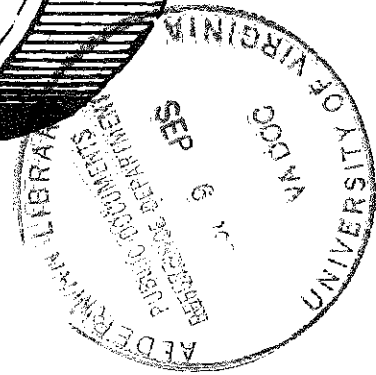
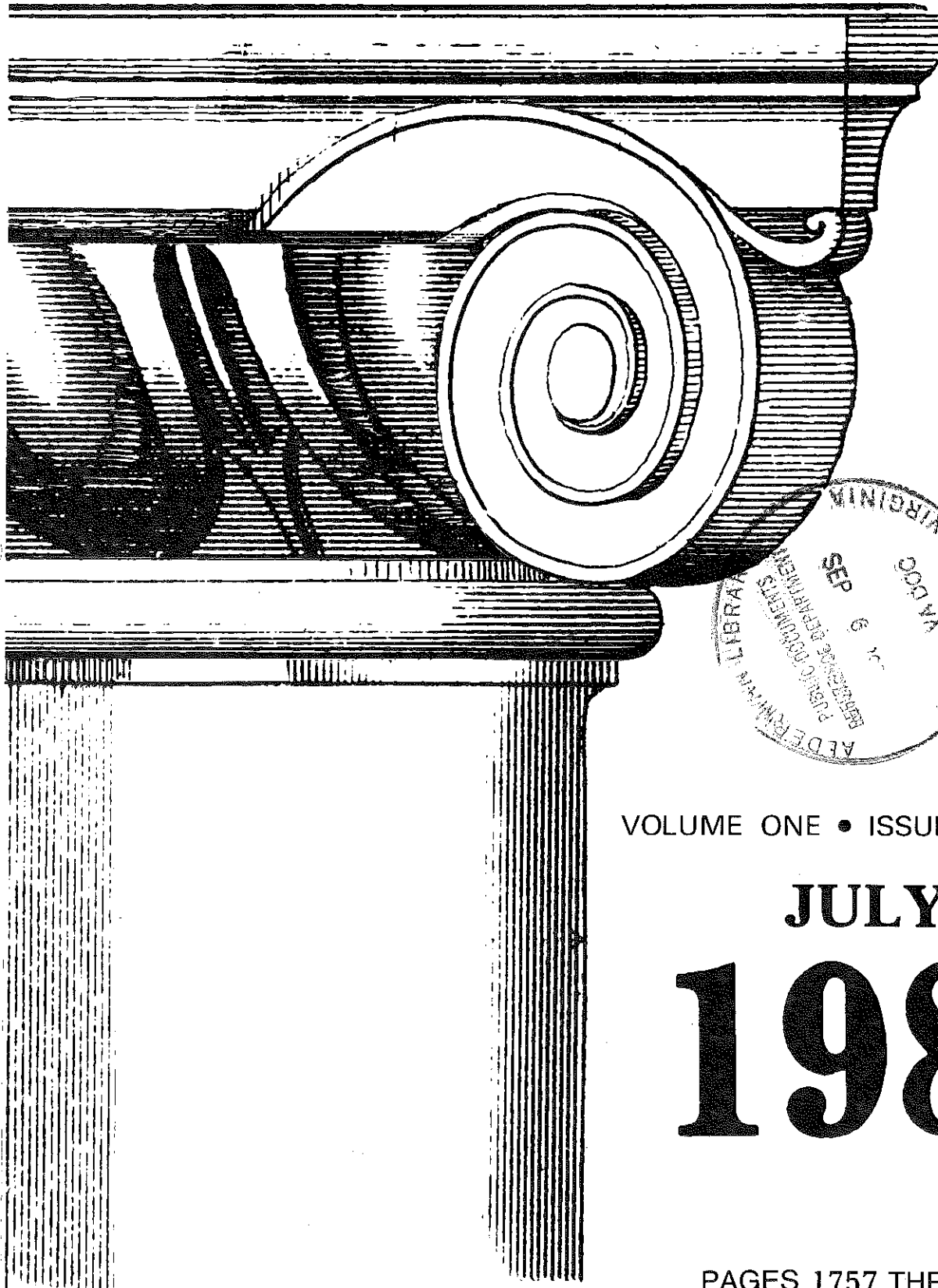


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VIRGINIA REGISTER

OF REGULATIONS



VOLUME ONE • ISSUE TWENTY-ONE

JULY 22

1985

PAGES 1757 THROUGH 1858

INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* 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 full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all 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 proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-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 twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue 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 in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose 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 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) 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. **1:3 VA.R. 75-77 November 12, 1984** refers to Volume 1, Issue 3, pages 75 through 77 of the Virginia Register issued on November 12, 1984.

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Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 8	June 21
Index	
July 22	July 3
Aug. 5	July 17
Aug. 19	July 31
Sept. 2	Aug. 14
Sept. 16	Aug. 28
Sept. 30	Sept. 11
Final Index - Volume I	
Oct. 14	Sept. 25
Oct. 28	Oct. 9
Nov. 11	Oct. 23
Nov. 25	Nov. 6
Dec. 9	Nov. 20
Dec. 23	Dec. 4
Index	
Jan. 6 1986	Dec. 18
Jan. 20	Dec. 31 (Tuesday)
Feb. 3	Jan. 15
Feb. 17	Jan. 29
Mar. 3	Feb. 12
Mar. 17	Feb. 26
Index	
Mar. 31	Mar. 12
Apr. 14	Mar. 26
Apr. 28	Apr. 9
May 12	Apr. 23
May 26	May 7
June 9	May 21
June 23	June 4
Index	
July 7	June 18
July 21	July 2
Aug. 4	July 16
Aug. 18	July 30
Sept. 1	Aug. 13
Sept. 15	Aug. 27
Sept. 29	Sept. 10
Final Index - Volume II	

TABLE OF CONTENTS

PROPOSED REGULATIONS

AGING, DEPARTMENT FOR THE

Regulations Concerning Area Plans for Aging Services (Repealed) 1758

CRIMINAL JUSTICE SERVICES BOARD

Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers (VR 240-01-6) 1758

Rules Relating to the Compulsory Minimum Training Standards for Deputy Sheriffs Designated to Serve Process (VR 240-01-7) 1762

Rules Relating to Compulsory Minimum Training for Private Security Services Business Personnel (VR 240-03-1) 1764

MEDICAL ASSISTANCE SERVICES, DEPARTMENT OF

Criteria for Intermediate Care for the Mentally Retarded (VR 460-04-8.2) 1771

FINAL REGULATIONS

LIBRARY BOARD, VIRGINIA STATE

Standards for Plats (VR 440-01-137.6) 1781

Standards for Recorded Instruments (VR 440-01-137.7) 1781

MEDICAL ASSISTANCE SERVICES, DEPARTMENT OF

Hospital Reimbursement Appeals Process (VR 460-02-4.191) 1782

SOCIAL SERVICES, DEPARTMENT OF

Standards and Regulations for Licensed Homes for Adults (VR 615-22-02) 1787

GOVERNOR

Comments

Department of Medical Assistance Services
Public Participation on the Formation and the Development of Regulations - Guidelines (VR 460-04-8.900) 1820

Virginia Department of Mental Health and Mental Retardation
Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs (VR 470-01-02) 1820

Executive Order Number 56 (85)
Creating the Patrick Henry Memorial Commission 1820

GENERAL NOTICES/ERRATA

Notices of Intended Regulatory Action 1821
General Notices 1823

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
ERRATA 1823

VIRGINIA CODE COMMISSION
Notice to State Agencies 1823
Notice to Trade Organizations and Associations .. 1824

CALENDAR OF EVENTS

Executive
Open Meetings and Public Hearings 1825

Legislative
Open Meetings and Public Hearings 1854

Chronological list of meetings 1856

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

VIRGINIA DEPARTMENT FOR THE AGING

The Virginia Department for the Aging proposes to REPEAL the following:

Title of Regulation: Regulations Concerning Area Plans for Aging Services.

Statutory Authority: § 2.1-373(7) of the Code of Virginia.

Public Hearing Date: September 24, 1985 - 1:30 p.m.
(See Calendar of Events Section for additional information)

Summary:

These regulations (i) sets forth methods for designating planning and service areas and area agencies on aging in Virginia, (ii) describes the process of allocating funds among the planning and service areas, and (iii) provides guidance to the area agencies on aging in the development and implementation of their area plans for aging services. The Virginia Department for the Aging proposes their repeal because some sections of the regulations are outdated, and other sections duplicate provisions in the State Plan for Aging Services approved by the Governor.

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulations: VR 240-01-6. Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers.

Statutory Authority: § 9-170 (1)(5) of the Code of Virginia.

Public Hearing Date: October 2, 1985 - 9:30 a.m.
(See Calendar of Events Section for additional information)

Summary:

The proposed amendments to the Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers are submitted in accordance with § 9-6.14:7.1 of the Code of Virginia.

Legislative authority for the promulgation and

amendment of such rules by the Criminal Justice Services Board is derived from § 9-170 (1)(5) of the Code of Virginia.

The proposed amendments to the rules revise current minimum training standards for courthouse and courtroom security personnel. Additional emphasis is placed upon legal matters to provide protection for the general public, the employing department and officer. All personnel so designated are required to complete such training within 12 months of the date of employment.

VR 240-01-6. Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers.

Pursuant to the provisions of § 9-170 (1) of the Code of Virginia, the Department of Criminal Justice Services Criminal Justice Services Board hereby promulgates the following rules for compulsory minimum training standards for persons designated as courthouse and courtroom security officers.

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

A: "Agency administrator" means any chief of police, sheriff or agency head of a state ; ~~county~~; or local law-enforcement agency.

B: "Approved training school" means a ~~courthouse and courtroom security training~~ school which provides instruction of at least the minimum training standards as established mandated by the Department Board and ~~which school~~ has been approved by the department for the specific purpose of training criminal justice personnel .

C: "Board" means the Criminal Justice Services Board.

D: "Department" means the Department of Criminal Justice Services.

E: "Director" means the chief administrative officer of the department.

F: "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.

Proposed Regulations

E. "School director" means the chief administrative officer of an approved training school.

§ 2. Compulsory Minimum Training Standards.

Pursuant to the provisions of §§ 9-170 (1), 9-170 (5) and 53.1-120 of the Code of Virginia, the Department Board establishes the following as the compulsory minimum training standards for courthouse and courtroom security officers.

I. A. ADMINISTRATION

..... Hours

A. 1. Orientation 4 3

- 1. Welcome
- 2. School Rules and Regulations
- 3. Attitude
- 4. Attendance

B. 2. Examinations

- 1. Testing
- 2. Review
- 3. Critique

C. 3. Evaluations

- 1. Subject Matter
- 2. Presentations
- 3. Accommodations

(A, B, C above) 2

D. Courtroom Security Discussion 2

Hours

H. B. Security Procedures and Responsibilities .. 5 12

A. 1. Security threats 1

B. Search Procedures and Prisoner Transport ... 4

C. 2. Explosives and bomb search and security procedures 4

III. Court Security Responsibilities 7

A. 3. Duties and responsibilities of court security personnel 2

B. 4. Identification of personnel, package control and detection devices 2

C. 5. Sequestered juries and witnesses 2

D. 6. Courtroom demeanor and appearance 1

IV. C. Legal Matters 33 25

A. 1. Constitutional law and Liabilities 2

B. 2. Virginia court structure 1

C. 3. Law of Arrest 4

4. Search and seizure 6

5. Rules of evidence 4

6. Probable cause 2

7. Juvenile law 4

8. Civil liability 2

V. D. E. Skills 31

A. 1. Firearms (Refer to Section 7.0, D.)

B. 1. 2. Moot problem 5 3

C. 2. 3. Defensive Tactics Officer safety and arrest techniques 20

D. 3. 4. Recognizing and handling abnormal persons

E. 4. 5. Field notetaking and report writing 2 6

E. 5. Report writing 2

GRAND TOTAL 60 71

F. Firearms
(Refer to § 7.0, D.)

§ 3. Applicability.

A. Every person designated to provide courthouse and courtroom security as defined in § 53.1-120 of the Code of Virginia, and who has not met the compulsory minimum training standards subsequent to the effective date of these regulations, must meet the training standards herein established unless provided otherwise in accordance with § 3., B.

B. The Director, with the approval of the Board whose decision shall be final, may exempt or grant an exemption or partial exemption of the compulsory minimum training standards established herein, in accordance with § 9-173 of the Code of Virginia, courthouse and courtroom security officer of any criminal justice agency, who has had

Proposed Regulations

previous experience and training as a courthouse and courtroom security officer with any criminal justice agency, from the mandatory attendance at courses which are required for the successful completion of the compulsory minimum training standards.

§ 4. Time Requirement for Completion of Training.

A. Every officer employed after January 1, 1973, courthouse and courtroom security officer who is required to take the compulsory courthouse and courtroom security training comply with the compulsory minimum training standards must satisfactorily complete such training within 12 months of the date of his/her employment appointment 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 the officer was unable to complete the required training within the specified time limit due to illness, injury, military service or special duty assignment required and performed in the public interest. However, each agency administrator must request such extension prior to expiration of any time limit.

C. Any courthouse or courtroom security officer who originally complied with all training requirements and later separated from court courthouse and courtroom security status, in excess of 24 months, upon his/her reentry as a court courthouse and courtroom security officer will be required to complete all compulsory minimum training standards : unless provided otherwise in accordance with subsection B of § 3.

§ 5. How minimum training may be attained.

A. The compulsory minimum training standards required for courthouse and courtroom security may shall be obtained attained by attendance attending and satisfactory completion of satisfactorily completing an approved training school.

B. Officers attending an approved training school are required to be present for all classes and should not be placed on duty or on call except in cases of emergency. In the event of such an emergency, the agency administrator shall advise the school director within 24 hours. Absences not exceeding 10% of the minimum training curriculum are permissible providing such absence is a result of injury, illness or required court appearance. Officers will be responsible for any material missed during an excused absence.

§ 6. Approved Training Schools.

A. Courthouse and courtroom security training schools must be approved training schools by making application to the Director on forms provided by the Department 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. Applications are to One application for all mandated training shall be submitted annually prior to the beginning with the first school of each calendar fiscal year and ; unless significant changes in curriculum, sequence and/or instructors are instituted, succeeding schools for that year will only require a . A curriculum indicating the listing subjects, the instructors, dates, and times and instructors for such training. the entire proposed 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.

B. Each school director will be required to maintain a current file of all lesson plans and supporting material for each subject contained in the compulsory minimum training standards program .

C. Schools which are approved will be subject to inspection and review by the Director and/or staff.

D. The Director may suspend the approval of an approved training school upon written notice , which shall contain the reason(s) upon which the suspension is based, to the school's director . and The school's director may within ten (10) days after receipt of such notice request a hearing before the Board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension.

E. The Director 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 . and The school's director may request within ten (10) days request in writing a hearing before the Board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation.

§ 7. Grading.

A. All written examinations shall include a minimum of two (2) questions for each hour of mandatory instruction. This requirement likewise includes the classroom instruction on performance-oriented subject matter. However, for those subjects which exceed five (5) hours of instructions, ten (10) questions will suffice as an acceptable minimum one test question pertaining to each instructional objective specified in the document entitled, "Resumes and Objectives For Courthouse and Courtroom Security Officers" .

B. All officers must attain a minimum grade of 70% in each grading category to satisfactorily complete mandatory training. Any officer who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a

Proposed Regulations

subsequent approved training school. The officer ~~must then~~ *may be tested and retested as may be necessary within the limits of § 4 of these rules and each academy's written policy and achieve 70% minimum score before being certified as satisfactorily completing the mandatory training. All minimum training must be completed within 12 months of the date of employment as set forth in Section 4.0, A. An officer shall not be certified as having complied with compulsory minimum training standards unless all applicable requirements have been met*

C. The school director shall ; ~~within thirty (30) days of completion of the school;~~ *submit a grade reports report on each officer using on forms provided approved by the Department. The grading categories are as follows:*

1. Basic Security Procedures
2. Court Security Responsibilities
3. Legal Matters
4. Skills (excluding firearms range training)
5. Firearms Range Training will be graded on a satisfactory/unsatisfactory basis

D. The following firearms training will be required for each officer attending an approved school:

1. Nomenclature and care of service revolver,
2. Safety (on the firearms range, on duty and off duty),
3. Legal responsibilities and liabilities of firearms,
4. Service revolver (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; and
9. Familiarization with the police shotgun (25 rounds required - shoulder and hip position).

For further instructions and specific course requirements, refer to the "Course Resumes and Objectives for Required Compulsory Minimum Training for Courthouse and Courtroom Security Officers."

§ 8. Failure to Comply with Rules and Regulations.

Any ~~courthouse and courtroom security~~ officer attending an approved training ~~schools~~ school shall comply with the rules and regulations promulgated by the ~~department~~ Board and any other rules and regulations within the authority of the school director. The school director shall be responsible for their ~~proper~~ 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 and the individual will ~~not~~ receive a certificate. Notification of such action shall immediately be reported, in writing, to the agency administrator of the officer and the Department through its Director.

§ 9. 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. Forms and reports that may be required by the ~~department~~ shall be submitted by. The school director shall, within ~~thirty (30)~~ days of ~~upon~~ completion of ~~the~~ an approved training school : , comply with the following:

1. Prepare a grade report on each officer maintaining the original for academy records and forwarding a copy to the agency administrator of the officer.
2. 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 the each instructor with a ~~copy~~ complete set of the course resumes and objectives which set forth the minimum training requirements for the assigned subject matter .

D. The school director may be required to ~~Approved~~ courthouse and courtroom training schools shall maintain accurate records such as; but not limited to; attendance records; test scores of all tests, grades and testing procedures. range qualification scores for officers attending approved schools. The period for retention of these records shall be established by the Director. Training school 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.

E. All school applications and/or curricula must be submitted to the Department thirty (30) days prior to the

Proposed Regulations

start of the school.

§ 10. Effective Date.

These rules shall be effective on and after ~~March 1, 1983~~, January 1, 1986, and until amended or rescinded.

Title of Regulations: VR 240-01-7. Rules Relating to the Compulsory Minimum Training Standards for Deputy Sheriffs Designated to Serve Process.

Statutory Authority: § 9-170(1)(5a) of the Code of Virginia.

Public Hearing Date: October 2, 1985 - 9:30 a.m.
(See Calendar of Events Section for additional information)

Summary:

The proposed rules establish compulsory minimum training standards for those deputy sheriffs responsible for the service of civil process. Such training emphasizes legal matters, as well as methods for safe, effective service. The rules also provide administrative requirements and operational procedures for schools conducting training for process servers. All sheriffs' personnel so designated would be required to satisfactorily complete such training within 12 months of the date of employment.

VR 240-01-7. Rules Relating to the Compulsory Minimum Training Standards for Deputy Sheriffs Designated to Serve Process.

Pursuant to the provisions of § 9-170 (1) of the Code of Virginia, the Criminal Justice Services Board hereby promulgates the following rules for compulsory minimum training standards for deputy sheriffs designated to serve process.

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, 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.

"Approved training school" 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.

"Board" means the Criminal Justice Services Board.

"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.

§ 2. Compulsory Minimum Training Standards.

Pursuant to the provisions of § 9-170(1)(5A) of the Code of Virginia, the Board establishes the following as the compulsory minimum training standards for deputy sheriffs designated to serve process as defined by § 8.01-293 of the Code of Virginia.

	<u>Hours</u>
A. Administration.	3
1. Orientation	
2. Examinations	
3. Evaluations	
B. Legal Matters.	49
1. Laws of civil process	16
2. Laws of arrest	4
3. Legal document workshop	8
4. Search and seizure	6
5. Rules of evidence	4
6. Probable cause	2
7. Juvenile law	4
8. Civil liability	2
9. Constitutional law	2
10. Virginia court structure	1
C. Skills.	28
1. Officer safety and arrest techniques	20
2. Field notetaking and report writing	6
3. Effective communications	2
TOTAL	80
D. Firearms Training.	

(Refer to § 7, D.)

§ 3. Applicability.

A. Every deputy sheriff designated to serve process as defined in § 8.01-293 of the Code of Virginia, must meet the training standards herein established unless provided otherwise in accordance with subsection B of § 3.

Proposed Regulations

B. The Director may grant an exemption or partial exemption of the compulsory minimum training standards established herein, in accordance with § 9-173 of the Code of Virginia.

§ 4. Time Requirement for Completion of Training.

A. Every deputy sheriff designated to serve process, who is required to comply with the compulsory minimum training standards, must satisfactorily complete such training within 12 months of the date of appointment or within 12 months of the effective date of these regulations, whichever date is later, unless provided otherwise in accordance with subsection B of § 4.

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 the process server was unable to complete the required training within the specified time limit due to illness, injury, military service or special duty assignment required and performed in the public interest. However, each agency administrator must request such extension prior to expiration of any time limit.

C. Any process server who originally complied with all training requirements and later separated from process server status in excess of 24 months, upon reentry as a process server will be required to complete all compulsory minimum training standards unless provided otherwise in accordance with subsection B of § 3.

§ 5. How Minimum Training May be Attained.

A. The compulsory minimum training standards shall be attained by attending and satisfactorily completing an approved training school.

B. Process servers attending an approved training school are required to be present for all classes and should not be placed on duty or on call except in cases of emergency.

§ 6. Approved Training Schools.

A. Process server training schools must be approved by the department 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 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.

B. Each school director will be required to maintain a

file of all current lesson plans and supporting materials for each subject contained in the compulsory minimum training standards.

C. Schools which are approved will be subject to inspection and review by the Director and/or staff.

D. The Director may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the Board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension.

E. The Director 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 Board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation.

§ 7. Grading.

A. All examinations, both written and performance, shall include questions/practical exercises that test at a minimum those objectives specified in the document entitled "Resumes and Objectives for Deputy Sheriffs Designated to Serve Process."

B. All process servers must attain a minimum grade of 70% in each grading category to satisfactorily complete the compulsory minimum training standards. Any process server who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. A process server may be tested and retested as may be necessary within the time limits of § 4 of these rules and each academy's written policy. A process server shall not be certified as having complied with compulsory minimum training standards unless all applicable requirements have been met.

C. The school director shall complete a grade report on each officer on forms approved by the department.

D. The following firearms training will be required for each process server attending an approved school:

1. Nomenclature and care of service revolver;
2. Safety (on the firearms range, on duty and off duty);
3. Legal responsibilities and liabilities of firearms;
4. Service revolver (handling, firing principles);
5. Dry firing and application of basic shooting principles;

Proposed Regulations

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,
9. Familiarization with the police shotgun (20 rounds required - shoulder and hip position).

§ 8. Failure to Comply with Rules and Regulations.

Any process server 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 of the school director. 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 process server from the school. Notification of such action shall immediately be reported, in writing, to the agency administrator of the officer and the Director.

§ 9. 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, within 30 days upon completion of an approved training school, shall comply with the following:

1. Prepare a grade report on each process server maintaining the original for academy records and forwarding a copy to the agency administrator of the process server.

2. Submit to the department a roster containing the names of those process servers 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 a complete set of course resumes and objectives for the assigned subject matter.

D. Approved process server training schools shall maintain accurate records of all tests, grades and testing procedures. Training school 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.

§ 10. Effective Date.

These rules shall be effective on and after January 1, 1986, and amended or rescinded.

Title of Regulations: VR 240-03-1. Rules Relating to Compulsory Minimum Training for Private Security Services Business Personnel.

Statutory Authority: § 9-182 of the Code of Virginia.

Public Hearing Date: October 2, 1985 - 1:30 p.m.
(See Calendar of Events Section for additional information)

Summary:

The proposed amendments revise the minimum curricula requirements for private security business personnel. The proposed amendments specifically set forth the requirement that "all armed private security services business personnel must satisfactorily complete a refresher firearms course every other calendar year." The rules also provide administrative requirements and operational procedures for schools conducting private security services training.

VR 240-03-1. Rules Relating to Compulsory Minimum Training for Private Security Services Business Personnel.

PART I. GENERAL.

Pursuant to the provisions of Section ~~9-111-2~~ § 9-182 of the Code of Virginia (1950), as amended, the Criminal Justice Services ~~Commission~~ Board hereby promulgates the following rules for compulsory minimum training standards for unarmed guards, armed guards/couriers, armored car personnel, guard dog handlers, private detectives/private investigators private security services business personnel.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Approved training school" means a private security services business training school which provides instruction of at least the minimum training standards as established mandated and approved by the commission and has been approved by the commission or the executive director Department for the specific purpose of training private security services business personnel.

"Commission" "Board" means the Criminal Justice Services ~~Commission~~ Board.

Proposed Regulations

"Class" means a ~~one-hour block~~ minimum of 50 minutes of instruction on a particular subject.

"Department" means the Department of Criminal Justice Services.

"Executive" "Director" means the chief administrative officer of the ~~commission~~ Department.

"Private security services business" means any person ~~engaging~~ engaged in the business of providing, or who undertakes to provide, armored car personnel, guards, private detectives/private investigators, couriers or guard dog handlers, to another person under contract, expressed or implied.

"Private security services business personnel" means any of the following employees ~~employee~~ of a private security services business who is employed as an unarmed guard, armed guard/courier, armored car personnel, guard dog handler or private detective/private investigator.

"Training" "School director" means the chief administrative ~~director~~ officer of an approved training school.

"Department" means the Department of Commerce, Commonwealth of Virginia.

"Session" means a group of classes comprising the total hours of mandated training in a category (unarmed guards, armed guards/couriers, armored car personnel, guard dog handlers, private detectives/private investigators). Sessions are approved on the basis of schedules submitted by approved training schools in accordance with ~~commission~~ rules established herein.

PART II. COMPULSORY MINIMUM TRAINING STANDARDS FOR PRIVATE SECURITY SERVICES BUSINESS PERSONNEL.

2.0 § 2.1. Compulsory Minimum Training Standards - Part I - Unarmed Guards.

A. Pursuant to the provisions of Section ~~9-111.2~~ § 9-182 of the Code of Virginia (1950), as amended, the ~~commission~~ Board establishes the following as compulsory minimum training standards for unarmed guards:

Core Subjects	Hours
I. Administration and security orientation	2 3
II. Legal authority	6 3
III. 3. Emergency and defensive procedures	4 6
IV. 4. Written Examination (refer to §§ 4.10 through 4.10,A,2)	

Total (excluding written examination) 12

2.1 § 2.2. Compulsory Minimum Training Standards - Part II - Armed Guards/Couriers.

A. Pursuant to the provisions of Section ~~9-111.2~~ § 9-182 of the Code of Virginia (1950), as amended, the ~~commission~~ Board establishes the following compulsory minimum training standards for armed guards/couriers:

Core Subjects	Hours
I. Administration and security orientation	2 3
II. Legal authority	6 3
III. 3. Emergency and defensive procedures	4 6
4. Core subjects written examination. (refer to §§ 4.10 through 4.10,A,2)	
IV. 5. Firearms	
A. a. Classroom - 6 hours (Refer to Section 8.0,A, § 5.1,A.)	
b. Shotgun classroom (if applicable)	1 (refer to § 5.1,B,1)
V. c. Firearms written examination. (refer to §§ 4.10,A; 4.10,A,3; and 4.10,A,4).	

B. Range - [Each individual must qualify with the hand weapon carried in the performance of duty according to the prescribed firearms course and be familiar with and fire any other firearm that is carried in the performance of duty. (Refer to Section 8.0,B, and C.)

d. Range - No minimum hours required. Each person who carries or has immediate access to a firearm in the performance of duty shall satisfactorily complete the prescribed firearms course with the type and caliber and/or type and gauge of firearm that is immediately accessible or carried in the performance of duty. (refer to §§ 5.1,A. and 5.1,B.)

Total (excluding written examinations, shotgun classroom and all firearms range training) ~~12~~ 18 hours

2.2 § 2.3. Compulsory Minimum Training Standards - Part III - Armored Car Personnel.

A. Pursuant to the provisions of Section ~~9-111.2~~ § 9-182 of the Code of Virginia (1950), as amended, the ~~commission~~ Board establishes the following as compulsory minimum training standards for armored car personnel:

Core Subjects	Hours
I. Administration & Security Orientation	2

Proposed Regulations

H. Legal Authority	6
III. Emergency and Defensive Procedures	4
IV. 1. Firearms	4 6
A. a. Classroom	6
hours	
(refer to Section § 5.1,A.)	
b. Shotgun classroom (if applicable)	1
(refer to § 5.1,B,1).	
VIII. c. Firearms written examination. (refer to §§	
4.10,A; 4.10,A,3; and 4.10,A,4)	

B. Range - [Each individual must qualify with the hand weapon carried in the performance of duty according to the prescribed firearms course and be familiar with and fire any other firearm that is carried in the performance of duty. (Refer to Section 8.0, B. and C.)]

d. Range - No minimum hours required. Each person who carries or has immediate access to a firearm in the performance of duty shall satisfactorily complete the prescribed firearms course with the type and caliber and/or type and gauge of firearm that is immediately accessible or carried in the performance of duty. (refer to §§ 5.1,A. and 5.1,B.)

V. Introduction to Armored Car Industry	1
VI. Security Operations	4
VII. Threat Situations	1
Total	22 6
(Excluding written examination, shotgun classroom and all firearms range training)	

2-3 § 2.4. Compulsory Minimum Training Standards - Part IV - Guard Dog Handlers:

A. Pursuant to the provisions of Section 9-111-2 § 9-182 of the Code of Virginia (1950), as amended, the ~~commission~~ Board establishes the following as compulsory minimum training standards for guard dog handlers:

Core Subjects	Hours
I. 1. Administration and security orientation	2 3
H. 2. Legal authority	6 3
III. 3. Emergency and defensive procedures	4 6
4. Core subjects written examination.	
(refer to §§ 4.10 through 4.10,A,2)	
V. 5. Basic obedience retraining	6

VI. 6. Canine attack techniques	6
VII. 7. Written examination. (refer to §§ 4.10. and	
4.10.A.1.2.)	
IV. 8. Firearms	4 6
A. a. Classroom	6
(refer to § 5.1,A.)	
b. Shotgun classroom (if applicable)	1
(refer to § 5.1,B,1)	
VIII. c. Firearms written examination.	
(refer to §§ 4.10,A; 4.10,A,3; and 4.10,A,4)	

B. Range - [Each individual must qualify with the hand weapon carried in the performance of duty according to the prescribed firearms course and be familiar with and fire any other firearm that is carried in the performance of duty. (Refer to Section 8.0, B. and C.)]

d. Range - No minimum hours required. Each person who carries or has immediate access to a firearm in the performance of duty shall satisfactorily complete the prescribed firearms course with the type and caliber and/or type and gauge of firearm that is immediately accessible or carried in the performance of duty. (refer to §§ 5.1,A. and 5.1,B.)

Total (including firearms) (excluding written examinations, shotgun classroom and all firearms range training) 28 30 hours

2-4 § 2.5. Compulsory Minimum Training Standards - Part V - Private Detectives/Private Investigators:

A. Pursuant to the provisions of Section 9-111-2 § 9-182 of the Code of Virginia (1950), as amended, the ~~commission~~ Board establishes the following as compulsory minimum training standards for private detectives/private investigators.

I. Administration	1
H. 1. Private detectives/private investigators orientation	4
III. 2. General investigative techniques	12 11
IV. 3. Interview and interrogation techniques	4
V. 4. Criminal law and procedure	6
VI. 5. Civil law and procedure	6 8
VII. Introduction to Criminal Justice System and Due Process	2
6. Civil and criminal rules of evidence	4

Proposed Regulations

VIII: Rules of Evidence 2

7. Collecting and reporting information 4

IX: Arrest 4

1. Laws of Arrest

2. Techniques & Mechanics of Arrest

X: Preservation and Protection of Crime Scene 3

XII: 8. Written comprehensive examination. 1

XI: 9. Firearms (if carried in the performance of duty) 6

A. a. Classroom 6
(refer to § 5.1, A.)

B. Range - [Each individual must qualify with the hand weapon carried in the performance of duty according to the prescribed firearms course and be familiar with and fire any other firearm that is carried in the performance of duty. (Refer to Section 8.0, B. and C.)]

b. Shotgun classroom (if applicable) - 1 hour. (refer to § 5.1,B,1)

V. c. Firearms written examination. (refer to §§ 4.10,A; 4.10,A,3; and 4.10,A,4)

d. Range - No minimum hours required. Each person who carries or has immediate access to a firearm in the performance of duty shall satisfactorily complete the prescribed firearms course with the type and caliber and/or type and gauge of firearm that is immediately accessible or carried in the performance of duty. (refer to §§ 5.1.A. and 5.1.B.)

Total (Excluding shotgun classroom and all firearms range training) 48 hours

PART III. APPLICABILITY.

3.0.A. § 3.1. Every person employed subsequent to November 1, 1976 by a private security services business as a guard, courier, armored car personnel, guard dog handler, private detective/private investigator as defined by Section § 54-729.27 of the Code of Virginia (1950), as amended, subsequent to November 1, 1976, who has not met the compulsory minimum training standards prior to the effective date of these regulations, must meet the compulsory minimum training standards herein established by the commission unless provided otherwise in accordance with §§ 3.2 or 3.3 .

3.0.B. § 3.2. Persons who meet the statutory requirements as set forth in Section 9-111.2 § 9-182 of the Code of Virginia (1950), as amended , may apply for an exemption from the mandatory training. The executive Director may

issue such exemption or partial exemption on the basis of individual qualifications as supported by required documentation. The executive Director shall not issue more than a partial exemption to those persons who have remained out of law-enforcement employment in excess of 24 months. Those applying for and receiving exemptions must also comply with the regulations promulgated by the Department of Commerce.

3.0.C. § 3.3. The Executive Director may authorize credit for training received at a commission department approved school which meets or exceeds the compulsory minimum training standards required for private security services business personnel provided that such training has been successfully completed with 24 12 months of the date of application.

PART IV. APPROVED TRAINING SCHOOLS OPERATIONS.

5.0 Approved Training Schools:

A. Private security services business personnel training schools may become approved training schools by making application to the commission on forms provided by the executive director. The executive director may, in accordance with Section 9-6.14:11 of the Administrative Process Act, approve these schools which, on the basis of curricula, training schedules, instructors, facilities, training school rules and regulations, and written examinations provide the required minimum training as established by the commission. Applications for school approvals must be resubmitted annually commencing in January and unless major changes are instituted, succeeding sessions in the same calendar year will only require a training schedule for approval. A disapproval may be appealed to the commission in accordance with Section 9-6.14:11 of the Administrative Process Act.

§ 4.1. Private security services business personnel training schools must be approved annually by the department prior to the first scheduled session. Approval is requested by making application to the Director on forms provided by the department. The Director, in accordance with § 9-6.14:11 of the Administrative Process Act, may approve those schools which on the basis of curricula, instructors and facilities provide training that meets the compulsory minimum training standards. A disapproval may be appealed to the Board in accordance with § 9-6.14:11 of the Administrative Process Act.

5.0,B § 4.2 Firearms Approved training schools may become approved training schools by making application to the commission on forms provided by the executive director desiring to conduct firearms training classes only must request approval in accordance with § 4.3 .

C. Training schedules submitted for approval must include the date, time, subject and instructor for each class conducted during the session.

Proposed Regulations

D. Complete and accurate requests to conduct approved training sessions must be postmarked 14 days prior to the commencement date. Any emergency changes in an approved session must be reported to the commission immediately followed by written notification postmarked the next working day.

§ 4.3. Approved training schools must submit a proposed training schedule to the department postmarked no less than 10 days prior to the beginning of each session. The training schedule must include the date, time, subject and the name of the instructor for each class to be conducted during the training session. Any changes in an approved session must be reported to the department immediately, followed by written notification postmarked the next working day.

E. Approved training sessions will be conducted as scheduled.

F. § 4.4. Classes with instruction shall be taught provided in no less than one hour 50-minute classes.

G. § 4.5. Approved training may not exceed eight 8 hours per day.

5-0,H § 4.6. Instructor Qualifications.

A. Instructors teaching in an approved training school must be approved by the department. Instructor qualifications shall be determined based upon previous work experience, instructional experience, training, and education and should meet the following minimum qualifications: . As a minimum, instructors should meet the following requirements:

1. Have a minimum of two years supervisory experience with a contract security company, or with any federal, U.S. military, state, county or municipal law-enforcement agency, or
2. Have a minimum of one year experience as an instructor or teacher at an accredited educational institution or agency in the subject matter for which approval is requested or in a related field in which he is teaching .

5-0,I § 4.7. Approved training schools will be subject to inspection and review by the executive Director and/or his staff. Out-of-state approved training schools which require inspection may be required to pay for actual expenses of inspection.

5-0,J § 4.8. Mandated training conducted without prior written approval from the commission Department is null and void.

K. The commission may revoke the approval of an approved training school in accordance with the Administrative Process Act Section 9-6.14.1, et seq.

L. The executive director may suspend the approval of an approved training school in accordance with the Administrative Process Act Section 9-6.14.1 et seq. Such suspension may be appealed to the commission for consideration, in accordance with the procedures as set forth in Section 9-6.14.11 of the Administrative Process Act.

