manufacture, sell, offer for sale, or store in the Commonwealth, or bring, send, or receive into the Commonwealth, any milk, milk product, market milk, market milk product or condensed and dry milk product for use in the commercial preparation of grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk product unless the person possesses a grade A permit from the State Regulatory Authority. ~~Nothing in this chapter shall apply to any establishment where milk or milk product is served or sold at retail, so long as the milk or milk product is not processed at the establishment.~~ Nothing in this chapter shall be deemed to require a person who is a broker, agent, or distributor's representative to have a grade A permit if the person buys condensed and dry milk product for, or sells condensed and dry milk product to, a milk plant that has a valid grade A permit from any state.

B. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain a grade A permit. Permits shall not be transferable with respect to persons or locations. Each person whose name appears on a grade A permit shall be at least 18 years of age. Each person requesting a grade A permit shall provide the State Regulatory Authority with the following information:

1. The name of the person or persons to whom the permit is to be issued;

2. If the person or persons are requesting a permit for a partnership, corporation, firm, trustee, or institution, the person or persons shall provide the articles of incorporation, partnership agreement, trust document, or other document identifying the names, titles, and mailing addresses of all responsible officials for the partnership, corporation, firm, trustee, or institution;

3. The address of the facility being permitted, including the street and number, city, state, and zip code. Addresses containing post office box designations shall not be permitted;

4. The trade name the permit holder will use if the permit holder will not be trading in the name to which the grade A permit is issued;

5. The name, mailing address, and telephone number for one responsible person designated by the grade A permit holder to receive all sample reports and official correspondence from the State Regulatory Authority;

6. If the permit application is for a grade A dairy farm, the name of the milk marketing organization or milk marketing cooperative to which the permit holder belongs or the buyer of its milk;

7. The names and phone numbers of responsible persons to contact at the grade A dairy farm or plant;

8. If the permit application is for a grade A dairy farm, the name, address, and telephone number of the owner of the dairy farm;

9. The printed name, signature, title, and date signed for each person whose name appears on the permit;

10. The printed name, signature, title, and date signed by the most responsible official for the partnership, corporation, firm, trustee, or institution if the permit is to be issued in the name of a partnership, corporation, company, firm, trustee, or institution; and

11. If the permit application is for a grade A plant permit, the plant code embossed or printed on packages of milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product packaged by the plant to identify the plant in lieu of printing the plant's name and address on the packages of milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product, if one has been assigned.

C. Each person who holds a grade A permit and who requests a change in the name or names on an existing grade A permit shall provide the State Regulatory Authority with the following information:

1. A written statement requesting that the existing grade A permit be canceled that has been signed by each person whose name appears on the existing grade A permit; except that when a person whose name on an existing grade A permit is deceased, the request for cancellation shall be made in writing by the executor or administrator of the permit holder's estate. A copy of the qualification as executor or administrator shall accompany the request for cancellation along with a statement identifying the name of the deceased and the date of death. Each signature shall be made next to or above the person's printed name and shall be dated with the date on which the written statement was signed by the grade A permit holder;

2. If the existing grade A permit is held in the name of a partnership, corporation, company, firm, trustee, or institution, the written statement requesting the existing grade A permit be canceled shall be signed by a person who is authorized to sign on behalf of the partnership, corporation, company, firm, trustee, or institution. Each signature shall be made next to or above the person's printed name and official title for the partnership, corporation, company, firm, trustee, or institution and shall be dated with the date on which the written statement was signed by the person who is authorized to sign on behalf of the partnership, corporation, company, firm, trustee, or institution; and

3. All of the information required by 2 VAC 5-490-50 B for the State Regulatory Agency to issue a grade A permit.

D. No person may hold a grade A dairy farm permit if any part of his facilities, equipment, storage, or surroundings (except toilet rooms) requiring inspection is accessed through any room used for domestic purposes or part of any room used for domestic purposes. Toilet rooms used for domestic purposes may be approved as complying with the requirements of this chapter only if: (i) the toilet room is located within 300 feet of the milkroom and (ii) all labor utilized in the milking parlor, milking barn, and milkroom is provided by members of the permit holder's immediate family.

E. No person who holds a grade A permit shall use or allow anyone else to use his facilities and equipment for any purpose other than that for which the grade A permit was issued.

F. Each person who holds a grade A dairy farm permit shall display his permit in the milkroom on his dairy farm.

G. Each person who holds a grade A dairy plant permit shall display his grade A plant permit in his facilities where it is accessible for inspection.

H. No grade A permit holder may transfer any grade A permit to another person or another location.

I. No permit holder who has had his grade A dairy farm permit or dairy plant permit revoked by the State Regulatory Authority shall be eligible to hold a grade A dairy farm or dairy plant permit at any time after the permit holder's permit is revoked.

J. No grade A dairy farm may hold more than one grade A dairy farm permit. Multiple milking facilities or milk tanks on a grade A dairy farm shall not be issued separate grade A dairy farm permits for any reason.

2 VAC 5-490-31. Authority to cancel, suspend, revoke or deny a permit.

~~B-~~ A. The State Regulatory Authority may cancel, suspend, or revoke the grade A permit of any person, or may deny to any person a grade A permit if:

1. The grade A permit holder fails to engage daily in the business for which the grade A permit is issued;
2. The grade A permit holder does not daily produce, provide, manufacture, sell, offer for sale, or store in the Commonwealth, or bring, send, or receive into the Commonwealth milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product;
3. The grade A permit holder fails to provide at no cost to the State Regulatory Authority samples of milk, milk product, ~~or~~ condensed milk product and dry milk product in the person's possession for testing by the State Regulatory Authority;
4. The grade A permit holder fails to provide on a daily basis milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry

milk product in the person's possession for sampling and testing by the State Regulatory Authority;

5. The grade A permit holder fails to comply with any requirement of this chapter, or of §§ 3.1-420 through 3.1-424, §§ 3.1-530.1 through ~~3.1-530.9~~ 3.1-530.11 or §§ ~~3.1-531~~ 3.1-531.1 through ~~3.1-545~~ 3.1-545.1 of the Code of Virginia;

6. A public health hazard exists that affects the grade A permit holder's milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product;

7. The grade A permit holder or any agent of the grade A permit holder has obstructed or interfered with the State Regulatory Authority in the performance of ~~its~~ its duties;

8. The person supplies false or misleading information to the State Regulatory Authority: (i) in the person's application for a grade A permit; (ii) concerning the identity of the person who will control the facility that is the subject of the grade A permit; (iii) concerning the amount of milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product which the person produces, provides, manufactures, sells, offers for sale, or stores, in the Commonwealth, or brings, sends, or receives into the Commonwealth and the distribution of the person's milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product; (iv) concerning any investigation conducted by the State Regulatory Authority; or (v) concerning the location of any part of the person's operation that is subject to a grade A permit;

9. The grade A permit holder engages in fraudulent activity regarding: (i) the amount of milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product the person offers to sell or sells; or (ii) the collection of samples of the person's milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product used to determine compliance with any provision of this chapter or as a basis for payment for milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product;

10. Three of the most recent five bacteria counts, somatic cell counts, or cooling temperature determinations conducted on the grade A permit holder's raw milk exceed the standards specified in this chapter;

11. Three of the most recent five bacteria counts, coliform determinations, or cooling temperature determinations conducted on the grade A permit holder's milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product exceed the standards specified in this chapter;

12. Two of the most recent cryoscope tests on the grade A permit holder's milk violate the standard specified in this chapter and the most recent violative sample occurred within two years of the next most recent violative sample;

13. The most recent afatoxin or drug residue test on the grade A permit holder's milk, milk product, condensed milk product or dry milk product violates the standards specified in this

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chapter. ~~In the event the State Regulatory Authority suspends the grade A permit the suspension shall be for a minimum of: (i) two days (except as specified in subdivision 13 b of this subsection); (ii) four days (except as specified in subdivision 13b of this subsection) on the second occurrence of violative drug residues in the grade A permit holder's milk within a 12-month period after the grade A permit holder's first positive test for violative drug residues; or (iii) four days (except as specified in subdivision 13 b of this subsection) on the third occurrence of violative drug residues in the grade A permit holder's milk within a 12 month period after the grade A permit holder's first positive test for violative drug residues and the grade A permit holder's permit shall be subject to revocation; and the grade A permit holder whose milk test positive for violative drug residues shall provide and complete for each separate violation, the Milk and Dairy Beef Residue Prevention Protocol², and have a signed quality assurance certificate, displayed in the grade A permit holder's milkhouse, within 30 days after the date of suspension of the grade A permit holder's permit;~~

~~a. The number of days represented by the grade A permit holder's milk shipment which tests positive for violative drug residues shall be determined by the State Regulatory Authority using: (i) the number of milkings included in the grade A permit holder's milk shipment which tests positive for violative drug residues; and (ii) the number of times each day the grade A permit holder milks; and~~

~~b. The number of days determined by the State Regulatory Authority shall satisfy the same portion of the grade A permit holder's required suspension period as the grade A permit holder's milk shipment represents;~~

14. The most recent phosphatase test on the grade A permit holder's milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product violates the standard specified in this chapter;

15. The most recent chemical residue test or pesticide residue test on the grade A permit holder's milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product exceeds the actionable level, tolerance level, or safe level for any chemical residue or pesticide residue specified in: 40 CFR ~~Parts Part~~ 180, 185, ~~or~~ 186; and 21 CFR Parts 70, 71, 73, 74, 80, 82, 130, 131, 133, 170, 172, 173, 174, 175, 176, 177, 178, 189, 556, 564, 570, 573, 589. In the event that no actionable level, tolerance level, or safe level for a chemical residue or pesticides residue has been established in: 40 CFR ~~Parts Part~~ 180, 185, ~~or~~ 186; and 21 CFR Parts 70, 71, 73, 74, 80, 82, 130, 131, 133, 170, 172, 173, 174, 175, 176, 177, 178, 189, 556, 564, 570, 573, 589, the tolerance level shall be deemed to be zero;

16. The grade A permit holder fails to correct any: (i) violation of this chapter documented as a result of an inspection or (ii) deficiency or nonconformity documented as a result of a HACCP audit that the State Regulatory Authority

has cited in a written notice of intent to suspend the person's grade A permit, as a violation of this chapter;

17. The grade A permit holder's raw milk for pasteurization is warmer than 50°F two hours after the completion of the first milking or the grade A permit holder's raw milk for pasteurization is warmer than 50°F during or after any subsequent milking;

18. The grade A permit holder's equipment is covered or partially covered by an accumulation of milk solids, milk fat, or other residue so that the milk, milk product, ~~or~~ condensed ~~and~~ milk product or dry milk product is adulterated;

19. The grade A permit holder sells or offers for sale milk, milk products, ~~or~~ condensed ~~and~~ milk product or dry milk product which violate any requirement of this chapter;

20. The grade A permit holder fails to complete the "Milk and Dairy Beef Residue Prevention Protocol,"² and have a signed quality assurance certificate, for display in the grade A permit holder's milkhouse, within 30 days after the date of the suspension of the grade A permit holder's permit because of the grade A permit holder's violation of subsection B 13 or holder's permit is suspended three times within a 12-month period;

21. The authority in another state responsible for issuing grade A permits has denied, suspended, or revoked the permit of the person in that state for any act or omission that would violate this chapter or the statutes under which this chapter was adopted, had the act or omission occurred in the Commonwealth; or

22. The Virginia Department of Agriculture and Consumer Services has previously revoked the person's grade A permit.

~~C. B.~~ The State Regulatory Authority may summarily suspend a grade A permit for violation of any of the following subdivisions of subsection ~~B A~~ of this section: 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, or 19; ~~or~~ 20.

~~D. No grade A permit holder may transfer any grade A permit to another person or another location.~~

~~E. Each grade A permit holder operating a milk plant within the Commonwealth shall provide to the State Regulatory Authority laboratory determinations of the quantity of vitamin A and vitamin D present in the milk plant's milk, milk product, fortified milk, and fortified milk product to which vitamin A or vitamin D has been added. Each grade A permit holder who operates a milk plant shall provide these laboratory determinations at least annually from a laboratory utilizing "Determination of Vitamin D2 and Vitamin D3 in Foods, Feeds, and Pharmaceuticals, using High Performance Liquid Chromatography: Comparison of Three Different Columns"³ or "HPLC Assays for Vitamin A and E (HPLC Method 1)"⁴ as appropriate for vitamin A and vitamin D determination, or any other method approved for such testing~~

by the Food and Drug Administration. Each grade A permit holder who operates a milk plant shall pay for the cost of the laboratory determinations.

C. The State Regulatory Authority may suspend from sale any condensed milk, condensed milk product, dry milk, dry milk product, milk or milk product in violation of the requirements of this chapter processed by any grade A dairy plant permit holder in lieu of suspending the grade A dairy plant permit holder's permit.

D. If the State Regulatory Authority suspends a permit holder's permit more than three times within any 12-month period, the permit holder's permit shall not be reinstated for a period of three days on the fourth suspension within any 12-month period and six days on the fifth suspension within any 12-month period with three days being added to the required suspension period for each additional suspension thereafter within any 12-month period.

E. If the State Regulatory Authority issues two written notices of intent to suspend a person's permit for failure to correct the same deficiency within any 12-month period, the State Regulatory Authority may issue and enforce a written notice of intent to summarily suspend the person's permit at any time within six months after the date the written notice of intent to summarily suspend is issued, to summarily suspend the person's permit if the same violation exist on any inspection during the six-month period specified in the written notice of intent to summarily suspend.

2 VAC 5-490-32. Authority to impound milk and milk products.

The State Regulatory Authority may impound any condensed milk, condensed milk product, dry milk, dry milk product, milk or milk product if the condensed milk, condensed milk product, dry milk, dry milk product, milk or milk product is in violation of any requirement of this chapter.

2 VAC 5-490-33. Written warning and suspension notices for violations of quality standards; required procedures.

A. Whenever two of the last four consecutive cooling temperature checks, bacteria counts or somatic cell counts taken on separate days for a grade A dairy farm permit holder exceed the standard established for grade A raw milk, the State Regulatory Agency shall send a written warning notice to the permit holder or to the person identified by the permit holder to receive sample reports and official correspondence. The warning notice shall inform the permit holder or his representative: (i) concerning which quality standards the permit holder has violated; (ii) that another sample will be collected within 21 days to determine compliance with the requirements; and (iii) that his grade A dairy farm permit will be suspended whenever three out of the last five consecutive cooling temperature checks, bacteria counts or somatic cell counts exceed the standards. The warning notice shall be in effect so long as two out of the last four consecutive samples

exceed the standard for grade A raw milk. An additional sample shall be collected to determine compliance with the standards for grade A raw milk within 21 days after sending the warning notice, but not before the lapse of three days.

B. Whenever the last cryoscope test result for a grade A dairy farm permit holder exceeds the standard established for grade A raw milk for the first time in the past two years, the State Regulatory Agency shall send a written warning notice to the permit holder or to the person identified by the permit holder to receive sample reports and official correspondence. The warning notice shall inform the permit holder or his representative: (i) concerning which quality standards the permit holder has violated; (ii) that another sample will be collected in the near future to determine compliance with the requirements; and (iii) that his grade A dairy farm permit will be suspended whenever two cryoscope test results on separate samples exceed the standard within the past two years. The warning notice shall be in effect so long as any sample exceeds the cryoscope standard for grade A raw milk within the past two years. Additional samples shall be collected in the future to determine compliance with the standards for grade A raw milk, but not before the lapse of three days.

C. Whenever two of the last four consecutive cooling temperature checks or bacteria counts taken on separate days from a grade A permit holder's dairy plant exceed the standard established for commingled grade A raw milk for pasteurization, ultra-pasteurization or aseptically processed milk or milk product, the State Regulatory Agency shall send a written warning notice to the permit holder or to the person identified by the permit holder to receive sample reports and official correspondence. The warning notice shall inform the permit holder or his representative: (i) concerning which quality standards the permit holder has violated; (ii) that another sample will be collected within 21 days to determine compliance with the requirements of this chapter; and (iii) that the permit holder's grade A permit will be suspended whenever three out of the last five consecutive cooling temperature checks or bacteria counts exceed the quality standards. The warning notice shall be in effect so long as two out of the last four consecutive samples exceed the standard for grade A commingled raw milk for pasteurization, ultra-pasteurization or aseptically processed milk or milk product. An additional sample shall be collected to determine compliance with the standards for grade A raw milk within 21 days after sending the warning notice, but not before the lapse of three days.

D. Whenever two of the last four consecutive cooling temperature checks, bacteria counts or coliform counts taken on separate days from a grade A permit holder's dairy plant exceed the standard established for grade A pasteurized or ultra-pasteurized milk or milk products in retail containers, the State Regulatory Agency shall send a written warning notice to the permit holder or to the person identified by the permit holder to receive sample reports and official

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correspondence. The warning notice shall inform the permit holder or his representative: (i) concerning which quality standards the permit holder has violated for each grade A pasteurized or ultra-pasteurized milk or milk product in retail containers; (ii) that another sample will be collected within 21 days to determine compliance with the requirements of this chapter; and (iii) that the permit holder's grade A pasteurized or ultra-pasteurized milk or milk product in retail containers will be suspended from sale whenever three out of the last five consecutive cooling temperature checks, bacteria counts or coliform counts exceed the quality standards. The warning notice shall be in effect so long as two out of the last four consecutive samples exceed the standard for grade A pasteurized or ultra-pasteurized milk or milk products in retail containers. An additional sample shall be collected to determine compliance with the standards for grade A raw milk within 21 days after sending the warning notice, but not before the lapse of three days.

E. Whenever two of the last four consecutive cooling temperature checks or bacteria counts taken on separate days from a grade A permit holder's dairy plant exceed the standard established for grade A bulk shipped heat-treated milk products, the State Regulatory Agency shall send a written warning notice to the permit holder or to the person identified by the permit holder to receive sample reports and official correspondence. The warning notice shall inform the permit holder or his representative: (i) concerning which quality standards the permit holder has violated for each grade A bulk shipped heat-treated milk product; (ii) that another sample will be collected within 21 days to determine compliance with the requirements of this chapter; and (iii) that the permit holder's grade A permit will be suspended whenever three out of the last five consecutive cooling temperature checks or bacteria counts exceed the quality standards. The warning notice shall be in effect so long as two out of the last four consecutive samples exceed the standard for grade A bulk shipped heat-treated milk products. An additional sample shall be collected to determine compliance with the standards for grade A raw milk within 21 days after sending the warning notice, but not before the lapse of three days.

F. Whenever three out of the last five consecutive cooling temperature checks, bacteria counts or somatic cell counts taken on separate days for a grade A dairy farm permit holder exceed the standard established for grade A raw milk, the State Regulatory Agency shall send a written suspension notice to the permit holder or to the person identified by the permit holder to receive sample reports and official correspondence. The suspension notice shall inform the grade A dairy farm permit holder: (i) why his grade A permit is being suspended; (ii) that he will be contacted by the State Regulatory Authority to establish a date on which the suspension of his permit will be effective; and (iii) that his grade A permit will not be reinstated until laboratory analysis

determine that his raw milk is in compliance with the quality standards.

G. Whenever two cryoscope test results taken on separate days for a grade A dairy farm permit holder exceed the standard established for grade A raw milk within the past two years, the State Regulatory Agency shall send a written suspension notice to the permit holder or to the person identified by the permit holder to receive sample reports and official correspondence. The suspension notice shall inform the grade A dairy farm permit holder: (i) why his grade A permit is being suspended; (ii) that he will be contacted by the State Regulatory Authority to establish a date on which the suspension of his permit will be effective; and (iii) that his grade A permit will not be reinstated until laboratory analysis determine that his raw milk is in compliance with the quality standards.

H. Whenever three out of the last five consecutive cooling temperature checks or bacteria counts taken on separate days from a grade A permit holder's dairy plant exceed the standard established for commingled grade A raw milk for pasteurization, ultra-pasteurization or aseptically processed milk or milk products, the State Regulatory Authority shall send a written suspension notice to the permit holder or to the person identified by the permit holder to receive sample reports and official correspondence. The suspension notice shall inform the grade A dairy plant permit holder that: (i) the permit holder's grade A dairy plant permit is suspended and (ii) should the grade A dairy plant permit holder desire to have his grade A dairy plant permit reinstated, he must make his request in writing to the State Regulatory Authority detailing the actions he has taken and will take to avoid violating the standard he exceeded for commingled grade A raw milk in the future, establishing a date and time by which these actions will be fully implemented and stating the reasons why his request should be granted.

I. Whenever three out of the last five consecutive cooling temperature checks, bacteria counts or coliform counts taken on separate days from a grade A permit holder's dairy plant exceed the standard established for grade A pasteurized or ultra-pasteurized milk or milk products in retail containers, the State Regulatory Authority shall send a written suspension notice to the permit holder or to the person identified by the permit holder to receive sample reports and official correspondence. The suspension notice shall inform the grade A dairy plant permit holder: (i) that the pasteurized or ultra-pasteurized milk and dairy products in violation of the quality standard are suspended from sale; (ii) why the pasteurized or ultra-pasteurized milk and dairy products are suspended from sale; (iii) that the permit holder must contact the State Regulatory Authority when corrections have been made to bring their pasteurized or ultra-pasteurized milk and milk products into compliance before any action will be taken to reinstate sales of his suspended pasteurized or ultra-pasteurized milk and milk products; and (iv) that his

pasteurized or ultra-pasteurized milk and milk products will not be reinstated for sale until laboratory analysis determine that the pasteurized or ultra-pasteurized milk and milk products are in compliance with the quality standards.

J. Whenever three out of the last five consecutive cooling temperature checks or bacteria counts taken on separate days from a grade A permit holder's dairy plant exceed the standard established for grade A bulk shipped heat-treated milk products, the State Regulatory Authority shall send a written suspension notice to the permit holder or to the person identified by the permit holder to receive sample reports and official correspondence. The suspension notice shall inform the grade A dairy plant permit holder that: (i) the permit holder's grade A dairy plant permit is suspended and (ii) should the grade A dairy plant permit holder desire to have his grade A dairy plant permit reinstated, he must make his request in writing to the State Regulatory Authority detailing the actions he has taken and will take to avoid violating the standard he exceeded for grade A bulk shipped heat-treated milk products in the future, establishing a date and time by which these actions will be fully implemented and stating the reasons why his request should be granted.

F. 2 VAC 5-490-34. Inspection of dairy farms, milk plants, condensing plants, and drying plants; HACCP audits of dairy plants.

~~1. A.~~ No person who operates a dairy farm, milk plant, receiving station, transfer station, condensing plant, or drying plant within the Commonwealth may hold a grade A permit until ~~the~~ his dairy farm, milk plant, receiving station, transfer station, condensing plant, or drying plant has been inspected and approved by the State Regulatory Authority;

~~2. The State Regulatory Authority shall inspect at least once every three months each dairy farm that holds a grade A permit;~~

~~3. The State Regulatory Authority shall inspect at least every month each milk plant, transfer station, and receiving station that holds a grade A permit;~~

~~4. The State Regulatory Authority shall inspect at least once every three months each condensing plant or drying plant that holds a grade A permit;~~

B. After permitting, each person's dairy farm, milk plant, receiving station, transfer station, condensing plant, or drying plant within the Commonwealth shall be inspected as often as the State Regulatory Authority deems is necessary.

C. After permitting, each person's milk plant, receiving station, transfer station, condensing plant, or drying plant within the Commonwealth participating in the voluntary HACCP program shall be HACCP audited as often as the State Regulatory Authority deems is necessary.

G. 2 VAC 5-490-35. The examination of milk and milk products.

~~1. A.~~ The State Regulatory Authority shall collect during any consecutive six months at least four samples of raw milk, collected in at least four separate months, except when three months show a month containing two sampling dates separated by at least 20 days for pasteurization, ultra-pasteurization, or aseptic processing from each dairy farm that holds a grade A permit.

~~2. B.~~ After receipt of the milk by the milk plant and prior to pasteurization, ultra-pasteurization or aseptic processing the State Regulatory Authority shall collect during any consecutive six months at least four samples of raw milk, collected in at least four separate months, except when three months show a month containing two sampling dates separated by at least 20 days for pasteurization, ultra-pasteurization, or aseptic processing from each milk plant located within the Commonwealth that holds a grade A permit.

~~3. C.~~ The State Regulatory Authority shall collect during any consecutive six-month period at least four samples of each heat-treated, pasteurized, ultra-pasteurized, or ~~or~~ and aseptically processed milk product, each sample to be collected in at least four separate months during any consecutive six-month period, except when three months show a month containing two sampling dates separated by at least 20 days, from each milk plant located in the Commonwealth and holding a grade A permit.

~~4. D.~~ The State Regulatory Authority shall, except when the production is not on a yearly basis, during each month collect from each milk condensing plant, milk drying plant, whey condensing plant or whey drying plant holding a grade A permit at least one sample of raw milk for pasteurization, after receipt of the milk by the plant and before pasteurization, and at least one sample of each grade A condensed milk product, grade A dry milk product, grade A condensed whey, and grade A dry whey manufactured. If the production of grade A dry milk products or grade A dry whey is not on a yearly basis, the State Regulatory Authority shall collect at least five samples within a continuous production period.

~~5. E.~~ The State Regulatory ~~shall~~ Authority may collect at least once every three months samples of milk and milk ~~product~~ products as it deems necessary from retail establishments selling milk or milk ~~product~~ products to determine compliance with 2 VAC 5-490-20, 2 VAC 5-490-40, 2 VAC 5-490-50 and 2 VAC 5-490-80 ~~of this chapter.~~ The Each person who operates the retail establishment shall furnish the State Regulatory Authority, upon the request of the State Regulatory Authority, with the names of all distributors from whom the person has obtained milk or milk ~~product~~ products.

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~~6.~~ E. The State Regulatory Authority shall provide the remaining portion of the original raw milk sample from each grade A dairy farm which has been screened positive for animal drug residues by a milk plant, receiving station, or transfer station to the grade A dairy farms' milk marketing organization upon request.

G. Each grade A permit holder operating a milk plant within the Commonwealth shall provide to the State Regulatory Authority laboratory determinations of the quantity of vitamin A and vitamin D present in each of the milk plant's milk and milk products to which vitamin A or vitamin D has been added. Each grade A permit holder who operates a milk plant shall provide these laboratory determinations at least annually from a laboratory certified to determine the amount of vitamin A and vitamin D in milk and milk products under the requirements established in "Evaluation of Milk Laboratories," 2005 revision, available from the Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Field Programs, Division of HACCP, Laboratory Quality Assurance Branch, HFH-450, 6502 South Archer Road, Summit-Argo, Illinois 60501, USA. Each grade A permit holder who operates a milk plant shall pay for the cost of the laboratory determinations.

~~H.~~ 2 VAC 5-490-36. Drug residue monitoring and farm surveillance and follow up.

~~1.~~ A. Each grade A permit holder operating a milk plant, receiving station, or transfer station shall:

~~a.~~ 1. Prior to processing any raw milk from bulk tanks on farms, test for residues of beta lactam drugs all raw milk that the milk plant, receiving station, or transfer station receives for pasteurization, ultra-pasteurization, or aseptic processing;

~~b.~~ 2. Test each shipment of bulk tank raw milk received for pasteurization, ultra-pasteurization, or aseptic processing by screening tests methods which have been ~~evaluated by Virginia Polytechnic Institute and State University in the study "Evaluation of Animal Drug Residue Detection Methods"⁵ and which have been demonstrated by "Evaluation of Animal Drug Residue Detection Methods" to provide positive results for residues of beta lactam drugs, unless Association of Official Analytical Chemists- (AOAC)-reviewed and Food and Drug Administration- (FDA)-accepted methods are available.~~ In lieu of any test specified in ~~this subdivision 1 b of this subsection~~ a grade A permit holder may use AOAC first-action and AOAC final-action tests methods. Nothing in ~~this subdivision 1 b of this subsection~~ shall be deemed to ~~include~~ require the testing of individual raw milk samples prior to processing collected from each grade A dairy farm included in any shipment of bulk tank raw milk for pasteurization, ultra-pasteurization, or aseptic processing;

~~e.~~ 3. Implement a random-sampling program when the Commissioner of the Food and Drug Administration

determines that a potential problem exists with animal drug residues or other contaminants in the milk supply. ~~Any~~ Each grade A permit holder operating a milk plant, receiving station, or transfer station shall analyze the samples for the contaminant by a method determined by FDA to be effective in determining compliance with actionable levels or established tolerances. ~~Any~~ Each grade A permit holder operating a milk plant, receiving station, or transfer station shall continue the random-sampling program until such time that the Commissioner of the Food and Drug Administration is reasonably assured that the problem has been corrected. The sampling program shall represent and include during any consecutive six months, at least four samples collected in at least four separate months, except when three months show a month containing two sampling dates separated by at least 20 days.

~~d.~~ 4. Retain ~~any~~ each sample found to be positive for drug residues for a period of 120 hours after the sample test result is positive for drug residues for the use of the State Regulatory Authority unless directed otherwise by a representative of the State Regulatory Authority;

~~e.~~ 5. Abstain from selling or offering for sale any pasteurized, ultra-pasteurized, or aseptically processed milk, milk product, or condensed and dry milk product processed from raw milk for pasteurization, ultra-pasteurization, or aseptic processing before results of drug screening tests are available and which raw milk later tests positive for drug residues. All of the grade A permit holder's milk commingled with any raw milk which tests positive for drug residues shall be deemed adulterated. Any grade A permit holder operating a milk plant, receiving station, or transfer station shall report to the State Regulatory Authority instances of adulteration immediately;

~~f.~~ 6. Record the results of tests on samples of raw milk and retain such records for a period of six months; report records of all results of tests on samples of raw milk to the State Regulatory Authority by the fifteenth day of each month for the preceding month; and maintain and make available to the State Regulatory Authority for inspection and review at the permitted facility records of results of tests on samples of raw milk. ~~Any~~ Each record of results of tests on samples of raw milk required by this subdivision shall include:

(~~1~~) a. The analyst's signature, date ~~and~~, time ~~of~~, and place where the test was performed;

(~~2~~) b. The registration identification of each pickup tanker of bulk raw milk or raw milk sampled;

(~~3~~) c. The test method used; ~~and~~

(~~4~~) d. The Interstate Milk Shipper Bulk Tank Unit identification number of each grade A milk supply included on each pickup tanker of bulk raw milk tested; and

e. A statement as to whether the test results were positive or negative. If the results were positive, the grade A permit holder shall also record:

- (a) (1) The identity of each producer contributing to the load from which the positive sample of raw milk was taken;
- (b) (2) The name of the person notified at the State Regulatory Authority of the positive test results;
- (c) (3) The date and time of day the person at the State Regulatory Authority was notified of the positive test results; and
- (d) (4) The method of notification of the State Regulatory Authority;

g. 7. Immediately notify the State Regulatory Authority and the milk marketing cooperative or broker of any shipment of bulk tank raw milk for pasteurization, ultra-pasteurization, or aseptic processing when the shipment of bulk tank raw milk is found to be positive for drug residues. Nothing in this subdivision shall be deemed to include individual raw milk samples collected from each grade A dairy farm included in any shipment of bulk tank raw milk for pasteurization, ultra-pasteurization, or aseptic processing;

h. 8. Test each producer sample of raw milk to determine the farm of origin represented by any sample of raw milk which tests positive for drug residues and immediately report to the State Regulatory Authority the result of each producer sample representing the raw milk for pasteurization, ultra-pasteurization, or aseptic processing found to be positive for drug residues; and

9. Provide by facsimile machine or other electronic means to the Virginia Department of Agriculture and Consumer Services copies of load manifests, producer weight tickets, laboratory worksheets where the results of laboratory tests are originally recorded, and records from electronic readers documenting the results for samples tested for all positive loads; and

~~i. 10. Immediately discontinue receiving shipments of raw milk from the grade A permit holder whose milk tests positive for drug residues, until subsequent tests by the State Regulatory Authority are no longer positive for drug residues and the producer has satisfied the requirements of subdivision B-13 of this section;~~

B. Each grade A dairy farm permit holder's milk marketing cooperative or milk marketing agent shall be responsible for the collection and testing of follow-up milk samples for animal drug residues required for permit reinstatement and resumption of milk shipment from the dairy farm each time the grade A dairy farm permit holder's milk test positive for animal drug residues.

C. Each grade A dairy farm permit holder's milk marketing cooperative or milk marketing agent shall comply with the

following when following up on a producer's dairy farm after a positive animal drug residue:

1. Only person's who hold valid permits to weigh, sample and collect milk issued by the Virginia Department of Agriculture and Consumer Services shall collect and deliver follow-up milk samples to laboratories for official testing for the purpose of permit reinstatement and the resumption of milk shipments from the dairy farm;

2. Reports of laboratory testing shall be provided from officially designated laboratories for each milk sample tested for animal drug residues and shall include the following information:

- a. The name of the grade A dairy farm permit holder;
- b. The patron number of the grade A dairy farm permit holder;
- c. The date, time and temperature of the milk sample when collected;
- d. The name of the person who collected the milk sample;
- e. The name of the test method used to test the milk sample; and
- f. The test result for the milk sample; and

3. Only confirmation test methods approved under M-I-96-10 (Revision #5) dated March 10, 2004, and titled "Drug Residue Test Methods for Confirmation of Presumptive Positive Results and Initial Producer Traceback" may be used for follow-up milk sample testing.

2 VAC 5-490-37. Laboratory certification.

A. Each grade A permit holder operating a dairy plant that receives any milk that could require load confirmation or producer trace-back as a result of a positive animal drug residue on a load of milk delivered at the plant shall provide to the Virginia Department of Agriculture and Consumer Services results of animal drug residue tests from an officially designated laboratory. Each officially designated laboratory shall maintain a listing in the IMS List – Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers as an approved milk laboratory certified to test load and producer samples. All laboratory results from officially designated laboratories shall be reported to the Virginia Department of Agriculture and Consumer Services within six hours of the initial presumptive positive result at the plant. Existing dairy plants holding permits on (insert the effective date of this regulation) shall have until December 31, 2007, to comply with this section.

B. Each officially designated laboratory shall comply with the requirements contained in the "Evaluation of Milk Laboratories, 2005 revision" for certification and listing in the "IMS List – Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers."

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~~2.~~ **2 VAC 5-490-38. Disposal of adulterated milk.**

~~Any~~ Each grade A permit holder whose milk tests positive for drug residues shall dispose of such milk in a manner that removes it from the human food chain or in any manner approved by the Food and Drug Administration;~~;~~

~~I.~~ **2 VAC 5-490-39. Records of milk purchased or sold; list of sources.**

~~Any~~ Each grade A permit holder who operates a milk plant, receiving station, or transfer station, and any person who distributes milk or milk products shall furnish the State Regulatory Authority upon request:

1. A true statement of the quantities of milk and milk products of each grade purchased or sold by the milk plant, receiving station, transfer station, or distributor of milk or milk product; and

2. A list of all sources from which the milk plant, receiving station, transfer station, or distributor of milk or milk product, received milk or milk.

~~J.~~ **2 VAC 5-490-39.1. Receiving raw or untreated sewage on a dairy farm prohibited.**

No person holding a grade A permit may operate a dairy farm that receives on the dairy farm raw or untreated sewage or septage from any septic tank, from any private or public sewage system, from any septic tank pump operator, from any hauler of septic tank waste or sewage, or from any other source~~;~~

~~K.~~ **2 VAC 5-490-39.2. Milk that may be held in a milk storage tank.**

No person who holds a grade A permit may place or hold in his milk storage tank: any milk except that milk which was obtained from cows, sheep, ~~or~~ goats, water buffalo, or other mammal milked at the grade A permit holder's dairy farm; any milk which did not enter the milk storage tank through the milking and milk-handling equipment on the grade A permit holder's dairy farm during the milking of the grade A permit holder's cows, sheep, ~~or~~ goats, water buffalo, or other mammal; any milk which has been held without refrigeration; or which has been exposed to chemical or physical contamination~~;~~and.

~~L.~~ **2 VAC 5-490-39.3. Commingling of milk from different species prohibited.**

No person may produce, provide, manufacture in, sell, offer for sale, or store in the Commonwealth, or, bring, send, or receive into the Commonwealth, any milk, milk product, or condensed and dry milk product for use in the commercial preparation of grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk products, any part of which is a combination of ~~goat milk and cow milk, sheep~~

~~milk and cow milk, or goat milk and sheep milk the milk from any two or more species of mammal.~~

² ~~"Milk and Dairy Beef Residue Prevention Protocol," available from Milk & Dairy Beef Quality Assurance Center, 801 Shakespeare, Box 497, Stratford, Iowa 50294.~~

² ~~"Milk and Dairy Beef Residue Prevention Protocol," available from Milk & Dairy Beef Quality Assurance Center, 801 Shakespeare, Box 497, Stratford, Iowa 50294.~~

³ ~~"Determination of Vitamin D2 and Vitamin D3 in Foods, Feeds, and Pharmaceuticals, Using High Performance Liquid Chromatography: Comparison of Three Different Columns," Melina C. Villalobos, Norman R. Gregory & Martin P. Bueno, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Division of Nutrition, HFF-266, Washington, D.C. 20204.~~

⁴ ~~"HPLC Assays for Vitamin A and E (HPLC Method 1)," available from Laboratory Assurance Branch, HFH 450, Division of Microbiology, Food and Drug Administration Center for food Safety, 6502 S. Archer Rd., Summit Argo, IL 60501-1399.~~

⁵ ~~"Evaluation of Animal Drug Residue Detection Methods," J. Russell Bishop, Susan E. Duncan, Gerald M. Jones, and William D. Whittier, available from Food Science and Technology, Virginia Polytechnic Institute and State University, Blacksburg, VA 24061.~~

2 VAC 5-490-39.4. Feeding poultry litter and unprocessed body discharges prohibited.

No person holding a grade A permit to produce milk for pasteurization, ultra-pasteurization or aseptic processing shall feed their lactating cows, goats, sheep, water buffalo, or other milking mammals any unprocessed poultry litter or other unprocessed body discharges from any animal.

2 VAC 5-490-39.5. Limit for aflatoxin residue in feed of lactating mammals.

No person holding a grade A permit to produce milk for pasteurization, ultra-pasteurization or aseptic processing shall feed their lactating cows, goats, sheep, water buffalo, or other milking mammals any feed separately or in combination that contains an aflatoxin residue greater than 20 parts per billion.

2 VAC 5-490-39.6. Limit for aflatoxin residue in milk and milk products.

No person may sell or offer for sale any milk or milk product if it contains an aflatoxin residue equal to or greater than 0.50 parts per billion.

PART V.
LABELING.

2 VAC 5-490-40. Labeling.

A. No person may produce, provide, manufacture, sell, offer for sale, or store in the Commonwealth or, bring, send into, or receive into the Commonwealth any milk, milk product, or condensed and dry milk product for use in the commercial preparation of grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk products which are not labeled in compliance with the following:

1. ~~Except for nutrition labeling, the~~ Each grade A permit holder's bottles, containers, and packages enclosing any milk or milk products shall be labeled in accordance with the requirements of the Federal Food, Drug and Cosmetic Act, as amended, the ~~Fair Packaging and Labeling Act~~ Nutrition Labeling and Education Act (NLEA) of 1990, and regulations developed thereunder;

2. The grade A permit holder shall label or mark all bottles, containers, and packages enclosing any milk or milk products with:

a. The name of a defined milk product, if there is a definition, and if there is no definition, a name that is not false or misleading;

b. The word "reconstituted" or "recombined" if the milk product is made by reconstitution or recombination;

c. The term "grade A" located on the exterior of the package on the principal display panel, the secondary or informational panel, or the cap or cover;

d. The identity of the plant where the grade A permit holder's milk or milk product is pasteurized, ultra-pasteurized, or aseptically processed by specifying:

(1) The street address, city, state, and zip code of the plant; or

(2) The code assigned the plant under the National Uniform Coding System for Packaging Identification of Milk and Milk Product Processing Plants.⁶

e. In the case of concentrated milk, ~~concentrated~~ or concentrated milk products the volume or proportion of water to be added for recombining;

f. The name of the milk product that the concentrated milk product will produce, which name shall be preceded by the term "concentrated." In the case of flavored milk or flavored reconstituted milk, the grade A permit holder shall substitute the name of the principal flavor for the word "flavored";

g. In the case of aseptically processed milk and milk products the words "keep refrigerated after opening;"

h. In the case of aseptically processed and packaged milk or milk products, the term "UHT" ultra-high-temperature;

i. The term "ultra-pasteurized" if the milk or milk product has been ultra-pasteurized;

j. The term "goat" preceding the name of the milk or milk product when the milk or milk product is goat milk or is made from goat milk;

k. The term "sheep" preceding the name of the milk or milk product when the milk or milk product is sheep milk or is made from sheep milk;

l. The term "water buffalo" preceding the name of the milk or milk product when the milk or milk product is water buffalo milk or is made from water buffalo milk;

m. As in the case of cow's milk, goat's milk, sheep's milk, and water buffalo's milk, the common or usual name of the mammal from which the milk was obtained shall precede the name of the milk, milk product, condensed milk, condensed milk product, dry milk or dry milk product;

~~l. n.~~ The information appearing on the label of any bottle, container, or package of milk or milk product shall contain no marks, pictures, graphics, or words which are misleading;

~~m. o.~~ The "pull date" which shall not interfere with the legibility of other labeling required for the milk or milk product and shall be expressed by: the first three letters in the name of the month, followed by or preceded by the numeral or numerals constituting the calendar date after which the product shall not be sold or expressed numerically by the number of the month followed by the number of the day. For example, June 1 shall be expressed "JUN 1," "1 JUN," "06 01," or "06-01." ~~Nothing in this chapter pertaining to pull dates shall apply to grade A pasteurized milk and grade A pasteurized milk products bottled in glass containers for home delivery;~~

~~n. p.~~ The grade A permit holder who operates a milk plant and offers for sale milk or milk product within the Commonwealth shall file and certify with the State Regulatory Authority the maximum number of days after manufacturing or processing the grade A permit holder's milk or milk products which will be used to determine the "pull date." The grade A permit holder shall establish a "pull date" that under normal storage the milk or milk product meets for a minimum of 96 hours after the "pull date," standards set by this chapter;

q. No person may sell or offer for sale any packaged grade A pasteurized milk, grade A pasteurized milk product, or milk product after the date of the "pull date" on the package;

~~o. r.~~ No person may sell or offer for sale any grade A pasteurized milk, grade A pasteurized milk product, or milk product in a package that does not bear the "pull date"; and

~~p. s.~~ Nothing in this chapter shall apply to containers of grade A pasteurized milk, grade A milk products, or milk products which are not to be sold in the Commonwealth.

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~~⁶ "IMS LIST — Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers," specifies the requirements for the "National Uniform Coding System for Packaging Identification of Milk and Milk Product Processing Plants" and list the code for each milk or milk product processing plant. This document is available from the U.S. Food and Drug Administration, Milk Safety Branch, HFF 346,200 "C" St., S.W., Washington, D.C. 20204.~~

PART VI.

STANDARDS FOR MILK AND MILK PRODUCTS.

2 VAC 5-490-50. Standards Quality standards for milk and milk products.

A. No person may produce, provide, manufacture, sell, offer for sale, or store in the Commonwealth, or, bring, send, or receive into the Commonwealth, any milk, milk product, ~~or~~ condensed ~~and milk product or~~ dry milk product for use in the commercial preparation of grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk products which do not comply with the following:

1. Grade A raw milk for pasteurization or ultra-pasteurization or aseptic processing and all grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk products shall be produced, processed, and pasteurized or ultra-pasteurized, or aseptically processed to conform with the following chemical, bacteriological, somatic cell, cryoscope, and temperature standards, and with the requirements of this chapter;

2. No process or manipulation other than (i) pasteurization; (ii) ultra-pasteurization; (iii) aseptic processing; or (iv) processing methods integral with pasteurization, ultra-pasteurization, or aseptic processing; and refrigeration may be applied to milk or milk products for the purpose of removing or deactivating microorganisms. Nothing in this chapter is deemed to prohibit any grade A permit holder who operates a milk plant from preparing bulk shipments of cream, skim milk, or lowfat milk labeled as "heat treated"; if the raw milk, raw cream, skim milk, or lowfat milk is heated, one time, to a temperature warmer than 125°F but cooler than 161°F for separation purposes;

3. Grade A raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall comply with the following standards:

a. The temperature of the raw milk shall be cooled to 40°F or cooler, but not frozen, within two hours after milking and the temperature after the first or any subsequent milking shall not be warmer than 50°F;

b. The bacteria count of the raw milk shall not exceed 100,000 bacteria per milliliter prior to commingling with any other milk; and the bacteria count of the raw milk that is commingled shall not exceed 300,000 bacteria per milliliter prior to pasteurization;

c. Raw milk shall freeze at or below -0.530° Hortvet;

~~d. Raw milk shall produce no zone greater than or equal to 16 millimeters when tested by the Bacillus sterothermophilus disc assay method or other equivalent method and shall have no positive results of tests for drug residues by detection methods reported to the State Regulatory Authority by official laboratories, officially designated laboratories, milk plants, receiving stations, or transfer stations;~~

e. The somatic cell count of raw cow's milk, water buffalo's milk or raw sheep's milk shall not exceed ~~1,000,000 somatic cells per milliliter through June 30, 1993. Effective July 1, 1993, raw cow's milk or raw sheep's milk shall not exceed~~ 750,000 somatic cells per milliliter. The somatic cell count of raw goat's milk shall not exceed 1,000,000 somatic cells per milliliter; ~~and~~

f. Raw milk shall not exceed the actionable level, tolerance level, or safe level for any chemical residue or pesticide residue specified in: 40 CFR ~~Parts Part~~ Part 180, ~~185, or 186~~ and 21 CFR Parts 70, 71, 73, 74, 80, 82, 130, 131, 133, 170, 172, 173, 174, 175, 176, 177, 178, ~~178 § 1010,~~ 189, 556, ~~564,~~ 570, 573, 589. In the event that no actionable level, tolerance level, or safe level for a chemical residue or pesticides residue has been established in 40 CFR ~~Parts Part~~ Part 180, ~~185, or 186;~~ and 21 CFR Parts 70, 71, 73, 74, 80, 82, 130, 131, 133, 170, 172, 173, 174, 175, 176, 177, 178, 189, 556, ~~564,~~ 570, 573, 589, the tolerance level shall be deemed to be zero; and

g. Raw milk shall not contain aflatoxin residues equal to or greater than 0.50 parts per billion as determined by the Charm II aflatoxin test or other equivalent method.

4. Grade A pasteurized or ultra-pasteurized, milk and milk products shall comply with the following standards:

a. The temperature of milk products shall be cooled to 45°F or cooler (but not frozen) and maintained at that temperature;

b. The bacteria count⁷ for any milk or milk products (except cultured products) shall not exceed 20,000 bacteria per milliliter;

c. Except for commingled milk shipped in a transport tank the coliform count for any milk or milk products shall not exceed 10 coliform organisms per milliliter. Commingled milk shipped in a transport tank shall not exceed 100 coliform organisms per milliliter;

~~d. The phosphatase⁸ test result of any milk or milk product shall be less than 1 microgram per milliliter when tested by the Scherer Rapid Method or other equivalent method. The phenol value of test samples of pasteurized finished product shall be no greater than the maximum specified for the particular product as determined and specified by: (i) any phosphatase test method prescribed in the Official Methods of Analysis, 18th Edition, 2005, published by the Association of Official Analytical Chemists; (ii) the Fluorometer test~~

method; (iii) the Charm ALP test method; or (iv) other equivalent method as determined by the Virginia Department of Agriculture and Consumer Services. A phenol value greater than the maximum specified for the particular product shall mean that the product was not properly pasteurized. A phenol value less than the maximum specified for the particular product shall not be deemed to mean that the product was properly pasteurized, unless there is evidence of proper pasteurization equipment in conformance with this chapter and records to determine an adequate pasteurization process has been completed for each separate batch or lot of milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product;

e. Milk or milk products shall produce no zone greater than or equal to 16 millimeters when tested by the Bacillus sterothermophilus disc assay method or other equivalent method have no positive results of tests for drug residues by detection methods reported to the State Regulatory Authority by official laboratories, officially designated laboratories, milk plants, receiving stations, or transfer stations;

f. Milk or milk products shall not exceed the actionable level, tolerance level, or safe level for any chemical residue or pesticide residue specified in: 40 CFR ~~Parts Part~~ 180, ~~185, or 186~~ and 21 CFR Parts 70, 71, 73, 74, 80, 82, 130, 131, 133, 170, 172, 173, 174, 175, 176, 177, 178, 189, 556, ~~564~~, 570, 573, 589. In the event that no actionable level, tolerance level, or safe level for a chemical residue or pesticides residue has been established in 40 CFR ~~Parts Part~~ 180, ~~185, or 186~~ and 21 CFR Parts 70, 71, 73, 74, 80, 82, 130, 131, 133, 170, 172, 173, 174, 175, 176, 177, 178, 189, 556, ~~564~~, 570, 573, 589, the tolerance level shall be deemed to be zero; and

g. Milk or milk products shall not contain aflatoxin residues equal to or greater than 0.50 parts per billion as determined by the Charm II aflatoxin test or other equivalent method.

5. Grade A aseptically processed milk and milk products shall comply with the following standards:

a. ~~The bacteria count of any aseptically~~ Aseptically processed milk and milk products shall ~~demonstrate no growth be~~ commercially sterile;

b. ~~Aseptically processed milk and milk products shall produce no zone greater than or equal to 16 millimeters when tested by the Bacillus sterothermophilus disc assay method or other equivalent method have no positive results of tests for drug residues by detection methods reported to the State Regulatory Authority by official laboratories, officially designated laboratories, milk plants, receiving stations, or transfer stations; and~~

c. Aseptically processed milk and milk products shall not exceed the actionable level, tolerance level, or safe level for any chemical residue or pesticide residue specified in 40 CFR ~~Parts Part~~ 180, ~~185, or 186~~ and 21 CFR Parts 70, 71, 73, 74, 80, 82, 130, 131, 133, 170, 172, 173, 174, 175, 176, 177, 178,

189, 556, ~~564~~, 570, 573, 589. In the event that no actionable level, tolerance level, or safe level for a chemical residue or pesticides residue has been established in 40 CFR ~~Parts Part~~ 180, ~~185, or 186~~ and 21 CFR Parts 70, 71, 73, 74, 80, 82, 130, 131, 133, 170, 172, 173, 174, 175, 176, 177, 178, 189, 556, ~~564~~, 570, 573, 589, the tolerance level shall be deemed to be zero; and

d. Aseptically processed milk and milk products milk shall not contain aflatoxin residues equal to or greater than 0.05 parts per billion.

B. Sanitation requirements for grade A raw milk.

1. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall comply with:

a. The following administrative procedures contained in the "Grade A Pasteurized Milk Ordinance-~~1989 Recommendations~~ 2005 Revision":⁹ Section 4. – Labeling, Items 1r, 2r, 3r, 4r, 5r, 6r, 7r, 8r, 9r, 10r, 11r, 12r, ~~13r, 13r(1), 13r(2), 13r(4), 13r(5), 14r, 15r, ~~16r-1 through 16r-10, 16r, 17r, 18r(2), 9r-2, 20r, and 21r~~ 19r, Section 8. – Animal Health; Section 10. – Transferring; Delivery Containers; Cooling; and Section 13. – Personnel Health;~~

b. The following appendices contained in the "Grade A Pasteurized Milk Ordinance-~~1989 Recommendations~~ 2005 Revision": Appendixes B-I, B-IV, B-V, B-VI, Appendixes A, B, C, D, F, and G, N, Q and R; and

c. Item 1r. Abnormal milk. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Milk last or with separate equipment cows, sheep, ~~or~~ goats, water buffalo, or other mammals which show evidence of the secretion of abnormal milk in one or more quarters (based upon bacteriological, chemical, or physical examination) and discard the milk obtained from cows, sheep, ~~or~~ goats, water buffalo, or other mammals which show evidence of the secretion of abnormal milk in one or more quarters based upon bacteriological, chemical, or physical examination; and;

(2) Milk last or with separate equipment cows, sheep, ~~or~~ goats, water buffalo, or other mammals treated with, or which have consumed, chemical, medicinal, or radioactive agents which are capable of being secreted in the milk and which may be deleterious to human health; and dispose of in a manner which will not pollute the environment or any human food the milk obtained from cows, sheep, ~~or~~ goats, water buffalo, or other mammals treated with, or which have consumed, chemical, medicinal, or radioactive agents which are capable of being secreted in the milk and which may be deleterious to human health;

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d. Item 2r. Milking barn, stable, or parlor-construction. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Provide on the person's dairy farm a milking barn, stable, or parlor in which the milking herd shall be housed during milking time; ~~and~~

(2) Provide on the grade A permit holder's dairy farm a milking barn, stable, or parlor which, milking barn, stable, or parlor shall:

(a) Have floors constructed of concrete or equally impervious material;

(b) Have walls and ceiling which are smooth, painted, or finished in an approved manner, and in good repair and have a ceiling which is dust tight;

(c) Have separate stalls or pens for horses, calves, and bulls;

(d) Have natural or artificial light, well distributed for day or night milking;

(e) Have sufficient air space and air circulation to prevent condensation and excessive odors;

(f) Have dust-tight covered boxes or bins, or separate storage facilities for ground, chopped, or concentrated feed; and

(g) Not be overcrowded; and

(3) Provide and use only an "automatic milking installation" that complies with the requirements of Appendix Q of the "Grade A Pasteurized Milk Ordinance" if the person milks any cows, goats, sheep, water buffalo, or other mammals (except humans) using robots or other automated means in the absence of any human;

e. Item 3r. Milking barn, stable, or parlor-cleanliness. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Keep the interior of the milking barn, stable, or parlor clean;

(2) Keep the floors, walls, windows, pipelines, and equipment in the milking barn, stable, or parlor free of filth or litter and clean; ~~and~~

(3) Keep swine and fowl out of the milking barn, stable, and parlor; and

(4) Keep surcingles, belly straps, milk stools and antikickers clean and stored above the floor;

f. Item 4r. Cow yard, sheep yard, ~~or~~ goat yard, water buffalo yard or other milking mammal yard. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Provide and maintain the cow yard, sheep yard, ~~or~~ goat yard, water buffalo yard or other milking mammal yard, to be graded and drained, and to have no standing pools of water or accumulations of organic wastes;

(2) In the cow loafing, goat loafing, sheep loafing, water buffalo loafing or other milking mammal loafing, cattle-housing, sheep-housing, ~~or~~ goat-housing, water buffalo-housing, or other milking mammal-housing areas remove cow droppings, sheep droppings, ~~and~~ goat droppings, water buffalo droppings, and other milking mammal droppings and remove soiled bedding or add clean bedding at sufficiently frequent intervals to prevent the soiling of the cow's, sheep's, ~~or~~ goat's udders, water buffalo's, or other milking mammal's udder and flanks;

(3) Assure that waste feed does not accumulate in the goat yard, cow yard, sheep yard, water buffalo yard, other milking mammal yard, cow loafing, sheep loafing, goat loafing, water buffalo loafing, other milking mammal loafing, cattle-housing, sheep-housing, ~~or~~ goat-housing, water buffalo-housing, or other milking mammal-housing area;

(4) Maintain any manure packs so as to be properly drained and so as to provide a reasonably firm footing; and

(5) Keep swine and fowl out of the cow yard, sheep yard, goat yard, water buffalo yard, other milking mammal yard, cow loafing, sheep loafing, goat loafing, water buffalo loafing, other milking mammal loafing, cattle-housing, sheep-housing, ~~or~~ goat-housing, water buffalo-housing, or other milking mammal-housing area.

g. Item 5r. Milkhouse or room-construction and facilities. ~~Any~~ Each who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Provide a milkhouse or milkroom of sufficient size in which the cooling, handling, and storing of milk and the washing, sanitizing, and storing of milk containers and utensils shall be conducted except as provided under subdivision 1 n of this subsection;

(2) Provide a milkhouse with a smooth floor, constructed of concrete or equally impervious material graded to drain, and maintained in good repair;

(3) Dispose of in a sanitary manner all liquid waste generated in the milkhouse;

(4) Provide one or more floor drains in the milkhouse, which floor drains shall be accessible, and if connected to a sanitary sewer system trapped;

(5) Provide in the milkhouse walls and ceilings constructed of a smooth material, in good repair, well painted, or finished in an equally suitable manner;

(6) Provide adequate natural or artificial light and ventilation in the milkhouse;

(7) Use the milkhouse for no other purpose than milkhouse operations;

(8) Provide no direct opening from the milkhouse into any barn, stable, or into any room used for domestic purposes, other than a direct opening between the milkhouse and milking barn, stable, or parlor provided with a tight-fitting, self-closing, solid door, which door has been hinged to be single or double acting;

(9) Provide in the milkhouse water under pressure which has been piped into the milkhouse;

(10) Provide in the milkhouse a two-compartment wash vat and adequate hot water heating facilities ~~and~~;

(11) ~~Provide~~ Except as provided for under subdivision 1 g (12) of this subsection provide a suitable shelter for the receipt of milk when the grade A permit holder uses a transportation tank for the cooling ~~and~~ or storage of milk on the grade A permit holder's dairy farm, which shelter adjacent to, but not a part of, the milkroom; and with the requirements of the milkroom shall comply with respect to construction, light, drainage, insect and rodent control, and general maintenance. In addition to providing a suitable shelter as required by this subsection, the grade A permit holder shall:

(a) Install an accurate, accessible temperature-recording device in the milk line used to fill the transportation tank downstream from an effective cooling device capable of cooling the milk to 40°F or less before the milk enters the transportation tank;

(b) Install an indicating thermometer as close as possible to the temperature-recording device in the milk line used to fill the transportation tank to be used for verification of recording temperatures, which indicating thermometer shall:

(i) Have a temperature span of not less than 50°F including normal storage temperatures plus or minus 5°F, with an extension of the scale on either side permitted and graduated in not more than 2°F divisions;

(ii) Have temperature scale divisions spaced not less than 0.0625 inches apart between 35°F and 55°F;

(iii) Have an accuracy within plus or minus 2°F throughout the scale range; and

(iv) Have the stem fitting installed in a pressure-tight seat or other sanitary fitting with no threads exposed;

(c) Provide an effective means to agitate the transport tank or an approved in-line sampling device in order to collect a representative milk sample;

(12) If the State Regulatory Authority determines conditions exist whereby the milk transport tank may be adequately

protected and sampled without contamination, a shelter need not be provided if the grade A permit holder:

(a) Provides a means to make all milk hose connections to the transport tank accessible from within the milkhouse;

(b) Provides a means to completely protect the milk hose connection to the transport tank from the outside environment;

(c) Ensures he utilizes only milk transport tanks the manholes of which have been sealed after cleaning and sanitizing;

(d) Ensures he utilizes only milk transport tanks that have been washed and sanitized at permitted dairy plants or a permitted milk tank truck cleaning facilities acceptable to the State Regulatory Agency;

(e) Installs an accurate, accessible temperature-recording device in the milk line used to fill the transportation tank downstream from an effective cooling device capable of cooling the milk to 40°F or less before the milk enters the transportation tank;

(f) Installs an indicating thermometer as close as possible to the temperature-recording device in the milk line used to fill the transportation tank to be used for verification of recording temperatures, which indicating thermometer shall:

(i) Have a temperature span of not less than 50°F including normal storage temperatures plus or minus 5°F, with an extension of the scale on either side permitted and graduated in not more than 2°F divisions;

(ii) Have temperature scale divisions spaced not less than 0.0625 inches apart between 35°F and 55°F;

(iii) Have an accuracy within plus or minus 2°F throughout the scale range; and

(iv) Have the stem fitting installed in a pressure-tight seat or other sanitary fitting with no threads exposed;

(g) Provides an effective means to agitate the transport tank or an approved in-line sampling device in order to collect a representative milk sample; and

(h) Provides a self-draining concrete or equally impervious surface on which the transport tank can be parked during filling and storage;

h. Item 6r. Milkhouse or milkroom-cleanliness. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Keep clean the floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats, nonproduct contact surfaces of milk containers, utensils, equipment, and other milkroom equipment in the milkroom;

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(2) Place in the milkroom only those articles directly related to milkroom activities; and

(3) Keep the milkroom free of trash, animals, and fowl;

i. Item 7r. Toilets. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Provide on the person's grade A dairy farm one or more toilets, which shall be conveniently located and properly constructed, and operated, and maintained in a sanitary manner;

(2) Prevent the access of flies to the waste contained in or from the toilet;

(3) Prevent the waste contained in or from the toilet from polluting the soil surface or contaminating any water supply; and

(4) Assure that there is no direct opening from the toilet into any milkroom;

j. Item 8r. Water supply. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Provide water for milkhouse and milking operations from a water supply properly located, protected, and operated. The water supply shall be easily accessible, adequate, and of a safe, sanitary quality;

(2) Assure that any well casing which is part of a water supply that provides water for any milkhouse or milking operation is not located closer to any source of contamination which may contaminate the water supply than is specified as follows:

(a) No grade A permit holder may locate a well casing closer than 10 feet to a pit;

(b) No grade A permit holder may locate a well casing closer than 10 feet to any sewer pipe, floor drain, or other pipe which may back up;