§ 4.9. The department may suspend or revoke the approval status of an approved training school upon written notification to the school's director. Such notification shall contain the reasons for revocation or suspension. The school's director may appeal the revocation or suspension by requesting a hearing before the Board. The request shall be in writing and must be received at the department within 15 days of the date of the revocation or suspension notification.

6-0,A § 4.10. Written Examinations: Grading.

A written comprehensive examination is required at the conclusion of training of the core subjects. When additional training in excess of the core subjects is necessary to meet the requirements set forth for armed guards/couriers, armored car personnel, or guard dog handlers, an additional examination will be administered specifically for that portion of training. Schools conducting training for private detectives/private investigators are required to administer a comprehensive examination at the conclusion of training.

6-0,B A. All written examinations shall include at least three questions for each hour class of instruction in a particular area of mandatory training.

C. Any examination administered in an approved training school will be subject to review and inspection by the executive director and/or his staff.

§ 7-0 Grading

A. Individuals must receive a minimum grade of 70% on written examinations to satisfactorily complete mandatory training. Examinations covering the core subjects will be divided into three sections (Administration and Security Orientation, Legal Authority, Emergency and Defensive Procedures) covering each specific area of training and a minimum of 70% must be obtained in each area. If an individual does not attain a minimum of 70% in each core subject area, he will be required to repeat the training in the specific area where he is deficient and be retested on that area. In all other areas of training, (firearms, armored car personnel, guard dog handlers, private detectives/private investigators), if an individual does not attain a minimum of 70% on the examination, he will be required to repeat the training in its entirety after which he will be required to retake the examination.

7-0,A 1. Each core subject shall be separately tested and graded. Individuals must attain a minimum score of 70% in each core subject. Any individual who fails to attain a minimum score of 70% in each core

Proposed Regulations

subject will be required to repeat the training in the core subject(s) in which the individual is deficient and attain a minimum score of 70% on the retest in order to satisfactorily complete this section of the training.

7-0,A 2. Mandated training in excess of the core subjects shall be tested and graded. A minimum score of 70% must be attained on the examination(s) covering those mandated subjects in excess of the core subjects. If an individual does not achieve a minimum score of 70% on the examination, the individual will be required to retake such training and must attain a minimum score of 70% on the retest in order to satisfactorily complete this section of the training.

7-0,A 3. Firearms classroom training shall be separately tested and graded. Individuals must achieve a minimum score of 70% on the firearms classroom training examination. Any individual who fails to achieve a minimum score of 70% will be required to retake such training and must attain a minimum score of 70% on the retest in order to satisfactorily complete this section of the training.

7-0,B 4. Failure to pass the written examination at the conclusion of the Firearms Classroom training achieve a minimum score of 70% on the firearms written examination will exclude the individual from the firearms range training.

7-0,C Firearms range training will be graded on a satisfactory/unsatisfactory basis. Any armed private security services business personnel who does not exhibit an adequate knowledge of the safety factors and proper techniques in the handling of a firearm to the instructor's satisfaction and who does not achieve a familiarization score of at least 85 points out of a possible total of 125 points on the course prescribed in Section 8-0,C, will not have satisfactorily completed the mandatory training for armed private security services business personnel.

5. Firearms range training will be graded on a satisfactory/unsatisfactory basis. All armed private security services business personnel must achieve a score of at least 70% (126 points out of a possible 180 points on the course prescribed in § 5.1.A.)

PART V. FIREARMS TRAINING.

8-0 § 5.1. Firearms.

Private security services business personnel who carry or have a firearm available for immediate use in the performance of duty will be required to meet the provisions of § 5.1,A and/or § 5.1,B.

A. Handgun.

8-0,A 1. Classroom training - classroom training will

emphasize but not be limited to:

8-0,1 Safe and proper use and handling of firearms;

8-0,2 Nomenclature;

8-0,3 Legal responsibility and liability for improper or negligent use of firearms.

- a. The proper care of the weapon,
- b. Civil liability of use of firearms,
- c. Criminal liability of use of firearms,
- d. Deadly force,
- e. Justifiable deadly force,
- f. Range safety.

8-0,B 2. Range firing - (no minimum hours required) - The purpose of this course is to ~~introduce~~ ~~armed private~~ provide practical firearms training to individuals desiring to become armed private security services business personnel to the safe and proper handling of a firearm .

8-0,4 a. Prior to the date of range training it will be the responsibility of the training school Director to ensure that all students are informed of the proper attire and equipment to be worn for the firing range portion of the training.

8-0,C b. Course - Modified private security double action.

c. Ammunition - ~~50~~ 36 rounds - (~~25 rounds - practice,~~ 25 rounds - familiarization score) Ammunition must be of same type as carried in performance of duty .

d. Target - Silhouette (full-size B-27) - Alternate targets may be utilized with prior approval by the Director.

8-0,C 3. Course: Modified private security double action.

Stage	Distance	Position	Number Rounds	Time
a.	7 3 yds.	Crouch Standing (stronghand)	10 6	40 20 seconds
b.	15 3 yds.	Point Shoulder	10 6	40 15 seconds
c.	25 7 yds.	Standing (with or without barricade) Point Shoulder	5 12	60 45 seconds
d.	15 yds.	Point shoulder	12	45 seconds

Proposed Regulations

8.0,C 4. Scoring: Point value indicated on training key located on the B-27 target. *An individual must score at least 70% (126 points out of a possible total of 180 points) to satisfactorily complete the course.*

* To accommodate smaller ranges, a reduced target (B-34) may be used at this stage from the 15-yard line.

8.0,C 5. An approved firearms instructor must be on the range during all phases of firearms familiarization range training. There shall be one firearms instructor or assistant per four shooters on the line.

B. Shotgun training.

1. Classroom training - classroom instruction will emphasize but not be limited to:

a. Safe and proper use and handling of shotgun,

b. Nomenclature,

2. Range firing (no minimum hours required) - The purpose of this course is to provide practical shotgun training to those individuals who carry or have immediate access to a shotgun in the performance of their duty.

3. Ammunition - 5 rounds - Ammunition must be of same type as carried in the performance of duty.

4. Course: Modified shotgun range

Distance	Position	No. Rounds	Target
25 Yds.	Standing/Shoulder	5	Silhouette

5. An approved firearms instructor must be on the range during all phases of firearms range training. There shall be one firearms instructor or assistant per four shooters on the line.

§ 5.2. Firearms Retraining.

All armed private security services business personnel must satisfactorily complete firearms classroom and range training as prescribed in subsections A and B of § 5.1, if applicable, within every other calendar year as set forth below.

A. All persons who were registered as armed private security services business personnel during the period of March 17, 1977, through December 31, 1984, shall comply with this provision by December 31, 1986, and thereafter by December 31 of every other calendar year.

B. All persons who were registered as armed private security services business personnel during the period of January 1, 1985, through December 31, 1985, shall comply with this provision by December 31, 1987, and thereafter

by December 31 of every other calendar year.

C. All persons who are registered as armed private security services business personnel on or after the effective date of this regulation shall comply with this provision by December 31 of the second calendar year after receipt of armed registration and thereafter by December 31 of every other calendar year.

PART VI. ATTENDANCE AND ADMINISTRATIVE REQUIREMENTS

4.0,A § 6.1. The compulsory minimum training required by the commission for private security services business personnel may be obtained standards shall be attained by attending and satisfactorily completing an approved training school.

4.0,B § 6.2. Private security services business personnel attending enrolled in an approved training school are required to attend all prescribed mandatory training classes.

4.0,C § 6.3. Tardiness and absenteeism will not be permitted. Individuals violating these provisions will be required to make up any training missed.

10.0,A § 6.4. Each training school director will be required to maintain a current file of attendance records, examination scores, and firearms familiarization scores, on each individual and copies of examinations used in approved training schools offering the compulsory minimum training as promulgated by the commission for three years from the date of the training session in which the individual attendee was enrolled.

10.0,B § 6.5. Any changes in an approved school curriculum, instructors, and training schedules, shall be reported to the commission staff department in advance of any such change.

§ 6.6. The school director of each approved training school shall submit a certification of completion of training form which must be postmarked within seven days of the conclusion date of an approved training session, for each student who has satisfactorily completed the training session. The certification form will be prepared in triplicate; the original is to be submitted to the Department of Commerce, one copy provided to the student and one copy to be retained on file with the approved training school for three years. The training certification forms will be provided by the Department of Commerce.

10.0,C § 6.7. The resumes and objectives as approved by the department must be adhered to as a minimum and all subject matter must be presented in its entirety.

9.0 § 6.8. Failure to Comply with Rules and Regulations.

Proposed Regulations

All individuals attending an approved training school shall comply with the rules promulgated by the ~~commission Board and any other rules within the authority of the school director~~. The training school director shall be responsible for their proper enforcement of all rules established to govern the conduct of attendees. If the training school director considers the violation of the rules detrimental to the welfare of the school, he/she the school director may expel the individual from the school and the training director will not certify the individual as having satisfactorily completed the required training as promulgated by the commission. Notification of such action shall immediately be reported to the employing agency and the Director.

PART VII. CERTIFICATION.

~~11-0~~ § 7.1. Effective Date.

These rules shall be effective January 1, 1986 and until amended or rescinded.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulations: VR 460-04-8.2. Criteria for Intermediate Care for the Mentally Retarded.

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

Public Hearing Date: September 24, 1985 - 9 a.m.
(See Calendar of Events Section for additional information)

Summary:

The proposed regulations establish an intermediate care criteria for the mentally retarded that can be applied to all recipients when Medicaid payment has been requested for institutional or noninstitutional services.

The propose criteria contain a rating scale which can be used consistently by any professional who assesses a resident's need for care. It is based on a patient assessment form presently in use by all state institutions for the mentally retarded. A professional can compare the information on the patient assessment form to the written criteria and easily determine whether the individual being evaluated qualifies for Medicaid payment for intermediate care for the mentally retarded. The criteria can be used as easily by community based professionals to determine eligibility for community based services. It can also be computerized.

In addition, the department in cooperation with the Department of Mental Health and Mental Retardation has submitted a proposal to the Department of Health

and Human Services to provide services to the mentally retarded who can be discharged to the community through the Home and Community Based Care Waiver. The proposed criteria are necessary to that waiver program because it will define the need for intermediate services regardless of where they are provided.

VR 460-04-8.2. Criteria for Intermediate Care for the Mentally Retarded.

§ 1. Introduction.

A. Utilization control regulations require that the level of care criteria be formulated for guidance for appropriate levels of care. Traditionally, intermediate care for the mentally retarded has been institutionally based; however, this level of care need not be confined to a specific setting. The habilitative and health needs of the client are the determining issues.

B. The purpose of these regulations is to establish a standard criteria to measure eligibility for Medicaid payment. Medicaid can pay for care only when the client is in the appropriate level of care and when "active treatment" is being provided. A synopsis of active treatment is included with these criteria. An individual's need for care must meet these criteria before any authorization for payment by Medicaid will be made for either institutional or waived rehabilitative services for the mentally retarded.

C. Intermediate care for the mentally retarded requires planned programs for habilitative needs and/or health related services which exceed the level or room, board, and supervision of daily activities. Intermediate care is a combination of habilitative, rehabilitative, and health services directed toward increasing the functional capacity of the retarded person. Examples of services will include training in the activities of daily living, task-learning skills, socially acceptable behaviors, basic community living programming, or health care and health maintenance. The overall objective of programming shall be the attainment of the optimal physical, intellectual, social, or task learning level which the person can presently or potentially achieve.

D. The evaluation and reevaluation for intermediate care are based on the needs of the person, the reasonable expectations of the resident's capabilities, the appropriateness of programming, whether progress is demonstrated from the training and, in an institution, whether the services could reasonably be provided in a less restricted environment.

E. The final determination of a person's need for intermediate level of care is a professional decision based on total needs. Mentally retarded persons as individuals present an infinite variety of needs, making it virtually impossible to establish an evaluation system that will eliminate the need for professional judgement within the

Proposed Regulations

confines of program criteria.

F. The following criteria are divided into broad categories of needs, or services provided. These must be evaluated in detail to determine the abilities/skills which the client has acquired. The evaluation will then identify training needs/skills which will be the basis for the development of a plan of care.

§ 2. Definitions.

The following words and terms, when used in these criteria, shall have the following meaning, unless the context clearly indicates otherwise:

"No assistance" means no help is needed.

"Often" means occurs 2 - 3 times a month.

"Prompting/structuring" means prior to the functioning, some verbal direction and/or some rearrangement of the environment is needed.

"Rarely" means occurs quarterly or less.

"Regularly" means occurs weekly or more.

"Some direct assistance" means helper must be present and provide some physical guidance/support (with or without verbal direction).

"Sometimes" means occurs once a month.

"Supervision" means helper must be present during function and provide only verbal direction, gestural prompts, and/or guidance.

"Total assistance" means helper must perform all or nearly all of the functions.

§ 3. Patient Assessment Criteria.

A. The evaluation process will demonstrate a need for programming an array of skills and abilities or health care services. These have been organized into seven major categories. The level of functioning in each category is graded from the most dependent to the least dependent. In some categories, the dependency status is rated by the degree of assistance required. In other categories, the dependency is established by the frequency of a behavior or ability to perform a given task.

The resident must meet the indicated dependency level in 2 or more of categories 1 through 7.

1. Health Status - To meet this category:

- a. Two or more questions must be answered with a 4, OR
- b. Question 10 must be answered "yes".

2. Communication Skills - To meet this category:

- a. Three or more questions must be answered with a 3 or 4.

3. Task Learning Skills - To meet this category:

- a. Three or more questions must be answered with a 3 or 4.

4. Personal Care - To meet this category:

- a. Question No. 1 must be answered with a 4 or 5, OR
- b. Question No. 2 must be answered with a 4 or 5, OR
- c. Questions No. 3 and No. 4 must be answered with a 4 or 5.

5. Mobility - To meet this category:

- a. Any one question must be answered with a 4 or 5.

6. Behavior - To meet this category:

- a. Any one question must be answered with a 3 or 4.

7. Community Living - To meet this category:

- a. Any 2 of the questions No. 2, No. 5, or No. 7 must be answered with a 4 or 5, OR
- b. Three or more of questions No. 1 - No. 8 must be answered with a 4 or 5.

§ 4. Directions for Applying the Criteria.

A. The references under the questions in the following categories indicate those items which are on the Behavior Development Survey (DMH 71 Revised 6/80). The absence of a reference indicates this question is not addressed on the BDS form. Some categories on the Behavior Development Survey are not incorporated since the information in that area of the evaluation will be reflected elsewhere in the criteria or the condition is not indicative of a functional deficit justifying a need for intermediate care.

Proposed Regulations

1. Health status - To meet this category:

- a. Two or more questions must be answered with a 4, OR
- b. Question #10 must be answered "yes."

	Rarely	Sometimes	Often	Regularly
How often is nursing care or nursing supervision by a licensed nurse required for the following :				
1. Medication administration and/or evaluation for effectiveness of a medication regime? [(70) Receiving Medications and History of Seizures pg. 4]	1	2	3	4
2. Direct services: i.e. care for lesions, dressing, treatments, (other than shampoos, foot powder, etc.)?	1	2	3	4
3. Seizures control? [(68) History of seizures pg 4]	1	2	3	4
4. Teaching diagnosed disease control and care, including diabetes?	1	2	3	4
5. Management of care of diagnosed circulatory or respiratory problems?	1	2	3	4
6. Motor disabilities which interferes with all activities of Daily Living - Bathing, Dressing, Mobility, Toileting, etc?	1	2	3	4
7. Observation for choking/ aspiration while eating, drinking?	1	2	3	4
8. Supervision for use of adaptive equipment, i.e. special spoon, braces, etc.? (Physical aids pg. 4)	1	2	3	4
9. Observation for nutritional problems (i.e. undernourishment, swallowing difficulties, obesity)?	1	2	3	4
10. Is age 55 or older, has a diagnosis of a chronic disease and has been in an institution 20 years or more?	yes		no	

Proposed Regulations

2. Communication - To meet this category:

a. Three or more questions must be answered with a 3 or a 4.

	Regularly	Often	Sometimes	Rarely
How often does this person:				
1. Indicate wants by pointing, vocal noises, or signs? [(62) (C) Preverbal Expression pg. 2]	1	2	3	4
2. Use simple words, phrases short sentences? [(67) Sentences pg. 2]	1	2	3	4
3. Ask for at least ten things using appropriate names? [(67) Vocabulary pg. 1]	1	2	3	4
4. Understand simple words, phrases or instructions containing prepositions: i.e. "on" "in" "behind"? [(27) Complex Instructions pg. 3]	1	2	3	4
5. Speak in an easily understood manner? [(66) Speech pg. 1]	1	2	3	4
6. Identify self, place of residence, and significant other, [(47) Awareness of Others, pg. 3]	1	2	3	4

3. Task Learning Skills - To meet this category:

a. Three or more questions must be answered with a 3 or a 4.

	Regularly	Often	Sometimes	Rarely
How often does this person:				
1. Pay attention to purposeful activities for 5 minutes? [(42) (2) Attention pg. 3]	1	2	3	4
2. Stay with a 3 step task for more than 15 minutes? [(42) (5) Attention pg. 3]	1	2	3	4
3. Tell time to the hour and understand time intervals? [(33) (b) Time pg. 3]	1	2	3	4
4. Count more than 10 objects? [(31) (5) Numbers pg. 3]	1	2	3	4
5. Do simple addition, subtraction? [(31) (6) Numbers pg. 3]	1	2	3	4
6. Write or print ten words? [(59) (3) Writing pg. 2]	1	2	3	4
7. Discriminate shapes, sizes, or colors?	1	2	3	4
8. Name people or objects when describing pictures? [(67) (4) Vocabulary pg. 1]	1	2	3	4
9. Discriminate between "one," "many," "lot?" [(31) (2) Numbers pg. 3]	1	2	3	4

Proposed Regulations

4. Personal/Self Care - To meet this category:

- a. Question #1 must be answered with a 4 or a 5, OR
- b. Question #2 must be answered with a 4 or a 5, OR
- c. Questions #3 AND #4 must be answered with a 4 or a 5.

NOTE: The "yes" or "no" questions are for the purpose of identification of needs to be included in the plan of care. Questions answered "yes" or "no" are not part of the scale.

With what type of assistance can this person currently:	No Assistance	Prompting/ Structuring	Supervision	Some Direct Assistance	Total Assistance
1. Perform toileting functions: i.e. maintain bladder and bowel continence, clean self? etc. [(31)(5) Toilet Training pg. 1]	1	2	3	4	5
a) has toileting "accidents" more than twice a day? [(31)(2) Toilet Training pg. 1]	yes		no		
b) has toileting "accidents" at night?	yes		no		
c) flushes toilet, pulls up clothes? [(36) Self Care at Toilet pg. 2]	yes		no		
2. Performs eating/feeding functions: i.e. drinks liquids and eats with spoon or fork, etc.? [(28)(3) Use of Table Utensils pg. 1]	1	2	3	4	5
a) Feeds self with spoon - neatly? [(28)(3) Use of Table Utensils]	yes		no		
b) spilling? [(30)(3) Drinking pg. 1]	yes		no		

Proposed Regulations

	No Assistance	Prompting/ Structuring	Supervision	Some Direct Assistance	Total Assistance
3. Perform bathing functions (i.e. bathe, run bath, dry self, etc.)? [(44)(5) Bathing pg. 2]	1	2	3	4	5
a) washes hands and face with soap? [(39)(40) Washes Hands and Face pg. 2]	yes		no		
b) dries hands and face? [(42) Washes Hands and Face pg. 2]	yes		no		
c) care for hair, nails, beard?	yes		no		
4. Dress self completely? i.e. including fastening, putting on clothes, etc. [(50)(6) Dressing pg. 2]	1	2	3	4	5
a) dresses upper body but needs help with fastening?	yes		no		
b) dresses self but needs assistance with pulling, or	yes		no		
c) putting on most clothing, fastening, shoes? [(50)(3) Dressing (52) Shoes pg. 2]	yes		no		

Proposed Regulations

5. Mobility - To meet this category:

a. Any one question must be answered with a 4 or a 5.

NOTE: The "yes" or "no" questions are for the purpose of identification of needs to be included in the plan of care. Questions answered "yes" or "no" are not part of the scale.

With what type of assistance can this person currently:	No Assistance	Prompting/ Structuring	Supervision	Some Direct Assistance	Total Assistance
1. Move (walking, wheeling) around environment? (59 Ambulation pg 1) [(79) Physical Aids pg. 4]	1	2	3	4	5
a) Walk with assistive device, person? [(59)(2) Ambulation pg. 1, (Physical Aids pg 4)]	yes		no		
b) Walk on level ground for 50 yards with or without assistive device? [(73), (74), (76) Physical Aids pg. 4]	yes		no		
c) Transfer to/from a wheelchair? [(75) Physical Aids pg. 4]	yes		no		
2. Rise from lying down to sitting positions, sits without support? [(27) Body Balance pg. 1]	1	2	3	4	5
3. Turn and position in bed, roll over?	1	2	3	4	5

6. Behavior - To meet this category:

a. Any one question must be answered with a 3 or a 4.

	Rarely	Sometimes	Often	Regularly
How often does this person:				
1. Engage in self destructive behavior? [(61) Maladaptive Behavior pg. 4]	1	2	3	4
2. Threaten or do physical violence to others [(52) Maladaptive Behavior pg. 4]	1	2	3	4
3. Throw things, damage property, have temper outbursts? [(53)(55) Maladaptive Behavior pg 4]	1	2	3	4
4. Respond to others in a socially unacceptable manner - (without undue anger, frustration or hostility) [(50) Interactions with Others pg 3]	1	2	3	4

Proposed Regulations

7. Community Living Skills - To meet this category:

- a. Any two of the questions #2, #5, or #7 must be answered with a 4 or a 5, OR
- b. Three or more of questions #1 through #8 must be answered with a 4 or a 5.

	No Assistance	Prompting/ Structuring	Supervision	Some Direct Assistance	Total Assistance
With what type of assistance would this person currently be able to:					
1. Prepare simple foods requiring no mixing or cooking? [(38) Food Preparation pg. 3]	1	2	3	4	5
2. Take care of personal belongings, room (excluding vacuuming, ironing, clothes washing/drying, wet mopping)? [(43) Personal Belongings pg. 3]	1	2	3	4	5
3. Add coins of various demonimations up to one dollar? [(57) Money Handling pg. 2]	1	2	3	4	5
4. Use the telephone to call home, doctor, fire, police?	1	2	3	4	5
5. Recognize survival signs/words: i.e. stop, go, traffic lights, police, men, women, restrooms, danger, etc.? [(68) Reading pg. 2]	1	2	3	4	5
6. Refrain from exhibiting unacceptable sexual behavior in public? [(63), (64), (65) Maladaptive Behavior pg.]	1	2	3	4	5
7. Go around cottage, ward, building, without running away, wandering off, or getting lost? [(56) Sense of Direction pg 2] [(57) Maladaptive Behavior pg 4]	1	2	3	4	5
8. Make minor purchases i.e. candy, soft drink, etc? [(58)(4) Purchasing pg. 2]	1	2	3	4	5

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

VIRGINIA STATE LIBRARY BOARD

Title of Regulation: VR 440-01-137.6. Standards for Plats.

Statutory Authority: §§ 17-68 and 42.1-82 of the Code of Virginia.

Effective Date: January 1, 1986.

Summary:

Prior to and at the public hearing on June 3, 1985, members of the public expressed concern about the requirement that signatures be only in black ink. It was agreed that dark blue ink would be acceptable so the standards were amended to allow signatures to be in either dark blue or black ink. Those members of the public present at the hearing spoke in favor of the change.

VR 440-01-137.6. Standards for Plats.

§ 1. Statement of Applicability.

These standards shall apply to all plats and maps submitted for recordation in the circuit courts of the Commonwealth.

§ 2. Recording Medium.

Documents size shall be between 8 1/2 x 11 and 18 x 24 inches, and the scale shall be appropriate to the size of the paper. Original plats shall be inscribed on either translucent or opaque paper, polyester or linen. The background quality for opaque paper shall be uniformly white, smooth in finish, unglazed, and free of visible watermarks or background logos. Only the original or a first generation unreduced black line copy of the original plat drawing, which meets the quality inscription standards noted below and has the stamp and original signature of the preparer, shall be submitted for recordation.

§ 3. Quality Inscription Standards.

Color of original inscription [~~(including signatures)~~] shall be black and be solid, uniform, dense, sharp, and unglazed. [Signatures shall be in dark blue or black ink.] Lettering shall be no less than 1/10 inch or 2.54 mm in height. Lettering and line weight shall be no less than .013 inches or .3302 mm. Letter and line spacing for control pencil drawings shall be no less than .050 inches and for ink drawings no less than .040 inches. The drawing

substance must be either wet ink or control pencil but not a combination thereof. Good drafting practices shall be followed when eliminating ghost lines and when doing erasures, and all shading and screening shall be eliminated over written data. Inscriptions shall meet standards established herein, and Line Conventions and Lettering (ANSI Y14.2M-1979), Drawing Sheet Size and Format (ANSI Y14.1-1975), and Modern Drafting Techniques for Quality Microreproduction (NMA Reference Series No. 3) shall be consulted as guidelines.

§ 4. Format for Copies.

Margins shall be at least 1/4 inch on all sides, and inscriptions are to be made on only one side of the paper. All drawings shall have centering marks on each side. Match lines or grid tics delineating 8 1/2 x 11 inch sections shall be inscribed on all plats larger than 8 1/2 x 11 inches. Continuation sheets of multi-sheet drawings shall be the same size as the first sheet.

§ 5. Recording Standards.

Recordation inscriptions shall be by clerk's printed certificate, stamping, typing or handwriting and shall conform to the quality inscription standards noted above.

§ 6. Exclusion.

A first generation copy of an original plat drawing dated prior to the adoption of these standards shall be admitted to record.

§ 7. Note.

Where a plat is submitted as part of an instrument, these plat standards shall apply to such plat.

[§ 8. These standards become effective January 1, 1986.]

Title of Regulation: VR 440-01-137.7. Standards for Recorded Instruments.

Statutory Authority: §§ 17-60, 42.1-82 and 55-108 of the Code of Virginia.

Effective Date: January 1, 1986.

Summary:

Prior to and at the public hearing on June 3, 1985,

Final Regulations

members of the public expressed concern about the requirement that signatures be only in black ink and that instruments shall contain inscriptions on one side of the paper only. On the matter of the color of ink for signatures, it was agreed that dark blue ink would be acceptable so the standards were amended to allow signatures to be in either dark blue or black ink. The concern over restricting inscriptions to one side of the paper was discussed and the restriction was deleted from the standards, and the requirement that the paper be opaque was added. Thus paper that is opaque with inscriptions on both sides will be acceptable under the standards. Those members of the public present at the hearing spoke in favor of the changes.

VR 440-01-137.7. Standards for Recorded Instruments.

§ 1. Statement of Applicability.

These standards shall apply to all writings required by law to be recorded and retained permanently in the clerk's office of the circuit courts of the Commonwealth. As noted in the section on exclusions, wills are exempt from the requirements of these standards.

§ 2. Recording Medium.

Instruments shall be recorded on paper that is uniformly white, [opaque,] smooth in finish, unglazed, and free of visible watermarks and background logos. The size of the paper shall be no less than 8 1/2 x 11 or larger than 8 1/2 x 14 inches. Positive (black on white background) copies may be substituted provided the copies meet the paper and quality inscription standards noted herein, and can be microfilmed and capable of producing a legible image from microfilm. Negative (white on black background) and carbon copies are not acceptable.

§ 3. Inscription Standards.

All inscriptions [(including signatures)] shall be black and shall be solid, uniform, dense, sharp, and unglazed. Inscriptions are solid when the lines forming each letter do not have blank or light spots, and they are uniform when the entire letter is the same darkness. To be dense, each letter must be dark, and to be sharp, the demarcation between each letter and the background must be abrupt. Inscriptions are unglazed if they are nonreflective. [Signatures shall be in dark blue or black ink.]

§ 4. Inscription Size.

Printing shall be nine point or larger. Typing shall be elite (12 characters per inch) or pica (10 characters per inch) or larger.

§ 5. Format.

[Instruments shall contain inscriptions on one side of the paper only.] A one inch, minimum, margin shall be

provided on the left, top, and bottom margins and one-half inch on the right margin.

§ 6. Recording Standards.

Recordation inscriptions shall be by clerk's printed certificate, stamping, typing or handwriting and shall conform to the quality inscription standards noted above.

§ 7. Exclusion.

These standards do not apply to wills, nonpermanent disposable forms, such as Uniform Commercial Code forms, and Juvenile and Domestic Relations District Court and General District Court judgments and warrants. Original documents executed prior to adoption of these standards shall be admitted to record. Where a plat is submitted as part of an instrument, the standards for plats shall apply.

[§ 8. The standards become effective January 1, 1986.]

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-02-4.191. Hospital Reimbursement Appeals Process.

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

Effective Date: August 21, 1985.

Summary:

The regulation sets out guidelines for hospitals to follow in appealing their reimbursement rates. It is needed to comply with the court's order applicable to federal law and regulations and to provide a fair method for hospitals who wish to seek adjustments to their payment rates. Such an appeals process was ordered by the court in January 1985 to be administratively in place by August 1985.

VR 460-02-4.191. Hospital Reimbursement Appeals Process.

§ 1. Right to Appeal and Initial Agency Decision.

A. Right to Appeal.

Any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs shall submit a written request to the Department of Medical Assistance Service within 30 days of the date of the letter notifying the hospital of its prospective rate [unless permitted to do otherwise under § 5 E]. The written request for appeal must contain the information specified in [subsection B. below § 1 B]. The Department shall respond to the hospital's request for additional reimbursement within 30 days or after receipt of any additional documentation requested by the

Final Regulations

department, whichever is later. [Such agency response shall be considered the initial agency determination.]

B. Required Information.

Any request to appeal the prospective payment rate must specify: (i) the nature of the adjustment sought; (ii) the amount of the adjustment sought; and (iii) current and prospective cost containment efforts, if appropriate.

C. Nonappealable [Items Issues] :

The following [items issues] will not be subject to appeal: (i) the organization of participating hospitals into peer groups according to location and bedsize and the use of bedsize and the urban/rural distinction as a generally adequate proxy for case mix and wage variations between hospitals in determining reimbursement for inpatient care; (ii) the use of Medicaid and applicable Medicare Principles of Reimbursement to determine reimbursement of costs other than operating costs relating to the provision of inpatient care; (iii) the calculation of the initial group ceilings on allowable operating costs for inpatient care as of July 1, 1982; (iv) the use of the Bureau of Labor Statistics Consumer Price Index (CPI) (excluding housing and interest components) as the prospective escalator; and (v) durational limitations set forth in the State Plan (the "twenty-one day rule").

D. [Costs The rate] which may be appealed [are those incurred by a hospital during shall include costs which are for] a single cost reporting period [only] .

E. The hospital shall bear the burden of proof throughout the administrative process.

§ 2. Administrative Appeal of Adverse Initial Agency Determination.

A. General:

The administrative appeal of [an] adverse initial agency [~~determinations~~ determination] shall be made in accordance with the Virginia Administrative Process Act, § 9-6.14:11 through § 9-6.14:14 of the Code of Virginia as set forth below.

B. The Informal Proceeding.

1. The hospital shall submit a written request to appeal an adverse initial agency determination in accordance with § 9-6.14:11 of the Code of Virginia within 15 days of the date of the letter transmitting the initial agency determination.

2. The request for an informal conference in accordance with § 9-6.14:11 of the Code of Virginia shall include the following information:

a. The adverse agency action appealed from;

b. A detailed description of the factual data, argument or information the hospital will rely on to challenge the adverse agency decision.

3. The agency shall afford the hospital an opportunity for an informal conference in accordance with § 9-6.14:11 of the Code of Virginia within 45 days of the request.

4. The Director of the Division of Provider Reimbursement of the Department of Medical Assistance Services, or his designee, shall preside over the informal conference. As hearing officer, the Director (or his designee) may request such additional documentation or information from the hospital or agency staff as may be necessary in order to render an opinion.

5. After the informal conference, the Director of the Division of Provider Reimbursement, having considered the criteria for relief set forth in §§ 4 and 5 below, shall take any of the following actions:

a. Notify the provider that its [appeal is without merit and deny the relief requested request for relief is denied] setting forth the reasons for such denial; [or]

b. Notify the provider that its appeal has merit and advise [him it] of the agency action which will be taken [- ; or]

[c. Notify the provider that its request for relief will be granted in part and denied in part setting forth the reasons for the denial in part and the agency action which will be taken to grant relief in part.]

6. The decision of the informal hearing officer shall be rendered within [~~21~~ 30] days of the conclusion of the informal conference.

§ 3. The Formal Administrative Hearing: Procedures.

A. The hospital shall submit its written request for a formal administrative hearing under § 9-6.14:12 of the Code of Virginia within 15 days of the date of the letter transmitting the adverse informal agency decision.

B. [The request for a formal evidentiary hearing shall include: At least 21 days prior to the date scheduled for the formal hearing, the hospital shall provide the agency with:]

1. Identification of the adverse agency action appealed from; and

2. A summary of the factual data, argument and proof the provider relies on in connection with its case.

C. The agency shall afford the provider an opportunity for a formal administrative hearing within 45 days of the [

Final Regulations

receipt of the] request.

D. The Director of the Department of Medical Assistance Services, or his designee, shall preside over the hearing. Where a designee presides, he shall make [a] recommended [finding findings] and a recommended decision to the Director. In such instance, the provider shall have an opportunity to file exceptions to the proposed findings and conclusions. In no case shall the designee presiding over the formal administrative hearing be the same individual who presided over the informal appeal.

E. The Director of the Department of Medical Assistance Services shall make the final administrative decision in each case.

F. The decision of the agency shall be rendered within 60 days of the conclusion of the administrative hearing.

§ 4. The Formal Administrative Hearing: Necessary Demonstration of Proof.

A. The hospital shall bear the burden of proof in seeking relief from its prospective payment rate.

B. A hospital seeking additional reimbursement for operating costs relating to the provision of inpatient care shall demonstrate that its operating costs exceed the limitation on operating costs established for its peer group and set forth the reasons for such excess.

C. In determining whether to award additional reimbursement to a hospital for operating costs relating to the provision of inpatient care, the Director of the Department of Medical Assistance Services shall consider [the following] :

1. Whether the hospital has demonstrated that its operating costs are generated by factors generally not shared by other hospitals in its peer group. Such factors may include, but are not limited to, the addition of new and necessary services, changes in case mix, extraordinary circumstances beyond the control of the hospital, and improvements imposed by licensing or accrediting standards.

[2. Whether the hospital has demonstrated that it operates in an efficient and economical manner. Economical and efficient operation includes both operational and financial efficiency. Factors which may be considered evidence of operational efficiency include, but are not limited to:

- a. Decrease in unnecessary lengths of stay;
- b. Economies in purchasing;
- c. Improvement in productivity;
- d. Improvement in utilization of plant and equipment.

Factors which may be considered evidence of

financial efficiency include, but are not limited to:

- a. Improvement in patient billing and collections system and procedures;
- b. Improvement in accounts payable;
- c. Implementation of business and strategic planning;
- d. Improvement in inventory control;
- e. Implementation of cost accounting methods;
- f. Refinancing of debt, if applicable;
- g. Extending useful life of fixed assets.

2. Whether the hospital has taken every reasonable action to contain costs on a hospital-wide basis.

a. In making such a determination, the Director or his designee may require that an appellant hospital provide quantitative data, which may be compared to similar data from other hospitals within that hospital's peer group or from other hospitals deemed by the Director to be comparable. In making such comparisons, the Director may develop operating or financial ratios which are indicators of performance quality in particular areas of hospital operation. A finding that the data or ratios or both of the appellant hospital fall within a range exhibited by the majority of comparable hospitals, may be construed by the Director to be evidence that the hospital has taken every reasonable action to contain costs in that particular area. Where applicable, the Director may require the hospital to submit to the agency the data it has developed for the Virginia Health Services Cost Review Commission. The Director may use other data, standards or operating screens acceptable to him. The appellant hospital shall be afforded an opportunity to rebut ratios, standards or comparisons utilized by the Director or his designee in accordance with this section.

b. Factors to be considered in determining effective cost containment may include the following:

- Average daily occupancy,
- Average hourly wage,
- FTE's per adjusted occupied bed,
- Nursing salaries per adjusted patient day,
- Average length of stay,
- Average cost per surgical case,
- Cost (salary/nonsalary) per ancillary procedure,
- Average cost (food/nonfood) per meal served,
- Cost (salary/nonsalary) per pharmacy prescription,
- Housekeeping cost per square foot,
- Maintenance cost per square foot,
- Medical records cost per admission,
- Current ratio (current assets to current liabilities),
- Age of receivables,
- Bad debt percentage,
- Inventory turnover,
- Measures of case mix.

c. In addition, the Director may consider the presence

or absence of the following systems and procedures in determining effective cost containment in the hospitals's operation.

- Flexible budgeting system,
- Case mix management systems,
- Cost accounting systems,
- Materials management system,
- Participation in group purchasing arrangements,
- Productivity management systems,
- Cash management programs and procedures,
- Strategic planning and marketing,
- Medical records systems,
- Utilization/peer review systems.

b. Nothing in this provision shall be construed to require a hospital to demonstrate every factor set forth above or to preclude a hospital from demonstrating effective cost containment by using other factors.

In determining the efficient and economical operation of a hospital, the hearing officer may The Director or his designee] may require that an onsite operational review of the hospital be conducted by the Department or its designee.

3. Whether the hospital has demonstrated that the Medicaid prospective payment rate it receives to cover operating costs related to inpatient care is insufficient to provide care and service that conforms to applicable state and federal laws, regulations and quality and safety standards.¹

[4. D.] In no event shall the Director of the Department of Medical Assistance Services award additional reimbursement to a hospital for operating costs relating to the provision of inpatient care unless [: a. the] hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective payment system is [inadequate insufficient] to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality.² In making such demonstration, the hospital shall show that:

[1. The current Medicaid prospective payment rate jeopardizes the long-term financial viability of the hospital. Financial jeopardy is presumed to exist if, by providing care to Medicaid recipients at the current Medicaid rate, the hospital can demonstrate that it is, in the aggregate, incurring a marginal loss.³

For purposes of this section, marginal loss is the amount by which total variable costs for each patient day exceed the Medicaid payment rate. In calculating marginal loss, the hospital shall compute variable costs at 60% of total inpatient operating costs and fixed costs at 40% of total inpatient operating costs; however, the Director may accept a different ratio of fixed and variable operating costs if a hospital is able

to demonstrate that a different ratio is appropriate for its particular institution.

Financial jeopardy may also exist if the hospital is incurring a marginal gain but can demonstrate that it has unique and compelling Medicaid costs, which if unreimbursed by Medicaid, would clearly jeopardize the hospital's long-term financial viability and,

(1) By providing care to Medicaid recipients at the current Medicaid rate, the hospital is, in the aggregate, incurring a marginal loss (i.e., the total variable cost of each additional patient day exceeds the Medicaid payment rate) which would threaten the long-term viability of the hospital;⁴ and

(2) But for the participation of the hospital in the state Medicaid Program, Medicaid recipients would have to travel in excess of thirty minutes to receive comparable care. The population served by the hospital seeking additional financial relief has no reasonable access to other inpatient hospitals. Reasonable access exists if most individuals served by the hospital care within a 30 minute travel time at a total per diem rate which is less to the Department of Medical Assistance Services than the costs which would be incurred by the Department of Medical Assistance Services per patient day were the appellant hospital granted relief] .⁴

[5. E.] In determining whether to award additional reimbursement to a hospital for reimbursement cost which are other than operating costs related to the provision of inpatient care, the Director shall consider Medicaid applicable Medicare rules of reimbursement.

§ 5. Available Relief.

A. Any relief granted under §§ 1-4 above shall be for one cost reporting period only.

B. Relief for hospitals seeking additional reimbursement for operating costs incurred in the provision of inpatient care shall not exceed the difference between:

1. The cost per allowable Medicaid day arising specifically as a result of circumstances identified in accordance with §§ 4.2 through 4.3 (excluding plant and education costs and return on equity capital) [: ; and]

2. The prospective operating cost per diem, identified in the Medicaid Cost Report and calculated by the Department of Medical Assistance Services.⁵

C. Relief for hospitals seeking additional reimbursement for (i) costs considered as "pass-throughs" under the prospective payment system, or (ii) costs incurred in providing care to a disproportionate number of Medicaid recipients, or (iii) costs incurred in providing

Final Regulations

extensive neonatal care shall not exceed the difference between the payment made and the actual allowable cost incurred.

D. Any relief awarded under §§ 1-4 above shall be effective from the first day of the cost period for which the challenged rate was set. [Cost periods for which relief will be afforded are those which begin on or after January 4, 1985.] In no case shall this limitation apply to [these hospitals filing a hospital which noted] an appeal of [their its] prospective payment rate [for a cost period] prior to January 4, 1985.

[E. All hospitals for which a cost period began on or after January 4, 1985, but prior to the effective date of these regulations, shall be afforded an opportunity to be heard in accordance with these regulations if the request for appeal set forth in subsection A of § 1 is filed within 90 days of the effective date of these regulations.

§ 6. Catastrophic Occurrence.

A. Nothing in §§ 1 through 5 shall be construed to prevent a hospital from seeking additional reimbursement for allowable costs incurred as a consequence of a natural or other catastrophe. Such reimbursement will be paid for the cost period in which such costs were incurred and for cost periods beginning on or after July 1, 1982.

B. In order to receive relief under this section, a hospital shall demonstrate that the catastrophe met the following criteria:

1. One time occurrence;
2. Less than 12 months duration;
3. Could not have been reasonably predicted;
4. Not of an insurable nature;
5. Not covered by federal or state disaster relief;
6. Not a result of malpractice or negligence.

C. Any relief sought under this section must be calculable and auditable.

D. The agency shall pay any relief afforded under this section in a lump sum.]

Footnotes:

¹See 42 U.S.C. § 1396 (a)(13)A. This provision reflects the Commonwealth's concern that it reimburse only those excess operating costs which are incurred because they are needed to provide adequate care. The Commonwealth recognizes that hospitals may choose to provide more than "just adequate" care and, as a consequence, incur higher costs. In this regard, the Commonwealth notes that "Medicaid programs do not guarantee that each recipient will receive that level of health care precisely tailored to his or her particular needs. Instead, the benefit provided through Medicaid is a particular package of health care services. . . that package of services has the general aim of assuring that individuals will receive necessary medical

care, but the benefit provided remains the individual services offered — not "adequate health care." Alexander v. Choate — U.S. — decided January 9, 1985, 53 U.S. L.W., 4072, 4075.

²In Mary Washington Hospital v. Fisher, the court ruled that the Medicaid rate "must be adequate to ensure reasonable access." Mary Washington Hospital v. Fisher, at p. 18. The need to demonstrate that the Medicaid rate is inadequate to ensure recipients reasonable access derives directly from federal law and regulation. In its response to comments on the NPRM published September 30, 1981, HCFA points out Congressional intent regarding the access issue:

The report on H.R. 3982 states the expectation that payment levels for inpatient services will be adequate to assure that a sufficient number of facilities providing a sufficient level of services actively participate in the Medicaid Program to enable all Medicaid beneficiaries to obtain quality inpatient services. This report further states that payments should be set at a level that ensures the active treatment of Medicaid patients in a majority of the hospitals in the state.

46 Fed. Reg. 47970.

³The Commonwealth believes that Congressional intent is threatened [only] in situations in which a hospital is incrementally harmed for each additional day a Medicaid patient is treated — and therefore has good cause to consider withdrawal from the Program — and where no alternative is readily available to the patient, should withdrawal occur. Otherwise, although the rate being paid a hospital may be less than that paid by other payors — indeed, less than average cost per day for all patients — it nonetheless equals or exceeds the variable cost per day, and therefore benefits the hospital by offsetting some amount of fixed costs, which it would incur even if the bed occupied by the Medicaid patient were left empty.

It should be emphasized that application of this marginal loss or "incremental harm" [~~standard concept~~] is a device to assess the potential harm to a hospital continuing to treat Medicaid recipients, and not a mechanism for determining the additional payment due to a successful appellant. As discussed below, once a threat to access has been demonstrated, the Commonwealth may participate in the full average costs associated with the circumstances underlying the appeal.

⁴With regard to the 30 minute travel standard, this requirement is consistent with general health planning criteria regarding acceptable travel time for hospital care.

⁵The Commonwealth recognizes that in cases where circumstances warrant relief beyond the existing payment rate, it may share in the cost associated with those circumstances. This is consistent with existing policy, whereby payment is made on an average per diem basis. The Commonwealth will not reimburse more than its share

Final Regulations

of fixed costs. Any relief to an appellant hospital will be computed on an occupancy adjusted basis. Relief will be computed using patient days adjusted for the level of occupancy during the period under appeal. In no case will any additional payments made under this rule reflect lengths of stay which exceed the 21 day limit currently in effect.

DEPARTMENT OF SOCIAL SERVICES Division of Licensing Programs

Title of Regulation: VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.

Statutory Authority: §§ 63.1-174 and 63.1-182.1 of the Code of Virginia.

Effective Date: September 1, 1985.

Summary:

Virginia's to the Standards incorporate new statutory requirements dealing with resident rights; delete general licensure procedures; and delete standards regulating kitchen equipment as duplicating newly promulgated Health Department standards. The amendments address the following issues which will affect licensed homes for adults: development of policies and procedures protecting resident rights; personal care and supervision; staff training; records and documentation; care and supervision of restrained residents; and discharge policies.

TABLE OF CONTENTS

PART I - INTRODUCTION

- Article 1. Definitions
- Article 2. Legal Base

PART II - MANAGEMENT AND PERSONNEL

- Article 1. The Licensee
- Article 2. The Administrator
- Article 3. Personnel

PART III - ADMISSION AND DISCHARGE POLICIES

- Article 1. Admission Policies
- Article 2. Discharge Policies

PART IV - SERVICES

- Article 1. Resident Rights
- Article 2. Personal Care and Supervision
- Article 3. Health Care
- Article 4. Medication
- Article 5. Food Service
- Article 6. Activities
- Article 7. Visitation
- Article 8. Mail

Article 9. Transportation

PART V - RECORDS

- Article 1. General Requirements
- Article 2. Resident Records
- Article 3. Agreements
- Article 4. Employee Records

PART VI - BUILDINGS AND GROUNDS

- Article 1. Buildings
- Article 2. Grounds

PART VII - FURNISHINGS, EQUIPMENT AND SUPPLIES

- Article 1. Telephone
- Article 2. Signaling Devices
- Article 3. First Aid and Emergency Supplies
- Article 4. Living and Sleeping Areas

PART VIII - HOUSEKEEPING AND MAINTENANCE

PART IX - FIRE AND EMERGENCY PROTECTION

PART X - ADDITIONAL REQUIREMENT WITH RESPECT TO PUBLIC HOMES

APPENDIX A - NONAMBULATORY RESIDENTS IN HOMES FOR ADULTS

APPENDIX B - RESIDENT ACTIVITIES

VR 615-22-02. Standards and Regulations for Licensed Home for Adults.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

["Active assisted range of motion" means that, by instruction, example, and actual support of the limb when necessary, the resident is helped to move each joint through the full range of motion available. No force is used at any time; the resident is simply assisted in holding up the weight of the limb. Its purpose is to prevent contractures and limitations of movement.

"Active range of motion" means that, by instruction and example, the resident moves each joint through the full range of movement possible without assistance. Its purpose is to prevent contractures and limitations of movement.]

Final Regulations

"Administrator" means the licensee or a person designated by the licensee who oversees the day-to-day operation of the facility, including compliance with all Standards and Regulations for Licensed Homes for Adults.

"Administer [medication]" means to open a container of medicine, to remove the prescribed dosage and to give it to the resident for whom it is prescribed.

* *"Ambulatory"* means the condition of a person who is physically and mentally capable of making an exit from a building in an emergency. This includes the ascent and descent of stairs, without the assistance of another person or without being dependent on the use of any device, such as, but not limited to, a wheelchair, walker or leg prosthesis. The determination of whether a person is ambulatory shall be based on information contained in the medical report. (See § 5.7.2.b.5)

"Bedfast" means the condition of a person, as certified by a physician, who is confined or restricted to bed for a prolonged or indefinite period of time. Persons for whom a physician has prescribed bedrest because of a short term illness (e.g. cold, flu, virus, etc.) are not considered to be bedfast. No person who is bedfast shall be admitted for care. Residents who become bedfast may remain in care providing the provisions of §§ 3.8 and 5.14 of these Standards and Regulations are met.

"Day-care center for adults" means a facility, which is either operated for profit or which desires licensure, for four or more aged, infirm or disabled adults, which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere except (i) a facility or portion of a facility licensed by the State Board of Health or the State [~~Hospital Board, Department of Mental Health and Mental Retardation,~~] and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage ([~~Virginia Code~~] § 63.1-172C [*of the Code of Virginia*]). Day-care centers for adults are subject to licensure by a different set of standards.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee of the Virginia Department of Social Services, acting as the authorized agent in carrying out the duties specified in the Virginia Code.

"Director" means the Director of the Virginia Department of Social Services, also known as the Commissioner of Social Services.

"Discharge" means a planned, facility-initiated termination of services for a resident which results in a change of address for the resident.

"Distribute [medication]" means to give a container of medicine to a resident for whom it is prescribed so

that he may take his own medicine from the container.

"Emergency" means a situation where the resident's behavior is unmanageable to the degree an immediate danger is presented to the safety of the resident or others [*or a situation or condition which presents a clear and present danger to resident health and safety*].

"Essential activities of daily living" means eating, walking, ascent and descent of stairs, dressing, all aspects of personal hygiene and grooming, administering medication which would normally be self-administered, getting in and out of bed, management of personal affairs, control of visitors, use of telephone, arranging for transportation, reading, writing, etc.

[*"Health care providers"* means *physicians, dentists, pharmacists, home health care agencies, hospitals, nursing homes, clinics, ambulance services, health care supplies, etc.*]

"Homes for adults" means any place, establishment, or institution, public or private, including any day-care center for adults, operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled, except (i) a facility or portion of a facility licensed by the State Board of Health or the State [~~Hospital Board, Department of Mental Health and Mental Retardation,~~] but including any portion of such facility not so licensed, and (ii) the home or residence of any individual who cares for or maintains only persons related to him by blood or marriage [*Included in this definition are any 2 or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of 4 or more aged, infirm or disabled adults*]. ([~~Virginia Code~~] § 63.1-172A [*of the Code of Virginia*])

"Human subject research" means *"any medical or psychological research which utilizes human subjects who may be exposed to the possibility of physical or psychological injury as a consequence of participation as subjects and which departs from the application of those established and accepted methods appropriate to meet the subject's or subjects' needs but does not include (i) the conduct of biological studies exclusively utilizing tissue or fluids after their removal or withdrawal from a human subject in the course of standard medical practice, (ii) epidemiological investigations, or (iii) medical treatment of an experimental nature intended to save or prolong the life of the subject in danger of death, to prevent the subject from becoming disfigured or physically or mentally incapacitated or to improve the quality of the subject's life."* ([~~Virginia Code~~] § 37.1-234 [*of the Code of Virginia*])

"Independent living environment" means one in which the resident or residents perform all essential activities of daily living for themselves without requiring the assistance of any staff member in the home for adults.

Final Regulations

[*"Independent living status" means that the resident is assessed as capable of performing all essential activities of daily living for himself without requiring the assistance of any staff member in the home for adults. (If the policy of a facility dictates that medications are administered or distributed centrally without regard for the residents' capacity this shall not be considered in determining independent status.)*]

"Household members" means any person domiciled in a home for adults other than residents or staff.

"Legal guardian" means an individual who has legal control and management of the person, or the property, or of both the person and the property of the resident. A legal guardian is appointed by a court. A legal guardian of the person is appointed to see that the resident has proper care and supervision in keeping with his[~~her~~] needs. A legal guardian of the property is appointed to manage the financial affairs in the best interest of the resident.

"Licensee" means any person, association, partnership or corporation to whom the license is issued.

"Maintenance and care" means protection, general supervision and oversight of the physical and mental well-being of the aged, infirm or disabled individual ([*Virginia Code*] § 63.1-172B [*of the Code of Virginia*]). This includes assistance with the activities of daily living which the recipient has difficulty performing.

[*"Mechanical restraint"* means any device other than the body used to restrict the free movement of a resident (e.g., supportive vests) and applied in such a way that the resident cannot release himself.]

* *"Nonambulatory"* means the condition of a person who, because of physical or mental impairment, must be led or carried by another person, or is dependent on the use of a device, such as, but not limited to, a walker, wheelchair or leg prosthesis to make an exit from a building in an emergency. The determination of whether a person is nonambulatory shall be based on information contained in the medical report. (See § 5.7.2.b.5) Persons who are nonambulatory may be accepted for care and residents who become nonambulatory may remain in care providing the provisions of § 3.9 of these Standards and Regulations are met.

"Nursing and convalescent care" means care given because of prolonged illness or defect, or during recovery from injury or disease, which includes any and all of the nursing procedures commonly employed in waiting on the sick such as administration of medicines, preparation of special diets, giving of bedside care, application of dressings and bandages, and the carrying out of treatments prescribed by a duly licensed practitioner of medicine. (Health Laws of Virginia, Rules and Regulations, Chapter III, Licensure of Convalescent and Nursing Homes, Part I, Section I,B,1, Virginia Department of Health)

"Payee" means an individual other than the legal guardian who has been designated to receive and administer funds belonging to a resident in a home for adults. A payee is not a legal guardian unless so appointed by the court.

[*"Physical restraint"* means holding a resident's body with one's own body in such a way that the resident is unable to move freely.]

"Post-hospitalized person" means any aged, infirm or disabled adult who is being discharged from a state program for the mentally ill or mentally retarded and for whom direct placement is sought in a home for adults by the state facility, local welfare/social services department, local community mental health and mental retardation services board, family, legal guardian, or any other responsible party.

"Relocation" means a planned, facility or resident-initiated housing reassignment of a resident, either temporary or permanent, within the licensed home for adults.

"Resident" means any aged, infirm, or disabled adult residing in a home for adults for the purpose of receiving maintenance and care.

"Responsibility [person/party]" means any family member or any other individual who has arranged for the care of the resident and assumed this responsibility. The responsible person/party may or may not be related to the resident. A responsible person/party is not a legal guardian unless so appointed by the court.

"Sponsor" means an individual, association, partnership or corporation having responsibility for planning and operating a facility subject to licensure. The licensee is the sponsor of a home for adults. The sponsor may not, in all cases, be the owner of the physical plant (buildings) and/or real estate in or on which the home for adults is located. In these instances the term "sponsor" as defined here and used in these Standards and Regulations is considered to be the person, partnership, association or corporation who owns the enterprise less the physical plant and/or real estate.

"Transfer" means [~~temporary resident or facility-initiated removal of a resident from the home for purposes of medical or other special care treatment. to be released from one caregiving facility to be admitted to another caregiving facility.~~]

"Withdrawal" means a planned resident or resident representative-initiated termination of services which results in a change of address for the resident.

*As used in these Standards and Regulations these are not medical definitions. They are related to the placement of aged, infirm, or disabled adults in appropriate buildings with regard to fire safety and their ability to evacuate

Final Regulations

buildings in an emergency.

A. Article 2. Legal Base.

§ 1.2. [Virginia Code] Chapter 9, Title 63.1, [of the Code of Virginia] sets forth the responsibility of the Department of Social Services for the licensure of homes for adults, including the responsibility of the State Board of Social Services for the development of regulations containing minimum standards and requirements.

It is a misdemeanor to operate a home for adults without a license or to serve more residents than the maximum number stipulated on the license. ([Virginia Code] § 63.1-182 [of the Code of Virginia])

C. The License

1. A license to operate a home is issued to a specific person or organization for an exact location which will be indicated on the license.

2. The home shall be operated and conducted in the name of the sponsor or in such name as shall be designated on the application and as indicated on the license.

3. The license expires automatically and is not transferable when there is a change of sponsorship or location.

4. Only one license will be issued when:

a. There is more than one building under the same sponsorship on one piece of property; or

b. There are buildings under the same sponsorship on adjoining pieces of property and services and/or facilities are shared.

5. Separate licenses are required for facilities maintained on separate pieces of property that do not have a common boundary even though they may be operated under the same management and may share services and/or facilities.

6. The current license shall be posted at all times at a place in the building that is conspicuous to the public.

7. An annual license is one issued to a home for adults when the activities, services and facilities meet substantially the minimum standards and requirements for a license that are set forth in these Standards and Regulations and any additional requirements that may be specified in Title 63.1, Chapter 9, Code of Virginia. The annual license is effective for twelve months unless it is sooner revoked or surrendered.

8. a. When an annual license expires, a provisional license may be issued for no more than six months if

the applicant is temporarily unable to comply with all of the requirements. The provisional license and any renewals thereof shall not exceed six months in duration.

The Director may issue a provisional license and permit renewals thereof for a period no longer than twelve months with the approval of the State Fire Marshal in order to permit the applicant to comply with the fire safety standards established in accordance with Section 27-72 of the Code.

b. At the discretion of the Director, a conditional license may be issued to an applicant to operate a new facility in order to permit the applicant to demonstrate compliance with all requirements. Such conditional license may be renewed, but the issuance of a conditional license and any renewals thereof shall be for no longer a period than six successive months. The Director may issue to any applicant a conditional license and permit renewals thereof for a period no longer than twelve successive months with the approval of the State Fire Marshal when such applicant is purchasing an existing licensed home for adults in order to permit the applicant to comply with fire safety standards as established in accordance with Section 27-72 of the Code.

9. The terms of any license issued include the operating name of the home for adults; the name of the individual; the partnership; the association; or the corporation to whom the license is issued; the physical location; the maximum number of persons to be accepted for care; and the period of time for which the license is effective.

The terms of the license may include other limitations which the Commissioner may prescribe within the context of these Standards and Regulations.

The provisional license cites the standards with which the licensee is not in compliance.

The conditional license cites the standards with which the licensee must demonstrate compliance when operation begins.

D. Pre-application Consultation

Upon request, the Department's representative will provide consultation to any person seeking information about obtaining a license for a home for adults. The purpose of such consultation is:

1. To explain standards and regulations;
2. To help the potential applicant to explore the operational demands of a licensed home for adults;
3. To provide assistance in locating sources of information and technical assistance;

Final Regulations

4. To provide an on-site visit to a proposed facility, upon request;
5. To provide an opportunity to review plans for proposed construction;

6. To make referrals to appropriate agencies, such as Department of Health, State Fire Marshal, local fire department, and local building officials.

E. The Application

1. The application for a license to operate a home for adults shall be obtained from the Virginia Department of Welfare.

2. The application, together with all required information, shall be submitted to the Department at least two (2) months in advance of the planned opening date.

This is required in order that a determination of compliance with the provisions of Chapter 9, Title 62-1, Code of Virginia, and with the Standards and Regulations for Licensed Homes for Adults as set forth herein may be made.

Among other things, such information shall be sufficient to enable the Department's representative to determine, during the subsequent investigation, the financial capability of the applicant, the character and reputation of the applicant, including the officers and agents of any association, partnership or corporation, as mandated by Section 62-1-176, Code of Virginia. (See Section I,F)

F. The Investigation

1. Following receipt of the application, the Department's representative will make an on-site inspection of the proposed facility and an investigation of the proposed services, as well as an investigation of the character, reputation and financial responsibility of the applicant.

2. Applicants and licensees shall at all times afford the Representatives of the Director reasonable opportunity to inspect all of their facilities, books and records, and to interview their agents and employees and any person living in such facilities. (Section 62-1-177a, Code of Virginia)

3. Inspections and Reports of Other Agencies.

a. When applicable at the time of the original application, the applicant shall submit a Certificate of Occupancy for a home for adults, obtained from the local building official.

2. When the original application is received, and at least annually thereafter, the Department will request

from the local health department and inspection and report as to the environmental health conditions of the facility. This will include a request for approval of any water supply or sewage disposal system which may serve the facility.

c. When the original application is received, and at least annually thereafter, the Department will request an inspection and report as to the fire officials and State fire officials, where applicable.

G. Allowable Variance

1. The Department has the sole authority to waive either temporarily or permanently a standard or regulation when in the Department's opinion:

- a. Enforcement will create an undue hardship;
- b. The standard is not specifically required by statute or by the regulations of another government agency; and
- c. Resident care would not be adversely affected.

2. Any request for an allowable variance shall be submitted in writing to the Regional Office from which the home's license to operate is issued.

3. The denial of a request for a variance is not appealable.

H. Notice to the Applicant of Commissioner's Action

Upon completion of the investigation of the application for a license, the applicant will be notified in writing of the Commissioner's decision.

If the license is issued, an accompanying letter will cite any areas of non-compliance with standards. This letter will also include any limitations on the license and may contain recommendations.

If a license is denied, the letter will state the reasons for the denial and will set forth the applicant's right to an administrative hearing.

I. Procedures for Renewal of Annual, Provisional or Conditional License

In order to renew an annual, provisional or conditional license, the licensee must complete the renewal application and return it, together with any required attachments to the Department. In order to assure timely processing, the renewal application should be completed and returned within ten (10) days after it is received from the Department.

The procedure for investigation and issuance or denial of the license as set forth in Sections F and H above will be followed.

Final Regulations

J. Early Compliance (Replacement of a Provisional or Conditional License With an Annual License)

1. A provisional or conditional license may be voided and an annual license issued when all of the following conditions exist:

a. A facility is currently operating under the terms of a provisional or conditional license;

b. The facility complies with all standards and regulations listed on the face of the provisional or conditional license, well in advance of the expiration date of the provisional or conditional license and no additional areas of non-compliance exist;

c. Compliance has been verified by an on-site observation by the Department representative or by written evidence provided by the licensee;

d. All other terms of the license remain the same.

2. A request to void a provisional or conditional license and to issue an annual license must be made in writing by the licensee, to the Regional Office of the Virginia Department of Welfare from which the home's license to operate is issued.

3. If the request is approved by the Department, the effective date of the new annual license will be the same as the beginning date of the provisional or conditional license.

K. Situations Requiring a New Application

A new application must be filed in the following circumstances:

1. Change of sponsorship;

2. Change of location.

L. Modification

1. The conditions of the license may be modified during the effective dates of the license with respect to increasing or decreasing the capacity, changing the name of the facility when there is no change in sponsorship or location, or because of other conditions caused by changes in staff, program, or facilities.

2. The licensee shall report to the Department any contemplated changes in operation which would affect either the terms of the license or the continuing eligibility for a license. (This does not mean the Department has to approve changes in staff or program unless they affect the terms of the license or continuing eligibility.)

3. This report shall be submitted, in writing, by the licensee, to the regional office of the Virginia

Department of Social Services from which the home's license to operate is issued.

4. The Department will then determine whether such changes may be approved and the license modified accordingly or whether a new application must be filed.

5. Request for modification shall not be used in situations which clearly require a new application. (See Section I,K)

M. Visitation

The Department's representative will make announced and unannounced visits during the effective dates of the license in order to determine continued compliance with Standards and Regulations.

N. Complaint Investigation

The Department has the responsibility to investigate any complaints regarding alleged violations of Standards and Regulations for Licensed Homes for Adults and/or provisions of Chapter 9, Title 63-1, Code of Virginia.

O. Revocation

Any license may be revoked for failure to maintain these Standards and Regulations or for violation of the provisions of Chapter 9, Title 63-1, Code of Virginia.

P. Appeals

The applicant/licensee has the right to request an administrative hearing regarding any denial or revocation of a license, in accordance with the provisions of the Administrative Process Act, Title 9, Chapter 1.1.1, Section 9-6.14:11 - 9-6.14:14.

Following the receipt of the final order which transmits the Department's decision after the administrative hearing, the applicant/licensee has the right to appeal to a court of record in accordance with Section 63.1-180, Code of Virginia.

PART II. MANAGEMENT AND PERSONNEL.

A. Article 1. The Licensee.

§ 2.1. 1. The licensee shall be responsible for complying with all Standards and Regulations for Licensed Homes for Adults [and terms of the license issued by the Department].

§ 2.2. 2. The licensee shall meet the following requirements:

1. a. The licensee shall give evidence of financial

responsibility.

2. ~~b.~~ The licensee shall be of good character and reputation.

3. ~~e.~~ The licensee shall be able to protect the physical and mental well-being of residents.

4. ~~d.~~ The licensee shall keep such records and make such reports as required by these Standards and Regulations for Licensed Homes for Adults. Such records and reports may be inspected at any reasonable time in order to determine compliance with these Standards and Regulations.

5. ~~e.~~ The licensee shall meet the qualifications of the administrator if he assumes those duties.

§ 2.3. ~~2.~~ A home for adults sponsored by a religious organization, a corporation or a voluntary association shall be controlled by a governing board of directors that shall fulfill the duties of the licensee.

~~B.~~ Article 2. The Administrator.

§ 2.4. ~~1.~~ Each home shall have an administrator. This does not prohibit the administrator from serving more than one facility.

§ 2.5. ~~2.~~ Qualification of administrator.

A. ~~a.~~ The administrator shall be at least 18 years of age.

B. ~~b.~~ He shall be able to read, to write, and to understand these Standards and Regulations.

C. ~~e.~~ He shall be able to perform the duties and to assume the responsibilities required by these Standards and Regulations.

D. ~~d.~~ Any person who assumes the duties of the administrator after the effective date of these Standards and Regulation January 1, 1980, shall be a high school graduate or shall have a General Education Development Certificate (G.E.D.), or shall have completed one full year of successful experience in caring for adults in a group care facility, such as a home for adults, a nursing home, a hospital or a day-care center for adults.

E. ~~e.~~ He shall meet the requirements stipulated for all staff in § 2.10.

§ 2.6. ~~3.~~ Duties of the administrator.

It shall be the duty of the administrator:

1. ~~a.~~ To oversee the day-to-day operation of the home, which shall include, but not be limited to, responsibility for:

a. ~~(1)~~ Services to residents;

b. ~~(2)~~ Maintenance of buildings and grounds;

c. ~~(3)~~ Record keeping;

d. ~~(4)~~ Employment, training and supervision of personnel.

2. ~~b.~~ To protect the safety and physical, mental and emotional health of residents.

3. ~~e.~~ To be familiar with and to assure compliance with these Standards and Regulations.

[~~4.~~ Hours of Duty]

4. To post the current license at all times at a place in the building that is conspicuous to the public.]

§ 2.7. ~~a.~~ Either the administrator or a designated assistant who meets the qualifications of the administrator shall be awake and on duty on the premises at least 40 hours per week.

§ 2.8. ~~b.~~ In the absence of the administrator or the designated assistant, a responsible adult who is able to read and write shall be delegated the duties of the administrator, so that service to residents shall not be interrupted. This person shall be capable of protecting the physical and mental well-being of the residents. He shall not be a resident.

~~C.~~ Article 3. Personnel.

§ 2.9. ~~1.~~ Staffing.

A. ~~a.~~ There shall be enough staff on duty at all times to assure compliance with these Standards and Regulations. This number shall be determined by:

1. ~~(1)~~ The number of residents;

2. ~~(2)~~ The physical and mental conditions of the residents;

3. ~~(3)~~ The services to be provided;

4. ~~(4)~~ The size and layout of the building(s); and

5. ~~(5)~~ The capabilities and training of the employees.

B. ~~b.~~ There shall be sufficient staff on the premises at all times to implement the emergency fire plan including evacuation of those residents who are nonambulatory if such evacuation is included in the plan. (See § 9.4)

C. ~~e.~~ A responsible adult, other than a resident, shall be in each building at all times that residents are present and shall be responsible for their care and supervision.

Final Regulations

D. ~~d~~. In homes licensed to care for 20 or more residents under one roof, there shall be at least one staff member awake and on duty under that roof during the night hours.

E. ~~e~~. In homes licensed to care for 20 or more residents under one roof, the provisions of *either* 1 or 2, below shall be met.

1. ~~(1)~~ Staff shall make rounds at least once each hour to monitor for emergencies. These rounds shall begin when the majority of the residents have gone to bed each evening and shall terminate when the majority of the residents have arisen each morning.

a. A written log shall be maintained showing the date and time rounds were made and the signature of the person who made rounds.

b. Logs for the past three months shall be retained.

c. These logs shall be subject to inspection by the Department.

OR

2. ~~(2)~~ There shall be a signaling device or intercom or a telephone which may be activated by the resident from his room or from a connecting bathroom which shall terminate at the staff station and which shall permit staff to determine the origin of the signal. (See § 7.4)

F. ~~f~~. If emergency ambulance service is not available within 15 minutes travel time or if there is not a physician, registered nurse, or licensed practical nurse available within 15 minutes travel time, there shall be at least one staff member on the premises at all times who has certification in first aid which has been issued within the past three years by the Red Cross, a community college, a hospital, a volunteer rescue squad, a fire department, or a similarly approved program.

G. ~~g~~. There shall be at least one staff member on the premises at all times who has certification in cardiovascular pulmonary resuscitation (CPR) issued within the current year by the Red Cross, a community college, a hospital, a volunteer rescue squad, a fire department or a similarly approved program. ~~NOTE: Homes for adults having valid licenses on the date these Standards have become effective shall have six months from the effective date to comply with this Standard. The CPR certificate must be renewed annually.~~

§ 2.10. 2- Qualifications of all staff, including the administrator.

All staff members shall be:

1. ~~a~~. Of good character;

2. ~~b~~. Physically and mentally capable of carrying out assigned responsibilities;

3. ~~e~~. Considerate and tolerant of aged and disabled persons;

4. ~~d~~. Clean and well-groomed; and

5. ~~e~~. Able and willing to accept supervision and training.

§ 2.11. ~~3~~- Training and orientation.

A. ~~a~~- All employees shall be made aware of:

1. ~~(1)~~ The purpose of the facility;

2. ~~(2)~~ The services provided;

3. ~~(3)~~ The daily routines; and

4. ~~(4)~~ Required compliance with Standards and Regulations for Licensed Homes for Adults as it relates to their duties and responsibilities.

B. ~~b~~. All personnel shall be trained to have ~~general knowledge in the following: in the relevant laws, standards and regulations, and the home's policies and procedures sufficiently to implement the following:~~

1. ~~(1)~~ Emergency plans for the facility; (See § 9.4)

2. ~~(2)~~ Techniques of complying with fire and disaster plans including evacuating residents when applicable;

3. ~~(3)~~ Use of the first-aid kit, and knowledge of its location;

4. ~~(4)~~ Confidential treatment of personal information;

5. ~~Observance of the rights and responsibilities of residents;~~

C. ~~Training in their specific duties shall be provided for personnel who are assigned jobs in:~~

~~(1) Personal care;~~

~~(2) Food service and nutrition;~~

~~(3) Housekeeping and maintenance; and/or~~

~~(4) Group or individual activities.~~

6. [~~Performance of the~~] ~~Specific duties and requirements of their positions.~~

C. ~~d~~. All personnel who have primary responsibilities for resident care shall be trained to have general knowledge in the care of aged, infirm or disabled adults with due consideration for their individual capabilities and

Final Regulations

their needs.

D. e. The home shall provide training opportunities at least annually for employees with primary responsibility for resident care.

1. (1) These training opportunities shall be provided through in-service training programs or institutes, workshops, classes, or conferences related to the care of aged, infirm or disabled adults.

2. (2) A notation of this training shall be made in the employee's record, as required by § 5.26.10 of these Standards and Regulations.

E. [Training required for homes which accept/have in care persons needing restraint.

1. The licensee or administrator of a facility which cares for a person or persons supportively restrained, or who spend the majority of time in bed and needs assistance in entering/exiting the bed, or who admits to the facility persons with medical history of combative behavior or dangerously agitated states, shall first provide or obtain for direct care staff involved in the care of all such residents, appropriate training on the care of restrained or nonmobile residents.

a. This training shall be provided by an appropriately qualified health professional.

b. The training shall include, at a minimum, information, demonstration and experience in the prevention and recognition of decubiti, in the patterned movement of joints through the full range of motion to prevent stiffening, and the proper techniques for applying and monitoring restraints.

Training required for staff in homes that accept/have in care residents with special needs.

1. Aggressive residents

a. The licensee/administrator of a facility which admits residents with a medical history of aggressive behavior or of dangerously agitated states shall first provide or obtain training in methods of dealing with aggressive residents for direct care staff involved in the care of such residents.]

(NOTE: Homes for adults having valid licenses on the date these standards become effective and having such residents in care shall have one year from the effective date for direct care staff to comply with this standard.)

[b. This training shall include, at a minimum, information, demonstration, and practical experience in the prevention of aggressive behavior, self-protection, and the proper application of restraints.

2. Bedfast residents/supportively restrained residents

a. The licensee/administrator of a facility which has bedfast residents in care or who admits or has in care residents who are supportively restrained shall first provide or obtain for direct care staff involved in the care of such residents appropriate training in caring for their health needs.

(NOTE: Licenses medical personnel, e.g., R.N.'s, L.P.N.'s, are not required to take this training as their academic background deals with this level or care.

b. This training shall include, at a minimum, information, demonstration and experience in the prevention and recognition of decubiti, in active and active assisted range of motion to prevent joint contractures, and the proper techniques for applying and monitoring supportive restraints.

(NOTE: Homes for adults having valid licenses on the date these standards become effective and having such residents in care shall have one year from the effective date for direct care staff to comply with this standard.)

3. The training described in § 2.11.E.1 and 2 shall meet the following criteria:

a. It shall be provided by a qualified health professional.]

[e. b.] A written description of the content of this training, a notation of the person(s)/agency/organization or institution providing the training, and the name(s) of staff receiving the training shall be maintained by the facility.

[(NOTE: If the training is provided by the Department, only a listing of staff trained and the date of training is required.

4. Should a resident become aggressive or need supportive restraints or become bedfast while in the facility the training described in § 2.11.E.1 and/or 2 shall be obtained within 30 days.]