(c) No grade A permit holder may locate a well casing closer than 50 feet to any above-ground gas, oil, petroleum, or chemical storage tank;

(d) No grade A permit holder may locate a well casing closer than 50 feet to any accumulated animal manure;

(e) No grade A permit holder may locate a well casing closer than 50 feet to any area to which livestock has access; or animal-holding area, feedlot, or loafing area on dirt;

(f) No grade A permit holder may locate a well casing closer than 50 feet to any pit not drained to the surface of the ground. Nothing in this requirement shall apply to a residential basement;

(g) ~~From and after September 1, 1993, no~~ No grade A permit holder may locate a well casing closer than 100 feet to any pit privy. Existing well casings located on grade A dairy farms holding valid permits issued by the State Regulatory Authority on September 1, 1993, shall be exempt from the 100 foot distance requirement of this subdivision until the existing permit is ~~cancelled~~ cancelled or revoked;

(h) No grade A permit holder may locate a well casing closer than 100 feet to any animal-manure disposal area;

(i) No grade A permit holder may locate a well casing closer than 100 feet to any cess pool;

(j) No grade A permit holder may locate a well casing closer than 100 feet to any dry well;

(k) No grade A permit holder may locate a well casing closer than 100 feet to any structure which stores animal manure;

(l) No grade A permit holder may locate a well casing closer than 100 feet to any septic tank or drain field; and

(m) No grade A permit holder may locate a well casing closer than 100 feet to any underground or partially-buried gas, oil, petroleum, or chemical storage tank;

(3) Construct the water supply so that the well casing terminates at least two feet above the highest-known flood plane for the location in which the water supply is located; and

(4) Construct the water supply so that no potable water supply pipe attached to the water supply is located closer than 10 feet measured horizontally to any sewer pipe, soil pipe, or drain;

k. Item 9r. Utensils and equipment-construction. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Provide multiuse containers, equipment, and utensils for use in the handling, storage, or transportation of any milk, which multiuse containers, equipment, and utensils, shall be made of smooth, nonabsorbent, corrosion-resistant, and nontoxic materials; constructed as to be easily cleaned; and in good repair;

(2) Provide milk pails which are constructed to be seamless and of the hooded type if the grade A permit holder does hand milking and stripping;

(3) Abstain from using multiple-use woven material for straining any milk;

(4) Use only single-service articles which have been manufactured, packaged, transported, stored, and handled in a sanitary manner and that comply with the requirements of subdivision C 1 of this section;

(5) Abstain from reusing any article intended for single-service use; and

(6) Provide farm holding or cooling tanks, welded sanitary piping, and transportation tanks which comply with the requirements of subdivisions C 1 l₇ and C 1 m of this section on any grade A dairy farm;

l. Item 10r. Utensils and equipment; cleaning. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Clean after each use the product-contact surfaces of all multiuse containers, multiuse equipment, and multiuse utensils used in the handling, storage, or transportation of any milk; and

(2) Offer for sale or sell no milk which has passed through any equipment, if the milk-contact surfaces of the equipment are no longer visible, or are covered or partially covered by an accumulation of milk solids, milk fat, cleaning compounds or other soils. Any milk which passes through equipment, the milk-contact surfaces of which are no longer visible, or are covered or partially covered by an accumulation of milk solids, milk fat, cleaning compounds, or other soils shall be deemed adulterated;

m. Item 11r. Utensils and equipment; sanitization. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall sanitize before each use the product-contact surfaces of all multiuse containers, equipment, and utensils used in the handling, storage, or transportation of any milk;

n. Item 12r. Utensils and equipment; storage. ~~Any~~ Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall store containers, utensils, and equipment used in the handling, storage, or transportation of any milk in a sanitizing solution or store the containers, utensils, and equipment used in the handling, storage, or transportation of any milk to assure complete drainage, and protected from contamination prior to use. Nothing in this requirement shall be deemed to prohibit a grade A permit holder from storing in a milking barn or milking parlor a milk pipeline, or the following pipeline milking equipment: milker claw, inflation, weigh jar, meter, milk hose, milk receiver, tubular cooler, plate cooler, or milk pump; if the milk pipeline or pipeline milking equipment specified in this subdivision is designed for mechanical cleaning; and designed, installed, and operated to protect the milk product and solution-contact surfaces from contamination at all times;

o. Item 13r. Utensils and equipment; handling. ~~Any person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall handle all containers, utensils, and equipment in such a manner so as to prevent the contamination of any milk-contact surface of any containers, utensils, or equipment after the containers, utensils, or equipment have been sanitized;~~

Milking; flanks, udders, and teats. Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Milk all cows, sheep, goats, water buffalo, and other mammals in a milking barn, stable, or parlor;

(2) Trim the hair from the udder and tail of all milking cows, sheep, goats, water buffalo, and other mammals to facilitate cleaning of the udder and tail;

(3) Keep the flanks, udders, bellies, and tails of all milking cows, sheep, goats, water buffalo, and other mammals free of visible dirt;

(4) Keep the hair on the udders of all milking cows, sheep, goats, water buffalo and other mammals to a length that the hair on the udder of any cow, sheep, goat, water buffalo, or other mammal cannot be incorporated with the teat in the inflation during milking;

(5) Abstain from milking any cow, sheep, goat, water buffalo, or other mammal whose udder or teats is not clean and dry;

(6) Treat with a sanitizing solution, just prior to milking, the teats of each milking cow, sheep, goat, water buffalo, and other mammal and dry the teats of each milking cow, sheep, goat, water buffalo, and other mammal before milking; and

(7) Milk all cows, sheep, goats, water buffalo, and other mammal with dry hands;

~~p. Item 14r. Milking; flanks, udders, and teats. Any person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:~~

~~(1) Milk all cows, sheep, and goats in a milking barn, stable, or parlor;~~

~~(2) Trim the hair from the udder and tail of all milking cows, sheep, and goats to facilitate cleaning of the udder and tail;~~

~~(3) Keep the flanks, udders, bellies, and tails of all milking cows, sheep, and goats free of visible dirt;~~

~~(4) Keep the hair on the udders of all milking cows, sheep, and goats to a length that the hair on the udder of any cow, sheep, or goat can not be incorporated with the teat in the inflation during milking;~~

~~(5) Abstain from milking any cow, sheep, or goat whose udder or teats is not clean and dry;~~

~~(6) Treat with a sanitizing solution, just prior to milking, the teats of each milking cow, sheep, and goat, and dry the teats of each milking cow, sheep, and goat before milking; and~~

~~(7) Milk all cows, sheep, and goats with dry hands;~~

p. Item 14r. Protection from contamination. Each person who holds a grade A permit to produce raw milk for

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pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Locate and operate the milking and milk house operations, equipment, and facilities to prevent any contamination of the milk, equipment, containers, or utensils;

(2) Transfer immediately from the milking barn, stable, or parlor to the milkhouse each pail or container of milk;

(3) Strain, pour, transfer, or store any milk unless it is protected from contamination;

(4) Handle all containers, utensils and equipment that have been sanitized in such a manner as to prevent contamination of any product-contact surfaces;

(5) Transport from the grade A permit holder's dairy farm to a milk plant or receiving station all milk in cans, using vehicles which are constructed and operated to protect the milk from sun, freezing, and contamination;

(6) Keep clean the inside and outside of each vehicle used to transport from the grade A permit holder's dairy farm to a milk plant or receiving station any milk in cans; and

(7) Transport no substance capable of contaminating the milk when transporting milk;

q. Item 15r. Milking; sureingles, milk stools, and antikickers. Any person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall keep sureingles, milk stools, and antikickers clean and stored above the floor; Drug and chemical control. Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Store all drugs and medicinals in such a manner that neither the drugs nor the medicinals can contaminate any milk or the milk product-contact surface of any equipment, containers or utensils;

(2) Abstain from using unapproved or improperly labeled medicinals or drugs to treat any dairy animals or store unapproved or improperly labeled medicinals or drugs in the milkhouse, milking barn, stable or parlor. Except for topical antiseptics, wound dressings (unless intended for direct injection into the teat), vaccines and other biologics, and dosage form vitamins and mineral products a drug or medicinal is properly labeled only if the drug or medicinal is labeled with the following:

(a) For over-the-counter medicinals or drugs, the name and address of the manufacturer or distributor, or for prescription and extra-label use medicinals or drugs, the name of the veterinary practitioner dispensing the product;

(b) Directions for use of the drug or medicinal and the prescribed holding time;

(c) Any cautionary statement for the drug or medicinal, if needed; and

(d) The active ingredient or ingredients in the drug or medicinal;

(3) Except for topical antiseptics, wound dressings (unless intended for direct injection into the teat), vaccines and other biologics, and dosage form vitamins and mineral products, segregate all medicinals and drugs used for lactating dairy animals from any medicinals and drugs used for nonlactating dairy animals;

(4) Except for topical antiseptics, wound dressings (unless intended for direct injection into the teat), vaccines and other biologics, and dosage form vitamins and mineral products, provide separate shelves in a cabinet, refrigerator, or other storage facility for the storage of all medicinals and drugs for treatment of nonlactating dairy animals separate from those medicinals or drugs used for lactating dairy animals; and

(5) Store topical antiseptics, wound dressings (unless intended for direct injection into the teat), vaccines and other biologics, and dosage-form vitamins and mineral products in a manner that does not contaminate any milk or the milk-product surfaces of any containers or utensils;

r. Item 16r. Protection from contamination. Any person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Locate and operate the milking and milk house operations, equipment, and facilities to prevent any contamination of the milk, equipment, containers, or utensils;

(2) Transfer immediately from the milking barn, stable, or parlor to the milkhouse each pail or container of milk;

(3) Strain, pour, transfer, or store any milk unless it is protected from contamination;

(4) Store all drugs and medicinals in such a manner that neither the drugs nor the medicinals can contaminate any milk or the milk product contact surface of any equipment, containers or utensils;

(5) Abstain from using unapproved or improperly labelled medicinals or drugs to treat any dairy animals or store unapproved or improperly labelled medicinals or drugs in the milkhouse, milking barn, stable or parlor. Except for topical antiseptics, wound dressings, (unless intended for direct injection into the teat) vaccines and other biologics, and dosage form vitamins and mineral products a drug or medicinal is properly labelled only if the drug or medicinal is labelled with the following:

(a) For over-the-counter medicinals or drugs, the name and address of the manufacturer or distributor, or for prescription

~~and extra-label use medicinals or drugs, the name of the veterinary practitioner dispensing the product;~~

~~(b) Directions for use of the drug or medicinal and the prescribed holding time;~~

~~(c) Any cautionary statement for the drug or medicinal, if needed; and~~

~~(d) The active ingredient or ingredients in the drug or medicinal;~~

~~(6) Except for topical antiseptics, wound dressings, (unless intended for direct injection into the teat) vaccines and other biologics, and dosage form vitamins and mineral products, segregate all medicinals and drugs used for lactating dairy animals from any medicinals and drugs used for nonlactating dairy animals;~~

~~(7) Except for topical antiseptics, wound dressings, (unless intended for direct injection into the teat) vaccines and other biologics, and dosage form vitamins and mineral products, provide separate shelves in a cabinet, refrigerator, or other storage facility for the storage of all medicinals and drugs for treatment of nonlactating dairy animals separate from those medicinals or drugs used for lactating dairy animals; and~~

~~(8) Store topical antiseptics, wound dressings, (unless intended for direct injection into the teat) vaccines and other biologics, and dosage form vitamins and mineral products in a manner that does not contaminate any milk or the milk-product surfaces of any containers or utensils;~~

~~s. Item 17r. r. Item 16r.~~ Personnel; hand-washing facilities. Any Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall provide hand-washing facilities that are convenient to the milkhouse, milking barn, stable, or parlor, and flush toilet and that include separate hot and cold running water; soap or detergent; and individual sanitary towels;

~~t. Item 18r. s. Item 17r.~~ Personnel; cleanliness. Any Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Wash clean and dry with an individual sanitary towel the person's hands immediately before milking, before performing any milkhouse function, and immediately after the interruption of milking or performing any milkhouse function; and

(2) Wear clean outer garments while milking or handling any milk, milk containers, utensils, or equipment. ~~Milk~~ Bulk milk haulers shall wear clean outer garments while handling any milk, milk containers, utensils, or equipment;

~~u. Item 19r. t. Item 18r.~~ Cooling. Any Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Cool to 40°F or cooler (but not freeze), all raw milk for pasteurization, ultra-pasteurization, or aseptic processing, within two hours after the grade A permit holder completes milking; and assure that the temperature of the grade A permit holder's raw milk is not warmer than 50°F after the first milking or any subsequent milking. Raw milk for pasteurization which is warmer than a temperature of 50°F after the first milking or any subsequent milking shall be deemed a public health hazard and shall not be offered for sale or sold; and

(2) Agitate all raw milk for pasteurization for not less than five minutes at least once every hour; assure that the milk in the farm's bulk milk cooling or holding tank covers the agitator paddle sufficiently to facilitate proper cooling and sampling after the completion of the first milking; and abstain from selling or offering for sale milk which does not cover the agitator paddle sufficiently to ~~facilitate~~ facilitate proper cooling and sampling after the completion of the first milking;

~~(v) Item 20r. Vehicles. Any person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:~~

~~(1) Transport from the grade A permit holder's dairy farm to a milk plant or receiving station all milk in cans, using vehicles which are constructed and operated to protect the milk from sun, freezing, and contamination;~~

~~(2) Keep clean the inside and outside of each vehicle used to transport from the grade A permit holder's dairy farm to a milk plant or receiving station any milk in cans; and~~

~~(3) Transport no substance capable of contaminating the milk when transporting milk;~~

~~w. Item 21r. u. Item 19r.~~ Insect and rodent control. Any Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, or aseptic processing shall:

(1) Take effective measures to prevent the contamination of any milk, containers, equipment, and utensils by insects, rodents, and other animals, and by chemicals used to control insects, rodents, and other animals;

(2) Maintain the milkroom free of insects, rodents and other animals; ~~and~~

(3) Keep the areas surrounding the: milkhouse; milking barn; milking stable; milking parlor; cattle, sheep, water buffalo, other mammal, or goat housing; cattle, sheep, water buffalo, other mammal, or goat loafing; water supply; or other facilities on the grade A permit holder's dairy farm neat, clean, and free of conditions which might harbor or be conducive to the breeding of insects and rodents; and

(4) Store all feed in such a manner that the feed will not attract birds, rodents or insects.

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C. Sanitation requirements for grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk products.

1. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk products shall comply with:

a. The following administrative procedures contained in the "Grade A Pasteurized Milk Ordinance-~~1989 Recommendations~~ 2005 Revision": Items 1p, 2p, 3p, 4p, 5p, 6p, 7p, 8p, 9p, 10p, 11p-~~through 11p-9~~, 12p-~~1 through 12p-5~~, ~~12p-7~~, 13p, 14p, 15p, 16p, 17p, 18p, 19p, 20p, 21p, and 22p-;

b. The following appendices contained in the "Grade A Pasteurized Milk Ordinance-~~1989 Recommendations~~ 2005 Revision:" Appendices ~~C, D, F, G, H, I, and J, K, L, N, O and R~~;

c. Item 1p. Floors; construction. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Except as specified in subdivision C 1 c (2) of this section, provide floors, for all rooms in which milk or milk products are processed, handled, or stored, or in which milk containers, equipment, or utensils are washed constructed of concrete or other equally impervious and easily cleaned material and which are smooth, properly sloped, provided with trapped drains, and kept in good repair;

(2) The floor in any cold-storage room used for storing milk and milk products need not be provided with floor drains if the floors are sloped to drain to one or more exits from the cold-storage room. The floor in any storage room used for storing dry ingredients or packaging materials need not be provided with drains and the floor in any storage room used for storing dry ingredients or packaging materials may be constructed of tightly joined wood;

d. Item 2p. Walls and ceilings; construction. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall provide walls and ceilings of rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, or equipment are washed, that have a smooth, washable, light-colored surface, and that are in good repair;

e. Item 3p. Doors and windows. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall provide:

(1) Effective means to prevent the access of flies and rodents to any part of a milk plant, receiving station, or transfer station; and

(2) Solid doors or glazed windows for all openings to the outside of any milk plant, receiving station, or transfer station and keep the doors and windows closed during dusty weather;

f. Item 4p. Lighting and ventilation. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall provide rooms in which any milk or milk products are handled, processed, or stored or in which any milk containers, equipment, or utensils are washed, that are well lighted and well ventilated;

g. Item 5p. Separate rooms. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Provide separate rooms for: (i) pasteurizing, processing, cooling, and packaging milk ~~or~~ and milk products; (ii) cleaning milk cans, bottles, and cases; (iii) the fabrication of containers and closures for milk and milk products; (iv) cleaning and sanitizing facilities for bulk milk transport tanks if the grade A permit holder receives any milk or milk product in bulk milk transport tanks; and ~~(iv)~~ (v) receiving cans of milk and milk products separate from subdivisions clauses (i), (ii) and ~~(ii)~~ (iii) of this subsection subdivision, unless all of the grade A permit holder's milk or milk products are received in bulk milk transport tanks;

(2) Not use any room with a direct opening into any stable or room used for domestic purposes to handle, process, or store any milk or milk products or; wash or store any milk containers, utensils, or equipment; ~~and~~

(3) Use rooms of sufficient size so as not to be crowded to handle, process, or store any milk or milk products or wash or store any milk containers, utensils, or equipment; and

(4) Provide designated areas or rooms for the receiving, handling and storage of returned packaged milk and milk products if the permit holder receives any returned packaged milk or milk products;

h. Item 6p. Toilet-sewage disposal facilities. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall provide each milk plant with toilet facilities conforming with the regulations of the Commonwealth and the following requirements: no toilet room may open directly into any room in which milk or milk products are processed; the toilet room shall be completely enclosed and shall have tight-fitting, self closing doors; the dressing room, toilet room, and fixtures shall be kept in a clean condition, in good repair, and shall be well ventilated and well lighted; and sewage and other liquid wastes from the toilet room shall be disposed of in a sanitary manner;

i. Item 7p. Water supply. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Provide water for each milk plant from a supply which is properly located, protected, and operated; and

(2) Provide water from a supply which is easily accessible for inspection by the State Regulatory Authority, adequate, and of a safe, sanitary quality;

j. Item 8p. Hand-washing facilities. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Provide hand-washing facilities, including separate hot and cold running water, mix valve, soap, and individual sanitary towels or other approved hand-drying devices, convenient in any area where milk or milk products are handled, processed, or stored, and any area where containers, utensils, or equipment, are washed or stored; and

(2) Keep the hand-washing facilities clean and in good repair;

k. Item 9p. Milk plant cleanliness. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Keep clean, neat, and free of any evidence of animals, insects or rodents, all rooms in which milk or milk products are handled, processed, or stored or in which containers, utensils, or equipment are washed or stored; and

~~(2) Use pesticides safely; and~~

~~(3)~~ (2) Permit only equipment directly related to processing operations or to the handling of containers, utensils, and equipment, in pasteurizing, processing, cooling, packaging, or bulk milk storage rooms;

l. Item 10p. Sanitary piping. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Use only sanitary piping, fittings, and connections consisting of smooth, impervious corrosion-resistant, nontoxic, easily cleanable materials that are exposed to any milk or milk products, or from which liquids may drip, drain, or be drawn into any milk or milk products;

(2) Keep all piping in good repair;

(3) Except as specified in subdivision ~~€~~ 1 l of this ~~section~~ subsection, use only sanitary piping to transfer any pasteurized or ultra-pasteurized milk or milk products from one piece of equipment to another piece of equipment; and

(4) Transport cottage cheese, cheese dressings, or cheese ingredients by methods which protect the product from contamination;

m. Item 11p. Construction and repair of containers and equipment. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Use only multiuse containers and equipment, that may come in contact with any milk or milk products constructed of smooth, impervious, corrosion-resistant, and nontoxic materials; constructed for ease of cleaning; and kept in good repair;

(2) Use only single-service containers, closures, gaskets, and other articles, that may come in contact with any milk or milk products, that are nontoxic and have been manufactured, packaged, transported, and handled in a sanitary manner;

(3) Abstain from using more than once any articles intended for single-service use; and

(4) Use only single-service containers, closures, caps, gaskets, and similar articles manufactured, packed, transported, and handled in a manner which complies with the requirements of Appendix J, "Standards for the Fabrication of Single-Service Containers and Closures for Milk and Milk Products—1994 revision"¹⁴⁰; contained in the "Grade A Pasteurized Milk Ordinance, 2005 revision";

n. Item 12p. Cleaning and sanitizing of containers and equipment. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Effectively clean and sanitize before each use the product-contact surfaces of all multiuse containers and equipment, utensils, and equipment used in the transportation, processing, handling, and storage of any milk or milk products;

(2) Use only multi-use containers for packaging pasteurized milk and milk products that comply with the following: (i) the residual bacteria count on multi-use containers may not exceed one per milliliter of capacity when the rinse test is used, or the residual bacteria count on multi-use containers shall not exceed 50 colonies per eight square inches (one per square centimeter) of product-contact surface, when the swab test is used; in three-out-of-four samples taken at random on a given day; and (ii) all multi-use containers shall be free of coliform organisms; and

(3) Use only single-service containers for packaging pasteurized milk and milk products that comply with the following: (i) the residual bacteria count of single-service containers shall not exceed 50 per container, when the rinse test is used, except that in containers less than 100 milliliters, the count shall not exceed 10, or the residual bacteria count of single-service containers shall not exceed 50 colonies per

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eight square inches (one per square centimeter) of product contact surface, when the swab test is used; in three-out-of-four samples taken at random on a given day; and (ii) all single-service containers shall be free of coliform organisms;

o. Item 13p. Storage of cleaned containers and equipment. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products, shall after cleaning any multiuse milk or milk product containers, utensils, or equipment, transport or store the multiuse milk or milk product containers, utensils, or equipment in a manner that assures complete drainage and in a manner that protects the multiuse milk or milk product containers, utensils, or equipment from contamination before use;

p. Item 14p. Storage of single-service containers, utensils, and materials. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Purchase all single-service caps, cap stock, parchment paper, containers, gaskets, and other single-service articles for use in contact with milk or milk products, in sanitary tubes, wrappings, or cartons;

(2) Store in a clean dry place until used, single-service caps, cap stock, parchment paper, containers, gaskets, and other single-service articles for use in contact with milk or milk products;

(3) Store single-service caps, cap stock, parchment paper, containers, gaskets, and other single-service articles for use in contact with milk or milk products in sanitary tubes, wrappings, or cartons; and

(4) Handle single-service caps, cap stock, parchment paper, containers, gaskets, and other single-service articles for use in contact with milk or milk products in a sanitary manner;

q. Item 15p. Protection from contamination. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Locate the person's equipment and facilities and conduct milk plant operations to prevent any contamination of any milk or milk products, ingredients, equipment, containers, or utensils;

(2) Discard all milk, milk products, or ingredients which have been spilled, overflowed, or leaked;

(3) Perform the processing and handling of products other than milk and milk products in the person's milk plant to preclude the contamination of any milk or milk products;

(4) Store, handle, or use any toxic material to preclude the contamination of any milk, milk product, or ingredient, and

the milk product contact surfaces of all equipment, containers, or utensils; and

(5) Clean, prior to use, all multi-use cases used to encase packaged milk or milk product containers;

r. Item 16p. Pasteurization and ultra-pasteurization. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

~~perform~~ (1) Perform pasteurization, or ultra-pasteurization, or ~~aseptic processing~~ as defined in 2 VAC 5-490-10 of ~~this chapter~~; and

(2) Perform aseptic processing in compliance with the provisions of 21 CFR Part 113, 21 CFR Part 108, and the Administrative Procedures of Item 16p, 16p(C), 16p(D), and 16p(E) of the "Grade A Pasteurized Milk Ordinance, 2005 revision";

s. Item 17p. Cooling of milk. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Maintain all raw milk and milk products at a temperature of 45°F or cooler, but not frozen, until processed;

(2) Immediately cool, except for milk or milk products to be cultured, all pasteurized or ultra-pasteurized milk or milk products prior to filling or packaging in approved cooling equipment to a temperature of 45°F or cooler, but not frozen;

(3) Store, transport and deliver at a temperature of 45°F or cooler, but not frozen, all pasteurized or ultra-pasteurized milk or milk products; and

(4) Equip with an accurate thermometer each of the rooms or tanks in which any milk or milk products are stored;

t. Item 18p. Bottling and packaging. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Bottle or package all milk or milk products (except for cottage cheese, dry curd cottage cheese and lowfat cottage cheese) at the place of pasteurization in the grade A permit holder's milk plant and in approved mechanical equipment; and

(2) Transport all cottage cheese, dry curd cottage cheese, or lowfat cottage cheese not creamed or packaged in the grade A permit holder's milk plant in sealed containers and in a protected, sanitary manner from the grade A permit holder's milk plant to another grade A permit holder's milk plant for creaming or packaging;

u. Item 19p. Capping. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Cap or close all milk or milk product containers in a sanitary manner by use of approved mechanical capping or closing equipment; and

(2) Use only caps or closures for all milk or milk products, which protect the pouring lip of a milk or milk product container to at least its largest diameter and, use with respect to fluid product containers, only caps or closures that the removal of the cap or closure cannot be made without detection;

v. Item 20p. Personnel; cleanliness. No person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall:

(1) Permit any person in a milk plant to commence any plant function before the person has thoroughly washed the person's hands to remove soil and contamination or to permit any person in a milk plant to continue any plant function if the person's hands are not clean;

(2) Permit any person in a milk plant to resume work after the person has visited the toilet room before the person has thoroughly washed the person's hands;

(3) Permit any person in a milk plant to engage in the processing, pasteurization, handling, storage, or transportation of any milk, milk products, containers, equipment or utensils, unless the person is wearing clean outer garments;

(4) Permit any person in a milk plant, to engage in the processing of any milk or milk products unless the person wears adequate hair covering; or

(5) Permit any person in a milk plant, to engage in the processing of any milk or milk products if the person is using tobacco;

w. Item 21p. Vehicles. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall use vehicles to transport pasteurized and ultra-pasteurized milk and milk products that are constructed and operated so that the milk or milk products are maintained at a temperature of 45°F or cooler, but not frozen and protected from sunlight, from freezing, and from contamination;

x. Item 22p. Surroundings. ~~Any~~ Each person who holds a grade A permit to produce grade A pasteurized, ultra-pasteurized, or aseptically processed milk, or milk products shall keep neat, clean, and free from conditions which might attract or harbor flies, other insects, rodents, or which otherwise constitute a nuisance, the area surrounding any milk plant;

y. ~~Any~~ Each grade A permit holder's receiving station shall comply with subdivisions C 1 a through q of this section, inclusive, and subdivisions C 1, s, v, and x of this section, except that the partitioning requirement of subdivision C 1 g of this section shall not be deemed to apply;

z. ~~Any~~ Each grade A permit holder's transfer station shall comply with subdivisions C 1 ~~a, d, e, f, g, h, i, j, k, l, m, through~~ n, p, q, s, v, and x of this section; and as climatic and operating conditions require, the provisions of subdivisions C 1 ~~b d~~ and e ~~e~~ of this section; except that each person shall provide overhead protection for a transfer station;

al. ~~Any~~ Each grade A permit holder's facilities for the cleaning and sanitizing of bulk tanks which transport milk and milk products ~~in the grade A permit holder's milk plant, receiving station, or transfer station~~ shall comply with subdivisions C 1 a, ~~d, f, g, h, i, j, k, l, m, through~~ n, p, q, v, and x of this section; and as climatic and operating conditions require, the provisions of subdivisions C 1 ~~b d~~ and e ~~e~~ of this section except that each grade A permit holder shall provide overhead protection for facilities for the cleaning and sanitizing of bulk tanks which transport milk and milk products in the grade A permit holder's milk plant, receiving station, or transfer station.

⁷~~The bacteria limit standard is not applicable to cultured milk products.~~

⁸~~The phosphatase standard is not applicable to bulk shipped heat treated milk products.~~

⁹~~"Grade A Pasteurized Milk Ordinance 1989 Recommendations" is available from U.S. Food and Drug Administration, Milk Safety Branch, HFF 346, 200 "C" St., S.W., Washington, D.C. 20204.~~

¹⁰~~"Standards for the Fabrication of Single service Containers and Closures for Milk and Milk Products," 1991 revision, is available from the U.S. Food and Drug Administration, Milk Safety Branch, HFF 346, 200 "C" St., S.W., Washington, D.C. 20204.~~

PART VII.
ANIMAL HEALTH.

2 VAC 5-490-60. Animal health.

A. No person may produce, provide, manufacture sell, offer for sale, store in the Commonwealth, or, bring, send, or receive into the Commonwealth any milk, milk product, or condensed and dry milk product for use in the commercial preparation of grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk product unless the person complies with the following requirements:

1. Milk for pasteurization or ultra-pasteurization or aseptic processing from cows, goats, sheep, water buffalo, and other mammals shall be from a herd or flock that complies with the "Uniform Methods and Rules; Bovine Tuberculosis

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Eradication-effective ~~February 3, 1989,~~⁺⁺ January 1, 2005, 9 CFR Part 77, and each herd or flock shall be located in a Modified Accredited Tuberculosis Area or an Area Accredited Free of Bovine Tuberculosis as defined in "Uniform Methods and Rules; Tuberculosis Eradication-effective ~~February 3, 1989~~ January 1, 2005," and certified by the U.S. Department of Agriculture or shall have passed an annual tuberculosis test;

2. Milk for pasteurization or ultra-pasteurization or aseptic processing from bison and cattle shall be from a herd that complies with "Uniform Methods and Rules; Brucellosis Eradication-effective ~~May 6, 1992~~ October 1, 2003,"⁺² 9 CFR Part 78~~;~~, and the following:

~~(a)~~ a. Each herd shall be located in a Certified Brucellosis-Free Area or a Modified Certified Brucellosis Area as defined in "Uniform Methods and Rules; Brucellosis Eradication-effective ~~May 6, 1992~~ October 1, 2003," and certified by the United States Department of Agriculture and enrolled in a testing program for the Certified Brucellosis-Free Area or the Modified Certified Brucellosis Area; ~~or~~

~~(b)~~ b. Each herd shall meet the requirements for an individually certified herd as defined in "Uniform Methods and Rules; Brucellosis Eradication-effective ~~May 6, 1992~~ October 1, 2003,"; ~~or~~

~~(c)~~ c. Each herd shall participate in a milk ring testing program meeting the requirements specified in "Uniform Methods and Rules; Brucellosis Eradication-effective ~~May 6, 1992~~ October 1, 2003," in an area that conducts a milk ring testing program at least ~~four~~ two times per year at approximately equal intervals, and any herd with a positive milk ring test result shall be blood tested within 30 days from the date of the positive milk ring test; or

~~(d)~~ d. Each cow, bull, heifer, calf, and bison in the herd shall be individually tested by an "official" blood test as defined in "Uniform Methods and Rules; Brucellosis Eradication" for the detection of brucellosis annually;

3. Goat's milk ~~and,~~ sheep's milk, water buffalo milk and milk from other mammals (except bison and cattle) or pasteurization or ultra-pasteurization or aseptic processing shall be from a herd or flock which:

~~has~~ a. Has an annual whole-herd ~~tuberculosis and~~ brucellosis test; ~~and~~

b. Has passed an initial whole herd or flock brucellosis test, followed by the testing of all replacement animals or any animals entering the milking group or sold as dairy animals on a continuing basis;

c. Has passed an annual random blood-testing program sufficient to provide a confidence level of 99% with a P value of 0.05. Any herd or flock with one or more confirmed positive animals shall go to 100% testing until the whole herd

tests show no positive animals are found. The following table provides the random sampling size needed to achieve a 99% confidence with a P value of 0.05:

<u>Herd/Flock Size</u>	<u>Sampling Size</u>	<u>Herd/Flock Size</u>	<u>Sampling Size</u>
<u>20</u>	<u>20</u>	<u>500</u>	<u>82</u>
<u>50</u>	<u>41</u>	<u>600</u>	<u>83</u>
<u>100</u>	<u>59</u>	<u>700</u>	<u>84</u>
<u>150</u>	<u>67</u>	<u>800</u>	<u>85</u>
<u>200</u>	<u>72</u>	<u>1000</u>	<u>86</u>
<u>250</u>	<u>75</u>	<u>1400</u>	<u>87</u>
<u>300</u>	<u>77</u>	<u>1800</u>	<u>88</u>
<u>350</u>	<u>79</u>	<u>4000</u>	<u>89</u>
<u>400</u>	<u>80</u>	<u>10000</u>	<u>89</u>
<u>450</u>	<u>81</u>	<u>100000</u>	<u>90</u>

~~;~~ or

d. Has passed a USDA-approved bulk milk brucellosis test certified for use in each species of mammal and at the USDA-recommended frequency for testing; and

4. For diseases of cows, sheep, ~~or~~ goats, water buffalo or other mammals which might affect human health, other than brucellosis and tuberculosis, the State Regulatory Authority may require physical, chemical, or bacteriological examinations or other tests as may be deemed necessary by a licensed veterinarian or a veterinarian in the employ of the State Regulatory Authority to diagnose the disease. Each grade A permit holder shall dispose of any diseased animal disclosed by testing in a manner which prevents the spread of the disease to other animals or humans.

⁺⁺ "~~Uniform Methods and Rules; Bovine Tuberculosis Eradication effective February 3, 1989,~~" is available from ~~Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland, 20782 or Federal Veterinarian in Charge, VS, APHIS, USDA, Sixth Floor, Washington Building, 1100 Bank St., Richmond, VA 23219.~~

⁺² "~~Uniform Methods and Rules; Brucellosis Eradication-effective May 6, 1992~~" is available from ~~Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland, 20782 or Federal Veterinarian in Charge, VS, APHIS, USDA, Sixth Floor, Washington Building, 1100 Bank St., Richmond, VA 23219.~~

B. Each grade A dairy farm permit holder shall test his whole herd of milking mammals for brucellosis using a test method acceptable to a licensed veterinarian or a veterinarian in the employ of the State Regulatory Authority within 30 days after each positive screening test result on a milk ring test.

PART VIII.**MILK AND MILK PRODUCTS WHICH MAY BE SOLD.****2 VAC 5-490-70. Milk or milk products which may be sold.**

A. Except as specified in subsection B of this section from and after ~~the date this chapter is effective~~ September 10, 1993, a person may sell, offer for sale, or expose for sale in the Commonwealth only grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk products to the final consumer, or to restaurants, soda fountains, and grocery stores.

B. No person may sell, offer for sale, or expose for sale in the Commonwealth any pasteurized, ultra-pasteurized, or aseptically processed milk or milk products which have not been graded or the grade of which is not known to the final consumer, or to restaurants, soda fountains, and grocery stores unless the Commissioner of Agriculture and Consumer Services makes a finding in writing (which the Commissioner of Agriculture and Consumer Services may renew for terms not to exceed 90 days per term, without limitation) that the supply of grade A raw milk for pasteurization, ultra-pasteurization, or aseptic processing is not adequate to meet the nutritional needs of any person who secures milk in Virginia; or the supply of pasteurized, ultra-pasteurized, or aseptically processed milk or milk product at retail is not available for purchase by any person who secures milk in Virginia.

C. No person may sell, offer for sale or, expose for sale in, or possess in the Commonwealth any pasteurized, ultra-pasteurized, or aseptically processed milk or milk products under the provision of subsection B of this section unless the milk or milk product is labeled "ungraded."

2 VAC 5-490-73. Mandatory pasteurization for all milk, milk products, condensed milk, condensed milk products, dry milk, and dry milk products in final package form intended for direct human consumption.

No person shall cause to be delivered into intrastate commerce or shall sell, otherwise distribute, or hold for sale or other distribution after shipment in intrastate commerce any milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product in final package form for direct human consumption unless the product has been pasteurized or is made from milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product that has all been pasteurized, except where alternative procedures to pasteurization are provided for under 21 CFR Part 133 for curing of certain cheese varieties.

2 VAC 5-490-75. Sale of unpasteurized milk for human consumption prohibited.

No person may offer to sell or sell, barter, trade, or accept any goods or services in exchange for unpasteurized milk if the unpasteurized milk is intended for human consumption.

2 VAC 5-490-80. Transferring, delivery containers, cooling.

A. No person, except as authorized in this chapter, may transfer any milk or any milk product from one container or tank truck to another container or tank truck in any place except a milk plant, receiving station, transfer station, or milkhouse especially used for that purpose and no person may dip or ladle any milk or milk product;

~~B. No person may sell or serve to the public any milk or fluid milk product except in the individual, original container received from the milk distributor, or from an approved bulk dispenser. Nothing in subsection A of this section prohibits any person from transferring milk from one container to another container for the purpose of mixing drinks, if the amount of milk required is less than one half pint of milk; or using an original container of not more than one half gallon capacity or an approved bulk dispenser to serve cream, whipped cream, or half and half, which is to be sold or served to the public;~~

~~C.~~ B. No person may sell or serve to the public any pasteurized or any ultra-pasteurized milk or milk product which has not been maintained at a temperature of 45°F or cooler, but not frozen. No person may store any pasteurized or ultra-pasteurized containers of milk or milk products in ice unless the container is properly drained.

2 VAC 5-490-90. Milk and milk products from beyond the limits of routine inspection.

No person may provide, sell, offer for sale or, store in the Commonwealth or, bring, send, or receive, in the Commonwealth any condensed milk, condensed milk product, dry milk, dry milk product, milk or milk product from outside the Commonwealth unless the condensed milk, condensed milk product, dry milk, dry milk product, milk or milk products are produced and pasteurized, ultra-pasteurized, or aseptically processed under regulations which are substantially equivalent to this chapter and the supply of the milk or and the milk plant that produced the condensed milk, condensed milk product, dry milk, dry milk product, milk or milk product has been awarded a milk sanitation compliance rating of at least 90 and an enforcement compliance rating of at least 90, or awarded an acceptable HACCP listing made by a state milk sanitation rating listing officer certified by the United States Public Health Service. The State Regulatory Authority may impound any condensed milk, condensed milk product, dry milk, dry milk product,

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milk or milk product within the Commonwealth of Virginia if it does not comply with the requirements of this section.

PART IX.

CONSTRUCTION PLANS FOR DAIRY FARMS AND MILK PLANTS.

2 VAC 5-490-103. Equipment and facilities; accessibility for inspection.

Each grade A permit holder shall ensure that his facilities and equipment are accessible for inspection by complying with the following:

1. Concrete lids, covers and access doors to each well house, water supply, or pump house shall be easily lifted or opened by a single person and require the person to lift no more than 80 pounds to gain free access to the facilities for inspection;

2. If the permit holder locks any portion of his facilities requiring inspection, the permit holder, upon request, shall provide the State Regulatory Authority with keys to open the facilities or the combination code for each lock to unlock the facilities or the permit holder shall ensure that he or his agent is always available on the premises to provide access to the locked facilities during all normal inspection times;

3. If the permit holder installs floor mats on cow standing surfaces in the milking parlor or barn, the entire area of the floor underneath of the floor mats shall be accessible for inspection by a single person working continuously for 20 minutes including the time necessary to lift and replace the floor mats on the floor;

4. If the permit holder installs any equipment that requires a tool or tools to be disassembled for inspection, the permit holder shall provide the tool or tools freely accessible to the State Regulatory Authority during all normal inspection times;

5. If the permit holder installs any equipment requiring inspection in an attic, loft, pit, or other area requiring a ladder for access, the permit holder shall provide a ladder convenient to each of these areas during all normal inspection times; and

6. If the permit holder installs any milk lines or other milking equipment, milk transfer or wash solution lines in an attic, loft, pit, or other area not visible from below by the State Regulatory Authority, the permit holder shall ensure that all fittings and joints are welded and contain no gaskets or joints that could leak and that the interior surfaces of all milk lines or other milking equipment, milk transfer or wash solution lines is fully accessible for inspection from outside the attic, loft, pit, or other area not visible from below.

2 VAC 5-490-105. New or test facilities and equipment; equipment design, construction and approval process.

A. At the request of any grade A permit holder, the State Regulatory Authority may allow the temporary installation of

equipment or the temporary construction of dairy facilities that the State Regulatory Authority has no or limited regulatory experience with, on a trial basis, to determine if the equipment or dairy facilities can comply with the requirements of this chapter under normal conditions of use. The State Regulatory Authority will at a minimum evaluate the equipment or facilities for compliance with the requirements of this chapter when newly installed, as well as, complete a separate evaluation of the inspection record during the trial of the equipment or facilities to comply with the requirements of this chapter over time under normal conditions of use.

B. At the conclusion of each trial, the State Regulatory Authority shall inform the grade A permit holder in writing if the equipment or facilities or both the equipment and facilities comply with the requirements of this chapter. If the equipment or facilities do not comply or both the equipment and facilities do not comply with the requirements of this chapter, the State Regulatory Authority shall inform the grade A permit holder in writing to alter or remove his equipment or facilities or to alter or remove both his equipment and facilities within a maximum of six months from the date of receipt of the written decision by the permit holder.

C. The State Regulatory Authority shall not renew or extend any temporary installation of equipment or the temporary construction of dairy facilities beyond the time specified in the written agreement between the grade A permit holder and the State Regulatory Authority for more than one year after the time specified in the written agreement for any reason. The State Regulatory Authority shall not accept any agreement between the grade A permit holder and the State Regulatory Authority for the temporary installation of equipment or the temporary construction of dairy facilities that proposes to be evaluated for a period longer than one year.

D. If the State Regulatory Authority agrees to allow the temporary installation of equipment or the temporary construction of dairy facilities, the State Regulatory Authority and the grade A permit holder installing the equipment or constructing the facilities shall each sign a written agreement that at a minimum includes:

1. A description of the equipment or facilities and detailed plans for their installation acceptable to the State Regulatory Authority;

2. The name of the grade A permit holder and the physical address where the equipment or facilities will be installed;

3. The name and contact information for the person or persons who will be installing the equipment or constructing the facilities;

4. A detailed plan including:

a. A description of the items to be evaluated by the State Regulatory Authority;

b. Criteria to judge the acceptability of performance by which each item being evaluated will be measured by the State Regulatory Authority;

c. A time table specifying the length of the trial, the minimum number of inspections and time periods between inspections;

d. How inspection findings will be documented and reviewed with the permit holder and at what frequency;

e. A provision for the State Regulatory Authority to end the temporary installation agreement before the completion of the timeline and reject the equipment or facilities as not complying with the requirements of this chapter if continuation of the trial will not substantially affect the decision of the State Regulatory Authority;

f. A provision that at the end of the timeline specified in the agreement, the permit holder will remove or alter the equipment or facilities within a maximum of six months from the date he receives written instruction to do so from the State Regulatory Authority to comply with the requirements of this chapter if the State Regulatory Authority does not approve the equipment or facilities; and

g. A provision that the permit holder's failure to remove or alter the equipment or facilities to comply with the requirements of this chapter within six months after receipt of written instructions from the State Regulatory Authority shall be considered sufficient cause for permit suspension.

**PART X.
PERSONNEL HEALTH.**

2 VAC 5-490-110. Personnel health.

A. No person affected with any disease in a communicable form, or while a carrier of a communicable disease, may work at any dairy farm or milk plant in any capacity which brings the person into contact with the production, handling, storage, or transportation of milk or milk products, or into contact with milk or milk product containers, equipment, or utensils.

B. No person holding a grade A permit may employ any person having, or suspected of having, any disease in a communicable form, or of being a carrier of a communicable disease.

C. Any grade A permit holder who produces or distributes milk or milk products, or condensed or dry milk products upon whose dairy farm, or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of a communicable disease, shall notify the State Regulatory Authority immediately.

2 VAC 5-490-120. Procedure when infection is suspected.

When reasonable cause exists to suspect the possibility of transmission of infection of a communicable disease from any person concerned with the handling of milk or milk products to any other person, the person concerned with the handling of milk or milk products and the person holding the grade A permit shall comply with the following measures:

1. The immediate exclusion of that person from milk handling;
2. No grade A permit holder may sell or offer for sale any milk or milk products that have been handled by or exposed to a person who is suspected of having a communicable disease or being a carrier of a communicable disease; and
3. ~~Any~~ Each person who is suspected of having a communicable disease or being a carrier of a communicable disease and his associates, at the discretion of the State Regulatory Authority, shall submit to medical and bacteriological examination by a licensed physician in the Commonwealth sufficient to make a medical diagnosis.

2 VAC 5-490-130. ~~Grade A condensed and dry milk products and condensed and dry whey.~~ (Repealed.)

~~No person may produce, provide, manufacture, sell, offer for sale, or store in the Commonwealth, or, bring, send, or receive in, the Commonwealth any condensed and dry milk product for use in the commercial preparation of grade A pasteurized, ultra pasteurized, or aseptically processed milk or milk product if the person does not comply with:~~

- ~~1. The following sections of Part II of the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey Recommended Sanitation Ordinance for Condensed and Dry Milk Products and Condensed and Dry Whey used in Grade A Pasteurized Milk Products Supplement I to the Grade A Pasteurized Milk Ordinance 1978 Recommendations of the United States Public Health Service Food and Drug Administration, 1978 Edition"¹³ and "Supplement I 1978 Grade A Condensed & Dry Milk Ordinance (DMO)"¹⁴~~

~~Section 2;~~

~~Section 4;~~

~~Section 7 (except that the temperature standard for grade A raw milk for pasteurization shall be 40°F or cooler, but not frozen);~~

~~Section 8;~~

~~Section 9;~~

~~Section 10;~~

~~Section 11; and~~

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~~2. The following appendices contained in the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey Recommended Sanitation Ordinance for Condensed and Dry Milk Products and Condensed and Dry Whey used in Grade A Pasteurized Milk Products Supplement I to the Grade A Pasteurized Milk Ordinance 1978 Recommendations of the United States Public Health Service Food and Drug Administration, 1978 Edition:"~~

~~Appendices A, B, C, D, E, F, and H.~~

~~¹³ "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey", supplement I to the "Grade A Pasteurized Milk Ordinance", 1978 recommendations, is available from U.S. Food and Drug Administration, Milk Safety Branch, HFF 346, 200 "C" St., S.W., Washington, D.C. 20204.~~

~~¹⁴ "Supplement I 1978 Grade A Condensed & Dry Milk Ordinance (DMO)" was issued December 11, 1992 and is available from U.S. Food and Drug Administration, Milk Safety Branch, HFF 346, 200 "C" St., S.W., Washington, D.C. 20204.~~

PART XI. VOLUNTARY HACCP PROGRAM.

Article 1. Program Participation.

2 VAC 5-490-131. HACCP program participation voluntary.

A. Participation in the HACCP program is voluntary for each person who operates a dairy plant, receiving station or transfer station and the State Regulatory Authority responsible for the permitting and auditing of each person's dairy plant, receiving station or transfer station. No person operating a milk plant, receiving station or transfer station may participate in the voluntary HACCP program unless the State Regulatory Agency responsible for the permitting and auditing of each person's dairy plant agrees to participate in the voluntary HACCP program, also.

B. Each person volunteering to operate his milk plant, receiving station or transfer station under the voluntary HACCP program shall provide a written commitment to the State Regulatory Authority responsible for his milk plant, receiving station or transfer station that he will supply the necessary resources to support participation in the voluntary HACCP program.

C. Each State Regulatory Authority volunteering to participate in the voluntary HACCP program shall provide a written commitment to the person requesting to operate a milk plant, receiving station or transfer station under the voluntary HACCP program that the State Regulatory Authority will supply the necessary resources to support participation in the voluntary HACCP program.

D. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall have a minimum of 60 days of HACCP System records prior to a HACCP listing audit. Each milk plant, receiving station or transfer station shall be inspected and permitted initially by the State Regulatory Authority and shall be regulated initially under the requirements of this chapter without taking into consideration the provisions of this part until the State Regulatory Authority conducts an acceptable HACCP listing audit documenting the successful implementation of a fully functioning HACCP System in the person's milk plant, receiving station or transfer station.

E. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall:

1. Comply with all of the provisions applicable to the voluntary HACCP program contained in:

a. Section 7, Standards for grade "A" milk and milk products;

b. Item 16p, Pasteurization and aseptic processing;

c. Item 16p(E), Pasteurization and aseptic processing records, equipment tests and examinations;

d. Section 13, Personnel health;

e. Section 14, Procedure when infection or high risk of personnel health;

f. Appendix H, Pasteurization Equipment and procedures;

g. Appendix I, Pasteurization equipment and controls tests;

h. Appendix K, HACCP Program; and

i. Appendix R, Determination of Time/Temperature Control for Safety of Milk and Milk Products contained in the "Grade A Pasteurized Milk Ordinance, 2005 revision";

2. Prepare their HACCP Plan based on the following HACCP principles:

a. Conduct a hazard analysis;

b. Determine the critical control points;

c. Establish critical limits;

d. Establish monitoring procedures;

e. Establish corrective actions;

f. Establish verification procedures; and

g. Establish recordkeeping and documentation procedures;

3. Prior to the implementation of a HACCP Plan develop, document and successfully implement written prerequisite programs which provide the basic environment and operating conditions that are necessary for the production of safe, wholesome food.

Article 2.
Implementation of a HACCP System.

2 VAC 5-490-132. Prerequisite programs.

A. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall:

1. Provide complete, up-to-date process flow diagrams for all grade A milk, milk products, condensed milk, condensed milk products, dry milk or dry milk products prior to developing the HACCP plan;

2. Provide a brief written description or checklist for each prerequisite program that can be audited against to ensure compliance. Each prerequisite program shall include procedures that can be monitored, records that specify what is monitored, and how often it will be monitored,

3. Develop and implement prerequisite programs that address conditions and practices before, during, and after processing;

4. Develop and implement prerequisite programs that address:

a. Safety of the water that comes into contact with milk, milk products, condensed milk, condensed milk products, dry milk, dry milk products or product-contact surfaces, including steam and ice;

b. Condition and cleanliness of equipment product-contact surfaces;

c. Prevention of cross-contamination from unsanitary objects and or practices to milk, milk products, condensed milk, condensed milk products, dry milk, dry milk products or product-contact surfaces, packaging material and other food-contact surfaces, including utensils, gloves, outer garments, etc, and from raw product to processed product;

d. Maintenance of hand washing, hand sanitizing, and toilet facilities;

e. Protection of milk, milk products, condensed milk, condensed milk products, dry milk, dry milk products, packaging material, and product-contact surfaces from adulteration with lubricants, fuel, pesticides, cleaning compounds, sanitizing agents, condensate and other chemical, physical and biological contaminants;

f. Proper labeling, storage, and use of toxic compounds;

g. Control of employee health conditions, including employee exposure to high risk situations, that could result in the microbiological contamination of milk, milk products, condensed milk, condensed milk products, dry milk, dry milk products, packaging materials, and product-contact surfaces; and

h. Pest exclusion from the milk plant, receiving station or transfer station;

5. In addition to the required prerequisite programs specified in this section, any other prerequisite programs that are being relied upon in the hazard analysis to reduce the likelihood of hazards such that they are not reasonably likely to occur shall also be monitored, audited, and documented as required prerequisite programs.

B. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall:

1. Monitor the conditions and practices of all required prerequisite programs with sufficient frequency to ensure conformance with those conditions and that are appropriate both to the milk plant, receiving station or transfer station and to the safety of the milk, milk products, condensed milk, condensed milk products, dry milk or dry milk products being processed;

2. Document the correction of those conditions and practices that are not in conformance with all prerequisite programs;

3. Determine the frequency of calibration for indicating thermometers, recording thermometers, and other devices used to monitor prerequisite programs and ensure that they are properly calibrated to assure accuracy at the determined frequency; and

4. Maintain records that document the monitoring and corrections required by their prerequisite programs for review by the State Regulatory Authority.

2 VAC 5-490-133. Hazard analysis.

A. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall:

1. Develop, or have developed for it, a written hazard analysis to determine whether there are hazards that are reasonably likely to occur for each type of milk, milk product, condensed milk, condensed milk product, dry milk, dry milk product processed or handled by the milk plant, receiving station or transfer station and to identify the control measures that the milk plant, receiving station or transfer station can apply to control those hazards;

2. Include in the hazard analysis, hazards that can be introduced both within and outside the milk plant, receiving station or transfer station environment, including hazards that can occur during handling, transportation, processing and distribution;

3. Evaluate milk, milk product, condensed milk, condensed milk product, dry milk or dry milk product hazards that are reasonably likely to occur and at a minimum, giving consideration to the following:

a. Microbiological contamination;

b. Parasites;

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c. Chemical contamination;

d. Unlawful drug and pesticide residues;

e. Natural toxins;

f. Unapproved use of food or color additives;

g. Presence of undeclared ingredients that may be allergens; and

h. Physical hazards.

2 VAC 5-490-134. HACCP plan.

A. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall develop and implement a written HACCP plan whenever a hazard analysis reveals one or more hazards that are reasonably likely to occur.

B. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall ensure the person's HACCP plan complies with the following:

1. The HACCP plan shall be developed by one or more individuals who have been trained in accordance with the requirements of this chapter;

2. The HACCP plan shall be subject to the recordkeeping requirements of this chapter; and

3. The HACCP plan shall be specific to each location and milk, milk product, condensed milk, condensed milk product, dry milk or dry milk product;

C. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall ensure the person's HACCP plan shall at a minimum:

1. Include complete up-to-date process flow diagrams for all milk, milk products, condensed milk, condensed milk products, dry milk and dry milk products manufactured;

2. List all hazards that are reasonably likely to occur as identified in the hazard analysis and that must be controlled for each type of milk, milk product, condensed milk, condensed milk product, dry milk or dry milk product;

3. List the Critical Control Points for each of the identified hazards, including:

a. Critical Control Points designed to control hazards that could occur or could be introduced in the milk plant, receiving station or transfer station environment;

b. Critical Control Points designed to control hazards introduced outside the milk plant, receiving station or transfer station environment, including hazards that occur before arriving at the milk plant, receiving station or transfer station; and

c. A list of Critical Limits that shall be met at each of the Critical Control Points;

4. List the procedures and the frequency with which they are to be performed that will be used to monitor each of the Critical Control Points to ensure compliance with the Critical Limits;

5. Include any corrective action plans that have been developed in accordance with the corrective action requirements as described in this chapter, and that are to be followed in response to deviations from Critical Limits at Critical Control Points;

6. List the verification and validation procedures, and the frequency with which they are to be performed, that the milk plant, receiving station or transfer station will use in accordance with verification and validation requirements as described in this chapter;

7. Provide a recordkeeping system that documents the monitoring of the Critical Control Points in accordance with the record requirements as described in this chapter; and

8. Create records that contain only actual values and observations obtained during monitoring.

2 VAC 5-490-135. Corrective actions.

A. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall take corrective action as described in subsection B or subsection C of this section whenever a deviation from a Critical Limit occurs.

B. Before a deviation occurs each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program:

1. May develop written corrective action plans, which become a part of their HACCP plan. These corrective action plans may predetermine the corrective actions that milk plants, receiving stations and transfer stations will take whenever there is a deviation from a Critical Limit;

2. Shall develop corrective action plans that are appropriate for each particular deviation and that:

a. Describes the steps to be taken;

b. Assigns responsibility for taking those steps to ensure that:

(1) No milk, milk product, condensed milk, condensed milk product, dry milk or dry milk product is allowed to enter commerce that is either injurious to health or is otherwise adulterated as a result of the deviation; or

(2) If such milk, milk product, condensed milk, condensed milk product, dry milk or dry milk product has entered commerce, it is expeditiously removed; and

(3) The cause of the deviation is corrected.

C. When a deviation from a critical limit occurs and a corrective action plan that is appropriate for that deviation does not exist, each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall:

1. Segregate and hold the affected milk or milk product, at least until the requirements of subdivisions 2 and 3 of this subsection have been met;

2. Perform or obtain a review to determine the acceptability of the affected milk, milk product, condensed milk, condensed milk product, dry milk or dry milk product for distribution. The review shall be performed by an individual or individuals qualified by training or experience to perform such a review;

3. Take corrective action, when necessary, with respect to the affected milk, milk product, condensed milk, condensed milk product, dry milk or dry milk product to ensure that no milk, milk product, condensed milk, condensed milk product, dry milk or dry milk product is allowed to enter commerce that is either injurious to health or is otherwise adulterated as a result of the deviation;

4. Take corrective action, when necessary, to correct the cause of the deviation; and

5. Perform or obtain timely validation by a qualified individual or individuals to determine whether modification of the HACCP plan is required to reduce the risk of recurrence of the deviation and modify the HACCP plan as necessary.

D. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall ensure that all corrective actions taken in accordance with this section are fully documented in records that are subject to verification.

2 VAC 5-490-136. Verification and validation.

A. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall verify that the HACCP system is being implemented according to design, except that critical factors for aseptically processed grade A milk and milk products, as determined by the process authority and listed on the scheduled process under 21 CFR Part 113 shall be managed separately from the voluntary HACCP program, even if identified as a Critical Control Point in the hazard analysis. Critical factors identified in the scheduled process shall be monitored under the operating supervision of an individual who has successfully completed an approved course of instruction in low-acid canned foods as required by 21 CFR 108.35.

B. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall include in their verification activities:

1. The calibration of Critical Control Point process-monitoring instruments;

2. At the option of the person operating a milk plant, receiving station or transfer station, the performance of periodic end-product or in-process testing;

3. A review, including signing and dating, by an individual who has been trained in accordance with the training requirements of this chapter, of the records that document:

a. The monitoring of Critical Control Points;

b. The taking of corrective action; and

c. The calibrating of any process monitoring instruments used at Critical Control Points and the performance of any periodic end-product or in-process testing that is part of HACCP Plan verification activities;

4. The taking of corrective action procedures whenever any verification procedure establishes the need to take a corrective action; and

5. The calibration of Critical Control Point process-monitoring instruments, and the performance of any periodic end-product and in-process testing, in accordance with subdivisions 3 a and b of this subsection, shall be documented in records and maintained as required by this chapter.

C. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall:

1. Validate that the HACCP plan is adequate to control hazards that are reasonably likely to occur at least once within 12 months after implementation of the HACCP system and annually thereafter or whenever any changes in the process occur that could affect the hazard analysis or alter the HACCP plan;

2. Ensure the validation is performed by a qualified individual or individuals trained in accordance with the requirements of this chapter;

3. Ensure the validation is documented and the records maintained as required by this chapter; and

4. Ensure the HACCP plan is modified immediately whenever a validation reveals that the HACCP plan is no longer adequate.

D. Whenever a milk plant, receiving station or transfer station does not have a HACCP plan, because a hazard analysis has revealed no hazards that are reasonable likely to occur, the person operating the milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall reassess the adequacy of the hazard analysis whenever

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there are any changes in the process that could reasonably affect whether a hazard exists.

2 VAC 5-490-137. Records.

A. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall:

1. Use consistent terminology to identify each piece of equipment, record, document, or other program throughout their written HACCP system;

2. Maintain the following records documenting the HACCP system:

a. Records documenting the ongoing application of the prerequisite programs, including a brief written description, monitoring and correction records;

b. The written hazard analysis;

c. The written HACCP plan;

d. A table of contents and centralized list of the HACCP program records, by title, documenting the ongoing application of the HACCP system;

e. A document change log;

f. Records documenting the ongoing application of the HACCP plan that include:

(1) Monitoring of Critical Control Points and their Critical Limits, including the recording of actual times, temperatures, or other measurements, as prescribed in the HACCP plan;

(2) Corrective actions, including all actions taken in response to a deviation;

(3) A centralized deviation log; and

(4) Plan validation dates;

g. Required HACCP documents and forms specified in subdivisions 2 a through c of this subsection shall be dated or identified with a version number and each page shall be marked with a new date or version number whenever that page is updated; and

h. Records documenting verification and validation of the HACCP system, including the HACCP plan, hazard analysis and the prerequisite programs.

B. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall ensure all required records include:

1. The identity of the milk plant, receiving station or transfer station;

2. The date and time of the activity that the record reflects;

3. The signature or initial of the person or persons performing the operation or creating the record;

4. Where appropriate, the identity of the milk or milk product and the production code, if any;

5. Processing and other information entered on the records at the time that it is observed; and

6. Only the actual values and observations obtained during monitoring.

C. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall ensure all required records specified in subdivisions A 2 a through c of this section:

1. Have been signed and dated by the most responsible individual onsite at the milk plant, receiving station or transfer station to signify that the records have been accepted by the firm; and

2. Are signed and dated upon initial acceptance;

a. Upon any modification; and

b. Upon verification and validation.

D. Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall:

1. Ensure all records required by this section for perishable or refrigerated products are retained for one year after the date that such products were prepared, and in the case of frozen, preserved, or shelf-stable products, for two years after the date that the products were prepared or the for the shelf-life of the product, whichever is greater;

2. Ensure all records that relate to the adequacy of equipment or processes used, such as commissioning or process validation records, including the results of scientific studies and evaluations, shall be maintained at the milk plant, receiving station or transfer station facility for a least two years after the date that the milk plant, receiving station or transfer station last used such equipment or process;

3. Ensure that all processing records stored off-site are a minimum of six months old from the date that the monitoring occurred and can be retrieved and provided on-site within 24 hours after a request by the State Regulatory Authority. Electronic records shall be considered accessible on-site if they can be accessed on-site; and

4. Ensure all records required by this subsection shall be available for review by the State Regulatory Authority at all reasonable hours.

2 VAC 5-490-138. Training.

Each person operating a milk plant, receiving station or transfer station and participating in the voluntary HACCP program shall ensure that each person who is responsible for: (i) developing a hazard analysis; (ii) delineating control measures; (iii) developing a HACCP plan that is appropriate

for the specific milk plant, receiving station or transfer station; (iv) validating and modifying the HACCP plan; or (v) performing required HACCP plan record reviews has received basic HACCP training and an orientation to the HACCP requirements contained in Appendix K of the "Grade A Pasteurized Milk Ordinance, 2005 revision."

PART XII.

INTERPRETATION AND ENFORCEMENT.

2 VAC 5-490-140. Interpretation and enforcement.

A. This chapter is based on the "Grade A Pasteurized Milk Ordinance-~~1989~~ 2005 recommendations." Except as otherwise provided in this chapter, the provisions of this chapter shall be interpreted in a manner consistent with interpretations accorded the "Grade A Pasteurized Milk Ordinance-~~1989~~ 2005 recommendations."

B. The administrative procedures used to conduct case decisions under this chapter shall conform to the provisions of the Virginia Administrative Process Act.

C. The State Regulatory Authority shall comply with the following administrative procedures when summarily suspending a grade A permit as specified in ~~2 VAC 5-490-30~~ 2 VAC 5-490-31 B ~~of this chapter:~~

1. The State Regulatory Authority shall serve upon the grade A permit holder a written notice of suspension. The written notice of suspension shall specify the violations in question and inform the grade A permit holder of the right to appear before the State Regulatory Authority in person, by counsel, or by other qualified representative at a fact-finding conference for the informal presentation of factual data, arguments, and proof to appeal this determination of violation;

2. Upon receipt of written application from any person whose grade A permit has been summarily suspended (within 30 days after the effective date of the summary suspension) the State Regulatory Authority shall within seven days after the date of receipt by the State Regulatory Authority of a written application from any person whose grade A permit has been summarily suspended proceed to hold an informal fact-finding conference to ascertain the facts of the violations in question and upon evidence presented at the informal fact-finding conference shall affirm, modify, or rescind the summary suspension;

3. The State Regulatory Authority shall, unless the parties consent, ascertain the fact basis for their decisions of cases through informal conference proceedings. Such conference proceedings include the rights of parties to the case to have reasonable notice thereof, to appear in person or by counsel or other qualified representative before the State Regulatory Authority for the informal presentation of factual data, argument, or proof in connection with any case, to have notice of any contrary fact basis or information in the

possession of the agency which can be relied upon in making an adverse decision, to receive a prompt decision of any application for license, benefit, or renewal thereof, and to be informed, briefly and generally in writing, of the factual or procedural basis for an adverse decision in any case;

4. No person whose grade A permit has been summarily suspended may be granted an informal fact-finding conference by the State Regulatory Authority unless the State Regulatory Authority receives the person's written application within 30 days after the effective date of the summary suspension;

5. From any adverse decision of an informal fact-finding conference, the ~~State Regulatory Authority~~ grade A permit holder may request a formal hearing under § ~~9-6-14:12~~ 2.2-4020 of the Code of Virginia by writing the ~~Director of Division~~ Program Manager of the Office of Dairy and Foods within 30 days stating the request and by providing the State Regulatory Authority with a statement of the issues in dispute. If the request for a formal conference is denied, the State Regulatory Authority shall notify the grade A permit holder in writing and further may affirm or modify the decision of the informal fact-finding conference; and

6. If a formal fact-finding conference is denied, the State Regulatory Authority shall notify the grade A permit holder of the right to file an appeal in the circuit court.

FORMS

~~Application For a Permit to Produce Grade A Raw Milk For Sale in the Commonwealth of Virginia.~~

DOCUMENTS INCORPORATED BY REFERENCE

~~National Uniform Coding System For Packaging Identification of Milk and Milk Product Processing Plants.~~

~~Standards For the Fabrication of Single Service Containers and Closures For Milk and Milk Products — 1991 revision.~~

~~Uniform Methods and Rules; Bovine Tuberculosis Eradication — eff. 2/3/89.~~

~~Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, supplement I to the Grade A Pasteurized Milk Ordinance, 1978 recommendations.~~

Drug Residue Test Methods for Confirmation of Presumptive Positive Results and Initial Producer Traceback, M-I-96-10 (Revision #5), March 10, 2004, published by the Food and Drug Administration, Milk Safety Branch (HFS-626), 5100 Paint Branch Parkway, College Park, MD 20740-3835.

Evaluation of Milk Laboratories, 2005 Revision, published by the Food and Drug Administration Laboratory Quality Assurance Team, HFH-450, 6502 South Archer Road, Summit-Argo, Illinois 60501.

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Grade "A" Pasteurized Milk Ordinance, 2005 Revision, published by the Food and Drug Administration, Milk Safety Branch (HFS-626), 5100 Paint Branch Parkway, College Park, MD 20740-3835.

Official Methods of Analysis of the Association of AOAC International, 18th Edition, 2005, published by the Association of Official Analytical Chemists International, 481 North Frederick Avenue, Suite 500, Gaithersburg, Maryland 20877-2417.

Uniform Methods and Rules: Bovine Tuberculosis Eradication - effective January 1, 2005, available from U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, federal Center Building, Hyattsville, Maryland 20782 or Federal Veterinarian in Charge, USDA/APHIS-VS, Virginia Area Office, 7th Floor, Federal Building, 400 N. 8th Street, Richmond, Virginia 23240.

Uniform Methods and Rules: Brucellosis Eradication - effective October 1, 2003, available from U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Federal center Building, Hyattsville, Maryland 20782 or Federal Veterinarian in Charge, USDA/APHIS-VS, Virginia Area Office, 7th Floor, Federal Building, 400 N. 8th Street, Richmond, Virginia 23240.

VA.R. Doc. No. R07-83; Filed December 18, 2006, 10:21 a.m.

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TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Final Regulation

Title of Regulation: 4 VAC 15-20. Definitions and Miscellaneous: In General (adding 4 VAC 15-20-220).

Statutory Authority: §§ 29.1-103, 29.1-103.1, 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: December 15, 2006.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or email regcomments@dgif.state.va.us.

Summary:

The amendment authorizes the director to take measures to prevent, control or eradicate the spread of diseases in the Commonwealth whenever (i) such diseases threaten wildlife; (ii) a disease in wildlife has implications for human, domestic or agricultural animal health; or (iii) a disease is confirmed in wildlife held in captivity that threatens wildlife, human, domestic or agricultural animal health.

4 VAC 15-20-220. [Definitions and miscellaneous: In general.] Disease prevention, control and eradication in wildlife.

A. Whenever a disease threatens wildlife in the Commonwealth, the director is authorized to undertake measures to prevent, control or eradicate the spread of such disease including, but not limited to, the delineation of wildlife disease management, surveillance, and quarantine areas, the reduction of selected wildlife populations, the restriction in the movement of wildlife or parts thereof, the prohibition of feeding of wildlife or use of animal-based products such as attractants, the prohibition of rehabilitation and release of selected wildlife species and the manipulation or modification of environmental conditions. Further, the director is authorized to require mandatory checking and disease testing of selected wildlife species and to modify or establish hunting and trapping seasons and bag limits, as necessary, to prevent, control or eradicate the spread of disease in wildlife.

B. Whenever a disease in wildlife or the planned disease response has implications for human, domestic or agricultural animal health in the Commonwealth, the director, in consultation with the state and/or public health veterinarian as appropriate, is authorized to undertake measures as described in subsection A to prevent, control or eradicate the spread of such disease in wildlife.

C. Whenever a disease is confirmed in wildlife held in captivity that threatens wildlife, human, domestic or agricultural animal health, the director, in consultation with the state and/or public health veterinarian as appropriate, is authorized to quarantine or dispose of such animals, including measures such as population reduction, depopulation and exportation, modification and decontamination of the captive facility as necessary, and revocation of permits or modification of permit conditions, as to prevent further disease transmission. The department may indemnify the owner or owners, at fair-market value, for privately owned wildlife removed. The department may seek reimbursement of costs for depopulation, modification to, or decontamination of the facility from the landowner and/or owner or owners of the facility.

D. It shall be unlawful for any person to willfully impede the department or its designee in its execution of the

aforementioned measures to prevent, control, or eradicate disease in wildlife.

VA.R. Doc. No. R07-24; Filed December 15, 2006, 1:43 p.m.

Final Regulation

Title of Regulation: 4 VAC 15-320. Fish: Fishing Generally (amending 4 VAC 15-320-40).

Statutory Authority: §§ 29.1-103, 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: January 15, 2007.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or email regcomments@dgif.state.va.us.

Summary:

The amendment adds yellow perch, white perch, gizzard shad, carp, and gar to the list of freshwater fish that may be harvested from below the fall line in all tidal rivers of the Chesapeake Bay and sold commercially in accordance with Virginia Marine Resources Commission commercial fishing regulations, and size and harvest limits set by the Department of Game and Inland Fisheries.

4 VAC 15-320-40. Sale of game fish, yellow perch, white perch, gizzard shad, carp, gar, and catfish.

Game fish, yellow perch, and catfish raised in a privately owned facility by the holder of a Permit to Propagate and Sell Certain Wildlife or Permit to Hold and Sell Certain Wildlife may be sold as follows: (i) game fish for stocking private waters; (ii) game fish for stocking public waters only with approval from the department pursuant to 4 VAC 15-320-60; (iii) trout pursuant to 4 VAC 15-330-180 and 4 VAC 15-330-190; and (iv) yellow perch and catfish for stocking private waters, public waters pursuant to 4 VAC 15-320-60, or for human consumption. Catfish Except as otherwise provided for in 4 VAC 15-320-25 and 4 VAC 15-360-10, catfish, yellow perch, white perch, gizzard shad, carp, and gar may be taken from tidewater may also be sold below the fall line in all tidal rivers of the Chesapeake Bay and sold commercially in accordance with Virginia Marine Resources Commission commercial fishing regulations.

VA.R. Doc. No. R07-25; Filed December 19, 2006, 11 a.m.

Final Regulation

Title of Regulation: 4 VAC 15-360. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish (amending 4 VAC 15-360-10).

Statutory Authority: §§ 29.1-103, 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: January 15, 2007.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or email regcomments@dgif.state.va.us.

Summary:

The amendment makes it legal to take gizzard shad and white perch from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational gill net regulations and size and harvest limits set by the Department of Game and Inland Fisheries.

4 VAC 15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4 VAC 15-20-130, subdivision 8 of 4 VAC 15-320-40 and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale no more than five individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, bowfin, longnose gar, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see 4 VAC 15-320-25 for anadromous blueback herring limits), white perch, yellow perch, alewife (see 4 VAC 15-320-25 for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, and goldfish.

2. See 4 VAC 15-320-25 for American shad, hickory shad, channel catfish, white catfish, flathead catfish, and blue catfish limits.

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders (each under six inches in total length), crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant to the provisions of 4 VAC 15-360-60 and 4 VAC 15-360-70. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs and snapping turtles shall be 15 and bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. The following species may not be taken in any number for private use: candy darter, eastern hellbender, diamondback terrapin, and spotted turtle.

B. Methods of taking species in subsection A. Except as otherwise provided for in the Code of Virginia, 4 VAC 15-20-130, 4 VAC 15-320-40, and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A may only be taken by hand, hook and line, with a seine not exceeding four feet in depth by 10 feet in length, an umbrella type net not exceeding five by five feet square, small minnow traps with throat openings no larger than one inch in diameter, cast nets, and hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Gizzard shad and white perch may also be taken from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take mussels and the spiny riversnail (*Iofluvalis*) in the Tennessee drainage in Virginia (Clinch, Powell and the North, South and Middle Forks of the Holston Rivers and tributaries). It shall be unlawful to take mussels in the James River and tributaries west of U.S. Route 29, in the entire North Fork of the Shenandoah River, and in the entire Nottoway River.

D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

VA.R. Doc. No. R07-26; Filed December 19, 2006, 11 a.m.



TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Final Regulation

Title of Regulation: 6 VAC 20-30. Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Operations (amending 6 VAC 20-30-10 through 6 VAC 20-30-60 and 6 VAC 20-30-80).

Statutory Authority: § 9.1-102 of the Code of Virginia.

Effective Date: February 9, 2007.

Agency Contact: John Byrd, Agency Program Manager, Department of Criminal Justice Services, 202 North 9th Street, Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 786-0410, or email john.byrd@dcjs.virginia.gov.

Summary:

The amendments (i) allow academy directors to approve all in-service training; (ii) reduce the minimum length of a training session to two hours; (iii) require that two hours of the in-service training for law-enforcement officers, jailors, custodial officers, courtroom security officers, process service officers, and officers of the Department of Corrections be on cultural diversity; (iv) eliminate certain current limitations on extensions of the time limit for completion of in-service training; (v) eliminate the time limit on when the chief of police, sheriff or agency administrator may request authorization for attendance and successful completion by an employee of job-related courses to count for partial in-service credit; (vi) eliminate the requirement that the local agency maintain records of in-service training attendance; (vii) eliminate the limit on the number of credits that can be earned via electronic training; (viii) permit that up to 16 credit hours per two-year in-service period may be earned via being an instructor; and (ix) update the annual firearms requirement to be consistent with the options available for entry-level training.

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.

CHAPTER 30.
RULES RELATING TO COMPULSORY IN-SERVICE TRAINING STANDARDS FOR LAW-ENFORCEMENT OFFICERS, JAILORS OR CUSTODIAL OFFICERS, COURTROOM SECURITY OFFICERS, PROCESS SERVICE OFFICERS AND OFFICERS OF THE DEPARTMENT OF CORRECTIONS, DIVISION OF INSTITUTIONAL SERVICES OPERATIONS.

6 VAC 20-30-10. Definitions.

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

"Academy director" means the chief administrative officer of a certified training academy.

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

"Board" means the Criminal Justice Services Board.

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

"Criminal justice officer" means a law-enforcement officer, jailor or custodial officer, courtroom security officer, process service officer and officers of the Department of Corrections, Division of Institutional Services Operations. Officers of the Department of Corrections, Division of Institutional Services Operations, means a correctional officer, sergeant, lieutenant, captain, major, assistant superintendent, superintendent, assistant warden and warden.

"Cultural diversity training" means training that is designed to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing.

"Department" means the Department of Criminal Justice Services.

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

"Multimedia" means distance learning methods to include video, film, disc, computer-based training, Internet-based training or satellite-based training.

6 VAC 20-30-20. Applicability.

A. Every person employed as a law-enforcement officer, as defined by § ~~9-169(9)~~ 9.1-101 of the Code of Virginia, shall meet compulsory in-service training standards as set forth in 6 VAC 20-30-30 A.

B. Every person employed as a jailor or custodial officer under the provisions of Title 53.1 of the Code of Virginia;

shall meet compulsory in-service training standards as set forth in 6 VAC 20-30-30 B.

C. Every person employed as a courtroom security or process service officer under the provisions of Title 53.1 of the Code of Virginia shall meet compulsory in-service training standards as set forth in 6 VAC 20-30-30 C.

D. Every person employed as an officer of the Department of Corrections, Division of Institutional Services, Operations as defined herein shall meet compulsory in-service training standards as set forth in 6 VAC 20-30-30 D.

6 VAC 20-30-30. Compulsory in-service training standards.

Pursuant to the provisions of subdivisions (1), (3), (5), (6) and (7) of [§] § ~~9-170~~ 9.1-102 of the Code of Virginia, the board establishes the following as the compulsory in-service training standards for law-enforcement officers, jailors or custodial officers, courtroom security officers, process service officers and officers of the Department of Corrections, Division of Institutional Services Operations.

A. Law-enforcement officers (~~Testing optional, but strongly encouraged~~)TOTAL 40 Hours

1. Cultural diversity training..... 2 Hours

2. Legal training..... 4 Hours

Subjects to be provided are at the discretion of the [~~agency administrator or the board~~ academy director] of a certified training academy and shall be designated as legal training.

~~2-3~~ 3. Career development/elective training~~36~~ 34 Hours

(May include subjects provided in subsections B and C of this section.)

a. Subjects to be provided are at the discretion of the ~~agency administrator or the board~~ academy director of a certified training academy. No more than eight hours of firearms training shall be approved as elective subjects. Firearms training shall be applied as follows:

(1) No more than four hours applied to firearms qualification as provided in 6 VAC 20-30-80; and

(2) Remaining hours eligible for situational or decision-making training.

Total 40

B. Jailors or custodial officers.TOTAL 24 Hours (~~Testing optional, but strongly encouraged~~)

1. Cultural diversity training..... 2 Hours

2. Legal training..... 4 Hours

Subjects to be provided are at the discretion of the [~~agency administrator or the board~~ academy director] of a certified training academy and shall be designated as legal training.

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~~2- 3.~~ Career development/elective training..... ~~20~~ 18 Hours
(May include subjects provided in subsections A and C of this section.)

a. Subjects to be provided are at the discretion of the ~~agency administrator or the board~~ academy director of a certified training academy. No more than eight hours of firearms training shall be approved as elective subjects. Firearms training shall be applied as follows:

- (1) No more than four hours applied to firearms qualification as provided in 6 VAC 20-30-80; and
- (2) Remaining hours eligible for situational or decision-making training.

Total ~~24~~

C. Courtroom security officers and process service officers*
(Testing optional, but strongly encouraged) TOTAL 16 Hours

1. Cultural diversity training 2 Hours
2. Legal training 4 Hours

Subjects to be provided are at the discretion of the ~~agency administrator or the board~~ academy director of a certified training academy and shall be designated as legal training.

~~2- 3.~~ Career development/elective training..... ~~42~~ 10 Hours
(May include subjects provided in subsections A and B of this section.)

a. Subjects to be provided are at the discretion of the [~~agency administrator or the board~~ academy director] of a certified training academy. No more than eight hours of firearms training shall be approved as elective subjects. Firearms training shall be applied as follows:

- (1) No more than four hours applied to firearms qualification as provided in 6 VAC 20-30-80; and
- (2) Remaining hours eligible for situational and/or decision making training.

TOTAL ~~16~~

D. Officers of the Department of Corrections, Division of ~~Institutional Services~~ Operations. (Testing is optional, but strongly encouraged.)

Total Hours for Correctional Officers and Sergeants 24 Hours

Total Hours for Lieutenants through Wardens..... 40 Hours

1. Cultural diversity training 2 Hours
2. Legal training 4 Hours

The subjects to be provided are at the discretion of the Director of the Department of Corrections or his designee and shall be designated as legal training.

~~2- 3.~~ Career development/elective training.

Correctional officers and sergeants.....~~20~~ 18 Hours

Lieutenants through wardens.....~~36~~ 34 Hours

a. Subjects to be provided are at the discretion of the Director of the Department of Corrections, ~~Division of Institutional Services~~, or his designee. No more than eight hours of firearms training shall be approved as elective subjects. Firearms training shall be applied as follows:

- (1) No more than four hours applied to firearms qualification as provided in 6 VAC 20-30-80; and
- (2) Remaining hours eligible for situational or decision making training.

~~Total Hours for Correctional Officers and Sergeants~~ ~~24~~

~~Total Hours for Lieutenants through Wardens~~ ~~40~~

6 VAC 20-30-40. Time requirement for completion of training.

A. Every law-enforcement officer, jailor or custodial officer, court security officer, process service officer, and officers of the Department of Corrections must complete compulsory in-service training by December 31 of the second calendar year following satisfactory completion of the entry-level compulsory minimum training standards, and must complete compulsory in-service training by December 31 of every other calendar year thereafter. In-service training hours may be carried over from the first calendar year to the second calendar year of the two-year period. However, should the required training be completed within the first calendar year of the two-year period, such training shall be reported to the department and a new due date for completion of in-service training shall be established for December 31 of the second calendar year following the completion date of such training.

B. ~~Approved~~ Mandated in-service training shall be conducted in no less than ~~four~~ two-hour sessions and must be under the authority of a certified training academy and meet all requirements for conducting mandated training.

C. The director may grant an extension of the time limit for completion of in-service training under the following conditions:

1. The chief of police, sheriff or agency administrator shall present written notification that the officer was unable to complete the required training within the specified time limit due to:
 - a. Illness;
 - b. Injury;
 - c. Military service;
 - d. Special duty assignment required and performed in the public interest;

e. Administrative leave involving the determination of worker's compensation or disability retirement issues, full-time educational leave or suspension pending investigation or adjudication of a crime; or

f. Any other reason documented by the agency administrator. Such reason must be specified and ~~any approval granted shall not exceed 90 days~~ an anticipated completion date provided. The department will determine and approve a reasonable timeframe based upon the justification provided with the extension request.

~~2. Any extension granted under subdivision C 1 e of 6 VAC 20-30-40 shall require the officer to complete in-service training prior to resuming job duties. Request may be granted for periods not to exceed 12 months.~~

~~3. 2.~~ Requests for extension of the time limit shall be received prior to the expiration of the normal in-service time limit.

6 VAC 20-30-50. How compulsory in-service training standards may be attained.

A. In-service training school/sessions.

1. In-service training shall be obtained by attending and completing an approved in-service training school or a series of approved in-service training sessions which combined comply with the compulsory in-service training standards. Such training must be attended at a certified training academy unless provided otherwise in accordance with 6 VAC 20-30-50, ~~subsections B and C.~~

2. Criminal justice officers attending approved in-service training shall not be placed on duty or on call except in cases of emergency.

3. Individuals who maintain training certification in secondary functions may comply with the compulsory in-service training standards by attending 40 hours of approved in-service training, provided that all legal training requirements are included for the designated secondary function(s) and that the career development/elective training is job related.

B. Partial in-service credit.

1. Individual. Upon written request of the chief of police, sheriff or agency administrator, the director may authorize attendance and successful completion of job-related courses for partial in-service credit. [Such request shall be submitted no later than 60 days following the last day of the course.] Whenever possible, such request should be submitted prior to the beginning date of the course. Any request for partial in-service credit shall include the name of the sponsoring agency, name and location of the course, and a curriculum which shall include at a minimum the date, time and instructor for each subject included in the

course. Attendance shall be documented and ~~records maintained as required by the records retention policy of the department~~ submitted to the department for approval.

All such requests from the Department of Corrections shall be reviewed and endorsed by the training manager prior to being forwarded to the department for consideration.

2. Course. The director may approve job-related training courses offered by ~~agencies, institutions, or private firms~~ training providers that have not been certified as criminal justice academies as meeting the requirements to receive partial in-service credit. Requests for such approval shall be submitted 60 days prior to the commencement of the course on forms provided by the department. Courses meeting the minimum criteria may be approved for one year or until the course content is revised, whichever occurs first. The sponsoring ~~agency provider~~ shall document attendance ~~and maintain records as required by the records retention policy of the department.~~ It shall be the responsibility of the officer receiving training to ensure that documentation of attendance is submitted to a certified training academy for tracking and subsequent submission to the department. The sponsoring agency shall also certify to the agency administrator that the officer successfully completed the course. The department shall only consider for approval requests from ~~agencies, institutions, or private firms~~ providers where there is an indication that criminal justice officers from Virginia have attended or will attend the course for which approval is requested.

~~Subsection B 2 of 6 VAC 20-30-30~~ This subdivision shall not apply to any criminal justice agency or certified training academy in this Commonwealth.

C. In-service credit for ~~electronically transmitted multi-media~~ criminal justice programming. The department may establish guidelines to approve job related electronically transmitted programs. Any such policy shall provide for no more than eight hours training credit annually and shall establish all administrative requirements.

1. Tested multimedia training. Training received via multimedia programs utilizing computer-generated or agency-administered objective-based testing may be applied toward in-service credit if:

a. The training program is approved by the academy director or designee, and the instructional topic is directly related to criminal justice;

b. A post-viewing objective-based examination covering the instructional material is administered to the student by the academy director or designee, or administered via the multimedia presentation, and the student has no access to the examination or ability to affect, alter, or destroy the examination questions or examination results;

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c. The student achieves a minimum passing score of 70% or above on a postviewing examination, scored by the academy director or designee, or the computer;

d. All postviewing examinations administered, and their results, shall be maintained in accordance with the appropriate Library of Virginia retention schedule. These records shall be made available to the department upon request.

2. Administrative requirements. The academy director of the certified academy that approves multimedia training shall determine the number of hours of in-service credit to be awarded for each multimedia training session.

6 VAC 20-30-60. Requirements for in-service training.

~~A. A curriculum listing the subject(s), instructor(s), date(s) and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30 day requirement may be granted for good cause shown by the academy director. In-service training shall be provided under the authority of a certified academy. At the option of the certified academy, such training may be conducted by the main academy or at an approved satellite academy. The certified academy may conduct training at an offsite facility if the facility is approved and an academy staff member acts as the coordinator for the program. The academy director shall provide the department field coordinator the date, time, and location of such training at least seven days in advance of the program. Failure to provide such notification negates the training approval. All necessary records must be maintained and documentation kept on file in accordance with the certified academy policy. Roll call training shall not be approved for in-service training.~~

~~B. In-service training which that is approved shall be subject to inspection and reviewed review by the department. The department may deny in-service credit for any training that is not in compliance with training standards.~~

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

~~D. The department may revoke the approval of any training school or session upon written notice, which shall contain the reason(s) upon which the revocation is based, to the academy's director. The academy's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within~~

~~15 days of the date of the notice of revocation. The academy's director may appeal the director or designee's decision to the board or its designee. C. A certified instructor may receive in-service credit for training conducted on an hour-for-hour basis. No more than 16 hours may be credited for in-service training per two-year in-service period. In addition, each topic may be credited toward in-service training only once per two-year in-service period. This provision only applies to the instructor that prepares and conducts the training. In-service credit is expressly prohibited for role players and evaluators.~~

6 VAC 20-30-80. Firearms training.

Every criminal justice officer required to carry a firearm in the performance of duty shall qualify annually using the applicable firearms course set forth below. Annual range qualification shall include a review of issues/policy relating to weapons safety, nomenclature, maintenance and use of force. With prior approval of the director, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges. No minimum number of hours is required.

A. Law-enforcement officers, jailors or custodial officers, courtroom security officers and process service officers shall qualify annually with a minimum passing score of 70% on one of the following courses:

1. Virginia Modified Double Action Course for Revolvers, 60 rounds, 7, 15, 25 yards shooting.
2. Virginia Modified Double Action Course for Semi-automatic Pistols, 60 rounds, 7, 15, 25 yards shooting.
3. Virginia Modified Combat Course I, 60 rounds, 25, 15, 7 yards shooting.
4. Virginia Modified Combat Course II, 60 rounds, 25, 15, 7, 5, 3 yards shooting.
5. Virginia Qualification Course I, 50 rounds, 25 to 5 yards shooting.
6. Virginia Qualification Course II, 60 rounds, 3 to 25 yards shooting.
7. Virginia Tactical Qualification Course I, 50 rounds, 5 or 7, 25 yards shooting.
8. Virginia Tactical Qualification Course II, 36 rounds, 3-25 yards shooting.

~~Target Silhouette (B21, B21X, B27, Q)~~

~~60 rounds~~

~~Double action only~~

~~Minimum qualifying score 70%~~

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

~~Load 6 rounds, fire 1 round on whistle (2 seconds), repeat or fire 2 rounds on whistle (3 seconds), repeat~~

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

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

~~b. Phase 2—15 yards, point shoulder position, 18 rounds~~

~~Load 6 rounds, fire 1 round on whistle (2 seconds), repeat or fire 2 rounds on whistle (3 seconds), repeat~~

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

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

~~e. Phase 3—25 yards, 90 seconds, 18 rounds~~

~~Load 6 rounds, on whistle:~~

~~fire 6 rounds, kneeling, strong hand; reload~~

~~fire 6 rounds, standing behind barricade, weak hand;~~

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

~~d. Scoring:~~

~~(1) B21, B21X targets: use indicated K value with a maximum 300 points; divide by 3 to obtain percentage.~~

~~(2) B27 target: 8, 9, 10, X rings—value 5 points; 7 ring—value 4 points; other hits on silhouette—value 3 points; divide by 3 to obtain percentage.~~

~~(3) Q targets: any fired round striking the bottle area to its marked border—value 5 points, any fired round striking outside the bottle area—value 3 points.~~

~~2. Virginia Modified Double Action Course For Semi Automatic Pistols:~~

~~Target—Silhouette (B 21, B 21X, B 27, Q)~~

~~Minimum Qualifying Score—70%~~

~~a. Each officer is restricted to the number of magazines carried on duty. Magazines shall be loaded to their full capacity. The range instructor shall determine when magazines will be changed.~~

~~b. Phase 1—7 yards, hip shooting, crouch position, load magazine, fire 1 round double action on command (2 sec.), or fire 2 rounds (3 seconds), make weapon safe, holster, repeat until 6 rounds have been fired.~~

~~(1) On command, draw and fire 2 rounds (3 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.~~

~~(2) On command, draw and fire 12 rounds in 20 seconds, make weapon safe, and holster.~~

~~e. Phase 2—15 yards point shoulder position. On command, draw and fire 1 round (2 sec.), or draw and fire 2 rounds (3 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.~~

~~(1) On command, draw and fire 1 round (2 sec.), or 2 rounds (3 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.~~

~~(2) On command, draw and fire 6 rounds (12 sec.), make weapon safe, holster.~~

~~d. Phase 3—25 yards, kneeling and standing position. On command, assume kneeling position, draw weapon and fire 6 rounds, then fire 6 rounds weak hand, standing, barricade position, then fire 6 rounds strong hand, standing, barricade position, until a total of 18 rounds have been fired. (70 seconds)~~

~~(1) (Kneeling position may be fired using barricade.)~~

~~(2) (Weapons which do not have a double action capability will require the first round be chambered manually.)~~

~~e. Scoring:~~

~~(1) B21, B21X targets: use indicated K value with a maximum 300 points; divide by 3 to obtain percentage.~~

~~(2) B27 target: 8, 9, 10, X rings—value 5 points; 7 ring—value 4 points; other hits on silhouette—value 3 points; divide by 3 to obtain percentage.~~

~~(3) Q targets: any fired round striking the bottle area to its marked border—value 5 points, any fired round striking outside the bottle area—value 3 points.~~

~~3. Virginia 50 round Tactical Qualification Course for Revolvers and Semi-automatic Pistols:~~

~~Target—silhouette (B21, B21X, B 27, Q) Minimum Qualifying Score 70%~~

~~a. Each officer is restricted to the number of magazines carried on duty. Magazines shall be loaded to full capacity. The range instructor shall determine when magazines will be changed.~~

~~b. Phase 1—On 5 or 7 yard line or fraction thereof, point shoulder shooting, fire 2 rounds on command in 3 seconds for 12 rounds. Between each 2 rounds holster, repeat until all rounds have been fired.~~

~~(1) On command, draw and fire 6 rounds in 8 seconds from point shoulder positions.~~

~~(2) On command draw and fire 4 rounds strong hand only, point shoulder point in 8 seconds.~~

~~(3) On command, fire 4 rounds, weak hand only, point shoulder position in 10 seconds.~~

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e. ~~Phase 2 – 15 yard point shoulder position~~

~~(1) On command, draw and fire 2 rounds in 3 seconds for 6 (optional to reholster after each 2 rounds)~~

~~(2) On command, draw and fire 6 rounds in 12 seconds, holster.~~

d. ~~Phase 3 – 25 yard, kneeling and standing position on command, assume a kneeling position, draw weapon and fire 6 rounds behind a barricade, than fire 6 rounds strong hand, standing barricade position, until a total of 12 rounds have been fired for a total of 45 seconds for semi automatic pistols or 60 seconds for revolvers. A kneeling position may be fired using a barricade.)~~

e. ~~Scoring:~~

~~(1) B21, B21x targets: use indicated K value with a minimum of 250 points. Multiply by .4 to obtain percentage.~~

~~(2) B27 target: 8, 9 and 10 X rings value 5 points, 7 ring value 4 points, other hits on silhouette value 3 points; multiply by .4 to obtain percent.~~

~~(3) Q target: any fired round striking the bottle area to its marked border value 5 points, any fired round striking outside the bottle area value 3 points.~~

B. Officers of the Department of Corrections, Division of Institutional Services Operations.

1. Handgun

a. Double Action Combat Course.

- Target - Silhouette

- 60 rounds

- Double action only

- Minimum qualifying score - 70% (points per hit on silhouette - minimum 210 points out of a possible 300 points)

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

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

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

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

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

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

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

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

C. Law-enforcement officers, jailors or custodial officers, courtroom security officers, civil process officers and officers of the Department of Corrections, Division of Institutional Services Operations.

1. Special weapons.

a. All agencies whose personnel possess, or have available for immediate use, shotguns or other similar special weapons, shall design an appropriate qualification weapons program and require all applicable personnel to complete annually.

b. The course, number of rounds to be fired and qualification score shall be determined by the agency or approved training school. Documentation of such qualification programs shall be available for inspection by the director or staff.

NOTICE: The forms used in administering 6 VAC 20-30, Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Operations, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Individual Partial In-Service Credit, DCJS Form PIC-1 Form [] eff. 9/93 [(] rev. 11/05 []] .

INDIVIDUAL PARTIAL IN-SERVICE CREDIT

Department of Criminal Justice Services, 202 N. Ninth Street, Richmond, VA 23219

Name of Officer: _____ SS#: _____
(Last) (First) (M.I.)

Agency: _____
(Agency Telephone #) (Agency Fax #)

Requested by: _____
(Signature of Agency Administrator) (Title)

PART A: COURSE INFORMATION

Course Title: _____

Course Dates From: _____ To: _____

Course Location: _____

Course Sponsor: _____

Hours of Training Received: _____ Legal _____ Career Development _____

I certify that the above individual successfully completed the named training for the hours of training indicated.

Signature of Officer Attending Training Date

Typed or Printed Name of Course Coordinator Telephone Number

Signature of Course Coordinator Date

Upon completion of Part A, submit this form and a curriculum that includes the date, time and instructor for each subject, no later than 60 days following the last day of the course to your Regional Field Coordinator

PART B: FOR DCJS USE ONLY

Approved for: _____ Law Enforcement _____ Department of Corrections
_____ Jailor/Custodial Officer _____ Court Security/Process Server

Hours Approved: Legal: _____ Career Development/Elective: _____ Total Hours: _____

DCJS Staff Signature: _____ Date: _____

Regulations

Final Regulation

Title of Regulation: 6 VAC 20-50. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers (amending 6 VAC 20-50-10 through 6 VAC 20-50-90; adding 6 VAC 20-50-21 and 6 VAC 20-50-110; repealing 6 VAC 20-50-100).

Statutory Authority: § 9.1-102 of the Code of Virginia.

Effective Date: July 1, 2007.

Agency Contact: Judith Kirkendall, Job Task Analysis Administrator, Department of Criminal Justice Services, 202 North 9th Street, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, or email judith.kirkendall@dcjs.virginia.gov.

Summary:

The amendments provide that individuals who are jailors or custodial officers, courthouse and courtroom security officers, and process service officers need not be trained in skills that have no bearing on their job performance. The amendments also set up a standing Curriculum Review Committee that will review and recommend changes to the training objectives, criteria for testing, and lesson plan guides for such persons. The amendments specify the process that will be used to change the plan guides.

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.

6 VAC 20-50-10. Definitions.

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

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

"Academy director" means the chief administrative officer of a certified training academy.

"Approved training" means training approved by the department to meet minimum training standards.

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

"Board" means the Criminal Justice Services Board.

"Certified training academy" means a training facility in compliance with academy certification standards operated by

the state or local unit(s) of government for the purpose of providing instruction of compulsory minimum training standards.

"Compulsory minimum training standards" means the categories and performance outcomes approved by the Criminal Justice Services Board.

"Curriculum Review Committee" means a committee consisting of nine individuals representing the conduct of entry-level jailor or custodial officer, courthouse and courtroom security officer, and process service officer training. The composition of the committee shall be three representatives of sheriffs' offices, three representatives of regional jails, two representatives from academies, and one representative of the Department of Criminal Justice Services Jails Training Unit. [The Committee on Training shall appoint the members of the Curriculum Review Committee.]

"Department" means the Department of Criminal Justice Services.

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

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

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

6 VAC 20-50-20. Compulsory minimum training standards.

A. Pursuant to the provisions of subdivisions ~~5, 6 7, 8~~ and ~~7 9~~ of §§ ~~9-170~~ 9.1-102 and § 53.1-120 of the Code of Virginia, the board establishes the following ~~as the standards for~~ standards for Compulsory Minimum Training Standards for full and part-time Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers.

~~A. Core subjects for jailors or custodial officers, courthouse and courtroom security officers and process service officers.~~

~~1. Basic administration. Testing not required.~~

~~a. Orientation.~~

~~b. Notebook construction and notetaking.~~

~~c. Testing and evaluation.~~

~~d. Training standards/training overview.~~

~~2. Background materials.~~

~~a. Code of ethics.~~

~~b. Jail/criminal justice history.~~

~~c. Court systems.~~

~~d. Commonwealth/defense attorneys/judges.~~

- e. Juvenile offender/juvenile justice system.
- f. Freedom of Information Act.
- g. Community relations: public responsibility.
- h. Community relations: probation and parole.
- i. Community relations: work release.
- j. Community relations: community resources.
- k. Community relations: communications and crisis.

3. Legal issues.

- a. Code of Virginia.
- b. Constitutional law and civil liability.
- e. Laws of arrest.
- d. Rules of evidence.
- e. Probable cause.
- f. Juvenile law.
- g. Search and seizure.

4. Combined subjects.

- a. Courtroom demeanor and testimony.
- b. Transportation and physical restraints.
- e. Officer safety and arrest techniques.
- d. Hostages and disturbances.
- e. Unusual prisoners.
- f. Chemical agents.
- g. Firearms.
- h. Standard first aid.
- i. Report writing.
- j. Privacy of criminal history and records.
- k. Searches (cell/persons).
- l. Stress.
- m. Fire safety.
- n. Crisis intervention.

B. Jailors or custodial officers.

1. Jail operations/security.

- a. Standards for local jails/lockups.
- b. Basic security overview.
- e. Supervisory techniques.
- d. Inmate behavior.

- e. Inmate supervision.
- f. Key control/head counts.
- g. Classification.
- h. Receiving and discharging inmates.
- i. Escapes.
- j. Trustees.
- k. Medication.

l. Discipline/due process.

- m. Introduction to fingerprinting.
- n. Protecting a crime scene.
- o. Jail climate and jailors.

C. Courtroom security officers and process service officers.

1. Court security.

- a. Duties and responsibilities.
- b. Security threats, problems, and explosives.
- e. Identification of personnel/package control detection.
- d. Sequestered juries/witnesses.
- e. Moot problem/courtroom search.

2. Civil process.

- a. Laws of civil process and implementation duties.
- b. Department of Motor Vehicles.
- e. Legal document workshop.

TOTALS:

JAILORS OR CUSTODIAL OFFICERS—152

COURTROOM SECURITY OFFICERS AND PROCESS SERVICE OFFICERS—172

B. Performance outcomes are detailed in 6 VAC 20-50-110.

C. Academy training categories.

<u>1. Professionalism, Performance Outcomes</u>	<u>1.1 – 1.3</u>
<u>2. Legal Issues, Performance Outcomes</u>	<u>2.1 – 2.18</u>
<u>3. Communications, Performance Outcomes</u>	<u>3.1 – 3.13</u>
<u>4. Operations, Performance Outcomes</u>	<u>4.1 – 4. 9</u>
<u>5. Investigations, Performance Outcomes</u>	<u>5.1 – 5. 5</u>
<u>6. Defensive Tactics/Use of Force, Performance Outcomes</u>	<u>6.1 – 6.17</u>
<u>7. Weapons Use, Performance Outcomes</u>	<u>7.1 – 7.7</u>

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8. Driver Training, Performance Outcomes 8.1 – 8.3
[9. Physical Training, Performance Outcomes 9.1 – 9.3]

D. Jailor or Custodial Officer Field Training Performance Outcomes. [~~10.1–10.58~~ 9.1 - 9.58]

E. Academy training categories -- Courthouse and Courtroom Security Officer.

1. Court Security Operations and Professionalism (separate requirement) 1.1 – 1.2
2. Legal Issues (same as Jail Performance Outcomes) 2.1 – 2.18
3. Communications (same as Jail Performance Outcomes) 3.1 – 3.13
4. Defensive Tactics/Use of Force (same as Jail Performance Outcome) 6.1 – 6.17
5. Weapons Use (same as Jail Performance Outcomes) 7.1 – 7.7
6. Transportation (same as Jail Performance Outcomes) 8.1 – 8.3
[7. Physical Training (same as Jail Performance Outcomes) 9.1 – 9.6]

F. Courthouse and Courtroom Security Officer Field Training Performance Outcomes. [~~10.1–10.7~~ 9.1 - 9.7]

G. Academy training categories -- Process Service Officer.

1. Process Service Officer Operations (separate requirement) 1.1 – 1.8
2. Legal Issues (same as Jail Performance Outcomes) 2.1 – 2.18
3. Communications (same as Jail Performance Outcomes) 3.1 – 3.13
4. Defensive Tactics/Use of Force (same as Jail Performance Outcomes) 6.1 – 6.17
5. Weapons Use (same as Jail Performance Outcomes) 7.1 – 7.7
6. Transportation (same as Jail Performance Outcomes) 8.1 – 8.3
[7. Physical Training (same as Jail Performance Outcomes) 9.1 – 9.6]

H. Process Service Officer Field Training Performance Outcomes. [~~10.1–10.6~~ 9.1 - 9.6]

6 VAC 20-50-21. Approval authority.

A. The Criminal Justice Services Board shall be the approval authority for the training categories and performance

outcomes of the compulsory minimum training standards. Amendments to the training categories and performance outcomes shall be made in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

B. The Committee on Training of the Criminal Justice Services Board shall be the approval authority for the training objectives, criteria and lesson plan guides that support the performance outcomes. Training objectives, criteria and lesson plan guides supporting the compulsory minimum training standards and performance outcomes may be added, deleted, or amended by the Committee on Training based upon recommendation of a chief of police, sheriff, agency administrator, academy director, Curriculum Review Committee, interested party or member of the community. [Any suggestions received related to training objectives, criteria, and lesson plan guides shall be reviewed at the regularly scheduled meeting of the Curriculum Review Committee. If comment is received at any public hearing, the Committee on Training may make a decision at that time.] Changes to the training categories and performance outcomes will only be made in accordance with the provisions of the Administrative Process Act.

C. Prior to approving changes to the training objectives, criteria or lesson plan guides, the Committee on Training shall conduct a public hearing. Sixty days prior to the public hearing, the proposed changes shall be distributed to all affected parties for the opportunity to comment. Notice of change of training objectives, criteria, and lesson plan guides shall be filed for publication in the Virginia Register of Regulations upon adoption, change or deletion. The department shall notify each certified academy in writing of any new, revised, or deleted objectives. Such adoptions, changes or deletions shall become effective 30 days after notice of publication in the Virginia Register. Changes to the training categories and performance outcomes will only be made in accordance with the provisions of the Administrative Process Act.

6 VAC 20-50-30. Applicability.

A. Every person employed as a jailor or custodial officer in accordance with subdivision 9 of § 9-170(7), 9.1-102 of the Code of Virginia; shall meet compulsory minimum training standards established in subsections A and B, C, and D of 6 VAC 20-50-20 unless provided otherwise in accordance with subsection E D of this section.

B. Every person employed as a Courthouse and Courtroom Security Officer/Deputy Sheriff Designated to Serve Process in accordance with subdivisions 5 and 6 subdivision 7 of § 9-170 9.1-102 of the Code of Virginia; shall meet compulsory minimum training standards established in subsections A E and E F of 6 VAC 20-50-20 unless provided otherwise in accordance with subsection E D of this section.

C. Every person employed as a Deputy Sheriff Designated to Serve Process in accordance with § 15.2-1612.1 of the Code of Virginia shall meet compulsory minimum training standards established in subsections G and H of 6 VAC 20-50-20 unless provided otherwise in accordance with subsection D of this section.

~~C.~~ D. The director may grant an exemption or partial exemption of the compulsory minimum training standards as established herein, in accordance with § ~~9-173~~ 9.1-116 of the Code of Virginia.

6 VAC 20-50-40. Time requirement for completion of training.

A. Every jailor or custodial officer, courthouse and courtroom security officer and process service officer who is required to comply with the compulsory minimum training standards shall satisfactorily complete such training within 12 months of the date of appointment as a jailor or custodial officer, courtroom security officer or process service officer unless provided otherwise in accordance with subsection B of this section.

B. The director may grant an extension of the time limit for completion of the minimum training required upon presentation of evidence by the agency administrator that such officer was unable to complete the required training within the specified time limit due to illness, injury, military service, special duty assignment required and performed in the public interest or leave without pay or suspension pending investigation or adjudication of a crime. The agency administrator shall request such extension prior to expiration of any time limit.

C. Any jailor or custodial officer, courthouse and courtroom security officer or process service officer who originally complied with all applicable training requirements and later separated from jailor or custodial officer, courtroom security officer, process service officer status, in excess of 24 months, upon reentry as a jailor, courthouse and courtroom security officer/process server will be required to complete all compulsory minimum training standards unless provided otherwise in accordance with 6 VAC 20-50-30 ~~E~~ D.

6 VAC 20-50-50. How compulsory minimum training may be attained.

A. The compulsory minimum training standards shall be attained by attending and satisfactorily completing ~~an approved performance outcomes at certified training school~~ academy and field training requirements.

B. Officers attending ~~an approved~~ a certified training school academy are required to attend all classes and should not be placed on duty or on call except in cases of emergency.

C. All ~~approved certified training schools which~~ academies that begin on or after July 1, ~~1990~~ 2006, shall be conducted

in conformance with the Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers as amended by the board on ~~April 4, 1990~~ [July 1, 2007]. However, the period ~~July 1, 1990~~ [July 1, 2007], through ~~June 30, 1991~~ [July 1, 2007], shall serve as a transition period wherein certified training schools academies may be approved by the department to conduct training according to the Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process as amended by the board on April 1, 1987, or according to the Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers as amended by the board on ~~April 4, 1990~~ [July 1, 2007].

6 VAC 20-50-60. ~~Approved training schools~~ Certified training academies.

~~A. Jailor or custodial officer training schools, in order to meet 6 VAC 20-50-20 A and B of this chapter, shall be approved by the department prior to the first scheduled class. Courthouse and Courtroom security officers and process service officers training schools, in order to meet 6 VAC 20-50-20 A and C of this chapter, shall be approved prior to the first scheduled class. Combined jailor or custodial officer, courthouse and courtroom security officers and process service officer training schools, in order to meet 6 VAC 20-50-20 A, B and C of this chapter, shall be approved prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing the subjects, the instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30 day requirement may be granted for good cause shown by the school director.~~

A. To become a certified academy, a state or local unit of government must demonstrate a need that contains the following elements:

1. The inability to obtain adequate training from existing academies or a sufficient hardship that renders the use of other existing academies impractical.
2. Based upon a training needs assessment, a sufficient number of officers to warrant the establishment of a full-time training function for a minimum of five years.

B. In addition, the state or local unit of government must make the following commitments:

Regulations

1. Provide a full range of training to include entry-level training, in-service training, instructor certification and recertification training and specialized training.

2. Assignment of one position with primary responsibility as academy director and one clerical position to support training and training-related functions.

3. Maintain a training facility adequate to conduct training in accordance with academy certification standards.

4. Commitment of sufficient funding to adequately support the training function.

C. Process.

1. The state or local governmental unit shall submit a justification, as outlined in subsection B of this section, to the Committee on Training, which shall review the justification and make a recommendation to the department as to whether the establishment of an academy is warranted.

2. If the Committee on Training recommends the establishment of the proposed academy, the department shall make a determination as to whether the establishment of the academy is warranted.

3. If the establishment of the academy is approved by the department, the proposed academy must successfully complete the academy certification process and be in compliance with § 15.2-1747 of the Code of Virginia.

~~B. D.~~ Each school certified academy director will be required to shall maintain a file of all current lesson plans and supporting material for each subject contained in the compulsory minimum training standards. The certified training academy shall submit to the department its curriculum and other information as designated within time limits established by the department.

~~C. Schools which~~ E. Certified academies that are approved ~~will shall~~ be subject to inspection and review by the director.

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

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

6 VAC 20-50-70. Grading.

~~A. Each officer designated as provided for in 6 VAC 20-50-30 A and C shall comply with the applicable performance objectives and subjects set forth in 6 VAC 20-50-20 and the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers" (October 1989), which is incorporated by reference and made a part of this regulation.~~

~~B. A.~~ All approved certified training schools academies shall utilize testing procedures which that indicate that every officer, prior to satisfactory completion of the training school, has passed the criteria for testing and met the requirements set forth in training objectives related to each performance objective outcome specified in the document entitled "Performance Based Training and Testing Objectives Outcomes for Compulsory Minimum Training Standards for Jailors or Custodial Officer, Courthouse and Courtroom Security Officers and Process Service Officers."

~~C. B.~~ The officer may be tested and retested as may be necessary within the limits of 6 VAC 20-50-40 A of these rules and each certified training academy's written policy. An officer shall not be certified as having complied with the compulsory minimum training standards unless all applicable requirements have been met.

C. Certified training academies shall maintain accurate records of all tests, grades and testing procedures. Academy training records must be maintained in accordance with the provisions of these rules and §§ 42.1-76 through 42.1-91 of the Code of Virginia.

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

- ~~1. Nomenclature and care of service handgun;~~
- ~~2. Safety (on the firearms range, on duty and off duty);~~
- ~~3. Legal responsibilities and liabilities of firearms;~~
- ~~4. Service handgun (handling, firing principles);~~
- ~~5. Dry firing and application of basic shooting principles;~~

- 6. Prequalification shooting (150 rounds, minimum);
- 7. Virginia Modified Double Action Course (70% minimum qualification required);
- 8. Qualification (70% minimum required) on one of the following record courses:
 - a. Modified Tactical Revolver Course
 - b. Modified Practical Pistol Course
 - c. Virginia Modified Combat Course I
 - d. Virginia Modified Combat Course II

E. Familiarization with the police shotgun (20 rounds required shoulder and hip position).

6 VAC 20-50-80. Failure to comply with rules and regulations.

Any jailor or custodial officer, courthouse and courtroom security officer and process service officer attending an approved training school shall comply with the rules and regulations promulgated by the board and any other rules and regulations within the authority established by the approved training school. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school. Notification of such action shall be reported in writing within 48 hours to the officer's agency administrator and the director.

Any individual attending a certified training academy shall comply with the rules and regulations promulgated by the department. The academy director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the academy director considers a violation of the rules and regulations detrimental to the welfare of the academy, the academy director may expel the officer from the academy. Notification of such action shall immediately be reported, in writing, to the agency administrator of the officer in accordance with rules and regulations within the authority of the certified training academy.

6 VAC 20-50-90. Administrative requirements.

- A. Reports will be required from the agency administrator and school director on forms approved or provided by the department and at such times as designated by the director.
- B. The school director shall, within 30 days upon completion of an approved training school session, submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session.

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

~~D. Approved training schools for jailors or custodial officers, courthouse and courtroom security officers and process service officers shall maintain accurate records of all tests, grades and testing procedures. Training school records shall be maintained in accordance with the provisions of these rules and §§ 42.1-67 through 42.1-91 of the Code of Virginia.~~

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

~~B. The agency administrator shall forward a properly executed field training form to the department for each officer within 12 months of employment.~~

~~C. The academy director shall, within 30 days upon completion of approved training, comply with the following:~~

~~1. Submit to the department a roster containing the names of those officers who have satisfactorily completed the compulsory minimum training standards.~~

~~2. Submit to the department the final curriculum with the training objectives, hours and instructor names listed.~~

~~D. The academy director shall furnish each instructor with the applicable performance outcomes, criteria and lesson plan guides for assigned subject matter.~~

~~The academy director shall maintain a final curriculum that includes performance outcomes, hours and instructor names.]~~

6 VAC 20-50-100. Effective date. (Repealed.)

~~This chapter shall be effective on and after July 1, 1990 and until amended or repealed.~~

6 VAC 20-50-110. Performance outcomes.

Jail, Court Security, Civil Process Service Performance
Outcomes -- Category 1
Professionalism

In conjunction with responding to calls for jail, court security or civil process service, the officer must demonstrate professionalism in every aspect of performance of these services. The officer faces challenges every day that require knowledge, judgment, skill, and ability from multiple and varied sources. To meet those successfully, the officer must attain and maintain professionalism in the performance of all duties. Expected performance outcomes include the following:

1.1. - 1.3. Jail and 1.6. - 1.8. Court Security/Civil Process Professionalism

1.1. and 1.6 (CS/CP) Maintain a professional appearance with respect to clothing, grooming, and equipment.

Regulations

1.2. and 1.7 (CS/CP) Behave in a fair, positive and courteous manner with inmates and the public to develop a trust relationship and positive community relationship.

1.3. and 1.8 (CS/CP) Apply knowledge of the law relating to gambling and identify its impact on professionalism.

Jail, Court Security, Civil Process Service Performance
Outcomes -- Category 2

Legal Issues

In conjunction with responding to calls for jail, court security, or civil process service, the officer must identify legal requirements related to the Constitution of the United States, the Code of Virginia, and/or local ordinances where applicable. Expected performance outcomes include this basic knowledge and cover the following:

2.1 - 2.16 Basic Law

2.1. Perform the duties of a deputy/jail officer in compliance with constitutional requirements and the Bill of Rights.

2.2. Perform the duties of a deputy/jail officer/court security or civil process service officer with awareness of personal and agency liability.

2.3. Perform duties of a deputy/jail officer according to laws governing the office of sheriff and regional jails.

2.4. Respond to request by determining whether the facts are civil or criminal.

2.5. Obtain an arrest warrant from proper authority.

2.6. Arrest persons with a warrant.

2.7. Arrest persons without a warrant.

2.8. Answer questions regarding the progress of a case according to rules of privacy and security controlling access to records.

2.9. Serve mental health commitment papers.

2.10. Apply knowledge of the law to related to family abuse and protective orders.

2.11. Apply knowledge of law to obtain information from a subject conforming to constitutional requirements.

2.12. Conduct searches and seizures under the following conditions:

- with and without a warrant
- incident to hot pursuit
- with or without consent
- incident to arrest

- confer with the local Commonwealth's Attorney under unusual search and seizure circumstances

2.13. Frisk or search a subject.

2.14. Identify, establish custody of, and record a chain of custody for evidence, seized or detained property, or recovered property.

2.15. Identify legal basis for use of force by an officer.

2.16. Identify the circumstances under which a person is fingerprinted.

Jail, Court Security, Civil Process Service Performance
Outcomes -- Category 3

Communications

In conjunction with responding to calls for jail, court security, civil process service, the officer must demonstrate knowledge of and ability to utilize a variety of communication skills designed to support the various duties required of the officer. Expected performance outcomes include this basic knowledge and cover the following:

3.1 - 3.13.

3.1. Communicate with law-enforcement and detention facility personnel to exchange information in order to obtain or provide assistance in an investigation.

3.2. Interview a complainant, witness, victim, or inmate.

3.3. Summarize in writing the statements of inmates, witnesses and complainants.

3.4. Answer inquiries from prisoners or about prisoners according to agency policy (including talking with family, other people authorized by adult prisoners, or other agencies).

3.5. Calm emotionally upset individuals, and communicate an emergency message.

3.6. Use crisis communication techniques as appropriate (hostile/confrontational persons). Maintain calm and prevent a situation from becoming worse.

3.7. Stop or intervene with persons attempting to commit suicide.

3.8. Write reports.

3.9. Prepare written reports to record injuries to inmates, an officer, and an employee or a civilian.

3.10. Prepare for court testimony and testify in court; in a legal and an administrative proceeding; before grand juries; in criminal trials; in evidence suppression hearings; in implied consent hearings; at probable cause hearings.

3.11. Verbally communicate with people with different levels of understanding.

3.12. Manage stress professionally.

Jail Performance Outcomes -- Category 4

Operations

In conjunction with responding to calls for jail services, the officer must demonstrate knowledge and ability to perform duties related to jail operations. Expected performance outcomes include this basic knowledge and cover the following:

4.1 - 4.9.

- 4.1. Commit a prisoner to a jail.
- 4.2. Supervise an inmate within a jail according to classification criteria.
- 4.3. Identify the records, documents and reports used within a jail.
- 4.4. Monitor visitors and inmates.
- 4.5. Observe and supervise inmates within and outside of a jail.
- 4.6. Transfer and/or release an inmate from a jail.
- 4.7. Protect inmates as needed and control violent or unruly inmates.
- 4.8. Administer cardio-pulmonary resuscitation (CPR) and basic first aid.
- 4.9. Conduct jail operations with awareness of terrorism possibilities.

Jail Performance Outcomes -- Category 5

Investigations

In conjunction with responding to calls for jail services, the officer must demonstrate knowledge and ability relating to investigational skills designed to support the various duties of an officer. Expected performance outcomes include this basic knowledge and cover the following:

5.1. - 5.5.

- 5.1. Investigate complaints from inmates.
- 5.2. Use structured problem solving method to identify and alleviate the causes of problems within the jail.
- 5.3. Observe individual to recognize signs of abnormal behavior/mental illness.
- 5.4. Investigate unusual odors and sounds.
- 5.5. Investigate injuries to inmates.

Jail, Court Security, Civil Process Service Performance Outcomes -- Category 6

Defensive Tactics/Use of Force

In conjunction with responding to calls for jail, court security, civil process service, the officer must demonstrate knowledge of and ability to utilize a variety of defensive tactics along with judgment necessary to evaluate a situation relating to appropriate use of force. The safety of the officer and the public being served is vitally influenced by this knowledge and ability. Expected performance outcomes include this basic knowledge and cover the following:

6.1. - 6.5. Officer Safety

- 6.1. Search juvenile(s), visitor(s), subject(s), arrested person(s), or inmates(s)
- 6.2. Restrain publicly intoxicated, disruptive, or violent individuals.
- 6.3. Participate in cell and area searches when assigned.
- 6.4. Extract a subject out of a vehicle and a cell.
- 6.5. Approach people on foot and from department vehicle.

6.6 - 6.7. Judgment and Use of Force Criteria

- 6.6. Identify necessary and appropriate use of force.
- 6.7. Break up fights between two or more persons.

6.8. - 6.13. Weaponless Defense Techniques

- 6.8. Use weaponless techniques to subdue a subject resisting arrest or to control a subject.
- 6.9. Subdue a physically attacking person.
- 6.10. Subdue a noncompliant subject/inmate and place in a prone position.
- 6.11. Pursue a fleeing subject/inmate on foot and subdue the subject/inmate when apprehended.
- 6.12. Use touch pressure or striking pressure to control a subject/inmate.
- 6.13. Disarm an armed subject.

6.14. Impact Weapon Techniques

- 6.14. Use an impact weapon to control a subject.

6.15. Physical Restraints

- 6.15. Handcuff subject(s) and apply restraints.

6.17. - 6.18. Chemical Agents

- 6.17. Use chemical agents and other crowd management equipment.

Regulations

6.18. Control nonviolent groups, hostile groups, and/or disorderly assemblies and when necessary, physically restrain a crowd or confront in tactical formation.

Jail, Court Security, Civil Process Service Performance Outcomes -- Category 7

Weapons Use

In conjunction with responding to calls for jail, court security, civil process service, the officer must demonstrate knowledge of and ability to utilize a variety of weapons along with judgment necessary to evaluate a situation relating to appropriate use of force. The safety of the officer and the public being served is vitally influenced by this knowledge and ability. Expected performance outcomes include this basic knowledge and cover the following:

7.1. - 7.6. Firearms - Using, Cleaning, Transporting, Security

- 7.1. Clean and inspect weapon system.
- 7.2. Using proper hand grip and observation, draw issued weapon from holster.
- 7.3. Clear stoppage in semi-automatic weapons, revolvers, and shotguns. Demonstrate safe handling of weapons on the range and on and off duty.
- 7.4. Fire a handgun and shotgun in various combat situations using issued equipment.
- 7.5. Secure weapons while off duty.
- 7.6. Carry a firearm when off duty.

Jail, Court Security, Civil Process Service Performance Outcomes -- Category 8

Transportation

In conjunction with responding to calls for jail, court security, civil process service, the officer must demonstrate knowledge of and ability to drive a vehicle. The safety of the officer and the public being served is vitally influenced by this knowledge and ability. Expected performance outcomes include this basic knowledge and cover the following:

8.1. - 8.3. Judgment and Application

- 8.1. Operate agency vehicle on various road surfaces and conditions.
- 8.2. Transport person(s) to various locations outside of the institution.
- 8.3. Transport ill or injured subject to receive medical care.