[2- 5.] Refresher training and/or the review of written materials/techniques with all direct care staff shall be provided at least annually or more often as needed.

a. The refresher training and/or review of written materials/techniques shall encompass the techniques described in § 2.11.E.1 [and/or § 2.11.E.2.] above.

b. A record of the refresher training and/or review of written materials [and a description of the content of the training] shall be maintained by the facility.

§ 2.12. 4. Any resident who performs any staff duties shall meet the personnel and health requirements for that

Final Regulations

position.

§ 2.13. ~~5.~~ Relief staff.

A. ~~a.~~ A current file of names, addresses and telephone numbers of persons available for duty in the absence of regular personnel shall be maintained;

OR

B. ~~b.~~ There shall be evidence of access to a nurse's aide register.

§ 2.14. ~~6.~~ Volunteers.

A. ~~e.~~ Any volunteers used shall:

1. ~~(1)~~ Have qualifications appropriate to the services they render;
2. ~~(2)~~ Be subject to laws and regulations governing confidential treatment of personal information.

B. ~~b.~~ Duties and responsibilities of all volunteers shall be clearly differentiated from those of persons regularly filling staff positions.

C. At least one staff member shall be assigned responsibility for overall selection, supervision and orientation of volunteers.

III. PART III. ADMISSION AND DISCHARGE POLICIES.

~~A.~~ Article 1. Admission Policies.

§ 3.1. ~~1.~~ All residents shall be 18 years of age or older.

§ 3.2. ~~2.~~ No person shall be admitted until identifying information has been obtained as set forth in these Standards. (See § 5.6)

§ 3.3. ~~3.~~ No person shall be admitted unless he has had a physical examination by a licensed physician within 30 days prior to the date of acceptance for admission. The report of such examination shall be on file at the home for adults and shall contain the information required by these Standards. (See § 5.7)

§ 3.4. ~~4.~~ No person who is known to have tuberculosis in a communicable form shall be admitted.

§ 3.5. ~~5.~~ No person who is in need of nursing or convalescent care shall be admitted.

§ 3.6. ~~6.~~ No person whose physician has stated in writing that he is incapable of self-administration of medicine shall be admitted or remain in care unless:

1. The physician has signed a statement authorizing an

agent at the home to administer medicine; or

2. There is a licensed doctor, registered nurse, licensed practical nurse or physician's assistant available to the home to administer medicine.

§ 3.7. ~~7.~~ No person who is bedfast shall be admitted for care.

§ 3.8. ~~8.~~ No resident who becomes bedfast shall remain in the home unless all of the following requirements are met:

1. ~~a.~~ The physician signs a written statement that:

a. ~~(1)~~ Nursing and convalescent care are not needed, including the basis for this decision in terms of diagnosis and prognosis; (NOTE: A nursing or convalescent home license is required if a facility provides nursing and/or convalescent care to two or more nonrelated persons.) ([~~Virginia Code~~] § 32-298(2) [~~of the Code of Virginia~~])

b. ~~(2)~~ The needs of the resident can be met in the home for adults; and

[~~e. (3) continuing emergency restraint as described in § 4.33B, is not necessary.~~]

2. ~~b.~~ Complete medical records are kept, including physicians' progress reports obtained at intervals of not more than 90 days (See § 5.14). The reports shall contain the same information required in the written statement described in § 3.8.1.

3. ~~e.~~ The physician's progress report shall be based on the resident having been seen and examined by a licensed physician, physician's assistant or nurse practitioner at intervals of not more than 90 days. If the examination is performed by a physician's assistant or nurse practitioner the results shall be reviewed by a licensed physician who shall evaluate and sign the required statement.

4. ~~d.~~ There shall be qualified staff on duty 24 hours a day to meet the needs of the bedfast resident.

5. ~~e.~~ The facility meets the applicable provisions of § 9.6 of these Standards and Regulations relating to the housing of nonambulatory residents.

§ 3.9. ~~9.~~ Admission and retention of nonambulatory residents (See Appendix A).

A. ~~a.~~ Nonambulatory persons, as defined by these Standards, may be admitted to a home for adults when all of the provisions of the following sections of these Standards and Regulations are met:

1. § 3.10, which addresses meeting the needs of the resident;

Final Regulations

2. § 5.7.2.a. [; and b;] which [~~addresses~~ address] information required in the admissions physical examination;

3. § 6.18, which addresses building requirements to accommodate nonambulatory residents; and

4. § 9.6, which addresses housing of nonambulatory residents.

B. ~~b~~. Residents who become nonambulatory, as defined by these Standards, may remain in care if the provisions of § 3.9.A, 1, 3, and 4 above, are met, as well as the additional provisions of § 5.7.3 and § 5.11 of these Standards and Regulations. These additional sections address medical information which is required (See § 5.7.3) or may be required (See § 5.11) on a recurring basis.

§ 3.10. ~~10~~. Only those persons whose needs can be met in a home for adults may be admitted for care.

§ 3.11. ~~11~~. At the time of admission, there shall be a written agreement signed by the resident/applicant for admission and/or the legal guardian, or personal representative and by the licensee or administrator. This agreement shall meet the requirements specified in § 5.17 of these Standards and Regulations.

§ 3.12. ~~12~~. Admission of post-hospitalized persons.

The following Standards shall apply when a home for adults accepts persons from a state program for the mentally ill or mentally retarded [~~on or after the effective date of these Standards and Regulations~~]. (These Standards do not apply to persons who were accepted for care in homes for adults prior to January 1, 1980.)

A. ~~a~~. The home shall enter into a written agreement with the local community mental health and mental retardation services board, a state mental health clinic in those areas not served by such a board, or similar facility or agency within the private sector to make services available to post-hospitalized residents. This agreement shall be a one time agreement which shall cover all post-hospitalized residents who may need and/or desire such services. (NOTE: The direct clinical services of the local community mental health and mental retardation services board and/or the state mental health clinics are to be provided at no cost to the home for adults. Residents may be charged on a sliding scale based on their ability to pay.)

B. Services to be included in the agreement shall include at least the following:

1. Diagnostic, evaluation and referral services in order to identify and meet the needs of the resident;

2. Outpatient mental health and mental retardation services, including but not limited to recommended

aftercare/follow-along services;

3. Services and support to meet emergency mental health needs of a resident.

D. ~~b~~. A copy of this agreement shall remain on file in the home and shall be available for inspection by the Department.

D. ~~e~~. Prior to accepting a post-hospitalized person, the home shall obtain a summary of the aftercare/follow-along service recommendations which pertain to the post-hospitalized person. (NOTE: This information will be provided by the state facility from which the person is being discharged as part of the admissions physical examination required by § 5.7.1. of these Standards and Regulations. The state facility will complete this physical examination and will report the results on a form provided by the Department.)

E. ~~d~~. A copy of this summary of the aftercare/follow-along service recommendations shall be filed in the resident's record, as part of the admissions physical examination report, if he is accepted for care.

F. ~~e~~. The home shall request and obtain written progress reports on any post-hospitalized resident receiving services from the local community mental health and mental retardation services board, state mental health clinic or a treatment facility or agency in the private sector, providing release of this information is approved by the resident.

1. These progress reports shall be obtained at least every six months until it is stated in a report that aftercare/follow-along services are no longer needed.

2. This report shall contain at minimum:

a. A statement that continued aftercare/follow-along services are/are not needed;

b. Recommendation, if any, for continued after-care/follow-along services;

c. A statement that the resident's needs can continue to be met in a home for adults;

d. A statement of any recommended services to be provided by the home for adults.

3. Copies of these progress reports shall be filed in the resident's record and shall be available for inspection by the Department.

G. ~~f~~. Post-hospitalized persons shall not be accepted for care or remain in care when the home for adults is unable or unwilling to assist the resident in obtaining the services recommended in order to meet the resident's needs. (NOTE: The resident has the option to refuse recommended aftercare/follow-along services.)

Final Regulations

B. Article 2. Discharge Policies.

B. 1. The licensee and/or administrator shall notify the resident's family; legal guardian; any social agency or any other responsible party that may be involved in making plans for the resident; when changed conditions make it necessary for other long-term living arrangements to be made. Whenever possible this contact shall be made two weeks prior to the actual discharge of the resident.

§ 3.13. Under nonemergency conditions, the licensee or administrator shall notify the resident and/or his representative of the planned relocation, transfer, or discharge at least 14 calendar days prior to the actual transfer discharge date.

In the event an emergency discharge is unavoidable, the responsible party shall be notified immediately but in no case more than 24 hours following discharge. A record of the notification of emergency discharge shall be made in the resident's record as stipulated in Section V,B,2.0, of these Standards and Regulations.

§ 3.14. [Under emergency conditions, the licensee, administrator, or staff designee shall notify the resident and/or his representative immediately but in no case more than 24 hours, of the reason(s) for the relocation, transfer or discharge and the destination of the resident. The written statement called for in § 3.16, shall be provided no later than 14 calendar days following the date of emergency relocation, transfer or discharge.

Under emergency conditions, the licensee, administrator, or staff designee shall transfer or discharge the resident as appropriate for health and safety reasons.

A. The resident and/or his representative shall be informed as rapidly as possible, but within 24 hours of the move, of the reasons therefor.

(See § 4.31 for requirements regarding notification of concerned parties in case of illness and injury.)

B. The written statement required by § 3.16 shall be provided within 14 calendar days of the date of emergency transfer or discharge.]

B. 1. This requirement shall apply to all situations where the resident is discharged or transferred to another facility, including the following:

§ 3.15. The licensee or administrator shall transfer or discharge a resident from the facility when:

a. The resident's needs cannot continue to be met in the home for adults because:

1. The needs of the resident cannot continue to be met for any one or more of the following reasons:

a. (1) the resident needs nursing or convalescent care;

or

(2) Qualified staff is not available to administer medication; or

b. Sufficient qualified staff are not available to provide necessary services, such as, meet dietary needs, administer medication or provide necessary care and supervision;

or

c. (3) Approved space is not available for nonambulatory residents;

or

d. (4) The resident is physically or verbally abusive to other residents;

or

e. (5) The resident is [habitually] disruptive and/or creates unsafe conditions;

or

2. (6) The resident requests that other living arrangements be made.

§ 3.16. When a resident is [relocated;] transferred or discharged, the licensee and/or administrator shall provide to the resident or his representative a dated signed [written] statement which contains the following information:

1. The date on which the resident and/or his representative was notified of the planned [relocation;] transfer or discharge and the name of the representative who was notified.

2. [A written description of] The reason(s) for the [relocation;] transfer or discharge.

3. [A written description of] The actions taken by facility staff to assist the resident in making an orderly [relocation;] transfer or discharge.

[4. The date on which the written statement was provided to the resident or his representative.

[5- 4.] The date of the [relocation;] transfer or discharge from the facility and the resident's destination.

[(NOTE: Any transfer lasting less than 10 calendar days shall be considered temporary and § 3.16 shall not apply. Other documentation and notification requirements (See § 4.31), shall be observed.]

Final Regulations

[~~§ 3-17.~~ When a resident is discharged, responsibility for transporting the resident and moving his possessions shall rest with the resident and/or his representative.

(NOTE: Primary responsibility for transporting the resident and his possessions rests with the resident and/or his representative.]

[~~§ 3-18.~~ § 3.17] A copy of the written statement required by § 3.16 shall be retained in the resident's record.

[~~§ 3-19.~~ § 3.18] The facility shall adopt a written policy regarding the number of calendar days notice is required when a resident [or his representative] wishes to withdraw from the facility [and notice of this policy shall be incorporated into the residents agreement] .

[A. The policy shall require no more than 30 calendar days notice.

B. Notice of this policy shall be incorporated into the resident's agreement.]

[~~§ 3-20.~~ § 3.19.] 2. The resident [insofar as he is able, and/or his representative] shall participate in plans for relocation, transfer, discharge or withdrawal [insofar as he is able] .

3. Primary responsibility for transfer shall rest with the resident; legal guardian; family; social agency or other responsible party.

[~~§ 3-21.~~ The resident's representative, including the resident's family, legal guardian, representative of a social agency, or any other responsible party, may also be involved in making plans for the resident's relocation, transfer, discharge, or withdrawal. Representative name and involvement in the move shall be documented in the resident's record.]

4. The administrator shall extend cooperation to the responsible party in preparing the resident for adjustment when discharged or transfer from the home for adults is necessary. Such preparation shall include informing the resident where he/she is going and why the move is necessary.

[~~§ 3-22.~~ § 3.20.] The licensee or administrator shall provide assistance to the resident and/or his representative in [planning and in] preparing the resident for relocation, transfer, discharge, or withdrawal. Such preparation shall include discussing with the resident and/or his representative why the relocation, transfer or discharge is necessary and where the resident is being moved.

[~~§ 3-23.~~ § 3.21.] 5. When the resident is being transferred or discharged to another facility, the procedures regarding records as set forth in these Standards shall be followed. (See § 5.5 B [and § 5.8])

PART IV. SERVICES.

Article 1. Resident Rights.

§ 4.1. Any resident of a home for adults is entitled to the rights and has the responsibilities as provided for in [Virginia Code] § 63.1-182.1 [of the Code of Virginia (Rights and Responsibilities of Residents in Homes for Adults) , and as provided for in these Standards and Regulations.

§ 4.2. The licensee, [operator] and/or administrator shall establish [and implement] written policies and procedures [which describe the practices] to be followed by the home in implementing the requirements of [Virginia Code] § 63.1-182.1 [of the Code of Virginia] .

[A.] These policies and procedures shall be available and accessible to residents, relatives, agencies and the general public.

[B. The policies and procedures shall contain the following information:

1. The name, address and telephone number of the licensing supervisor in the regional office of the Virginia Department of Social Services whose office has issued the facility's license;

and

2. The toll-free number of the Virginia Long-Term Care Ombudsman Program and any sub-state (local) ombudsman program serving the area.

3. The names, addresses, and telephone numbers in § 4.2.B.1 and 2, above, shall be posted in a conspicuous place available to residents and the general public.

§ 4.3. The resident is assumed to be able to fully understand and exercise the rights and responsibilities as provided for in [Virginia Code] § 63.1-182.1 [of the Code of Virginia] , and these Standards and Regulations unless a physician determines otherwise.

§ 4.4. If a physician determines that a resident is unable to understand and exercise his rights and responsibilities, his reasons for making such a determination shall be documented in the record.

A. The [home licensee/administrator] shall then [select require that] a responsible person, [(See Definition § 1.1)] of the resident's choice when possible, [and inform him be made aware] of the rights and responsibilities of the resident and involve him in the decisions which affect the resident in matters relating to the provisions of [Virginia Code] § 63.1-182.1 [of the Code of Virginia] .

B. The name of this individual shall be documented in

Final Regulations

the resident's record.

§ 4.5. The resident shall be encouraged and informed of appropriate means as necessary to exercise his rights as a resident and a citizen throughout the period of his stay at the home.

§ 4.6. The resident has the right to voice and/or file grievances with the home and to make recommendations for changes in the policies and services of the home. The resident shall be protected by the licensee and/or administrator from any form of coercion, discrimination, threats, or reprisal for having voiced or filed such grievances.

§ 4.7. The licensee and/or administrator shall establish [a policy regarding and implement] the procedure(s) the home will follow when a resident files a grievance with the home. The resident shall be notified of this procedure(s) and shall provide [dated] written acknowledgement of having been so notified.

§ 4.8. The licensee and/or administrator may not establish any rules or policies related to resident conduct and behavior which would abridge the rights of residents. [However, such rules or policies may allow for reasonable restrictions which are related to resident safety and well-being, unless such restrictions are clearly in the interest of resident safety and well-being and are reasonable in nature.]

§ 4.9. Each home shall make available in an easily accessible place a copy of the rights and responsibilities of residents of homes for adults, as provided for in [Virginia Code] § 63.1-182.1 [of the Code of Virginia] .

[A. The copy of the Resident Rights and Responsibilities shall contain the following:

1. The name, title, address and telephone number of the licensing supervisor in the regional office of the Virginia Department of Social Services whose office has issued the facility's license,

and

2. The toll-free number of the Virginia Long-Term Care Ombudsman Program and any substate (local) ombudsman program serving the area.

3. The names, titles, addresses and telephone numbers in § 4.9.A.1 and 2, above, shall be posted in a conspicuous place available to residents and the general public.

B.] The home shall utilize one of the following methods in making this copy available to the resident:

1. Post in a conspicuous place in the home a copy of [Virginia Code] § 63.1-182.1 [of the Code of Virginia] , "Rights and Responsibilities of Residents of Homes

for Adults";

or

2. Provide to each resident and/or his representative a personal copy of [Virginia Code] § 63.1-182.1 [of the Code of Virginia] , and post a written notice in a conspicuous place in the home advising how an additional copy may be obtained.

§ 4.10. Residents have the right to refuse to participate in human subject [research or] experimentation or to participate in any research in which their identity can be [ascertained , determined (See Definition, § 1.1)]

[§ 4.11. Residents shall be informed of any planned experimentation or research involving themselves or information contained in their records.

[§ 4.12. § 4.11.] The licensee and/or administrator may release [statistical] information [about the residents of the home] without the resident's permission only when [such names have been deleted and the] information has been [grouped or aggregated organized] so that [the] individual [identity of the resident identifies] cannot be [ascertained determined] .

[§ 4.13. § 4.12.] The licensee and/or administrator shall allow residents to be observed [and/or information from their records to be obtained by a person(s) conducting experimentation/research] only when the resident and/or his legal guardian have [given written permission for been notified of] such observation [or access to resident's records and its purpose and have given consent] .

[§ 4.14. The licensee and/or administrator shall carefully evaluate any proposed human subject experimentation and/or research to determine any potential harmful effects on residents.

[§ 4.15. § 4.13. The licensee and/or administrator shall verify that] any human subject experimentation or research involving residents [shall be is] conducted in accordance with applicable state and federal laws and [comply complies] with recognized professional human subject experimentation standards.

[(NOTE: The licensee/administrator has the option of denying research groups access to the facility.]

A- Article 2.
Personal Care and Supervision.

[§ 4.16. § 4.14.] † The resident shall be assisted in maintaining to maintain his highest level of independence by being consistently encouraged to function at his highest mental, emotional, physical and social potential.

[§ 4.17. § 4.15.] Utilizing the resident's health and personal information [contained outlined] in §§ 5.6 and 5.7, the licensee and/or administrator shall [develop

Final Regulations

individual service plans for each resident assess the service needs of prospective residents for the purpose of determining whether the home can meet these needs] .

[NOTE: Model checklist assessments detailing basic service needs will be supplied by the Department upon request.]

[A. The plans shall contain a written description of the resident's identified service needs.

B. At minimum, the following aspects of resident services shall be addressed:

1. Personal care and any assistance needs;
2. Special dietary/nutritional needs; and
3. Health and social needs.

§ 4.16. The completed assessment will be filed in the resident's record upon admission.

C. For each identified resident service need, there shall be a notation in regard to the actions/steps to be taken by the home, either directly or through the use of other resources, to meet the identified need.

D. If the components of this plan are not filed in the resident's record, a systematic plan shall be established for their location.

E. For purposes of deciding whether to admit a resident, a home shall secure and evaluate the information required by subsections A and B of this Standard before admission. Subsection C of the Standard shall be completed within 45 days after the admission of a resident.

(NOTE: Homes for adults having valid licenses on the effective date of these Standards shall have one year from the effective date to comply with § 4.17 for residents already in care.)

§ 4.17. The licensee/administrator or designee shall develop individual service plans to meet the resident's service needs as identified.

(NOTE: Service plans are not required for those residents who are assessed as capable of maintaining themselves in an independent living status.

A. The plans shall be completed within 45 days after admission and shall include the following:

1. Description of identified need,
2. Notation of actions to be taken to meet identified need and person(s) responsible.

B. The master service plan shall be filed in the resident's record; extracts from the plan may be filed in

locations specifically identified for their retention; e.g. dietary plan in kitchen.

§ 4.18. Assessments and service plans shall be reevaluated continuously as the condition of the resident changes. Formal reassessment and/or plan review shall be documented in the resident's record at least annually.

(NOTE: Homes for Adults having valid licenses on the effective date of these standards shall have one year from the effective date to comply with §§ 4.15-4.20 for residents already in care.

§ 4.18. § 4.19.] A.2. The resident shall be encouraged to participate in plans for his care.

[§ 4.19. § 4.20.] 3. The resident shall be treated with dignity and a respectful attitude. Facility staff shall at all times speak to and treat the resident with courtesy, respect and consideration and as a person of worth, sensitivity and dignity.

[§ 4.20. § 4.21.] 4. The privacy of residents shall be fully respected. The resident shall be accorded respect for ordinary privacy in every aspect of daily living, including but not limited to the following:

1. In the resident's room/bedroom or portion thereof, the resident is permitted to have guest(s) from outside the home or other residents.

2. Each resident shall be permitted to close the door of his room at any time, including during visits with other persons.

3. Employees of the home may not enter a resident's room/bedroom without making their presence known by such means as knocking on the door and/or otherwise announcing their presence and requesting permission to enter the room, except in an emergency situation and in accordance with safety and oversight requirements as found in the Licensing Standards for Homes for Adults.

4. In a room/bedroom which is occupied by two or more residents, the licensee and/or administrator shall take care to ensure that visiting in such rooms does not unduly interfere with the privacy rights of other occupants of the room.

[§ 4.21. § 4.22.] 5. The resident shall be allowed privacy for social or business interviews, as well as for visits with persons of his own choice [and including those with representatives of private or and public agencies.]

[§ 4.22. § 4.23] 6. If it is their choice, residents who are married to each other shall be allowed to share a room, space permitting. When space does not permit those residents to share a room, this fact shall be included in the written agreements required by § 5.16 of these Standards and Regulations.

Final Regulations

7. The resident shall not be abused, exploited, punished, coerced, or threatened in any way by the licensee, any employee or any other person who may be in the home.

[§ 4.23. § 4.24.] Protection from abuse, neglect and exploitation.

A. The resident shall be protected from any form of mental, emotional, physical, sexual and economic abuse or exploitation.

B. ~~11.~~ At no time shall a The resident shall not be confined in a room with a door secured in such a manner that he cannot open it.

C. The resident shall be protected from any acts of a threatening, degrading and/or demeaning nature.

D. The known needs of the resident shall not be neglected or ignored by the personnel of the home.

[§ 4.24. § 4.25.] 8. Special supervision and assistance shall be given to those residents who are unable to keep themselves neat and clean. Assistance with personal hygiene shall include care of the body, mouth, teeth/dentures, fingernails, toenails, hair, beard and moustache. Provision shall be made for baths to be taken at least weekly and more often, if needed or desired.

[§ 4.25. § 4.26.] 9. Residents shall be assisted with the tasks of daily living which they have difficulty performing and shall be accorded ordinary privacy when given assistance in caring for their intimate personal needs.

[§ 4.26. § 4.27.] 10. Resident's clothing shall be kept clean and in good repair.

12. The resident shall have reasonable access to a telephone on the premises.

B. Article 3. Health Care.

[§ 4.27. § 4.28.] 1. The following standards apply when the resident is in need of specialized professional health care services (such as mental health counseling, or care of teeth, feet, eyes, ears, etc.).

A. a. The resident shall be assisted in making appropriate arrangements for the needed care. When mental health care is needed and/or desired by the resident, this assistance shall include securing the services of the local community mental health and mental retardation services board, state mental health clinic or similar facility or agent in the private sector.

B. b. When the resident is unable to participate in making appropriate arrangements, the resident's family, legal guardian, the cooperating social agency or personal physician shall be notified of the need.

[§ 4.28. § 4.29.] 2. No medication or diet which has been prescribed by a physician shall be started, changed or discontinued by the facility without an order by the physician. The resident's record shall contain such written order or a notation of the physician's verbal order.

[§ 4.29. § 4.30.] 3. When the resident suffers serious accident, or illness, or medical condition, medical attention shall be secured immediately.

[§ 4.30. § 4.31.] 4. The next of kin, or other designated person, and any responsible social agency shall be notified within 24 hours of any serious illness, or accident, or medical condition. A notation shall be made in the resident's record of such notice. In addition, this notation must contain a description of the efforts made by the home to involve the resident in making plans for a medical evaluation and treatment.

[§ 4.31. § 4.32.] 5. If a resident becomes disturbed and unmanageable, the attending physician, next of kin, and/or the responsible party shall be notified promptly.

[§ 4.32. § 4.33.] 6. Physical or mechanical restraints restraint.

The resident shall be free of any physical or mechanical restraint except in an emergency situation as defined in these Standards and Regulations or as medically necessary and authorized for the purpose of providing support to a physically weakened resident.

a. Physical restraints of any type used in non-emergency situations, such as for physical support, shall be used only on the written order of a physician. When such restraints are used, the following Standards must be met:

[(NOTE: Physical or mechanical restraints shall not be used as a method of behavior management except in an emergency. (See Definition § 1.1)]

A. Physical support restraint.

When any type of [physical or] mechanical restraint is used for support of a physically weakened resident, a physician's written order is required and the following Standards must apply:

1. (1) A copy of the physician's written order shall be placed in the resident's records;

2. (2) Additional supervision shall be provided to meet the physical and emotional needs of the resident who is restrained;

3. Each resident restrained for the purpose of providing physical support shall be provided the opportunity for [physical motion care] and exercise whenever necessary and at least once every two hour period the restraint is used. Facility staff shall assist

Final Regulations

any resident who needs assistance with exercising limbs and changing positions [and monitor blood circulation] . The [motion care] and exercise period shall last for a period of not less than [10 three] minutes and shall be [documented noted] in the resident's record;

4. (3) Complete medical records shall be kept to include physician's progress reports obtained at intervals of not more than 90 days; (See § 5.14)

5. (4) The physician's progress reports shall be based on the resident being seen and examined by a licensed physician, physician's assistant or nurse practitioner at intervals of not more than 90 days.

a. These reports shall provide the information required by § 5.14 of these Standards and Regulations.

b. If the examination is performed by a physician's assistant or nurse practitioner, the results shall be reviewed by a licensed physician who shall evaluate and sign the required statement.

b. Physical restraints of the type used to control a person who becomes disturbed and unmanageable, such as, but not limited to, jacket restraints, limb restraints, mittens, body restraints, etc., shall be used only in an emergency. An emergency is defined as disturbed or unmanageable behavior to the extent that there is immediate danger to the resident or others.

B. Emergency restraint.

The following standards apply each time any type of physical or mechanical restraint is used to control a resident's behavior in an emergency situation [(See Definitions of "Emergency" § 1.1)] .

When such forms of restraint are used, the following Standards must be met.

1. (1) The physician shall be notified immediately.

2. (2) If the physician orders, as part of a treatment program, continued use of restraints for a temporary period, oral orders shall be confirmed in writing.

3. (3) A copy of the written order shall be placed in the resident's record.

4. The resident who is [restrained in emergency restraint] shall be within sight and sound of staff at all times.

5. (4) Additional supervision shall be provided to meet the physical and emotional needs of the resident who is restrained to include monitoring the resident during the time as needed but at least every 30 minutes resident is restrained. to determine the condition of the resident, the proper application of the restraint,

and whether there is continuing need for the restraint.

6. The resident who is restrained shall be provided the opportunity for physical motion and exercise every two hours that the restraint is used.

a. Facility staff shall assist any resident who needs assistance with exercising limbs and changing position.

b. The motion and exercise period shall last for a period of not less than 10 minutes.

[7- 6.] (5) The legal guardian, next of kin and/or any responsible social agency shall be notified immediately of the use of such restraints and the response to treatment.

[8- 7.] Documentation of requirements regarding use of [emergency] restraints.

a. (6) A notation shall be made in the resident's record showing the date(s) and the reason restraints were used, [the time restraints were initially applied] who was notified and when and how the notice was given.

b. A notation shall be made in the resident's record of the time and date of each monitoring check (§ 4.32.B.5) [and of each motion and exercise period (§ 4.32.B.6).]

8. If a resident does not respond within two hours to the treatment prescribed by the attending physician and continues to need emergency restraint the resident shall be transferred to a medical facility or monitored in the facility by a mental health crisis team until his condition has stabilized to the point that the attending physician documents that restraints are not necessary.]

9. (7) If the resident does not respond promptly to the treatment prescribed by the attending physician, and emergency restraint is prescribed for more than two hours a day, for seven days in a row, the resident shall be removed from the home.

[§ 4.33- § 4.34.] An employee who has received the training required in § 2.11.E shall be on duty in the facility whenever a resident is physically or mechanically restrained.

[(NOTE: Homes for Adults having valid licenses on the effective date of these standards shall have one year from the effective date to comply with § 4.34 for residents already in care.]

[§ 4.34- § 4.35.] 7. Full bedside rails, for any resident, shall be used only on the written order of the attending physician.

[§ 4.35- § 4.36. The resident has the right to refuse any

medical condition arise while the resident is in the home, the resident has the right to refuse recommended medical treatment] . The [home licensee/administrator] must then evaluate and document whether [it he] can continue to meet the needs of the resident [when recommended treatment is refused] .

[(NOTE: This Standard shall not be construed to permit the resident to refuse life saving measures in a life threatening situation.)

[§ 4.36; § 4.37.] The resident has the right to select health care providers who are reasonably available in the community and whose services can be purchased by the resident. [Health care providers include, but are not limited to physicians, dentists, pharmacists, home health agencies, hospitals, nursing homes, clinics, ambulance services, and health care suppliers.

§ 4.37. At the time of admission to the home, the resident and/or representative shall be provided with information regarding available health care providers who are located in the community, if such information is needed or requested.]

§ 4.38. Residents shall be afforded ordinary privacy when they receive medical examination or health related consultation at the home.

8: Article 4.
Medication.

§ 4.39. a: No prescription drugs shall be kept in the facility unless they have been legally dispensed and labeled by a licensed pharmacist or unless they are stocked in bulk in a licensed pharmacy located on the premises.

§ 4.40. b: A medicine cabinet, container or compartment shall be provided for medications prescribed for residents.

A. (1) It shall be locked.

B. (2) When in use, it shall be illuminated by 100 footcandles of light as measured by a light meter in order to read container labels, but shall remain darkened when closed.

C. (3) It shall not be located in the kitchen, but in an area free of dampness or abnormal temperatures.

§ 4.41. C: A resident may be permitted to keep his own medication in a secure place in his room, if the physician's report has indicated that the resident is capable of self-administering medication. This does not prohibit the facility from storing and distributing or administering all medication provided the provisions of §§ 4.42 and 4.43 are met.

§ 4.42. d: Distribution of medication.

(1) For purpose of these Standards, distribute means to give a container of medicine to a resident for whom it is prescribed so that he/she may take his/her own medicine from the container.

(2) Drugs from a locked medicine cabinet shall be distributed to the residents for whom they are prescribed by a responsible person who is capable of reading the prescription labels. It is not necessary for a physician to designate who may distribute medication.

§ 4.43. e: Administration of medication.

(1) For the purpose of these Standards, administer means to open a container of medicine, to remove the prescribed dosage and to give it to the resident for whom it is prescribed.

A. Drugs shall be administered to those residents whose physicians have stated in writing that they are incapable of self-administration of medications, provided the applicable portions of subsections B., C., and D., below are met.

B. Only those persons authorized by state law to administer drugs shall be permitted to do so. This may include licensed doctors, registered nurses, licensed practical nurses, physician's assistants, or other individuals who have met the state requirements to perform these functions.

C. An agent authorized in writing by the physician may administer drugs in accordance with such physician's instructions pertaining to dosage, frequency and manner of administration when the drugs administered would be normally self-administered by a resident, as provided by [Virginia Code] § 54-524.65 [of the Code of Virginia].

D. If a staff member is the authorized agent of a physician, such written authorizations shall be retained by the licensee.

9: Article 5.
Food Service.

§ 4.44. Catering or contract food service.

A. a: Catering service or contract food service, if used, shall be approved by the state and/or local health department.

B. b: Persons who are employed by a food service contractor or catering service and who are working on the premises of the home for adults shall meet the health requirements for the home for adults' employees as specified in these Standards and Regulations and the specific health requirements for food handlers in that locality.

Final Regulations

C. e. Catered food or food prepared and provided on the premises by a contractor shall meet the dietary requirements set forth in these Standards.

§ 4.45. ~~2~~. Observance of religious dietary practices.

A. a. The residents' religious dietary practices shall be respected.

B. b. Religious dietary laws (or practices) or the administrator or licensee shall not be imposed upon residents unless mutually agreed upon in the admission agreement between administrator or licensee and resident.

§ 4.46. ~~3~~. Time interval between meals.

A. a. Time between the evening meal and breakfast the following morning shall not exceed 15 hours.

B. b. There shall be at least four hours between breakfast and lunch and at least four hours between lunch and supper.

§ 4.47. ~~4~~. A minimum of three meals shall be provided each day.

§ 4.48. ~~5~~. Bedtime snacks shall be made available and shall be listed on the daily menu. Vending machines shall not be used as the only source for bedtime snacks.

§ 4.49. ~~6~~. Menus for meals and snacks.

A. a. Food preferences of residents shall be considered when menus are planned.

B. b. Menus for meals and snacks shall be planned for at least two weeks in advance. At all times the menu for the following week shall be available.

C. e. Menus for the current week shall be dated and posted.

D. d. Any menu substitutions or additions shall be recorded.

E. e. A record shall be kept of the menus served for three months. They shall be subject to inspection by the Department.

F. f. Minimum daily menu:

1. (~~1~~) Unless otherwise ordered in writing by the attending physician, the daily menu, including snacks, for each resident shall provide, at least, the following:

Five-six ozs. of protein food (meat, poultry, fish, eggs, cheese, dry beans, etc.);

Two cups of milk or milk substitute (such as cheese, buttermilk, pudding, yogurt, etc.);

Four servings (1/2 to 3/4 cup each) of fruits or vegetables; (one serving each day shall be a vitamin C source and a dark green or yellow vegetable shall be served at least three times each week).

Four or more servings of whole grain or enriched breads (one slice per serving), and/or cereals (1/2 to 3/4 cups per serving).

2. (~~2~~) Other foods may be added.

3. (~~3~~) Extra servings shall be provided, if requested.

4. (~~4~~) At least one meal each day shall include a hot main dish.

§ 4.50. ~~7~~. When a diet is prescribed for a resident by the attending physician, it shall be prepared and served according to the physician's orders.

§ 4.51. ~~8~~. There shall be at least a seven day supply of staple foods on hand to meet individual daily dietary requirements of residents in case of emergencies.

§ 4.52. ~~9~~. All meals shall be served in the dining area as designated by the facility. Under special circumstances, such as illness or incapacity, meals may be served in a resident's room, provided a sturdy table is used.

§ 4.53. ~~10~~. Personnel shall be available to help any resident who may need assistance in reaching the dining room or when eating.

[§ 4.54. ~~Table coverings and napkins shall be clean at all times.~~]

~~11. Neither live animals nor fowl shall be permitted in rooms used for preparation, serving or storage of food.~~

~~12. Use of tobacco shall be prohibited in areas used for food preparation and storage.~~

~~13. Table coverings and napkins shall be clean at all times.~~

~~D~~: Article 6.
Resident Activities. (See Appendix B)

[§ 4.54. § 4.55.] ~~1~~. There shall be at least one scheduled activity available to the residents for no less than one hour each day. This activity shall be of a social, recreational, religious, or diversional nature. Community resources may be used to provide this activity.

[§ 4.55. § 4.56.] ~~2~~. Activities shall be planned for at least one week in advance.

[§ 4.56. § 4.57.] ~~3~~. These activities shall be varied and shall be planned in consideration of the abilities, physical conditions, needs and interests of the residents.

Final Regulations

[~~§ 4.57.~~ § 4.58.] 4. The week's schedule of activities shall be written and posted in advance in a conspicuous place. Residents shall be informed of the activities program.

[~~§ 4.58.~~ § 4.59.] 5. A record shall be kept of the activity schedules for the past three months. They shall be available for inspection by the department.

[~~§ 4.59.~~ § 4.60.] *Resident participation in activities.*

A. ~~6.~~ Residents shall be encouraged but not forced to participate in the program of activities.

B. *At his discretion, the resident shall be permitted to meet with and participate in activities provided by social, religious and community groups, unless [medically contraindicated restrictions are imposed] by the resident's physician.*

C. *Any restrictions imposed by a physician shall be documented in the resident's record and such restrictions shall be based solely on reasons of medical necessity.*

~~E.~~ Article 7. Visitation.

[~~§ 4.60.~~ § 4.61.] 1. Visiting in the home.

A. ~~a.~~ Daily visits to residents in the home shall be permitted.

B. ~~b.~~ If visiting hours are restricted, daily visiting hours shall be posted in a place conspicuous to the public.

[~~§ 4.61.~~ § 4.62] Visiting outside the home.

Residents shall not be prohibited from making reasonable visits away from the home except when there is a written order of the legal guardian to the contrary.

~~F.~~ Article 8. Mail.

[~~§ 4.62.~~ § 4.63.] 1. Incoming and outgoing mail shall not be censored.

[~~§ 4.63.~~ § 4.64.] 2. Incoming mail shall be delivered promptly.

[~~§ 4.64.~~ § 4.65.] 3. Mail shall not be opened by staff except upon request of the resident or written request of the legal guardian.

~~G.~~ Article 9. Transportation.