[~~Jail, Court Security, Civil Process Performance Outcomes -- Category 9~~

Physical Training

~~In conjunction with responding to calls for jail, court security, or civil process service, the officer must demonstrate knowledge of physical skills and ability necessary to carry out these tasks. The safety of the officer and the public being served is vitally influenced by this knowledge and ability. Expected performance outcomes include this basic knowledge and cover the following:~~

9.1. ~~9.3. Fit for Service~~

- ~~9.1. Participate in physical training requirements of basic academy training.~~
- ~~9.2. Ascend and descend two flights of stairs.~~
- ~~9.3. Lift, drag or push a heavy object or inmate and, when necessary, extract a person from a cell or vehicle to effect a rescue.]~~

Jail Performance Outcomes -- Category [~~10~~ 9]

Field Training

In conjunction with completing basic academy training, the deputy/jail officer must identify requirements related to the employing agency, and community resources and agencies that may assist a person in need. Expected performance outcomes include this basic knowledge and cover the following:

[~~10.1. --- 10.31.~~ 9.1 - 9.31], Policies, Procedures, and Operations

- [~~10.1~~ 9.1]. Identify agency policy regarding professional appearance related to clothing and grooming.
- [~~10.2~~ 9.2]. Identify agency policy and procedures for handling violations of professional, ethical, or legal standards of conduct by fellow deputies/jail officers.
- [~~10.3~~ 9.3]. Identify agency policies related to commitment and treatment of prisoners.
- [~~10.4~~ 9.4]. Identify agency policy and procedure related to treatment of juvenile offenders.
- [~~10.5~~ 9.5]. Identify agency policy and procedure related to communicating information about a prisoner to internal and external authorities.
- [~~10.6~~ 9.6]. Identify agency policy and procedure for obtaining assistance for communicating with various cultural backgrounds or with various disabilities.
- [~~10.7~~ 9.7]. Identify agency policy and procedure related to receiving, securing, and disbursing funds from an inmate's personal account.

[~~10.8~~ 9.8]. Identify agency policy related to filing and retrieving records in agency system.

[~~10.9~~ 9.9]. Identify agency policy related to removing a report from agency records system as appropriate and required by law and when assigned to make this removal.

[~~10.10~~ 9.10]. Identify agency policy for reporting maintenance problems.

[~~10.11~~ 9.11]. Identify agency policy for performing a safety inspection.

[~~10.12~~ 9.12]. Identify agency policy and procedures for participating in searches with multiple agencies.

[~~10.13~~ 9.13]. Identify agency policy and procedure for conducting interrogations.

[~~10.14~~ 9.14]. Identify agency policy regarding the communication of emergency messages.

[~~10.15~~ 9.15]. Identify agency policy and procedure for documenting proceedings related to dealing with emotionally upset individuals.

[~~10.16~~ 9.16]. Identify agency policy and procedure for documenting proceedings related to a inmate who commits suicide.

[~~10.17~~ 9.17]. Identify agency policy and procedures for obtaining an emergency custody order or temporary detention order.

[~~10.18~~ 9.18]. Identify department policy related to explaining a violation of county or municipal ordinance(s) that is the basis for issuing a summons to a violator.

[~~10.19~~ 9.19]. Identify department policy relating to use of discretion regarding a violation of law or ordinance.

[~~10.20~~ 9.20]. Identify agency policy and procedure for establishing and tracking chain of custody of evidence.

[~~10.21~~ 9.21]. Identify agency policy, procedure, and documentation required for return of property held as evidence when lawfully released.

[~~10.22~~ 9.22]. Identify agency policy and procedure for making a warrantless arrest.

[~~10.23~~ 9.23]. Identify agency policy regarding information that may be given to families of adult defendants.

[~~10.24~~ 9.24]. Identify agency policy and procedure to initiate inmate disciplinary actions.

[~~10.25~~ 9.25]. Identify agency policy and procedure to issue and document provision of nonprescription and prescription medicine in the absence of medical staff.

[~~10.26~~ 9.26]. Identify agency policy related to sexual harassment in the workplace.

[~~10.27~~ 9.27]. Identify agency policy and procedure related to operation of emergency vehicles.

[~~10.28~~ 9.28]. Identify agency policy and procedures to follow upon the death of an inmate.

[~~10.29~~ 9.29]. Identify agency policy and procedure for interrogations.

[~~10.30~~ 9.30]. Identify department policy related to use of records, documents, and reports within the department.

[~~10.31~~ 9.31]. Identify department policy and procedure for transporting and escorting a person for the purpose of obtaining personal property from a person under a restraining order.

[~~10.32—10.37~~ 9.32 - 9.37]. Use of Force, Weapons Use

[[~~10.32~~ 9.32]. Identify agency policy related to use of force.

[~~10.33~~ 9.33]. Identify agency policy related to use of restraints, weapons (including impact weapons), electronic immobilization devices, and chemical sprays.

[~~10.34~~ 9.34]. Identify agency policy and procedure for documenting injuries to a prisoner.

[~~10.35~~ 9.35]. Identify agency policy and procedure for documenting injuries to staff.

[~~10.36~~ 9.36]. Identify agency policy and procedure for documenting incidents that required a use of force.

[~~10.37~~ 9.37]. Identify agency policy related to carrying a firearm while off duty.

[~~10.38—10.40~~ 9.38 - 9.40]. Transporting Prisoners

[[~~10.38~~ 9.38]. Identify agency policy related to medical transports involving rescue squads or other nonagency vehicle.

[~~10.39~~ 9.39]. Identify agency policy related to nontraditional medical transports, i.e., pregnant inmate, disabled inmate (various disabilities), etc.

[~~10.40~~ 9.40]. Identify agency policy and procedure for searching, securing, and transporting a prisoner to mental health facility.

[~~10.41—10.44~~ 9.41 - 9.44]. Safety Training

[~~10.41~~ 9.41]. Complete the Virginia Occupational Safety and Health training related to exposure to blood-borne pathogens.

[~~10.42~~ 9.42]. Demonstrate use of protective gear for air borne pathogens.

[~~10.43~~ 9.43]. Notify persons exposed to blood or body fluids while assisting a deputy or jail officer that they have a right to the test results for HIV or hepatitis.

Regulations

[~~10.44~~ 9.44]. Identify procedure for a deputy or jail officer to follow to obtain a blood sample from an individual related to a blood exposure.

[~~10.45—10.61~~ 9.45 - 9.61]. General Tasks

[~~10.45~~ 9.45]. Stand, walk or sit for more than half of work shift.

[~~10.46~~ 9.46]. Perform duties while wearing heavy equipment other than a gun belt (SCBA, Scott Air Pack, Ballistic Vest, Riot Gear).

[~~10.47~~ 9.47]. Participate in drills (fire, disaster, hostage situations, and/or evacuations).

[~~10.48~~ 9.48]. Facilitate group meetings within facility, if assigned.

[~~10.49~~ 9.49]. Review incoming and outgoing mail and distribute mail.

[~~10.50~~ 9.50]. Operate controls and radios for facility.

[~~10.51~~ 9.51]. Inspect security devices and report deficiencies.

[~~10.51~~ 9.52]. Maintain security of keys and tools and report discrepancies.

[~~10.53~~ 9.53]. Report and document need for repairs to any equipment or tools used in the facility.

[~~10.54~~ 9.54]. Inspect/wear emergency response equipment and protective gear/apparatus of agency and report any deficiencies.

[~~10.55~~ 9.55]. Operate agency fire extinguisher to extinguish fires.

[~~10.56~~ 9.56]. Check audio/video communications equipment for proper operation and report any deficiencies.

[~~10.57~~ 9.57]. Discuss any personal or on-the-job problems with your supervisor.

[~~10.58~~ 9.58]. Inspect electrical wiring, plugs, and receptacles for operation and safety.

[~~10.59~~ 9.59]. Inventory forms and other supplies.

[~~10.60~~ 9.60]. Test emergency power supply when directed.

[~~10.61~~ 9.61]. Fingerprint subject for commitment to jail if assigned.

Separate Court Security Performance Outcomes

1.1.– 1.5. Operations

1.1. Search courtrooms and court related areas for hidden weapons and contraband.

1.2. Search courtrooms and court related areas for hidden weapons and contraband.

1.3. Conduct periodic security checks to identify, correct and document any security breaches.

1.4. Evacuate courtrooms and court buildings in an emergency.

1.5. Conduct court security procedures with awareness of terrorism possibilities.

[~~10.1—10.8~~ 9.1-1 - 9.1-8]. Court Security Field Training

[~~10.1~~ 9.1]. Identify agency policy regarding professional appearance related to clothing and grooming.

[~~10.2~~ 9.2]. Identify agency policy and procedures for handling violations of professional, ethical, or legal standards of conduct by fellow deputies/court security officers.

[~~10.3~~ 9.3]. Identify agency policies related to security of prisoners in court and determining any special security needs.

[~~10.4~~ 9.4]. Identify agency policy and procedure related to treatment of juvenile prisoners.

[~~10.5~~ 9.5]. Identify agency policy and procedure related to communicating information about a prisoner to internal and external authorities.

[~~10.6~~ 9.6]. Identify agency policy and procedure for obtaining assistance for communicating with various cultural backgrounds or with various disabilities.

[~~10.7~~ 9.7]. Identify department policy relating to emergency evacuation plans for courtrooms and courthouses.

[~~10.8~~ 9.8]. Identify department policy and procedures related to jury protection and jury sequestering.

Separate Civil Process Service Performance Outcomes

1.1 – 1.8. Operations

1.1. Serve civil process and/or make proper return.

1.2. Handle problems encountered with animals during evictions and levies.

1.3. Halt civil process proceedings due to bankruptcy.

1.4. Notify jurors for potential jury service when assigned.

1.5. Execute levies.

1.6. Serve eviction notices.

1.7. Execute eviction orders using deputy safety precautions.

1.8. Oversee removal of physical property of evictee from premises.

[~~10.1.~~ ~~10.6~~ 9.1. – 9.6]. Civil Process Service Field Training

[~~10.1~~ 9.1]. Identify agency policy regarding professional appearance related to clothing and grooming.

[~~10.2~~ 9.2]. Identify agency policy and procedures for handling violations of professional, ethical, or legal standards of conduct by fellow process service officers.

[~~10.3~~ 9.3]. Identify agency policy and procedure related to communicating information about service of process to internal and external authorities.

[~~10.4~~ 9.4]. Identify agency policy and procedure for obtaining assistance for communicating with various cultural backgrounds or with various disabilities.

[~~10.5~~ 9.5]. Identify agency policy and procedures for eviction when an outstanding warrant exists.

[~~10.6~~ 9.6]. Identify department policy related to explaining a violation of county or municipal ordinance(s) that is the basis for service of process.

<p>NOTICE: The forms used in administering 6 VAC 20-50, Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p>

FORMS

Application for Exemption from Virginia Compulsory Minimum Training Standards, Form W-2 (rev. 8/05).



		FORM W-2 <small>W2 Exemption Form Revised 8/05</small>
APPLICATION FOR EXEMPTION FROM VIRGINIA COMPULSORY MINIMUM TRAINING STANDARDS Section 9.1-116, Code of Virginia (1950), as amended Submit within 30 days of employment to: Department of Criminal Justice Services, 202 N. Ninth Street, Richmond, VA 23219 NOTE: Employing Agency and Applicants must complete Parts A, B, D, E, F on both sides of this application		
A. IDENTIFICATION		
Applicant's Name: (Last, First, Middle Initial)		Social Security Number: _ _ - _ - _
Title or Rank:	Date of Birth: / /	Employment Date: / /
Employing Department:		
B. TYPE OF EXEMPTION <i>(Please check one)</i>		
<input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Dispatcher <input type="checkbox"/> Court Security/Process Server <input type="checkbox"/> Jailor or Custodial Officer <input type="checkbox"/> Corrections Officer, Department of Corrections		
COMPLETE SECTIONS D, E, F ON REVERSE SIDE		
C. DCJS ACTION <i>(DCJS Use Only)</i>		
<input type="checkbox"/> 1. Approved Upon Conditions: Exemption approved upon completion of: a. Options: _____ b. Options to be completed by: _____ c. Field training/On-the-job training required: <input type="checkbox"/> Yes (form attached) <input type="checkbox"/> No (Refer to DCJS website for current form) d. Certification Examination required: <input type="checkbox"/> Yes <input type="checkbox"/> No e. Notification of compliance submitted to this office by: _____ (Form 41 Reporting Roster or letter from Academy Director)		
<input type="checkbox"/> 2. Exemption Not Approved: Reason(s): _____ _____ _____		
Date	DCJS Authorized Signature	Title

cc: Employing Agency, Applicant, Field Coordinator, DCJS Records

D. FORMER EMPLOYMENT

List all previous employment as a criminal justice officer/dispatcher starting with the most recent.

EMPLOYER	BEGIN DATE	END DATE	POSITION
	/ /	/ /	
	/ /	/ /	
	/ /	/ /	
	/ /	/ /	
	/ /	/ /	

E. TRAINING

Please list all criminal justice basic (ENTRY-LEVEL) courses completed

NAME OF BASIC COURSE	COMPLETION DATE	ACADEMY ATTENDED
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	

F. CERTIFICATION

I certify that the preceding statements are true and correct

/ /

Date

Signature of Applicant

I certify that the above statements are correct to the best of my knowledge. Based upon a thorough background investigation, I have determined that this individual has demonstrated sensitivity to cultural diversity issues during previous employment. This individual meets the standards set forth in §9.1-116 of the Code of Virginia. I request an exemption for the compulsory minimum training as designated for the above named employee. Yes No

A Form 21 or Form 31, as applicable, has been previously submitted or is attached. Yes No

/ /

Date

Signature of Agency Administrator

Name of contact person:

E-mail address:

Phone No. - -

FAX No. - -

G. VERIFICATION (DCJS Use Only)

Employment and training status verified:

Staff initials and date

Training: DCJS Records

Out of State:

Name

Logged out and mailed:

Staff initials and date

W2 Exemption Form Revised 6 04

VA.R. Doc. No. R05-208; Filed December 19, 2006, 8:54 a.m.

Regulations

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Final Regulation

Title of Regulation: **12 VAC 5-585. Biosolids Use Regulations (amending 12 VAC 5-585-310, 12 VAC 5-585-460, 12 VAC 5-585-480 and 12 VAC 5-585-490).**

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

Effective Date: February 9, 2007.

Agency Contact: C.M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, 109 Governor Street, 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475, or email cal.sawyer@vdh.virginia.gov.

Summary:

The amendments (i) require entities issued permits for land application of biosolids to provide written evidence of financial responsibility to the Virginia Department of Health (VDH) and to each locality in which they are permitted to land apply biosolids; (ii) require permit holders to inform VDH, the affected local governments, and the treatment facility from which the biosolids originated of complaints and to begin an investigation within 24 hours of receiving a complaint; (iii) require permitted entities to provide notification in writing at least 15 days prior to commencing the land application process to local governments in whose jurisdiction biosolids are being applied; (iv) require permitted entities to post signs at all land application sites at least 48 hours prior to the application of biosolids; and (v) hold permit holders responsible for the cleanup and removal of biosolids spilled during transport to the land application site or to and from a storage facility.

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.

12 VAC 5-585-310. Additional monitoring, reporting and recording requirements for land application.

A. Either the Operation and Maintenance Manual, sludge management plan, or operating plan, shall contain a schedule of the required minimum tests necessary to monitor land application operation. Such testing schedule information for land application of biosolids shall contain instructions for recording and reporting. Monitoring of any associated land treatment systems shall be in accordance with the biosolids use Operation and Maintenance Manual if provided.

B. The permit holder shall provide to the Department of Health, and to each locality in which it is permitted to land

apply biosolids, written evidence of financial responsibility, including both current liability and pollution insurance, or such other evidence of financial responsibility as the board may establish by regulation in an amount not less than \$1 million per occurrence, which shall be available to pay claims for cleanup costs, personal injury, bodily injury and property damage resulting from the transport, storage and land application of biosolids in Virginia. The aggregate amount of financial liability maintained by the permit holder shall be \$1 million for companies with less than \$5 million in annual gross revenue and shall be \$2 million for companies with \$5 million or more in annual gross revenue.

C. Evidence of financial responsibility, which may include liability insurance, meeting the requirements herein shall be maintained by the permit holder at all times that it is authorized to transport, store or land apply biosolids in Virginia. The permit holder shall immediately notify the Department of Health in the event of any lapse or cancellation of such financial resources, including insurance coverage, as required by this section.

12 VAC 5-585-460. General.

A. 12 VAC 5-585-460 through 12 VAC 5-585-500 provide minimum criteria which will be used for reviewing sludge management plans and operating plans. Each plan shall address site-specific management practices involving use of biosolids. Final disposition of sludge may involve use or disposal. For the purpose of 12 VAC 5-585-460 through 12 VAC 5-585-500, "use" shall include resource recovery, recycling or deriving beneficial use from the material. "Disposal" shall involve the final disposition of a waste material without resource recovery, recycling or deriving beneficial use from the material.

B. All practical use options should be evaluated before disposal options are evaluated or selected. Biosolids use practices include land application for agricultural, nonagricultural and silvicultural use and the distribution and marketing of exceptional quality biosolids. Sludge disposal methods include incineration, landfill codisposal, surface disposal, and other dedicated disposal practices, such as burial on dedicated disposal sites.

C. Water quality protection and monitoring provisions shall be included in all sludge management plans and operating plans, except for those land application practices designed for limited loadings (amounts per area per time period) within defined field areas in agricultural use. Groundwater monitoring requirements shall be evaluated by the commissioner for annual application of biosolids to specific sites, reclamation of disturbed and marginal lands and application to forest land (silviculture). Submittal of site-specific (soils and other) information for each identified separate field area shall be required for issuance of permits 12 VAC 5-585-130. For information regarding handling and disposal of septage, refer to the Sewage Handling and

Disposal Regulations, 12 VAC 5-610-40 et seq. Septage treated and managed in accordance with standards contained in this chapter is defined as either sewage sludge or as biosolids as appropriate.

D. Conformance of biosolids use to local land use zoning and planning should be resolved between the local government and the permit applicant. The permit applicant shall attempt to notify land owners of property within 200 feet and 1,000 feet of the boundaries of sites proposed for frequent use and dedicated sites, respectively, and furnish the division and the chief executive officer or designee for the local government where the site is located with acceptable documentation of such notifications (i.e., intent to land-apply biosolids on the proposed locations). Relevant concerns of adjacent landowners will be considered in the evaluation of site suitability.

E. The requirements for processing approvals of sludge management plans and operational plans are included in 12 VAC 5-585-140 H as well as: (i) requirements for notification of applications, hearings and meetings, (ii) minimum information required for completion of a sludge management plan for land application (Part IV, 12 VAC 5-585-620 et seq.).

F. At least 15 days prior to commencing land application of biosolids at a permitted site, the permit holder shall deliver or cause to be delivered written notification that is substantially in compliance with this section to the chief executive officer or designee for the local government where the site is located. If the site is located in more than one county, the information shall be provided to all jurisdictions where the site is located. Sufficiency of such notices shall be determined by the division.

G. The notification required by this section shall include the following:

1. The name, address and telephone number of the permit holder, including the name of a representative knowledgeable of the permit;
2. Identification by tax map number and farm service agency (FSA) farm tract number of parcels on which land application is to take place;
3. A map indicating haul routes to each site where land application is to take place;
4. The name or title, and telephone number of at least one individual designated by the permit holder to respond to questions and complaints related to the land application project;
5. The approximate dates on which land application is to begin and end at the site;

6. The name and telephone number of the person or persons at the Virginia Department of Health to be contacted in connection with the permit;

7. The name, address, and telephone number of the wastewater treatment facility, or facilities, from which the biosolids will originate, including the name or title of a representative of the treatment facility that is knowledgeable about the land application operation.

H. Within 24 hours of receiving notification of a complaint, the permit holder shall commence investigation of said complaint. The permit holder shall confirm receipt of a complaint by phone, e-mail or facsimile to the division, the chief executive officer or designee for the local government, and the owner of the treatment facility from which the biosolids originated within 24 hours after receiving the complaint. Complaints and responses thereto shall be documented by the permit holder and submitted with monthly land application reports to VDH and copied to the chief executive officer or designee for the local government and the owner of the treatment facility from which the biosolids originated.

12 VAC 5-585-480. Land acquisition and management control.

A. When land application of sludge is proposed, the continued availability of the land and protection from improper concurrent use during the utilization period shall be assured. A written agreement shall be established between the landowner and owner, with the information specified in Table A-1. The responsibility for obtaining and maintaining the agreements lies with the party who is the holder of the permit. Site management controls shall include ~~for~~ access limitations relative to the level of pathogen control achieved during treatment. In addition, agricultural use of sludge in accordance with this chapter ~~will~~ is not to result in harm to threatened or endangered species of plant, fish, or wildlife, nor result in the destruction or adverse modification of the critical habitat of a threatened or endangered species. Site-specific information shall be provided as part of the management or operating plan.

B. At least 48 hours prior to delivery of biosolids for land application on any site permitted under this chapter, the permit holder shall post a sign at the site that substantially complies with this section, is visible and legible from the public right-of-way, and conforms to the specifications herein. If the site is not located adjacent to a public right-of-way, the sign shall be posted at or near the intersection of the public right-of-way and the main site access road or driveway to the site. The department may grant a waiver to this or any other requirement, or require alternative posting options due to extenuating circumstances. The sign shall remain in place for at least 48 hours after land application has been completed at the site.

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C. The sign shall be made of weather-resistant materials and shall be sturdily mounted so as to be capable of remaining in place and legible throughout the period that the sign is required at the site. Signs required by this section shall be temporary, nonilluminated, four square feet or more in area and shall only contain the following information:

1. A statement that biosolids are being land-applied at the site;
2. The name and telephone number of the permit holder as well as the name or title, and telephone number of an individual designated by the permit holder to respond to complaints and inquiries;
3. Contact information for the Virginia Department of Health, including a telephone number for complaints and inquiries.

D. The permit holder shall promptly replace or repair any sign that has been removed from a land application site prior to 48 hours after completion of land application or that has been damaged so as to render any of its required information illegible.

12 VAC 5-585-490. Transport.

A. Transport routes should follow primary highways, should avoid residential areas when possible, and should comply with all Virginia Department of Transportation requirements and standards. Transport vehicles shall be sufficiently sealed to prevent leakage and spillage of sludge. For sludges with a solids content of less than 15%, totally closed watertight transport vehicles with rigid tops shall be provided to prevent spillage unless adequate justification is provided to demonstrate that such controls are unnecessary. The commissioner may also require certain dewatered sludges exceeding 15% solids content to be handled as liquid sludges. The minimum information for sludge transport which shall be supplied in the sludge management plan is listed in Part IV (12 VAC 5-585-620 et seq.).

B. The permit holder shall be responsible for the prompt cleanup and removal of biosolids spilled during transport to the land application site or to or from a storage facility. The operations manual shall include a plan for the prevention of spills during transport and for the cleanup and removal of spills. The permit holder shall ensure that its personnel, subcontractors or the drivers of vehicles transporting biosolids for land application shall be properly trained in procedures for spill removal and cleanup.

C. The permit holder shall take appropriate steps to prevent drag-out and track-out of dirt and debris or biosolids from land application sites onto public roads. Where material is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly as soon as practicable, but no later than the end of each day.

D. The permit holder shall promptly report offsite spills to the Virginia Department of Health, the chief executive officer or designee for the local government and the owner of the facility generating the biosolids. The report shall be made verbally as soon as possible, but no later than 24 hours after the discovery of the spill. After business hours notification may be provided by voicemail, facsimile or e-mail.

E. A written report, which shall include a description of measures taken in response to the spill, shall be submitted by the permit holder to the Virginia Department of Health, the chief executive officer or designee for the local government and the owner of the facility generating the biosolids within five working days of the spill. The report may be sent by first class mail, facsimile or e-mail, or it may be hand delivered.

VA.R. Doc. No. R03-57; Filed December 18, 2006, 3:59 p.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

<p><u>REGISTRAR'S NOTICE:</u> 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 that by the Constitution is expressly granted any of the powers of a court of record.</p>

Final Regulation

Title of Regulation: **14 VAC 5-30. Rules Governing Life Insurance and Annuity Replacements (amending 14 VAC 5-30-10 through 14 VAC 5-30-40 and 14 VAC 5-30-60 through 14 VAC 5-30-90; adding 14 VAC 5-30-51 and 14 VAC 5-30-55; repealing 14 VAC 5-30-50, 14 VAC 5-30-100 and Exhibit A).**

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

Effective Date: April 1, 2007.

Agency Contact: Jacqueline K. Cunningham, Deputy Director, State Corporation Commission, Life and Health Division, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9074, FAX (804) 371-9944, toll free 1-800-552-7945 or email marie.cox@scc.virginia.gov.

Summary:

The amendments add annuities to the products under the rules governing replacement and for consistency with the most recent National Association of Insurance Commissioners (NAIC) "Life Insurance and Annuities Replacement Model Regulation." The procedural

requirements for insurers and agents have been amended so that they are consistent with the NAIC Model. The regulation modifies definitions, exemptions and forms.

AT RICHMOND, DECEMBER 12, 2006

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2006-00128

Ex Parte: In the matter of
Adopting Revisions to the
Rules Governing Life
Insurance Replacements

ORDER ADOPTING REVISIONS TO RULES

By order entered herein June 5, 2006, all interested persons were ordered to take notice that subsequent to September 1, 2006, the State Corporation Commission ("Commission") would consider the entry of an Order adopting revisions proposed by the Bureau of Insurance ("Bureau") to the Commission's Rules Governing Life Insurance *and Annuity* Replacements ("Rules"), set forth in Chapter 30 of Title 14 of the Virginia Administrative Code, unless on or before September 1, 2006, any person objecting to the adoption of the proposed revisions filed a request for hearing with the Clerk of the Commission ("Clerk").

The Order to Take Notice also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before September 1, 2006.

Northwestern Mutual ("NM") filed comments to the proposed revisions with the Clerk on July 25, 2006. Northwestern Mutual did not request a hearing.

The American Council of Life Insurers ("ACLI") sent comments electronically to the Bureau, but did not file them with the Clerk and did not request a hearing.

The Bureau filed its Statements of Position in response to the comments filed by NM, as well as the comments sent by the ACLI, on September 21, 2006.

Subsequently, the Bureau revised the proposed Rules, and by Order entered herein October 10, 2006, all interested persons were again provided with the opportunity for comment, or to request a hearing by filed request with the Clerk on or before November 30, 2006. No comments and no requests for hearing were timely filed with the Clerk.

The Bureau recommends that the proposed revised Rules be modified at 14 VAC 5-30-20 in the definition of "financed purchase," to delete the reference to "contract." This revision is in conformity with the most recent National Association of Insurance Commissioners "Life Insurance and Annuities Replacement Model Regulation."

THE COMMISSION, having considered the proposed revisions, the filed comments, and the Bureau's response to and recommendation regarding the comments, is of the opinion that the attached revisions to the Rules should be adopted.

THEREFORE IT IS ORDERED THAT:

(1) The revisions to Chapter 30 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Life Insurance *and Annuity* Replacements," amended at 14 VAC 5-30-10 through 14 VAC 5-30-100 and attached Forms, which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective April 1, 2007.

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Jacqueline K. Cunningham, Deputy Commissioner, Bureau of Insurance, State Corporation Commission who forthwith shall give further notice of the adoption of the revisions to the Rules by mailing a copy of this Order, including a clean copy of the attached final revised Rules, to all insurers licensed by the Commission to write life insurance, variable life insurance, annuities or variable annuities in the Commonwealth of Virginia, and certain interested parties designated by the Bureau of Insurance.

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, including a copy of the attached revised Rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations and shall make this Order and the attached revisions to the Rules available on the Commission's website, <http://www.scc.virginia.gov/caseinfo.htm>.

(4) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements in paragraph (2) of this Order.

**CHAPTER 30.
RULES GOVERNING LIFE INSURANCE AND
ANNUITY REPLACEMENTS.**

14 VAC 5-30-10. Purpose.

The purpose of this chapter (~~14 VAC 5-30-10 et seq.~~) is to regulate the activities of insurers and agents with respect to the replacement of existing life insurance and annuities and to protect the interests of life insurance policyholders and annuity purchasers by establishing minimum standards of conduct to be observed in ~~the~~ replacement or ~~proposed replacement of existing life insurance~~ financed purchase transactions.

14 VAC 5-30-20. Definitions.

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

Regulations

"Agent" or "producer" means ~~a person defined in § 38.2-1800 of the Code of Virginia an individual or business entity that sells, solicits, or negotiates contracts of insurance or annuity in this Commonwealth.~~

"Commission" means the State Corporation Commission.

~~"Conservation" means any attempt by the existing insurer or its agent to discourage a policyowner from the replacement of existing life insurance. A conservation does not include routine administrative procedures such as late payment reminders or late payment or reinstatement offers.~~

~~"Direct response insurer" means an insurer that does not utilize an agent in the sale or delivery of the policy.~~

~~"Direct-response solicitation" means a solicitation through a sponsoring or endorsing entity or individually, made solely through mail, telephone, the Internet or other mass communication media.~~

~~"Existing insurer" means the insurer insurance company whose policy or contract is or is proposed to be replaced will be changed or affected in a manner described within the definition of "replacement."~~

~~"Existing life insurance" means any in force life insurance, including life insurance under a binding or conditional receipt or within the unconditional refund period.~~

~~"Existing policy or contract" means an individual life insurance policy (policy) or annuity contract (contract) in force, including a policy under a binding or conditional receipt or a policy or contract that is within an unconditional refund period.~~

~~"Financed purchase" means the purchase of a new policy [~~or contract~~] involving the actual or intended use of funds obtained by the withdrawal or surrender of, or by borrowing from values of an existing policy [~~or contract~~] to pay all or part of any premium due on the new policy [~~or contract~~]. For purposes of a regulatory review of an individual transaction only, if a withdrawal, surrender or borrowing involving the policy values of an existing policy is used to pay premiums on a new policy owned by the same policyholder and issued by the same company within four months before or 13 months after the effective date of the new policy, it will be deemed prima facie evidence of the policyholder's intent to finance the purchase of the new policy with existing policy values. This prima facie standard is not intended to increase or decrease the monitoring obligations contained in 14 VAC 5-30-60 A 5.~~

~~"Guaranteed elements" means the premiums, benefits, values, credits or charges under a policy of life insurance or an annuity contract that are guaranteed and determined at issue.~~

~~"Illustration" means a presentation or depiction that includes both guaranteed and nonguaranteed elements of a life insurance policy or an annuity contract over a period of years.~~

~~"Insurer" means any individual, corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's, fraternal benefit society, or any other legal entity defined as an "insurer" in the Code of Virginia insurance company required to be licensed under the laws of this Commonwealth.~~

~~"Marketing communication" or "sales material" means oral, printed, written, electronic, or other material of any type from any source which is used by an agent or insurer and which is designed to create or has the effect of creating public interest in life insurance or annuities, or in an insurer or agent, or induces or tends to induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace or retain a policy or contract including, but not limited to:~~

- ~~1. Printed or published material, audiovisual material, mailing envelopes, descriptive literature of an insurer or agent used in direct mail, newspapers, magazines, radio, Internet, telephone and television scripts, billboards or similar displays;~~
- ~~2. Descriptive literature and sales aids of all kinds, authored by the insurer, its agents, or third parties, issued, distributed, or used by an insurer or agent including but not limited to circulars, leaflets, booklets, depictions, illustrations, pictures, form letters, electronic solicitations, pamphlets, brochures, and books or portions thereof;~~
- ~~3. Materials, statements, or communications of any type used for the recruitment, training, and education of an insurer's sales personnel and agents which are designed to be used or are used to induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace, or retain a policy or contract; and~~
- ~~4. Prepared or extemporaneous sales talks, presentations, and material for use or used by sales personnel or agents.~~

~~"Marketing communication" or "sales material" for the purpose of this chapter does not include:~~

- ~~1. Communications or materials used within an insurer's own organization, not used as a sales aid, and not disseminated to the public;~~
- ~~2. Communications with ~~policyholders~~ policy or contract holders other than material urging them to purchase, increase, modify, reinstate, borrow on, surrender, replace, or retain a policy or contract; or [~~contract~~]~~
- ~~3. A general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a policy or program has been written or arranged; provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.~~

~~"Nonguaranteed elements" means the premiums, benefits, values, credits, or charges under a life insurance policy or an~~

annuity contract that are not guaranteed or not determined at issue.

"Policy summary" means:

1. For policies or contracts other than universal life policies, a written statement regarding a policy or contract that shall contain to the extent applicable, but need not be limited to, the following information: current death benefit; annual contract premium; current cash surrender value; current dividend; application of current dividend; and amount of outstanding loan.

2. For universal life policies, a written statement that shall contain at least the following information: the beginning and end date of the current report period; the policy value at the end of the previous report period and at the end of the current report period; the total amounts that have been credited or debited to the policy value during the current report period, identifying each by type (e.g., interest, mortality, expense and riders); the current death benefit at the end of the current report period on each life covered by the policy; the net cash surrender value of the policy as of the end of the current report period; and the amount of outstanding loans, if any, as of the end of the current report period.

"Replacing insurer" means the insurer insurance company that issues or is proposed proposes to issue a new policy or annuity contract that is a replacement of replaces an existing life insurance policy or contract or is a financed purchase.

"Registered contract" means a variable annuity contract or variable life insurance policy subject to the prospectus delivery requirements of the Securities Act of 1933 (15 USC § 77a et seq.).

"Replacement" means any a transaction in which a new life insurance or an annuity has been or policy or contract is to be purchased, and it is known or should be known to the proposing agent, or the proposing insurer if there is no agent is involved, knows or should know that because of such by reason of the transaction, an existing life insurance policy or contract has been or is to be:

1. Lapsed, forfeited, surrendered or partially surrendered, assigned to the replacing insurer, or otherwise terminated;
2. ~~Changed~~ Converted to reduced paid-up or ~~extended term~~ insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;
3. Amended to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force; or for which benefits would be paid;
4. Reissued with any reduction in cash value;
5. Used in a financed purchase.

"Universal life policy" means a life insurance policy in which separately identified interest credits (other than in connection with dividend accumulation, premium deposit funds, or other supplementary accounts) and mortality and expense charges are made to the policy. A universal life policy may provide for other credits and charges, such as charges for the cost of benefits provided by the rider.

14 VAC 5-30-30. Exemptions.

A. Unless otherwise specifically included, this chapter (14 VAC 5-30-10 et seq.) shall not apply to:

1. Replacement of annuity contracts;
2. 1. Credit life insurance;
3. Life insurance issued in connection with a pension, profit sharing, group, or other benefit plan qualifying for tax deductibility of premiums, provided that:
 - a. A portion or all of the premium is paid by someone other than the certificate holder, insured, or beneficiary;
 - b. No individual underwriting is required with respect to any proposed insurance policy, and
 - e. As to any plan otherwise qualifying for exemption by this subsection, full and complete disclosure of all material facts shall be provided the administrator of the plan subject to replacement.
4. Situations where the replacing insurer and the existing insurer are the same.
2. Group life insurance or group annuities where there is no direct solicitation of individuals by an agent. Direct solicitation shall not include any group meeting held by an agent solely for the purpose of educating or enrolling individuals or, when initiated by an individual member of the group, assisting with the selection of investment options offered by a single insurer in connection with enrolling that individual. Group life insurance or group annuity certificates marketed through direct response solicitation shall be subject to the provisions of 14 VAC 5-30-70;
3. Group life insurance and annuities used to fund prearranged funeral contracts;
4. An application to the existing insurer that issued the existing policy or contract when a contractual change or a conversion privilege is being exercised; or when the existing policy or contract is being replaced by the same insurer pursuant to a plan filed and approved by the commission;
5. Proposed life insurance that is to replace life insurance under a binding or conditional receipt issued by the same company;
6. a. Policies or contracts used to fund (i) an employee pension or welfare benefit plan that is covered by the

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Employee Retirement Income Security Act (ERISA) (29 USC § 1001 et seq.); (ii) a plan described by 26 USC §§ 401(a), 401(k) or 403(b) of the Internal Revenue Code, where the plan, for purposes of ERISA, is established or maintained by an employer; (iii) a governmental or church plan defined in 26 USC § 414 of the Internal Revenue Code, a governmental or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax-exempt organization under 26 USC § 457 of the Internal Revenue Code; or (iv) a nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

b. Notwithstanding subdivision a of this subsection, this chapter shall apply to policies or contracts used to fund any plan or arrangement that is funded solely by contributions an employee elects to make, whether on a pretax or after-tax basis, and where the insurer has been notified that plan participants may choose from among two or more insurers and there is a direct solicitation of an individual employee by an agent for the purchase of a policy or contract. As used in this subsection, direct solicitation shall not include any group meeting held by an agent solely for the purpose of educating individuals about the plan or arrangement or enrolling individuals in the plan or arrangement or, when initiated by an individual employee, assisting with the selection of investment options offered by a single insurer in connection with enrolling that individual employee;

7. Where new coverage is provided under a life insurance policy or contract and the cost is borne wholly by the insured's employer or by an association of which the insured is a member;

8. Existing life insurance that is a nonconvertible term life insurance policy that will expire in five years or less and cannot be renewed;

9. Immediate annuities that are purchased with proceeds from an existing contract. Immediate annuities purchased with proceeds from an existing policy are not exempted from the requirements of this chapter;

10. Structured settlements.

B. Registered contracts shall be exempt from the requirements of 14 VAC 5-30-51 A 2 and 14 VAC 5-30-55 B with respect to the provision of illustrations or policy summaries; however, premium or contract contribution amounts and identification of the appropriate prospectus or offering circular shall be required instead.

14 VAC 5-30-40. Duties of agents.

A. ~~Each~~ An agent who initiates an application shall submit to the insurer to whom an application for life insurance is presented, with or as part of the application, a statement signed by both the applicant and the agent as to whether the

applicant has existing policies or contracts. If no policies or contracts are indicated, the agent's duties with respect to replacement are complete.

1. A statement signed by the applicant as to whether replacement of existing life insurance is involved in the transaction; and

2. A statement signed by the agent as to whether the agent knows replacement is or may be involved in the transaction.

B. Where a replacement is involved, the agent shall:

1. Present to the applicant, not later than at the time of taking the application, a replacement notice as described in Exhibit A or other substantially similar form approved by the Commission. The notice shall be signed by both the applicant and the agent and left with the applicant.

2. Obtain with or as part of each application a list of all existing life insurance to be replaced. Such existing life insurance shall be identified by name of insurer and policy number. If a policy number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

3. Leave with the applicant the original or a copy of written or printed marketing communications used for presentation to the applicant.

4. Submit to the replacing insurer with the application a copy of the replacement notice provided pursuant to subdivision B1 of this section and a separate statement containing the information described in subdivision B2 of this section.

C. Each agent who uses a written or printed marketing communication in a conservation shall leave with the applicant the original or a copy of written or printed marketing communications used in the conservation.

B. If policies or contracts are listed indicating existing coverage referred to in subsection A of this section, the agent shall present and read to the applicant, not later than at the time of taking the application, a notice regarding replacements (Form 30-A) or other substantially similar form approved by the commission. However, no approval shall be required when amendments to the notice are limited to the omission of references not applicable to the product being sold or replaced. The notice shall be signed by both the applicant and the agent, attesting that the notice has been read aloud by the agent or that the applicant did not wish the notice to be read aloud (in which case the agent need not have read the notice aloud). The notice shall be left with the applicant.

C. The notice shall list all life insurance policies or annuities proposed to be replaced, properly identified by name of insurer, the insured or annuitant, and policy or contract

number if available; and shall include a statement as to whether each policy or contract will be replaced or whether a policy will be used as a source of financing for the new policy or contract. If a policy or contract number has not been issued by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

D. In connection with a replacement transaction, the agent shall leave with the applicant, at the time an application for a new policy or contract is completed, the original or a copy of all marketing communications. Electronically presented marketing communications shall be provided to the policy or contract owner in printed form no later than at the time of policy or contract delivery.

E. Except as provided in 14 VAC 5-30-51 C, in connection with a replacement transaction, the agent shall submit to the insurer to which an application for a policy or contract is presented, a copy of each document required by this section, a statement identifying any preprinted or electronically presented company-approved marketing communications used, and copies of any individualized marketing communications, including any illustrations related to the specific policy or contract purchased.

14 VAC 5-30-50. Duties of all insurers. (Repealed.)

Each insurer shall:

- ~~1. Inform its agents or other personnel responsible for compliance with this chapter of the requirements of this chapter (14 VAC 5-30-10 et seq.).~~
- ~~2. Require with or as a part of each completed application for life insurance or annuity a statement signed by the applicant as to whether such proposed insurance or annuity will replace existing life insurance.~~

14 VAC 5-30-51. Duties of replacing insurers that use agents.

A. Where a replacement is involved in the transaction, the replacing insurer shall:

1. Verify that the required forms are received and are in compliance with this chapter;
2. Notify any other existing insurer that may be affected by the proposed replacement within five business days of receipt of a completed application indicating replacement or when the replacement is identified, if not indicated on the application, and mail a copy of the available illustration or policy summary for the proposed policy or available disclosure document for the proposed contract within five business days of a request from an existing insurer;
3. Be able to produce copies of the notification regarding replacement required in 14 VAC 5-30-40 B, indexed by agent, for at least five years; and

4. Provide to the policy or contract owner notice of the right to examine the policy or contract for at least 10 days from the delivery of the policy or contract and the right of return to receive an unconditional full refund of all premiums or considerations paid on it, including any policy fees or charges or, in the case of a variable or market value adjustment contract, a payment of the cash surrender value provided under the contract plus the fees and other charges deducted from the gross premiums or considerations or imposed under the contract. The notice may be included in Form 30-A or 30-C.

B. In transactions where the replacing insurer and the existing insurer are the same or subsidiaries or affiliates under common ownership or control, credit shall be allowed for the period of time that has elapsed under the replaced policy's or contract's incontestability and suicide period up to the face value of the existing policy or contract. With regard to financed purchases, the credit may be limited to the amount the face value of the existing policy is reduced by the use of existing policy values to fund the new policy or contract.

C. If an insurer prohibits the use of marketing communication other than that approved by the company, as an alternative to the requirements made of an insurer pursuant to 14 VAC 5-30-40 E, the insurer may:

1. Require with each application a statement signed by the agent that:

- a. Represents that the agent used only company-approved marketing communications; and
- b. States that copies of all marketing communications were left with the applicant in accordance with 14 VAC 5-30-40 D; and

2. Within 10 days of the issuance of the policy or contract:

- a. Notify the applicant by sending a letter or by verbal communication with the applicant by a person whose duties are separate from the marketing area of the insurer, that the agent has represented that copies of all marketing communications have been left with the applicant in accordance with 14 VAC 5-30-40 D;
- b. Provide the applicant with a toll-free number to contact company personnel involved in the compliance function if compliance did not occur;
- c. Stress the importance of retaining copies of the marketing communications for future reference; and

3. Be able to produce a copy of the letter or other verification in the policy file for at least five years after the termination or expiration of the policy or contract.

14 VAC 5-30-55. Duties of the existing insurer.

A. Where a replacement is involved in the transaction, the existing insurer shall retain and be able to produce all

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replacement notifications received, indexed by replacing insurer, for at least five years.

B. Where a replacement is involved in the transaction, the existing insurer shall send a letter to the policy or contract owner advising of the right to receive information regarding the existing policy or contract values including, if available, an illustration, or policy summary if an illustration cannot be produced within five business days of receipt of a notice that an existing policy or contract is being replaced. The information shall be provided within five business days of receipt of the request from the policy or contract owner.

C. Where a replacement is involved in the transaction and upon receipt of a request to borrow, surrender or withdraw any policy or contract values, the existing insurer shall send a notice, advising the policy or contract owner that the release of policy or contract values may affect the guaranteed elements, nonguaranteed elements, face amount or surrender value of the policy or contract from which the values are released. The notice shall be sent separate from the check if the check is sent to anyone other than the policy or contract owner. In the case of consecutive automatic premium loans, the insurer is only required to send the notice at the time of the first loan.

14 VAC 5-30-60. Duties of insurers that use agents.

A. Each insurer that uses an agent in a life insurance or annuity sale shall maintain a system of supervision and control to insure compliance with the requirements of this chapter that shall include at least the following:

1. Require with or as part of each completed application for life insurance or annuity, a statement signed by the agent as to whether he or she knows replacement is or may be involved in the transaction.

2. Where a replacement is involved:

a. Require from the agent with the application for life insurance or annuity (i) a list of all of the applicant's existing life insurance to be replaced and (ii) a copy of the replacement notice provided the applicant pursuant to subdivision B1 of 14 VAC 5-30-40. Such existing life insurance shall be identified by name of insurer and policy number. If a policy number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

b. Send to the existing insurer a written communication advising of the replacement or proposed replacement and including the name of the insured and the identification information with respect to the existing life insurance to be replaced that it obtained pursuant to subdivision 2a of this section. This written communication shall be made within three working days of the date the application is received in the replacing insurer's home or regional

office, or the date the proposed policy is issued, whichever is sooner.

1. Inform its agents of the requirements of this chapter and incorporate the requirements of this chapter into all relevant agent training manuals prepared by the insurer;

2. Provide to each agent a written statement of the company's position with respect to the acceptability of replacements providing guidance to its agents as to the appropriateness of these transactions;

3. A system to review the appropriateness of each replacement transaction that the agent does not indicate is in accord with subdivision A 2 of this section;

4. Procedures to confirm that the requirements of this chapter have been met; and

5. Procedures to detect transactions that are replacements of existing policies or contracts by the existing insurer, but that have not been reported by the applicant or agent. Compliance with this chapter may include, but shall not be limited to, systematic customer surveys, interviews, confirmation letters, or programs of internal monitoring.

B. Each insurer shall have the capacity to monitor each agent's life insurance policy and annuity contract replacements for that insurer, and shall produce, upon request, and make such records available to the commission. The capacity to monitor shall include the ability to produce records for each agent's:

1. Life replacements, including financed purchases, as a percentage of the agent's total annual sales for life insurance;

2. Number of lapses of policies by the agent as a percentage of the agent's total annual sales for life insurance;

3. Annuity contract replacements as a percentage of the agent's total annual annuity contract sales;

4. Number of transactions that are unreported replacements of existing policies or contracts by the existing insurer detected by the company's monitoring system as required by subdivision A 5 of this section; and

5. Replacements, indexed by replacing agent and existing insurer.

C. Each insurer shall require with or as a part of each application for life insurance or an annuity a signed statement by both the applicant and the agent as to whether the applicant has existing policies or contracts.

D. Each insurer shall require a completed notice regarding replacements (Form 30-A) with each application for life insurance or an annuity that indicates an existing policy or contract.

E. When the applicant has existing policies or contracts, each insurer shall be able to produce copies of any marketing communication required by 14 VAC 5-30-40 E, the illustrations related to the specific policy or contract that is purchased, and the agent's and applicant's signed statements with respect to financing and replacement for at least five years after the termination or expiration of the proposed policy or contract.

F. Each insurer shall ascertain that the marketing communication and illustrations required by 14 VAC 5-30-40 E meet the requirements of this chapter and are complete and accurate for the proposed policy or contract.

G. If an application does not meet the requirements of this chapter, each insurer shall notify the agent and applicant and fulfill the outstanding requirements.

H. Each insurer shall maintain records in paper, photograph, microprocess, magnetic, mechanical or electronic media, or by any process that accurately reproduces the actual document.

14 VAC 5-30-70. Duties of replacing insurers that are with respect to direct response insurers solicitations.

Each replacing insurer that is a direct response insurer shall:

1. If the insurer did not propose the replacement, send to the applicant with the policy a replacement notice as described in Exhibit A or other substantially similar form approved by the Commission.

A. In the case of an application that is initiated as a result of a direct response solicitation, the insurer shall require, with or as part of each completed application for a policy or contract, a statement asking whether the applicant, by applying for the proposed policy or contract, intends to replace, discontinue or change an existing policy or contract. If the applicant indicates a replacement or change is not intended or if the applicant fails to respond to the statement, the insurer shall send the applicant, with the policy or contract, a notice regarding replacement (Form 30-B), or other substantially similar form approved by the commission.

2. B. If the insurer has proposed the replacement or if the applicant indicates a replacement is intended and the insurer continues with the replacement, the insurer shall:

a. Provide to applicants or prospective applicants with or as a part of the application a replacement notice as described in Exhibit A or other substantially similar form approved by the Commission.

b. Request from the applicant with or as a part of the application, a list of all existing life insurance to be replaced. Such existing life insurance shall be identified by name of insurer.

~~e. Comply with the requirements of subdivision 2b of 14 VAC 5-30-60 if the applicant furnishes the names of the existing insurers.~~

1. Provide to the applicant or prospective applicant with the policy or contract a notice (Form 30-C), or other substantially similar form approved by the commission. In these instances the insurer may delete the references to the agent, including the agent's signature, and references not applicable to the product being sold or replaced, without having to obtain approval of the form from the commission. The insurer's obligation to obtain the applicant's signature shall be satisfied if it can demonstrate that it has made a diligent effort to secure a signed copy of this notice. The requirement to make a diligent effort shall be deemed satisfied if the insurer includes in the mailing a self-addressed postage prepaid envelope with instructions for the return of the signed notice; and

2. Comply with the requirements of 14 VAC 5-30-51 A 2, if the applicant furnishes the names of the existing insurers, and the requirements of 14 VAC 5-30-51 A 3, A 4 and B.

14 VAC 5-30-80. Penalties.

A. Any An insurer, agent, representative, officer, or employee of an insurer failing to comply with the requirements of this chapter (14 VAC 5-30-10 et seq.) shall be subject to such penalties as may be appropriate under the insurance laws of Virginia.

~~B. This chapter (14 VAC 5-30-10 et seq.) does not prohibit the use of additional material other than that which is required that is not in violation of this chapter (14 VAC 5-30-10 et seq.) or any other Virginia statute or regulation.~~

~~C. Policyowners~~ B. Policy and contract owners have the right to replace existing ~~life insurance policies or contracts~~ after indicating in or as part of the application for ~~life insurance or annuity~~ new coverage that ~~such replacement~~ is not their intention. However, patterns of ~~such~~ action by ~~policyowners~~ policy or contract owners who purchase the replacing policies from the same agent shall be deemed prima facie evidence of the agent's knowledge that replacement was intended in connection with the ~~sale of those policies identified transactions~~, and ~~such these~~ patterns of action shall be deemed prima facie evidence of the agent's intent to violate this chapter (14 VAC 5-30-10 et seq.).

C. Where it is determined that the requirements of this chapter have not been met, the replacing insurer shall provide to the policyowner an in-force illustration if available, or policy summary for the replacement policy or available disclosure document for the replacement contract and the appropriate notice regarding replacements (Form 30-A or 30-C).

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14 VAC 5-30-90. Severability.

If any ~~section or portion of a section~~ provision of this chapter (14 VAC 5-30-10 et seq.), or the ~~applicability thereof~~ its application to any person or circumstance, is for any reason held to be invalid by a court, the remainder of this chapter (14 VAC 5-30-10 et seq.), or and the ~~applicability~~ application of such ~~provision~~ the provisions to other persons; or circumstances shall not be affected ~~thereby~~.

14 VAC 5-30-100. ~~Relationship to other rules and regulations.~~ (Repealed.)

If any portion of this chapter (14 VAC 5-30-10 et seq.) is inconsistent with any provision of any other regulation dealing with life insurance or annuity marketing practices or disclosure, said inconsistent portion shall be interpreted to be consistent with such other regulations.

~~EXHIBIT A.~~

~~REPLACING YOUR LIFE INSURANCE POLICY?~~

~~Are you thinking about buying a new policy and discontinuing or changing an existing policy? If you are, your decision could be a good one or a mistake. You will not know for sure unless you make a careful comparison of your existing policy and the proposed policy.~~

~~Make sure you understand the facts. You should ask the company or agent that sold you your existing policy to give you information about it.~~

~~Hear both sides before you decide. This way you can be sure you are making a decision that is in your best interest.~~

~~We are required by Virginia law to notify your existing company that you may be replacing their policy.~~

~~Applicant's Signature~~

~~Date~~

~~Agent's Signature~~

NOTICE: The forms used in administering 14 VAC 5-30, Rules Governing Life Insurance and Annuity Replacements, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Form 30-A, Important Notice: Replacement of Life Insurance or Annuities (agent) (eff. 7/06 4/07).

Form 30-B, Notice Regarding Replacement (eff. 7/06 4/07).

Form 30-C, Important Notice: Replacement of Life Insurance or Annuities (no agent) (eff. 7/06 4/07).

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FORM 30-A (eff. 7/06 4/07)

**IMPORTANT NOTICE:
REPLACEMENT OF LIFE INSURANCE OR ANNUITIES**
This document must be signed by the applicant and the agent producer, if there is one,
and a copy left with the applicant.

You are contemplating the purchase of a life insurance policy or annuity contract. In some cases this purchase may involve discontinuing or changing an existing policy or contract. If so, a replacement is occurring. Financed purchases are also considered replacements.

A replacement occurs when a new policy or contract is purchased and, in connection with the sale, you discontinue making premium payments on the existing policy or contract, or an existing policy or contract is surrendered, forfeited, assigned to the replacing insurer, or otherwise terminated or used in a financed purchase.

A financed purchase occurs when the purchase of a new life insurance policy involves the use of funds obtained by the withdrawal or surrender of or by borrowing some or all of the policy values, including accumulated dividends, of an existing policy to pay all or part of any premium or payment due on the new policy. A financed purchase is a replacement.

You should carefully consider whether a replacement is in your best interests ~~[by reviewing the questions on page 2 of this form]~~. You will pay acquisition costs and there may be surrender costs deducted from your policy or contract. You may be able to make changes to your existing policy or contract to meet your insurance needs at less cost. A financed purchase will reduce the value of your existing policy and may reduce the amount paid upon the death of the insured.

We want you to understand the effects of replacements before you make your purchase decision and ask that you answer the following questions and consider the questions on the back of this form.

1. Are you considering discontinuing making premium payments, surrendering, forfeiting, assigning to the insurer, or otherwise terminating your existing policy or contract? YES NO
2. Are you considering using funds from your existing policies or contracts to pay premiums due on the new policy or contract? YES NO

If you answered "yes" to either of the above questions, list each existing policy or contract you are contemplating replacing (include the name of the insurer, the insured or annuitant, and the policy or contract number if available) and whether each policy or contract will be replaced or used as a source of financing:

	INSURER NAME	CONTRACT OR POLICY #	INSURED OR ANNUITANT	REPLACED (R) OR FINANCING (F)
1.				
2.				
3.				

Make sure you know the facts. Contact your existing company or its agent for information about the old policy or contract. If you request one, an [in force] illustration, policy summary or available disclosure documents must be sent to you by the existing insurer. Ask for and retain all [marketing communication sales material] used by the agent in the sales presentation. Be sure that you are making an informed decision.

The existing policy or contract is being replaced because _____
I certify that the responses herein are, to the best of my knowledge, accurate:

Applicant's Signature and Printed Name Date

[Agent's Producer's] Signature and Printed Name Date

I do not want this notice read aloud to me. __ (Applicant Applicants) must initial only if [he/she does they do] not want the notice read aloud.)

Form 30-A (p. 2)

A replacement may not be in your best interest, or your decision could be a good one. You should make a careful comparison of the costs and benefits of your existing policy or contract and the proposed policy or contract. One way to do this is to ask the company or agent that sold you your existing policy or contract to provide you with information concerning your existing policy or contract. This may include an illustration of how your existing policy or contract is working now and how it would perform in the future based on certain assumptions. Illustrations should not, however, be used as a sole basis to compare policies or contracts. You should discuss the following with your agent to determine whether replacement or financing your purchase makes sense:

- PREMIUMS:** Are they affordable?
Could they change?
You're older—are premiums higher for the proposed new policy?
How long will you have to pay premiums on the new policy? On the old policy?
- POLICY VALUES:** New policies usually take longer to build cash values and to pay dividends.
Acquisition costs for the old policy may have been paid, you will incur costs for the new one.
What surrender charges do the policies have?
What expense and sales charges will you pay on the new policy?
Does the new policy provide more insurance coverage?
- INSURABILITY:** If your health has changed since you bought your old policy, the new one could cost you more, or you could be turned down.
You may need a medical exam for a new policy.
Claims on most new policies for up to the first two years can be denied based on inaccurate statements.
Suicide limitations may begin anew on the new coverage.

IF YOU ARE KEEPING THE OLD POLICY AS WELL AS THE NEW POLICY:

- How are premiums for both policies being paid?
- How will the premiums on your existing policy be affected?
- Will a loan be deducted from death benefits?
- What values from the old policy are being used to pay premiums?

IF YOU ARE SURRENDERING AN ANNUITY OR [INTEREST SENSITIVE] LIFE PRODUCT:

- Will you pay surrender charges on your old contract?
- What are the interest rate guarantees for the new contract?
- Have you compared the contract charges or other policy expenses?

OTHER ISSUES TO CONSIDER FOR ALL TRANSACTIONS:

- What are the tax consequences of buying the new policy?
- Is this a tax free exchange? (See your tax advisor.)
- Is there a benefit from favorable "grandfathered" treatment of the old policy under the federal tax code?
- Will the existing insurer be willing to modify the old policy?
- How does the quality and financial stability of the new company compare with your existing company?

STATE CORPORATION COMMISSION
BUREAU OF INSURANCE

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FORM 30-B (eff. [7/06 4/07])

**NOTICE REGARDING REPLACEMENT
REPLACING YOUR LIFE INSURANCE POLICY OR ANNUITY?**

Are you thinking about buying a new life insurance policy or annuity and discontinuing or changing an existing one? If you are, your decision could be a good one—or a mistake. You will not know for sure unless you make a careful comparison of your existing benefits and the proposed policy or contract's benefits.

Make sure you understand the facts. You should ask the company or agent that sold you your existing policy or contract to give you information about it.

Hear both sides before you decide. This way you can be sure you are making a decision that is in your best interest.

STATE CORPORATION COMMISSION
BUREAU OF INSURANCE

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FORM 30-C (eff. 7/06 4/07)

**IMPORTANT NOTICE:
REPLACEMENT OF LIFE INSURANCE OR ANNUITIES**

You are contemplating the purchase of a life insurance policy or annuity contract. In some cases this purchase may involve discontinuing or changing an existing policy or contract. If so, a replacement is occurring. Financed purchases are also considered replacements.

A replacement occurs when a new policy or contract is purchased and, in connection with the sale, you discontinue making premium payments on the existing policy or contract, or an existing policy or contract is surrendered, forfeited, assigned to the replacing insurer, or otherwise terminated or used in a financed purchase.

A financed purchase occurs when the purchase of a new life insurance policy involves the use of funds obtained by the withdrawal or surrender of or by borrowing some or all of the policy values, including accumulated dividends, of an existing policy, to pay all or part of any premium or payment due on the new policy. A financed purchase is a replacement.

You should carefully consider whether a replacement is in your best interests [by reviewing the questions on page 2 of this form]. You will pay acquisition costs and there may be surrender costs deducted from your policy or contract. You may be able to make changes to your existing policy or contract to meet your insurance needs at less cost. A financed purchase will reduce the value of your existing policy and may reduce the amount paid upon the death of the insured.

We want you to understand the effects of replacements and ask that you answer the following questions and consider the questions on the back of this form.

1. Are you considering discontinuing making premium payments, surrendering, forfeiting, assigning to the insurer, or otherwise terminating your existing policy or contract? ___ YES ___ NO
2. Are you considering using funds from your existing policies or contracts to pay premiums due on the new policy or contract? ___ YES ___ NO

Please list each existing policy or contract you are contemplating replacing (include the name of the insurer, the insured, and the policy or contract number if available) and whether each policy or contract will be replaced or used as a source of financing:

	INSURER NAME	CONTRACT OR POLICY #	INSURED OR ANNUITANT	REPLACED (R) OR FINANCING (F)
1.				
2.				
3.				

Make sure you know the facts. Contact your existing company or its agent for information about the old policy or contract. If you request one, an in force illustration, policy summary or available disclosure documents must be sent to you by the existing insurer. Ask for and retain all [marketing communication sales material] used by the agent in the sales presentation. Be sure that you are making an informed decision.

I certify that the responses herein are, to the best of my knowledge, accurate:

Applicant's Signature and Printed Name

Date

STATE CORPORATION COMMISSION
BUREAU OF INSURANCE

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Form 30-C (p. 2)

A replacement may not be in your best interest, or your decision could be a good one. You should make a careful comparison of the costs and benefits of your existing policy or contract and the proposed policy or contract. One way to do this is to ask the company or agent that sold you your existing policy or contract to provide you with information concerning your existing policy or contract. This may include an illustration of how your existing policy or contract is working now and how it would perform in the future based on certain assumptions. Illustrations should not, however, be used as a sole basis to compare policies or contracts. You should discuss the following with your agent to determine whether replacement or financing your purchase makes sense:

- PREMIUMS:** Are they affordable?
Could they change?
You're older—are premiums higher for the proposed new policy?
How long will you have to pay premiums on the new policy? On the old policy?
- POLICY VALUES:** New policies usually take longer to build cash values and to pay dividends.
Acquisition costs for the old policy may have been paid, you will incur costs for the new one.
What surrender charges do the policies have?
What expense and sales charges will you pay on the new policy?
Does the new policy provide more insurance coverage?
- INSURABILITY:** If your health has changed since you bought your old policy, the new one could cost you more, or you could be turned down.
You may need a medical exam for a new policy.
Claims on most new policies for up to the first two years can be denied based on inaccurate statements.
Suicide limitations may begin anew on the new coverage.