[~~§ 4.65.~~ § 4.66.] The resident shall be assisted in making arrangements for transportation.

~~V.~~ PART V. RECORDS.

~~A.~~ Article 1. General Requirements.

§ 5.1. ~~1.~~ Any forms used for record keeping shall contain at a minimum the information specified in these Standards and Regulations. Model forms, which may be copied, will be supplied by the department upon request.

§ 5.2. ~~2.~~ If any form such as medical, information, etc., developed by the department is not used, the substitute form shall be approved by the Department.

§ 5.3. ~~3.~~ Records shall be kept in a locked area.

§ 5.4. ~~4.~~ The licensee shall have the responsibility for assuring that all records are treated confidentially and that information shall be made available only when needed for care of the resident. (EXCEPTION: All records shall be made available for inspection by the department's representative. See Section ~~1,F,2~~)

~~B.~~ Article 2. Resident Records.

§ 5.5. ~~1.~~ When a resident is admitted to the home, a permanent individual record shall be established.

A. ~~a.~~ The record shall be kept current.

B. ~~b.~~ The complete record shall be retained until two years after the resident leaves the home.

§ 5.6. ~~2.~~ Personal and social data to be maintained in the record:

1. ~~a.~~ Name;

2. ~~b.~~ Address;

a. ~~(1)~~ Address from which resident was received;

b. ~~(2)~~ Last home address, if different and known;

3. ~~c.~~ Date of admission;

4. ~~d.~~ Social Security number;

5. ~~e.~~ Birthdate (If unknown, estimated age);

6. ~~f.~~ Birthplace, if known;

7. ~~g.~~ Marital status, if known;

8. ~~h.~~ Name, address and telephone number of legal guardian, committee, personal representative, or other person responsible;

9. ~~i.~~ Name, address and telephone number of next of kin, if known (two preferred);

10. ~~j.~~ Name, address and telephone number of

Final Regulations

personal physician, if known;

11. ~~k~~. Name, address and telephone number of clergyman and place of worship, if applicable;

12. ~~l~~. Name, address and telephone number of local welfare department and/or any other agency, if applicable (the name of caseworker, if known);

13. ~~m~~. Previous occupation, if available;

14. ~~n~~. Special interests and hobbies, if known;

15. ~~o~~. Date of discharge from the home for adults and destination. In the event discharge was made under emergency conditions the name of the responsible party who was notified and the date of the notification.

§ 5.7. Health information to be maintained:

1. ~~a~~. Prior to admission, the report of a physician examination, including screening for tuberculosis, shall be submitted to the home as required in § 3.3.

2. Form and content of the physical examination report by § 3.3.

a. ~~(1)~~ The report shall contain the following information:

(1) ~~(a)~~ the date of the physical examination;

(2) ~~(b)~~ any diagnoses or significant problems; and

(3) ~~(c)~~ any recommendations for care including medication, diet and therapy.

b. ~~(2)~~ Each report shall include separate statements that:

(1) ~~(a)~~ the individual is free of tuberculosis in a communicable form, including the type(s) of tuberculin test used and the results;

(2) ~~(b)~~ the individual does not need nursing or convalescent care (i.e., intermediate or skilled nursing care routinely provided in a facility subject to licensure by the State Department of Health);

(3) ~~(c)~~ the individual is not bedfast;

(4) ~~(d)~~ the person's needs can be met in a home for adults which is not a medical facility;

(5) ~~(e)~~ the individual is or is not considered to be physically and mentally capable of making an exit from the building in an emergency, including the ascent or descent of stairs, without assistance of another person or without being dependent on use of any device such as, but not limited to, a wheelchair,

walker or leg prosthesis;

(6) ~~(f)~~ the individual is or is not capable of administering his own medicine.

c. ~~(3)~~ Each report shall be signed by the licensed physician, the physician's designee, or an official of a local department of health.

d. ~~(4)~~ When the individual is a post-hospitalized person as defined in Section 1, B, 7, of these Standards and Regulations, the report of physical examination shall include a summary of the individual's aftercare/follow-along service needs. (See § 3.12D and E)

3. e. Subsequent evaluation for tuberculosis.

a. ~~(1)~~ A resident who has a significant (positive) reaction to a tuberculin skin test and whose physician certifies the absence of communicable tuberculosis must obtain chest x-rays on an annual basis for two years.

(1) ~~(a)~~ The individual shall submit statements documenting the chest x-rays and certifying freedom from tuberculosis in a communicable form.

(2) ~~(b)~~ The statements shall be signed by a licensed physician, the physician's designee, or an official of a health department.

(3) ~~(c)~~ The statements shall be filed in the individual's record.

(4) ~~(d)~~ Screening beyond two years is not required unless there is known contact with a case of tuberculosis or development of chronic respiratory symptoms.

b. ~~(2)~~ Additional screening is not required for an individual who had a nonsignificant (negative) reaction to an initial tuberculin skin test.

c. ~~(3)~~ Any individual who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms, within 30 days of exposure/development, shall receive an evaluation in accord with §§ 5.7.2.b.(1) and 5.7.3.a.

When a resident transfers to another facility, specified information may be copied to be sent to that facility upon the written request of the resident or legal guardian, with the original information being retained in the resident's record.

§ 5.8. When a resident moves to another care-giving facility, the administrator shall provide to the receiving facility such information related to the resident as is necessary to ensure continuity of care and services to the resident. Original information pertaining to the resident

Final Regulations

shall be maintained by the home from which the resident was transferred/discharged. The home shall maintain a [copy listing] of all information shared with the receiving facility.

§ 5.9. Consent for Release of Information.

A. The resident or his legal guardian has the right to release information from the resident's record to person(s) or agencies outside the facility.

B. The licensee is responsible for making available to residents a [written] form which residents may use to grant their written permission to release information to a person or agency outside the facility.

[(NOTE: A model form, which may be copied, may be obtained from the Department.)

§ 5.10. Only under the following circumstances is a facility permitted to release information from the resident's records and/or information regarding the resident's personal affairs without the written permission of the resident or his legal guardian:

1. When records have been properly subpoenaed;
2. When the resident is in need of emergency medical care and is unable or unwilling to grant permission to release information and/or his legal guardian is not available to grant permission;
3. As provided in Standard § 5.8;
- [4. To representatives of the Department.]
- [4- 5.] As otherwise required by law.

§ 5.11. ~~d~~. The Department, at any time, may request a report of a current psychiatric or physical examination, giving the diagnosed and/or evaluation, for the purpose of determining whether the resident's need may continue to be met in a home for adults. When requested, this report shall be provided and shall be in the form specified by the Department.

§ 5.12. ~~e~~. Copies of the written progress reports regarding post-hospitalized residents, required by § 3.12.F of these Standards and Regulations, shall be retained in the resident's records.

§ 5.13. ~~f~~. Any physician's notes and progress reports in the possession of the home shall be retained in the resident's record.

§ 5.14. ~~g~~. A statement signed by a physician shall be in the record of the resident who is remaining in the home after becoming bedfast or who is physically restrained for nonemergency situations as described in § 4.32.A. This statement shall be obtained at intervals of not more than 90 days and shall state that:

1. ~~(1)~~ The resident is not in need of nursing or convalescent care; (The basis for this decision shall be recorded in terms of the diagnosis and prognosis.)

2. ~~(2)~~ The resident's needs can be met in the facility; and

3. ~~(3)~~ Continuing restraint in an emergency, as described in Section IV, B, 6, b, is not necessary.

§ 5.15. ~~h~~. A notation of the notification of any serious illness, accident or use of restraint shall be made in the record within 24 hours. (See §§ 4.31 and 4.32.A.8.a concerning notification of next of kin.)

4. Article 3. Agreements.

§ 5.16. Copies of any all agreements between the home and the resident or official acknowledgement of required notifications, signed by all parties involved, shall be retained in the resident's record. and Copies shall be provided the resident and [for] any responsible party.

a. There shall be a written agreement which shall be signed by the resident/applicant for admission and/or the guardian, committee or personal representative and by the licensee or administrator at the time of admission. The agreement shall specify:

§ 5.17. At the time of admission, these agreements/ [official] acknowledgements [of notification] shall include the following:

1. ~~(1)~~ Financial arrangement for care.

The resident financial agreement shall specify the following understanding and agreements regarding financial arrangements for care and services:

a. ~~(a)~~ The amount to be paid[,] and including charges for specific services, the frequency of payment, and any rules relating to nonpayment;

b. ~~(b)~~ The policy with respect to increases in charges and length of time for advance notice of intent to increase charges;

c. ~~(c)~~ If the ownership of any personal property, real estate, money or financial investments is to be transferred to the home at the time of admission or at some future date, it shall be stipulated in the agreement.

~~(2)~~ Services to be rendered;

2. Description of general services available to all residents [and charges to individuals] .

[3. Listing of specific charges for services to be made to the individual resident signing the agreement.]

Final Regulations

3. (3) Requirements or rules to be imposed regarding resident conduct and signed acknowledgement that they have been reviewed by the resident [/responsible party] .

(4) The address of the Regional Office of the Virginia Department of Welfare from which the home's license to operate is issued.

[4. 5.] Acknowledgement that the resident has reviewed a copy of [Virginia Code] § 63.1-182.1 [of the Code of Virginia, Rights and Responsibilities of Residents in Homes for Adults] , and that the provisions of this statute have been explained to him.

[5. 6.] Acknowledgement that the resident and/or his representative have reviewed and had explained to him the home's policies and procedures for implementing [Virginia Code] § 63.1-182.1 [of the Code of Virginia, including the grievance policy (§ 4.7) and relocation policy] .

§ 5.18. [Provisions of the resident's service agreements shall be reviewed with the resident and/or his personal representative at least annually.

Included in the review shall be a review of the rights and responsibilities of the resident; of any changes in rules governing the resident's conduct; and of any changes related to services and charges. The resident and/or his representative shall provide written acknowledgement of having been informed of these matters.

[Section 63.1-182.1 of the Code of Virginia, Rights and Responsibilities of Residents in Homes for Adults shall be reviewed with all resident annually. Written acknowledgement of such review shall be placed in each resident's record.]

§ 5.19. b. A new agreement shall be signed or the original agreement shall be updated and signed by the resident, the guardian, committee or personal representative and by the licensee or administrator when there are changes in financial arrangements, services or requirements [governing the residents conduct] . If the original agreement provides for specific changes in financial arrangements, services or requirements, this Standard does not apply.

e. Every resident is entitled to manage his personal financial affairs. However;

§ 5.20. The resident shall have the right to manage all of his financial affairs and funds, unless a committee or guardian has been appointed for the resident.

§ 5.21. Delegation of financial management responsibility.

If the resident delegates the management of personal financial affairs to the home, the following Standards apply:

1. (1) Such delegation shall be in writing, with all properties listed in detail. This shall include all monies, stocks, bonds, securities, personal property, real estate, and any other anticipated income. A copy of the delegation shall be placed in the resident's record and a copy shall be given to the resident or responsible party.

2. (2) A quarterly accounting shall be made to the resident, with a copy being retained in the record. (Section 63.1-173.1, Code of Virginia).

3. (3) Upon termination of care, an accounting of such funds and assets shall be made to the resident or responsible party.

§ 5.22. d. A statement of the resident's account shall be provided to the resident monthly.

(1) A copy of the monthly statement or receipt shall be kept in the resident's record.

(2) If an itemized receipt acknowledging payment for specified items is provided in lieu of a monthly statement, it shall show the balance due or any credits for overpayment on the resident's account.

A. Resident Accounts: A statement or itemized receipt of the resident's account shall be provided to the resident monthly and a copy placed in his record.

EXCEPTION: See § 5.21 for situations where responsibility for management of the resident's financial affairs has been delegated to the home, which requires a quarterly accounting only.

B. (1) The monthly statement or itemized receipt shall itemize any charges made and any payments received during the previous 30 days or during the previous calendar month and shall show the balance due or any credits for overpayments on the resident's account.

§ 5.23. Safeguarding resident funds.

If any personal funds are held by the home for safekeeping on behalf of the resident, a written accounting of money received and disbursed, showing a current balance, shall be maintained.

A. Such funds and such accounting shall be made available to the resident and/or the responsible party upon request.

B. Such funds shall be returned to the resident or the responsible party upon termination of care.

§ 5.24. There shall be a written agreement between the home and any resident who performs staff duties (See § 2.12).

A. (1) The agreement shall not be a condition for

Final Regulations

admission or continued residence.

B. ~~(2)~~ The resident shall enter into such an agreement voluntarily.

C. ~~(3)~~ The agreement shall specify duties, hours of work, and compensation.

~~C.~~ Article 4. Employee Records.

§ 5.25. ~~1.~~ A record shall be established for each staff member. It shall not be destroyed until two years after employment is terminated.

§ 5.26. ~~2.~~ Personal and social data to be recorded:

1. ~~a.~~ Name;
2. ~~b.~~ Birthdate;
3. ~~c.~~ Current address and telephone number;
4. ~~d.~~ Position and date employed;
5. ~~e.~~ Last previous employment;
6. ~~f.~~ For persons employed after November 9, 1975, copies of at least two references or notations of verbal references reflecting the date of the reference, the source and the content;
7. ~~g.~~ Previous experience and/or training;
8. ~~h.~~ Social Security number;
9. ~~i.~~ Name and telephone number of person to contact in an emergency;
10. ~~j.~~ Notations of formal training received following employment;
11. ~~k.~~ Date and reason for termination of employment.

§ 5.27. ~~3.~~ Health information shall be maintained for the license and/or administrator, each staff member, and each household member who comes in contact with residents or handles food.

1. ~~a.~~ Initial tuberculosis examination and report:
 - a. ~~(1)~~ Within 30 days prior before or after employment or contact with program participants, each individual shall obtain an evaluation indicating the absence of tuberculosis in a communicable form;
 - b. ~~(2)~~ Each individual shall submit a statement that he is free of tuberculosis in a communicable form, including the type(s) of test(s) used and the result(s);
 - c. ~~(3)~~ The statement shall be signed by a licensed

physician, the physician's designee, or an official of a local health department;

d. ~~(4)~~ The statement shall be filed in the individual's record.

2. ~~b.~~ Subsequent evaluations.

a. ~~(1)~~ An individual who had a significant (positive) reaction to a tuberculin skin test and whose physician certifies the absence of communicable tuberculosis must obtain a chest x-ray on an annual basis for the following two years.

(1) ~~(a)~~ The individual shall submit statements documenting the chest x-rays and certifying freedom from tuberculosis in a communicable form.

(2) ~~(b)~~ The statements shall be signed by a licensed physician, the physician's designee, or an official of a local health department.

(3) ~~(c)~~ The statements shall be filed in the individual's record.

(4) ~~(d)~~ Screening beyond two years is not required unless there is known contact with a case of tuberculosis or development of chronic respiratory symptoms.

b. ~~(2)~~ Additional screening is not required for an individual who had a nonsignificant (negative) reaction to an initial tuberculin skin test.

c. ~~(3)~~ Any individual who comes in contact with a known case of tuberculosis or who develops chronic respiratory/symptoms shall, within 30 days of exposure/development, receive an evaluation in accord with § 5.27.1.

§ 5.28. ~~e.~~ At the request of the administrator of the facility or the Department of Social Services, a report of examination by a licensed physician shall be obtained when there are indications that the safety of residents in care may be jeopardized by the physical or mental health of a specified individual.

§ 5.29. ~~d.~~ Any individual who, upon examination or as a result of tests, shows indication of a physical or mental condition which may jeopardize the safety of residents in care or which would prevent performance of duties:

(a) ~~(1)~~ Shall be removed immediately from contact with residents and food served to residents; and

(b) ~~(2)~~ Shall not be allowed contact with resident or food served to residents until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed statement from the physician.

~~VI.~~ PART VI. BUILDING AND GROUNDS.

~~A.~~ Article 1. Buildings.

§ 6.1. ~~1.~~ Buildings subject to state and/or local building code shall meet these codes. A Certificate of Occupancy shall be obtained as evidence of compliance with the applicable code(s).

§ 6.2. Before construction begins or contracts are awarded for any new construction, remodeling, or alterations, plans shall be submitted to the Department, to the local building official, to the local health department and/or to the Office of the State Fire Marshal, and/or local fire department where applicable, for review and recommendations.

§ 6.3. No mobile home shall be used as a home for adults or as a part of a home for adults.

§ 6.4. Buildings shall present no safety hazards.

§ 6.5. All rooms shall be well ventilated.

§ 6.6. ~~6.~~ Doors.

A. ~~a.~~ All doors shall open and close readily and effectively.

B. ~~b.~~ Any doorway that is used for ventilation shall be effectively screened.

C. ~~c.~~ Screen doors shall open outward.

§ 6.7. ~~7.~~ Any window that is used for ventilation shall be effectively screened and shall open and close readily.

§ 6.8. ~~8.~~ Rooms extending below ground level shall not be used for residents unless they are dry and well ventilated. Bedrooms below ground level shall have required window space and ceiling height.

§ 6.9. ~~9.~~ Heat.

A. ~~a.~~ Heat shall be supplied from a central heating plant or by an approved electrical heating system.

B. ~~b.~~ Provided their installation or operation has been approved by the state or local fire authorities, space heaters, such as but not limited to, wood burning stoves, coal burning stoves, and oil heaters, and/or portable heating units either vented or unvented, may be used only to provide or supplement heat in the event of a power failure or similar emergency.

C. ~~c.~~ When outside temperatures are below 65° F a temperature of at least 72° F shall be maintained in all areas used by residents during hours when residents are normally awake. During night hours, when residents are asleep, a temperature of at least 68° F shall be

maintained. This Standard applies unless otherwise mandated by federal or state authorities.

§ 6.10. ~~10.~~ There shall be hot and cold running water from an approved source.

§ 6.11. ~~11.~~ Cooling devices (fan or air conditioners).

A. ~~a.~~ Cooling devices shall be made available in those areas of buildings used by residents when inside temperatures exceed 85° F.

B. ~~b.~~ Any electric fans shall be screened and placed for the protection of the residents.

C. ~~c.~~ Cooling devices shall be placed to minimize drafts.

§ 6.12. ~~12.~~ Lighting.

A. ~~a.~~ Artificial lighting shall be by electricity.

B. ~~b.~~ All areas shall be well lighted for safety.

C. ~~c.~~ Night lights shall be provided in halls.

D. ~~d.~~ The following footcandles of light as registered on a light meter shall be provided for general illuminations in the areas specified:

1. ~~(1)~~ Sitting area 30;
2. ~~(2)~~ Bathrooms 30;
3. ~~(3)~~ Dining area 30;
4. ~~(4)~~ Stairways 30;
5. ~~(5)~~ Resident's rooms 30;
6. ~~(6)~~ Halls 20;
7. ~~(7)~~ Reading areas 30;

E. ~~e.~~ Areas used for crafts or handwork shall be illuminated by 100 footcandles of light as measured by a light meter.

F. ~~f.~~ Emergency lighting.

1. ~~(1)~~ Flashlights or battery lanterns shall be available at all times, with one light for each employee directly responsible for resident care who is on duty between 6 p.m. and 6 a.m.

2. ~~(2)~~ There shall be one operable flashlight or battery lantern available for each bedroom used by residents and for the living and dining area unless there is a provision for emergency lighting in the adjoining hallways.

3. ~~(3)~~ In homes not subject to the Uniform Statewide Building Code, but where there are 25 or more residents housed under one roof, there shall be provisions for emergency lighting or corridors and stairways leading to required exits by an independent standby system consistent with the Uniform Statewide

Final Regulations

Building Code.

4. ~~(4)~~ Open flame lighting is prohibited.

G. ~~g.~~ Outside entrances and parking areas shall be lighted for protection against injuries and intruders.

§ 6.13. ~~13.~~ Each room shall have walls, ceiling, and floors or carpeting that may be cleaned satisfactorily.

§ 6.14. ~~14.~~ All inside and outside steps, stairways and ramps shall have nonslip surfaces.

§ 6.15. ~~15.~~ Handrails shall be provided on all stairways, ramps, elevators, and at changes of floor level.

§ 6.16. ~~16.~~ Safeguards that are acceptable under existing fire and building codes shall be provided in hazardous areas that may include, but shall not be limited to, windows, doors, porches and changes in floor level.

§ 6.17. ~~17.~~ Elevators, where used, shall be kept in good running condition and shall be inspected at least annually. The signed and dated certificate of inspection issued by the local housing authority, by the insurance company, or by the elevator company shall be evidence of such inspection.

§ 6.18. ~~18.~~ In homes where nonambulatory residents are housed:

1. ~~a.~~ Ramp(s) shall be provided at ground level;

2. ~~b.~~ Doorways shall permit passage of wheelchairs, if used.

§ 6.19. ~~19.~~ There shall be enclosed walkways between residents' rooms and dining and sitting areas which are adequately lighted, heated, and ventilated. This requirement shall not apply to existing buildings of homes that have had licenses in effect on the effective date of these Standards January 1, 1980, unless such buildings are remodeled after the effective that date of these Standards or there is a change of sponsorship of the licensed home.

§ 6.20. ~~20.~~ Sitting room - dining room - recreation area.

Space other than sleeping areas must be provided that the residents may use for sitting, for visiting with each other and/or with guests, for social and recreational activities, and for dining. These rooms may be used interchangeably.

§ 6.21. ~~21.~~ Sleeping areas.

Resident sleeping quarters shall provide:

1. ~~a.~~ For not less than 450 cubic feet of air space per resident;

2. ~~b.~~ For not less than 80 square feet of floor area in

bedrooms accommodating one resident;

3. ~~e.~~ For not less than 60 square feet of floor area per person in rooms accommodating two or more residents;

4. ~~d.~~ For ceilings at least 7 1/2 feet in height;

5. ~~e.~~ Window area:

a. ~~(1)~~ There shall be at least eight square feet of window area in a room housing one person;

b. ~~(2)~~ There shall be at least six square feet of window area per person in rooms occupied by two or more persons.

6. ~~f.~~ For occupancy by no more than four residents in a room:

EXCEPTION: A home that had a valid license on the effective date of these Standards that permits January 1, 1980, permitting care of more than four residents in specific room(s), will be deemed to be in compliance with this Standard; however, the home may not exceed the maximum number of four residents in any other room in the facility. This exception will not be applicable if the home is remodeled or if there is a change of sponsorship;

7. ~~g.~~ For at least three feet of space between sides and ends of beds that are placed in the same room;

8. ~~h.~~ That no bedroom shall be used as a corridor to any other room;

9. ~~i.~~ That all beds shall be placed only in bedrooms;

10. ~~j.~~ That household members and staff shall not share bedrooms with residents.

§ 6.22. ~~22.~~ Toilet, handwashing and bathing facilities.

A. ~~a.~~ In determining the number of toilets, washbasins, bathtubs or showers required, the total number of persons residing on the premises shall be considered. Unless there are separate facilities for household members or live-in staff, they shall be counted in determining the required number of fixtures. In ~~a~~ a home with a valid license on the effective date of these Standards, January 1, 1980, only residents shall be counted in making the determination unless such home is subsequently remodeled or there is a change of sponsorship.

1. ~~b.~~ On each floor where there are residents' bedrooms, there shall be at least:

a. ~~(1)~~ One toilet for seven persons;

b. ~~(2)~~ One washbasin for each seven persons;

c. ~~(3)~~ One bathtub or shower for each 10 persons;

Final Regulations

d. ~~(4)~~ Toilets, washbasins and bathtubs or showers in separate rooms for men and women where more than seven persons live on a floor.

2. e. On floors used by residents where there are no residents' bedrooms there shall be:

- a. ~~(1)~~ At least one toilet;
- b. ~~(2)~~ At least one washbasin;
- c. ~~(3)~~ Toilets and washbasins in separate rooms for men and women in homes where there are 10 or more residents.

d. ~~The bathroom door shall be self closing if it opens directly into any room used for storage, preparation or service of food.~~

B. ~~d.~~ Bathrooms shall provide for ~~privacy~~ *visual privacy for such activities as bathing, toileting, and dressing.*

C. ~~f.~~ There shall be ventilation to the outside in order to eliminate foul odors.

D. There shall be ample supply of hot and cold water. (Precautionary measures shall be taken to prevent scalding in basins, tubs and showers.)

E. The following sturdy safeguards shall be provided:

1. ~~(1)~~ Handrails by bathtubs;
2. ~~(2)~~ Grab bars by toilets;
3. ~~(3)~~ Handrails and stools by stall showers.

EXCEPTION: The use of handrails, grab bars and stools shall be optional in facilities used for independent living. (For the purpose of these Standards, an independent living environment is one in which the resident(s) perform all essential activities of daily living for themselves without requiring the assistance of any staff member in the home for adults. Essential activities of daily living include eating, walking, ascent and descent of stairs, dressing, all aspects of personal hygiene and grooming, administering medication which would normally be self-administered, getting in and out of bed, management of personal affairs, control of visitors, use of telephone, arranging for transportation, reading, writing, etc.)

B. Article 2.
Grounds.

§ 6.23. ~~1.~~ Grounds shall be free of hazards.

§ 6.24. ~~2.~~ Grounds shall be readily accessible in all seasons from the home and from the roadway.

§ 6.25. ~~3.~~ Grounds shall properly maintained, to include freedom from trash and litter, mowing of grass, removal of snow and ice, etc.

VII PART VII. FURNISHINGS, EQUIPMENT AND SUPPLIES.

A. Article 1.
Telephone.

§ 7.1. ~~1.~~ Each building shall have at least one operable, nonpay telephone easily accessible to staff. There shall be additional telephones or extensions as may be needed to summon help in an emergency.

§ 7.2. The resident shall have reasonable access to a telephone on the premises.

§ 7.3. ~~2.~~ Privacy shall be provided for residents to use a telephone.

B. Article 2.
Signaling Devices.

§ 7.4. ~~1.~~ All homes for adults shall have a signaling device that is audible or visible at the staff station and is easily accessible to the resident in his bedroom or in a connecting bathroom.

§ 7.5. ~~2.~~ In homes licensed to care for 20 or more residents under one roof:

A. a. The signaling device shall be one which terminates at the staff station and permits staff to determine the origin of the signal.

or

B. b. If the device does not terminate at the staff station so as to permit staff to determine the origin of the signal, staff shall make rounds at intervals of at least once an hour as specified in § 2.9.E.1.

C. Article 3.
First Aid and Emergency Supplies.

§ 7.6. ~~1.~~ First aid emergency supplies shall be on hand. These supplies shall include but shall not be limited to scissors, tweezers, gauze and adhesive tape. These supplies shall be located in a designated place within the home.

§ 7.7. ~~2.~~ In those homes where ambulance service is not available within 15 minutes there shall be a complete first aid kit, containing those items specified in the Standard First Aid and Personal Safety Manual that is available from all chapters of the American Red Cross. (See § 2.9.F)

Article 4.
Living and Sleeping Areas.

Final Regulations

§ 7.8. ~~D.~~ Sitting rooms and/or recreation areas shall be equipped with:

1. ~~a.~~ Comfortable chairs (e.g. overstuffed, straight-backed, and rockers);
2. ~~b.~~ Tables;
3. ~~c.~~ Lamps;
4. ~~d.~~ Television (if not available in other areas of the facility);
5. ~~e.~~ Radio (if not available in other areas of the facility);
6. ~~f.~~ Current newspaper and magazines;
7. ~~g.~~ Books;
8. ~~h.~~ Games;
9. ~~i.~~ Materials appropriate for the implementation of the planned activity program.

§ 7.9. ~~E.~~ Dining areas shall have a sufficient number of sturdy dining tables and chairs to serve all residents, either all at one time or in shifts.

§ 7.10. ~~F.~~ Bedrooms shall contain the following items:

1. A separate bed with comfortable mattress, springs and pillow for each resident;

EXCEPTION: Provisions for a double bed for a married couple shall be optional.

2. A table or its equivalent accessible to each bed;
3. An operable bed lamp or bedside light accessible to each resident;
4. A chair for each resident;
5. Drawer space for clothing and other personal items. If more than one resident occupies a room, ample drawer space shall be assigned to each individual;
6. At least one mirror.

§ 7.11. Adequate and accessible closet or wardrobe space shall be provided for each resident.

§ 7.12. *Prior to or at the time of admission, the resident and/or his representative shall be informed of the home's policy regarding bringing resident possessions [with them] into the home.*

§ 7.13. *The resident shall be encouraged to furnish or decorate his room as space and safety considerations permit and in accordance with these Standards and*

Regulations.

§ 7.14. ~~H.~~ The home shall have sufficient bed and bath linens in good repair so that residents always have clean [:]

1. Sheets;
2. Pillowcases;
3. Blankets;
4. Bedspreads;
5. Towels;
6. Washcloths;
7. Waterproof mattress covers when needed.

§ 7.15. ~~I.~~ The home shall have an adequate supply of toilet tissue and soap. Toilet tissue shall be accessible to each commode.

§ 7.16. ~~J.~~ At least one moveable thermometer shall be available in each building for measuring temperatures in individuals rooms that do not have a fixed thermostat which shows the temperature in the room.

§ 7.17. ~~K.~~ Where there is an outdoor area accessible to residents, such as a porch or lawn, it shall be equipped with furniture in season.

[§ 7.18. *Adequate kitchen facilities and equipment shall be provided for preparation and serving of meals.*]

~~L.~~ Kitchen Equipment

~~1. Adequate kitchen facilities and equipment shall be provide for preparation and serving of meals.~~

~~2. In homes where there are 13 or more residents being served from the same kitchen, Title 35, Chapter 3, Sections 35-25 through 35-42.1, Code of Virginia and all regulations adopted thereunder shall apply to the provision of food service facilities and maintenance thereof.~~

~~3. Homes for adults serving 4 to 12 residents must meet at least the following requirements:~~

[§ 7.19. *When any portion of a home for adults is subject to inspection by the State Health Department, the home shall be in compliance with those regulations, as evidenced by a report from the State Health Department.*]

~~a. Storage space shall be provided for:~~

- ~~(1) Perishable food;~~
- ~~(2) Non-perishable food;~~

Final Regulations

(3) Small appliances;

(4) Cooking utensils;

(5) Trays, dishes and flatware.

Such space shall be well ventilated and lighted. No items shall be stored directly on the floor.

b. Thermometers shall be kept in all freezers and refrigerators to assure correct temperature.

(1) Freezer. 0° to 10° Fahrenheit

(2) Refrigerator. Not higher than 45° Fahrenheit

e. Iceboxes shall not be used.

d. Trays, dishes, glassware and flatware

(1) They shall be safe, easily cleanable, without chips, cracks or dents.

(2) There shall be a sufficient number provided so that each resident has the necessary utensils for attractive and practical food service.

(3) Disposable dishes and utensils, if used, shall be used once and discarded. They shall be sturdy enough to prevent them from being a safety hazard.

e. Facilities shall be provided for washing, rinsing and bactericidal treatment for dishwashing.

f. Dishes and utensils shall be air dried, if a dishwasher is not used. They shall not be dried with a towel.

g. Small appliances, cooking utensils, counters, shelves, tables, refrigerating equipment, sinks and other equipment shall be in good repair and easy to clean.

M. Cleaning supplies shall be stored in a place that is separate from food storage.

VIII. PART VIII.

HOUSEKEEPING AND MAINTENANCE.

§ 8.1. A. The interior and exterior of all buildings shall be maintained in good repair.

§ 8.2. B. The interior and exterior of all buildings shall be kept clean and shall be free of rubbish.

§ 8.3. C. All buildings shall be well ventilated and free from foul, stale and musty odors.

§ 8.4. D. Adequate provisions for the collection and legal disposal of garbage, ashes and waste material shall be made.

A. 1. Covered, vermin-proof, watertight containers shall be used.

B. 2. Containers shall be emptied and cleaned at least once a week.

§ 8.5. E. Buildings shall be kept free of flies, roaches, rats and other vermin. The grounds shall be kept free of their breeding places.

§ 8.6. F. All sewage shall be disposed of in a public sewer system or in an approved sewage disposal system which meets state and/or local health requirements.

§ 8.7. G. All furnishings and equipment, including plumbing fixtures, shall be kept clean and in good repair.

§ 8.8. H. Bed and bath linens shall be changed at least every seven days and more often if needed.

§ 8.9. Laundering.

Laundering shall not be done in an area where food is prepared, stored or served.

A. Table and kitchen linens shall be laundered separately from other washable goods.

B. A sanitizing agent shall be used when bed, bath, table and kitchen linens are washed.

IX PART IX.

FIRE AND EMERGENCY PROTECTION.

§ 9.1. A. Virginia Fire *Public Building Safety Regulations Code* and Uniform Statewide Building Code.

A. 1. When any building of a home for adults is subject to inspection by the Office of the State Fire Marshal, it shall meet the requirements of the Virginia Fire *Public Building Safety Code*.

B. 2. When any building of a home for adults is subject to inspection by building officials, it shall meet the requirements of the Uniform Statewide Building Code.

§ 9.2. B. A home for adults shall comply with any local fire ordinance.

§ 9.3. C. A home for adults shall be free from fire hazards and shall provide adequate protection as determined by at least an annual inspection by the local fire department, a volunteer fire department, or a fire authority recognized by the department. The report of the inspection shall be made on a form provided by the department.

§ 9.4. D. Emergency plans.

A. 1. A detailed emergency plan shall be prepared for each home for adults. The plan shall consist of the

Final Regulations

following:

1. **a.** Written procedures to be followed in the event of a fire or similar emergency. The local fire department or fire prevention bureau shall be consulted in preparing such a plan, if possible;

2. **b.** A drawing of each floor of each building, showing alternative exits for use in an emergency, location of telephones, fire alarm boxes and fire extinguishers, if any.

[3. **c.** *Written procedures to meet other emergencies, including severe weather, loss of utilities, missing persons, severe injury.*]

B. 2. The emergency fire plan required by this Standard shall be prominently displayed on each floor of each building used by residents.

C. 3. The telephone number for the fire department, rescue squad or ambulance, and police shall be posted by each telephone shown on the emergency/fire plan. (NOTE: In homes for adults where all outgoing telephone calls must be placed through a central switchboard located on the premises, this information may be posted by the switchboard rather than by each telephone, providing this switchboard is manned 24 hours each day.)

D. 5. The licensee and/or administrator and all staff members shall be fully informed of the fire plan for the home, including their duties, and the location and operation of fire extinguishers and fire alarm boxes, if available. They shall know the telephone procedure for calling the fire department.

E. 5. The emergency plan required by § 9.4.A of these Standards and Regulations shall be discussed at orientation for new staff, for new residents, and for volunteers.

§ 9.5. **E.** Fire drills.

A. 1. At least one fire drill shall be held each month for the staff on duty and those residents able to participate. During a three-month period:

1. **a.** At least one fire drill shall be held between the hours of 7 a.m. and 3 p.m.;

2. **b.** At least one fire drill shall be held between the hours of 3 p.m. and 11 p.m.;

3. **c.** At least one fire drill shall be held between the hours of 11 p.m. and 7 a.m.

B. 2. If residents have gone to bed for the night, these Standards do not require that they participate in drills held for night staff members. Signals for such drills may be in code in order not to alarm residents.

C. 3. Additional fire drills may be held at the

discretion of the administrator.

D. 4. The required drills shall be planned and each required drill shall be announced in advance.

E. 5. Immediately prior to each required fire drill, the fire plan shall be reviewed with all staff present and with all participating residents.

F. 6. Immediately following each required fire drill, there shall be an evaluation of the drill by the staff in order to determine the effectiveness of the fire plan.

G. 7. A record of required fire drills shall be kept in the home for one year. Such record shall include the date, the hour, the number of staff participating, the number of residents; and the time required to evacuate the building if such evacuation is required by the emergency plan.

§ 9.6. **F.** Housing of nonambulatory residents.

A. In building or portions of building subject to Virginia Fire Safety Regulations, all residents must be ambulatory if occupancy is restricted to ambulatory persons under the Virginia Fire *Public Building Safety Regulations Code*.

B. In buildings subject to the Uniform Statewide Building Code, all residents must be ambulatory unless the building or portions of the building have been approved in the I-2 Classification.

PART X. ADDITIONAL REQUIREMENT WITH RESPECT TO PUBLIC HOMES.

§ 10.1. If the home is operated by a political subdivision of the state or by two or more such subdivisions, copies of applicable ordinances and operating policies shall be filed with the department.

APPENDIX A. TO STANDARDS AND REGULATIONS FOR LICENSED HOMES FOR ADULTS. NONAMBULATORY RESIDENTS IN HOMES FOR ADULTS.

Introduction.

The purpose of the Appendix is to provide a summary of the Standards and Regulations which pertain to the acceptance and care of persons who are nonambulatory in Licensed Homes for Adults. This Appendix does not contain any additional standards and regulations. It simply summarizes the requirements found in these Standards and Regulations, which must be met if nonambulatory persons are to reside in homes for adults.

When is a Person Nonambulatory?

The definition of a nonambulatory person is found in Part I, Article 1, Definitions of these Standards. Simply stated, a person is considered to be nonambulatory if he must be led or carried by another person or is dependent on a device such as, but not limited to, a leg prosthesis, walker or wheelchair in order to make an exit from a building in an emergency.

How is a Person Determined to be Nonambulatory?

This determination will be based on the medical report which is required at the time a person applies for admission to the home (see § 5.7) and the medical report which may be requested on any resident at any time. (See § 5.11)

Can a Person who is Nonambulatory Reside in a Home for Adults?

The definition of "nonambulatory", Part I, Article 1, Definitions and the admission policy in § 3.9 address this point. This section identifies the specific requirements which must be met if nonambulatory persons are accepted into care or remain in care in a licensed home for adults. These specific requirements (Standards) are listed and summarized below. If a facility meets these requirements, nonambulatory residents may reside in the facility.

A. Section 3.10 requires that the home be able to meet the needs of each resident who is admitted for care. The home, therefore, must be able to meet all needs of any nonambulatory person who is admitted for care.

B. Section 5.7 identifies the medical information which must be obtained on each person prior to that person being accepted into care. This information must be obtained by means of a physical examination by a licensed physician and within the time period specified in § 3.3. Section 5.7 also requires that ten specific areas be addressed as part of the physical examination required for admission. These ten areas, as they appear in § 5.7 are reprinted below. This information, particularly Item 5.7.b.5, provides the basis for determining whether or not a person is nonambulatory:

1. the date of the physical examination;
2. ~~The date and results of the most recent screening for tuberculosis according to accepted screening methods of the Virginia Department of Health (within the previous 12 months);~~
2. ~~3.~~ any diagnosis or significant problems;
3. ~~4.~~ any recommendations for care, including medication, diet and therapy;
4. ~~5.~~ separate statements that:
 - a. the individual has no evidence of communicable disease;

b. nursing and/or convalescent care is not needed;

c. the individual is not bedfast;

d. the individual is or is not considered to be physically and mentally capable of making an exit from the building in an emergency, including the ascent and descent of stairs, without assistance of another person or without being dependent on the use of any device such as but not limited to, a wheelchair, walker or leg prosthesis;

e. the person's needs can or cannot be met in a home for adults including assistance with all activities of daily living which the person can perform only with difficulty;

f. the individual is or is not capable of administering his own medicine.

C. Section 5.12 provides that a medical report can be requested on any resident by the department any time there is reason to believe the condition of the resident has changed and a physical examination is needed to determine the extent of change. Therefore, if there is reason to believe that the resident is no longer ambulatory, the department can require a physical examination. This report would then be used as the basis for determining whether or not a resident is nonambulatory.

D. Section 6.18 is part of the Building and Grounds Section. It requires that homes in which nonambulatory residents are housed have doorways which permit passage of wheelchairs if wheelchairs are used, and have ramps, at ground level.

E. Section 9.6 is part of the fire and emergency protection requirements. It contains the Standards which address the housing of nonambulatory residents and is reprinted below:

§ 9.6. Housing of Nonambulatory Residents.

A. In buildings or portions of buildings subject to Virginia Public Building Safety Regulations, all residents must be ambulatory if occupancy is restricted to ambulatory persons under the Virginia Public Building Safety Regulations.

B. In buildings subject to the Uniform Statewide Building Code, all residents must be ambulatory unless the building or portions of the building have been approved in the I-2 Classification.

Two types of buildings are addressed in these Standards; those subject to Virginia Public Building Safety Regulations (paragraph A); those subject to the Uniform Statewide Building Code (paragraph B). All homes for adults will fall into one of these types of buildings and therefore, must meet the applicable Standard(s) contained in § 9.6 before

Final Regulations

nonambulatory residents may be accepted or remain in care.

Is a Person Who is Bedfast Nonambulatory?

A person who is bedfast, as defined in Part I, Article 1, Definitions of the Standards and Regulations, would be considered nonambulatory. However, a nonambulatory person would not always be bedfast.

Section 3.7 prohibits admission of a person who is bedfast to a home for adults. Part I, Article 1, Definitions identifies the Standards which must be met for a resident who becomes bedfast to remain in care. Specifically, a resident who becomes bedfast may not remain in the home for adults unless the provisions §§ 3.8 and 5.14 of the Standards and Regulations are met.

APPENDIX B. TO STANDARDS AND REGULATIONS FOR LICENSED HOME FOR ADULTS.

RESIDENT ACTIVITIES.

Introduction.

This Appendix describes the requirements of the Standards and Regulations contained in Part IV, Article 6, Resident Activities. These Standards do not require the employment of an activities director. Facilities should not have to provide an elaborate or complex program to meet these requirements. The purpose of the Standards is simply to insure that residents are not left without anything to do or without anything to occupy their time. This Appendix does not contain any additional Standards and Regulations. It does provide some additional explanation of the Resident Activities Program which is required in Licensed Homes for Adults.

What Kinds of Activities Must the Program Include?

Section 4.54 requires that the Activities Program include activities which fall into one or more of four broad types. These are social, recreational, religious and diversional. A brief discussion of each type of activity, with some examples of each, follows:

A. Social Activities - Social activities encourage interests and friendships, help minimize self-consciousness and promote and increase self-confidence. They involve other people and group efforts and encourage each resident to interact with other people. Typical examples include dancing, bingo, group singing, birthday parties, community groups such as senior citizens, groups outings to parks, museums, etc.

B. Recreational Activities - Recreational activities emphasize doing what a person likes to do. They make the resident feel good about himself and may or may not involve other people. Often recreational activities involve

only the individual. These types of activities include gardening, reading, walks, individual hobbies, etc.

C. Religious Activities - Religious activities provide a means to meet the spiritual needs of the resident. These types of activities are often very important to residents of a home for adults. Typical religious activities might include planning or arranging transportation to permit attendance at local place of worship, arranging for religious services or study to be conducted in the home, with optional attendance, and informing appropriate clergy of these residents' whereabouts and condition, in order that the clergy may visit with the residents.

D. Diversional Activities - Diversional activities place emphasis on individual accomplishment rather than socialization. Activities of this type serve to take a resident's mind off worries and focus efforts on things which lead to a productive, satisfying accomplishment. Some examples of diversional activities include sewing, painting, braiding of rugs, knitting, repairing or refinishing furniture, crocheting, woodworking, etc.

The program described above, by type of activity, does not need to be costly in terms of money or additional staff. It must, however, be a planned program and based on the abilities, physical condition, needs and interests of the residents (See § 4.56). This is very important since the success of the program will depend largely on the residents' interest in the activities provided. There are a number of publications available which provide information on activities appropriate for aged, infirm, disabled adults. Two are available at no cost and provide good reference information. There are, "The Activity Coordinators Guide, A Handbook for Activities Supervisors in Long Term Care Facilities", prepared by the Department of Health, Education, and Welfare, and "The Therapeutic Recreation Activity Guide in Long Term Care Facilities", developed by the Office of Recreation Services, Commission of Outdoor Recreation. Copies of these publications may be obtained, after the effective date of these Standards and Regulations from the Regional Offices of the Department of Social Services.

How Many Activities Must the Program Include?

Section 4.54 requires that the home provide at least one activity each day for the residents. This Standard also requires that this daily activity be at least one hour in length.

What Activities Planning is Required?

The activities program, while not intended to be elaborate, costly and complex, must be varied (See § 4.56). This requires that enough advance planning be done to insure that the minimum requirement of one activity per day for one hour each day is not limited to the same activity day after day. Activities must also be planned for one week in advance (See § 4.57). This does not prohibit the same activity from being offered each day as long as

there are other activities planned and available so that activities provided are varied and consider the abilities, physical condition, needs and interests of all residents (See § 4.56).

A written schedule of activities available must be prepared and posted in advance of the period covered by the schedule in a place where all residents can see and read it. Residents must also be informed of the activities program (See § 4.57). This is required so that all residents will know what activities are available and when these activities will take place. § 4.58 requires that activities schedules for the past three months be kept for inspection by the Department of Social Services representative.

Must Each Resident Participate?

Each resident must be encouraged to participate in the program. No resident shall be forced to participate (See § 4.59).

Can Outside Community Resources be Used?

It is not intended that the home conduct the required activities program totally using its own resources if there are community resources available and willing to help. Facilities are encouraged to explore the capabilities and willingness of any available local organization to assist in the activities program. However, when community resources are used, it is the responsibility of the licensee to insure that the activity provided is of a type that meets the requirements of Part IV, Article 6.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

EXECUTIVE ORDER NUMBER 56 (85)

(Required by § 9-6.14:9.1 of the Code of Virginia)

CREATING THE PATRICK HENRY MEMORIAL COMMISSION

Agency: Department of Medical Assistance Services

By virtue of the authority vested in me as Governor, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Patrick Henry Memorial Commission.

Title of Regulation: **Public Participation on the Formation and the Development of Regulations – Guidelines (VR 460-04-8.900).**

Comments:

No objections to the proposed public participation guidelines as presented.

/s/ Charles S. Robb
Date: June 21, 1985

Born on May 29, 1736, in Hanover County, Virginia, Patrick Henry became our greatest orator for individual liberty and American independence before and during the Revolutionary War, participated on the committee which wrote the first Constitution of the Commonwealth of Virginia, served as the first Governor of the Commonwealth of Virginia, and was largely responsible for the adoption of the Bill of Rights of the United States Constitution. In view of his immense contributions to the state and the nation, the Patrick Henry Memorial Commission is established in order to assure that Virginia appropriately commemorates his 250th birthday during the year of 1986. The Commission shall develop plans to promote and celebrate the anniversary of Patrick Henry's birth and shall advise the Governor on its activities.

Agency: Virginia Department of Mental Health and Mental Retardation

Title of Regulation: **Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs (VR 470-01-02).**

Comments:

The Department is encouraged to carefully consider the comments submitted by the Department of Planning and Budget and the Office of the Attorney General as it develops regulations to be submitted for final adoption under the procedures of the Administrative Process Act.

/s/ Charles S. Robb
Date: June 21, 1985

The Commission shall be comprised of eighteen members, appointed by the Governor, who shall serve at the pleasure of the Governor. There shall be a Chairman and Vice-Chairman of the Commission appointed by the Governor.

Members of the Commission shall not receive compensation, nor shall they receive any monies for personal expenses incurred in the discharge of their official duties.

This Executive Order shall become effective on its signing and shall remain in full force and effect until May 29, 1987 unless amended or rescinded.

Given under my hand and the Seal of the Commonwealth of Virginia at Richmond this 22 of June, nineteen hundred and eighty-five.

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **Cotton Bollweevil Quarantine**. The proposed regulations will amend the current quarantine so Virginia can participate in a continued multistate cooperative effort to monitor and eradicate, if necessary, cotton bollweevil from Virginia, North Carolina, and South Carolina by requiring (i) cotton growers to declare intentions of acreage in cotton to be grown each year, and (ii) require a payment of \$10 per acre of cotton grown to defray the cost of the program.

The requested amendments were part of the original bollweevil quarantine adopted December 14, 1977, but were deleted on February 26, 1981, when eradication was achieved. Additional efforts are now needed to keep Virginia free of cotton bollweevil.

Statutory Authority: §§ 3.1-188.23 through 3.1-188.24 of the Code of Virginia.

Written comments may be submitted to Raymond D. Vaughan.

CONTACT: Raymond D. Vaughan, Secretary, State Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3501.

CRIMINAL JUSTICE SERVICES BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations

entitled: **Rules and Regulations Relating to Criminal History Record Information - Part I**. The proposed amendment to § 4.0 of current regulations will permit criminal justice agencies to establish a fee for copying and search time expended when criminal history record information is requested.

Statutory Authority: § 9-170(1) of the Code of Virginia.

Written comments may be submitted until August 9, 1985, to J. W. Matthews, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

CONTACT: Joe Marshall, Executive Assistant, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8730.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **Uniform Statewide Building Code**. The proposed regulations will prohibit the use of 50/50 lead solder or lead-containing fluxes in plumbing that supplies drinking water in buildings, as proposed by the State Health Commissioner based on a study that showed a significant number of instances of lead levels exceeding the present standard. The State Health Commissioner's report is available for inspection at the address below.

Statutory Authority: § 36-98 of the Code of Virginia.

Written comments may be submitted until September 16, 1985.

CONTACT: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., 4th Floor, Richmond, Va. 23219, telephone (804) 786-4751

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **Urban Enterprise Zone Program Regulations**. The purpose of the proposed regulations is to

General Notices/Errata

bring the Urban Enterprise Zone Program Regulations in line with the 1985 amendments to the Code of Virginia.

Statutory Authority: § 59.1-278 of the Code of Virginia.

Written comments may be submitted until September 16, 1985, to Neal J. Barber, Acting Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Virginia 23219.

CONTACT: Stanley S. Kidwell, Jr., Associate Director, Virginia Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4966.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Inpatient Hospital Reimbursement Rates**. The purpose of the proposed amendments is to establish the methods by which the agency determines reimbursement rates for inpatient hospitals.

Statutory Authority: §§ 32.1 - 32.5 of the Code of Virginia.

Written comments may be submitted until August 30, 1985.

CONTACT: Ray T. Sorrell, Director, Department of Medical Assistance Services, 109 Governor St., 8th Floor, Richmond, Va. 23219, telephone (804) 786-7933.

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to promulgate regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to establish guidelines for soliciting participation of interested parties in the revision and adoption of regulations.

Statutory Authority: §§ 9-6.14:7.1 and 54-929 of the Code of Virginia.

Written comments may be submitted until August 8, 1985.

CONTACT: John W. Braymer, Ph.D., Executive Director,

517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702.

VIRGINIA BOARD OF PSYCHOLOGY

Notice of Intended Regulatory

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Psychology intends to consider promulgating regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to establish guidelines for soliciting participation of interested parties in the revision and adoption of regulations.

Statutory Authority: §§ 9-6.14:7.1 and 54-929 of the Code of Virginia.

Written comments may be submitted until August 8, 1985.

CONTACT: John W. Braymer, Ph.D., Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702.

VIRGINIA BOARD OF SOCIAL WORK

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Social Work intends to consider promulgating regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to establish guidelines for soliciting participation of interested parties in the revision and adoption of regulations.

Statutory Authority: §§ 9-6.14:7.1 and 54-929 of the Code of Virginia.

Written comments may be submitted until August 8, 1985.

CONTACT: John W. Braymer, Ph.D., Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702.

General Notices/Errata

VIRGINIA SUBSTANCE ABUSE CERTIFICATION COMMITTEE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Substance Abuse Certification Committee intends to consider promulgating regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to establish guidelines for soliciting participation of interested parties in the revision and adoption of regulations.

Statutory Authority: §§ 9-6.14:7.1 and 54-929 of the Code of Virginia.

Written comments may be submitted until August 8, 1985.

CONTACT: John W. Braymer, Ph.D., Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702.

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DEPARTMENT OF TAXATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-3, Virginia Retail Sales and Use Tax Regulations: Advertising**. The purpose of the proposed regulations is to reflect the 1985 legislative changes concerning the application of the Virginia Retail Sales and Use Tax to advertising, and any other changes necessary to clarify the regulations. An informal meeting with interested persons will be held on August 28, 1985.

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

Written comments may be submitted until August 26, 1985.

CONTACT: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8011.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-86, Virginia Retail Sales and Use Tax Regulations: Printing**. The purpose of the revised regulations will be to incorporate a 1985 legislative change relating to the printing of certain materials for use outside the state and to make other changes as needed to clarify

or improve the existing regulation. See meeting notice in the Calendar of Events section in this edition of The Virginia Register.

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

Written comments may be submitted until August 27, 1985.

CONTACT: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to promulgate regulations entitled: **VR 630-28-796.25, Virginia Cattle Tax**. The purpose of the proposed regulations is to relect the 1985 legislative changes concerning the transfer of authority for collecting and recording the Virginia Cattle Tax from the Virginia Cattle Industry Commission to the Department of Taxation.

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

Written comments may be submitted until August 23, 1985.

CONTACT: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010.

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GENERAL NOTICES

ERRATA

Agency: Department of Mental Health and Mental Retardation

Title of Regulation: **VR 470-03-03. Rules and Regulations to Assure the Rights of Clients in Community Programs.**

Issue: 1:17 V.A.R., page 1427, May 27, 1985

Article 3, Consent, § 2.5, A. The sentence should read:

If the client is not capable of giving consent, the consent may be given by an authorized representative.

* * * * *

NOTICE TO STATE AGENCIES

Re: Forms for filing material on dates for publication in The Virginia Register of Regulations.

General Notices/Errata

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

Proposed (Transmittal Sheet) RR01
Final (Transmittal Sheet) RR02
Notice of Meeting RR03
Notice of Intended Regulatory Action RR04
Notice of Comment Period RR05
Agency Response to Legislative
or Gubernatorial Objections RR06

NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

NOTICE TO TRADE ASSOCIATIONS AND ORGANIZATIONS

The 1985-1986 listing of major meetings of certain organizations and associations is being updated. If you would like your organization's annual or semi-annual meeting listed, please advise the office of the Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Virginia 23208, telephone (804) 786-3591.

CALENDAR OF EVENTS

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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.

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) 786-6530.

THE VIRGINIA CODE COMMISSION

EXECUTIVE

VIRGINIA STATE BOARD OF ACCOUNTANCY

† July 22, 1985 - 8:30 a.m. - Open Meeting

† July 23, 1985 - 8:30 a.m. - Open Meeting

Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review applications for certification; (ii) review disciplinary cases; (iii) elect officers for 1985-86; (iv) consider remarks from public hearing on May 14, 15, and 16; (v) continue drafting responses to remarks at hearings; and to (vi) accept grades from the May, 1985, CPA exam.

Contact: Jennifer S. Wester, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free number 1-800-552-3016)

VIRGINIA DEPARTMENT FOR THE AGING

† September 24, 1985 - 1:30 p.m. - Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department for the Aging intends to repeal regulations entitled: Regulations Concerning Area Plans for Aging Services.

STATEMENT

Description: *The regulations (i) set forth methods for designating planning and service areas and area agencies on aging in Virginia, (ii) describes the process of allocating funds among the planning and service areas, and (iii) provides guidance to the area agencies on aging in the development and implementation of their area plans for aging services.*

Subject, Substance, Issues, Basis, and Purpose: *The Virginia Department for the Aging is taking this action because some sections of the regulations are outdated and other sections duplicate provisions in the State Plan for Aging Services approved by the Governor.*

Statutory Authority: § 2.1-373(7) of the Code of Virginia.

Written comment may be submitted until September 27, 1985.

Contact: Betty J. Reams, Assistant Commissioner, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219, telephone (804) 225-2271

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

August 6, 1985 - 2 p.m. - Public Hearing

Board of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Board Room, Second Floor, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend the following regulations:

1. Reporting Requirements for Contagious and Infectious Diseases of Livestock in Virginia. (VR 115-02-01) *This regulation requires practicing veterinarians in Virginia to report the existence of certain livestock diseases to the State Veterinarian.*

STATEMENT

Subject and Substance: *The proposed regulation replaces AHD 1 (Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia). No change is made in policy.*

Basis: *Communicable diseases of animals are a direct*

Calendar of Events

economic menace to the producer. Some of these diseases constitute a direct threat to human health. The prompt notification of the disease, species and numbers involved and location(s) affected are necessary for the prevention and control of disease.

Purpose: To require veterinarians practicing in Virginia to report to the State Veterinarian the existence of certain contagious or infectious diseases among livestock.

Impact: 1,722 practicing veterinarians are affected by this regulation.

Statutory Authority: § 3.1-726 of the Code of Virginia.

2. Rules and Regulations Governing the Prevention, Control and Eradication of Bovine Tuberculosis in Virginia. (VR 115-02-02) This regulation prescribes requirements and methods for the prevention, control and eradication of bovine tuberculosis in Virginia.

STATEMENT

Subject and Substance: The proposed regulation replaces AHD 2 (Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia - Regulation 2). No change is made in policy.

Basis: Bovine tuberculosis is a highly infectious and debilitating disease and it is transmissible from infected animals to man; therefore, its prevention, control and eradication is of paramount interest to the cattle producer and to the general public. Virginia has maintained a bovine tuberculosis free status for more than 10 years, thereby permitting interstate and international trade of its cattle without restrictions due to this disease. This regulation is essential in continuing a bovine tuberculosis free status in Virginia.

Purpose: To prescribe the method of reporting and testing bovine tuberculosis, the means of identifying animals passing and reacting to the test, the handling and disposition of reactor animals and the disposition of tuberculosis infected herds.

Impact: 1,722 practicing veterinarians and 39,000 cattle owners are affected by this regulation.

Statutory Authority: §§ 3.1-724, 3.1-730 and 3.1-749 of the Code of Virginia.

3. Rules and Regulations Governing the Control and Eradication of Brucellosis of Cattle in Virginia. (VR 115-02-03) This regulation prescribes requirements and methods for preventing, controlling and eradicating bovine brucellosis in Virginia.

STATEMENT

Subject and Substance: This regulation replaces regulation

AHD 3 (Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia - Regulation 3 (Brucellosis of Cattle)) and incorporates Limited General Quarantine Order No. 1981-1. No change is made in policy.

Basis: Brucellosis in cattle is a highly infectious disease and causes substantial economic losses for producers whose herds are affected. It is transmissible to man in whom its effects can be devastating. Accordingly, its prevention, control and eradication is of major interest to cattle breeders/producers and to the general public. Interstate and international trade in cattle from Virginia could be severely impacted if this disease were permitted to progress unchecked in the Commonwealth. The regulatory authority and actions expressed in this regulation are necessary if the cattle industry of Virginia is to continue to experience success with its animals in the market place.

Purpose: To prescribe the method of testing of bovine brucellosis, the means of identifying animals passing and reacting to the test, the handling and movement of tested cattle within the Commonwealth, the procedures for the vaccination of calves and adult cattle and the identification of same, the definition of brucellosis-free certified herds and the classification status of brucellosis in Virginia, and the method for depopulating brucellosis infected herds in the Commonwealth.

Impact: 1,722 practicing veterinarians and 39,000 cattle owners are affected by this regulation.

Statutory Authority: §§ 3.1-724, 3.1-725 and 3.1-749 of the Code of Virginia.

4. Rules and Regulations Governing the Operation of Livestock Markets. (VR 115-02-04) This regulation prescribes requirements for handling animals at livestock markets, acceptable standards of livestock markets, and procedures employed when inspecting markets to determine compliance.

STATEMENT

Subject and Substance: This regulation replaces regulation AHD 4 (Operation of Livestock Markets) and incorporates Livestock Market Brucellosis Testing Order No. 1981-2. No change is made in policy.

Basis: When animals are subjected to common collection points, such as livestock markets, the risk of pooling and interchanging infectious agents is enhanced considerably if these facilities are not maintained in acceptably clean and sanitary conditions. The requirements of this regulation must be enforced to minimize and control the spread of animal diseases among animals passing through the 38 livestock markets located in Virginia.

Purpose: To prescribe the regulatory procedures for handling animals passing through Virginia livestock

Calendar of Events

markets and to establish sanitary standards for these facilities and methods for their enforcement.

Impact: Thirty-eight operators of livestock markets in Virginia are affected on a direct basis. Also affected are the numerous buyers and sellers who utilize these markets as places to exchange ownership of animals.

Statutory Authority: §§ 3.1-724, 3.1-730 and 3.1-757 of the Code of Virginia.

5. Health Requirements Governing the Control or Equine Infectious Anemia in Virginia. (VR 115-02-05) This regulation prescribes testing for intrastate and interstate shipment of horses and prescribes disposition of test reactors.

STATEMENT

Subject and Substance: This regulation replaces regulations AHD 10 of the same title. No changes are made in policy.

Basis: Equine infectious anemia is a debilitating viral disease which can terminate in the death of the infected animal. Its ready transmission by biting insects or other blood-letting procedures permits its easy spread from infected to noninfected individuals. Regulatory control of horses in intrastate, interstate and international shipments and the identification and control of horses infected with this disease is highly desirable in preventing and controlling this disease in the equine population of Virginia.

Purpose: To specify Virginia's testing requirements for equine infectious anemia (EIA) for intrastate and interstate shipments of horses, and to define those regulatory actions to be taken for those animals which react positively to the official EIA test.

Impact: The provisions of this regulation directly affect 36,469 Virginia breeders and owners of horses.

Statutory Authority: §§ 3.1-724 through 3.1-730 of the Code of Virginia.

6. Requirements Governing the Branding of Cattle in Virginia. (VR 115-02-06) This regulation prescribes a program for branding of cattle by owners who voluntarily subscribe and register as participants under the program.

STATEMENT

Subject and Substance: This regulation replaces AHD 11 of the same title. No change is made in policy.

Basis: Positive life-time identification for legal ownership is highly desirable when property is easily lost, strayed or stolen as exemplified by farm or range cattle. Establishment of a workable and creditable identification system for this purpose on a statewide basis is possible only if permitted under the auspices of the government of

the Commonwealth.

Purpose: To establish within state government a voluntary cattle branding system which provides for the design, registration, application and administration of unique identifying brands to Virginia cattle owners who desire to be participants in this statewide identification system.

Impact: 39,000 cattle owners are eligible to participate in this branding system. Thirty-eight operators of livestock markets in Virginia are required to maintain a copy of the register of brands in their places of business.

Statutory Authority: § 3.1-796.36 of the Code of Virginia.

7. Control and Eradication of Pullorum Disease and Fowl Typhoid Flocks and Hatcheries and Products in Virginia. (VR 115-02-07) This regulation prescribes requirements for control and eradication of pullorum disease and fowl typhoid in poultry flocks and hatcheries in Virginia.

STATEMENT

Subject and Substance: This regulation replaces an unnumbered AHD regulation of the same title. No change is made in policy.

Basis: Pullorum disease and fowl typhoid have the proven capabilities to devastate any poultry industry. An in-place program to guard against and to take immediate steps to eradicate these diseases, when and if they appear in Virginia, is required to protect the interests of producers and consumers of poultry products in the Commonwealth.

Purpose: To require flocks of poultry in Virginia to be maintained in a U. S. Pullorum-Typhoid Clean status at all times thus qualifying products of these flocks for movement within and without the Commonwealth in conformance with established national and international standards.

Impact: This regulation affects 6,948 breeders and owners of poultry in Virginia.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

8. Rules and Regulations Governing the Qualifications for Humane Investigators. (VR 115-02-08) This regulation prescribes eligibility, training, examination and appointment for becoming a certified humane investigator in Virginia.

STATEMENT

Subject and Substance: This regulation replaces regulation AHD 13 (Qualifications for Humane Investigators). No change is made in policy.

Basis: Animals in Virginia recurrently are subjected to

Calendar of Events

treatment or conditions that are, or are interpreted to be, inhumane. When investigations of inhumane treatment or conditions are made, they should be performed in an objective, efficient, effective and uniform manner. The features of a desirable investigation can be obtained only through training of investigators using uniform methods and guidelines to qualify them to perform this work.

Purpose: To prescribe the eligibility, training, examination and appointment requirements for individuals who desire to be certified as humane investigators in Virginia.

Impact: This regulation affects approximately 50 persons annually who desire to become humane investigators.

Statutory Authority: § 29-213.75 of the Code of Virginia.

9. Guidelines Pertaining to A Pound or Enclosure To Be Maintained By Each County or City. (VR 115-02-09) This regulation prescribes a uniform set of standards to follow for the construction and operation of pounds and enclosures in Virginia.

STATEMENT

Subject and Substance: This regulation replaces regulation ADH 15 of the same title. No change is made in policy.

Basis: Guidelines for the construction and operation of humanely suitable pounds and enclosures to confine stray animals are required to ensure the uniform humane treatment of these animals in Virginia.

Purpose: In addition to providing a uniform set of standards to follow, the regulation also outlines acceptable sanitary practices at these facilities, the euthanasia methods to be used and the proper disposal of dead animals from these establishments.

Impact: 135 counties and municipal governments in the Commonwealth are affected by this regulation.

Statutory Authority: § 29-213.66 of the Code of Virginia.

10. Rules and Regulations Governing the Recordkeeping By Virginia Cattle Dealers For the Control or Eradication of Brucellosis of Cattle. (VR 115-02-10) This regulation prescribes records to be kept by registered cattle dealers in Virginia which will assist in tracing diseased animals to their points of origin.

STATEMENT

Subject and Substance: This regulation replaces regulation AHD 16 (Recordkeeping by Virginia Cattle Dealers for the Control or Eradication of Brucellosis of Cattle). No change is made in policy.

Basis: Brucellosis in cattle is a highly infectious disease which causes substantial economic losses for producers whose herds are affected. It is transmissible to man in

whom its effects can be devastating. Because livestock dealers operate on an intrastate and interstate basis, and because state and interstate highways readily facilitate the movement of cattle by these dealers, it is imperative that controls of dealer actions through the requirement of mandatory records of purchases, sales and movement of cattle be established by state regulations. These records can provide vital information in the tracing of a diseased animal through dealers and markets to its point of origin. Once the latter is known, proper prevention, control and eradication actions for the disease can be initiated with greater possibility of success.

Purpose: To prescribe the records that are to be maintained by cattle dealers in Virginia when cattle are bought, sold or moved by them for breeding or replacement purposes.

Impact: 354 cattle dealers in Virginia are affected by this regulation.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

11. Rules and Regulations Governing Laboratory Fees For Services Rendered or Performed. (VR 115-02-11) This regulation provides certain laboratory diagnostic services to practicing veterinarians on a fee-for-services basis.

STATEMENT

Subject and Substance: This regulation replaces ADH 14 (Rules and Regulations Pertaining to Laboratory Fees for Services Rendered or Performed). No change is made in policy.

Basis: Current state statute provides diagnostic laboratory service for livestock and poultry only. Diagnostic laboratory services provided in state operative laboratories for companion animals, exotic birds, or animals other than livestock or poultry, are furnished as prescribed by the Board of Agriculture and Consumer Services.

Purpose: To make laboratory diagnostic disciplines for companion animals and birds and exotic animals and birds available to practicing veterinarians in Virginia on a fee-for-service basis.

Impact: 1,722 practicing veterinarians licensed by the Virginia Board of Veterinary Medicine are affected by this regulation.

Statutory Authority: § 3-1-725 of the Code of Virginia.

12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds Into Virginia. (VR 115-02-12) This regulation prescribes qualifications and requirements that animals must meet upon admission into Virginia.

Calendar of Events

STATEMENT

Subject and Substance: This regulation replaces AHD 5 (Health Requirements Governing the Admission of Livestock Into Virginia) and incorporates the requirements for specified testing of stallions and mares being imported into the Commonwealth from countries where contagious equine metritis has occurred (Limited General Orders No. 1980-1 and 1981-3). This regulation also incorporates the requirements which prohibit the importation of hatching eggs and poultry into Virginia unless they originate from flocks that are designated as being free of *Mycoplasma Gallisepticum* (Limited Quarantine Order No. 1983-1).

Basis: Preventing and controlling communicable diseases within an animal population among other considerations is dependent upon the status of health of any new individual(s) introduced into that population. For this reason, it is necessary to establish and maintain a monitoring system that will provide a continual flow of information to regulatory authorities about the health status and origin of any animal(s) being brought into the Commonwealth.

Purpose: To prescribe the qualifications and requirements that animal(s) must meet upon admission to Virginia, and to prescribe a monitoring system of official certificates issued by other states or by foreign countries of origin which provide a description of the health status and the place of origin of any animal(s) brought into the Commonwealth.

Impact: This regulation affects all persons in Virginia who, for reasons other than that of slaughter, transport an animal(s) into the Commonwealth.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

Written comments on any of the above listed regulations may be submitted until July 5, 1985, to Raymond D. Vaughan, P. O. Box 1163, Richmond, Virginia 23219.

Contact: Dr. A. J. Roth, Veterinary Program Coordinator, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to repeal the following regulations:

1. LIMITED GENERAL QUARANTINE ORDER NO. 1981-3. This quarantine prescribes specified testing to qualify stallions and mares for quarantine release when originating from countries where contagious equine metritis has occurred.

Statutory Authority: § 3.1-734 of the Code of Virginia.

2. LIMITED GENERAL QUARANTINE ORDER NO. 1980-1. This quarantine prescribes specified testing to qualify stallions for quarantine release when originating from countries where contagious equine metritis has occurred.

Statutory Authority: §§ 3.1-726 and 3.1-734 of the Code of Virginia.

3. LIMITED QUARANTINE ORDER NO. 1983-1. This quarantine prohibits the importation into Virginia of hatching eggs and poultry from other than designated disease-free areas.

Statutory Authority: §§ 3.1-723 through 3.1-741 of the Code of Virginia.

(The provisions of the above three quarantines have been incorporated into proposed VR 115-02-12, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals and Birds in Virginia, which is anticipated to become effective October 15, 1985.)

4. LIMITED GENERAL QUARANTINE ORDER NO. 1981-1. This quarantine prescribes specified testing of adult breeding cattle for brucellosis upon change of ownership in Virginia. The provisions of this quarantine have been incorporated into proposed VR 115-02-03, Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia, which is anticipated to become effective on October 15, 1985.

Statutory Authority: §§ 3.1-726 and 3.1-727 of the Code of Virginia.

5. LIVESTOCK MARKET BRUCELLOSIS TESTING ORDER NO. 1981-2. This Order prescribes specified testing at livestock markets for brucellosis when breeding and replacement cattle are returned to the farm. The provisions of the Order have been incorporated into proposed VR 115-02-04, Rules and Regulations Governing the Operations of Livestock Markets, which is anticipated to become effective on October 15, 1985.

Statutory Authority: § 3.1-737 of the Code of Virginia.

6. AHD 7, ARTIFICIAL INSEMINATION. This regulation prescribes controls on health status of bull studs used for artificial insemination; also specifies qualifications of individuals certified as inseminators. This regulation is being repealed because the livestock industry has developed satisfactory standards that are in use and replace those contained in this regulation.

Statutory Authority: §§ 3.1-723 through 3.1-741.1 of the Code of Virginia.

Written comments on the repeal of the above listed

Calendar of Events

regulations may be submitted until August 6, 1985, to Raymond D. Vaughan, P. O. Box 1163, Richmond, Virginia 23219.

Contact: Dr. A. J. Roth, Veterinary Program Coordinator, Washington Bldg., 1100 Bank St., Suite 600, Richmond, Va. 23219, telephone (804) 786-2483

August 7, 1985 - 10 a.m. - Public Hearing
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Board Room 204, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: Regulation III of the Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products. (VR 115-05-03) This regulation governs the production, processing, labeling and distribution of ice cream and similar products within the Commonwealth.

STATEMENT

Basis: The Board of Agriculture and Consumer Services promulgates rules to govern the production, processing, labeling and distribution of ice cream and similar products within the Commonwealth.

The Board has been petitioned by two firms to amend Regulation III which would allow the sale of their products in the Commonwealth.

Purpose: There are two proposed amendments to the regulation. One will allow the use of dry whey, reduced minerals whey, whey protein concentrate and reduced lactose whey as ingredients in the formulation of powder or dry imitation frozen dessert mixes and require that these wheys used in the formation of these mixes shall have been pasteurized or subjected to any other method of process demonstrated to be equally efficient.

The second proposed amendment pertains to a standard of identity for lowfat parevine. The proposed standard is the same as the existing standard for parevine except that the fat content shall not be more than 6.0%.

Impact: The amendments will require no additional expenditure of funds for the Department. One amendment will allow powdered or dry imitation frozen dessert mixes containing whey ingredients either to be used by or compete with other products in the market place. The parevine amendment would enable the manufacture and sale of this product in Virginia.

Statutory Authority: § 3.1-562.1 of the Code of Virginia.

Written comments may be submitted until August 26, 1985.
Contact: William R. Crump, Jr., Chief, Bureau of Dairy

Services, Department of Agriculture and Consumer Services, Division of Dairy and Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock. (VR 115-04-17) This regulation would establish a procedure to allow for virus testing and subsequent certification of grape nursery stock found free from virus on a voluntary basis.

STATEMENT

Purpose: The proposed rules and regulations would permit the Department of Agriculture and Consumer Services to plan, develop and implement a program to certify grape nursery stock, including vines, rooted cuttings, cuttings, grafts, or buds, as apparently virus free, and would provide for voluntary participation by applications.

Basis: The Virginia wine industry is expanding and, consistent with this expansion is the demand for quality grape nursery stock to establish vineyards. Viral diseases have been shown to be one of the most destructive pests or grapes, and once infected, there are no curative pesticides presently available. Costs to establish a vineyard are high and additional costs for replacement of virus-infected vines would economically retard the growth of the wine industry. The supply of certified virus-free grape plants is limited. In the eastern United States, only the state of New York has a certification program for grape nursery stock and they are unable to meet the demand for certified virus-free grape nursery stock in the East. It is essential to Virginia's growing industry to make quality virus-free vines available for vineyard establishment.

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

Written comments may be submitted until August 5, 1985.
Contact: Raymond D. Vaughan, Secretary, State Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3501

VIRGINIA AGRICULTURAL FOUNDATION

August 26, 1985 - 9 a.m. - Open Meeting
Holiday Inn - Airport, 5203 Williamsburg Road, Sandston, Virginia

A regular business meeting.
Contact: Henry H. Budd, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3506

VIRGINIA YOUTH ALCOHOL ABUSE PREVENTION PROJECT SUMMER YOUTH CONFERENCE

Opens at 2 p.m. on July 30, 1985, and closes at noon on August 1, 1985. – Open Meeting
Radford University, Radford, Virginia. (Location accessible to handicapped.)