IF YOU ARE KEEPING THE OLD POLICY AS WELL AS THE NEW POLICY:

- How are premiums for both policies being paid?
- How will the premiums on your existing policy be affected?
- Will a loan be deducted from death benefits?
- What values from the old policy are being used to pay premiums?

IF YOU ARE SURRENDERING AN ANNUITY OR [INTEREST SENSITIVE] LIFE PRODUCT:

- Will you pay surrender charges on your old contract?
- What are the interest rate guarantees for the new contract?
- Have you compared the contract charges or other policy expenses?

OTHER ISSUES TO CONSIDER FOR ALL TRANSACTIONS:

- What are the tax consequences of buying the new policy?
- Is this a tax free exchange? (See your tax advisor.)
- Is there a benefit from favorable "grandfathered" treatment of the old policy under the federal tax code?
- Will the existing insurer be willing to modify the old policy?
- How does the quality and financial stability of the new company compare with your existing company?

VA.R. Doc. No. R06-262; Filed December 13, 2006, 2:24 p.m.

Regulations

Final Regulation

Title of Regulation: 14 VAC 5-45. Rules Governing Suitability in Annuity Transactions (adding 14 VAC 5-45-10 through 14 VAC 5-45-50).

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

Effective Date: April 1, 2007.

Agency Contact: Jacqueline K. Cunningham, Deputy Director, State Corporation Commission, Life and Health Division, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9074, toll free 1-800-552-7945, FAX (804) 371-9944, or email marie.cox@scc.virginia.gov.

Summary:

The amended regulations conform to the National Association of Insurance Commissioners "Suitability in Annuity Transactions Model Regulation." The regulations set forth standards and procedures for recommendations to consumers that result in a transaction involving annuity products, so that the insurance needs and financial objectives of consumers at the time of the transaction are appropriately addressed. The regulations apply to any recommendation to purchase or exchange an annuity made to a consumer by an insurance agent, or an insurer where no agent is involved, that results in the purchase or exchange recommended.

AT RICHMOND, DECEMBER 12, 2006

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2006-00129

Ex Parte: In the matter of
Adopting New Rules
Governing Suitability in
Annuity Transactions

ORDER ADOPTING RULES

By order entered herein June 2, 2006, all interested persons were ordered to take notice that subsequent to September 1, 2006, the State Corporation Commission ("Commission") would consider the entry of an Order adopting new rules, proposed by the Bureau of Insurance ("Bureau") entitled Rules Governing Suitability in Annuity Transactions ("Rules"), set forth in Chapter 45 of Title 14 of the Virginia Administrative Code, unless on or before September 1, 2006, any person objecting to the adoption of the proposed new Rules filed a request for hearing with the Clerk of the Commission ("Clerk").

The Order to Take Notice also required all interested persons to file their comments in support of or in opposition to the proposed new Rules on or before September 1, 2006. No comments and no requests for hearing were timely filed with the Clerk.

The American Council of Life Insurers ("ACLI") sent comments electronically to the Bureau, to which the Bureau provided a response in the form of a Statement of Position filed with the Clerk on September 21, 2006.

Subsequently, the Bureau revised the proposed new Rules, and by Order entered herein October 10, 2006, all interested persons were again provided with the opportunity for comment, or to request a hearing by filed request with the Clerk on or before November 30, 2006. No comments and no requests for hearing were timely filed with the Clerk.

The Bureau does not recommend any further changes to the revised proposed new Rules.

THE COMMISSION, having considered the previously proposed revisions, the comments, and the Bureau's response to and recommendation regarding the comments, is of the opinion that the attached revised new Rules should be adopted.

THEREFORE IT IS ORDERED THAT:

(1) The revised new Rules at Chapter 45 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Suitability in Annuity Transactions," which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective April 1, 2007.

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Jacqueline K. Cunningham, Deputy Commissioner, Bureau of Insurance, State Corporation Commission, and Brian P. Gaudiose, Deputy Commissioner, Bureau of Insurance, State Corporation Commission who forthwith shall give further notice of the adoption of the revised new Rules by mailing a copy of this Order, including a clean copy of the attached revised new Rules, to all insurance companies licensed by the Commission to sell annuities and variable annuities in the Commonwealth of Virginia, and certain interested parties designated by the Bureau of Insurance.

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, including a copy of the attached revised new Rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations and shall make this Order and the attached new Rules available on the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>.

(4) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements in paragraph (2) of this Order.

CHAPTER 45.
RULES GOVERNING SUITABILITY IN ANNUITY
TRANSACTIONS.

14 VAC 5-45-10. Purpose and scope.

The purpose of this chapter is to set forth rules and procedures for recommendations to consumers that result in a transaction involving annuity products so that the insurance needs and financial objectives of consumers at the time of the transaction are appropriately addressed. This chapter shall apply to any recommendation to purchase or exchange an annuity made to a consumer by an agent, or insurer where no agent is involved, that results in the purchase or exchange recommended.

14 VAC 5-45-20. Definitions.

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

"Agent" or "insurance agent" means ~~a person as defined in § 38.2-1800 of the Code of Virginia~~ an individual or business entity that sells, solicits, or negotiates contracts of insurance or annuity in this Commonwealth.

"Annuity" means a fixed, variable or modified guaranteed annuity that is individually solicited, whether the product is classified as an individual annuity or group annuity.

"Commission" means the State Corporation Commission.

"Insurer" means an insurance company required to be licensed under the laws of this Commonwealth.

"Recommendation" means advice provided by an agent, or an insurer where no agent is involved, to an individual consumer that results in a purchase or exchange of an annuity in accordance with that advice.

14 VAC 5-45-30. Exemptions.

Unless otherwise specifically included, this chapter shall not apply to recommendations involving:

1. Direct response solicitations where there is no recommendation based on information collected from the consumer pursuant to this chapter;
2. Contracts used to fund:

 - a. An employee pension or welfare benefit plan that is covered by the Employee Retirement Income Security Act of 1974 (29 USC § 1001 et seq.);
 - b. A plan described by 26 USC §§ 401(a), 401(k), 403(b), 408(k) or 408(p) of the Internal Revenue Code, if established or maintained by an employer;
 - c. A government or church plan defined in 26 USC § 414 of the Internal Revenue Code, a government or church welfare benefit plan, or a deferred compensation plan of

a state or local government or tax exempt organization under 26 USC § 457 of the Internal Revenue Code;

d. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

e. Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

f. Preneed funeral contracts as defined in § 54.1-2800 of the Code of Virginia.

14 VAC 5-45-40. Duties of insurers and agents.

A. In recommending to a consumer the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions, the agent, or the insurer where no agent is involved, shall have reasonable grounds for believing that the recommendation is suitable for the consumer on the basis of the facts disclosed by the consumer as to his investments and other insurance products and as to his financial situation and needs.

B. Prior to the execution of a purchase or exchange of an annuity resulting from a recommendation, an agent, or insurer where no agent is involved, shall make reasonable efforts to obtain information concerning:

1. The consumer's financial status;
2. The consumer's tax status;
3. The consumer's investment objectives; and
4. Other information used or considered to be reasonable by the agent, or the insurer where no agent is involved, in making recommendations to the consumer.

C. 1. Except as provided in subdivision 2 of this subsection, neither an agent, nor an insurer where no agent is involved, shall have any obligation to a consumer under subsection A of this section related to any recommendation if a consumer:

- a. Refuses to provide relevant information requested by the insurer or agent;
- b. Decides to enter into an insurance transaction that is not based on a recommendation of the insurer or agent; or
- c. Fails to provide complete or accurate information.

2. An insurer or agent's recommendation subject to subdivision 1 of this subsection shall be reasonable under all the circumstances actually known to the insurer or agent at the time of the recommendation.

D. 1. An insurer either shall assure that a system to supervise recommendations that is reasonably designed to achieve compliance with this chapter is established and maintained by complying with subdivisions 3 and 4 of this subsection,

Regulations

or shall establish and maintain such a system, including, but not limited to:

a. Maintaining written procedures; and

b. Conducting periodic reviews of its records that are reasonably designed to assist in detecting and preventing violations of this chapter.

2. An agent and independent agency either shall adopt a system established by an insurer to supervise recommendations of its agents that is reasonably designed to achieve compliance with this chapter, or shall establish and maintain such a system, including, but not limited to:

a. Maintaining written procedures; and

b. Conducting periodic reviews of records that are reasonably designed to assist in detecting and preventing violations of this chapter.

3. An insurer may contract with a third party, including an agent or independent agency, to establish and maintain a system of supervision as required by subdivision 1 of this subsection with respect to agents under contract with or employed by the third party.

4. An insurer shall make reasonable inquiry to assure that the third party contracting under subdivision 3 of this subsection is performing the functions required under subdivision 1 of this subsection and shall take action that is reasonable under the circumstances to enforce the contractual obligation to perform the functions. An insurer may comply with its obligation to make reasonable inquiry by doing all of the following:

a. The insurer annually obtains a certification from a third party senior manager who has responsibility for the delegated functions that the manager has a reasonable basis to represent, and does represent, that the third party is performing the required functions; and

b. The insurer, based on reasonable selection criteria, periodically selects third parties contracting under subdivision 3 of this subsection for a review to determine whether the third parties are performing the required functions. The insurer shall perform those procedures to conduct the review that are reasonable under the circumstances.

5. An insurer that contracts with a third party pursuant to subdivision 3 of this subsection and that complies with the requirements to supervise in subdivision 4 of this subsection shall have fulfilled its responsibilities under subdivision 1 of this subsection.

6. An insurer, agent or independent agency is not required by subdivisions 1 or 2 of this subsection to:

a. Review, or provide for review of, all agent-solicited transactions; or

b. Include in its system of supervision an agent's recommendations to consumers of products other than the annuities offered by the insurer, agent or independent agency.

7. An agent or independent agency contracting with an insurer pursuant to subdivision 3 of this subsection, when requested by the insurer pursuant to subdivision 4 of this subsection, shall promptly give a certification as described in subdivision 4 or give a clear statement that it is unable to meet the certification criteria.

8. No person may provide a certification under subdivision 4 a of this subsection unless:

a. The person is a senior manager with responsibility for the delegated functions; and

b. The person has a reasonable basis for making the certification.

E. Compliance with the National Association of Securities Dealers Conduct Rules (http://nasd.complinet.com/nasd/display/display.html?rbid=1189&element_id=1159000466) pertaining to suitability shall satisfy the requirements under this section for the recommendation of variable annuities. However, nothing in this subsection shall limit the commission's ability to enforce the provisions of this chapter.

14 VAC 5-45-50. Severability.

If any provision of this chapter, or its application to any person or circumstance is for any reason held to be invalid by a court, the remainder of this chapter and the application of the provisions to other persons or circumstances shall not be affected.

VA.R. Doc. No. R06-260; Filed December 13, 2006, 2:23 p.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR BRANCH PILOTS

Final Regulation

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 excludes regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants. The Board for Branch Pilots will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 45-20. Board for Branch Pilots Regulations (amending 18 VAC 45-20-10 and 18 VAC 45-20-20).

Statutory Authority: §§ 54.1-902 and 54.1-907 of the Code of Virginia.

Effective Date: March 1, 2007.

Agency Contact: Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0795 or email branchpilots@dpor.virginia.gov.

Summary:

The amendments reduce the branch pilot initial licensing and renewal licensing fees to \$60.

18 VAC 45-20-10. Initial licensing.

A. Any person wishing to obtain a license as a limited branch pilot shall meet the following qualifications:

1. Satisfactorily complete a two-year apprenticeship in a program approved by the board;
2. Satisfactorily complete a comprehensive examination which shall be approved by the board and administered by the examining committee of the board. The examination shall be in two parts:
 - a. Written; and
 - b. Practical oral examination;
3. Comply with the board's regulations and Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 of the Code of Virginia;
4. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination shall include the chemical tests referred to in 18 VAC 45-20-5;

5. Notify the board of any chronic or acute physical or mental condition; and

6. Pay a licensing fee of ~~\$275~~ \$60. Each check or money order shall be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

B. Any limited branch pilot wishing to obtain a full branch pilot license shall meet the following qualifications:

1. Satisfactorily complete a five-year apprenticeship in a program approved by the board;
2. Hold a limited branch pilot license in good standing;
3. Pass a practical examination approved by the board and administered by the board's examining committee;
4. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch. Any such federal license acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate. A copy of this license shall be filed with the clerk of the board immediately;
5. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days;
6. Qualify in accordance with § 54.1-905 of the Code of Virginia; and
7. Pay a licensing fee of ~~\$275~~ \$60. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

18 VAC 45-20-20. License renewal.

A. Each pilot seeking renewal of his license shall complete a renewal application, comply with the provisions of this section, and appear before the board or its License Renewal Committee which shall determine if he possesses the qualifications to be renewed.

B. Any limited branch pilot seeking to renew his license shall meet the following standards:

1. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days;
2. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months;
3. After three years of licensure as a limited branch pilot, possess a valid First Class Pilot License issued by the United States Coast Guard for the same waters as his limited branch. Any such federal license acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate; and

Regulations

4. Pay a license renewal fee of ~~\$375~~ \$60. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

C. Any full branch pilot seeking to renew his license shall meet the following standards:

1. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch; any such federal license renewed or acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate;

2. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days;

3. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months, and that he has piloted 12 or more ships during that time, at least six trips as a pilot within the first six months of the calendar year and six trips as a pilot within the last six months of the calendar year. Upon the showing of good cause, the board may waive the requirements of this subdivision when in its judgment the pilot is otherwise qualified;

4. Qualify in accordance with § 54.1-906 of the Code of Virginia; and

5. Pay a license renewal fee of ~~\$375~~ \$60. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

NOTICE: The forms used in administering 18 VAC 45-20, Board for Branch Pilots Regulations, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Branch Pilot License Renewal Application Form (rev. ~~5/00~~ 3/07).

Limited Branch Pilot License Renewal Application Form (rev. ~~5/00~~ 3/07).

BOARD FOR BRANCH PILOTS

BRANCH PILOT LICENSE RENEWAL APPLICATION FORM

This form must be completed by each Branch Pilot and provided to the Board before renewal of license may be considered. Bring the completed renewal application and other required documentation to your appointment with the Renewal Committee.

Name: _____
(Last) (First) (Middle Initial)

Address: _____

I hereby apply to the Board for Branch Pilots for renewal of my Branch Pilot License.

In support of this application I have attached the following:

- _____ A copy of my current Unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as my branch.
- _____ A statement signed by a physician that I have satisfactorily completed a physical examination within the immediately preceding 60 days as required by regulation 18 VAC 45-20-20.C.2.

I hereby certify that I HAVE/HAVE NOT transited the waters embraced by my Branch Pilot License during the preceding 12 month period.

DATE SIGNATURE OF APPLICANT

I hereby certify that all of the information provided by me as a part of this application is true and complete to the best of my knowledge and belief.

DATE SIGNATURE OF APPLICANT

AFFIDAVIT

STATE OF _____ City/County of _____

Subscribed and sworn to before me, the undersigned Notary Public in and for the State and City or County aforesaid this _____ day of _____, 20_____.

My commission expires _____

Affix Official Seal Here _____
NOTARY PUBLIC

I, the Chairman of the Board for Branch Pilots License Renewal Committee, state that the above named individual has personally appeared before my Committee which, being duly convened with a quorum present, and, after careful examination of the evidence of qualification for licensure presented, recommends to the Board for Branch Pilots that the above named individual be APPROVED/DISAPPROVED for renewal of his license for the upcoming 12 month period.

DATE SIGNATURE OF CHAIRMAN

unlimited renewal app.doc
03/01/07

BOARD FOR BRANCH PILOTS

LIMITED BRANCH PILOT LICENSE RENEWAL APPLICATION FORM

This form must be completed by each Branch Pilot and provided to the Board before renewal of license may be considered. Bring the completed renewal application and other required documentation to your appointment with the Renewal Committee.

Name: _____
(Last) (First) (Middle Initial)

Address: _____

I hereby apply to the Board for Branch Pilots for renewal of my Branch Pilot License.

In support of this application I have attached the following:

____ A copy of my current Unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as my branch. NOTE: This is only required after 3 years of licensure as a Limited Branch Pilot.

____ A statement signed by a physician that I have satisfactorily completed a physical examination within the immediately preceding 60 as required by regulation 18 VAC 45-20-20.B.1.

I hereby certify that I HAVE/HAVE NOT transited the waters embraced by my Branch Pilot License during the preceding 12 month period.

DATE SIGNATURE OF APPLICANT

I hereby certify that all of the information provided by me as a part of this application is true and complete to the best of my knowledge and belief.

DATE SIGNATURE OF APPLICANT

AFFIDAVIT

STATE OF _____ City/County of _____

Subscribed and sworn to before me, the undersigned Notary Public in and for the State and City or County aforesaid this _____ day of _____, 20_____.

My commission expires _____

Affix Official Seal Here _____
NOTARY PUBLIC

I, the Chairman of the Board for Branch Pilots License Renewal Committee, state that the above named individual has personally appeared before my Committee which, being duly convened with a quorum present, and, after careful examination of the evidence of qualification for licensure presented, recommends to the Board for Branch Pilots that the above named individual be APPROVED/DISAPPROVED for renewal of his license for the upcoming 12 month period.

DATE SIGNATURE OF CHAIRMAN

limited renewal app.doc
03/01/07

BOARD OF MEDICINE

Final Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Medicine will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: **18 VAC 85-40. Regulations Governing the Practice of Respiratory Care Practitioners (amending 18 VAC 85-40-35 and 18 VAC 85-40-65).**

18 VAC 85-50. Regulations Governing the Practice of Physician Assistants (amending 18 VAC 85-50-35).

18 VAC 85-80. Regulations Governing the Licensure of Occupational Therapists (amending 18 VAC 85-80-26 and 18 VAC 85-80-80).

18 VAC 85-101. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited (amending 18 VAC 85-101-25).

18 VAC 85-110. Regulations Governing the Practice of Licensed Acupuncturists (amending 18 VAC 85-110-35).

18 VAC 85-120. Regulations Governing the Licensure of Athletic Trainers (amending 18 VAC 85-120-100 and 18 VAC 85-120-150).

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

Effective Date: February 7, 2007.

Agency Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, email elaine.yeatts@dhp.virginia.gov.

Summary:

Chapters 753 and 762 of the 2003 Acts of Assembly repealed § 54.1-2921 of the Code of Virginia and incorporated its provisions into § 54.1-2408.2 of the Code of Virginia. Following that action, the board amended 18 VAC 85-20 to cite the new section, but inadvertently left the repealed code cite in other chapters. By this action, those chapters are amended to update the code citation.

18 VAC 85-40-35. Fees.

The following fees are required:

1. The application fee, payable at the time the application is filed, shall be \$130.

2. The biennial fee for renewal of active licensure shall be \$135 and for renewal of inactive licensure shall be \$70, payable in each odd-numbered year in the license holder's birth month.

3. The additional fee for late renewal of licensure within one renewal cycle shall be \$50.

4. The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904 of the Code of Virginia, which has lapsed for a period of two years or more, shall be \$180 and must be submitted with an application for licensure reinstatement.

5. The fee for reinstatement of a license pursuant to § ~~54.1-2921~~ 54.1-2408.2 of the Code of Virginia shall be \$2,000.

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

7. The fee for a returned check shall be \$35.

8. 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 85-40-65. Reinstatement.

A. In order to reinstate a license which has been lapsed for more than two years, a respiratory care practitioner shall file an application for reinstatement, pay the fee for reinstatement of his licensure as prescribed in 18 VAC 85-40-35, and submit to the board evidence of competency to practice to include 10 hours of continuing education for each year in which the license has been lapsed, not to exceed three years. The board may specify additional requirements for reinstatement of a license so lapsed to include education, experience or reexamination.

B. A respiratory care practitioner whose licensure has been revoked by the board and who wishes to be reinstated shall make a new application to the board, fulfill additional requirements as specified in the order from the board and make payment of the fee for reinstatement of his licensure as prescribed in 18 VAC 85-40-35 pursuant to § ~~54.1-2921~~ 54.1-2408.2 of the Code of Virginia.

18 VAC 85-50-35. Fees.

Unless otherwise provided, the following fees shall not be refundable:

1. The initial application fee for a license, payable at the time application is filed, shall be \$130.

2. The biennial fee for renewal of an active license shall be \$135 and for renewal of an inactive license shall be \$70, payable in each odd-numbered year in the birth month of the licensee.

3. The additional fee for late renewal of licensure within one renewal cycle shall be \$50.

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4. A restricted volunteer license shall expire 12 months from the date of issuance and may be renewed without charge by receipt of a renewal application that verifies that the physician assistant continues to comply with provisions of § 54.1-2951.3 of the Code of Virginia.

5. The fee for review and approval of a new protocol submitted following initial licensure shall be \$15.

6. The fee for reinstatement of a license pursuant to § ~~54.1-2924~~ 54.1-2408.2 of the Code of Virginia shall be \$2,000.

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

8. The fee for a returned check shall be \$35.

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

18 VAC 85-80-26. Fees.

A. The following fees have been established by the board:

1. The initial fee for the occupational therapist license shall be \$130.

2. The fee for reinstatement of the occupational therapist license that has been lapsed for two years or more shall be \$180.

3. The fee for active license renewal shall be \$135 and for inactive license renewal shall be \$70 and shall be due in the birth month of the licensed therapist in each even-numbered year.

4. The additional fee for processing a late renewal application within one renewal cycle shall be \$50.

5. The fee for a letter of good standing or verification to another state for a license shall be \$10.

6. The fee for reinstatement of licensure pursuant to § ~~54.1-2924~~ 54.1-2408.2 of the Code of Virginia shall be \$2,000.

7. The fee for a returned check shall be \$35.

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

B. Unless otherwise provided, fees established by the board shall not be refundable.

18 VAC 85-80-80. Reinstatement.

A. An occupational therapist who allows his license to lapse for a period of two years or more and chooses to resume his practice shall submit a reinstatement application to the board and information on any practice and licensure or certification in other jurisdictions during the period in which the license was lapsed, and shall pay the fee for reinstatement of his licensure as prescribed in 18 VAC 85-80-26.

B. An occupational therapist who has allowed his license to lapse for two years but less than six years, and who has not engaged in active practice as defined in 18 VAC 85-80-10, shall serve a board-approved practice of 160 hours to be completed in two consecutive months under the supervision of a licensed occupational therapist.

C. An occupational therapist who has allowed his license to lapse for six years or more, and who has not engaged in active practice, shall serve a board-approved practice of 320 hours to be completed in four consecutive months under the supervision of a licensed occupational therapist.

D. An applicant for reinstatement shall meet the continuing competency requirements of 18 VAC 85-80-71 for the number of years the license has been lapsed, not to exceed four years.

E. An occupational therapist whose license has been revoked by the board and who wishes to be reinstated shall make a new application to the board and payment of the fee for reinstatement of his license as prescribed in 18 VAC 85-80-26 pursuant to § ~~54.1-2924~~ 54.1-2408.2 of the Code of Virginia.

18 VAC 85-101-25. Fees.

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

B. Initial licensure fees.

1. The application fee for radiologic technologist licensure shall be \$130.

2. The application fee for the radiologic technologist-limited licensure shall be \$90.

3. All examination fees shall be determined by and made payable as designated by the board.

C. Licensure renewal and reinstatement.

1. The fee for active license renewal for a radiologic technologist shall be \$135 and for a radiologic technologist-limited shall be \$70. The fee for inactive license renewal for a radiologic technologist shall be \$70 and for a radiologic technologist-limited shall be \$35.

2. An additional fee of \$50 for a radiologic technologist and \$25 for a radiologic technologist-limited to cover administrative costs for processing a late renewal application within one renewal cycle shall be imposed by the board.

3. The fee for reinstatement of a license that has lapsed for a period of two years or more shall be \$180 for a radiologic technologist and \$120 for a radiologic technologist-limited and shall be submitted with an application for licensure reinstatement.

4. The fee for reinstatement of a license pursuant to § ~~54.1-2921~~ 54.1-2408.2 of the Code of Virginia shall be \$2,000.

D. Other fees.

1. The application fee for a traineeship as a radiologic technologist shall be \$25.
2. The fee for a letter of good standing or verification to another state for licensure shall be \$10; the fee for certification of grades to another jurisdiction shall be \$25.
3. The fee for a returned check shall be \$35.
4. The fee for a duplicate license shall be \$5.00, and the fee for a duplicate wall certificate shall be \$15.

18 VAC 85-110-35. Fees.

Unless otherwise provided, the following fees shall not be refundable:

1. The application fee for a license to practice as an acupuncturist shall be \$130.
2. The fee for biennial active license renewal shall be \$135; the fee for biennial inactive license renewal shall be \$70.
3. The additional fee for processing a late renewal within one renewal cycle shall be \$50.
4. The fee for reinstatement of a license which has expired for two or more years shall be \$180.
5. The fee for a letter of good standing/verification of a license to another jurisdiction shall be \$10.
6. The fee for reinstatement of a license pursuant to § ~~54.1-2921~~ 54.1-2408.2 of the Code of Virginia shall be \$2,000.
7. The fee for a duplicate wall certificate shall be \$15.
8. The fee for a duplicate renewal license shall be \$5.
9. The fee for a returned check shall be \$35.

18 VAC 85-120-100. Reinstatement.

A. In order to reinstate a license that has been lapsed for more than two years, an athletic trainer shall file an application for reinstatement, pay the fee for reinstatement of his license as prescribed in 18 VAC 85-130-150, and submit to the board evidence of current certification by NATABOC.

B. An athletic trainer whose license has been revoked by the board and who wishes to be reinstated shall file a new application to the board and pay the fee for reinstatement of his license as prescribed in 18 VAC 85-130-150 pursuant to § ~~54.1-2921~~ 54.1-2408.2 of the Code of Virginia.

18 VAC 85-120-150. Fees.

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

B. The following fees have been adopted by the board:

1. The application fee shall be \$130.
2. The fee for renewal of licensure shall be \$135 and shall be due in the licensee's birth month, in each odd-numbered year.
3. A fee of \$50 for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.
4. The fee for reinstatement of a license that has expired for two or more years shall be \$180 and shall be submitted with an application for reinstatement.
5. The fee for reinstatement of a license pursuant to § ~~54.1-2921~~ 54.1-2408.2 of the Code of Virginia shall be \$2,000.
6. The fee for a duplicate renewal license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.
7. The fee for a returned check shall be \$35.
8. The fee for a letter of verification to another jurisdiction shall be \$10.

VA.R. Doc. No. R07-84; Filed December 19, 2006, 10:28 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Proposed Regulation

Title of Regulation: **22 VAC 40-211. Resource, Foster and Adoptive Family Home Approval Standards (adding 22 VAC 40-211-10 through 22 VAC 40-211-140).**

Statutory Authority: §§ 63.2-217 and 63.2-901.1 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until March 9, 2007.

(See Calendar of Events section for additional information)

Agency Contact: Tamara Temoney, Foster Care Policy Specialist, Department of Social Services, 7 North 8th Street, Richmond, VA 23219, telephone (804) 726-7538, FAX (804) 726-7499, or email tamara.temoney@dss.virginia.gov.

Basis: Section 63.2-217 of the Code of Virginia requires the board to adopt such regulations, not in conflict with Title 63.2, as may be necessary or desirable to carry out the purpose of Title 63.2.

Section 63.2-319 of the Code of Virginia requires each local board to provide, either directly or through the purchase of services subject to the supervision of the commissioner and in accordance with regulations adopted by the board, any or all child welfare services described in Title 63.2 when such

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services are not available through other agencies serving residents in the locality.

Section 63.2-901.1 of the Code of Virginia requires each local board and licensed child-placing agency to obtain and consider, in accordance with regulations adopted by the board, criminal history record information from the Central Criminal Records Exchange.

Purpose: The purpose of the proposed action is to adopt a new regulation specific to the approval requirements for resource, foster and adoptive family homes providers approved by local departments of social services. The new regulation will ensure compliance with changes to federal and state laws and regulations regarding resource, foster and adoptive family homes. Adherence to these standards are essential to protect the health, safety and welfare of families and children who are part of our foster care system.

Substance: Substantive provisions include: changes to definitions in order to establish consistency with the Code of Virginia and other social services regulations; adding a definition of approval and redefining what "fully approved provider" means; requiring a Department of Motor Vehicles check on applicants; updating barrier crimes standards for providers; mandating new training requirements for providers; updating acceptable child sleeping arrangements, the capacity in each home, medical requirements for providers, gun and ammunition safety in a providers home, home study requirements, applicant grievance procedures, and fire safety; redefining the approval of a provider to mean the approval of a home as a resource, foster and adoptive home simultaneously; adding new requirements for criminal background checks and Child Abuse and Neglect Information System central registry searches; and updating the provider reapproval requirements. In addition, the new regulation will include changes and updates that will ensure consistency between regulations for approval of local departments of social services and private child placing agency resource, foster and adoptive homes as per the Program Improvement Plan of the Virginia Department of Social Services. These provisions will include: increasing the number of interviews with prospective applicants, requiring resource information from the provider prior to approval, procedures for continuing approval when household members change, and requiring sharing of information about the provider if the provider was previously approved by another agency.

Issues: The public is expected to benefit from this new regulation as it strengthens the safety requirements for the providers who care for the vulnerable children placed into the Commonwealth's foster care system. It also strengthens the authority of the local departments of social services to hear all applicant grievances and make the final decision as to who will be approved as a resource, foster or adoptive home provider. Finally, these new regulations will benefit the local departments of social services and individuals providing care

for children in foster care by ensuring that the regulations are consistent with state and federal law and other related social services regulations. These regulations also have a fiscal impact due to the increased requirements designed to assure that the individuals chosen to care for the children in Virginia can provide safe and nurturing homes for children.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The State Board of Social Services (board) proposes to establish 22 VAC 40-211 – Resource, Foster and Adoptive Family Home Approval Standards. This proposed regulation addresses requirements for resource, foster, and adoptive family home providers approved by local departments of social services (LDSS). These requirements are currently addressed in 22 VAC 40-770 - Standards and Regulations for Agency Approved Providers. In a concurrent action, the board is proposing to repeal 22 VAC 40-770.

In addition to changing the specific regulation where these requirements are addressed, the board also proposes several substantive changes to the requirements. Such substantive changes include the following: 1) changing the definition of infant from up to 24 months to 16 months, 2) establishing the "resource parent" designation, 3) requiring that LDSS obtain DMV driver record check for any resource, foster, and adoptive parents and any other adults in household expected to transport children, 4) requiring foster and resource parent applicants to submit the results of a physical examination performed by a licensed physician within the past 12 months, 5) requiring that the LDSS conduct at least three face-to-face interviews with each applicant, 6) requiring applicants to obtain at least three references from persons who have knowledge of the applicant's ability, skill, or experience in the provision of services and who is not related to the applicant, 7) requiring that LDSS ensure that each provider receives annual training, 8) prohibiting providers from having children over the age of 16 months sharing a bed, 9) requiring that providers store ammunition in a locked cabinet separate from firearms, 10) requiring LDSS to verify and document that providers protect children from household pets that may be a health or safety hazard, 11) adding language stating that the provider be able to ensure that they can be responsive the special medical needs, including environmental sensitivities, of the child, 12) requiring that providers keep legible records pertaining identification, health, education, and safety of the child, and 13) mandating LDSS to obtain criminal record background checks at least once every 4 years.

Result of Analysis. The benefits likely exceed the costs for one or more proposed changes. There is insufficient data to accurately compare the magnitude of the benefits versus the costs for other changes.

Estimated Economic Impact. Under both 22 VAC 40-770 (current regulations) and the proposed regulations, two foster

parents in a home can have up to 8 foster children and one foster parent in a home can have up to four foster children. Infants count as two older children for the purposes of this cap on number of foster children per foster parent. In the current regulations infant is defined as any child from birth up to 24 months of age. Under the proposed regulations infant is defined as any child from birth up to 16 months of age. Thus children between 17 months of age and 24 months of age count as two children toward the cap under the current regulations and as one child under the proposed regulations. This proposed change will allow foster parents to accept one additional foster child when one of their current foster children is between 17 months of age and 24 months, or to accept a new foster child between 17 months of age and 24 months when they have room for one additional child. In total this proposed change will moderately increase the capacity to place foster children statewide.

The board proposes to establish the "resource parent" designation. A "resource parent" is defined as an approved relative or foster family home that agrees to and is dually approved to both support reunification and be prepared to adopt the child if the child and family do not reunify. According to the state Department of Social Services (DSS), establishing the resource parent designation will allow the process by which foster parents can become adoptive parents to run more smoothly and quickly, when appropriate. This proposal appears to be beneficial without creating any accompanying costs.

Consistent with the regulations, the term "provider" will be used throughout this report to represent resource, foster, and adoptive parents.¹ The current regulations require that providers who transport children have a valid driver's license. The proposed regulations specify that LDSS must obtain DMV a driver record check for any resource, foster, and adoptive parents and any other adults in household expected to transport children and may consider the results in the approval process of the home. According to DSS the driver record check are provided for free to the LDSS. Specifying in the regulations that the LDSS check driver records will likely increase the frequency that driver records are checked, and will likely increase the frequency that providers with bad driving records are detected. This may on a few occasions result in foster children being removed from dangerous situations. Thus the small addition in time it takes to check driving records is likely exceeded by the benefit in improved safety for children.

The current regulations require that adoptive parent applicants submit the results of a physical examination performed by a licensed physician within the past 12 months to demonstrate they are possess sufficiently health. The proposed regulations

extend this requirement to foster and resource parent applicants. This proposal adds a cost for foster and resource parent applicants, but is likely exceeded by the benefit of eliminated physically incapable applicants.

The current regulations require that the provider applicants "participate in interviews with the agency." The proposed regulations require that the LDSS conduct at least three face-to-face interviews with each applicant. In practice this may result in additional interaction with LDSS staff prior to approval decisions. This can be beneficial in that the additional contact can increase the likelihood that problems could be detected. On the other hand, it increases costs for LDSS that are not already complying with this proposed requirement.

Provider applicants are required to provide two references from persons who have knowledge of the applicant's ability, skill, or experience in the provision of services and who is not related to the applicant in the current regulations. The proposed regulations require three references. Given the great responsibility that providers have with children, the small costs that applicants incur by acquiring a third reference is outweighed by the benefit of some additional assurance that the applicant is indeed competent.

The current regulations do not address training. The proposed regulations specify that LDSS ensure that each provider receives pre-service and annual training. "Training shall be relevant to the needs of the children and families and may be structured to include multiple types of training modalities (for example, on-line foster parent training courses; seminars and conferences)." According to DSS, most, but not all LDSS, currently do provide training. The proposed regulations also state that DSS will provide opportunities for training on an annual basis at no charge. Depending on the quality of the training, this proposed requirement can potentially be significantly beneficial toward the care of foster and adopted children. The training requirement will create time cost for both staff and providers.

The current regulations state that children of opposite sex should not share a double bed. The proposed regulations state that children over the age of 16 months shall not share a bed. For those localities where the LDSS permit bed sharing, this proposed change will have some impact. This will increase costs for what is hopefully a very small number of providers. The cost is likely exceeded by the benefit of increased rest for affected children. Increased rest will improve affected children's health and ability to learn.

Providers are required to store firearms and ammunition in a locked cabinet that is not accessible to children under the current regulations. The board proposes to further require that ammunition be stored in a separate locked area. The proposal most likely does moderately decrease the likelihood of firearm accidents involving children. On the other hand, complying with the proposal will make it more difficult for a

¹ When referring to 22 VAC 40-770, "provider" indicates foster and adoptive parents only since the resource parent designation does not exist in 22 VAC 40-770.

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provider to access loaded firearms if needed to confront an intruder. The estimated benefit of being able to quickly access a loaded firearm for familial protection varies greatly depending upon the analyst. Thus, whether the benefit of a moderate decrease in the likelihood of firearm accidents involving children exceeds the cost of slower access to a loaded firearm when family members are threatened cannot be accurately estimated at this time.

The current regulations require that the provider protect their children from household pets which may be a health or safety hazard. Under the proposed regulations LDSS must request and document verification of provider compliance in the provider record. Documenting verification of provider compliance may produce some additional pressure for compliance, and may moderately increase compliance in practice. This could significantly improve children's health in a small number of circumstances.

The board proposes to require that providers be able to ensure that they can be responsive to the special medical needs, including environmental sensitivities, of the child. This is implied, but not specified in the current regulations. Specifying this may encourage LDSS staff to focus more on this aspect of care. To the extent that this happens, this additional language may in a few situations result in improved care for children under foster and adoptive care.

The board also proposes to require that providers keep written legible records pertaining to identification, health, education, and safety of the child. Specifically, the legible records must include: a) identifying information on the child, b) name, address, and work telephone numbers of the LDSS caseworker, and LDSS after hours emergency contact information, c) name, address, and home and/or work telephone numbers of persons authorized to pick up the child in care, d) name of persons not authorized to call or visit the child, e) educational records, report cards and other school-related documentation, f) medical information pertinent to the health care of the child, g) correspondence related to the child, h) the service plan as well as other written child information provided by the LDSS, and i) placement agreement between the provider and the LDSS. Keeping such organized legible records will cost providers some time, but will be significantly beneficial in providing for affected children's health, education, and safety if the provider should somehow become incapacitated.

The current regulations specify that the provider and other adult household members who come into contact with children not be convicted of a felony or misdemeanor which jeopardizes the safety or proper care of clients. The proposed regulations specify that the LDSS complete criminal background checks at the time of application and at least once every four years. The requirement for rechecks every four years has the potential to significantly affect how often criminal background checks are conducted in practice by

LDSS. This may create significant benefits in that more criminal activity by those in households with children is detected; and children can be moved to safer surroundings. According to DSS, criminal background checks cost \$20 per person.

Businesses and Entities Affected. The proposed regulations affect the 120 LDSS in the Commonwealth, as well foster parents, adoptive parents, resource parents, and children of such parents.

Localities Particularly Affected. The proposed regulations affect all localities.

Projected Impact on Employment. The proposed regulations may necessitate the hiring of a small number of additional staff for LDSS.

Effects on the Use and Value of Private Property. Providers will encounter small additional compliance costs.

Small Businesses: Costs and Other Effects. The proposed regulations do not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed regulations do not significantly affect small businesses.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

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

Summary:

The proposed regulation is intended to conform to changes to federal and state laws and regulations regarding resource, foster and adoptive family homes. In addition, the proposed regulation creates consistency between providers approved by local departments of social services and licensed child-placing agencies. Major substantive provisions include: updating definitions and requirements to be consistent with other social services regulations and applicable approval requirements that fall under the purview of other state agencies; mandating training for resource, foster and adoptive homes; requiring a narrative home study report; creating one set of standards for the approval of all types of family home providers (i.e., resource, foster and adoptive) to streamline the process of approval; requiring proof of provider approval to be maintained in the child's file; updating the safety requirements through increasing the standards for the home of the provider and requirements for criminal background checks.

**CHAPTER 211.
RESOURCE, FOSTER AND ADOPTIVE FAMILY HOME
APPROVAL STANDARDS.**

22 VAC 40-211-10. Definitions.

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

"Adoptive parent" means any provider selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adult" means any individual 18 years of age or over.

"Applicant" means an individual or couple who are applying to be approved as a resource, foster and adoptive home provider.

"Approval" means that the provider has met all applicable standards to be approved as a resource, foster and adoptive home provider.

"Caretaker" means any individual having the responsibility of providing care for a child and includes the following: (i) parent or other person legally responsible for the child's care; (ii) any other person who has assumed caretaking responsibility by virtue of an agreement with the legally responsible person; (iii) persons responsible by virtue of their positions conferred by authority; or (iv) adult persons residing in the home with the child.

"Child" means any natural person under 18 years of age.

"Child abuse and neglect information system" (CANIS) means the computer system that collects and maintains information regarding incidents of child abuse and neglect

involving parents or other caretakers. The computer system is composed of three parts: the statistical information system with nonidentifying information, the central registry of founded complaints not on appeal, and a database that can be accessed only by the department and local departments that contains all nonpurged child protective services reports. This system is the official state automated system.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 of the Code of Virginia or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903 and 63.2-1221 of the Code of Virginia. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Commissioner" means the Commissioner of the Department of Social Services or his designee, or authorized representative.

"Corporal punishment" means any type of physical punishment inflicted in any manner upon the body of a child including but not limited to hitting with any part of the body or an implement, spanking, pinching, pulling, shaking a child, forcing a child to assume an uncomfortable position, binding a child, beating or anything else that causes or is intended to cause physical harm.

"Department" means the state Department of Social Services.

"Foster parent" means a provider who gives 24-hour substitute family care, room and board, and services for children or youth committed or entrusted to local boards of social services or for whom supervisory responsibility has been delegated.

"Infant" means any child from birth up to 16 months of age.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Parent" means the biological or adoptive parent of a child.

"Provider" means resource, foster and adoptive parent(s) and includes, when both are present in the home, two parents.

"Resource parent" means an approved relative or foster family home that agrees to and is dually approved to both support reunification and be prepared to adopt the child if the child and family do not reunify.

22 VAC 40-211-20. Approval of provider homes.

A. When applicants are approved in accordance with these standards, they are approved as foster families, adoptive families and resource families. The approved provider shall, however, be allowed to choose to provide only foster care or adoption services should they not wish to serve as a resource family.

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B. If the provider cannot meet the standards described in these sections, the local department shall deny the application or, upon its discretion, request a variance on certain standards in accordance with the department's policies and procedures. If the variance is not granted, the local department shall not approve the home for the placement of children.

C. These standards also apply to resource and foster providers who care for young adults receiving foster care services between the ages of 18 and 21.

D. These standards apply to adoptive home providers until the final order of adoption is issued.

22 VAC 40-211-30. Background checks and health standards.

A. All local department-approved resource, foster or adoptive providers shall be at least 21 years of age.

B. Resource, foster or adoptive parent applicants and any other adult household members or individuals serving in a caretaker role at the request of the foster parent or local department shall complete a criminal background check pursuant to § 63.2-1721 of the Code of Virginia. Convictions of offenses as set out in § 63.2-1719 of the Code of Virginia shall preclude approval of applications to become resource, foster or adoptive parent(s).

1. Local departments shall ask prospective resource, foster or adoptive parents about criminal behaviors or child abuse and neglect allegations that occurred in Virginia and other states. Applicants shall sign a statement affirming that they have no such offense.

2. Any resident in the home, upon reaching age 18, shall have a criminal background check and Child Abuse and Neglect Information System Central Registry search pursuant to 22 VAC 40-191-40.

C. Resource, foster or adoptive parent applicants, and any other adult household members shall consent to a search of the Child Abuse and Neglect Information System Central Registry search. The resource, foster or adoptive applicant and all adult household members who come in contact with children shall not have a founded child abuse or neglect record in the Child Abuse and Neglect Information System Central Registry search. Documentation of the results of the criminal records check shall be maintained in the applicant's record.

D. The local department shall obtain a Department of Motor Vehicle driver record check for any resource, foster or adoptive applicants or other adult drivers in the home who are expected to transport children and may consider the results in the approval process for the home.

E. The resource, foster or adoptive home applicant and all other household members who come in contact with children shall submit a statement from the local health department or

licensed physician that the applicant and other household members are believed to be free of tuberculosis in a communicable form either as a result of screening or testing for tuberculosis. The applicant shall submit the results of a physical examination within the 12-month period prior to approval from a licensed health care professional that states each applicant is physically and mentally capable of parenting a child.

22 VAC 40-211-40. Home study requirements.

A. Applicants for resource, foster or adoptive parents shall complete an application to become an approved provider according to department requirements and on department-approved forms to be considered for approval and for a home study process to occur.

B. The local department shall conduct a home study.

C. The home study shall be documented in a narrative format and shall be signed and dated by the individual completing the home study and the supervisor or his designee.

D. Local departments shall ask if a prospective resource, foster or adoptive parent previously applied to or was approved by another local department or licensed child-placing agency for approval. The local department shall have the applicant(s) sign a request to release information from the other agency in order to request information about any previous applications and shall use that information in considering approval of the applicant.

E. Local departments shall conduct a minimum of three face-to-face interviews with each applicant, of which at least one shall be in the applicant's home. If the prospective applicant is a couple, at least one interview shall be with the couple together. At least one interview shall be with all individuals who are residing in the home.

1. The local department shall obtain at least three references from persons who have knowledge of the applicant's ability, skill, or experience in the provision of services and who shall not be related to the applicant. The local department may request more than three references.

2. The local department shall obtain information on the applicant's employment history.

3. The local department shall use the interviews, references, and employment history to assess and document in the narrative home study report that the:

a. Applicant is knowledgeable about and physically and mentally capable of providing the necessary care for children;

b. Applicant is able to sustain positive and constructive relationships with children in care, and to relate to children with respect, courtesy and understanding;

c. Applicant is capable of handling emergencies with dependability and good judgment;

d. Applicant is able to communicate and follow instructions sufficiently to assure adequate care, safety and protection for children;

e. Applicant demonstrates a capacity to love and nurture a child born to someone else;

f. Applicant can accept the child without expecting him to resolve the applicant's family problems or fulfill the applicant's family ambitions; and

g. Married providers show marital stability.

22 VAC 40-211-50. Approval period and documentation of approval.

A. The approval period for a provider is 24 months when the provider and the home meet the standards.

B. The providers' record shall contain a copy of an approval certificate or letter specifying the following:

1. Type of approval (resource, foster or adoptive home provider or multiple approval);
2. Date when the approval became effective and the date when the approval lapses;
3. The gender, age and number of children recommended for placement in the home;
4. The signature and title of the individual approving the home; and
5. The signature and title of the supervisor.

C. Provider approval documentation shall be maintained in the child's file.

1. A copy of the providers' approval certificate or letter shall be maintained in the child's file;
2. If the provider is licensed by a child placing agency, a copy of the child placing agency license and the provider home approval certificate or letter shall be maintained in the child's file;
3. If the provider is approved by another local department of social services, a copy of the provider's approval certificate or letter shall be kept in the child's file.

22 VAC 40-211-60. Training.

A. Local departments shall provide preservice training for resource, foster and adoptive providers based on core competencies identified by and a curriculum approved by the department.

B. Local departments shall ensure that each provider receives annual ongoing training.

1. Training shall be relevant to the needs of the children and families and may be structured to include multiple types of training modalities (for example, online foster parent training courses, seminars and conferences).

2. The department shall provide opportunities for training on an annual basis.

C. Providers are required to attend preservice and annual in-service trainings.

D. Providers are considered fully approved if they meet all other requirements for approval and are enrolled in preservice training and complete the next preservice training available. The provider shall sign a written agreement to this effect. A provider's approval shall be revoked if he does not complete the training as per the written agreement.

Providers are considered fully approved if they meet all other requirements for reapproval and are enrolled in in-service training and complete the next in-service training available. The provider shall sign a written agreement to this effect. A provider's approval shall be revoked if he does not complete the training as per the written agreement.

E. Providers shall not be charged any fees for attending the training required by local departments.

22 VAC 40-211-70. Standards for the home of the provider.

A. The home shall have sufficient appropriate space and furnishings for each child receiving care in the home including:

1. Space to keep clothing and other personal belongings;
2. Accessible basin and toilet facilities;
3. Comfortable sleeping or napping furnishings;
4. For children unable to use stairs unassisted, other than a child who can easily be carried, sleeping space on the first floor of the home;
5. Space for recreational activities; and
6. Sufficient space and equipment for food preparation, service, and proper storage.

B. All rooms used by children shall be heated in winter, dry, and well-ventilated.

C. All doors and windows used for ventilation shall be appropriately screened.

D. Rooms used by children shall have adequate lighting.

E. The provider shall have access to a working telephone in the home.

F. The home shall comply with all local ordinances.

G. No more than four children shall occupy one bedroom.

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H. There shall be at least 70 square feet of space in a room occupied by one child and at least 50 square feet of space for each child in a room shared by two or more.

I. Children over the age of 16 months (infants) shall not share a bed.

J. Bedroom accommodations for children over age 16 months shall be based on the assessment of the particular needs of the child.

1. Children over the age of two shall not share a bedroom with an adult unless the local department approves and documents a plan to allow the child to sleep in the provider's bedroom due to documented needs, disabilities or other specified conditions.

2. Children under age five or children with significant and documented cognitive or physical disabilities shall not use the top bunk of bunk beds.

K. The home and grounds shall be free from litter and debris and present no hazard to the safety of the children receiving care.

1. The home and grounds shall be free of safety hazards. The provider shall permit a fire inspection of the home by appropriate authorities if conditions indicate a need for approval and the local department requests it.

2. The provider shall have a written emergency plan that includes, but is not limited to, fire or natural disaster. The provider shall review the plan with each new child placed in the home capable of understanding the plan.

3. Attics or basements used by children for any reason shall have two emergency exits. One of the emergency exits shall lead directly outside and may be an escapable door or an escapable window.

4. Possession of any weapons, including firearms, in the home shall comply with federal and state laws and local ordinances. The provider shall store any firearms and other weapons in a locked cabinet with safety mechanisms activated. Ammunition shall be stored in a separate and locked area. The key or combination to the locked cabinet(s) shall be maintained out of the reach of all children in the home. Any glass cabinets used to store any weapons, including firearms, shall be shatterproof.

5. Local departments shall require the provider to protect children from household pets that may be a health or safety hazard in accordance with the laws of Virginia and local ordinances and shall request and document verification of provider compliance in the provider record.

6. Local departments shall require the provider to keep cleaning supplies and other toxic substances stored away from food and out of the reach of children. Cleaning

supplies shall be locked when the age or emotional stability of the child require such items to be locked.

7. All homes should have an ABC class fire extinguisher in the home. Every home shall have an operable smoke detector, the specific requirements of which shall be coordinated through the local fire marshal. If a locality does not have a local fire marshal, the state fire marshal shall be contacted.

L. The provider shall show documentation of an inspection of the home's private water supply and sewage disposal system by the local health department. The home and grounds shall be free of garbage, insects, and rodents that would present a hazard to the health of the child.

M. The provider shall not exceed the maximum allowable capacity for the type of care given and as approved by the local department.

1. The maximum number of children in a home with two foster parent(s) is eight.

2. The maximum number of children in a home with one resource or foster parent is four.

3. The resource parents' own children (biological or adopted) over age 10 do not count in determining the maximum number of children.

4. There is no limit on the number of children for adoptive families.

5. An infant counts as two children.

6. Any child with a handicap who requires extra attention of the provider counts as two children.

7. The local department may grant an exception to the resource or foster home's maximum capacity to avoid separating a sibling group.

8. The actual capacity of a particular home may be less than the above capacities if:

a. The physical accommodations of the home are not adequate for the maximum number of children;

b. The capabilities and skills of the provider are not sufficient to manage the maximum number of children;

c. The child's best interests require placement in a certain type of home (for example, a home with no young children or a home with no more than one other child);

d. The foster care provider is also a day care provider and the approving agency determines that the provider's day care activities interfere with the provider's ability to ensure the safety of the foster child(ren); or

e. Any individuals in the home, including the provider's children, require special attention or services of the

provider that interfere with the provider's ability to ensure the safety of all children in the home.

22 VAC 40-211-80. Standards of care.

A. The provider shall provide care that does not discriminate on the basis of race, color, sex, national origin, age, religion, political beliefs, sexual orientation, or disability or family status.

B. The provider shall have a plan for seeking assistance from police, firefighters, and medical professionals in an emergency.

1. Resource or foster parents shall arrange for responsible adults to be available who can serve in the caretaker's role in case of an emergency.

2. If the planned or long-term absence of the provider is required, the local department shall be notified of and approve any substitute arrangements the provider wishes to make.

3. The provider shall ensure that adequate care and supervision are provided to children and the children's health, safety, and well-being are protected.

C. Children shall receive meals and snacks appropriate to the daily nutritional needs of each child.

1. Children shall receive special diets if prescribed through a licensed physician or in accordance with religious or ethnic requirements or other special needs.

2. Adequate drinking water shall be available at all times.

3. Children shall receive nutritionally balanced meals.

D. If the provider or any other adult transports children, the provider and any other adult shall show proof of a valid driver's license and automobile liability insurance.

1. The vehicle used to transport children shall have a valid license and inspection sticker.

2. Providers and any other adults who transport children shall use child restraint devices in accordance with requirements of Virginia law.

E. The provider shall have the name, address, and telephone number of each child's physician easily accessible.

1. The provider shall have first aid supplies easily accessible in case of accidents.

2. The provider shall keep medicines and drugs separate from food except those items that shall be refrigerated.

3. The provider shall record all medications prescribed for each child and any reported side effects or adverse reactions.

4. The provider shall be able to ensure that he can be responsive to the special medical needs, including environmental sensitivities, of the child.

F. The provider shall establish rules that encourage desired behavior and discourage undesired behavior.

1. The provider shall not use corporal punishment nor give permission to others to do so and shall sign an agreement to this effect.

2. The provider shall not humiliate or frighten the child in disciplining the child.

3. The provider shall not withhold food, force naps, or punish toileting accidents in disciplining the child.

G. Resource, foster or adoptive parent(s) shall provide adequate and seasonal clothing appropriate for the age and size of each child. The resource, foster or adoptive parent(s) provider shall ensure that children have adequate and seasonal clothing and that all clothing is properly laundered or dry cleaned, and altered or repaired as needed.

22 VAC 40-211-90. Provider agreements and responsibilities.

A. Local departments shall require the provider to maintain written legible information on each child in care including:

1. Identifying information on the child;

2. Name, address, and work telephone numbers of the local department caseworker and local department after hours emergency contact information;

3. Name, address, and home and/or work telephone numbers of persons authorized to pick up the child in care;

4. Name of persons not authorized to call or visit the child;

5. Educational records, report cards and other school-related documentation;

6. Medical information pertinent to the health care of the child;

7. Correspondence related to the child;

8. The service plan as well as other written child information provided by the local department; and

9. Placement agreement between the provider and the local department.

B. Local departments shall require the provider to immediately report any suspected abuse, neglect, or exploitation of any child in care to the local department or to the department's 24-hour toll-free hotline.

C. Local departments shall require providers to keep the local department informed of changes in the household that may affect approval of the provider.

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D. If the provider moves to a new location or jurisdiction, the local department shall determine continued compliance with standards related to the home.

E. Local departments shall explain confidentiality requirements to providers and require providers to keep all information regarding the child, his family and the circumstances that resulted in the child coming into care confidential. Providers shall sign a confidentiality form and local departments shall keep the signed form in the child's file. The local department and its representatives shall have access to all records.

22 VAC 40-211-100. Allowable variance.

A. The provider may receive an allowable variance from the local department on a standard if the variance does not jeopardize the safety and proper care of the child or violate federal or state law, or local ordinance.

B. If a provider is granted a variance and is in compliance with all other requirements of this chapter, the provider is considered fully approved.

22 VAC 40-211-110. Emergency approval of providers.

A. Emergency approval of a provider may be granted under the following conditions when the placement is in the home of the child's relative or friend:

1. (i) The court orders emergency placement, (ii) the child is placed under the 72-hour emergency removal authority, or (iii) the parent requests placement or service in an emergency; and

2. Prior to placement of a child with an unapproved provider, a criminal background check and Child Abuse and Neglect Information System search has been conducted on all adults in the home of where the child is to be placed pursuant to § 63.2-901.1 of the Code of Virginia. Offenses listed in § 63.2-1719 of the Code of Virginia shall preclude placement of the child.

22 VAC 40-211-120. Provider monitoring.

The local department representative shall visit the home of the provider as often as necessary but at least semi-annually to monitor the performance of the provider and shall document these visits in the provider record.

22 VAC 40-211-130. Reapproval of providers.

A. The local department shall reapprove the resource, foster or adoption provider prior to the last day of the month of the current approval period if the provider and the home continue to meet the standards.

B. If the provider cannot meet the standards prescribed in this regulation and the local department does not grant a variance on those standards the provider does not meet, the local

department shall not reapprove the home for the placement of children and shall remove the current foster child placements.

C. Child Abuse and Neglect Information System Central Registry searches shall be completed at each reapproval on the resource, foster or adoptive parent providers and other adult household members in order for the family to continue to meet standards.

D. Criminal record background checks shall be completed at every other reapproval or at any earlier time if the local department believes another check is required on the resource, foster or adoptive parent(s) provider and other adult household members in order for the family to continue to meet standards.

E. Additional tuberculosis tests or screenings are not required at reapprovals unless the individual comes into contact with a known case of tuberculosis or develops chronic respiratory symptoms.

F. The reapproval process shall be documented in a narrative format and shall identify any changes in the provider's marital status, physical health, household composition, financial stability and other standards that may effect the provider's ability to provide a safe and nurturing home for children.

G. The reapproval narrative shall be signed and dated by the individual completing the reapproval process and the supervisor.

22 VAC 40-211-140. Provider's right to grieve.

A. The applicant to become a provider shall have the right to grieve the actions of the local department to the local board on issues related to their application to become a resource, foster or adoptive home provider.

B. Decisions on the placement of a specific child with a provider are not subject to grievance. The local board shall have the final authority to determine appropriate placement for children pursuant to § 16.1-278.2 of the Code of Virginia. Decisions regarding final adoptive placements are made by the circuit court pursuant to Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2 of the Code of Virginia.

VA.R. Doc. No. R05-233; Filed December 18, 2006, 8:57 a.m.

Proposed Regulation

Titles of Regulations: 22 VAC 40-770. Standards and Regulations for Agency Approved Providers (repealing 22 VAC 40-770-10 through 22 VAC 40-770-160).

22 VAC 40-771. Adult Services Approved Providers (adding 22 VAC 40-771-10 through 22 VAC 40-771-160).

Statutory Authority: §§ 63.2-217 and 63.2-1600 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until March 9, 2007.

(See Calendar of Events section for additional information)

Agency Contact: Gail Shea Nardi, Adult Services/Adult Protective Services Program Manager, Department of Social Services, 7 North 8th Street, 4th Floor, Richmond, VA 23219, telephone (804) 726-7537, FAX (804) 726-7895, (toll free) 800-828-1120, or email gail.nardi@dss.virginia.gov.

Basis: The legal basis for this regulation is §§ 63.2-217 and 63.2-1600 of the Code of Virginia. These sections provide general authority for the development of regulations for program operation and mandatory authority for the development of regulations for the delivery of home-based services and the determination of eligibility for such services.

Purpose: The regulation is necessary to repeal outdated regulations and promulgate a new regulation to protect the health, safety, and welfare of citizens of the Commonwealth by setting a basis of quality in purchasing care and making placements for vulnerable adults age 60 and over and age 18 to 59 who have a disability. With these standards, assurances can be made that the care purchased or arranged meets health and safety standards and supports care that is conducive to the health, safety and well-being of elderly individuals and persons with disabilities. The goal of the new regulation is to maintain these assurances, while also ensuring conformity with all current federal and state laws and regulations.

Substance: The proposed regulation focuses on adult services providers that are approved by local departments of social services, including out-of-home providers of adult day services and adult foster care, and in-home providers of chore, companion and homemaker services. Substantive provisions include:

1. Clear definitions of approved provider services.
2. Standards and requirements for adult services providers, assistants, the provider's spouse and other persons.
3. Standards and requirements for care given by adult services providers, including requirements for the handling of medications.
4. Standards and requirements for the home of the adult foster care or adult day services provider, including physical accommodations, safety, sanitation, and capacity.
5. Recordkeeping requirements for adult foster care and adult day services providers.
6. Rights and responsibilities of adults in care.

Issues: The public is expected to benefit from this new regulation as it strengthens the safety requirements for the providers who care for the vulnerable adults placed into the Commonwealth's adult care system. It also strengthens the

authority of the local departments of social services to hear all applicant grievances and make the final decision as to who will be approved as a provider. Finally, these new regulations will benefit local departments of social services and individuals providing care for adults by ensuring that the regulations are consistent with state and federal law and other related social services regulations.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. The Board of Social Services (board) proposes to promulgate a new regulation that addresses standards and procedures for adult services providers.¹ The proposed regulation will replace the provisions on adult services providers in 22 VAC 40-770.

Results of Analysis. There is insufficient data to accurately compare the magnitude of the benefits versus the costs. Detailed analysis of the benefits and costs can be found in the next section.

Estimated Economic Impact. Currently the adult services providers are regulated under 22 VAC 40-770, which addresses approval and regulation of service providers including adult service providers, child care providers, and adoptive and foster care providers. Because of the uniqueness of each type of provider, it is no longer appropriate to generically address them in a single regulation. The board proposes to promulgate new regulations to address each type of provider separately. This proposed regulation is reformatted and focuses only on adult services providers that are approved by local departments of social services (local department).

The proposed regulation requires that the out-of-home care providers including adult foster care providers² and adult day services providers³ document all medications taken by adults in care, including over-the counter medications. Currently there is no such requirement. This regulatory change will help better protect the health of the clients while only requiring a small amount of time for the providers.

Another change is being proposed to the medical requirements of the providers in order to conform to the regulations and policies of the Department of Health. All in-home providers shall submit statement from the local health department or licensed physician that he/she is believed to be

¹ According to 22 VAC 40-771, an adult services provider provides out-of-home care (including day services and foster care) or in-home care (including chore, companion and homemaker services) for up to three adults. Clients of adult services providers are adults aged 60 and over or aged 18 to 59 who have a disability.

² According to 22 VAC 40-771, adult foster care provider means a provider who provides room and board, supervision, and special services to an adult who has a physical or mental condition or an emotional or behavioral problem. Adult foster care may be provided by a single provider for up to three adults.

³ Adult day services provider means a provider who gives personal supervision for up to three adults for part of a day. The provider promotes social, physical and emotional well-being through companionship, self-education, and satisfying leisure activities.

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free of tuberculosis in a communicable form. While under current regulation, tuberculosis testing is not required if an in-home provider is a relative or friend of the client living in the client's home, or a relative or friend outside of the client's home but has had regular ongoing contact with the client. This regulatory change is made in response to increasing tuberculosis cases in recent years and will better protect the health of adults in care. According to Department of Social Services (DSS), tuberculosis test can be done by the health department for free or at low costs, therefore, this proposed change will likely not have any significant impact on applicants of providers.

The proposed regulation eliminates a requirement for criminal background checks for providers due to a finding of the Attorney General's office that the agency does not have the legal authority to require criminal background checks of providers. DSS plans to request that the Governor's office submit a bill that would require a criminal background checks for these providers in the next General Assembly session. According to DSS, although the local departments may not directly request criminal background record from the state police, a client can request the record under his/her name and send it to the local department with signature. Therefore, this regulatory change will likely not have any significant adverse impact before the anticipated new legislation takes effect.

New provisions which relate to provider responsibilities and client rights are being added to the proposed regulation. These provisions are borrowed from DSS licensing regulations/standards. Other proposed regulatory changes expand the current provisions and incorporate current standard practice or rules in the Adult Services Policy Manual (Manual) into the regulations. Therefore, they will likely not have any significant impact on the providers or clients. For example, the proposed regulation requires that provider monitoring for in-home providers include interviews not only with the provider, but also with adults receiving care, and that the adult in care or his/her responsible person shall have access to all provider monitoring reports completed by the local department. Under the current regulations, only the provider is required to be interviewed in order to monitor his/her performance. According to the DSS, local department representatives currently interview the clients as well as the provider for annual assessment or special assessment based on changes in clients' situation, and the report is available to the clients on request. The proposed regulation also requires that the local department consult with a DSS regional specialist prior to granting an allowable variance, which is what currently the local departments are normally doing. Policies in the Manual regarding emergency plan, emergency approval, noncompliance (provisional approval, approval suspension and revoke), relocation, and reporting are incorporated into the new regulations.

Businesses and Entities Affected. The proposed regulation revises and expands the current provisions on adult services

providers. Most of the regulatory changes are clarification or incorporation of the policies in the Manual to the regulations. The proposed regulations will help ensure the safety and proper care of the clients while having a slight impact on the providers. According to DSS' annual Adult Services Survey, currently there are 2,120 local department approved home-based care providers and approximately 63 adult foster care homes.

Localities Particularly Affected. The proposed regulation affects localities throughout the Commonwealth.

Projected Impact on Employment. The proposed regulation will only slightly affect the providers and will likely not have any significant impact on employment.

Effects on the Use and Value of Private Property. The proposed regulation will likely not have any significant impact on private property.

Small Businesses: Costs and Other Effects. Current and future adult service providers that provide out-of-home care and in-home care for up to three adults may incur small book-keeping costs, mainly the value of their time, due to the requirement of documenting of all medication taken by adults in care. Most of the 2,120 home-based care providers and 63 adult foster care homes are small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed regulations will help ensure the safety and proper care of the clients while having slight impact on the providers. There is no alternative method that will have a smaller adverse impact on small businesses.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of

the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

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

Summary:

This action repeals 22 VAC 40-770, Standards and Regulations for Agency Approved Providers, and establishes a new regulation, 22 VAC 40-771, Adult Services Approved Providers. 22 VAC 40-770 includes dated, generic provisions that address approval and regulation of service providers including adult service providers, child care providers and adoptive and foster care providers. Because of the uniqueness of each type of provider, it is no longer appropriate to generically address them in a single regulation. New regulations are being promulgated to address each type of provider separately. 22 VAC 40-771 addresses standards and procedures for providers of services to adults contracted through local departments of social services. The new regulation updates definitions, addresses standards for service providers and their homes, sets recordkeeping requirements, and establishes the rights and responsibilities of adults in care.

CHAPTER 771.

ADULT SERVICES APPROVED PROVIDERS.

22 VAC 40-771-10. Definitions.

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

"Activities of daily living (ADLs)" means bathing, dressing, toileting, transferring, bowel control, bladder control and eating/feeding. A person's degree of independence in performing these activities is part of determining the appropriate level of care and services.

"Adult" means any individual 18 years of age or over.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day services provider" means a provider who gives personal supervision for up to three adults for part of a day. The provider promotes social, physical and emotional well-being through companionship, self-education, and satisfying leisure activities. Adult day services that are provided for more than three adults require licensure by the Virginia Department of Social Services.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition or an emotional or behavioral problem. Adult foster care may be provided by a single provider for up to three adults.

"Adult foster care provider" means a provider who gives room and board, supervision and special services in his own home for up to three adults who are unable to remain in their own home because of a physical or mental condition or an emotional or behavioral problem. Care provided for more than three adults requires licensure by the Virginia Department of Social Services.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being.

"Adult services" means services that are provided to adults 60 years of age and older and to adults 18 years of age and older who are impaired.

"Assistant" means any individual who is responsible to assist an adult services approved provider in caring for adult clients. Assistants must meet the same requirements as the provider.

"Chore provider" means a provider who performs nonroutine, heavy home maintenance tasks for adult clients unable to perform such tasks for themselves. Chore services include minor repair work on furniture and appliances in the adult's home; carrying coal, wood and water; chopping wood; removing snow; yard maintenance; and painting.

"Client" means any adult who needs supervision and/or services and seeks assistance in meeting those needs from a local department of social services.

"Companion provider" means a provider who assists adult clients unable to care for themselves without assistance and where there is no one available to provide the needed services without cost in activities such as light housekeeping, companionship, shopping, meal preparation, transportation, household management and activities of daily living (ADLs).

"Department" means the Virginia Department of Social Services.

"Home-based services" means companion, chore, and homemaker services that allow individuals to attain or maintain self-care and are likely to prevent or reduce dependency.

"Homemaker services" means a provider who gives instruction in or, where appropriate, performs activities such as personal care, home management, household maintenance, nutrition, consumer or hygiene education.

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"In-home provider" means an individual who provides care in the home of the adult client needing supervision and/or services. In-home providers include companion, chore, and homemaker providers.

"Instrumental activities of daily living" means meal preparation, housekeeping/light housework, shopping for personal items, laundry, or using the telephone. An adult client's degree of independence in performing these activities is part of determining the appropriate level of care and services.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local department-approved provider" means a provider that is not subject to licensure and is approved by a local department of social services to provide services to Department of Social Services' clients.

"Out-of-home provider" means an individual who provides care in the individual's own home to adult clients who enter the home for purposes of receiving needed supervision and/or services.

"Personal care services" means the provision of nonskilled services including assistance in the activities of daily living, and may include instrumental activities of daily living related to the needs of the adult client, to maintain the adult client's health and safety in their home.

"Responsible person" means an individual designated by or for an adult client who is authorized to make decisions concerning the adult client and/or to receive information about the adult client.

22 VAC 40-771-20. Local department-approved providers.

A. This regulation applies to providers approved by a local department and does not apply to facilities or organizations licensed by a licensing or regulatory agency. A local department shall not approve a provider that does not meet the standards set out in this regulation.

B. This regulation is applicable to the following providers:

1. Out-of-home providers including:

- a. Adult day services providers;
- b. Adult foster care providers;

2. In-home providers including:

- a. Chore providers;
- b. Companion providers;
- c. Homemaker providers.

C. The local department is not required to accept provider applications for any type of service when the local department has a sufficient number of providers for that service to meet the client population needs or does not offer the type of service.

D. Prior to approving an out-of-home provider located in another jurisdiction, the local department shall seek written permission from the local department where the provider will provide services.

E. Local departments may use an approved provider from another jurisdiction without performing another approval study when the local department obtains written permission and a copy of the approval documents from the local department that conducted the approval study.

22 VAC 40-771-30. Standards for providers and other persons.

A. Age requirements include:

1. All local department-approved adult services homemaker providers shall be at least 18 years of age.
2. All local department-approved adult services chore and companion providers shall be at least 16 years of age. If the local department chooses to approve a chore or companion provider who is at least 16 years of age but less than 18 years of age, the local department must determine that the provider is competent and able to provide the service.
3. Any assistant to a local department-approved in-home provider for adult services shall be at least 16 years of age.

B. Interview, references, and employment history requirements include:

1. The provider shall participate in interviews with the local department.
2. The provider shall provide at least two references from persons who have knowledge of the provider's ability, skill, or experience in the provision of services and who shall not be related to the provider.
3. The provider shall provide information on the provider's employment history.
4. The local department shall use the interviews, references, and employment history to assess that the provider is:
 - a. Knowledgeable of and physically and mentally capable of providing the necessary care for adults;
 - b. Able to sustain positive and constructive relationships with adults in care, and to relate to adults with respect, courtesy, and understanding;
 - c. Capable of handling emergencies with dependability and good judgment; and

d. Able to communicate and follow instructions sufficiently to ensure adequate care, safety and protection for adults.

5. For adult foster care and adult day services, at least one interview shall occur in the home where the care is to be provided. All adult household members shall be interviewed to ensure that they understand the demands and expectations of the care to be provided.

6. For homemaker providers, the local department shall further use the interview, references, and employment history to assess that the provider has knowledge, skills, and ability, as appropriate, in:

- a. Home management and household maintenance;
- b. The types of personal care of the elderly or adults with a disability permitted by regulation;
- c. Nutrition education and meal planning and preparation, including special diets; and
- d. Personal hygiene and consumer education.

7. For adult foster care providers, the local department shall further use the interview, references, and employment history to assess that the provider has sufficient financial income or resources to meet the basic needs of his own family and has the knowledge, skills, and abilities to care for adults, including, but not limited to:

- a. Provision of a furnished room in the home that meets applicable zoning, building, and fire safety codes.
- b. Housekeeping services based on the needs of the adult in care.
- c. Nutritionally balanced meals and snacks, including extra portions and special diets as necessary.
- d. Provision of clean bed linens and towels at least once a week and as needed by the adult.
- e. Assistance with personal hygiene including bathing, dressing, oral hygiene, hair grooming and shampooing, care of clothing, shaving, care of toenails and fingernails, arranging for haircuts as needed, care of needs associated with menstruation or occasional bladder or bowel incontinence.
- f. Provision of generic personal toiletries including soap and toilet paper.
- g. Assistance with the following: care of personal possessions, care of personal funds if requested by the adult and adult foster care home's policy permits it, use of telephone, arranging transportation, obtaining necessary personal items and clothing, making and keeping appointments, and correspondence.

h. Securing health care and transportation when needed for medical treatment.

i. Providing social and recreational activities as required by the local department and consistent with licensing regulations.

j. General supervision for safety.

C. Training requirements include:

1. The local department shall provide basic orientation to any approved provider.

2. The provider shall attend any orientation and training required by the local department. The provider shall bear the cost of any required training unless the local department subsidizes the cost for all local department-approved providers.

D. Medical requirements include:

1. The provider and, for out-of-home care, the assistant; the provider's spouse; and all other adult household members who come in contact with adults in care shall submit a statement from the local health department or licensed physician that he is believed to be free of tuberculosis in a communicable form.

2. The provider and assistant shall submit the results of a physical and mental health examination when requested by the local department.

E. All local department-approved providers shall keep the local department informed of changes in the household that may affect approval of the provider.

F. The provider shall have the capability to fully perform the requirements of the position, have the moral and business integrity and reliability to ensure good faith performance and be determined by the local department to meet the requirements of the position.

G. Any provider who causes the local department to make an improper payment by withholding information or providing false information may be required to repay the amount of the improper payment. Failure to repay any improper payment shall result in a referral for criminal or civil prosecution.

22 VAC 40-771-40. Standards for care for adult services providers.

A. The provider shall provide care that does not discriminate on the basis of race, ethnicity, sex, national origin, age, religion, disability or impairment.

B. Supervision requirements include:

1. The provider shall have a plan for seeking assistance from police, firefighters, and medical professionals in an emergency.

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2. A responsible adult or an approved assistant shall always be available to provide appropriate care for the adult in case of an emergency.

3. If extended absence of the provider is required, the local department shall approve any substitute arrangements the provider wishes to make. An extended absence shall be defined as greater than one day.

4. The provider shall ensure that adequate care and supervision are provided to adults in care and that the adult's health, safety, and well-being are protected.

C. The following standards apply to food provided to adult clients by adult day services and adult foster care providers:

1. Adults in care shall receive nutritionally balanced meals and snacks appropriate to the length of time in care each day and the daily nutritional needs of each adult.

2. Adults in care shall receive special diets if prescribed by a licensed physician or in accordance with religious or ethnic requirements, the adult's preferences, or other special needs.

3. Adequate drinking water shall be available at all times.

D. Requirements for transportation of adults include:

1. If the provider and, for out-of home services, the assistant; spouse of the provider; volunteer; or any other agent involved in the day-to-day operation of the adult day services or adult foster care transports adults in care, the provider or the person providing the transportation shall have a valid driver's license and automobile liability insurance.

2. The vehicle used to transport adults shall have a valid license and inspection sticker.

3. Providers or the person who transports adults in care must ensure that all passengers use safety belts in accordance with requirements of Virginia law.

E. Requirements for medical care include:

1. The provider shall have the name, address, and telephone number of each adult's physician and responsible person easily accessible.

2. The provider shall be able to meet the identified needs of the adult before accepting the adult for care and in order to continue to provide services to the adult.

3. The adult foster care and adult day services provider shall:

a. Ensure that the adult receives prescription drugs only in accordance with an order signed by a licensed physician or authentic prescription label and, with the responsible person's written consent, as appropriate;

b. Document all medications taken by adults in care, including over-the-counter medications;

c. Ensure that the adult in care receives nonprescription drugs only with the adult's or responsible person's written consent, as required;

d. Keep medications separate from food except those items that must be refrigerated;

e. Report all major injuries and accidents to the adult's responsible person immediately;

f. Have authorization for emergency medical care for each adult in care; and

g. Have first aid supplies easily accessible in case of accidents.

4. Admission or retention of adults in an adult foster care home is prohibited when the adult's care needs cannot be met by the provider as determined by the assessment of the adult services worker or by the adult's physician.

F. The adult day services and adult foster care provider shall provide recreational and other planned activities appropriate to the needs, interests, and abilities of the adults in care.

G. All providers of adult services shall immediately report any suspected abuse, neglect, or exploitation of any adult in care to the local department or to the 24-hour toll-free hotline (hotline number: 888-83-ADULT). Providers covered by this regulation are mandatory reporters in accordance with § 63.2-1606 of the Code of Virginia. Failure to report could result in the imposition of civil penalties.

H. The adult foster care provider shall ensure that adults in care have adequate, properly fitting, and seasonal clothing and that all clothing is properly laundered or cleaned and altered or repaired as necessary.

22 VAC 40-771-50. Standards for the home of the adult foster care or adult day services provider.

A. Physical accommodations requirements include:

1. The home shall have appropriate space and furnishings for each adult receiving care in the home to include:

a. Space to keep clothing and other personal belongings;

b. Accessible and adequate basin and toilet facilities;

c. Comfortable sleeping or napping furnishings;

d. For adults unable to use stairs unassisted, sleeping space on the first floor of the home;

e. Adequate space for recreational activities; and

f. Sufficient space and equipment for food preparation, service, and proper storage.

2. All rooms used by adults shall be heated in winter, dry, and well-ventilated.

3. All doors and windows used for ventilation shall be appropriately screened.

4. Rooms used by adults in care shall have adequate lighting for activities and the comfort of adults.

5. The provider and any adult in care shall have access to a working telephone in the home.

6. The home shall be in compliance with all local ordinances.

7. Additional standards for adult foster care include:

a. No more than two adults shall share a sleeping room unless they request and consent to sharing such a sleeping arrangement.

b. There shall be space in the household for privacy outside of the sleeping rooms for the adult to entertain visitors and talk privately.

B. Home safety requirements include:

1. The home and grounds shall be free from litter and debris and present no hazard to the safety of the adults receiving care.

2. The provider shall permit a fire inspection of the home by appropriate authorities if conditions indicate a need for approval and the local department requests it.

3. The provider shall have a written emergency plan that includes, but is not limited to, fire or natural disaster and rehearse the plan at least twice a year. The provider shall review the plan with each new adult placed in the home.

4. Attics or basements used by adults in care shall have two emergency exits. One of the emergency exits shall lead directly outside and may be a door or an escapable window.

5. Possession of any weapons, including firearms, in the home shall be in compliance with federal, state, and local laws and ordinances. The provider shall store all weapons, firearms, and ammunition in a locked cabinet with safety mechanisms activated. The key or combination to the cabinet shall not be accessible to the adult in care. Any glass cabinets used to store any weapons, including firearms, shall be shatterproof.

6. The provider shall protect adults from household pets that may be a health or safety hazard. Household pets shall be inoculated as required by state or local ordinances. Documentation of inoculations shall be made available upon local department request.

7. The provider shall keep cleaning supplies and other toxic substances stored away from food and out of the reach of adults in care who are mentally incapacitated.

8. The provider shall provide and maintain at least one approved, properly installed, and operable battery-operated smoke detector, at a minimum, in each sleeping area and on each additional floor. Existing installations that have been approved by the state or local fire marshal are exempted from this requirement.

C. Sanitation requirements include:

1. The provider shall permit an inspection of the home's private water supply and sewage disposal system by the local health department if conditions indicate a need for approval and the local department requests it.

2. The home and grounds shall be free of garbage, debris, insects, and rodents that would present a hazard to the health of the adult in care.

D. Capacity standards include:

1. The provider shall not exceed the maximum allowable capacity for the type of care provided and approved by the local department.

2. The adult day services provider shall not accept more than three adults in the home at any one time. A provider who has more than three adults receiving day services shall be licensed by the department.

3. The adult foster care provider shall not accept more than three adults for the purpose of receiving room, board, supervision, or special services, regardless of relationship of any adult to the provider. A provider who accepts more than three adults for these purposes shall be licensed as an assisted living facility by the department.

22 VAC 40-771-60. Record requirements for adult foster care and adult day services providers.

A. The provider shall maintain written legible information on each adult in care.

B. Information on the adult in care shall include:

1. Identifying information on the adult in care;

2. Name, address, and home and work telephone numbers of responsible persons;

3. Name and telephone number of person to be called in an emergency when the responsible person cannot be reached;

4. Name, address, and home and work telephone numbers of persons authorized to pick up the adult in care;

5. Name of persons not authorized to call or visit the adult in care;

6. Date of admission and discharge of the adult in care;

7. Daily attendance records, where applicable. Daily attendance records are required for adult day services;

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8. Medical information pertinent to the health care of the adult in care;

9. Correspondence related to the adult in care as well as other written adult information provided by the local department; and

10. Placement agreement between the provider and the adult and his responsible person, where applicable.

C. Adult records are confidential and shall not be shared without the approval of the adult in care or responsible person.

D. The local department and its representatives shall have access to all records.

E. The department and its representative shall have access to all records.

22 VAC 40-771-70. Approval period.

The approval period for a provider may be up to 24 months when the provider meets the standards. In the case of adult day services and adult foster care, the home shall also meet the standards.

22 VAC 40-771-80. Allowable variance.

A. The provider may request an allowable variance on a standard if the variance does not jeopardize the safety and proper care of the adult or violate federal, state, or local law and the local department approves the request.

B. The local department shall consult with the state adult services consultant prior to granting an allowable variance.

C. The allowable variance shall be in writing with a copy maintained by the local department and the provider.

D. The local department and the provider shall develop a plan to meet the applicable standard for which the allowable variance has been granted.

E. The allowable variance shall be requested and granted by the local department prior to the approval of the provider or at the time of the provider's renewal.

22 VAC 40-771-90. Emergency approval.

A. Emergency approval of a provider may be granted under the following conditions:

1. The court orders emergency placement; or
2. The adult or his responsible person requests placement or service in an emergency.

B. A representative of the local department shall visit the provider's home to ensure that minimum safety standards are evident and that the provider is capable of providing the care prior to the emergency placement of the adult in adult foster care or adult day services.

C. For an in-home provider, the representative of the local department shall interview the provider to ensure that the emergency provider is capable of providing the needed services.

D. Emergency approval shall not exceed 30 days.

E. The provider must meet all applicable standards if services shall be provided beyond the 30-day emergency approval or if the emergency approval is extended beyond 30 days.

22 VAC 40-771-100. Provider monitoring.

A. For adult day services or adult foster care providers, the local department representative shall visit the home of the provider as often as necessary, but at least semi-annually to monitor the performance of the provider.

B. For home-based care providers, the local department representative shall interview the provider face-to-face as often as necessary, but at least semi-annually, to monitor the performance of the provider.

C. Provider monitoring shall include interviews with adults receiving care from the provider.

D. The adult in care or his responsible person shall have access to all provider monitoring reports completed by the local department upon request.

22 VAC 40-771-110. Renewal process.

The local department shall reapprove the provider prior to the end of the approval period if the provider continues to meet the standards. In the case of adult day services or adult foster care providers, the home also shall continue to meet the standards.

22 VAC 40-771-120. Inability to meet standards.

A. If the provider cannot meet the standards for adult services approved providers, the local department shall grant provisional approval, suspend approval, or revoke approval depending on the duration and nature of noncompliance.

B. The local department may grant provisional approval if noncompliance does not jeopardize the safety or proper care of the adults in care. Provisional approval shall not exceed three months.

C. The local department may suspend approval if noncompliance may jeopardize the safety and proper care of the adults in care. Suspension shall not exceed three months. During the suspension, the provider can give no care to adults referred by the local department.

D. If the provider is found to be out of compliance with the standards set forth herein and cannot meet standards within three months and a variance is not granted, the approval shall be revoked.

E. The local department shall immediately revoke its approval if noncompliance jeopardizes the health, safety and proper care of the adults in care. Adults in adult foster care and adult day services shall be removed within five calendar days from the date of the decision.

F. The decision to grant provisional approval, suspend approval or revoke approval shall be in writing with the effective date of the decision noted.

22 VAC 40-771-130. Relocation of out-of-home provider.

A. If the out-of-home provider moves, the local department approving the provider shall determine continued compliance with standards related to the home as soon as possible, but no later than 30 days after relocation to avoid disruption of services to the adult in care.

B. If an out-of-home provider moves outside of the locality that approved the provider, the local department in the new place of residence may accept the provider approval of the initial local department based upon the recommendation of the initial local department or may initiate the approval process itself.

22 VAC 40-771-140. Right to review.

A. The provider shall have the right to request that the decision of the local department be reviewed by the local director of social services.

B. The provider must request the review within 10 calendar days from the effective date of the notice of action.

22 VAC 40-771-150. Rights of adults in care.

A. Adults in the care of local department-approved providers shall have the rights and responsibilities specified in this section. The provisions of this section shall not be construed to restrict or abridge any right that any adult has under the law. The provider shall establish policies and procedures to ensure that adults in care are aware of the following rights:

1. To be fully informed, prior to the beginning of the provision of services, of his rights and of all rules and expectations governing his conduct and responsibilities; the adult and, if appropriate, his responsible persons shall acknowledge, in writing, receipt of this information, which shall be filed in his record;

2. To be fully informed, prior to the beginning of the provision of services, of services available and of related charges, if any; this shall be reflected by the adult's written acknowledgment of having been so informed, which shall be filed in his record;

3. Unless a conservator of such person has been appointed, to be free to manage his personal finances and funds; to be entitled to access to personal account statements reflecting financial transactions made; and, when receiving adult

foster care, to be given at least a quarterly accounting of financial transactions made on his behalf;

4. To be afforded confidential treatment of his personal affairs and records and to approve or refuse their release to any individual outside the home except as otherwise provided in law and except in case of his transfer to another setting;

5. When receiving adult foster care or adult day services, to be transferred or discharged only when provided with a statement of reasons, or for nonpayment for his stay, and to be given advance notice of at least 30 days; upon notice of discharge or upon giving reasonable advance notice of his desire to move, the adult shall be afforded reasonable assistance to ensure an orderly transfer or discharge; such actions shall be documented in his record; the local department that made the placement shall be given advance notice of at least 30 days for any transfer or discharge;

6. An adult receiving adult foster care or adult day services may be discharged immediately if his physical or mental health conditions or his behavior places himself or others at risk of serious bodily harm or injury; the discharge must be to a setting that will ensure the protection of the adult's health, safety and welfare; the local department that made the placement must be notified of the emergency discharge as soon as practicable but no later than 24 hours after the emergency discharge;

7. In the event a medical condition should arise while he is under the care of the provider, to be afforded the opportunity to participate in the planning of his program or care and medical treatment and the right to refuse treatment;

8. When receiving care from an adult foster care or adult day services provider, to not be required to perform services for the home except as voluntarily contracted pursuant to an agreement for services that states the terms of consideration or remuneration and is documented in writing and retained in his record;

9. To be free to select health care services from reasonably available resources;

10. To be free from mental, emotional, physical, sexual, and financial abuse or exploitation; to be free from forced isolation, threats, or other degrading or demeaning acts against him; and, when receiving care from an adult foster care or adult day services provider, to not have his known needs neglected or ignored by the provider;

11. To be treated with courtesy, respect, and consideration as a person of worth, sensitivity, and dignity;

12. To be free to voice grievances and recommend changes in policies and services, free of coercion, discrimination, threats, or reprisal;

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13. When receiving care from an out-of-home local department-approved provider, to be permitted to retain and use his personal clothing and possessions as space permits unless to do so would infringe upon rights of other adults;

14. To be encouraged to function at his highest mental, emotional, physical, and social potential;

15. To receive and send uncensored, unopened mail;

16. To refuse medication unless there has been a court finding of incapacity;

17. To choose which services are included in the service agreement and to receive all physician-prescribed treatments. Adults also have the right to refuse services, if doing so does not endanger the health or safety of other adults; and

18. To be free of physical, mechanical or chemical restraint except in the following situations and with appropriate safeguards, including training for the provider on the use of restraints:

a. As necessary to respond to unmanageable behavior in an emergency situation that threatens the immediate safety of the adult or others; and

b. As medically necessary, as authorized in writing by a physician, to provide physical support to a weakened adult;

19. To be free of prescription drugs except where medically necessary, specifically prescribed, and supervised by the attending physician;

20. To be accorded respect for ordinary privacy in every aspect of daily living, including but not limited to the following:

a. In the care of his personal needs except as assistance may be needed;

b. In any medical examination or health-related consultations that the adult may have at the home;

c. In communications, in writing or by telephone;

d. During visitations with other persons;

e. When receiving care from an out-of-home provider, in the adult's room or portion thereof; adults shall be permitted to have guests or other adults in their rooms unless to do so would infringe upon the rights of other adults; staff shall not enter an adult's room without making their presence known except in an emergency or in accordance with safety oversight requirements included in regulations of the State Board of Social Services; and

f. When receiving care from an out-of-home provider, in visits with his spouse; if both are adults of the home they are permitted, but not required, to share a room unless otherwise provided in the adult's agreements; and

21. Is permitted to meet with and participate in activities of social, faith-based, and community groups at his discretion unless medically contraindicated as documented by his physician in his medical record.

B. If the adult is unable to fully understand and exercise the rights and responsibilities contained in this section, the local department shall require that a responsible person, of the adult's choice when possible, designated in writing in the adult's record, be made aware of each item in this section and the decisions that affect the adult or relate to specific items in this section; an adult shall be assumed capable of understanding and exercising these rights unless a physician determines otherwise and documents the reasons for such determination in the adult's record.

C. The out-of-home provider shall make available in an easily accessible place a copy of these rights and responsibilities and shall include in them the name and telephone number of the Adult Protective Services Hotline of the Department of Social Services as well as the toll-free telephone number for the Virginia Long-Term Care Ombudsman Program and any state ombudsman program serving the area.

D. The out-of-home provider shall make its policies and procedures for implementing this section available and accessible to adults, relatives, agencies, and the general public.

E. Each out-of-home provider shall provide appropriate staff training to implement each adult's rights included in this section.

F. Adults in care have the right to be fully informed in advance about recommended care and treatment and of any recommended changes in that care or treatment.

G. Adults in care have the right to freedom from searches of personal belongings without the adult or responsible person's permission, unless the care provider has reason to suspect that the adult possesses items that are illegal or prohibited in the out-of-home provider setting and the adult is present during the search.

H. When receiving care from an out-of-home provider, adults have the right to be notified before the adult's room or roommate is changed.

I. When receiving care from an out-of-home provider, adults have the right to communicate privately and without restriction with any other adult who does not object to the communications.

22 VAC 40-771-160. Responsibilities of adults in adult foster care or adult day services.

A. Adults in care shall follow the rules of the provider unless these rules are in violation of adults' rights.

B. Adults in care, or the local department when appropriate, shall give a two-week written notice of intent to leave the placement.

C. Adults in care shall notify providers if there are changes in the adult's health status.

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**BOARDS OF EDUCATION; JUVENILE JUSTICE;
MENTAL HEALTH, MENTAL RETARDATION AND
SUBSTANCE ABUSE SERVICES; AND SOCIAL
SERVICES**

Emergency Regulation

Title of Regulation: 22 VAC 42-10. Standards for Interdepartmental Regulation of Children's Residential Facilities (amending 22 VAC 42-10-10, 22 VAC 42-10-30, 22 VAC 42-10-35, 22 VAC 42-10-40, 22 VAC 42-10-180, 22 VAC 42-10-200 through 22 VAC 42-10-230, 22 VAC 42-10-260, 22 VAC 42-10-270, 22 VAC 42-10-330, 22 VAC 42-10-530, 22 VAC 42-10-570, 22 VAC 42-10-580, 22 VAC 42-10-600, 22 VAC 42-10-690 through 22 VAC 42-10-720, 22 VAC 42-10-740, 22 VAC 42-10-750, 22 VAC 42-10-780, 22 VAC 42-10-790, 22 VAC 42-10-800, 22 VAC 42-10-820, 22 VAC 42-10-850, 22 VAC 42-10-870, 22 VAC 42-10-880 and 22 VAC 42-10-970; adding 22 VAC 42-10-15, 22 VAC 42-10-32, 22 VAC 42-10-85 and 22 VAC 42-10-255; repealing 22 VAC 42-10-980, 22 VAC 42-10-990 and 22 VAC 42-10-1000).

Statutory Authority: §§ 16.1-309.9, 22.1-321, 22.1-323, 22.1-323.2, 37.1-182, 37.1-183.1, 37.1-189.1, 63.2-203, 63.2-217, 63.2-1701, 63.2-1703, 63.2-1737, 66-10, and 66-24 of the Code of Virginia.

Effective Date: December 28, 2006, through December 27, 2007.

Agency Contact: Charlene Vincent, Coordinator, Office of Interdepartmental Regulation, Department of Social Services, 7 North 8th Street, Richmond, VA 23219, telephone (804) 726-7097, FAX (804) 726-7095 or email charlene.vincent@dss.virginia.gov.

Preamble:

This emergency regulation is necessitated by Chapters 168 and 781 of the 2006 Acts of Assembly, requiring that regulations to implement provisions of the chapters be effective within 280 days of enactment.

Substantive changes to the regulation include provisions to issue an order of summary suspension when conditions or

practices exist in a children's residential facility that pose an immediate and substantial threat to the health, safety and welfare of the residents of a children's residential facility (CRF); a requirement that each facility name a community liaison; the addition of requirements regarding curfews and study; requirements that the applicant for licensure to operate a children's residential facility be personally interviewed by licensing/certification staff to determine the applicant's qualifications, provide evidence that operators have prior relevant experience and education, determine that staff have participated in training on appropriate siting of the residential facility, good neighbor policies and community relations, and that residents are screened prior to admission to exclude individuals with behavioral issues that cannot be managed in the residential facility. In addition, requirements were added that the regulatory authority for a CRF must notify relevant local governments including the Office of Comprehensive Services of multiple health and safety or human rights violations when the violations result in a provisional license for the facility; the regulatory authority must post on the department's website information regarding licensure of children's residential facilities; and the children's residential facility must show proof of staff expertise and must self-report all lawsuits against or settlements with residential facility operators relating to the health and safety or human rights of residents and any criminal charges that may have been made relating to the health and safety or human rights of residents. The regulation will now allow the license or certificate of a children's residential facility to be changed during the term of the license or certificate based on compliance. Changes were also made to ensure that services are provided in children's residential facilities to ensure the health, education and safety of children.

22 VAC 42-10-10. Definitions.

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

"Adaptive behavior" means the effectiveness or degree with which individuals with diagnosed mental disabilities meet the standards of personal independence and social responsibility expected of their age and cultural group.

"Allegation" means an accusation that a facility is operating without a license or receiving public funds for services it is not certified to provide.

"Applicable state regulation" means any regulation which the promulgating state agency determines applies to the facility. The term includes, but is not necessarily limited to, modules, standards, and other regulations promulgated by the Departments of Education; Health; Housing and Community Development; Juvenile Justice; Mental Health, Mental

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Retardation and Substance Abuse Services; or other state agency.

"Applicant" means the person, corporation, partnership, association or public agency which has applied for a license or certificate.

"Application" means a document completed by the facility to furnish the regulatory authority details about the facility's operations and includes certifications that the facility understands and intends to comply with regulatory requirements. An application includes inspection reports necessary to verify compliance with applicable requirements of other state agencies. An application is complete when all required information is provided and the application is signed and dated by the individual legally responsible for operation of the facility.

"Aversive stimuli" means physical forces (e.g., sound, electricity, heat, cold, light, water, or noise) or substance (e.g., hot pepper, pepper sauce, or pepper spray) measurable in duration and intensity which when applied to a client are noxious or painful to the client, but in no case shall the term "aversive stimuli" include striking or hitting the client with any part of the body or with an implement or pinching, pulling, or shaking the client.

"Behavior management" means those principles and methods employed by a licensee to help a child achieve positive behavior and to address and correct a child's inappropriate behavior in a constructive and safe manner, in accordance with written policies and procedures governing program expectations, treatment goals, child and staff safety and security, and the child's service plan.

"Behavior support assessment" means identification of a resident's behavior triggers, successful intervention strategies, anger and anxiety management options for calming, techniques for self-management, and specific goals that address the targeted behaviors that lead to emergency safety interventions.

"Body cavity search" means any examination of a resident's rectal or vaginal cavities except the performance of medical procedures by medical personnel.

"Boot camp" means a facility specifically approved to operate with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline and no less than six months of intensive aftercare.

"Case record" or "record" means up-to-date written or automated information relating to one resident. This information includes social and medical data, agreements, all correspondence relating to care of the resident, service plan with periodic revisions, aftercare plans and discharge summary, and any other data related to the resident.

"Chemical restraint" means use of any pharmacological substance for the sole purpose of controlling a resident's behavior in the absence of a diagnosed medical or psychiatric condition. Chemical restraint does not include the appropriate use of medications ordered by a licensed physician for treating medical or psychiatric conditions.

"Child" means any person legally defined as a child under state law. The term includes residents and other children coming in contact with the resident or facility (e.g., visitors). When the term is used, the requirement applies to every child at the facility regardless of whether the child has been admitted to the facility for care (e.g., staff/child ratios apply to all children present even though some may not be residents).

"Child-placing agency" means any person licensed to place children in foster homes or adoptive homes or a local board of public welfare or social services authorized to place children in foster homes or adoptive homes.

"Child with special needs" means a child in need of particular services because the child has mental retardation, a developmental disability, mental illness, emotional disturbance, a substance abuse problem, is in need of special educational services or requires security services.

"Child with a visual impairment" means one whose vision after best correction limits the child's ability to profit from a normal or unmodified educational or daily living setting.

"Client" means a person receiving treatment or other services from a program, facility, institution or other entity regulated under these standards whether that person is referred to as a patient, resident, student, consumer, recipient, family member, relative, or other term. When the term is used, the requirement applies to every client of the facility. Some facilities operate programs in addition to the children's residential facility; the requirement applies only to the clients of the children's residential facility and not to clients participating in other programs.

"Complaint" means an accusation against a licensed or certified facility regarding an alleged violation of standards or law.

"Compliance plan" means violations documented by the regulatory authority and the facility's corrective action to the documented violations within a specified time frame.

"Confined in detention with a suspended commitment to the Department of Juvenile Justice" means that a court has committed the juvenile to the Department of Juvenile Justice but has suspended the commitment and ordered the juvenile confined in a local detention home for a period not to exceed six months as found in § 16.1-284.1 B of the Code of Virginia.

"Confinement" means staff directed temporary removal of a resident from contact with people through placing the resident alone in his bedroom or other normally furnished rooms. Confinement does not include timeout or seclusion.

"Contraband" means any item prohibited by law or by the rules and regulations of the agency, or any item which conflicts with the program or safety and security of the facility or individual residents.

"Corporal punishment" means punishment administered through the intentional inflicting of pain or discomfort to the body through (i) actions such as, but not limited to, striking or hitting with any part of the body or with an implement; (ii) through pinching, pulling, or shaking; or (iii) through any similar action which normally inflicts pain or discomfort.

"Day" means calendar day unless the context clearly indicates otherwise.

"Detention home" or "secure detention" means a local, regional or state, publicly or privately operated secure custody facility which houses juveniles who are ordered detained pursuant to the Code of Virginia. The term does not include juvenile correctional centers.

"DMHMRSAS" means the Department of Mental Health, Mental Retardation and Substance Abuse Services.

"DOE" means the Department of Education.

"DSS" means the Department of Social Services.

"Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action. Emergency does not include regularly scheduled time off of permanent staff or other situations which should reasonably be anticipated.

"Emergency admission" means the sudden, unplanned, unexpected admittance of a child who needs immediate care except self-admittance to a temporary care facility or a court ordered placement.

"Goal" means expected results or conditions that usually involve a long period of time and which are written in behavioral terms in a statement of relatively broad scope. Goals provide guidance in establishing specific short-term objectives directed toward the attainment of the goal.

"Good character and reputation" means findings have been established and knowledgeable and objective people agree that the individual maintains business or professional, family and community relationships which are characterized by honesty, fairness, truthfulness, and dependability, and has a history or pattern of behavior that demonstrates that the individual is suitable and able to care for, supervise, and protect children. Relatives by blood or marriage, and persons who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

"Human research" means any systematic investigation utilizing human subjects which may expose such human subjects to physical or psychological injury as a consequence of participation as subjects and which departs from the application of established and accepted therapeutic methods appropriate to meet the subjects' needs.

"Immediately" means directly without delay.

"Independent living program" means a program that is specifically approved to provide the opportunity for the residents to develop the skills necessary to live successfully on their own following completion of the program.

"Individualized service plan" means a written plan of action developed, and modified at intervals, to meet the needs of a specific resident. It specifies short and long-term goals, the methods and time frames for reaching the goals and the individuals responsible for carrying out a plan.

"Interdepartmental standards" means the standards for residential care which are common to the departments and which must be met by a children's residential facility in order to qualify for a license or certificate.

"Intrusive aversive therapy" means a formal behavior management technique designed to reduce or eliminate severely maladaptive, violent, or self-injurious behavior through the application of aversive stimuli contingent upon the exhibition of such behavior. Intrusive aversive therapy does not include verbal therapies, seclusion, physical or mechanical restraints used in conformity with the applicable human rights regulations promulgated pursuant to the Code of Virginia, or psychiatric medications which are used for purposes other than intrusive aversive therapy.

"Juvenile correctional center" means a secure custody facility operated by, or under contract with, the Department of Juvenile Justice to house and treat persons committed to the department.

"Legal guardian" means the natural or adoptive parents or other person, agency, or institution who has legal custody of a child.

"License or certificate" means a document verifying approval to operate a residential facility for children and which indicates the status of the facility regarding compliance with applicable state regulations.

"Licensee" means the person, corporation, partnership, association, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the standards and statutory requirements relating to the facility.

"Live-in staff" means staff who are required to be on duty for a period of 24 consecutive hours or more during each work week.

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"Living unit" means the space in which a particular group of children in care of a residential facility reside. A living unit contains sleeping areas, bath and toilet facilities, and a living room or its equivalent for use by the residents of the unit. Depending upon its design, a building may contain one living unit or several separate living units.

"Mechanical restraint" means use of devices to restrict the movement of an individual or the movement or normal function of a portion of the individual's body, but does not include the appropriate use of those devices used to provide support for the achievement of functional body position or proper balance and those devices used for specific medical and surgical treatment or treatment for self-injurious behavior.

"Medication error" means that an error has been made in administering a medication to a resident when any of the following occur: (i) the wrong medication is given to a resident; (ii) the wrong resident is given the medication; (iii) the wrong dosage is given to a resident; (iv) medication is given to a resident at the wrong time or not at all; and (v) the proper method is not used to give the medication to a resident.

"Objective" means expected short-term results or conditions that must be met in order to attain a goal. Objectives are stated in measurable, behavioral terms and have a specified time for achievement.

"On duty" means that period of time during which a staff person is responsible for the supervision of one or more children.

"Parent" means a natural or adoptive parent or a surrogate parent appointed pursuant to DOE's regulations governing special education programs for students with disabilities. "Parent" means either parent unless the facility has been provided evidence that there is a legally binding instrument, a state law or a court order governing such matters as divorce, separation, or custody, which provides to the contrary.

"Pat down" means a thorough external body search of a clothed resident.

"Physical restraint" means the restraint of a resident's body movements by means of physical contact by staff members. Physical restraint does not include physical prompts or guidance used with individuals with diagnosed mental disabilities in the education or training of adaptive behaviors. (See definition of "adaptive behavior.")

"Placement" means an activity by any person which provides assistance to a parent or legal guardian in locating and effecting the movement of a child to a foster home, adoptive home, or to a residential facility for children.

"Premises" means the tracts of land on which any part of a residential facility for children is located and any buildings on such tracts of land.

"Program" means a combination of procedures or activities carried out in order to meet a specific goal or objective.

"Public funding" means funds paid by, on behalf of, or with the financial participation of the state Departments of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; or Social Services.

"Regulatory authority" means the department or state board that is responsible under the Code of Virginia for the licensure or certification of a residential facility for children.

"Resident" means a person admitted to a children's residential facility for supervision, care, training or treatment on a 24-hour per day basis. Resident includes children making preplacement visits to the facility. When the term is used, the requirement applies only to individuals who have been admitted to the facility and those making preplacement visits.

"Residential facility for children" or "facility" means a publicly or privately operated facility, other than a private family home, where 24-hour per day care is provided to children separated from their legal guardians and which is required to be licensed or certified by the Code of Virginia except:

1. Any facility licensed by the Department of Social Services as a child-caring institution as of January 1, 1987, and which receives no public funds; and
2. Private psychiatric hospitals serving children that are licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services under Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse, 12 VAC 35-102-10 et seq.

Group homes are included under this definition of residential facility for children. Group home means a community-based, home-like single dwelling, or its acceptable equivalent, other than the private home of the operator, and serves up to 12 residents.

"Respite care facility" means a facility that is specifically approved to provide short-term, periodic residential care to children accepted into its program in order to give the legal guardians temporary relief from responsibility for their direct care.

"Responsible adult" means an adult, who may or may not be a staff member, who has been delegated authority and responsibility to make decisions and to take actions to manage the safety and well-being of children. The term implies that the facility has reasonable grounds to believe that

the responsible adult has sufficient knowledge, judgment and maturity to handle the situation.

"Rest day" means a period of not less than 32 consecutive hours during which a staff person has no responsibility to perform duties related to the facility. Two successive rest days means a period of not less than 48 consecutive hours during which a staff person has no responsibility to perform duties related to the facility. Each successive rest day immediately following the second shall consist of not less than 24 additional consecutive hours.

"Right" is something to which one has a legal or contractual claim.

"Routine admission" means the admittance of a child following evaluation of an application for admission, completion of preplacement activities, and execution of a written placement agreement.

"Rules of conduct" means a listing of rules or regulations which is maintained to inform residents and others about behaviors which are not permitted and the consequences applied when the behaviors occur.

"Sanitizing agent" means a laundry bleach with an active ingredient of 5.25% sodium hypochlorite.

"Seclusion" means placing a resident in a room with the door secured in any manner that prevents the resident from opening it.

"Secure custody facility" means a detention home or a juvenile correctional center.

"Self-admission" means the admittance of a child who seeks admission to a temporary care facility as permitted by Virginia statutory law without completing the requirements for "routine admission."

"Severe weather" means extreme environment or climate conditions which pose a threat to the health, safety or welfare of residents.

"Shall" means an obligation to act is imposed.

"Shall not" means an obligation not to act is imposed.

"Standard" means a statement which describes in measurable terms a required minimum performance level.

"Strategies" means a series of steps and methods used to meet goals and objectives.

"Strip search" means a visual inspection of the body of a resident when that resident's outer clothing or total clothing is removed and an inspection of the removed clothing. Strip searches are conducted for the detection of contraband.

"Student/intern" means an individual who simultaneously is affiliated with an educational institution and a residential facility. Every student/intern who is not an employee is either

a volunteer or contractual service provider depending upon the relationship among the student/intern, educational institution, and facility.

"Systemic deficiency" means violations documented by the regulatory authority which demonstrate defects in the overall operation of the facility or one or more of its components.

"Target population" means individuals with a similar, specified characteristic or disability.

"Temporary care facility" means a facility or an emergency shelter specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days except that this term does not include secure detention facilities.

"Therapy" means provision of direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment.

"Timeout" means temporarily removing a resident and placing the resident alone in a special timeout room that is unfurnished or sparsely furnished and which contains few reinforcing environmental stimuli.

"Treatment" means any action which helps a person in the reduction of disability or discomfort, the amelioration of symptoms, undesirable conditions or changes in specific physical, mental, behavioral or social functioning.

"Variance" means temporary or permanent waiver of compliance with a standard or portion of a standard, or permission to meet the intent of the standard by a method other than that specified in the standard, when the regulatory authority, in its sole discretion, determines: (i) enforcement will create an undue hardship; (ii) the standard is not specifically required by statute or by the regulations of another government agency; and (iii) resident care will not be adversely affected. The denial of a request for a variance is appealable when it leads to the denial or revocation of a license or certificate.

"Wilderness camp" means a facility specifically approved to provide a primitive camping program with a nonpunitive environment and an experience curriculum for residents nine years of age and older who cannot presently function in home, school and community. In lieu of or in addition to dormitories, cabins or barracks for housing residents, primitive campsites are used to integrate learning and therapy with real living needs and problems for which the resident can develop a sense of social responsibility and self-worth.

22 VAC 42-10-15. Interdepartmental cooperation.

The Departments of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services shall assist and cooperate with each other in the licensing and certification of children's residential facilities.

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22 VAC 42-10-30. Visitation of facilities.

A. Representatives of the departments shall make announced and unannounced visits during the effective dates of the license/certificate. The purpose of these visits is to monitor compliance with applicable standards.

B. The regulatory authority shall notify relevant local governments and placing and funding agencies, including the Office of Comprehensive Services, of multiple health and safety or human rights violations in children's residential facilities when such violations result in the lowering of the license or certificate to provisional status.

22 VAC 42-10-32. Posting of information.

A. Information concerning the application for initial licensure of children's residential facilities shall be posted to the Interdepartmental Regulation web site, by locality.

B. An accurate listing of all licensed or certified facilities including information on renewal, denial or provisional licensure, services and identification of the lead regulatory authority shall be posted to the Interdepartmental Regulation web site, by locality.

22 VAC 42-10-35. General requirements.

A. The facility shall demonstrate full compliance with sufficient applicable standards to clearly demonstrate that its program and physical plant can provide reasonable, safe and adequate care while approved plans of action to correct findings of noncompliance are being implemented and there are no noncompliances which pose an immediate and direct danger to residents.

B. Corporations sponsoring residential facilities for children shall maintain their corporate status in accordance with Virginia law. Corporations not organized and empowered solely to operate residential facilities for children shall provide for such operations in their charters.

C. The facility shall comply with the terms of its license or certificate.

D. A license or certificate is not transferable and automatically expires when there is a change of ownership or sponsorship.

E. The current license or certificate shall be posted at all times in a place conspicuous to the public.

F. A license or certificate shall not be issued to a facility when noncompliance poses an immediate danger to the resident's life, health or safety.

G. Intermediate sanctions authorized by statute may be imposed at the discretion of the regulatory authorities in addition to the sanctions specified in this chapter.

H. Each facility shall self-report within 72 hours, to the lead regulatory agency, lawsuits against or settlements with

residential facility operators relating to the health and safety or human rights of residents and any criminal charges against staff that may have been made relating to the health and safety or human rights of residents.

22 VAC 42-10-40. Licenses/certificates.

A. The Board of Juvenile Justice shall issue a certificate to each facility regulated by the board, indicating the facility's certification status when the facility is in compliance with these interdepartmental standards, other applicable regulations issued by the board, and applicable statutes. The certificate shall be effective for the period specified by the board unless it is revoked or surrendered sooner.

B. Facilities regulated by DOE, DMHMRSAS, or DSS.

1. A triennial license or certificate shall be issued when the facility (i) applies for renewal while holding an annual or triennial license or certificate and (ii) substantially meets or exceeds the requirements of the interdepartmental standards and other applicable regulations and statutes.

2. Annual licenses/certificates.

a. An annual license or certificate shall be issued when the facility:

(1) Applies for renewal while holding a conditional or provisional license or certificate and substantially meets or exceeds the requirements of the interdepartmental standards and other applicable regulations and statutes; or

(2) Applies for renewal while holding an annual or triennial license or certificate and one systemic deficiency has been identified during the licensure or certification period without the facility taking acceptable, documented corrective action.

b. An annual license or certificate may be issued to a facility whose sponsor requests establishment of a new facility to serve the same target population as that currently being served by the sponsor in facilities regulated through the Interdepartmental Regulatory Program.

c. An annual license or certificate may be renewed, but an annual license or certificate and any renewals thereof shall not exceed a period of 36 successive months for all annual licenses and renewals combined.

3. Provisional licenses/certificates.

a. A provisional license or certificate shall be issued when the facility:

(1) Applies for renewal while holding an annual or triennial license or certificate, and during the licensure or certification period there have been two or more occasions when systemic deficiencies have been identified without the facility taking acceptable, documented corrective action; or

(2) Applies for renewal while holding a conditional license or certificate and, during the licensure or certification period,

has demonstrated that its programs and services do not substantially comply with the interdepartmental standards or other applicable regulations or statutes.

b. A provisional license or certificate may be renewed, but a provisional license or certificate and any renewals thereof shall not exceed a period of six successive months for all provisional licenses and renewals combined.

c. A facility holding a provisional license or certificate shall demonstrate progress toward compliance.

4. Conditional licenses/certificates.

a. A conditional license or certificate shall be issued to a facility which demonstrates an acceptable level of compliance and is:

(1) Beginning initial operation and whose sponsor is not operating one or more additional facilities regulated through the Interdepartmental Regulatory Program; or

(2) Sponsored by a currently established Interdepartmental Regulatory Program sponsor who is beginning operation, at a new or currently regulated site, of a program serving a different target population than that being served by the sponsor.

b. A facility holding a conditional license or certificate shall demonstrate progress toward compliance.

c. A conditional license or certificate may be renewed, but a conditional license or certificate and any renewals thereof shall not exceed a period of six successive months for all conditional licenses and renewals combined.

C. The term of a facility's license or certificate may be modified at any time during the licensure or certification period based on a change in the facility's compliance with this regulation.

22 VAC 42-10-85. Summary suspension.

A. In conjunction with any proceeding for revocation, denial, or other action, when conditions or practices exist that pose an immediate and substantial threat to the health, safety, and welfare of the residents, the lead regulatory authority agency head may issue an order of summary suspension of the license or certificate to operate a children's residential facility when he believes the operation of the facility should be suspended during the pendency of such proceeding.

B. Prior to the issuance of an order of summary suspension, the regulatory authority shall contact the Executive Secretary of the Supreme Court of Virginia to obtain the name of a hearing officer. The lead regulatory authority shall schedule the time, date, and location of the administrative hearing with the hearing officer.

C. The order of summary suspension shall take effect upon its issuance. It shall be delivered by personal service and

certified mail, return receipt requested, to the address of record of the facility as soon as practicable. The order shall set forth:

1. The time, date, and location of the hearing;

2. The procedures for the hearing;

3. The hearing and appeal rights; and

4. Facts and evidence that formed the basis for the order of summary suspension.

D. The hearing shall take place within three business days of the issuance of the order of summary suspension.

E. The regulatory authority shall have the burden of proving in any summary suspension hearing that it had reasonable grounds to require the facility to cease operations during the pendency of the concurrent revocation, denial, or other proceeding.

F. The administrative hearing officer shall provide written findings and conclusions, together with a recommendation as to whether the license or certificate should be summarily suspended, to the lead regulatory agency head within five business days of the hearing.

G. The lead regulatory agency head shall issue a final order of summary suspension or make a determination that the summary suspension is not warranted based on the facts presented and the recommendation of the hearing officer within seven business days of receiving the recommendation of the hearing officer.

H. The lead regulatory agency head shall issue and serve on the children's residential facility or its designee by personal service or by certified mail, return receipt requested either:

1. A final order of summary suspension including (i) the basis for accepting or rejecting the hearing officer's recommendations, and (ii) notice that the children's residential facility may appeal the lead regulatory agency head's decision to the appropriate circuit court no later than 10 days following issuance of the order; or

2. Notification that the summary suspension is not warranted by the facts and circumstances presented and that the order of summary suspension is rescinded.

I. The facility may appeal the lead regulatory agency head's decision on the summary suspension to the appropriate circuit court no more than ten days after issuance of the final order.

J. The outcome of concurrent revocation, denial, and other proceedings shall not be affected by the outcome of any hearing pertaining to the appropriateness of the order of summary suspension.

K. At the time of the issuance of the order of summary suspension, the lead regulatory authority shall contact the appropriate agencies to inform them of the action and the

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need to develop relocation plans for residents, and ensure that parents and guardians are informed of the pending action.

22 VAC 42-10-180. Health information.

A. Health information required by this section shall be maintained for each staff member and for each individual who resides in a building occupied by residents, including each person who is not a staff member or resident of the facility.

B. ~~Initial screening for tuberculosis~~ Tuberculosis evaluation.

1. ~~Each~~ At the time of hire, ~~each~~ individual shall ~~obtain an evaluation~~ submit the results of a risk management documenting the absence of tuberculosis in a communicable form ~~no earlier than as evidenced by the completion of a current screening form published by the Virginia Department of Health. The risk assessment shall be no older than 30 days before or no later than seven days after employment or contact with residents.~~

2. Each individual shall annually submit the results of a ~~Mantoux tuberculin skin test, chest x ray or bacteriological examination, as deemed appropriate by the examining physician, risk assessment,~~ documenting that the individual is free of tuberculosis in a communicable form as evidenced by the completion of a current screening form published by the Virginia Department of Health.

3. ~~The documentation shall include all information contained on a "Report of Tuberculosis Screening" form recommended by the Virginia Department of Health.~~

4. ~~3.~~ An evaluation shall not be required for an individual who (i) has separated from employment with a facility licensed or certified by the Commonwealth of Virginia, (ii) has a break in service of six months or less, and (iii) submits a copy of the original statement of tuberculosis screening to his new employer.

C. Subsequent evaluations for tuberculosis.

1. An individual who comes in contact with a known case of infectious tuberculosis shall be screened as determined appropriate based on consultation with the local health department.

2. An individual who develops chronic respiratory symptoms of three weeks' duration shall be evaluated immediately for the presence of infectious tuberculosis.

D. An individual suspected of having infectious tuberculosis shall not be permitted to return to work or have contact with staff or residents until a physician has determined that the individual is free of infectious tuberculosis.

E. The facility shall report any active case of tuberculosis developed by a staff member to the local health department.

22 VAC 42-10-200. Qualifications.

A. Standards establishing minimum position qualifications shall be applicable to all facilities. In lieu of the minimum position qualifications contained in this chapter, facilities subject to (i) the rules and regulations of the Virginia Department of ~~Personnel and Training~~ Human Resource Management, or (ii) the rules and regulations of a local government personnel office may develop written minimum entry level qualifications in accord with the rules and regulations of the supervising personnel authority.

B. A person who assumes or is designated to assume the responsibilities of a position or any combination of positions described in these interdepartmental standards shall:

1. Meet the qualifications of the position or positions;
2. Fully comply with all applicable standards for each function; and
3. Demonstrate a working knowledge of the policies and procedures that are applicable to the specific position or positions.

C. When services or consultations are obtained on a contractual basis, they shall be provided by professionally qualified personnel.

22 VAC 42-10-210. Job descriptions.

A. There shall be a written job description for each position which, at a minimum, includes the:

1. Job title;
2. Duties and responsibilities of the incumbent;
3. Job title of the immediate supervisor; and
4. Minimum education, experience, knowledge, skills and abilities required for entry level performance of the job.

B. A copy of the job description shall be given to each person assigned to a position at the time of employment or assignment.

22 VAC 42-10-220. Written personnel policies and procedures.

A. The licensee shall approve written personnel policies and make its written personnel policies readily accessible to each staff member.

B. The facility shall develop and implement written policies and procedures to assure that persons employed in or designated to assume the responsibilities of each position possess the education, experience, knowledge, skills and abilities specified in the job description for the position.

~~C. Written policies and procedures related to child abuse and neglect shall be distributed to all staff members. These shall include procedures for:~~

- ~~1. Handling accusations against staff;~~
- ~~2. Promptly referring, consistent with requirements of the Code of Virginia, suspected cases of child abuse and neglect to the local child protective services unit; and~~
- ~~3. Cooperating with the unit during any investigation.~~

22 VAC 42-10-230. Personnel records.

A. Separate up-to-date written or automated personnel records shall be maintained for each employee and for each volunteer and contractual service provider for whom background investigations are required by Virginia statute. Content of personnel records of volunteers and contractual service providers may be limited to documentation of compliance with requirements of Virginia laws regarding child protective services and criminal history background investigations.

B. The records of each employee shall include:

1. A completed employment application form or other written material providing the individual's name, address, phone number, and social security number;
2. Educational background and employment history;
3. Written references or notations of oral references;
4. Reports of required health examinations;
5. Annual performance evaluations;
6. Date of employment and separation; ~~and~~
7. Documentation of compliance with requirements of Virginia laws regarding child protective services and criminal history background investigations;
8. Documentation of educational degrees and of professional certification or licensure; and
9. Documentation of all training required by this regulation and any other training received by individual staff.

C. Personnel records shall be retained in their entirety for three years after separation from employment, contractual service, or volunteer service.

22 VAC 42-10-255. The applicant.

A. Each applicant shall show evidence that they have been trained on appropriate siting of children's residential facilities.

B. The applicant shall be interviewed in person by the regulatory authority to determine the qualifications of the owner or operator as set out in this regulation.

C. Should the applicant not be qualified to perform the duties of the chief administrative officer, the applicant shall hire an individual with the qualifications as set out in this regulation to perform the duties of the chief administrative officer.

22 VAC 42-10-260. Chief administrative officer.

A. The chief administrative officer shall have the following responsibilities:

1. Responsibility for the compliance with the Standards for Interdepartmental Regulation of Children's Residential Facilities;
2. Responsibility for all personnel;
3. Overseeing facility operation in its entirety, including the approval of the design of the structured program of care and its implementation; and
4. Responsibility for the facility's financial integrity.

B. A chief administrative officer appointed after July 1, 2000, the effective date of these standards shall have at least:

1. A baccalaureate degree from an accredited college or university in the field of human services, institutional management, social work, education or other allied discipline master's degree in social work, psychology, or counseling and three years of full time paid work experience in a children's residential facility and two years full time experience in an administrative or supervisory capacity for a total of five years experience; or
2. A baccalaureate degree from an accredited college or university with two years of successful work experience with children in the field of institutional management, social work, education or other allied profession in social work, psychology, or counseling and five years full time paid work experience with children, at least three of which were in a children's residential facility and an additional two years of administrative or supervisory experience for a total of seven years experience; or
3. A degree in education may be accepted for a chief administrative officer of a program whose lead regulatory agency is the Department of Education; or
4. A degree and experience in human services as approved by the lead regulatory authority.

C. Any applicant for the chief administrative officer position shall submit the following to demonstrate compliance with the qualifications required by this regulation for the chief administrative officer:

1. Official transcripts by the college or university of attendance within 30 days of hire; and
2. Documentation of prior relevant experience.

22 VAC 42-10-270. Program direction director.

A. The facility's program shall be directed by one or more qualified persons.

B. Persons directing programs shall be responsible for the development and implementation of the programs and

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services offered by the facility including overseeing assessments, service planning, staff scheduling and supervision.

C. Persons directing programs of a facility licensed or certified to care for 13 or more residents shall be full-time, qualified staff members.