The Summer Youth Conference is a gathering of over 180 students representing public and private schools throughout the state which will address the problems of drunk driving and substance abuse among Virginia's youth. In tandem with adult sponsors from schools, community services boards, and community agencies, these youth will develop prevention action plans for their schools. The Virginia Youth Alcohol Abuse Prevention Project is an interagency effort of the Department of Mental Health and Mental Retardation, the Department of Education, and the Division of Motor Vehicles to prevent drunk driving among Virginia's youth.

Contact: Alice Heffner, Project Coordinator, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1530

ALCOHOLIC BEVERAGE CONTROL COMMISSION

July 30, 1985 - 9:30 a.m. – Open Meeting
August 13, 1985 - 9:30 a.m. – Open Meeting
August 27, 1985 - 9:30 a.m. – Open Meeting
September 10, 1985 - 9:30 a.m. – Open Meeting
September 24, 1985 - 9:30 a.m. – Open Meeting
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet to receive and discuss reports on activities from staff members. They will consider other matters not yet determined.

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0616

VIRGINIA AVIATION BOARD

† **August 14, 1985 - 9:30 a.m. – Open Meeting**
Lynchburg Radisson Hotel, 601 Main Street, Lynchburg, Virginia. (Location accessible to handicapped.)

Presentation of fiscal year '86 airport funding applications and tentative allocations. (This Board meeting is being held in conjunction with the Virginia Aviation Conference.)

12th Annual Virginia Aviation Conference

† **August 14, 1985 - 9:30 a.m. – Open Meeting**
† **August 15, 1985 - 9 a.m. – Open Meeting**

† **August 16, 1985 - 9:15 a.m. – Open Meeting**
Lynchburg Radisson Hotel, 601 Main Street, Lynchburg, Virginia. (Location accessible to handicapped.)

This conference is being held to update Virginia's aviation community on aviation matters.

Contact: Kenneth A. Rowe, Director, Department of Aviation, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

GOVERNOR'S ADVISORY COMMITTEE ON CHILD ABUSE

Subcommittee on Prevention

July 26, 1985 - 1:15 p.m. – Open Meeting
Junior League, 205 West Franklin Street, Richmond, Virginia

The subcommittee will address prevention related issues which are identified in the report of the Governors Advisory Committee on Child Abuse and Neglect "Protecting Children from Abuse: Future Directions".

Contact: Sue Gibson, 6190 Studley Ave., Norfolk, Va. 23508, telephone (804) 423-3983 or Phyllis Breidenbaugh, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 281-9695

GOVERNOR'S COMMISSION ON CHILD SUPPORT

July 22, 1985 - 3 p.m. – Public Hearing (1st Session)
July 22, 1985 - 7 p.m. – Public Hearing (2nd Session)
George Mason University, Student Union II, Fairfax, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

July 30, 1985 - 3 p.m. – Public Hearing (1st Session)
July 30, 1985 - 7 p.m. – Public Hearing (2nd Session)
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

These public hearings will provide the general public with an opportunity to voice their concerns and recommendations regarding Child Support. Some of the areas of concern are:

- Custody and Visitation,
- Enforcement Modification and Abatement,
- Interstate/ URESA,
- Paternity,
- Support Standards.

August 14, 1985 - 9 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C,

Calendar of Events

Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A regular Commission meeting.

The subcommittees will convene at 9 a.m. and 11 a.m. on the 4th, 5th, and 7th floors of the General Assembly Building after initially meeting in House Room C for brief instructions.

At 1 p.m. the full Commission will reconvene in House Room C for a full Commission meeting.

The nature of business is to review the information obtained at the public hearings and to finalize the recommendations to be included in the report for the Governor.

Contact: Linda Hence, Staff Assistant to the Commission, Division of Support Enforcement, 8004 Franklin Farms Dr., Lee Bldg., Suite 201, Richmond, Va. 23229-8699, telephone (804) 281-9632

INTERDEPARTMENTAL COMMITTEE ON RATE-SETTING FOR CHILDREN'S FACILITIES

† July 23, 1985 - 10 a.m. - Open Meeting
Koger Executive Center, Blair Building, Conference Rooms A and B, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Committee will receive feedback from the state Board of the Department of Corrections on the Committee's rules and regulations as related to in § 2.1-703 of the Code of Virginia.

Contact: Thomas W. Riddick, 307 Worthington Square, Portsmouth, Va. 23704, telephone (804) 393-0061

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Historic Landmarks

† August 13, 1985 - 10 a.m. - Open Meeting
221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

Fan Area Historic District, Richmond (city);
Holland House Apartments, Suffolk;
Locust Grove, Culpeper County;
Saint Stephens Episcopal Church, Bedford County;
Seaboard Coastline Building, Portsmouth.

Historic Landmarks Commission

† August 13, 1985 - 2 p.m. - Open Meeting
221 Governor Street, Richmond, Virginia

A general business meeting.

Contact: Margaret T. Peters, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

BOARD OF CORRECTIONS

August 14, 1985 - 10 a.m. - Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting to consider such matters as may be presented to the Board of Corrections.

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

CRIMINAL JUSTICE SERVICES BOARD

† October 2, 1985 - 9:30 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers.** The proposed amendments will effect existing training standards for deputy sheriffs and other law-enforcement and designated personnel to provide security for the courthouse and courtroom.*

STATEMENT

Basis and Purpose: *The rules, as proposed, are being considered for amendment pursuant to the provisions of § 9-170(5) of the Code of Virginia. The protection of property and persons during the judicial process is a specialized function requiring certain knowledge, skills and abilities. The purpose of the proposed rules is to provide training necessary for effective protection of the courthouse and courtroom.*

Subject and Substance: *The proposed amendments to the rules mandate minimum training standards for those criminal justice personnel designated to provide courthouse and courtroom security.*

Impact: *This proposal is an amendment to existing rules. The review and proposed amendments resulted from the cyclical review process previously established by the Department. No fiscal impact is anticipated.*

Calendar of Events

Compliance Cost: Rules pertaining to this subject matter currently exist. No additional compliance costs are anticipated.

Implementation Cost: Implementation cost to the Department of Criminal Justice Services is not expected to exceed those costs associated with compliance with the requirements of the Administrative Process Act, Executive Order No. 51 and the Board's Public Participation Guidelines. No additional costs are anticipated.

Statutory Authority: § 9-170(1)(5) of the Code of Virginia.

Written comments may be submitted until September 3, 1985 to Mr. L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Mr. J. R. Marshall, Administrative Assistant, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

† **October 2, 1985 - 9:30 a.m.** – Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: Rules Relating to Compulsory Minimum Training Standards for Deputy Sheriffs Designated to Serve Process. This regulation establishes compulsory minimum training standards for deputy sheriff designated to serve process.

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for adoption pursuant to the provisions of § 9-170(1)(5a) of Code of Virginia. The service of legal process is a specialized function requiring certain knowledge, skills and abilities. The purpose of the proposed rules is to provide training necessary for the safe, efficient and effective service of legal documents.

Subject and Substance: The proposed rules mandate minimum training standards for deputy sheriffs designated to serve process and sets forth requirements and procedures for schools requesting approval to conduct such training.

Impact: These rules will impact those deputies designated by a sheriff to serve legal process. Further, those schools approved to conduct such training will be required by participating localities to schedule and conduct sufficient training offerings to meet their needs.

Compliance Cost: Sheriffs with the legal responsibility to serve process will be required to send designated deputies

to approved training sessions. The cost to those Departments will vary, dependent upon the number of personnel so designated and the amount of turnover of such personnel annually.

Implementation Cost: Implementation cost to the Department of Criminal Justice Services is not expected to exceed those costs associated with compliance with the requirements of the Administrative Process Act, Executive Order No. 51 and the Board's Public Participation Guidelines. Additional responsibilities and duties are expected to be absorbed by existing staff and in concert with existing duties of the same nature.

Statutory Authority: § 9-170(1)(5a) of the Code of Virginia.

Written comments may be submitted until September 3, 1985, to Mr. L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Mr. J. R. Marshall, Administrative Assistant, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

† **October 2, 1985 - 1:30 p.m.** – Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: Rules Relating to the Compulsory Minimum Training Standards for Private Security Services Business Personnel. These regulations mandate and prescribe compulsory Minimum Training Standards and Procedures for Private Security Services Business Personnel.

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for amendment pursuant to the provisions of § 9-182 of the Code of Virginia. The purpose of these rules is to protect the public safety and welfare against incompetent or unqualified persons performing private security duties.

Subject and Substance: The proposed rules mandate minimum training requirements for private security services business personnel and set forth standards and procedures for schools conducting private security services training.

Impact: These regulations will apply directly to all persons registering with the Department of Commerce as private security services business personnel (approximately 7,000 persons annually), all schools that are approved to provide mandated private security services training (approximately

Calendar of Events

92), and all private security services business personnel who carry a firearm in the performance of duty (estimated 7,000). Indirectly, these regulations will affect the approximate 300 private security services business licensees, their clients and individuals who may come in contact with licensees or their employees.

Compliance Cost: It is anticipated that there will be no material increase in compliance cost to the public or this agency; however, since private security services is part of an agency that generates operating funds from licensees, any increase in cost would be borne by the licensees.

Implementation Cost: It is anticipated that there will be no substantial increase in cost to the regulated entities for implementation. The implementation cost to this agency should not exceed \$2,000. This amount includes the cost of informational meetings, mailing services, and the publication of notices of intent to promulgate regulations.

Statutory Authority: § 9-182 of the Code of Virginia.

Written comments may be submitted until September 3, 1985, to Mr. L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Mr. J. R. Marshall, Administrative Assistant, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

VIRGINIA BOARD OF DENTISTRY

July 25, 1985 - 1 p.m. - Open Meeting
July 26, 1985 - 8 a.m. - Open Meeting
July 27, 1985 - 8 a.m. - Open Meeting
Radisson Hotel, 235 West Main Street, Charlottesville, Virginia

The Virginia Board of Dentistry will hold a meeting to consider the proposed regulations approved on December 8, 1984.

Contact: Nancy T. Feldman, Executive Director, 517 W. Grace St., Box 27708, Richmond, Va. 23261, telephone (804) 786-0311

BOARD OF EDUCATION

† July 29, 1985 - 10 a.m. - Open Meeting
† July 30, 1985 - 8:30 a.m. - Open Meeting
† July 31, 1985 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Rooms C and D, Richmond, Virginia. (Location accessible to handicapped.)

The Board of Education will hold its regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is

available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Bldg., 25th Floor, Richmond, Va., telephone (804) 225-2540

VIRGINIA STATE FIRE COMMISSION

July 25, 1985 - 7:30 p.m. - Public Hearing
Covington Fire Department, 425 Hawthorne Street, Covington, Virginia

A public hearing of the Virginia Fire Commission to discuss fire training, fire policies and open discussion with the public.

July 26, 1985 - 9 a.m. - Open Meeting
Covington Fire Department, 425 Hawthorne Street, Covington, Virginia

A meeting of the Virginia Fire Commission to discuss fire training and fire related subjects and policies.

Contact: Anne J. Bales, Department of Fire Programs, James Monroe Bldg., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2681

COMMISSION OF GAME AND INLAND FISHERIES

July 26, 1985 - 9:30 a.m. - Open Meeting
Game Commission Offices, 4010 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet to (i) consider and establish the 1985-86 Migratory Game Bird Seasons for Virginia as prescribed under the U.S. Fish & Wildlife Service Framework on hunting migratory game birds, (ii) consider a proposed amendment to Regulation R29-1 (§ 1.), pertaining to the application for a certificate of number for a motorboat, and (iii) general administrative matters.

Contact: Norma G. Adams, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

August 2, 1985 - 10 a.m. - Open Meeting
† September 6, 1985 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Board will advise the Director of the Department

Calendar of Events

of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Contact: Dorothy D. Ivankoe, Department of General Services, Ninth Street Office Bldg., Suite 209, Richmond, Va. 23219, telephone (804) 786-3311

State Insurance Advisory Board

† **October 11, 1985 - 9:30 a.m.** – Open Meeting
Department of General Services, Ninth Street Office Building, Suite 209, Conference Room of the Director, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting of the State Insurance Advisory Board.

Contact: Charles F. Scott, Director, Department of General Services, Division of Risk Management, 805 E. Broad St., Room 117, Richmond, Va. 23219, telephone (804) 786-5968

GOVERNOR'S EMPLOYMENT AND TRAINING DIVISION

July 29, 1985 - 10 a.m. – Public Hearing
Governor's Employment and Training Division, 417 East Grace Street, 3rd Floor Conference Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Governor's Employment and Training Division intends to amend regulations entitled: Management Requirements for Job Training Partnership Act Programs and Activities. These regulations will be used by local Service Delivery Areas to plan, administer and operate job training programs.

STATEMENT

Basis: This regulation is issued under the authority of § 2.1-708 (3) of the Code of Virginia

Subject: This regulation sets forth standards for administering and operating Job Training Partnership Act activities.

Substance: This revision restructures the regulations and clarifies the language of certain sections. Areas covered by the regulations include responsibilities for: Equal Employment Opportunity/Affirmative Action; grievance; fraud and abuse; participant eligibility and contract management.

Issues: The intent of this revision has been to (i) restructure the regulations pursuant to the changes in the Administrative Process Act, (ii) clarify sections which on-going evaluation has revealed to be confusing or

insufficient and (iii) simplify language throughout.

Purpose: The purpose of this regulation is to (i) provide direction as required of the state in the Job Training Partnership Act and (ii) establish uniform criteria for administering and operating programs.

Statutory Authority: § 2.1-708 (3) of the Code of Virginia.

Written comments may be submitted until July 27, 1985.

Contact: Patricia Walsh, Technical Assistance Unit Director, Governor's Employment and Training Division, , 417 E. Grace St., P. O. Box 12083, Richmond, Va. 23241, telephone (804) 786-2254

GOVERNOR'S REGULATORY REFORM ADVISORY BOARD

July 25, 1985 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A review and modification of "staff" draft of legislation incorporating decisions made on the three issues being examined with respect to the Administrative Process Act, and adoption of draft for public hearing.

September 10, 1985 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing on the draft legislation proposed at the July 25th meeting; and adoption for introduction at 1986 session.

Contact: Phillip F. Abraham, State Capitol, Governor's Office, Richmond, Va. 23219, telephone (804) 786-2211

DEPARTMENT OF HEALTH

August 23, 1985 - 10 a.m. – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: Virginia Voluntary Formulary. A list of drugs of accepted therapeutic value, commonly prescribed and available from more than one source of supply.

STATEMENT

Subject, Substance, Issues, Basis and Purpose:

The purpose of the Virginia Formulary is to provide a list

Calendar of Events

of drugs of accepted therapeutic value, commonly prescribed within the state which are available from more than one source of supply, and a list of chemically and therapeutically equivalent drug products which have been determined to be interchangeable. Utilization of the Formulary by practitioners and pharmacists enables citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards.

The proposed revision to the Virginia Voluntary Formulary deletes drug products from the Formulary. These deletions are based upon recommendations of the Virginia Voluntary Formulary Council following its review of scientific data submitted by pharmaceutical manufacturers. The Council makes its recommendations to the State Board of Health.

The Virginia Voluntary Formulary is needed to enable citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards. Without the Formulary, physicians, dentists, and pharmacists in Virginia would not have the assurance that those generic drug products that may be substituted for brand name products have been evaluated and judged to be interchangeable with the brand name products.

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia.

Written comments may be submitted no later than 5 p.m., August 23, 1985.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

September 16, 1985 - 7 p.m. - Public Hearing
Roanoke County Administrative Complex, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia

September 17, 1985 - 7 p.m. - Public Hearing
Harrisonburg Electric Commission, 89 West Bruce Street, Community Room, Harrisonburg, Virginia

September 18, 1985 - 7 p.m. - Public Hearing
Mary Washington College, 104 Monroe Hall, Fredericksburg, Virginia

September 19, 1985 - 7 p.m. - Public Hearing
Peninsula Health District, Newport News City, Health Department, 416 J. Clyde Morris Boulevard, (US 17 South), Main Auditorium, Newport News, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: **Sewage Handling and Disposal Regulations**. The Sewage Handling and Disposal Appeals Review Board adjudicates all appeals of denials of on-site sewage disposal system permits. This regulation establishes an \$800 fee to be charged to applicants in order to cover direct cost of their hearing before the Review Board.

STATEMENT

Purpose: The purpose of this regulation is to establish an \$800 fee to be charged applicants for each appearance before the Review Board.

Summary and Analysis: The Sewage Handling and Disposal Advisory Committee, at their April 15, 1985, meeting, passed a motion that the appeals fee should be set at \$800 per appeal (which is based upon average direct cost of hearing) unless the Health Department is willing to absorb some portion of the costs.

Direct costs per appeal are estimated to be as follows:

Travel: 20.5¢/mile/7 members	\$258.30
Meals: \$20/day/person	70.00
Lodging: \$40/night	120.00
Misc: parking, phone calls, etc.	35.00
Court Reporter	327.00
Totaling	\$810.30

Impact: Applicants for formal hearing in the past paid no fee in order to have a formal adjudicatory hearing before an administrative law judge. The adoption of an \$800 fee will financially impact future applicants, however, the cost to taxpayers will be reduced due to the adoption of this fee.

Evaluation: The department will track actual costs for each appeal and evaluate direct costs on an annual basis. If fees are too high or too low, then the department will suggest the appropriate modification.

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

Written comments may be submitted until September 20, 1985.

Contact: P.M. Brooks, Public Health Engineer C, 109 Governor St., 502 James Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

WIC Program Advisory Board

† **July 24, 1985 - 10 a.m.** - Open Meeting
Department of Health, Central Region Office, Dominion Bank Building, 5001 West Broad Street, 3rd Floor Conference Room, Richmond, Virginia

The Advisory Board will discuss the WIC Participant Handbook, status report on pilot testing of the new ADP system, and nutrition surveillance.

Contact: Paul W. Matthias, Division of Public Health Nutrition, James Madison Bldg., 6th Floor, Richmond, Va. 23219, telephone (804) 786-5420

Calendar of Events

VIRGINIA HEALTH SERVICES COST REVIEW COMMISSION

July 24, 1985 - 9:30 a.m. - Open Meeting
August 23, 1985 - 9:30 a.m. - Open Meeting
Blue Cross and Blue Shield of Virginia, 2015 Staples Mill
Road, Virginia Room, Richmond, Virginia. (Location
accessible to handicapped.)

A monthly business meeting of the Commission for the
purpose of addressing financial, policy or technical
matters which may have arisen since last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th
Floor, Richmond, Va. 23219, telephone (804) 786-6371

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

September 16, 1985 - 11 a.m. - Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond,
Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Housing and
Community Development intends to amend regulations
entitled: Virginia Industrialized Building Unit and
Mobile Home Safety Regulations/1984.

STATEMENT

Subject and Substance: Proposed change to the plumbing
requirements in the previously proposed adoption of a
1984 edition of the Virginia Industrialized Building Unit
and Mobile Home Safety Regulations to amend and
replace the 1981 edition thereof. The change will prohibit
the use of lead bearing solders and fluxes in water service
and distribution piping.

Issues: 1. Estimated impact with respect to number of
persons affected: all citizens of Virginia who use buildings
hereafter constructed will be affected.

2. Projected costs for implementation somewhat less
expensive than acceptable substitutes. However, the overall
increase in costs of plumbing systems for water service
and distribution will apparently be small. Discussions with
industry sources indicate that the added cost is not a
matter of material concern.

Basis: §§ 36-70 and 36-85.1 of the Code of Virginia.

Purpose: To prevent unsafe levels of lead in drinking
water in buildings, as recommended by the State Health
Commissioner.

Statutory Authority: §§ 36-70 and 36-85.1 of the Code of
Virginia.

Written comments may be submitted until September 16,

1985.

Contact: C. S. Mullen, Deputy Director, Department of
Housing and Community Development, 205 N. 4th St.,
Richmond, Va. 23219, telephone (804) 786-4751

September 16, 1985 - 11 a.m. - Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond,
Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Housing and
Community Development intends to amend regulations
entitled: Virginia Uniform Statewide Building Code -
Volume I - New Construction Code/1984.

STATEMENT

Subject and Substance: Proposed change to the plumbing
requirements in the previously proposed adoption of a
1984 edition of the Virginia Uniform Statewide Building
Code - Volume I - New Construction Code to amend and
replace the 1981 edition thereof. The change will prohibit
the use of lead bearing solders and fluxes in water service
and distribution piping.

Issues: 1. Estimated impact with respect to number of
persons affected: all citizens of Virginia who own buildings
hereafter constructed will be affected.

2. Projected costs for implementation and compliance: the
lead bearing solders which are in current use are
somewhat less expensive than acceptable substitutes.
However, the overall increase in costs of the plumbing
system for water service and distribution will apparently
be very small, and discussions with industry sources
indicate that the added cost is not a matter of material
concern.

Basis: §§ 36-97 - 36-107 of the Code of Virginia.

Purpose: To prevent unsafe levels of lead in drinking
water in buildings, as recommended by the State Health
Commissioner.

Statutory Authority: §§ 36-97 - 36-107 of the Code of
Virginia.

Written comments may be submitted until September 16,
1985.

Contact: C. S. Mullen, Deputy Director, Department of
Housing and Community Development, 205 N. 4th St.,
Richmond, Va. 23219, telephone (804) 786-4751

September 16, 1985 - 10 a.m. - Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond,
Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Housing and
Community Development intends to amend regulations
entitled: Urban Enterprise Zone Program

Calendar of Events

Regulations. *The proposed regulations set forth the administrative procedures for implementing the Urban Enterprise Zone Act and requirements for business firms in applying for state tax credits.*

STATEMENT

Subject: *Revision of the Urban Enterprise Zone Program Regulations to follow 1985 amendments to the Urban Enterprise Zone Act.*

Substance: *The 1985 amendments allow a locality to ask for permission to enlarge the boundaries of its enterprise zone. This proposed amendment establishes procedures for a locality to follow in requesting permission to enlarge its zone.*

Issues and Impact: *This proposed amendment could impact no more than the 14 localities which have enterprise zones or portions of enterprise zones within their boundaries. The total population within the state's enterprise zone is 130,000. Jurisdictions that seek to enlarge their enterprise zones would incur relatively small staff costs in preparing the application for changing zone boundaries. The state costs which would also be small would result from staff time spent in reviewing applications to enlarge enterprise zones.*

Basis: *§ 59.1-278 of the Code of Virginia.*

Purpose: *To bring the Urban Enterprise Zone program regulations in line with recent amendments to the Code of Virginia.*

Statutory Authority: *§ 59.1-278 of the Code of Virginia.*

Written comments may be submitted until September 16, 1985 to Neal J. Barber, Acting Director, Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

Contact: Stanley S. Kidwell, Jr., Associate Director, Virginia Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4966

STATE HUMAN RIGHTS COMMITTEE

† July 25, 1985 - 9 a.m. - Open Meeting
University of Virginia Law School, Caplin Auditorium,
Charlottesville, Virginia

A meeting to discuss business relating to rights of patients and residents assuring their rights in the facilities operated or licensed by the Department of Mental Health and Mental Retardation, and other business pertinent to rights issues.

Contact: Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va. 23211, telephone (804) 786-3988

DEPARTMENT OF LABOR AND INDUSTRY

August 2, 1985 - 10 a.m. - Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond,
Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to amend regulations entitled: Virginia Occupational Safety and Health Standards for General Industry, Hazard Communication Standard. (VR 425-02-1) The Hazard Communication Standard's purpose is to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees throughout the private sector.

STATEMENT

Subject, Substance, Issues, Basis and Purpose: *The present Virginia Hazard Communication Standard applies to Standard Industrial Classification (SIC) Codes 20-39 and state and local government employers.*

The Virginia Occupational Safety and Health (VOSH) Program proposed to amend the scope of the Hazard Communication Standard to include all employers except those in the Agricultural and Construction (SIC) Codes (i.e., thus the scope of the amended Hazard Communication Standard will apply to SIC Codes 20-90 and state and local government employers).

Also by the present regulatory action the Virginia Occupational Safety and Health (VOSH) Program proposes to amend § 1910.1200 (i) (3) to include nurses within the definition of "Health Professionals" who may request access to trade secret information in nonemergency situations.

Statutory Authority: *§ 40.1-22 (5) of the Code of Virginia.*

Written comments may be submitted until July 15, 1985, to Department of Labor and Industry, P. O. Box 12064, Richmond, Virginia 23241.

Contact: Dr. Clarence H. Wheeling, Enforcement Director, Bureau of Occupational Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6285

STATE LAND EVALUATION ADVISORY COMMITTEE

August 12, 1985 - 10 a.m. - Open Meeting
Department of Taxation, 2220 West Broad Street,
Commissioner's Conference Room, Richmond, Virginia.
(Location accessible to handicapped.)

A meeting to select ranges of value to be suggested to local government for eligible land used for

Calendar of Events

agricultural, horticultural, forest and open-space purposes.

If necessary, a follow-up meeting will be held at 10 a.m. on August 26, at the same location.

Contact: Otho C. W. Fraher, Director, Property Tax Division, Department of Taxation, 2220 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8020

MARINE RESOURCES COMMISSION

† **October 22, 1985 - 9:30 a.m.** – Open Meeting
2401 West Avenue, Newport News, Virginia

The Marine Resources Commission normally meets on the fourth Tuesday each month, at 9:30 a.m., at the agency office, 24th Street and West Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery Management and Conservation measures are discussed by the Commission. The Commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within 5 days.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **September 24, 1985 - 9 a.m.** – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: Intermediate Care Criteria for the Mentally Retarded. This regulation establishes criteria for care provided to eligible mentally retarded persons in intermediated care situations which would then qualify for Medicaid reimbursement.

STATEMENT

Basis and Authority: Section 32.1-325 of the Code of Virginia gives the State Board of Medical Assistance the authority to promulgate regulations subject to the Governor's approval. Section 1902 of the Social Security Act and federal regulations in 42 CFR 456.432 and 456.435 requires that there be written criteria for admission and

continued stay in intermediate care facilities for the mentally retarded.

Purpose: The purpose of the proposed regulations is to establish an intermediate care criteria for the mentally retarded that can be applied to all recipients when Medicaid payment has been requested for institutional or noninstitutional services.

Summary and Analysis: In 1972, federal regulations allowed for the inclusion of federal financial payment for care in intermediate care facilities for the mentally retarded. At that time broadly defined criteria were developed and continues in use today.

Estimated Impact: Approximately 3,600 Medicaid recipients in state and private facilities will be affected by these new criteria. No appreciable negative impact is expected as the result of the implementation of this proposed criteria since the criteria redefinition will not result in a change in the number of eligible recipients. No new staff will be required to implement or enforce these regulations. There should be no impact on Medicaid funding.

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

Written comments may be submitted until September 22, 1985.

Contact: Tinnie B. Conover, Manager, Institutional Services Section, Department of Medical Assistance Services, 109 Governor St., Room 817, Richmond, Va. 23219, telephone (804) 786-7986

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

September 10, 1985 - 7 p.m. – Public Hearing
Mary Washington College, Fredericksburg, Virginia. (Location accessible to handicapped.)

September 11, 1985 - 11 a.m. – Public Hearing
Western State Hospital, Staff Development Building, Rooms 86 and 87, Staunton, Virginia. (Location accessible to handicapped.)

September 12, 1985 - 1 p.m. – Public Hearing
Senior Citizen's Center, 307 Park Street, Marion, Virginia. (Location accessible to handicapped.)

A public hearing on proposed Community Rules and Regulations to invite comment from those interested persons who will be affected by these regulations.

Contact: Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

September 13, 1985 - 11 a.m. – Public Hearing
Southeastern Virginia Training Center, Building 3, Inservice Training Room, Chesapeake, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental

Calendar of Events

Health and Mental Retardation intends to adopt regulations entitled: **Rules and Regulations to Assure the Rights of Clients in Community Programs.** (VR 470-03-03) The purpose of the regulations is to delineate the rights of clients of community programs licensed or funded by the Department of Mental Health and Mental Retardation.

STATEMENT

Subject, Basis and Purpose: The Rules and Regulations to Assure the Rights of Clients in Community Programs Licensed or Funded by the Department of Mental Health and Mental Retardation are to delineate the rights of clients of community programs licensed or funded by the Department of Mental Health and Mental Retardation. The Community Rules and Regulations identify those fundamental rights which may not be restricted by a community program. The regulations define those client rights which may be restricted for therapeutic reasons, aid in the assurance of client participation in treatment for therapeutic reasons, aid in the assurance of client participation in treatment decision making, and define client participation in work activities. An administrative review process for review of alleged violations of rights is established. That mechanism delineated the roles and responsibilities of the persons involved. These regulations will be more appropriate to meet the requirements and scope of community programs.

The Community Rules and Regulations are needed in order to comply with § 37.1-84.1, of the Code of Virginia. Since protection of individual rights in funded or licensed programs by the Department of Mental Health and Mental Retardation is a mandate, not providing regulations for clients in community programs was considered an acceptable alternative. Without the Community Rules and Regulations, the Department of Mental Health and Mental Retardation could not offer consistent rights protection of those clients. Rights violations might go undetected or be inadequately handled by the community program staff. Rights violations that could be quickly and fairly handled by means set forth in these rules and regulations might be handled by complicated, costly and time consuming court procedures instead if the rules and regulations are not established.

Substance and Issues: A 16 member task force, established by the Department of Mental Health and Mental Retardation has been working on the Community Rules and Regulations for the past three years. The membership represented a wide variety of public and private professional and consumer interests in all three disability areas. The task force focused its efforts on developing rules and regulations that would present the least burden on regulated programs while still ensuring the protection of client rights.

In May, 1983, October, 1984, and December, 1984, the Department of Mental Health and Mental Retardation mailed out copies of the Community Rules and Regulations

to agencies and interested individuals for comments and the rules and regulations were rewritten in response to comments received.

In considering alternative approaches to meet the need, the proposed regulations address a number of options. One alternative approach to these regulations which was considered was to write separate rules and regulations for each of the disability areas (mental illness, mental retardation, and substance abuse) was considered. This idea was rejected because many programs provided services in two or all three of these areas and would, therefore, have to be familiar with two or three sets of rules and regulations. Writing separate rules and regulations for residential and nonresidential programs was yet another alternative considered. This idea was rejected because many community services boards and agencies have both residential and nonresidential programs and would, therefore, have to operate with two sets of rules and regulations.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

Written comments may be submitted until September 15, 1985.

Contact: Elsie D. Little, A.C.S.W., State Human Rights Director, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

Mental Retardation Advisory Council

† August 16, 1985 - 10 a.m. — Open Meeting
James Madison Building, 109 Governor Street, 13th Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting to advise the State Mental Health and Mental Retardation Board on matters pertaining to mental retardation services across the state.

Public Guardianship Task Force

† August 9, 1985 - 10 a.m. — Open Meeting
James Madison Building, 109 Governor Street, 13th Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to explore alternatives to current Guardianship Legislation.

Contact: Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

Substance Abuse Advisory Council

† July 25, 1985 - 10 a.m. — Open Meeting

Calendar of Events

James Madison Building, 109 Governor Street, 13th Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A regular business meeting of the Council to advise the Commissioner on substance abuse matters.

Contact: Mr. C. W. Thacker, Director, Office of Substance Abuse, James Madison Bldg., 12th Floor, Room 1209, Richmond, Va. 23219, telephone (804) 786-3906

Systemwide Training Workgroup

August 6, 1985 - 10 a.m. - Open Meeting
Zincke Building, 203 Governor Street, Room 302, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss training issues related to facility and community programs.

Contact: Ken Macurik, Training Office, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-6133

STATE MILK COMMISSION

† **July 26, 1985 - 11 a.m. - Public Hearing**
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing to consider proposals relative to a possible amendment to the current Rules and Regulations to provide adequate compensation to producers for transporting base milk to processing general distributors located in the Tidewater region of the Eastern Virginia Sales Area.

† **July 26, 1985 - 2 p.m. - Open Meeting**
Ninth Street Office Building, Suite 1015, Richmond, Virginia. (Location accessible to handicapped.)

A routine monthly meeting.

Contact: C. H. Coleman, Administrator, Suite 1015, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2013

GOVERNOR'S MINES LAND RECLAMATION ADVISORY COMMITTEE

† **July 25, 1985 - 10 a.m. - Open Meeting**
Division of Mined Land Reclamation Office, 622 Powell Avenue, Upstairs Conference Room, Big Stone Gap, Virginia

The Committee will consider general business regarding Virginia's coal-surface mining regulatory program.

Contact: Danny Brown, Commissioner, Virginia Division of Mined Land Reclamation, P. O. Drawer U, Big Stone

Gap, Va. 24219, telephone (703) 523-2925

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mines

September 12, 1985 - 9:30 a.m. - Public Hearing
Mountain Empire Community College, Dalton-Cantrell Building, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy, Division of Mines intends to amend regulations entitled: Rules and Regulations Governing the Use of Automated Temporary Roof Support Systems. The regulation provides for automated temporary roof support systems for the safety of the roof bolters.

STATEMENT

Basis: *The regulation has been in effect since April 1, 1983. The regulation was adopted as mandated by the General Assembly in § 45.1-41 (c1) of the Code of Virginia. The regulation was adopted pursuant to the provisions of § 45.1-104 (b1) of the Code of Virginia.*

Purpose: *The purpose of the regulation is to provide for the protection of "Roof Bolters" who go into the mine, beyond the area where roof support systems are in place, for the purpose of bolting unsupported mine roof.*

Issues: *The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations.*

Substance: *The regulation was reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. There were no problems identified in the review and there were no changes other than those required by the Virginia Register Form, Style and Procedure Manual.*

Statutory Authority: §§ 45.1-41 (c1) and 45.1-104 (b1) of the Code of Virginia.

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

Calendar of Events

September 12, 1985 - 9:30 a.m. – Public Hearing
Mountain Empire Community College, Dalton-Cantrell Building, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy, Division of Mines intends to amend regulations entitled: Rules and Regulations Governing Disruption of Communication in Mines. The regulation establishes responsibility for periodic checks to determine if the communication system is operational and address steps to be taken during a disruption.

STATEMENT

Basis: The regulation has been in effect since May 1, 1980. The General Assembly recommended that the Chief adopt a regulation regarding § 45.1-81(a) concerning communication facilities for underground coal mines. The regulation was adopted pursuant to § 45.1-104 (b1) of the Code of Virginia.

Purpose: The purpose of the regulation is to establish responsibility for periodic checks to determine that the required two-way communications system in underground coal mines is operational and set procedures to address situations when a disruption occurs in the system.

Issue: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations.

Substance: The regulation was reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. Based on review and analysis, it was determined that the regulation is effective as written. Suggestions for changes were not strong enough to justify modification of any of the regulation.

Statutory Authority: § 45.1-104 (b) of the Code of Virginia.

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

September 12, 1985 - 9:30 a.m. – Public Hearing
Mountain Empire Community College, Dalton-Cantrell Building, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy, Division of Mines intends to

amend regulations entitled: Rules and Regulations Governing Advanced First-Aid. The regulation sets specifications for training individuals to perform first-aid when an emergency medical technician is not available.

STATEMENT

Basis: The regulation has been in effect since March 15, 1980. The regulation was adopted as required by § 45.1-101.2 of the Code of Virginia.

Purpose: The regulation establishes specifications for mine first-aid and refresher training programs designed to train individuals to administer advanced first-aid when an Emergency Medical Technician is not available.

Issue: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations.

Substance: The regulation was reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. There were no problems identified with the regulation in regard to need, clarity, simplicity, or conflict with other regulations. Comments did indicate that the 50% personnel requirement was excessive and thus rendered the regulation ineffective. The regulation was changed to make compliance less burdensome.

Statutory Authority: § 45.1-101.2 of the Code of Virginia.

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

September 12, 1985 - 9:30 a.m. – Public Hearing
Mountain Empire Community College, Dalton Cantrell Building, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy, Division of Mines intends to amend regulations entitled: Rules and Regulations Governing Vertical Mine Ventilation Holes. The regulation provides for safety in the drilling and use of vertical ventilation holes used to remove methane gas from lower measure coal seams.

STATEMENT

Basis: The regulation has been in effect since October 15,

Calendar of Events

1975. The regulation was adopted in accordance with § 45.1-104 (b1).

Purpose: The purpose of the regulation is to provide safety in the drilling and use of vertical ventilation holes designed to remove methane gas from lower measure coal seams that would otherwise be in the mine ventilation system. The regulation provides a better margin of safety for the worker engaged in mining these seams and in addition they provide a safeguard to protect workers in seams of coal being mined above to avoid any accidental penetration of the ventilation holes.

Issues: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations.

Substance: The regulation was reviewed by the Division of Mines and selected persons from the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. Through all the review and the comment period there were no real problems identified with the regulation. The only change was that reference to "Pocohontas No. 3 Seam" be changed to include all coal seams from which methane is to be drained.

Statutory Authority: § 45.1-104 (b1) of the Code of Virginia.

Written comments may be submitted until September 12, 1985.
Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

September 12, 1985 - 9:30 a.m. - Public Hearing
Mountain Empire Community College, Dalton-Cantrell Building, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy, Division of Mines intends to amend regulations entitled: **Rules and Regulations Governing Blasting in Surface Mining Operations.** The regulation regulates the storage, handling and use of explosives to provide for the health and safety of employees and the public to the extent they are affected by blasting.