D. A person appointed after July 1, 1981, the effective date of these standards to direct programs shall have at least:

1. ~~A baccalaureate degree from an accredited college or university with two years of successful work experience with children in the field of institutional management, social work, education or other allied discipline~~ master's degree in social work, psychology, or counseling and three years of full time paid work experience in a children's residential facility and two years full time experience in an administrative or supervisory capacity for a total of five years experience; or

2. ~~A graduate degree from an accredited college or university in a profession related to child care and development; or baccalaureate degree in social work, psychology, or counseling and five years full time paid experience as an employee working with children, two of which must be in a children's residential facility;~~ or

3. A license or certificate issued by the Commonwealth of Virginia as a drug or alcoholism counselor/worker if the facility's purpose is to treat drug abuse or alcoholism; or

4. A degree and experience in human services as approved by the lead regulatory authority.

E. Any applicant for the program director position shall submit the following to demonstrate compliance with the qualifications required by this regulation for the program director:

1. Official transcripts by the college or university of attendance within 30 days of hire; and

2. Documentation of prior relevant experience.

22 VAC 42-10-330. Buildings, inspections and building plans.

A. All buildings and building-related equipment shall be inspected and approved by the local building official. Approval shall be documented by a certificate of occupancy indicating that the building is classified for its proposed use.

B. The facility shall document at the time of its original application and annually thereafter that buildings and equipment are maintained in accordance with the Virginia Statewide Fire Prevention Code (13 VAC 5-51-10 et seq.).

C. At the time of the original application and at least annually thereafter the buildings shall be inspected and approved by state or local health authorities, whose inspection and approval shall include:

1. General sanitation;
2. The sewage disposal system;
3. The water supply;
4. Food service operations; and
5. Swimming pools.

D. The buildings and physical environment shall provide adequate space and shall be of a design that is suitable to house the programs and services provided and meet specialized needs of the residents.

E. Building plans and specifications for new construction, change in use of existing buildings, and any structural modifications or additions to existing buildings shall be submitted to and approved by the licensure or certification authority and by other appropriate regulatory authorities.

22 VAC 42-10-530. Admission procedures.

A. The facility shall have written criteria for admission which shall include:

1. A description of the population to be served;
2. A description of the types of services offered; ~~and~~
3. Intake and admission procedures;

4. Exclusion criteria to define those behaviors or problems that the facility does not have the staff with experience or training to manage; and

5. Description of how educational services will be provided to the population being served.

B. The facility's criteria for admission shall be accessible to prospective residents, legal guardians, and placing agencies.

C. The facility shall accept and serve only those children whose needs are compatible with the services provided through the facility unless a child's admission is ordered by a court of competent jurisdiction.

D. Acceptance of a child as eligible for respite care by a facility approved to provide residential respite care is considered admission to the facility. Each individual period of respite care is not considered a separate admission.

E. Each facility shall provide documentation showing proof of contractual agreements or staff expertise to provide educational services, counseling services, psychological services, medical services, or any other services needed to serve the residents in accordance with the facility's program description as defined by the facility's criteria of admission.

22 VAC 42-10-570. Emergency and self-admissions.

Facilities accepting emergency or self-admissions shall:

1. Have and implement written policies and procedures governing such admissions which shall include procedures to

make and document prompt efforts to obtain (i) a written placement agreement signed by the legal guardian or (ii) the order of a court of competent jurisdiction;

2. Place in each resident's record the order of a court of competent jurisdiction, a written request for care, or documentation of an oral request for care; and justification of why the resident is to be admitted on an emergency basis; and

~~3. Have and implement written policies and procedures for obtaining (i) a written placement agreement signed by the legal guardian or (ii) the order of a court of competent jurisdiction. Clearly document in written assessment information gathered for the emergency admission that the individual meets the facility's criteria for admission.~~

22 VAC 42-10-580. Applicavtion for admission.

A. Admission, other than an emergency or diagnostic admission, shall be based on evaluation of an application for admission. The requirements of this section do not apply to (i) temporary care facilities, (ii) court ordered placements, or (iii) transfer of a resident between residential facilities located in Virginia and operated by the same sponsor.

B. Facilities accepting routine admissions shall develop, and fully complete prior to acceptance for care, an application for admission which is designed to compile information necessary to determine:

1. The physical needs of the prospective resident;
2. The educational needs of the prospective resident;
3. The mental health, emotional and psychological needs of the prospective resident;
4. The physical health needs, including the immunization needs, of the prospective resident;
5. The protection needs of the prospective resident;
6. The suitability of the prospective resident's admission;
- ~~7. Whether the prospective resident's admission would pose any significant risk to (i) the prospective resident or (ii) the facility's residents or staff; The behavior support needs of the prospective resident; and~~
8. Information necessary to develop a service plan.

C. The resident's record shall contain a completed application for admission at the time of a routine admission or within 30 days after an emergency admission.

D. Each facility shall develop and implement written policies and procedures to assess each prospective resident as part of the application process to ensure that:

1. The needs of the prospective resident can be addressed by the facility's services;

2. The facility's staff are trained to meet the prospective resident's needs; and

3. The admission of the prospective resident would not pose any significant risk to (i) the prospective resident or (ii) the facility's residents or staff.

22 VAC 42-10-600. Written placement agreement.

A. The facility, except a facility which accepts admission only upon receipt of the order of a court of competent jurisdiction, shall develop a written placement agreement which:

1. Authorizes the resident's placement;
2. Addresses acquisition of and consent for any medical treatment needed by the resident;
3. Addresses the rights and responsibilities of each party involved;
4. Addresses financial responsibility for the placement;
5. Addresses resident absences from the facility; ~~and~~
6. Addresses visitation with the resident; and
7. Addresses the education plan for the resident and responsibilities of all parties.

B. Each resident's record shall contain, prior to a routine admission, a completed placement agreement signed by the legal guardian or placing agency, except as permitted for temporary emergency shelters pursuant to § ~~63.1-204~~ 63.2-1817 of the Code of Virginia.

C. The record of each person admitted based on a court order shall contain a copy of the court order.

22 VAC 42-10-690. Structured program of care.

A. There shall be evidence of a structured program of care designed to:

1. Meet the residents' physical and emotional needs;
2. Provide protection, guidance and supervision; and
3. Meet the objectives of any required service plan.

B. There shall be evidence of a structured daily routine designed to ensure the delivery of program services.

C. A daily activity log shall be maintained to inform staff of significant happenings or problems experienced by residents.

D. Health and dental complaints and injuries shall be recorded and shall include the (i) resident's name, complaint, and affected area and (ii) the time of the complaint.

E. The identity of the individual making each entry in the daily activity log shall be recorded.

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F. Routines shall be planned to ensure that each resident receives the amount of sleep and rest appropriate for his age and physical condition.

G. Staff shall promote good personal hygiene of residents by monitoring and supervising hygiene practices each day and by providing instruction when needed.

H. The structured daily routine shall comply with any facility and locally imposed curfews.

22 VAC 42-10-700. Health care procedures.

A. The facility shall have and implement written procedures for promptly:

1. Providing or arranging for the provision of medical and dental services for health problems identified at admission;
2. Providing or arranging for the provision of routine ongoing and follow-up medical and dental services after admission;
3. Providing emergency services for each resident as provided by statute or by the agreement with the resident's legal guardian; and
4. Providing emergency services for any resident experiencing or showing signs of suicidal or homicidal thoughts, symptoms of mood or thought disorders, or other mental health problems.

B. The following written information concerning each resident shall be readily accessible to staff who may have to respond to a medical or dental emergency:

1. Name, address, and telephone number of the physician and dentist to be notified;
2. Name, address, and telephone number of a relative or other person to be notified;
3. Medical insurance company name and policy number or Medicaid number;
4. Information concerning:
 - a. Use of medication;
 - b. ~~Medication~~ All allergies, including medication allergies;
 - c. Substance abuse and use; and
 - d. Significant past ~~or~~ and present medical problems; and
5. Written permission for emergency medical care, dental care, and obtaining immunizations or a procedure and contacts for obtaining consent; and
6. Subdivisions 3 and 5 of this subsection do not apply to secure detention facilities except when a resident is confined in detention with a suspended commitment to the Department of Juvenile Justice.

C. Facilities approved to provide respite care shall update the information required by subsection B of this section at the time of each stay at the facility.

22 VAC 42-10-710. Medical examinations and treatment.

A. Each child accepted for care shall have a physical examination by or under the direction of a licensed physician no earlier than 90 days prior to admission to the facility or no later than seven days following admission except (i) the report of an examination within the preceding 12 months shall be acceptable if a child transfers from one residential facility licensed or certified by a state agency to another, (ii) a physical examination shall be conducted within 30 days following an emergency admission if a report of physical examination is not available, and (iii) this requirement does not apply if a child is admitted to a secure detention facility or to a temporary care facility.

B. Each resident's record shall include written documentation of (i) the initial physical examination, (ii) an annual physical examination by a licensed physician including any recommendation for follow-up care, and (iii) documentation of the provision of follow-up medical care recommended by the physician or as indicated by the needs of the resident.

C. Each physical examination report shall include:

1. Information necessary to determine the health and immunization needs of the resident, including:
 - a. Immunizations administered at the time of the exam;
 - b. Vision exam;
 - c. Hearing exam;
 - d. General physical condition, including documentation of apparent freedom from communicable disease including tuberculosis;
 - e. Allergies, chronic conditions, and handicaps, if any;
 - f. Nutritional requirements, including special diets, if any;
 - g. Restrictions on physical activities, if any; and
 - h. Recommendations for further treatment, immunizations, and other examinations indicated;
2. Date of the physical examination; and
3. Signature of a licensed physician, the physician's designee, or an official of a local health department.

D. A child with a communicable disease shall not be admitted unless a licensed physician certifies that:

1. The facility is capable of providing care to the child without jeopardizing residents and staff; and
2. The facility is aware of the required treatment for the child and the procedures to protect residents and staff.

The requirements of this subsection shall not apply to temporary emergency shelters and secure detention facilities.

E. Each resident's record shall include written documentation of (i) an annual examination by a licensed dentist and (ii) documentation of follow-up dental care recommended by the dentist or as indicated by the needs of the resident. This requirement does not apply to secure detention facilities, temporary care facilities, and respite care facilities.

F. Each resident's record shall include notations of health and dental complaints and injuries and shall summarize symptoms and treatment given.

G. Each resident's record shall include, or document the facility's efforts to obtain, treatment summaries of ongoing psychiatric or other mental health treatment and reports, if applicable. This subsection does not apply to secure detention facilities except when a juvenile is confined in detention with a suspended commitment to the Department of Juvenile Justice.

H. Written policies and procedures, which include use of universal precautions, shall be developed and implemented to address communicable and contagious medical conditions.

I. All staff shall be trained within 30 days of employment and annually thereafter on the facility's policies and procedures regarding universal precautions.

~~F. J.~~ A well-stocked first-aid kit shall be maintained and readily accessible for minor injuries and medical emergencies.

22 VAC 42-10-720. Medication.

A. All medication shall be securely locked and properly labeled.

B. All staff responsible for medication administration shall have successfully completed a medication training program approved by the Board of Nursing or be licensed by the Commonwealth of Virginia to administer medications.

C. Medication shall be administered only by staff authorized to do so by the director.

D. Staff authorized to administer medication shall be informed of any known side effects of the medication and the symptoms of the effects.

E. A program of medication, including over-the-counter medication, shall be initiated for a resident only when prescribed in writing by a ~~licensed physician~~ person authorized by law to prescribe medication.

F. Medication prescribed by a ~~licensed physician~~ person authorized by law shall be administered as prescribed.

G. A ~~daily log~~ medication administration record shall be maintained of all medicines received by each resident and

~~shall identify the individual who administered the medication~~ include.

1. Date the medication was prescribed;

2. Drug name;

3. Schedule for administration;

4. Strength;

5. Route;

6. Actual time administered;

7. Identity of the individual who administered the medication; and

8. Dates the medication was discontinued or changed.

H. In the event of a medication error or an adverse drug reaction, first aid shall be administered if indicated. Staff shall promptly contact a poison control center, pharmacist, nurse, or physician and shall take actions as directed. If the situation is not addressed in standing orders, the attending physician shall be notified as soon as possible and the actions taken by staff shall be documented.

I. Medication refusals shall be documented including action taken by staff. The prescribing professional shall be contacted unless the refusal is addressed in standing orders.

J. The provider shall develop and implement written policies and procedures for documenting medication errors, reviewing medication errors and reactions and making any necessary improvements, the disposal of medication, the storage of controlled substances, and the distribution of medication off campus. The policy must be approved by a health care professional. The provider shall keep documentation of this approval.

~~F. K.~~ The telephone number of a regional poison control center shall be posted on or next to each nonpay telephone that has access to an outside line in each building in which children sleep or participate in programs.

~~J. At least one unexpired 30-cc bottle of Syrup of Ipecac and one unexpired container of activated charcoal shall be available on the premises of the facility for use at the direction of the poison control center or physician and shall be kept locked when not in use.~~

~~K. L.~~ Syringes and other medical implements used for injecting or cutting skin shall be locked.

22 VAC 42-10-740. Staff supervision of children.

A. No member of the child care staff shall be on duty more than six consecutive days without a rest day except in an emergency.

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B. Child care staff shall have an average at least two rest days per week in any four-week period. Rest days shall be in addition to vacation time and holidays.

C. Child care staff other than live-in staff shall not be on duty more than 16 consecutive hours except in an emergency.

D. There shall be at least one trained child care worker on the premises, on duty and actively supervising children at all times that one or more children are present.

E. Supervision policies.

1. The facility shall develop and implement written policies and procedures which address staff supervision of children including contingency plans for resident illnesses, emergencies, off campus activities, and resident preferences.

2. Written policies and procedures governing supervision of children shall be reviewed and approved by the regulatory authority prior to implementation.

3. The supervision policies or a summary of the policies shall be provided, upon request, to the placing agency or legal guardian prior to placement.

F. During the hours that children are scheduled to be awake there shall be at least one child care staff member awake, on duty and responsible for supervision of every 10 children, or portion thereof, on the premises or participating in off-campus, facility-sponsored activities except:

1. Independent living programs shall have at least one child care staff member awake, on duty and responsible for supervision of every 15 children on the premises or participating in off-campus, facility-sponsored activities;

2. For children under four years of age, there shall be at least one child care staff member awake, on duty and responsible for supervision of every three children who are on the premises or participating in off-campus, facility-sponsored activities except that this requirement does not apply to severely multihandicapped, nonambulatory children;

3. For severely multihandicapped, nonambulatory children, there shall be at least one child care staff member awake, on duty and responsible for supervision of every six children;

4. Programs that accept mothers and their children shall have at least one child care staff member awake, on duty and responsible for supervision of every six children (counting both mothers and their children); and

5. Except when exempted by the regulatory authorities, programs that are licensed or certified by the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide treatment services for children with diagnosed mental illness or diagnosed severe emotional or behavioral problems where close supervision is indicated shall have at least one child care staff member awake, on duty and responsible for supervision of every eight children.

G. During the hours that residents are scheduled to sleep, there shall be no less than one child care staff member on duty and responsible for supervision of every 16 children, or portion thereof, on the premises, except for programs that accept mothers and their children, there shall be at least one child care staff member in the building, on duty and responsible for every 10 residents.

H. There shall be at least one child care staff member on duty and responsible for the supervision of residents in each building where residents are sleeping. When there are 16 or more residents in a building, the staff person shall remain awake, and the ratio of one staff person to every 16 residents or portion thereof shall be maintained. For less than 16 residents in the building, the staff person may sleep but shall be on duty and responsible for supervision. This requirement does not apply to approved independent living programs.

I. On each floor where children are sleeping, there shall be at least one child care staff member awake and on duty for every 30 children or portion thereof.

22 VAC 42-10-750. Emergency telephone numbers.

~~A. Residents who are away from the facility and the adults responsible for their care during the absence shall be furnished with a telephone number where a responsible facility staff member or other responsible adult may be reached at all times. This subsection does not apply to residents of secure detention facilities. There shall be an emergency telephone number where a staff person may be immediately contacted 24 hours a day.~~

~~B. When children are on the premises of the facility, the staff on duty shall be furnished with a telephone number where the administrator or his designee may be reached at all times. Residents who are away from the facility and the adults responsible for their care during the absence shall be furnished with the emergency phone number.~~

22 VAC 42-10-780. Management of resident behavior.

A. The facility shall ~~have~~ develop and implement written policies and procedures for behavior management and for documenting and monitoring the management of resident behavior. Rules of conduct, if any, shall be included in the written policies and procedures. These policies and procedures shall:

1. Define and list techniques that are used and are available for use in the order of their relative degree of restrictiveness;

2. Specify the staff positions who may use each technique;

3. Specify the processes for implementing such policies and procedures.

B. Written information concerning management of resident behavior shall be provided prior to admission to prospective residents, except those with diagnosed mental disabilities

resulting in the loss of the cognitive ability to understand the information, to legal guardians, and to referral agencies. For court ordered and emergency admissions, this information shall be provided to:

1. Residents, except those with diagnosed mental disabilities resulting in the loss of the cognitive ability to understand the information, within 12 hours following admission;

2. Referral agencies within 72 hours following the resident's admission; and

3. Legal guardians within 72 hours following the resident's admission except that this requirement does not apply:

a. To secure detention facilities except when a juvenile is confined in detention with a suspended commitment to the Department of Juvenile Justice;

b. When a facility is providing temporary care of 30 days or less while conducting a diagnostic evaluation to identify the most appropriate long-term placement for a child who has been committed to the Department of Juvenile Justice; and

c. When a state mental hospital is evaluating a child's treatment needs as provided by the Code of Virginia.

C. When substantive revisions are made to policies governing management of resident behavior, written information concerning the revisions shall be provided to:

1. Residents prior to implementation, except for those residents with diagnosed mental disabilities resulting in the loss of the cognitive ability to understand the information; and

2. Legal guardians and referral agencies except that this requirement does not apply:

a. To secure detention facilities;

b. When a facility is providing temporary care of 30 days or less while conducting a diagnostic evaluation to identify the most appropriate long-term placement for a child who has been committed to the Department of Juvenile Justice; and

c. When a state mental hospital is evaluating a child's treatment needs as provided by the Code of Virginia.

D. Only trained staff members may manage resident behavior.

E. All direct care staff shall receive annual retraining on the provider's behavior management policies and procedures.

22 VAC 42-10-790. Confinement.

A. The facility shall have and implement written policies and procedures governing the conditions under which a resident may be confined and the maximum period of confinement. The conditions and maximum period of confinement shall be based on the resident's chronological and developmental level.

B. The room in which a resident is confined shall not be locked nor the door secured in a manner that prevents the resident from opening it, except that this subsection does not apply to secure custody facilities.

C. A confined resident shall be able to communicate with staff.

D. Staff shall check on the resident in the room at least every ~~30~~ 15 minutes and more often depending on the nature of the resident's disability, condition and behavior.

E. Use of confinement and staff checks on the residents shall be documented when confinement is used for managing resident behavior.

22 VAC 42-10-800. Prohibitions.

The following actions are prohibited:

1. Deprivation of drinking water or food necessary to meet a resident's daily nutritional needs except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record;

2. Limitation on contacts and visits with the resident's attorney, a probation officer, regulators or a placing agency representative;

3. Bans on contacts and visits with family or legal guardians except as permitted by other applicable state regulations or by order of a court of competent jurisdiction;

4. Delay or withholding of incoming or outgoing mail except as permitted by other applicable state and federal regulations or by order of a court of competent jurisdiction;

5. Any action which is humiliating, degrading, or abusive;

6. Corporal punishment;

7. Subjection to unsanitary living conditions;

8. Deprivation of opportunities for bathing or access to toilet facilities except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record;

9. Deprivation of health care;

10. Deprivation of appropriate services and treatment;

11. Application of aversive stimuli except as permitted pursuant to other applicable state regulations;

12. Administration of laxatives, enemas, or emetics except as ordered by a licensed physician or poison control center for a legitimate medical purpose and documented in the resident's record;

13. Deprivation of opportunities for sleep or rest except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record; and

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14. Limitation on contacts and visits with regulators and advocates employed by the Department of Mental Health, Mental Retardation and Substance Abuse Services or the Department for Rights of Virginians with Disabilities Virginia Office of Protection and Advocacy.

22 VAC 42-10-820. Physical restraint.

A. The facility shall ~~have~~ develop and implement written policies and procedures governing use of physical restraint which shall include:

1. The staff position who will write the report and timeframe;
2. The staff position who will review the report and timeframe; and
3. Methods to be followed should physical restraint, less intrusive interventions, or measures permitted by other applicable state regulations prove unsuccessful in calming and moderating the resident's behavior.

B. ~~The facility's procedures shall include methods to be followed should physical restraint, less intrusive interventions, or measures permitted by other applicable state regulations prove unsuccessful in calming and moderating the resident's behavior. All physical restraints shall be reviewed and evaluated to plan for continued staff development for performance improvement.~~

C. Use of physical restraint shall be limited to that which is minimally necessary to protect the resident or others.

D. Trained staff members may physically restrain a resident only after less intrusive restrictive interventions have failed or when failure to restrain would result in harm to the resident or others.

E. Each application of physical restraint shall be fully documented in the resident's record including:

1. Date;
2. Time;
3. Staff involved;
4. ~~Circumstances~~ Justification for the restraint;
5. ~~Reasons for using physical restraint~~ Less intrusive restrictive interventions which were unsuccessfully attempted prior to using physical restraint.
6. Duration;
7. ~~Method~~ Description of method or methods of physical restraint techniques used; and
8. ~~Less intrusive interventions which were unsuccessfully attempted prior to using physical restraint~~ Signature of the person completing the report and date; and
9. Reviewer's signature and date.

F. Each staff member responsible for supervision of children shall receive basic orientation to the facility's behavior management policies, physical restraint procedures and techniques and to less intrusive restrictive interventions within seven days following employment.

1. ~~Physical restraint shall be applied only by staff who have been trained in the facility's physical restraint procedures and techniques. Providers shall ensure that restraint may only be implemented, monitored, and discontinued by staff who have been trained in the proper and safe use of restraint, including hands-on techniques, if applicable, by an individual experienced in training staff in the management of behavior for the population served.~~

2. Staff shall review the facility's training in physical restraint and less intrusive restrictive interventions at least annually.

22 VAC 42-10-850. Education.

A. Each resident of compulsory school attendance age shall be enrolled in an appropriate educational program as provided in the Code of Virginia. Documentation of the enrollment process shall be kept in the resident's record.

B. The facility shall ensure that educational guidance and counseling in selecting courses is provided for each resident and shall ensure that education is an integral part of the resident's total program.

C. Facilities operating educational programs for children with disabilities shall operate those programs in compliance with applicable state and federal statutes and regulations.

D. When a child with disabilities has been placed in a residential facility without the knowledge of school division personnel in the resident's home locality, the facility shall contact the division superintendent of public schools in the locality in order to effect compliance with applicable state and federal requirements relative to the education of children with disabilities. Documentation regarding the contact with the resident's home school locality shall be kept in the resident's record.

E. A facility which has an academic or vocational program that is not certified or approved by the Department of Education shall document that teachers meet the qualifications to teach the same subjects in the public schools.

F. Each facility shall develop and implement written policies and procedures to ensure that each resident has adequate study time.

22 VAC 42-10-870. Recreation.

A. The facility shall have a written description of its recreation program which describes activities which are consistent (i) with the facility's total program and (ii) with the ages, developmental levels, interests, and needs of the residents.

B. The facility shall have and implement a recreation program which is consistent with the written description and which includes the following:

1. Opportunities for individual and group activities;
2. Free time for residents to pursue personal interests which shall be in addition to a formal recreation program except this subdivision does not apply to secure custody facilities;
3. Use of available community recreational resources and facilities except this subdivision does not apply to secure custody facilities;
4. Scheduling of activities so that they do not conflict with meals, religious services, educational programs or other regular events; and
5. Regularly scheduled indoor and outdoor recreational activities that are structured to develop skills and attitudes.

C. Recreational programs and field trips shall be directed and supervised by adults who are knowledgeable in the safeguards required for the activities.

D. For all extended recreational trips away from the facility the provider shall document trip planning to include:

1. A supervision plan for the entire duration of the activity including awake and sleeping hours;
2. Plan for safekeeping and distribution of medication;
3. Overall emergency, safety, and communication plan for the activity including emergency numbers of facility administration;
4. Staff training and experience requirements for each activity;
5. Resident preparation for each activity;
6. Plan to ensure that all necessary equipment for the activity is in good repair and appropriate for the activity;
7. Trip schedule giving addresses and phone numbers of locations to be visited and how the location was chosen/evaluated;
8. Plan to evaluate residents' physical health throughout the activity and to ensure that the activity is conducted within the boundaries of the resident's capabilities, dignity and respect for self-determination;
9. Plan to ensure that a certified lifeguard supervises all aquatic activities in which residents participate; and
10. Documentation of any variations from trip plans and reason for the variation.

22 VAC 42-10-880. Community relationships.

A. Opportunities shall be provided for the residents to participate in activities and to utilize resources in the

community except this section does not apply to secure custody facilities.

B. The facility shall have and implement written procedures for evaluating persons or organizations in the community who wish to associate with residents on the premises or take residents off the premises. The procedures shall cover how the facility will determine if participation in such community activities or programs would be in the residents' best interest.

C. Each facility shall have a staff community liaison who shall be responsible for facilitating cooperative relationships with neighbors, the school system, local law enforcement, local government officials, and the community at large.

D. Each facility shall develop and implement written policies and procedures for promoting positive relationships with the neighbors that shall be approved by the regulatory authority.

E. Each facility shall show evidence that staff have been trained on good neighbor policies and community relations.

22 VAC 42-10-970. Emergency and evacuation procedures.

~~A. Written procedures shall be developed and implemented for responding to emergencies, including but not necessarily limited to:~~

- ~~1. Severe weather;~~
- ~~2. Loss of utilities;~~
- ~~3. Missing persons;~~
- ~~4. Severe injury; and~~
- ~~5. Emergency evacuation, including alternate housing.~~

~~B. Written procedures shall address responsibilities of staff and residents regarding:~~

- ~~1. Sounding of an alarm;~~
- ~~2. Emergency evacuation including assembly points, head counts, primary and secondary means of egress, evacuation of children with special needs, and verifying complete evacuation of the buildings;~~
- ~~3. Alerting emergency authorities; and~~
- ~~4. Use of emergency equipment.~~

A. The provider shall develop a written emergency preparedness and response plan for all locations. The plan shall address:

1. Documentation of contact with the local emergency coordinator to determine local disaster risks and communitywide plans to address different disasters and emergency situations;
2. Analysis of the provider's capabilities and potential hazards, including natural disasters, severe weather, fire,

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flooding, work place violence or terrorism, missing persons, severe injuries, or other emergencies that would disrupt the normal course of service delivery;

3. Written emergency management policies outlining specific responsibilities for provision of administrative direction and management of response activities, coordination of logistics during the emergency, communications, life safety of employees, contractors, students, volunteers, visitors and residents, property protection, community outreach, and recovery and restoration;

4. Written emergency response procedures for assessing the situation; protecting residents, employees, contractors, students, volunteers, visitors, equipment and vital records; and restoring services. Emergency procedures shall address:

a. Communicating with employees, contractors and community responders;

b. Warning and notification of residents;

c. Providing emergency access to secure areas and opening locked doors;

d. Conducting evacuations of emergency shelters or alternative sites and accounting for all residents;

e. Relocating residents, if necessary;

f. Notifying family members and legal guardians;

g. Alerting emergency personnel and sounding alarms;

h. Locating and shutting off utilities when necessary;

5. Supporting documents that would be needed in an emergency, including emergency call lists, building and site maps necessary to shut off utilities, designated escape routes, and list of major resources such as local emergency shelters; and

6. Schedule for testing the implementation of the plan and conducting emergency preparedness drills.

B. The provider shall develop and implement emergency preparedness and response training for all employees, contractors, students, and volunteers within 14 days of begin date or before an individual is alone supervising residents and annually thereafter. Training shall cover responsibilities for:

1. Alerting emergency personnel and sounding alarms;

2. Implementing evacuation procedures, including evacuation of residents with special needs (i.e., deaf, blind, non-ambulatory);

3. Using, maintaining, and operating emergency equipment;

4. Accessing emergency information for residents including medical information; and

5. Utilizing community support services.

~~C. Emergency procedures shall address the handling of residents with special needs. The provider shall document the review of the emergency preparedness plan annually and make necessary revisions. Such revisions shall be communicated to employees, contractors, students, and volunteers and incorporated into training for employees, contractors, students and volunteers and orientation of residents to services.~~

D. In the event of a disaster, fire, emergency or any other condition that may jeopardize the health, safety and welfare of residents, the provider shall take appropriate action to protect the health, safety and welfare of the residents and take appropriate action to remedy the conditions as soon as possible.

E. Employees, contractors, students, and volunteers shall be knowledgeable in and prepared to implement the emergency preparedness plan in the event of an emergency.

F. In the event of a disaster, fire, emergency, or any other condition that may jeopardize the health, safety and welfare of residents, the provider should first respond and stabilize the disaster/emergency. After the disaster/emergency is stabilized, the provider shall report the disaster/emergency to the parent or guardian and the placing agency as soon as possible of the conditions at the facility and report the disaster/emergency to the lead regulatory authority as soon as possible, but no later than 72 hours after the incident occurs.

~~D. G.~~ G. Floor plans showing primary and secondary means of egress shall be posted on each floor in locations where they can easily be seen by staff and residents.

~~E. H.~~ H. The procedures and responsibilities reflected in the emergency procedures shall be communicated to all residents within seven days following admission or a substantive change in the procedures.

~~F. The telephone numbers of the authorities to be called in case of an emergency shall be prominently posted on or next to each telephone.~~

~~G. I.~~ I. At least one evacuation drill (the simulation of the facility's emergency procedures) shall be conducted each month in each building occupied by residents.

~~H. J.~~ J. Evacuation drills shall include, at a minimum:

1. Sounding of emergency alarms;

2. Practice in evacuating buildings;

3. Practice in alerting emergency authorities; and

4. Simulated use of emergency equipment; and

5. Practice in securing resident emergency information.

I. K. During any three consecutive calendar months, at least one evacuation drill shall be conducted during each shift.

~~J.~~ The facility shall assign at least one staff member responsibility for conducting and documenting evacuation drills.

~~K.~~ L. A record shall be maintained for each evacuation drill and shall include the following:

1. Buildings in which the drill was conducted;
2. The date and time of drill;
3. The amount of time to evacuate the buildings;
4. Specific problems encountered;
5. Staff tasks completed including:
 - a. Head count; and
 - b. Practice in notifying emergency authorities;
6. A summary; and
7. The name of the staff members responsible for conducting and documenting the drill and preparing the record.

~~L.~~ M. The record for each evacuation drill shall be retained for three years after the drill.

~~M.~~ N. The facility shall assign one staff member responsibility for the evacuation drill program at the facility who shall: ensure that all requirements regarding the emergency preparedness and response plan and the evacuation drill program are met.

- ~~1. Ensure that evacuation drills are conducted at the times and intervals required by these interdepartmental standards and the facility's emergency procedures;~~
- ~~2. Review evacuation drill reports to identify problems in conducting the drills and in implementing the requirements of the emergency procedures;~~
- ~~3. Consult with the local emergency authorities, as needed, and plan, implement and document training or other actions taken to remedy any problems found in implementing the procedures; and~~
- ~~4. Consult and cooperate with local emergency authorities to plan and implement an educational program for facility staff and residents on topics in safety.~~

22 VAC 42-10-980. Notifications. (Repealed.)

~~In the event of a disaster, fire, emergency or any other condition at the facility that may jeopardize the health, safety or well-being of the children, the facility shall:~~

- ~~1. Take appropriate action to protect the health, safety and well-being of the children;~~
- ~~2. Take appropriate actions to remedy the conditions as soon as possible, including reporting to and cooperating with local health, fire, police or other appropriate officials; and~~

~~3. Notify the regulatory authorities as soon as possible of the conditions at the facility and the status of the residents.~~

22 VAC 42-10-990. Written fire plan. (Repealed.)

~~A. The facility shall develop a written plan to be implemented in case of a fire.~~

~~B. Procedures and responsibilities reflected in the written fire plan shall be communicated to all residents within seven days following admission or a substantive change in the plan.~~

~~C. The telephone number of the fire department to be called in case of fire shall be prominently posted on or next to each telephone.~~

22 VAC 42-10-1000. Staff training. (Repealed.)

~~A. Each staff member shall be trained in fire procedures in accordance with the Virginia Statewide Fire Prevention Code (13 VAC 5-51-10 et seq.).~~

~~B. Each new staff member shall be trained in emergency and evacuation procedures and their implementation prior to working alone while supervising one or more children and within seven days of employment.~~

/s/ Tim Kaine
Governor
December 14, 2006

NOTICE: The forms used in administering 22 VAC 42-10, Standards for Interdepartmental Regulation of Children's Residential Facilities, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Initial Application for a Virginia State License/Certificate to Operate a Residential Facility for Children, 032-05-5535 (eff. 7/1/00 revised 5/2006).

INTERDEPARTMENTAL REGULATION OF CHILDREN'S RESIDENTIAL FACILITIES

INITIAL APPLICATION FOR A VIRGINIA STATE LICENSE/CERTIFICATE TO OPERATE A RESIDENTIAL FACILITY FOR CHILDREN
--

A completed application including any supplemental information required shall be submitted at least 60 days in advance of the planned opening date. (See § 20.A.1 of the *Interdepartmental Standards*.) The licensure/certification study will begin after a complete application is received.

Application is hereby made to operate a residential facility for children pursuant to provisions of the *Code of Virginia*.

I. IDENTIFYING INFORMATION

Facility's Name: _____

Address: Street _____

City/State/Zip _____

County: _____ Telephone Number at Facility: _____

Facility E-Mail Address: _____

Mailing Address, if different from Street Address:

Directions to Facility: _____

Sponsoring Organizations Name: _____

Sponsor's Address: _____

_____ Sponsor's Telephone: _____

Name and Title of Chief Administrative Officer: _____

Name of Program Director (s): _____

Name, Telephone Number and E-Mail Address of Community Liaison: (The community liaison is the staff that shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large.)

Anticipated dates the facility will be closed and anticipated dates that residents will be off campus for extended trips and events during the next 24 months: _____

Initial Application

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FACILITY CATEGORY (IES)

(Check **all** applicable categories. "Child Caring Institution" includes all facilities regulated by the Department of Social Services.)

<input type="checkbox"/>	Child Caring Institution (CCI)	<input type="checkbox"/>	Independent Living Program (ILP)	<input type="checkbox"/>	Respite Care Facility (RC)
<input type="checkbox"/>	Emergency Shelter (ES)	<input type="checkbox"/>	Juvenile Correctional Facility (JCF)	<input type="checkbox"/>	School for Individuals with Disabilities (SH)
<input type="checkbox"/>	Facility for Mentally III/Emotionally Disturbed (MED)	<input type="checkbox"/>	Less Secure Detention (LSD)	<input type="checkbox"/>	Secure Detention (SDH)
<input type="checkbox"/>	Facility for Mentally Retarded (MR)	<input type="checkbox"/>	Post-Dispositional Group Home (POS)	<input type="checkbox"/>	Temporary Care Facility (TC)
<input type="checkbox"/>	Facility for Substance Abusers (SA)	<input type="checkbox"/>	Pre-Dispositional Group Home (PRE)	<input type="checkbox"/>	Wilderness Program (SH)
<input type="checkbox"/>		<input type="checkbox"/>	Boot Camp (BC)	<input type="checkbox"/>	

II. POPULATION

Capacity	Gender	Minimum Age	Maximum Age

III. ORGANIZATIONAL INFORMATION

1. The Facility is operated by a(n):

<input type="checkbox"/>	Corporation	<input type="checkbox"/>	Public Agency	<input type="checkbox"/>	Unincorporated Organization or Association
<input type="checkbox"/>	Individual	<input type="checkbox"/>	Partnership		

2. The facility is operated:

<input type="checkbox"/>	For Profit	<input type="checkbox"/>	Not for Profit
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IV. RESIDENTIAL ENVIRONMENT

A. List all buildings below. Attach additional pages if necessary. In addition, a sketch of the grounds may be included, if desired.

Name or Number of Building	Date of Construction	Date of Occupancy	Function	Number of Residents

B. Name and address of owner of physical plant.

Name	
Address	

V. RECORDS

Identify the location of the following records:

Financial Records	
Personnel Records	
Resident's Records	

VI. ATTACHMENTS

Attached	Name of Attachment
	Facility Floor Plans indicating the exact dimensions of rooms to be used, including room length, width, and ceiling heights; designating the function(s) of each room; and indicating the number of basins, tubs, commodes, and showers in the bathrooms.

Attached	Name of Attachment
	Supervision Plan – Staff Information Sheet: A list of staff members with designated positions, qualifications, etc., in the same format as the attached form (see attached Staff Information Sheet – Form # 032-05-552)
	Supervision Plan – Narrative describing planned deviations, if any, from established staff child ratios (see § 740)
	Job Descriptions corresponding to the positions listed on the staff information sheet (§ 210)
	Statement of Philosophy and Objectives of the facility including a comprehensive description of the population to be served and the program to be offered. Please include any brochures/pamphlets distributed to the public and to agencies using your program (see § 110.C)
	Criteria for Admission (see § 530)
	Documentation that Buildings and Equipment are Maintained According to the VA Statewide Fire Prevention Code (see § 330.B)
	Report of Sanitation Inspection (See attached form #032-05-555 and § 330.C.) Attach last completed inspection form or give date inspection is scheduled _____.
	Certificate of Occupancy: Issued by the local building official no more than 90 days prior to the date of this application, indicating that the building is classified for its proposed licensed/certified purposes. (see § 330.A) NOTE: Buildings owned and operated by the Department of Education; Department of Juvenile Justice; and the Department of Mental Health, Mental Retardation and Substance Abuse Services are not required to have a certificate of occupancy.
FINANCIAL INFORMATION – PRIVATE FACILITIES	
	Documentation of funds or line of credit sufficient for 90 days operating expenses. (see § 20.A.2)
	Balance Sheet showing assets and liabilities (see § 20.A.3b)
	Working Budget showing projected revenue and expenses for the first year of operation. (see § 20.A.3.a)

Attached	Name of Attachment
Financial Information – State and Local Government Operated Facilities	
	A Working Budget showing appropriated revenue and projected expenses for the coming year (see § 20A.4)
Facilities Operated by a Corporation	
	<p>For a facility operated by a Virginia corporation, submit a copy of the Articles of Incorporation, the By-laws, and the Certificate of Incorporation (or Certificate of Amendment) from the Virginia State Corporation Commission of the appropriate state office.</p> <p>For a facility located in Virginia that is operated by an out-of-state corporation, submit a copy of the Articles of Incorporation, the By-laws, and the Certificate of Authority issued by the Virginia State Corporation Commission.</p>
Facilities with a Governing Board	
	A list of all members of the Board, the Executive Committee, or, for a public agency, all members of the legally accountable governing body. Each list should include the name, address and office/title of each individual.
For Facilities Operated by a Corporation, an Unincorporated Organization or an Association	
	References for three officers of the Board including the President, Secretary-Treasurer and a Member-at-Large. (See attached Reference Sheet for each Owner/Operator.)

Initial Application

Page 6 of 6

VII. CERTIFICATIONS

In making this application, I certify that:

1. I am in receipt of and have read a copy of the *Standards for Interdepartmental Regulation of Children's Residential Facilities* and all applicable certification standards.
2. It is my intent: (a) to comply with applicable statutes and the aforementioned *Interdepartmental Standards* and certification standards, and (b) to maintain compliance with them.
3. I understand that representatives of the Departments of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services are authorized to investigate all aspects of facility operation, to inspect the facility, and to make any investigations necessary concerning the circumstances surrounding this application. I understand that if the facility is licensed/certified, the departments' representatives will make announced and unannounced visits to determine continuing compliance.
4. I understand that sanitation inspections and documentation that building and equipment are maintained in accordance with the Virginia Statewide Fire Prevention Code are required on an annual basis, as applicable, and intend to obtain the required inspections and submit inspection reports.
5. I understand that, in the event this application is denied, I have appeal rights as provided by the Administrative Process Act, § 9-6.14:1 et. Seq. of the *Code of Virginia*.
6. To the best of my knowledge and belief, all information related to this application is accurate and complete. Additional information will be supplied as requested during investigation of this application and all subsequent investigations.
7. I am receipt of and have read the information provided regarding the siting of children's residential facilities.

(Signature) ¹	(Title)
(Name Printed)	(Date)

Revised 05/2006

¹ This application shall be signed by the individual legally responsible for the operation of the residential facility for children, or, if the facility is to be operated by a board/governing body, by an officer of the board/governing body, preferably the chair. If the facility is to be operated by a governmental entity, the person employed by that government to operate the facility may sign the application.

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Fish and Sediment Monitoring

Pursuant to § 62.1-44.19:6 A 3 of the Code of Virginia, the Virginia Department of Environmental Quality (DEQ) is giving notice that new data concerning the presence of toxic contaminants in fish tissue and sediments are available for the fish and sediment monitoring performed by DEQ in the calendar year 2005. The routine fish and sediment monitoring in 2005 was performed at selected sites in the Shenandoah River basin drainage, the James River basin drainage, including sites in the Appomattox River basin and Chickahominy River and at sites in North Fork of the Holston River as well as several smaller waterbodies. Data for the fish and sediment samples collected in 2005 are posted on the DEQ website at <http://www.deq.virginia.gov/fishtissue/fishtissue.html>.

For additional information, contact Alex Barron directly at (804) 698-4119, email ambarron@deq.virginia.gov, or call toll free 1-800-592-5482 and request Mr. Barron.

Total Maximum Daily Load (TMDL) - Hogue Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for Hogue Creek in Frederick County. Hogue Creek was listed on the 2004 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria. This impairment extends for 16.58 miles from the headwaters to the confluence with Back Creek.

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 first public meeting on the development of this TMDL will be held on Thursday, January 25, 2007, 7 p.m. at the Indian Hollow Elementary School, 1548 N. Hayfield Rd., Winchester, Virginia.

The public comment period for the first public meeting will end on February 25, 2007. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or email mbrent@deq.virginia.gov.

DEPARTMENT OF HEALTH

Drinking Water Construction Funding Meetings

The Virginia Department of Health (VDH) will offer funding informational meetings at six locations throughout the state. Attendance is on a first-come basis and is limited to 50 people at each location. Material will focus on Drinking Water Construction funding available through VDH. The Drinking Water State Revolving Fund (DWSRF) Program and the Water Supply Assistance Grant Fund (WSAGF) Program will be discussed. You will be asked for your specific suggestions and opinions.

You will be advised on program updates and then guided through program criteria, program applications, and the project scheduling steps needed for smooth project implementation.

If you plan to attend, please contact Theresa Hewlett by February 16, 2007, Madison Building, 109 Governor Street, Room 632, Richmond, VA 23219, telephone (804) 864-7501, or FAX (804) 864-7521.

Dates and locations are:

9 a.m. - noon, Wednesday, February 21, 2007, at the Pittsylvania/Danville Health District's Auditorium, 326 Taylor Drive, Danville, VA.

9 a.m. - noon, Thursday, February 22, 2007, at the Southwest Virginia Higher Education Center, Room 240, Abingdon, VA

8:30 a.m. - 11 a.m., Friday, February 23, 2007, at the Virginia Military Institute's Preston Library, Turman Room, Lexington, VA

9 a.m. - noon, Monday, February 26, 2007, at the Chesterfield County Health Department's Multi-purpose Room, 9501 Lucy Corr Circle, Chesterfield, VA.

9 a.m. - noon, Tuesday, February 27, 2007, at the Town of Windsor's Municipal Building Counsel Chamber, 8 East Windsor Blvd., Windsor, VA (Isle of Wight County).

9 a.m. - noon, Wednesday, February 28, 2007, at the County of Culpeper's Board of Supervisors Room (rear entrance to Administration Bldg. and three-hour parking across the street), 302 North Main Street, Culpeper, VA.

Drinking Water Funding

We are pleased to announce several opportunities for drinking water funding. Construction applications may be submitted year round. However, applications received after the due date stated below will be considered for funding in following cycle. As described below, funding is made possible by our Drinking Water State Revolving Fund (DWSRF) Program. We anticipate having at least \$10 million. Also, the following notice describes the Water Supply Assistance Grant

Fund Program. The FY 2008 DWSRF Intended Use Plan will be developed using your input on these issues.

(1) 1452(k) Source Water Protection Initiatives - (Yellow application) Must be postmarked by March 30, 2007. This provision allows VDH to loan money for activities to protect important drinking water resources. Loan funds are available to: (1) community and nonprofit noncommunity waterworks to acquire land/conservation easements and (2) community waterworks, only, to establish local, voluntary incentive-based protection measures.

(2) Construction Funds – (Cream application) Must be postmarked by March 30, 2007. Private and public owners of community waterworks and nonprofit noncommunity waterworks are eligible to apply for construction funds. VDH makes selections based on criteria described in the Program Design Manual, such as existing public health problems, noncompliance, affordability, regionalization, the availability of matching funds, etc. Readiness to proceed with construction is a key element. A Preliminary Engineering Report must be submitted if required by VDH. An instruction packet and Construction Project Schedule are included.

(3) Set-Aside Suggestion Forms – (White form) Must be postmarked by March 30, 2007. Anyone has the opportunity to suggest new or continuing set-aside (nonconstruction) activities. Set-aside funds help VDH assist waterworks owners to prepare for future drinking water challenges and assure the sustainability of safe drinking water.

(4) Planning & Design Grants – (Gray application) Must be postmarked by August 24, 2007. Private and public owners of community waterworks are eligible to apply for these grant funds. Grants can be up to \$25,000 per project for small, rural, financially stressed, community waterworks serving fewer than 3,300 persons. Eligible projects may include preliminary engineering planning, design of plans and specifications, performance of source water quality and quantity studies, drilling test wells to determine source feasibility, or other similar technical assistance projects. These funds could assist the waterworks owner in future submittals for construction funds.

The VDH's Program Design Manual describes the features of the above opportunities for funding. After receiving the aforementioned public input, VDH will develop a draft Intended Use Plan for public review and comment. When developed in August, the draft Intended Use Plan will describe specific details for use of the funds. A public meeting is planned for October and written comments will be accepted before a final version is submitted to the USEPA for approval.

Request the applications, set-aside suggestion form, Program Design Manual and information from and forward any

comments to Dale Kitchen, P.E., FCAP Project Supervisor, Madison Building, 109 Governor Street, Room 632, Richmond, VA 23219, telephone (804) 864-7501, FAX (804) 864-7521. The materials are also accessible on our website www.vdh.virginia.gov/dw.

Drinking water funding is made possible by the Water Supply Assistance Grant Fund, which is all grant funding.

The 1999 Session of the General Assembly created the Water Supply Assistance Grant (WSAG) Fund in § 32.1-171.2 of the Code of Virginia. The purpose of the WSAG is to make grant funds available to localities and owners of waterworks to assist in the provision of drinking water.

Funds are available by submitting an application postmarked on or before the dates indicated for the following:

(1) Planning Grants – Application must be postmarked by August 24, 2007.

Of available funding, \$60,000 or 16.67% will be used for planning needs. Your application cannot exceed this amount.

In ranking of applications, preference is given to those that address problems of small, rural, community waterworks with multi-jurisdictional support. The applicant submits the current VDH planning application to VDH. To promote coordination of funding and streamline the process for applicants, grants are prioritized in accordance with rating criteria of the current DWSRF Program. For WSAGF funding purposes only, up to fifty (50) extra points are added to the DWSRF rating criteria relative to the Stress Index rank.

Eligible activities may include (but not be limited to): Capacity building activities addressing regionalization or consolidation, performance of source water quality and quantity studies, drilling test wells to determine source feasibility, income surveys, preliminary engineering planning, design and preparation of plans and specifications, or other similar technical assistance projects.

(2) Surface Water Development or Improvement Grants – Application must be postmarked by March 30, 2007.

Of available funding, \$200,000 or 55.55% will be used for community waterworks surface source water development or improvement activities. Your application cannot exceed this amount.

The applicant submits the current VDH construction application to VDH. In ranking of applications, preference is given to those that address problems of small, rural, community waterworks with multi-jurisdictional support.

General Notices/Errata

Eligible activities may include: land purchase, options to purchase land, general site development costs, and dam upgrade and construction.

(3) Small Project Construction Grants – Application must be postmarked by March 30, 2007.

Of available funding, \$100,000 or 27.78% will be used for small project construction that is defined as a project whose total project cost does not exceed \$50,000. Eligible activities may include (but not be limited to): upgrade or construction of well or spring sources, waterlines, storage tanks, and treatment.

The applicant submits the current VDH construction application to VDH. To promote coordination of funding and streamline the process for applicants, grants are prioritized in accordance with rating criteria of the current DWSRF Program. For WSAGF purposes only, up to thirty (30) extra points are added to the VDH rating criteria relative to the Stress Index rank. Preference is given to community waterworks. This priority system ensures that all eligible acute or chronic health/ SDWA compliance projects are funded before any other eligible project.

The VDH's WSAGF Program Guidelines describes the features of the above opportunities for funding.

You may request the applications or Program Guidelines from us office by contacting the Virginia Department of Health, Madison Building, 109 Governor Street, Room 632, Richmond, VA 23219, telephone (804) 864-7501, FAX (804) 864-7521. The applications are also accessible on our website www.vdh.virginia.gov/dw.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on December 14, 2006. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Final Rules for Game Operation:

Director's Order Number Sixty-Eight (06)

Virginia's Instant Game Lottery 767; "Lucky Symbols" (effective 12/12/06)

Director's Order Number Sixty-Nine (06)

Virginia's Instant Game Lottery 768; "Lucky \$5,000" (effective 12/12/06)

Director's Order Number Seventy (06)

Virginia's Instant Game Lottery 769; "Super Lucky 7's" (effective 12/12/06)

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

2006 Revised Grants Manual

The Virginia Board for People with Disabilities, the state's Developmental Disabilities Planning Council, produced the 2006 Revised Grants Manual (<http://www.vaboard.org/downloads/2007DDGrantsManual.pdf>) as a resource for board grants that are funded by the U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Developmental Disabilities.

Agency Contact: Lynne Talley, Grants Administrative Manager, Virginia Board for People With Disabilities, 202 N. 9th Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-9375, FAX (804) 786-1118, toll free (800) 864-4464, or email lynne.talley@vbpd.virginia.gov.

VIRGINIA WASTE MANAGEMENT BOARD

Amended Consent Order - Potomac Landfill, Inc.

Purpose of notice: To invite citizens to comment on a proposed amended consent order for a facility in Dumfries, Virginia (Prince William County).

Public comment period: January 8, 2007, to February 7, 2007.

Consent order description: The Virginia Waste Management Board proposes to issue an amended consent order to Potomac Landfill, Inc., to extend certain provisions of a Consent Order issued on March 10, 2005. The location of the facility is 3730 Greentree Lane in Dumfries, Virginia (Prince William County). The consent order describes an agreement to continue implementing procedures to control odors and extend compliance dates.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information: Carl Ciccarelli, Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3862, FAX (703) 583-3841, or email cjccicarelli@deq.virginia.gov.

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://register.state.va.us>.

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
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ 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.virginia.gov 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 website's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

January 8, 2007 - 10 a.m. -- Open Meeting
Board of Accountancy, 3600 West Broad Street, Room 395,
Richmond Virginia.♿

A meeting to discuss general business matters and conduct regulatory review. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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 D'Amato, Board Administrator, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0502, FAX (804) 367-2174, (804) 367-9753/TTY☎, email mark.damato@boa.virginia.gov.

January 26, 2007 - 9 a.m. -- Open Meeting
Board of Accountancy, 3600 West Broad Street, Suite 378,
Richmond Virginia.♿

An informal fact-finding conference to gather facts during a public hearing regarding disciplinary cases.

Contact: Jean Grant, Enforcement Manager, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0725, FAX (804) 367-2174, (804) 367-9753/TTY☎, email jean.grant@boa.virginia.gov.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia State Apple Board

† **January 24, 2007 - 11:30 a.m.** -- Open Meeting
Crowne Plaza Hotel, 6945 Pocahontas Trail, Williamsburg,
Virginia.♿

A meeting to (i) approve the minutes of the last meeting held January 25, 2006, (ii) review the financial statement, and (iii) discuss old business arising from the last meeting and any new business. 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 David Robishaw at least five days before the meeting date so that suitable arrangements can be made.

Contact: David Robishaw, Secretary, Virginia State Apple Board, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156, email david.robishaw@vdacs.virginia.gov.

Aquaculture Advisory Board

† **January 12, 2007 - 9:30 a.m.** -- Open Meeting
Virginia Farm Bureau Federation, 12580 West Creek
Parkway, 3rd Floor, Conference 3-C, Richmond, Virginia.♿

A meeting to discuss issues related to Virginia aquaculture. For directions, call 800-768-8323, ext. 1155. 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 T. Robins Buck at least five days before the meeting date so that suitable arrangements can be made.

Contact: T. Robins Buck, Secretary, Aquaculture Advisory Board, Oliver Hill Bldg., 102 Governor St., 2nd Floor, Richmond, VA 23219, telephone (804) 371-6094, FAX (804) 371-2945, email robins.buck@vdacs.virginia.gov.

Virginia Corn Board

† **February 19, 2007 - 8 a.m.** -- Open Meeting
Double Tree Hotel, Richmond Airport, 5501 Eubank Road, Richmond, Virginia. 

A meeting to (i) discuss checkoff revenues resulting from sales of the 2006 corn crop, (ii) approve the previous meeting minutes, (iii) hear FY 2006-2007 project reports and receive FY 2007-2008 project proposals, and (iv) make funding decisions for the fiscal year beginning July 1, 2007. 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 Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Corn Board, 102 Governor St., 3rd Floor, Room 319, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, email phil.hickman@vdacs.virginia.gov.

Virginia Horse Industry Board

February 2, 2007 - 10 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, 2nd Floor, Meeting Room, Charlottesville, Virginia. 

A meeting to (i) discuss marketing and promotional projects for the coming year; (ii) review the financial status, as well as the status of the Equine Survey currently underway; and (iii) present and approve the minutes of the previous board meeting. 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 Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, Oliver Hill Bldg., 102 Governor St., 3rd Floor, Room 318, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 371-7786, email andrea.heid@vdacs.virginia.gov.

Virginia Marine Products Board

† **January 30, 2007 - 6 p.m.** -- Open Meeting
Bill's Seafood House, Denbigh Boulevard and Route 17, Grafton, Virginia. 

A meeting to (i) hear the reading and approval of minutes of the previous board meeting; (ii) hear and evaluate the

financial report; and (iii) hear reports on trade shows, industry tours, and cooperative programs with the Virginia Department of Agriculture and Consumer Services. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

Contact: Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Blvd., Suite B, Newport News, VA 23608, telephone (757) 874-3474, FAX (757) 886-0671, email shirley.estes@vdacs.virginia.gov.

Virginia Sheep Industry Board

† **January 12, 2007 - 4 p.m.** -- Open Meeting
Holiday Inn University, 900 Prices Fork Road, Blacksburg, Virginia. 

A meeting to (i) approve minutes from the January 2006 meeting; (ii) review the financial statement; (iii) hear reports from USDA Wildlife Services staff, the Virginia Food Festival, Virginia State Fair Lamb Carcass Contest, and Virginia Junior Sheep Breeders Association; and (iv) act on several funding requests. 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 five days before the meeting date so that suitable arrangements can be made.

Contact: Mike Carpenter, Program Director, Livestock Marketing Services, Department of Agriculture and Consumer Services, 116 Reservoir St., Harrisonburg, VA 22801, telephone (540) 434-0779, FAX (540) 434-5607.

† **April 8, 2007** - 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 Department of Agriculture and Consumer Services intends to amend regulations entitled **2 VAC 5-490, Regulations Governing Grade "A" Milk**. The purpose of the proposed action is adopt the requirements contained in the 2005 revision of the Pasteurized Milk Ordinance (PMO). The PMO is a federal model regulation for adoption by the states to governing the production, processing, distribution and sale of milk and milk products in the United States. The current Regulations Governing Grade "A" Milk adopted the 1989 revision of the PMO.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Calendar of Events

Contact: John A. Beers, Program Supervisor, 102 Governor St., Suite 349, Richmond, VA 23219, telephone (804) 786-1452, FAX (804) 371-7792 or email john.beers@vdacs.virginia.gov.

STATE AIR POLLUTION CONTROL BOARD

January 16, 2007 - 9:30 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Board Room, Richmond, Virginia. 

A regular meeting. An agenda will be posted at least seven days before the meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4378, FAX (804) 698-4346, email cumberland@deq.virginia.gov.

† **January 19, 2007 - 1:30 p.m.** -- Public Hearing
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. 

A public hearing on a proposed variance to the open burning rule (Article 40 of 9 VAC 5 Chapter 40, Rule 4-40). The proposal consists of a variance from existing regulation provisions for the control of emissions of volatile organic compounds (VOCs) and nitrogen oxides (NOX) to the atmosphere from open burning conducted in the affected localities. The variance will temporarily relieve the affected localities from immediate compliance with the seasonal restrictions in 9 VAC 5-40-5630 A 8 and 10 of the open burning rule by requiring a phased-in compliance. Estimated local impact as a result of this action is expected to be minimal. The localities particularly affected are the County of Gloucester and the County of Isle of Wight.

Contact: Doris McLeod, State Air Pollution Control Board, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4197, FAX (804) 698-4510, email damcleod@deq.virginia.gov.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

† **January 23, 2007 - 9 a.m.** -- Open Meeting
† **February 20, 2007 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Continuing Education Committee to develop draft wording for the board's consideration for implementing the mandatory continuing education program.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad

St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0795, (804) 367-9753/TTY , email APELSCIDLA@dpor.virginia.gov.

January 31, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Architects Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

February 6, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Interior Designers Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

February 8, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Professional Engineers Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

February 13, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Landscape Architects Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

February 15, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Land Surveyors Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

March 15, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the full board to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

February 1, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting including consideration of regulatory issues as may be presented on the agenda. A portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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: David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email alhi@dpor.virginia.gov.

AUCTIONEERS BOARD

January 18, 2007 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting to conduct board business. A portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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: Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0795, (804) 367-9753/TTY ☎, email auctioneers@dpor.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **February 15, 2007 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia.

A meeting to discuss general business matters as it relates to the practice of audiology and speech-language pathology.

Contact: Lisa R. Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712,

Calendar of Events

telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email lisa.hahn@dhp.virginia.gov.

BOARD FOR THE BLIND AND VISION IMPAIRED

† **January 9, 2007 - 1 p.m.** -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to review information regarding department activities and operations, review expenditures from board endowment funds and discuss other issues raised by the board members.

Contact: Katherine C. Proffitt, Administrative Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, email kathy.proffitt@dbvi.virginia.gov.

BOARD FOR BRANCH PILOTS

February 1, 2007 - 8:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting to conduct examinations.

Contact: Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email branchpilots@dpor.virginia.gov.

February 2, 2007 - 9:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email branchpilots@dpor.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

February 13, 2007 - 10 a.m. -- Open Meeting
Division of Chesapeake Bay Local Assistance, 101 North 14th Street, 17th Floor, Richmond, Virginia.

A meeting of the Northern Area Review Committee to review local programs.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

February 13, 2007 - 2 p.m. -- Open Meeting
Division of Chesapeake Bay Local Assistance, 101 North 14th Street, 17th Floor, Richmond, Virginia.

A meeting of the Southern Area Review Committee to review local programs.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

† **March 26, 2007 - 10 a.m.** -- Open Meeting
Location to be announced.

A regular business meeting to review local programs.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

CHILD DAY-CARE COUNCIL

† **January 11, 2007 - 10 a.m.** -- Open Meeting
Department of Social Services, 7 North 8th Street, Board Conference Room, Richmond, Virginia.

A regular meeting.

Contact: Pat Rengnerth, Board Liaison, Office of Legislative and Regulatory Affairs, Child Day-Care Council, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY ☎, email patricia.rengnerth@dss.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES

January 17, 2007 - 1:30 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)

Meetings of the Academic Committee, Student Affairs and Workforce Development Committee, Budget and Finance Committee, Facilities Committee, Audit Committee, and Personnel Committee.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

January 18, 2007 - 9 a.m. -- Open Meeting
 Godwin-Hamel Board Room, James Monroe Building, 101 North 14th Street, 15th Floor, James Monroe Building, Richmond, Virginia. (Interpreter for the deaf provided upon request)

March 22, 2007 - 9 a.m. -- Open Meeting
 Lord Fairfax Community College, Middletown Campus, 173 Skirmisher Lane, Middletown, Virginia.

A meeting of the full board. Public comment may be received upon written notification at least five working days prior to the meeting.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY

COMPENSATION BOARD

January 9, 2007 - 1 p.m. -- Open Meeting
 102 Governor Street, Lower Level, Room LL22, Richmond, Virginia.

A regular monthly meeting. A meeting with Constitutional Officer Association presidents will follow at 2 p.m. regarding upcoming legislation. No official board action will be taken at the 2 p.m. meeting.

Contact: Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 225-3308, FAX (804) 371-0235, email cindy.waddell@scb.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia Cave Board

† **January 20, 2007 - 1 p.m.** -- Open Meeting
 Stone Lodge Grand Caverns, Grottoes, Virginia.

A regular meeting. Committees will meet at 11 a.m.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

BOARD FOR CONTRACTORS

January 9, 2007 - 9 a.m. -- Open Meeting
 † **January 11, 2007 - 9 a.m.** -- Open Meeting
January 18, 2007 - 9 a.m. -- Open Meeting
 † **January 23, 2007 - 2 p.m.** -- Open Meeting
January 25, 2007 - 9 a.m. -- Open Meeting
January 30, 2007 - 9 a.m. -- Open Meeting
 † **February 6, 2007 - 9 a.m.** -- Open Meeting
 † **February 22, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia.

An informal fact-finding conference.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , email contractors@dpor.virginia.gov.

January 23, 2007 - 9 a.m. -- Open Meeting

February 27, 2007 - 9 a.m. -- Open Meeting

† **March 27, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulations, 3600 West Broad Street, 4th Floor Richmond, Virginia.

A meeting to address policy and procedural issues and review and render decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , email contractors@dpor.virginia.gov.

February 27, 2007 - 1 p.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

A quarterly meeting of the Board for Contractors Committee. The meeting starts after the Board for Contractors meeting ends.

Contact: Kevin Hoeft, Regulatory Boards Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , email contractors@dpor.virginia.gov.

BOARD OF CORRECTIONS

January 16, 2007 - 10 a.m. -- Open Meeting

March 20, 2007 - 10 a.m. -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor, Board Room, Richmond, Virginia.

A meeting of the Liaison Committee to discuss correctional matters of interest to the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email barbara.woodhouse@vadoc.virginia.gov.

Calendar of Events

January 16, 2007 - 11 a.m. -- Open Meeting

March 20, 2007 - 11 a.m. -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor, Board Room, Richmond, Virginia. ☎

A meeting of the Correctional Services/Policy and Regulations Committee to discuss correctional services and policy/regulation matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email barbara.woodhouse@vadoc.virginia.gov.

January 17, 2007 - 9:30 a.m. -- Open Meeting

March 21, 2007 - 9:30 a.m. -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor, Room 3054, Richmond, Virginia. ☎

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email barbara.woodhouse@vadoc.virginia.gov.

January 17, 2007 - 10 a.m. -- Open Meeting

March 21, 2007 - 10 a.m. -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor, Board Room, Richmond, Virginia. ☎

A regular meeting of the full board to review and discuss all matters considered by board committees that require presentation to and action by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email barbara.woodhouse@vadoc.virginia.gov.

BOARD OF COUNSELING

† **January 29, 2007 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

An informal conference.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email evelyn.brown@dhp.virginia.gov.

CRIMINAL JUSTICE SERVICES BOARD

March 8, 2007 - 9 a.m. -- Public Hearing

General Assembly Building, 9th and Broad Street, House Room D, Richmond, Virginia. ☎

January 12, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled **6 VAC 20-250, Regulations Relating to Property and Surety Bail Bondsmen**. The purpose of the proposed action is promulgate regulations for property and surety bail bondsmen. The regulation establishes a licensure process, training standards, fee schedule, and the administration of the regulatory system.

Statutory Authority: § 9.1-102 of the Code of Virginia.

Contact: Leon D. Baker, Jr., Division Director, Department of Criminal Justice Services, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, or email lbaker@dcjs.virginia.gov.

March 8, 2007 - 11 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A general business meeting.

Contact: Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, 9th Street Office Bldg., 202 N. 9th St., 5th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, email leon.baker@dcjs.virginia.gov.

BOARD OF DENTISTRY

January 19, 2007 - 9 a.m. -- Open Meeting

March 23, 2007 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

Informal conferences of Special Conference Committee C. There will not be a public comment period.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, email sandra.reen@dhp.virginia.gov.

February 2, 2007 - 9 a.m. -- Open Meeting
† March 30, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

A meeting of the Special Conference Committee A to hold informal conferences. There will not be a public comment period.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

February 9, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

A meeting of the Credentials Committee to hold informal conferences. There will not be a public comment period.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

February 23, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

Informal conferences of Special Conference Committee B. There will not be a public comment period.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

March 8, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

Formal hearings. There will not be a public comment period.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

March 9, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

A meeting to discuss board business. There will be a 15-minute public comment period at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

BOARD OF EDUCATION

January 10, 2007 - 9 a.m. -- Open Meeting
January 11, 2007 - 9 a.m. -- Open Meeting
January 12, 2007 - 9 a.m. -- Open Meeting
Comfort Inn Conference Center, 3200 West Broad Street,
Richmond, Virginia.

A meeting of the State Special Education Advisory Committee. For more information on times and agendas go to <http://www.doe.virginia.gov/VDOE/Instruction/Sped/sseac.html> or call the Department of Education Special Education and Student Services office at 804-225-3252 or (TTY) 800-422-1098.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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, email margaret.roberts@doe.virginia.gov.

January 10, 2007 - 9 a.m. -- Open Meeting
February 28, 2007 - 9 a.m. -- Open Meeting
† March 28, 2007 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 22nd Floor,
Jefferson Conference Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular business meeting of the board. Public comment will be received. The agenda and the supporting materials will be posted on the Friday prior to the meeting on the following web site:
http://www.doe.virginia.gov/VDOE/VA_Board/bd-sched.html

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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, email margaret.roberts@doe.virginia.gov.

January 10, 2007 - 11 a.m. -- Public Hearing
James Monroe Building, 101 North 14th Street, 22nd Floor,
Richmond, Virginia.  (Interpreter for the deaf provided upon request)

February 12, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to amend regulations entitled **8 VAC 20-160, Regulations**

Calendar of Events

Governing Secondary School Transcripts. The purpose of the proposed action is to remove the 1988-89 effective date provision, revise the definitions as necessary to comport with those in other Board of Education regulations, and revise the format options for the transcript and profile data sheets to reflect both Board of Education regulations and state and federal law. The sections concerning class rankings, AP courses and the elements of weighting of advanced, accelerated, advanced placement, and honors level courses are also revised to comport with best instructional practices, as well as other state requirements.

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

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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, email margaret.roberts@doe.virginia.gov.

January 22, 2007 - 9 a.m. -- Open Meeting

March 19, 2007 - 9 a.m. -- Open Meeting

Location to be announced.

A meeting of the Advisory Board on Teacher Education and Licensure. For additional information, contact Patty Pitts, Director of Teacher Licensure at the Department of Education, (804) 371-2471, email patty.pitts@doe.virginia.gov.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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, email margaret.roberts@doe.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† January 25, 2007 - 7 p.m. -- Open Meeting

Indian Hollow Elementary School, 1548 N. Hayfield Road, Winchester, Virginia. 

The first public meeting on the development of a bacteria TMDL for Hogue Creek in Frederick County.

Contact: Robert Brent, Department of Environmental Quality, 4411 Early St., P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, email rbrent@deq.virginia.gov.

† March 8, 2007 - 10 a.m. -- Open Meeting

Chesterfield County Airport, Iron Bridge Road, Conference Room, Chesterfield County, Virginia. 

A regular meeting of the Recycling Markets Development Council.

Contact: Thomas J. Smith, PE, 5 County Complex Court, Suite 250, Prince William, VA 22192, telephone (703) 792-6252, email tsmith@pwcgov.org.

March 20, 2007 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting of the Ground Water Protection Steering Committee.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4042, email mamassie@deq.virginia.gov.

VIRGINIA FIRE SERVICES BOARD

† February 21, 2007 - 11 a.m. -- Open Meeting

Virginia Beach Convention Center, Virginia Beach, Virginia. 

A work session of the board. The Executive Subcommittee meets at 3 p.m.

Contact: Brook M. Pittinger, Policy, Planning and Legislative Manager, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

† February 22, 2007 - 10 a.m. -- Open Meeting

Virginia Beach Convention Center, Virginia Beach, Virginia. 

Committee meetings:

10 a.m. - Training and Education

2 p.m. - Prevention and Control

3 p.m. - Finance and Policy

Contact: Brook M. Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

† February 23, 2007 - 9 a.m. -- Open Meeting

Virginia Beach Convention Center, Virginia Beach, Virginia. 

A full board meeting.

Contact: Brook M. Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

† February 24, 2007 - 8 a.m. -- Open Meeting

Virginia Beach Convention Center, Virginia Beach, Virginia. 

The Governor's 2006 Virginia Fire Services Awards Ceremony held in conjunction with the welcome and opening ceremonies of the Virginia Fire Chiefs Association 2007 Mid-Atlantic Expo and Symposium.

Contact: Brook M. Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

BOARD OF FORESTRY

† **January 11, 2007 - 1 p.m.** -- Open Meeting
Virginia Forestry Association, 3808 Augusta Avenue,
Richmond, Virginia.  (Interpreter for the deaf provided upon
request)

A business meeting.

Contact: Donna S. Hoy, Administrative Staff Specialist,
Board of Forestry, 900 Natural Resources Dr., Suite 800,
Charlottesville, VA 22903, telephone (434) 220-9045, FAX
(434) 977-7749, email donna.hoy@dof.virginia.gov.

GEORGE MASON UNIVERSITY

† **January 9, 2007 - 10:30 a.m.** -- Open Meeting
4350 Fair Lakes Court, Fairfax, Virginia. 

A meeting of the World Class Ad Hoc Committee of the
Board of Visitors.

Contact: Mary Roper, Secretary pro tem, George Mason
University, MSN 3A1, 4400 University Dr., Fairfax, VA
22030, telephone (703) 993-8703, FAX (703) 993-8707,
email mroper@gmu.edu.

† **January 9, 2007 - 12:30 p.m.** -- Open Meeting
4350 Fair Lakes Court, Fairfax, Virginia. 

A joint meeting of the Finance and Land Use Committees.

Contact: Mary Roper, Secretary pro tem, George Mason
University, MSN 3A1, 4400 University Dr., Fairfax, VA
22030, telephone (703) 993-8703, FAX (703) 993-8707,
email mroper@gmu.edu.

January 31, 2007 - 9 a.m. -- Open Meeting
Fairfax Campus, Mason Hall, Fairfax, Virginia. 

A meeting of the Board of Visitors. Agenda items will be
posted 10 days prior to the meeting.

Contact: Mary Roper, Secretary Pro Tem, George Mason
University, 4400 University Dr., Fairfax, VA 22030,
telephone (703) 993-8703, toll-free (703) 993-8707, email
mroper@gmu.edu.

GOVERNOR'S COMMISSION ON COMMUNITY AND NATIONAL SERVICE

† **January 19, 2007 - 10 a.m.** -- Open Meeting
7 North Eighth Street, Richmond, Virginia. 

A regular business meeting.

Contact: Susan Patton, Executive Assistant, Department of
Social Services, 7 N. 8th St., Richmond, VA 23219,
telephone (804) 726-7065, FAX (804) 726-7024, toll-free
(800) 638-3839, (800) 828-1120/TTY , e-mail
susan.c.patton@dss.virginia.gov.

GOVERNOR'S HEALTH REFORM COMMISSION

February 26, 2007 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 7th Floor, Conference Room 7B, Richmond, Virginia.
 (Interpreter for the deaf provided upon request)

A meeting of the Quality, Transparency, and Prevention
Workgroup to focus on quality, specifically pay for
performance (P4P) initiatives in Medicaid and nursing
homes. The goal of the meeting will be to develop ideas
and solutions for how the Commonwealth can best
implement P4P in Medicaid.

Contact: Aryana Khalid, Assistant Secretary of Health and
Human Resources, Office of the Governor, 1111 E. Broad St.,
Richmond, VA 23219, telephone (804) 692-2575, email
aryana.khalid@governor.virginia.gov.

February 27, 2007 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 7th Floor, Conference Room 7B, Richmond, Virginia.
 (Interpreter for the deaf provided upon request)

A meeting of the Workforce Workgroup to focus on
workforce issues for nurses and nurse aides. The goal of the
meeting will be to develop ideas and solutions for how the
Commonwealth can increase the workforce from both
supply and demand perspectives as well as how to retain
and reengage the existing workforce in the Commonwealth.

Contact: Aryana Khalid, Assistant Secretary of Health and
Human Resources, Office of the Governor, 1111 E. Broad St.,
Richmond, VA 23219, telephone (804) 692-2575, email
aryana.khalid@governor.virginia.gov.

March 2, 2007 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, Room 7 B, Richmond, Virginia.

A Long-Term Care Workgroup meeting of the Governor's
Health Reform Commission.

Contact: Heidi Dix, Assistant Secretary of Health and
Human Resources, Office of the Governor, 1111 E. Broad St.,
4th Floor, Richmond, VA 23219, telephone (804) 786-7765,
email heidi.dix@governor.virginia.gov.

† **March 29, 2007 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, Room 7 B, Richmond, Virginia.

A meeting of the Workforce Workgroup to focus on
workforce issues for physicians. The goal of the meeting
will be to develop ideas and solutions for how the
Commonwealth can increase the workforce from both
supply and demand perspectives as well as how to retain
and reengage the workforce we already have in the
Commonwealth.

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Contact: Aryana Khalid, Assistant Secretary of Health and Human Resources, Office of the Governor, 1111 East Broad St., Richmond, VA 23219, telephone (804) 692-2575, email aryana.khalid@governor.virginia.gov.

STATE BOARD OF HEALTH

February 9, 2007 - 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 5-190, State Plan for the Provision of Children's Specialty Services**, and adopt regulations entitled **12 VAC 5-191, State Plan for the Children with Special Health Care Needs Program**. The purpose of the proposed action is to repeal the current regulation, 12 VAC 5-190, State Plan for the Provision of Children's Specialty Services, because this regulation does not adequately address the existing model for providing services, and promulgate 12 VAC 5-191, State Plan for the Children with Special Health Care Needs Program, to provide a State Plan for the administration, eligibility, and scope of services provided through the Department of Health for residents of the Commonwealth with special health care needs. The Children with Special Health Care Needs Program encompasses various initiatives to serve individuals with special health care needs including the Care Connection for Children network, Child Development Services program, and the Virginia Bleeding Disorders Program. Following a federally mandated comprehensive needs assessment in 1999, the previous Children's Specialty Services program was phased out and replaced with the Care Connection for Children network. The current program operates very differently, and therefore needs new regulations.

Other state-mandated initiatives, such as the Virginia Newborn Screening System, Virginia Congenital Anomalies Reporting and Education System, Virginia Sickle Cell Awareness Program, and Pediatric Comprehensive Sickle Cell Clinic Network also identify and serve children with special health care needs. These programs, several of which have separate regulations, are now referenced in this regulation as well.

The proposed regulation is designed to ensure that program services are made available to eligible residents within available appropriations, are able to respond to changing needs of the population, and can qualify for federal Title V and other available funds for plan administration. It is intended to support consistent program administration statewide, and assure that resources are expended and distributed fairly across the Commonwealth.

Statutory Authority: §§ 32.1-12 and 32.1-77 of the Code of Virginia.

Contact: Nancy Bullock, Director, Children with Special Health Care Needs Program, Division of Child and Adolescent Health, Department of Health, 109 Governor St., 8th Floor, Richmond, VA 23219, telephone (804) 864-7706, FAX (804) 864-7722 or email nancy.bullock@vdh.virginia.gov.

DEPARTMENT OF HEALTH

† **February 13, 2007 - 9 a.m.** -- Open Meeting
Department of Health, 109 Governor Street, 5th Floor Conference Room, Richmond, Virginia.

A meeting of the Authorized Onsite Soil Evaluator Regulations Advisory Committee to make recommendations to the commissioner regarding AOSE/PE policies and programs. The meeting will also be scheduled in remote locations via video conference.

Contact: Dwayne Roadcap, Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7462, FAX (804) 864-7476, email dwayne.roadcap@vdh.virginia.gov.

State Emergency Medical Services Advisory Board

† **February 8, 2007 - 1 p.m.** -- Open Meeting
Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. ☎

A quarterly meeting of the Financial Assistance Review Committee to discuss upcoming grant cycles, initiatives, problems with past grants, and Rescue Squad Assistance Fund (RSAF) finances. The committee is responsible for recommending to the Commissioner of Health monetary awards as stipulated in the Code of Virginia.

Contact: Amanda Davis, Grants Administrator, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email amanda.davis@vdh.virginia.gov.

† **February 9, 2007 - 9 a.m.** -- Open Meeting
Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. ☎

A quarterly meeting of the Communications Committee to review and recommend policies on emergency medical services (EMS) communications and coordinate the development and implementation of communications and associated technology that support EMS operations at the local, regional and state levels.

Contact: Ken Crumpler, Communications Coordinator, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email ken.crumpler@vdh.virginia.gov.

† **February 9, 2007 - 1 p.m.** -- Open Meeting
Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. ☎

A quarterly meeting to provide advice and counsel regarding methods and procedures for planning, developing and maintaining a statewide emergency medical services system to the Office of Emergency Medical Services and the State Board of Health.

Contact: Gary R. Brown, Director, Department of Health, 109 Governor St., Suite UB-55 Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email gary.brown@vdh.virginia.gov.

BOARD OF HEALTH PROFESSIONS

January 18, 2007 - 10 a.m. -- Open Meeting
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. ☎

A meeting to review the budget and workplan for 2007, which includes a new study on emerging professions and scope of practice issues. The board will be briefed by representatives from the American Association of Retired Persons on their national effort to address continuing competency in health care practitioners. Other items include a review of the latest progress on the Sanctions Reference Study, Criminal Background Review, and agency performance and educational efforts. Additionally, the board will be briefed on the status of relevant regulations and legislative proposals. At the conclusion of the meeting, a brief educational DVD on mandatory reporting of abuse will be shown as part of board member training. This DVD was developed for health care practitioner education by the Department of Social Services. Brief public comment will be received at the beginning of the full board meeting. Comment will not be received during the educational session.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7013, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

January 8, 2007 - 4 p.m. -- Open Meeting
State Council of Higher Education for Virginia, 101 North 14th Street, Richmond, Virginia.

The Strategic Planning Committee and Executive Committee will meet. Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leeannrung@schev.edu.

January 9, 2007 - 9:30 a.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION
500 East Broad Street, Richmond, Virginia.

Committee meetings begin at approximately 8 a.m. Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu. A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leeannrung@schev.edu.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **January 22, 2007 - 11 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ☎

A regular business meeting.

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY ☎, email steve.calhoun@dhcd.virginia.gov.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

January 17, 2007 - 11 a.m. -- Open Meeting
601 South Belvidere Street, Richmond, Virginia. ☎

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior meeting; consider for approval and ratification mortgage loan commitments under its various programs; review the authority's operations for the prior months; and consider such other matters and take such other actions as it deems appropriate. Various committees of the Board of Commissioners, including the Programs Committee, Audit Committee, Operations Committee, Executive Committee, and Committee of the Whole, may also meet during the day preceding the meeting and before and after the meeting and may consider matters within their purview. The committees

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and the board may also meet during meals on the day before the meeting and on the day of the meeting. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY ☎, email judson.mckellar@vhda.com.

VIRGINIA COUNCIL ON HUMAN RESOURCES

† **March 22, 2007 - 9:30 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, PDS #4, Richmond, Virginia.

A quarterly meeting.

Contact: Charles Reed, Associate Director, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-2505, email creed@dhrm.virginia.gov.

STATEWIDE INDEPENDENT LIVING COUNCIL

January 17, 2007 - 7 p.m. -- Open Meeting
ENDpendence Center of Northern Virginia, Inc., 3100 Clarendon Boulevard, Arlington, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public comment forum to receive comments on the State Plan for Independent Living. Platform interpreters are provided. Materials will be available in alternate format. Public comments will be received from 7 to 9 p.m.

Contact: Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Richmond, VA 23229, telephone (804) 897-7228, FAX (804) 897-1080, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, email virginiasilc@comcast.net.

VIRGINIA INFORMATION TECHNOLOGIES AGENCY

† **January 10, 2007 - 9 a.m.** -- Open Meeting
† **January 17, 2007 - 9 a.m.** -- Open Meeting
† **January 31, 2007 - 9 a.m.** -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Mobile Workforce Workgroup of the Council on Technology Services.

Contact: Mike Hammel, Enterprise Architect, Virginia Information Technologies Agency, 411 E. Franklin St., Suite 500, Richmond, VA 23219, telephone (804) 225-4016, email mike.hammel@vita.virginia.gov.

STATE BOARD OF JUVENILE JUSTICE

January 10, 2007 - 9 a.m. -- Open Meeting
Hanover Juvenile Correctional Center, 7093 Broad Neck Road, Hanover, Virginia.

The Secure Services Committee and Nonsecure Services Committee meet at 9 a.m. to receive certification audit reports of several residential and nonresidential programs. The full board will meet at 10 a.m. to take action on the certification reports and hear other such business as comes before the board. Public comment will be received and will be limited to 30 minutes at the beginning of the meeting with additional time allotted at the end of the meeting for individuals who have not had a chance to be heard. Speakers will be limited to 10 minutes each with shorter timeframes provided at the chairman's discretion to accommodate large numbers of speakers. Those wishing to speak should contact Deborah Hayes at 804-371-0704 three or more business days prior to the meeting. Persons not registered prior to the day of the board meeting will speak after those who have preregistered. Normally, speakers will be scheduled in the order that their requests are received. Where issues involving a variety of views are presented before the board, the board reserves the right to allocate the time available so as to ensure that the board hears from different points of view on any particular issue. Groups wishing to address a single subject are urged to designate a spokesperson. Speakers are urged to confine their comments to topics relevant to the board's purview. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views. Please provide at least 15 written copies if you are able to do so. Public comments will be heard regarding proposed Regulations Governing Juvenile Work Release Programs (6 VAC 35-190) and Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles (6 VAC 35-180).

Contact: Deborah C. Hayes, Administrative Assistant, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0704, FAX (804) 371-0725.

January 29, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Juvenile Justice intends to adopt regulations entitled **6 VAC 35-180, Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles**. The purpose of the proposed action is to ensure continuity of necessary treatment and services for juveniles being released from incarceration.

Statutory Authority: §§ 16.1-293.1 and 66-10 of the Code of Virginia

Contact: Deron M. Phipps, Regulatory Coordinator, Department of Juvenile Justice, 700 E. Franklin St., P. O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6407, FAX (804) 371-0773, or email deron.phipps@djj.virginia.gov.

January 29, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Juvenile Justice intends to adopt regulations entitled **6 VAC 35-190, Regulations Governing Juvenile Work Release Programs**. The purpose of the proposed action is to set forth the rules and criteria by which the Department may operate work release programs whereby committed juveniles (i) may be employed by private individuals, corporations, or state agencies at places of business; or (ii) may attend educational or other related community activity programs outside of a juvenile correctional facility. Chapter 648 requires the Department to provide juveniles committed to the Department with opportunities to work and participate in career training or technical education programs as operated by DJJ or by the Department of Correctional Education (DCE) and sets forth requirements to be included in the regulation, including eligibility for work release, compensation, custody, and penalties for violating the terms of work release.

Statutory Authority: §§ 66-10 and 66-25.1:3 of the Code of Virginia

Contact: Deron M. Phipps, Regulatory Coordinator, Department of Juvenile Justice, 700 E. Franklin St., P. O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6407, FAX (804) 371-0773, or email deron.phipps@djj.virginia.gov.

STATE LIBRARY BOARD

January 19, 2007 - 10:30 a.m. -- Open Meeting

March 19, 2007 - 9 a.m. - Open Meeting

The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

A meeting to discuss matters pertaining to the Library of Virginia and the Library Board.

Contact: Jean H. Taylor, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3525, FAX (804) 692-3594, (804) 692-3976/TTY , email jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

January 16, 2007 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

A regular business meeting.

Contact: Ted McCormack, Commission on Local Government, 501 N. 2nd St. Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, email ted.mccormack@dhcd.virginia.gov

BOARD OF LONG-TERM CARE ADMINISTRATORS

January 9, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting to discuss business matters. There will be a public comment period at the beginning of the meeting.

Contact: Lisa Russell Hahn, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9930, FAX (804) 662-9943, (804) 662-7197/TTY , email lisa.hahn@dhp.virginia.gov.

January 9, 2007 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Credentials Committee to hold informal conferences. There will not be a public comment period.

Contact: Lisa Russell Hahn, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9930, FAX (804) 662-9943, (804) 662-7197/TTY , email lisa.hahn@dhp.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

February 9, 2007 - 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 Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-80, Methods and Standards for Establishing Payment Rates; Other Types of Care**. The purpose of the proposed action is to increase reimbursement for certain physician types.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Contact: William Lessard, Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4593,

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FAX (804) 786-1680 or email
william.lessard@dmas.virginia.gov.

February 9, 2007 - 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 Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-120, Waivered Services**. The purpose of the proposed action is to establish a new waiver program to provide additional services to residents of assisted living facilities who receive an auxiliary grant, who meet nursing facility criteria, and who have a diagnosis of Alzheimer's or a related dementia.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Contact: Teja Stokes, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-0527, FAX (804) 786-1680 or email teja.stokes@dmas.virginia.gov.

BOARD OF MEDICINE

January 10, 2007 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A panel will conduct formal hearings to inquire into allegations that a certain practitioner may have violated certain laws and regulations governing the practice of medicine and other healing arts. Further, the board may review cases with staff for case disposition, including consideration of consent orders for settlement of matters pending before the board. The board will meet in open and closed sessions pursuant to § 2.2-3711 A 7, 15, and/or 28 of the Code of Virginia. Public comment will not be received.

Contact: Renee S. Dixon, Discipline Case Manager, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, email renee.dixon@dhp.virginia.gov.

January 18, 2007 - 9:30 a.m. -- Open Meeting
Holiday Inn, 3315 Ordway Drive, Roanoke, Virginia. ☎

January 23, 2007 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. ☎

† **January 31, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A special conference committee will convene informal conferences to inquire into allegations that certain practitioners of medicine or other healing arts may have violated certain laws and regulations governing the practice of medicine. Further, the committee may review cases with board staff for case disposition, including consideration of consent orders for settlement. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Renee S. Dixon, Discipline Case Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, email renee.dixon@dhp.virginia.gov.

January 26, 2007 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

The Legislative Committee will consider regulatory matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

January 26, 2007 - 1:30 p.m. -- Open Meeting

February 22, 2007 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

The Credentials Committee will meet to consider applicants for licensure and other matters of the board. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

February 22, 2007 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

The board will consider regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received on agenda items at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor

Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

† **April 6, 2007 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

A meeting of the Executive Committee to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

Advisory Board on Athletic Training

February 8, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

The advisory board will consider issues related to the regulations of athletic training. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

Advisory Board on Midwifery

January 19, 2007 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

The advisory board will consider issues related to the regulations of midwifery. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

Advisory Board on Occupational Therapy

February 6, 2007 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

The advisory board will consider issues related to the regulations of occupational therapy. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

Advisory Board on Physician Assistants

February 8, 2007 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

The advisory board will consider issues related to the regulations of physician assistants. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

Advisory Board on Radiological Technology

NOTE: CHANGE IN MEETING TIME

February 7, 2007 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

The advisory board will consider issues related to the regulations of radiologic technologists and radiologic technologists-limited. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

Advisory Board on Respiratory Care

February 6, 2007 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

The advisory board will consider issues related to the regulations of respiratory care. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

Calendar of Events

STATE MILK COMMISSION

† **February 15, 2007 - 10 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services, Oliver Hill Building, 102 Governor Street, Room 232, Richmond, Virginia. 

A regular meeting to consider industry issues, distributor licensing, base transfers and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify Rodney L. Phillips at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Rodney L. Phillips, Administrator, State Milk Commission, Oliver Hill Bldg., 102 Governor St., Room 205, Richmond, VA 23218, telephone (804) 786-2013, FAX (804) 786-3779, email rodney.phillips@vdacs.virginia.gov.

MOTOR VEHICLE DEALER BOARD

January 8, 2007 - 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.
- Licensing Committee - Immediately following Dealer Practices meeting
- Advertising Committee - 9:30 a.m. or immediately after Licensing meeting, whichever is later
- Transaction Recovery Fund Committee - Immediately following Advertising meeting
- Franchise Law Committee - To be scheduled as needed.
- Full board meeting - 10 a.m. or five to 45 minutes following Transaction Recovery Fund meeting

NOTE: 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 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, email dboard@mvdv.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

January 17, 2007 - 2:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 201 North Boulevard, Conference Room, Richmond, Virginia. 

A meeting of the Partnership for Virginia Task Force for staff to update the committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email suzanne.broyles@vmfa.museum.

February 6, 2007 - 8 a.m. -- Open Meeting

March 6, 2007 - 8 a.m. -- Open Meeting

† **April 5, 2007 - 9 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, The Pauley Center, Dining Room, Richmond, Virginia. 

A meeting for staff to update the Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , email suzanne.broyles@vmfa.museum.

† **February 20, 2007 - 2 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, The Pauley Center Dining Room, Richmond, Virginia. 

A meeting of the Statewide Task Force for staff to update the committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email suzanne.broyles@vmfa.museum.

† **February 21, 2007 - 9 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, Richmond, Virginia. 

Meetings of the following committees:

- 9 a.m. - Museum Expansion - Pauley Center Parlor
- 11:15 a.m. - Art Acquisitions Subcommittee - Museum Library
- 1 p.m. - Artistic Oversight - Pauley Center Parlor
- 3 p.m. - Government Affairs - Pauley Center 2

Public comment will not be received at committee meetings.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email suzanne.broyles@vmfa.museum.

† **February 21, 2007 - 9 a.m.** -- Open Meeting
 † **February 22, 2007 - 9 a.m.** -- Open Meeting
 Virginia Museum of Fine Arts, The Pauley Center, 200 North Boulevard, 2nd Floor Meeting Room, Richmond, Virginia. 

A meeting of the Fiscal Oversight Committee for staff to update the committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email suzanne.broyles@vmfa.museum.

† **February 22, 2007 - Noon** -- Open Meeting
 Virginia Museum of Fine Arts, 200 North Boulevard, The Pauley Center Parlor, Richmond, Virginia. 

A meeting of the Board of Trustees. Part 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, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email suzanne.broyles@vmfa.museum.

FOUNDATION FOR VIRGINIA'S NATURAL RESOURCES

† **January 15, 2007 - 11 a.m.** -- Open Meeting
 Spotts Fain Law Firm, 411 East Franklin Street, Suite 600, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting of the Board of Trustees.

Contact: Brenda Taylor, Administrative Staff Assistant, Foundation for Virginia's Natural Resources, 900 Natural Resources Dr., Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, email brenda.taylor@dof.virginia.gov.

BOARD OF NURSING

January 22, 2007 - 9 a.m. -- Open Meeting
March 19, 2007 - 9 a.m. -- Open Meeting
 Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A panel will conduct informal conferences with licensees and/or certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, RN, MSM, CSAS, Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , email nursebd.@dhp.virginia.gov.

January 23, 2007 - 9 a.m. -- Open Meeting
March 20, 2007 - 9 a.m. -- Open Meeting
 Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 2 Richmond, Virginia. 

A general business meeting to include receipt of committee reports, consideration of regulatory action and discipline case decisions as presented on the agenda. Public comment will be received at 11 a.m.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY , email jay.douglas@dhp.virginia.gov.

January 24, 2007 - 9 a.m. -- Open Meeting
January 25, 2007 - 9 a.m. -- Open Meeting
March 21, 2007 - 9 a.m. -- Open Meeting
March 22, 2007 - 9 a.m. -- Open Meeting
 Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A panel of the Board of Nursing will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY , email jay.douglas@dhp.virginia.gov.

February 21, 2007 - 9 a.m. -- Open Meeting
 Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. 

A meeting of the Committee of the Joint Boards of Nursing and Medicine to conduct general business.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY , email jay.douglas@dhp.virginia.gov.

OLD DOMINION UNIVERSITY

February 19, 2007 - Noon -- Open Meeting
March 19, 2007 - Noon -- Open Meeting
 Old Dominion University, Webb University Center, Norfolk, Virginia. 

A regular meeting of the Executive Committee of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk,

Calendar of Events

VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email dmeeks@odu.edu.

† **April 6, 2007 - 1:30 p.m.** -- Open Meeting
Webb University Center, Old Dominion University, Norfolk, Virginia. ♿

A quarterly meeting of the Board of Visitors to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the Board.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email dmeeks@odu.edu.

BOARD OF OPTOMETRY

† **January 11, 2007 - 9 a.m.** -- Open Meeting
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. ♿

A formal hearing. This is a public meeting; however, public comment will not be received.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

† **January 11, 2007 - 12:30 p.m.** -- Open Meeting
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. ♿

A meeting of the Continuing Education Committee to receive additional comment in response to a Notice of Intended Regulatory Action and consider proposed regulatory amendments to the CE regulations. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

March 15, 2007 - 11 a.m. -- Open Meeting
Wyndham Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. ♿

A meeting of the Executive Committee.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ☎, email sandra.smalls@vbpd.virginia.gov.

March 16, 2007 - 8:30 a.m. -- Open Meeting
Wyndham Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. ♿

A quarterly board meeting.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ☎, email sandra.smalls@vbpd.virginia.gov.

PESTICIDE CONTROL BOARD

January 18, 2007 - 9 a.m. -- Open Meeting
Oliver Hill Building, 102 Governor Street, 2nd Floor, Board Room, Room 220, Richmond, Virginia. ♿

A meeting to discuss general business matters requiring board action. However, portions of the meeting may be held in closed session, pursuant to § 2.2-3711 of the Code of Virginia. The board will entertain public comment at the beginning of the meeting on 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. W. Wayne Surles at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dr. W. Wayne Surles, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, Oliver Hill Bldg., 102 Governor St., 1st Floor Richmond, VA 23219, telephone (804) 371-6559, FAX (804) 786-9149, email Wayne.Surles@vdacs.virginia.gov.

BOARD OF PHARMACY

† **January 22, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

A meeting of the Special Conference Committee to discuss disciplinary matters. This is a public meeting, however, public comment will not be received.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, email scotti.russell@dhp.virginia.gov.

† **January 31, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A meeting to consider such regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th

Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, email scotti.russell@dhp.virginia.gov.

BOARD OF PHYSICAL THERAPY

† **January 19, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A meeting to discuss general business matters as it relates to the practice of physical therapy.

Contact: Lisa R. Hahn, Executive Director, Board of Physical Therapy, Alcoa Bldg. , 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email lisa.hahn@dhp.virginia.gov.

POLYGRAPH EXAMINERS ADVISORY BOARD

January 11, 2007 - 9 a.m. -- Open Meeting

† **April 5, 2007 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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: Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-0674, (804) 367-9753/TTY ☎, email kevin.hoeft@dpor.virginia.gov.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

March 5, 2007 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A regular board meeting.

Contact: Mark N. Courtney, Executive Director, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, email mark.courtney@dpor.virginia.gov.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

† **January 11, 2007 - 10 a.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A meeting of the Planning and Development Committee.

Contact: Faye D. Cates, MSSW, Guardianship Program Specialist, Virginia Public Guardian and Conservator Advisory Board, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9310, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, email faye.cates@vda.virginia.gov.

† **January 11, 2007 - 1 p.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A meeting of the advisory board to discuss legislative issues.

Contact: Faye D. Cates, MSSW, Guardianship Program Specialist, Virginia Public Guardian and Conservator Advisory Board, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9310, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, email faye.cates@vda.virginia.gov.

January 25, 2007 - 10 a.m. -- Open Meeting

March 22, 2007 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

An Executive Committee meeting.

Contact: Faye D. Cates, MSSW, Guardianship Program Specialist, Virginia Public Guardian and Conservator Advisory Board, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9310, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, email faye.cates@vda.virginia.gov.

REAL ESTATE APPRAISER BOARD

February 15, 2007 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

An informal fact-finding conference.

Contact: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reboard@dpor.virginia.gov.

Calendar of Events

REAL ESTATE BOARD

† **January 11, 2007 - 9 a.m.** -- Open Meeting

† **January 18, 2007 - 9 a.m.** -- Open Meeting

† **January 24, 2007 - 9:30 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. ☎

An informal fact-finding conference.

Contact: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reboard@dpor.virginia.gov.

DEPARTMENT OF REHABILITATIVE SERVICES

† **January 9, 2007 - 9:30 a.m.** -- Open Meeting

Goodwill Industries of Central Virginia, 6301 Midlothian Turnpike, Richmond, Virginia.

A meeting of the Employment Services Organizations Advisory Committee to discuss rehabilitation issues that impact employment services organizations in providing employment services and long-term follow-along funding to consumers. Interpreters and materials in alternate formats will be provided upon prior request. Public comments will be received at approximately 9:45 a.m.

Contact: Tim Olive, Program Administrative Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7127, FAX (804) 662-9140, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email tim.olive@drs.virginia.gov.

January 26, 2007 - 1 p.m. -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Rooms 103/105, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting of the Virginia Brain Injury Council. Materials can be provided in alternate format upon request. Public comments will begin at approximately 1:15 p.m.

Contact: Kristie Chamberlain, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, email kristie.chamberlain@drs.virginia.gov.

VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

March 20, 2007 - 1 p.m. -- Open Meeting

Northern Virginia

A quarterly meeting. Specific time and location to be determined.

Contact: Nancy Vorona, VP Research Investment, CIT, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, email nvorona@cit.org.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **January 17, 2007 - Noon** -- Open Meeting

Department of Business Assistance, 707 East Main Street, 3rd Floor, Board Room, Richmond, Virginia. ☎

A meeting to review applications for loans submitted to the authority for approval and to discuss general business of the board. The meeting time is subject to change depending upon the board's agenda.

Contact: Scott E. Parsons, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, email scott.parsons@vdba.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

† **January 10, 2007 - 10 a.m.** -- Open Meeting

Department of Social Services, 7 North 8th Street, Richmond, Virginia. ☎

A meeting of the Adoption Subsidy Workgroup to study issues related to the State Adoption Assistance Program. The group will identify issues, analyze data and make recommendations for changes to code, policy and procedures.

Contact: Lenora Metts, Administrative Assistant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7572, FAX (804) 726-7895, email lenora.metts@dss.virginia.gov.

January 12, 2007 - 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 repeal regulations entitled:

22 VAC 40-200, Foster Care -- Guiding Principles

22 VAC 40-210, Foster Care -- Assessing the Client's Service Needs

22 VAC 40-240, Nonagency Placement for Adoption -- Consent

22 VAC 40-250, Agency Placement Adoptions -- AREVA

22 VAC 40-260, Agency Placement Adoptions -- Subsidy

22 VAC 40-280, Nonagency Placements for Adoption -- Adoptive Home Study

22 VAC 40-800, Family Based Social Services

and adopt regulations entitled **22 VAC 40-201, Permanency Services - Prevention, Foster Care, Adoption and Independent Living**. The purpose of the proposed action is to repeal seven existing regulations and replace them with one new comprehensive regulation. The new regulation will incorporate all aspects of permanency - Foster Care Prevention, Foster Care, Independent Living, Agency Placement Adoptions - AREVA, Agency Placement Adoptions - Subsidy, and Nonagency Adoption Placement. It will also mandate new procedures integral to Virginia's compliance with federal regulations and in keeping with the federal Child and Family Services program outcome goals.

Statutory Authority: §§ 63.2-217 and 63.2-319 of the Code of Virginia.

Contact: Lynette Isbell, Acting Director, Division of Family Services, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7082, FAX (804) 726-7895 or email lynette.idbell@dss.virginia.gov.

† **February 14, 2007 - 9 a.m.** -- Open Meeting

† **February 15, 2007 - 9 a.m.** -- Open Meeting
Department of Social Services, 7 North 8th Street, 6th Floor, Board Conference Room, Richmond, Virginia.

A regular meeting.

Contact: Pat Rengnerth, Board Liaison, Office of Legislative and Regulatory Affairs, Department of Social Services, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY ☎, email patricia.rengnerth@dss.virginia.gov.

† **March 9, 2007** - 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 adopt regulations entitled **22 VAC 40-211, Resource, Foster and Adoptive Family Home Approval Standards**. The purpose of the proposed action is to adopt a new regulation specific to the approval requirements for resource, foster and adoptive family home providers approved by local departments of social services. The new regulation will ensure compliance with changes to federal and state laws and regulations regarding resource, foster and adoptive family homes.

Statutory Authority: §§ 63.2-217 and 63.2-901.1 of the Code of Virginia.

Contact: Tamara Temoney, Foster Care Policy Specialist, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7538, FAX (804) 726-7499 or email tamara.temoney@dss.virginia.gov.

† **March 9, 2007** - 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 repeal regulations entitled **22 VAC 40-770, Standards and Regulations for Agency Approved Providers**, and adopt regulations entitled **22 VAC 40-771, Adult Services Approved Providers**. The purpose of the proposed action is to repeal 22 VAC 40-770 and establish a new regulation, 22 VAC 40-771, Adult Services Approved Providers, to address standards for providers contracted through local department adult services programs.

Statutory Authority: §§ 63.2-217 and 63.2-1600 of the Code of Virginia.

Contact: Gail Nardi, Adult Services/Adult Protective Services Program Manager, Department of Social Services, 7 N. 8th St., 4th Floor, Richmond, VA 23219, telephone (804) 726-7537, FAX (804) 726-7895 or email gail.nardi@dss.virginia.gov.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

January 30, 2007 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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, Executive Director, Board for Professional Soil Scientists and Wetland Professionals, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0795, (804) 367-9753/TTY ☎, email soilscientist@dpor.virginia.gov.

DEPARTMENT OF TAXATION

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends

Calendar of Events

to amend regulations entitled **23 VAC 10-20, General Provisions Applicable to All Taxes Administered by the Department of Taxation**. The purpose of the proposed action is to repeal unnecessary general provisions applicable to all taxes administered by the Department of Taxation.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-55, Virginia Corn Excise Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Virginia Corn Excise Tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-60, Virginia Egg Excise Tax**. The purpose of the proposed action is to repeal unnecessary egg excise tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-65, Virginia Peanut Excise Tax**. The purpose of the proposed action is to repeal unnecessary peanut excise tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-65, Virginia Peanut Excise Tax**. The purpose of the proposed action is to repeal an obsolete section (23 VAC 10-65-20) of the Virginia Peanut Excise Tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to repeal regulations entitled **23 VAC 10-70, Virginia Slaughter Hog and Feeder Pig Excise Tax Regulations**. The purpose of the proposed action is to repeal the regulation that has become obsolete due to statutory changes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-75, Virginia Soybean Excise Tax Regulations**. The purpose of the proposed action is to repeal an obsolete section (23 VAC 10-75-10) of the Virginia Soybean Excise Tax Regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA

23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-75, Virginia Soybean Excise Tax Regulations**. The purpose of the proposed action is to repeal certain sections of the Virginia Soybean Excise Tax Regulations that provide no additional guidance to clear and unambiguous statutes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-110, Individual Income Tax**. The purpose of the proposed action is to repeal 10 individual income tax sections that have been made obsolete by changes in state law.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-110, Individual Income Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Individual Income Tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-112, Declaration of Estimated Income Tax by Individuals**. The purpose of the proposed action is to repeal certain sections of the Declaration of Estimated Income Tax by Individuals tax regulations that provide no additional guidance to clear and unambiguous statutes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-115, Fiduciary Income Tax**. The purpose of the proposed action is to repeal certain sections of the Fiduciary Income Tax regulations that provide no additional guidance to clear and unambiguous statutes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-120, Corporation Income Tax**. The purpose of the proposed action is to repeal obsolete sections of the Corporation Income Tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

Calendar of Events

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-120, Corporation Income Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Corporation Income Tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to repeal regulations entitled **23 VAC 10-130, Taxation of Partnerships Regulations**. The purpose of the proposed action is to repeal the chapter on partnership tax regulations, which has become obsolete.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-140, Income Tax Withholding**. The purpose of the proposed action is to repeal certain sections of the Income Tax Withholding regulations that provide no additional guidance to clear and unambiguous statutes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Virginia Retail Sales and Use Tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-210, Retail Sales and Use Tax**. The purpose of the proposed action is to repeal certain sections of the Virginia Retail Sales and Use Tax regulations because they are obsolete.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-220, Aircraft Sales and Use Tax Regulations**. The purpose of the proposed action is to repeal certain sections of the Aircraft Sales and Use Tax Regulations that provides no additional guidance to clear and unambiguous statutes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-230, Watercraft Sales and Use Tax**. The purpose of the proposed action is to repeal one Water Sales and Use Tax regulation that is obsolete due to a statutory change.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-230, Watercraft Sales and Use Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Watercraft Sales and Use Tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to repeal regulations entitled **23 VAC 10-250, Tire Tax Regulations**. The purpose of the proposed action is to repeal the chapter on Tire Tax Regulations because it is obsolete due to statutory changes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-300, Estate Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Estate Tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-310, Tax on Wills and Administration**. The purpose of the proposed action is to repeal certain sections of the Tax on Wills and Administration regulations that provide no additional guidance to clear and unambiguous statutes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-330, Bank Franchise Tax**. The purpose of the proposed action is to repeal unnecessary sections of the Bank Franchise Tax regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

Calendar of Events

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-340, Intangible Personal Property Tax Regulations**. The purpose of the proposed action is to repeal unnecessary sections of the Intangible Personal Property Tax Regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-350, Forest Products Tax Regulations**. The purpose of the proposed action is to repeal unnecessary sections of the Forest Products Tax Regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-350, Forest Products Tax Regulations**. The purpose of the proposed action is to repeal certain sections of the Forest Products Tax Regulations that are obsolete due to statutory changes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to repeal regulations entitled **23 VAC 10-360, Litter Tax Regulations**. The purpose of the proposed action is to repeal the Litter Tax Regulations, which provide no additional guidance to clear and unambiguous statutes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-370, Cigarette Tax Regulations**. The purpose of the proposed action is to repeal certain sections of the Cigarette Tax Regulations that are obsolete due to statutory changes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-370, Cigarette Tax Regulations**. The purpose of the proposed action is to repeal unnecessary sections of the Cigarette Tax Regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

February 23, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to repeal regulations entitled **23 VAC 10-380, Set-Off Debt Collection Act Regulations**. The purpose of the proposed action is to repeal the chapter on Set-Off Debt Collection Act Regulations.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355 or email mark.haskins@tax.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **23 VAC 10-390, Virginia Soft Drink Excise Tax Regulations**. The purpose of the proposed action is to repeal the Virginia Soft Drink Excise Tax Regulations that provide no additional guidance to clear and unambiguous statutes.

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

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

COMMONWEALTH TRANSPORTATION BOARD

† **January 18, 2007 - Noon** -- Open Meeting
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia.

A combined workshop and regularly scheduled meeting to transact CTB business, such as permits, additions/deletions to the highway system, and other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the 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 will be 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 Mathis, Executive Staff Assistant, Department of Transportation, 1401 E. Broad St., Richmond,

VA 23219, telephone (804) 786-2701, email carol.mathis@VDOT.Virginia.gov.

TREASURY BOARD

† **January 17, 2007 - 9 a.m.** -- Open Meeting
† **February 21, 2007 - 9 a.m.** -- Open Meeting
† **March 21, 2007 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia.

A regular meeting.

Contact: Kathi B. Scarce, Secretary to the Board, Treasury Board, James Monroe Bldg., 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, email kathi.scarce@trs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

Board of Veterans Services

January 8, 2007 - 1 p.m. -- Open Meeting
American Legion Department of Virginia, 1708 Commonwealth Avenue, Richmond, Virginia.

A regular meeting.

Contact: Rhonda Earman, Special Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, email rhonda.earman@dvs.virginia.gov.

BOARD OF VETERINARY MEDICINE

† **January 17, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

Disciplinary hearings.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

† **January 18, 2007 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor Conference Room 4, Richmond, Virginia. ♿

A meeting of the Legislative/Regulatory Review Committee for periodic regulatory review.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

Calendar of Events

VIRGINIA WASTE MANAGEMENT BOARD

January 8, 2007 - 10 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Board Room, Richmond, Virginia. ♿

A regular meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4378, FAX (804) 698-4346, email cmberndt@deq.virginia.gov.

January 9, 2007 - Public comments may be submitted until 5 p.m. on this date.

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 20-130, Solid Waste Planning and Recycling Regulations**. The purpose of the proposed action is to revise the calculation of the mandatory recycling rate for localities and region revise the procedures for formation and dissolution of planning regions, clearly specify qualifications for variances, revise the requirements for plan approval, and eliminate duplicative language on the waste information and assessment program.

The board is seeking comments from the general public about whether to retain a provision for converting volumes to weight in tons as a method for expressing amounts in the recycling rate formula (proposed 9 VAC 20-130-125 B 2). This provision has been used in the past by small businesses that do not maintain weight scales at the solid waste management facility. Also, the board is seeking comments from the general public about whether to retain a provision allowing estimation of tonnage of recycling rate amounts on the basis of survey data on a case-by-case basis (existing 9 VAC 20-130-120 C 1 c).

In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal and on any impacts of the regulation on farm and forest land preservation. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (i) projected reporting, recordkeeping and other administrative costs, (ii) probable effect of the regulation on affected small businesses, and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail, email or fax to Allen R. Brockman, P.O. Box 10009, Richmond, Virginia 23240-0009, telephone (804) 698-4468, FAX (804) 698-4327 and

arbrockman@deq.virginia.gov; comments must include the name and address of the commenter. In order to be considered comments must be received by 5 p.m. on the date established as the close of the comment period. Both oral and written comments may be submitted at the public hearing.

Statutory Authority: § 10.1-1411 of the Code of Virginia

Contact: Allen Brockman, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4468, FAX (804) 698-4327, or email arbrockman@deq.virginia.gov.

STATE WATER CONTROL BOARD

† **January 19, 2007 - 12:30 p.m.** -- Open Meeting

† **February 16, 2007 - 12:30 p.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A meeting of a workgroup assisting in the development of implementation guidance for non-point source nutrient reductions, which are intended to offset new and expanded point source discharges of Total Nitrogen and Total Phosphorus in the Chesapeake Bay Watershed.

Contact: Kyle I. Winter, State Water Control Board, 629 E. Main St., P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4182, email kiwinter@deq.virginia.gov.

January 26, 2007 - Public comments may be submitted until 5 p.m. on 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 25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to amend the City of Fredericksburg nitrogen and phosphorus allocation in the water quality management planning regulation.

Statutory Authority: § 62.1-44.15 of the Code of Virginia

Contact: John M. Kennedy, Department of Environmental Quality, P.O. Box 1105, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4312 or email: jmkennedy@deq.virginia.gov.

February 21, 2007 - 10 a.m. -- Open Meeting

March 21, 2007 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A meeting of the advisory committee to be established to assist in the development of amendments to the water quality standards for the triennial review. The notice of intent appeared in the Virginia Register of Regulations on September 18, 2006.

Contact: Eleanore M. Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, email emdaub@deq.virginia.gov.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

March 7, 2007 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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: David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, (804) 367-9753/TTY , email waterwasteoper@dpor.virginia.gov.

INDEPENDENT

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

† January 29, 2007 - 11 a.m. -- Open Meeting
Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A meeting of the Finance Committee. Public comment is welcomed by the Finance and Resource Development Committee and will be received beginning at 11 a.m. on January 29, 2007. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone contact Lisa Shehi at 1-800-552-3962 (Voice/TTY) or via email at lisa.shehi@vopa.virginia.gov no later than Tuesday, January 16, 2007. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. For further information regarding directions, interpreter services or other accommodations please contact Ms. Shehi no later than Tuesday, January 16, 2007.

Contact: Lisa Shehi, Executive Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , email lisa.shehi@vopa.virginia.gov.

† January 29, 2007 - 4 p.m. -- Open Meeting
Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A meeting of the Internal Policy Committee. Public comment is welcome and will be received beginning at 4 p.m. on January 29, 2007. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone contact Lisa Shehi at 1-800-552-3962 (Voice/TTY) or via email at lisa.shehi@vopa.virginia.gov no later than Tuesday, January 16, 2007. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. For further information regarding directions, interpreter services or other accommodations please contact Ms. Shehi no later than Tuesday, January 16, 2007.

Contact: Lisa Shehi, Executive Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , email lisa.shehi@vopa.virginia.gov.

January 30, 2007 - 9 a.m. -- Open Meeting
Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A meeting of the Governing Board. Public comment is welcomed by the board and will be received beginning at 9 a.m. on January 30, 2007. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at lisa.shehi@vopa.virginia.gov no later than January 16, 2007. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. For further information, please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than January 16, 2007.

Contact: Lisa Shehi, Executive Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , email lisa.shehi@vopa.virginia.gov.

Disability Advisory Council

March 21, 2007 - 10 a.m. -- Open Meeting
1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Public comment is welcome and will be received shortly after 10 a.m. Public comment will also be accepted by telephone. If you wish to provide public

Calendar of Events

comment via telephone call Tracy Manley, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at tracy.manley@vopa.virginia.gov no later than March 7, 2007. Ms. Manley will take your name and phone number and you will be telephoned during the public comment period. For further information, directions to the meeting, or interpreter services or other accommodations, please contact Ms. Manley no later than March 7, 2007.

Contact: Tracy Manley, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, email tracy.manley@vopa.virginia.gov.

VIRGINIA RETIREMENT SYSTEM

February 14, 2007 - 10 a.m. -- Open Meeting
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Linda Ritchey, Executive Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6673, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email lritchey@varetire.org.

February 15, 2007 - 1 p.m. -- Open Meeting
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

Contact: LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, (804) 344-3190/TTY ☎, email lking@varetire.org.

LEGISLATIVE

COAL AND ENERGY COMMISSION

January 11, 2007 - 9 a.m. - Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, please contact Frank Munyan, Division of Legislative Services at (804) 786-3591.

Contact: William L. Owen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

HOUSE COUNTIES, CITIES AND TOWNS AD HOC SUBCOMMITTEE

January 9, 2007 - 3 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, please contact Jeff Sharp, Division of Legislative Services at (804) 786-3591.

Contact: Pam Burnham, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

HOUSE EDUCATION COMMITTEE

January 10, 2007 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, please contact Nikki Seeds, Division of Legislative Services at (804) 786-3591.

Contact: Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

MANUFACTURING DEVELOPMENT COMMISSION

January 9, 2007 - 1:30 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, please contact Frank Munyan, Division of Legislative Services at (804) 786-3591.

Contact: Hobie Lehman, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION

January 9, 2007 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor Speaker's Conference Room, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, please contact Brenda Edwards or Cheryl Jackson, Division of Legislative Services at (804) 786-3591.

Contact: Pam Burnham, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

SMALL BUSINESS COMMISSION

† **January 8, 2007 - 2 p.m.** -- Open Meeting
 General Assembly Building, 9th and Broad Streets, Senate
 Room B, Richmond, Virginia. ♿

A regular meeting.

Contact: Rich Fiorella, Senate Committee Operations,
 General Assembly Bldg., 910 Capitol St., Richmond, VA
 23219, telephone (804) 698-7410.

STATE WATER COMMISSION

January 9, 2007 - 1 p.m. -- Open Meeting
 General Assembly Building, 9th and Broad Streets, 6th Floor,
 Speaker's Conference Room, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting
 agenda, please contact Marty Farber, Division of
 Legislative Services at (804) 786-3591.

Contact: Lois Johnson, House Committee Operations, 910
 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

CHRONOLOGICAL LIST

OPEN MEETINGS

January 8

- Accountancy, Board of
- Higher Education for Virginia, State Council of
- Motor Vehicle Dealer Board
- † Small Business Commission
- Veterans Services, Department of
- Board of Veterans Services
- Waste Management Board, Virginia

January 9

- † Blind and Vision Impaired, Board for the
- Compensation Board
- Contractors, Board for
- Counties, Cities and Towns Ad Hoc Subcommittee, House
- † George Mason University
- Higher Education for Virginia, State Council of
- Long-Term Care Administrators, Board of
- Manufacturing Development Commission
- † Rehabilitative Services, Department of
- Sesquicentennial of the American Civil War Commission,
 Virginia
- Water Commission, State

January 10

- Education, Board of
- Education Committee, House
- † Information Technologies Agency, Virginia
- Juvenile Justice, State Board of
- Medicine, Board of
- † Social Services, State Board of

January 11

- Coal and Energy Commission

- † Child Day-Care Council
- † Contractors, Board for
- Education, Board of
- † Forestry, Board of
- † Optometry, Board of
- Polygraph Examiners Advisory Board
- † Public Guardian and Conservator Advisory Board,
 Virginia
- † Real Estate Board

January 12

- † Agriculture and Consumer Services, Department of
- Virginia Aquaculture Advisory Board
- Virginia Sheep Industry Board
- Education, Board of

January 15

- † Natural Resources, Foundation for Virginia's

January 16

- Air Pollution Control Board, State
- Corrections, Board of
- Local Government, Commission on

January 17

- Community Colleges, State Board for
- Corrections, Board of
- Housing Development Authority, Virginia
- Independent Living Council, Statewide
- † Information Technologies Agency, Virginia
- Museum of Fine Arts, Virginia
- † Small Business Financing Authority, Virginia
- † Treasury Board
- † Veterinary Medicine, Board of

January 18

- Auctioneers Board
- Community Colleges, State Board for
- Contractors, Board for
- Health Professions, Board of
- Medicine, Board of
- Pesticide Control Board
- † Real Estate Board
- † Transportation Board, Commonwealth
- † Veterinary Medicine, Board of

January 19

- Dentistry, Board of
- † Governor's Commission on Community and National
 Service
- Library Board, State
- Medicine, Board of
- Advisory Board on Midwifery
- † Physical Therapy, Board of
- † Water Control Board, State

January 20

- † Conservation and Recreation, Department of
- Virginia Cave Board

January 22

- Education, Board of
- † Housing and Community Development, Board of

Calendar of Events

Nursing, Board of
† Pharmacy, Board of

January 23
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Contractors, Board for
Medicine, Board of
Nursing, Board of

January 24
† Agriculture and Consumer Services, Department of
- Virginia State Apple Board
Nursing, Board of
† Real Estate Board

January 25
Contractors, Board for
† Environmental Quality, Department of
Nursing, Board of
Public Guardian and Conservator Advisory Board, Virginia

January 26
Accountancy, Board of
Medicine, Board of
Rehabilitative Services, Department of

January 29
† Counseling, Board of
† Protection and Advocacy, Virginia Office for

January 30
† Agriculture and Consumer Services, Department of
- Virginia Marine Products Board
Contractors, Board for
Protection and Advocacy, Virginia Office for
Soil Scientists and Wetland Professionals, Board for
Professional

January 31
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
George Mason University
† Information Technologies Agency, Virginia
† Medicine, Board of
† Pharmacy, Board of

February 1
Asbestos, Lead, and Home Inspectors, Virginia Board for
Branch Pilots, Board for

February 2
Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
Branch Pilots, Board for
Dentistry, Board of

February 6
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Contractors, Board for
Medicine, Board of

- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care
Museum of Fine Arts, Virginia

February 7
Medicine, Board of
- Advisory Board on Radiological Technology

February 8
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Health, Department of
- State EMS Advisory Board
Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants

February 9
Dentistry, Board of
† Health, Department of
- State EMS Advisory Board

February 13
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Chesapeake Bay Local Assistance Board
† Health, Department of

February 14
Retirement System, Virginia
† Social Services, State Board of

February 15
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Audiology and Speech-Language Pathology, Board of
† Milk Commission, State
Real Estate Appraiser Board
Retirement System, Virginia
† Social Services, State Board of

February 16
† Water Control Board, State

February 19
† Agriculture and Consumer Services, Department of
- Virginia Corn Board
Old Dominion University

February 20
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Museum of Fine Arts, Virginia

February 21
† Fire Services Board, Virginia
† Museum of Fine Arts, Virginia
Nursing, Board of
† Treasury Board
Water Control Board, State

February 22

† Contractors, Board for
† Fire Services Board, Virginia
Medicine, Board of
† Museum of Fine Arts, Virginia

February 23

Dentistry, Board of
† Fire Services Board, Virginia

February 24

† Fire Services Board, Virginia

February 26

Governor's Health Reform Commission

February 27

Contractors, Board for
Governor's Health Reform Commission

February 28

Education, Board of

March 2

Governor's Health Reform Commission

March 5

Professional and Occupational Regulation, Board for

March 6

Museum of Fine Arts, Virginia

March 7

Waterworks and Wastewater Works Operators, Board for

March 8

Criminal Justice Services Board
Dentistry, Board of
† Environmental Quality, Department of

March 9

Dentistry, Board of

March 15

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
People with Disabilities, Virginia Board for

March 16

People with Disabilities, Virginia Board for

March 19

Education, Board of
Library Board, State
Nursing, Board of
Old Dominion University

March 20

Corrections, Board of
Environmental Quality, Department of
Nursing, Board of
Research and Technology Advisory Commission, Virginia

March 21

Corrections, Board of
Nursing, Board of
Protection and Advocacy, Virginia Office for
- Disability Advisory Council
† Treasury Board
Water Control Board, State

March 22

Community Colleges, State Board for
† Human Resources, Virginia Council on
Public Guardian and Conservator Advisory Board, Virginia

March 23

Dentistry, Board of

March 26

† Chesapeake Bay Local Assistance Board

March 27

† Contractors, Board for

March 28

† Education, Board of

March 29

† Governor's Health Reform Commission

March 30

† Dentistry, Board of

April 5

† Museum of Fine Arts, Virginia
† Polygraph Examiners Advisory Board

April 6

† Medicine, Board of
† Old Dominion University

PUBLIC HEARINGS**January 10**

Education, Board of

January 19

† Air Pollution Control Board, State

March 8

Criminal Justice Services Board

Calendar of Events