STATEMENT

Basis: The regulation has been in effect since September 15, 1975. The regulation was adopted pursuant to § 45.1-104 (b1) of the Code of Virginia.

Purpose: The purpose of the regulation is to regulate the storage, handling and use of explosives at surface mining

operations to provide for the safety and health of employees and to the public to the extent they would be affected by blasting.

Issue: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations

Substance: The regulation is being reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. The result of the review procedure indicated that the regulation is needed. Due to advancement in technology in the blasting area, some of the existing standards relating to airblast and vibration need to be modified. Other entities, both state and federal have already modified their regulation based on the U. S. Bureau of Mines' latest recommendations. To come abreast of technology and to be consistent with other regulations, changes in the airblast and vibration standards were made.

Statutory Authority: § 45.1-104 (b1) of the Code of Virginia.

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

September 12, 1985 - 9:30 a.m. - Public Hearing
Mountain Empire Community College, Dalton Cantrell Building, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy, Division of Mines intends to amend regulations entitled: **Rules and Regulations Governing Installation and Use of Cabs and Canopies.** The regulation addresses the safety criteria where cabs and canopies are used for protection of workers from roof falls and overhead obstructions.

STATEMENT

Basis: The regulation has been in effect since February 15, 1977. The regulation was adopted pursuant to the provisions of § 45.1-104 (b1) of the Code of Virginia.

Purpose: The purpose of the regulation is to provide for the safety of equipment operators in coal mines from roof falls and from overhead obstructions.

Issue: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness

Calendar of Events

and conflict with other regulations.

Substance: The regulation was reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. An inconsistency with federal regulations was noted in the requirement in § II for testing for side load capacity. This requirement was deleted. The six inch clearance requirement in § IV was considered to be impractical. This requirement was also deleted. The 12 inches of clearance that the inspector may require in § IV was found to be redundant and was deleted. Section VI was deleted due to concerns over the design of cabs and canopies in regard to physical size of persons.

Statutory Authority: § 45.1-104 (b1) of the Code of Virginia.

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

VIRGINIA STATE BOARD OF NURSING

July 29, 1985 - 9 a.m. – Open Meeting

July 30, 1985 - 9 a.m. – Open Meeting

Walnut Hill Center, 7423 Camp Alger Avenue, Falls Church, Virginia. (Location accessible to handicapped.)

A regular meeting of the Virginia State Board of Nursing to: (i) consider matters related to Nursing Education programs, (ii) discipline of licensees, (iii) licensing by examination and endorsement, and (iv) other matters under jurisdiction of the Board.

Contact: Corinne F. Dorsey, Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377

STATE BOARD OF OPTICIANS

† September 6, 1985 - 9:30 a.m. – Open Meeting

Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review applications for reinstatement of licenses, (ii) review investigative reports of complaints and determine disposition, and to (iii) consider general correspondence pertinent to the operation of the Board.

Contact: Gale G. Moyer, Assistant Director, Virginia State Board of Opticians, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

STATE BOARD OF OPTOMETRY

July 31, 1985 - 9 a.m. – Open Meeting

Holiday Inn (Downtown), 301 West Franklin Street, Board Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting and a review of the State Board Examination.

Contact: Lawrence H. Redford, Executive Director, Virginia Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

State Board Examination and Diagnostic Pharmaceutical Agent Examination

August 1, 1985 - 8 a.m. – Open Meeting

Medical College of Virginia, 1101 East Marshall Street, Sanger Hall, Rooms 1-044, 1-067, 1-069, and B1-064, Richmond, Virginia

Optometry State Board Examination & Diagnostic Pharmaceutical Agents Examination.

Contact: Lawrence H. Redford, Executive Director, Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

VIRGINIA RESOURCES AUTHORITY

† July 24, 1985 - 10 a.m. – Open Meeting

Mutual Building, 909 East Main Street, Suite 305, Authority Board Room, Richmond, Virginia

The Board will meet to (i) approve minutes of the July 2 Board Meeting, (ii) review the Authority's operations, and (iii) consider other matters and take other actions as they may deem appropriate. 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: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

VIRGINIA SAFETY AND HEALTH CODES BOARD

August 2, 1985 - Immediately following a public hearing scheduled for 10 a.m. – Open Meeting

State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

An open meeting will be held following the August 2, 1985, public hearing, which is scheduled for 10 a.m. on this date, for the Safety and Health Codes Board to consider the adoption of a Standard entitled, "Occupational Exposure to Ethylene Oxide", and one

Calendar of Events

entitled, "Marine Terminals". A report from the Department of Labor and Industry will be given at this meeting on a proposed Confined Space Standard.

Contact: Margaret T. Gravett, Staff Specialist, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-9877

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

August 14, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to hear and render a decision on all appeals of denials of On-Site Sewage Disposal System Permits.

September 11, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to hear and render a decision on all appeals of denials of On-Site Sewage Disposal System Permits.

Contact: P. M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

STATE BOARD OF SOCIAL SERVICES

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: **Lump Sum Income in the Aid to Dependent Children (ADC) Program**. The proposed regulations allow local departments of social services to shorten the period of ineligibility caused by receipt of lump sum income under certain conditions. This provision is an option provided states in the federal Deficit Reduction Act of 1984 (§ 2632).

STATEMENT

Subject: The proposed amendment to the Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program is being proposed for a 60-day comment period.

Substance: The State Board of Social Services proposes to allow local departments of social services to recalculate the period of ineligibility caused by receipt of a lump sum payment when (i) the standard of need increases and the amount the family would have received also changes, (ii) the lump sum or portion thereof becomes unavailable to the family for a reason beyond their control, or (iii) the family incurs medical expenses during the period of

ineligibility and uses the lump sum moneys to cover the cost of medical expenses received.

For purposes of item (ii), "reasons beyond the control of the family" include a family member absconding with the lump sum moneys, the theft of such moneys, repayment of debts, or any other condition which, in the best judgement of the local agency, is deemed to meet this criterion for shortening the period of ineligibility. Under current regulations, the period of ineligibility may only be shortened in connection with a life threatening circumstance, incurred by the assistance unit.

Issues: As set forth in the federal Deficit Reduction Act of 1984 (P.L. 98-369), states may opt to shorten the lump sum ineligibility period under any, or all, of the above-mentioned conditions. Having carefully reviewed the impact of these conditions, the State Board has endorsed an amendment which will allow the period of ineligibility to be recalculated in all three of the above-mentioned situations.

Pursuant to P.L. 98-369, states which opt to implement conditions (ii) and (iii) set forth above must define the unavailability due to circumstances beyond control of the family, and which medical expenses incurred and paid by the family will be allowed when recalculating the period of ineligibility.

Due to the fact that local agencies are best suited to evaluate situations which may be beyond the family's control, the Board has determined that final authority for such decisions will rest with the superintendent/director of each locality. Further, the Department has developed a list of medical services which will be allowed when recalculating the period of ineligibility, if the cost of such services are paid from the proceeds of a lump sum payment.

Basis: The proposed amendment is an option made available to states in the federal Deficit Reduction Act of 1984 (P.L. 98-369). Section 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia.

Purpose: The purpose of the proposed regulation is to allow for a reduction in the number of months a family is determined to be ineligible for assistance due to receipt of a lump sum payment. The proposed amendment will not penalize those recipients of lump sum payments in situations where the proceeds of such payments are depleted through no fault of their own.

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

Written comment may be submitted until August 9, 1985, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services.

Contact: Carolyn Ellis, Supervisor, Economic Assistance Unit, Department of Social Services, 8007 Discovery

Calendar of Events

Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

DEPARTMENT OF SOCIAL SERVICES

† August 8, 1985 - 2 p.m. - Public Hearing
Department of Social Services, Blair Building, 8007
Discovery Drive, Conference Room B, Richmond, Virginia.
(Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: State Plan for Implementation of the Virginia Weatherization Assistance Program for Low-Income Persons. The state plan amendments will permit certain agencies to expand the program to certain localities.

STATEMENT

Subject, Substance, Issues, Basis and Purpose: The state plan is being amended to permit the following 2 agencies to administer the Weatherization Assistance for Low-Income Persons Program in localities where the program is not currently administered: Virginia Mountain Housing, Inc. proposes to expand into the counties of Clarke, Frederick, Page, Shenandoah, Warren and the City of Winchester; Eastern Shore Community Development Group proposes to serve the counties of Accomack and Northampton.

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

Written comments may be submitted until August 8, 1985.
Contact: Daniel W. Deane, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9046

Division of Benefit Programs

August 20, 1985 - 2 p.m. - Public Hearing
August 20, 1985 - 7 p.m. - Public Hearing
Wytheville Community College, Bland Hall, Room 104,
Wytheville, Virginia
August 22, 1985 - 2 p.m. - Public Hearing
August 22, 1985 - 7 p.m. - Public Hearing
James Madison University, Duke Fine Arts Center,
Lattimer-Shaeffer Theater, Main and Grace Streets,
Harrisonburg, Virginia
August 29, 1985 - 2 p.m. - Public Hearing
August 29, 1985 - 7 p.m. - Public Hearing
George Mason University, Rivanna Lane, Ballroom Student
Union 2, Fairfax, Virginia
September 4, 1985 - 2 p.m. - Public Hearing
September 4, 1985 - 7 p.m. - Public Hearing
City Hall Building, 810 Union Street, Council Chambers,
11th Floor, Norfolk, Virginia

September 11, 1985 - 2 p.m. - Public Hearing
September 11, 1985 - 7 p.m. - Public Hearing
State Capitol, Capitol Square, Senate Room B, Richmond,
Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Benefit Programs intends to amend regulations entitled: Standards of Assistance and Grouping of Localities in the Aid to Dependent Children (ADC) Program. The proposed regulation is intended to establish (i) new Standards of Assistance (i.e. Standards of Need) to reflect current cost of living in Virginia, and (ii) a new group of localities into four payment groups, to reflect current differences in shelter cost from locality to locality across Virginia.

STATEMENT

Subject: Proposed amendments to the following regulations:

The Standard of Assistance (i.e. Standards of Need) in the Aid to Dependent Children (ADC) Program; and

The Grouping of Localities in the Aid to Dependent Children (ADC) Program.

Substance: The proposed regulations, as set forth in the accompanying Standards of Need and Locality Grouping tables, have been established to represent reasonable approximations of the current cost of living in Virginia in housing defined as "safe, decent and sanitary" by the Department of Housing and Urban Development. The standards are stratified into four different cost groups to reflect variations in the amount Aid to Dependent Children (ADC) recipients must pay for shelter in the locality in which they reside.

The first step of the Aid to Dependent Children Program eligibility determination process relates directly to these Aid to Dependent Children (ADC) Standards of Need. This step consists of screening total gross family income against 185% of the state's standard of need. (It should be noted that subsequent steps in the eligibility determination screening process are performed—and the actual payment to an eligible recipient is made—with respect to the payment levels established as a ratable reduction of the Standards of Need. No change to the payment levels is being proposed here, as state appropriations from the General Assembly drive the level of Aid to Dependent Children (ADC) payments that can be met (i.e. the ratable reduction from the Standards of Need) for the program.) Other effects of this change in the Standards of Need include a change in income deemed available from a step-parent to meet maintenance needs of the family; the duration that a lump sum received by an assistance unit can be considered available to meet the needs of the family—and thereby render the family ineligible, the test of whether there is financial deprivation (an eligibility requirement of the program); and the cash-equivalent

Calendar of Events

value of food and/or clothing totally contributed to the program applicant/recipient.

Issues: Federal regulations require that a state administering the Aid to Dependent Children program "specify a statewide standard, expressed in money amounts, to be used in determining (i) the need of applicants and recipients and (ii) the amount of assistance payment." A state may have multiple payment levels where justifiable by the range in costs of living across the state, provided the provisions of uniformity and equity continue to be served.

The State Board of Social Services is charged by state law with adopting "...rules and regulations governing the amount of assistance persons shall receive....In making such rules and regulations, the Board shall give due consideration to significant differences in living costs in various counties and cities and shall establish or approve such variations in monetary assistance standards for shelter allowance on a regional or local basis, as may be appropriate in order to achieve the highest practical degree of equity in public assistance grants.... The amount of assistance which any person shall be sufficient, when added to all other income and support of the recipient (exclusive of that not to be taken into account), to provide such person with a reasonable subsistence."

Basis: The proposed Standards of Need and Locality Grouping have been developed pursuant to §§ 63.1-25 and 63.1-110 of the Code of Virginia, and 45 CFR 233.20 of the Code of Federal Regulations.

Purpose: The purpose of proposing new Aid to Dependent Children Standards of Need is to provide Virginia with Standards of Need that more closely approximate the current cost of living in the Commonwealth. The Standards in use now were established in 1973 (implemented in July 1974). Inflation since 1973 would appear to have severely eroded the current Standards of Need as a reflection of today's cost of living in Virginia since Standards of Need and payment levels have increased by a total of 30.9% (includes the 8% increase effective July 1, 1985). During this same period, the Consumer Price Index-All Urban Consumers (CPI) has increased by more than 110.6%.

The purpose of proposing a regrouping of localities is to recognize that the cost of living in one locality relative to the cost of living in other localities across Virginia may have changed. Therefore, by regrouping local agencies, the Commonwealth can again assure the most equitable distribution of public assistance grants.

We believe both the proposal to establish new Standards of Assistance and the proposal to regroup localities into new payment groups are consistent with the aforesaid provisions and intent of federal regulations and state law.

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

Written comments may be submitted until September 5,

1985, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

Contact: Howard W. Reisinger, Jr., Chief, Research and Special Projects, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9050 (toll-free number 1-800-552-7091)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Benefit Programs intends to amend regulations entitled: **Earned Income Disregards in the Aid to Dependent Children (ADC) Program/Student Earnings. (VR 615-01-1)** The proposed regulation is intended to disregard the earned income of a full-time student for a period of six months in the first two steps of the eligibility determination process for assistance in the Aid to Dependent Children (ADC) Program.

STATEMENT

Subject: Proposed amendment to the following regulation:

Earned Income Disregards/Student Income in the Aid to Dependent Children (ADC) Program.

This amendment is being proposed for a 60-day comment period.

Substance: The proposed regulation as set forth will require the earned income of a dependent child who is a full-time student to be disregarded for a period of six months per calendar year in the first two steps of the eligibility determination process for assistance in the Aid to Dependent Children Program. The first step of eligibility determination process consists of screening total gross family income against 185% of the state's standard of need. In the second step, gross income of the family unit, minus the appropriate income disregards, is screened against 90% of the state's standard of need.

Issues: 1. Duration of Disregard -

Federal regulations specify that the earned income of a dependent child who is a full-time student may be disregarded for a period not to exceed six months per calendar year. The proposed regulation disregards such student income for the entire six-month period.

2. Amount to be Disregarded -

Federal regulations specify that all or part of such student income may be disregarded in the first two steps of the eligibility determination process. The proposed regulation disregards all earnings of a full-time student.

Calendar of Events

Basis: The proposed regulation has been developed pursuant to the provisions of § 63.1-25 of the Code of Virginia and § 2642 of the Federal Deficit Reduction Act of 1984 (P.L. 98-369).

Purpose: The purpose of the proposed regulation is to ensure equity and consistency with regard to application of student income in the determination of a family's eligibility for assistance in the Aid to Dependent Children Program. Currently, earnings derived by a youth through participation in the Job Training Partnership Act of 1982 (P.L. 97-377) are disregarded for a period of six months per calendar year in the determination of eligibility for assistance in the Aid to Dependent Children Program. The proposed regulation will extend the same disregard to non-Job Training Partnership Act related employment.

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

Written comments may be submitted until July 26, 1985 to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Benefit Programs intends to amend regulations entitled: **Maximum Resource Limit in the Aid to Dependent Children (ADC) and General Relief (GR) Programs. (VR 615.01.3)** The State Board of Social Services intends to increase the maximum resource limit for resources which can be retained by an applicant/recipient of assistance in the Aid to Dependent Children (ADC) and General Relief (GR) Programs from \$600 to \$1,000.

STATEMENT

Subject: Proposed amendment to the following regulation:

Maximum Resource Limit in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

This amendment is being proposed for a 60-day comment period.

Substance: Federal regulations limit eligibility for assistance in the Aid to Dependent Children (ADC) Program to those families with available resources, not specifically excluded, which do not exceed \$1,000, or such lower limit established at the discretion of each state. In Virginia, the State Board of Social Services has set the maximum limit for resources which may be retained by an applicant/recipient of Aid to Dependent Children (ADC) at \$600. Additionally, the Board has also adopted this

amount as the maximum which may be retained by an applicant/recipient of General Relief (GR).

As set forth herein, the Board is proposing to increase the maximum resource limit in both the Aid to Dependent Children (ADC) and General Relief (GR) Programs from \$600 to \$1,000.

Issues: Resource limits in the Aid to Dependent Children (ADC) and General Relief (GR) Programs have not been increased since January 1, 1978. It is, therefore, felt that an increase in the resource limit will allow applicants/recipients to retain an amount which more accurately reflects the current cost of living.

Basis: Chapter 1, Title 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia. Title IV-A, § 402(a)(7) of the Social Security Act has established the maximum resource limit for applicants/recipients in the Aid to Dependent Children (ADC) Program at \$1,000, or such lower limit established by each state.

Purpose: To establish a more reasonable limit on the maximum value of resources which may be retained by an applicant/recipient of assistance in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

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

Written comments may be submitted until August 23, 1985, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Benefit Programs intends to amend regulations entitled: **Safeguarding Information in the Aid to Dependent Children (ADC) Program/Disclosure of Information to Law-Enforcement Officers. (VR 615.01.4)** The proposed regulation is intended to allow local agencies to disclose to state or local law-enforcement officers the address of a recipient if: (i) such recipient is a fugitive felon; (ii) location/apprehension of the felon is within the officer's official duties; and (iii) the request is made in the proper exercise of those duties.

STATEMENT

Subject: Proposed amendment to the following regulation:

Calendar of Events

Disclosure of Information to Law-Enforcement Officers in the Aid to Dependent Children (ADC) Program. (VR 615-01.4).

This amendment is being proposed for a 60-day comment period.

Substance: The proposed regulation will allow local departments of social services to disclose the address of a current recipient of Aid to Dependent Children to a state or local law-enforcement officer if the recipient is a fugitive felon. The officer must provide the recipient's name, social security number, and demonstrate that the location or apprehension of such felon is within the officer's official duties.

Issues: 1) Federal regulations allow states to define a fugitive felon utilizing a state law, federal law or combination thereof. In conjunction with the Attorney General's office, the Department has determined the most appropriate definition of a fugitive felon is as follows:

Any person charged with a crime punishable by death, or which is a felony under the law in the place from which the person flees, or which, in the case of New Jersey, is a high misdemeanor under the law of said state who flees to avoid prosecution, or custody or confinement after conviction.

2) To ensure the request for the recipient's address is within the officer's official duties, the Department has mandated that in addition to the recipient's name and social security number, the officer must provide evidence of an outstanding warrant for the fugitive felon's arrest.

3) The federal Deficit Reduction Act of 1984 (P.L. 98-369) allows states to disclose the address of a recipient who is a fugitive felon to a state or local law-enforcement officer regardless of whether the state has enacted legislation allowing public access to federal welfare records.

4) The federal law does not specify if disclosure of a recipient's current address is limited to state or local law-enforcement officers in the state from which the recipient is currently receiving assistance or is applicable to state or local law-enforcement officers from other states. The Attorney General's office has advised that disclosure of information need not be limited to state and local law-enforcement officers of the Commonwealth.

Basis: The proposed regulation has been developed pursuant to Chapter 1, Title 63.1-25 of the Code of Virginia and § 2636 of the federal Deficit Reduction Act of 1984 (P.L. 98-369).

Purpose: Prior to enactment of P.L. 98-369, states were prohibited from disclosing information regarding recipients to law-enforcement officers, except for public assistance related crimes, thereby, protecting such recipients who are fugitive felons from prosecution or confinement for crimes with which they have been charged or which they have

committed. With passage of the Deficit Reduction Act, however, states may assist law-enforcement agencies in locating fugitive felons who are receiving Aid to Dependent Children.

As set forth in § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated the authority to promulgate rules and regulations necessary to operate public assistance programs in Virginia. At the direction of the Board, the proposed amendment to the Aid to Dependent Children (ADC) Program has been approved for a 60-day public comment period.

It is the intent of the Board to allow local departments of social services to disclose the address of a current recipient of Aid to Dependent Children to a state or local law-enforcement officer if the recipient is a fugitive felon. Under current regulations, a recipient must be advised of each such request for information and must provide written authorization before the requested information may be released.

As set forth in the federal Deficit Reduction Act of 1984 (P.L. 98-369), states need not enact legislation relaxing privacy laws in order to adopt the regulation as described herein.

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

Written comments may be submitted until August 23, 1985, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Benefit Programs intends to amend regulations entitled: **Collection of Overpayments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs.** (VR 615.01.5) Allow waiver of overpayments to former recipients which are less than \$35 and overpayments are greater than \$35 if, after reasonable efforts to collect the overpayment, further efforts would not be cost effective. This provision does not apply to overpayments which are the result of fraud.

STATEMENT

Subject: Proposed amendment to the following regulation:

Collection of Overpayments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs.

Calendar of Events

This amendment is being proposed for a 60-day comment period.

Substance: Current regulations in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs require states recover all overpayments of assistance which are the result of both agency and client error. The federal Deficit Reduction Act of 1984 (P.L. 98-369), however, allows states to waive recovery of outstanding overpayments to former Aid to Dependent Children (ADC) and Refugee Other Assistance recipients in situations where the total overpayments are less than \$35. Additionally, states may opt to waive recovery of overpayments to former recipients which are \$35, or more if, after reasonable efforts to collect the overpayments, it is determined that further efforts to collect the overpayment would not be cost-effective. The option to waive such overpayments is not applicable in situations involving fraud.

Issues: Federal regulations require that prior to determining if further efforts to collect an overpayment which is \$35, or more, would not be cost-effective, the agency must ensure "reasonable efforts" have been made to collect the overpayment from the former recipient. At minimum, the regulations require the agency to attempt to contact the former recipient to notify him of the amount of the overpayment, the reason the overpayment occurred, and that repayment is required. The Department has expanded this requirement to ensure clarity and consistency. In situations where the former recipient cannot be located; or he refuses, in writing, to repay the overpayment; or he has no means by which to repay the overpayment, the local agency must conduct an evaluation to determine if further action to collect the overpayment will be cost-effective.

Federal regulations are also unclear with regard to whether states may allow localities, at their discretion, to pursue collection of overpayments which are less than \$35. To ensure uniform procedures regarding overpayments are applied throughout the Commonwealth, the proposed regulation, as set forth herein, will mandate local agencies to forego collection of all overpayments less than \$35.

Basis: Section 63.1-25 of the Code of Virginia and § 2633 of P.L. 98-369 (the Deficit Reduction Act of 1984) established the basis for states to adopt the regulation as set forth herein.

Purpose: The intent of the proposed regulation is to reduce administrative costs incurred by the local social services agencies through collection of overpayments which are not deemed to be cost-effective. Additionally, adoption of this regulation will increase consistency between the Aid to Dependent Children (ADC), Refugee Other Assistance, and Food Stamp Programs with regard to collection of overpayments. Under current Food Stamp Program regulations, local agencies may forego collection of Food Stamp overissuances which are less than \$35 from former program participants.

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

Written comments may be submitted until August 23, 1985 to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **Protective Payments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs. (VR 615.01.6)** These regulations will allow local departments of social services to continue making assistance payments payable to a sanctioned caretaker relative for remaining eligible members of the assistance unit if, after all reasonable efforts, the local agency cannot locate an appropriate protective payee.

STATEMENT

Subject: Proposed amendment to the following regulation:

Protective Payments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs (VR 615.01.6).

This amendment is being proposed for a 60-day comment period.

Substance: Under current regulations, there is no provision for continuing Aid to Dependent Children and Refugee Other Assistance payments to a caretaker relative who is sanctioned for failure to participate in the Employment Services Program, as well as for failure to assign rights to child/spousal support or cooperate in establishing paternity and securing such support. The caretaker relative who fails to fulfill these requirements not only has his/her needs removed from the grant, but is also replaced as the payee by a protective payee appointed by the local agency.

It is the intent of the State Board of Social Services to allow local agencies to continue Aid to Dependent Children and Refugee Other Assistance payments to the sanctioned caretaker relative for the remaining members of the assistance unit if, after making all reasonable efforts, the local agency is unable to locate an appropriate individual to whom protective payments can be made.

Issues: As set forth in the federal Deficit Reduction Act of 1984 (Public Law 98-369), states may opt to continue Aid to Dependent Children and Refugee Other Assistance

Calendar of Events

STATEMENT

payments to sanctioned caretaker relatives when they fail to meet the above-mentioned program requirements. Having carefully reviewed the impact of the above, the State Board has endorsed an amendment, as proposed herein, which will allow the continuation of assistance payments payable to the sanctioned caretaker relative for the remaining members of the assistance unit.

Pursuant to P.L. 98-369, states which opt to implement exceptions to requirements for protective payments will continue issuing payments to sanctioned caretaker relative only after making all reasonable efforts to locate an appropriate protective payee.

Due to the fact that local agencies are best suited to evaluate what constitutes "reasonable efforts," the Board has determined that final authority for such decisions will rest with the Superintendent/Director of each locality. Such responsibility may be delegated by the Superintendent/Director to the most suitable party.

Basis: The proposed amendment is an option made available to state in § 2634 of the federal Deficit Reduction Act of 1984 (P.L. 98-369). Section 63.1-25 of the Code of Virginia, delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia.

Purpose: The purpose of the proposed regulation is to allow for the continuation of assistance on behalf of eligible assistance unit members to the caretaker relative in situations where the caretaker relative has been sanctioned and a protective payee cannot be reasonably located.

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

Written comment may be submitted until September 6, 1985, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn Ellis, Supervisor, Economic Assistance Unit, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046 (toll-free number 1-800-552-7091)

Division of Service Programs

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services, Division of Service Programs intends to amend regulations entitled: **Elimination of Eligibility Criteria for Direct Social Services**. The proposed regulation would allow local Social Service agencies the option of eliminating financial eligibility criteria for all social services provided directly by local agency staff except for the Employment Services Program.

Basis: This regulation is issued under authority granted by § 63.1-25 of the Code of Virginia.

Subject: This regulation would allow local social service agencies the option of eliminating financial eligibility criteria for all social services provided directly by local agency staff except for the Employment Services Program.

Substance: Current regulations for social services provided directly by local social service staff require financial eligibility determination for all persons needing Employment Services and certain individuals and families needing Family and Adult Services.

This regulation is offered as an option to local social service agencies. It would allow local social service agencies to either continue under current regulations or to eliminate financial eligibility determination for all social services when provided directly by agency staff except for services provided under the Employment Services Program.

Issues: This regulation should allow localities more flexibility in offering direct services to their communities. It will free up time now spent on eligibility determination for direct service delivery. In the absence of the regulation local agencies may have to deny services to some persons who truly need the service. This is particularly unfortunate in communities where the local social service agency is the only service agency. Although an increase in service applications was thought to be an issue, a preliminary study of the impact of the regulation did not indicate that this was the case.

Purpose: The purpose of this regulation is to save staff time and to enable local agencies to better provide preventative and early interventive services prior to the need for protective services or substitute care.

Summary: Current regulations for social services provided directly by local social services staff require financial eligibility determination for all persons needing Employment Services and certain individuals and families needing Family and Adult Services. The proposed regulation would allow local service agencies the option of eliminating the financial eligibility determination for all social services when provided directly by agency staff except for services provided under the Employment Services Program.

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

Written comments may be submitted until September 6, 1985.

Contact: Elaine F. Jefferson, Generic Services Specialist, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8669, telephone (804) 281-9139 (toll-free number 1-800-552-7091)

Calendar of Events

1986 Low-Income Home Energy Assistance Block Grant

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **Virginia Fuel Assistance Program**. The proposed amendments will delete the voluntary quit provision; vary benefits by fuel type; replace the Heating Equipment Repairs/Replacement component with an Energy Crisis Assistance Program; and add a ceiling to the administrative costs reimbursement.

STATEMENT

Subject: Proposed Amendments to the Virginia Fuel Assistance Program. These amendments are being proposed for a 60-day public comment period.

Substance: The amendments to the Program are as follows; (i) delete the voluntary quit provision as an eligibility criteria, (ii) vary benefits by fuel type, (iii) replace the Heating Equipment Repairs/Replacements (HER/R) component with an Energy Crisis Assistance Program (ECAP), and (iv) add a ceiling to the administrative costs reimbursement to local departments of social service.

Issues: The issues that relate to each amendment are as follows; (i) deleting the voluntary quit provision would mean that quitting a job will have no effect on an applicant's eligibility for fuel assistance or ECAP, (ii) varying benefits by fuel type will lower benefits for lower priced fuels and increase benefits for higher priced fuels, (iii) in administering ECAP, local departments of social services will have the flexibility of choosing which forms of assistance will best meet the needs of the clientele in their locality, and (iv) placing a ceiling on administrative costs reimbursement will mean that some local departments of social services will not be reimbursed for all their expenditures.

Basis: Virginia Code, § 63.1-25 provides the statutory basis for the promulgation of regulations relative to the Fuel Assistance Program.

Purpose: The purpose of each amendment is as follows; (i) the voluntary quit provision is being deleted because it is not cost effective and is not administered equitably statewide, (ii) basing benefits on fuel types more realistically ensures that the program's goal of assisting households with the least income and highest energy costs is achieved, (iii) replacing HER/R with ECAP will provide assistance to households who have energy emergencies that cannot be taken care of by other resources, and (iv) the addition of a ceiling in administrative cost reimbursement will ensure that the Department contains administrative expenses to the maximum federal reimbursable amount at the same time freeing up more

funds for direct benefits to clients.

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

Written comments may be submitted until June 29, 1985 to Guy Lusk, Director, Division of Benefit Programs/Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Charlene H. Chapman, Supervisor, Energy and Emergency Assistance, Division of Benefit Programs/Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046 (toll-free number 1-800-552-7091)

VIRGINIA BOARD OF SOCIAL WORK

† August 9, 1985 - 9:30 a.m. - Open Meeting
517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to conduct general board business; review applications; and respond to correspondence.

Contact: John W. Braymer, Ph.D., Executive Director, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-7703

DEPARTMENT OF TAXATION

August 8, 1985 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **Individual Income Tax: Net Operating Losses. (VR 630-2-322.1)** This regulation sets forth and explains the procedures relating to the Virginia tax treatment of federal net operating losses.

STATEMENT

Basis: This regulation is issued under authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth and explains the procedures relating to the Virginia tax treatment of federal net operating losses.

Issues: This is a previously unregulated area and the Virginia Code is silent on this subject. Federal law allows a deduction for net operating losses in the computation of federal adjusted gross income. Since the starting point on a Virginia individual income tax return is federal adjusted gross income, which would reflect any federal net operating loss, Virginia taxable income is indirectly affected.

Calendar of Events

Substance: *This regulation specifies which Virginia modifications, and in what manner these modifications are to be considered in the recomputation of Virginia taxable income in years in which a federal net operating loss is utilized. To avoid ambiguity, the terms used in this regulation are defined and examples illustrating the computation of the Virginia modification in the loss year are provided. Furthermore, this regulation specifies the procedures for filing a Virginia refund claim in the event of a federal net operating loss. It also addresses such topics as when a claim must be filed, what supporting documents must accompany the claim, where the return must be filed, and how interest is to be computed on the overpayment resulting from the refund claim.*

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

Written comments may be submitted until August 8, 1985.
Contact: Danny M. Payne, Director, Tax Policy Division,
P. O. Box 6-L, Richmond, Va. 23282, telephone (804)
257-8010

† **August 27, 1985 - 10 a.m.** – Open Meeting
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia. (Location accessible to handicapped.)

An informal meeting to solicit comments and suggestions on the proposed revision of VR 630-10-86 of the Virginia Retail Sales and Use Tax Regulations relating to printing.

† **August 28, 1985 - 3 p.m.** – Open Meeting
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia. (Location accessible to handicapped.)

An informal meeting to solicit comments and suggestions in the development of amendments to the Virginia Sales and Use Tax Regulation VR 630-10-3.

Contact: Danny M. Payne, Director, Tax Policy Division,
P. O. Box 6-L, Richmond, Va. 23282, telephone (804)
257-8010

COMMISSION ON VETERANS' AFFAIRS

† **August 5, 1985 - 7:30 p.m.** – Public Hearing
Rockingham County Courthouse, 80 Courthouse Square, 2nd
Floor, Board of Supervisors Meeting Room, Harrisonburg,
Virginia

A public hearing on matters affecting the welfare of Virginia's veterans and their dependents. Individual veterans, representatives of veterans organizations, and concerned persons are invited to make comments or suggestions for consideration by the Commission for transmittal to the 1986 Session of the General Assembly.

Contact: Alan B. Wambold, Research Associate, Division of
Legislative Services, P. O. Box 3-AG, Richmond, Va.
23208, telephone (804) 786-3591

VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

September 14, 1985 - 10:30 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue,
Richmond, Virginia. (Location accessible to handicapped;
interpreter for deaf provided if requested.)

The committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: George A. Koger, Executive Assistant, 397 Azalea
Ave., Richmond, Va. 23227, telephone (804) 264-3148

STATE WATER CONTROL BOARD

† **July 25, 1985 - 2 p.m.** – Public Hearing
Cox High School, 2425 Shorehaven Drive, Virginia Beach,
Virginia

A public hearing to receive testimony as to whether or not the Board should grant a permit to R. G. Moore Building Corp., to construct wells and to use a maximum of 300,000 gallons per day of groundwater from a system of 6 wells.

† **August 26, 1985 - 9 a.m.** – Open Meeting
† **August 27, 1985 - 9 a.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room
B, Richmond, Virginia. (Location accessible to
handicapped.)

† **September 19, 1985 - 9 a.m.** – Open Meeting
† **September 20, 1985 - 9 a.m.** – Open Meeting
Ramada Inn, Duffield, Virginia

Regular board meetings.

Contact: Doneva A. Dalton, State Water Control Board,
Office of Policy Analysis, P. O. Box 11143, Richmond,
Va. 23230, telephone (804) 257-6829

September 5, 1985 - 2 p.m. – Public Hearing
Virginia War Memorial, 621 South Belvidere Street,
Auditorium, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Water Quality Standards, Section 2.02. Fecal Coliform Bacteria - Other Waters.** This amendment allows for a case-by-case determination of sewerage disinfection requirements.*

STATEMENT

Subject: *Proposed Amendment to Virginia's Water Quality*

Calendar of Events

Standards.

Basis: Section 62.1-44.15(3) of the Code of Virginia authorizes the Board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the Board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended, or cancelled.

Section 303 of the Federal Clean Water Act requires states to adopt water quality standards and to have them approved by the Environmental Protection Agency (EPA). Additionally, both state and federal law require triennial reviews of water quality standards, with adoption of new standards, amendments to existing standards, as appropriate. If EPA determines that Virginia's water quality standards are not appropriate, it will promulgate its own federal water quality standard for Virginia.

This standards amendment is proposed as a result of EPA review of Virginia's triennial review process.

Substance and Purpose of Proposed Amendment: The purpose of the proposed amendment is to revise § 2.02 Fecal Coliform Bacteria - Other Wastes of the Water Quality Standards to include a description of the protocol which must be followed in making a case-by-case determination of sewerage disinfection requirements, based on the actual and potential uses of the receiving waters, according to the Board's Disinfection Policy. The current version of the standard allows for the case-by-case determination, but does not contain a standard protocol for conducting a site-specific beneficial use-attainability analysis on which decisions about sewerage disinfection would be based.

Issues: The proposed amendment to the Fecal Coliform Standard For Other Waters is needed to assure that all beneficial uses of a water body are considered before a decision is made on disinfection requirements in a discharge permit. The Environmental Protection Agency (EPA) expressed concern that the current wording of the standard might in some cases result in degradation of beneficial stream uses and be in violation of the Federal Water Quality Standards Regulation. In a March 1985, letter, EPA conditioned approval of this standard upon the Commonwealth's commitment to revise the standard by January 1, 1986. If this revision is not accomplished by that date, federal award of construction grants will be halted until such time as the appropriate revisions of § 2.02 are made.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until September 16, 1985, to Ms. Donnie Dalton, State Water Control Board, P.

O. Box 11143, Richmond, Virginia 23230.

Contact: Jean W. Gregory, Water Resources Ecologist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6985

COMMISSION ON THE STATUS OF WOMEN

† **August 13, 1985 - 9:30 a.m.** - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Commission to conduct general business and receive reports from the Commission committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE & SENATE FINANCE COMMITTEE JOINT MEETING

† **August 23, 1985 - 9:30 a.m.** - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A joint regular monthly meeting.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Building, 9th Floor, Richmond, Va. 23219, telephone (804) 786-1837

COMMISSION ON DEINSTITUTIONALIZATION

August 1, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

JLARC will report findings of its study of deinstitutionalization policies and practices; the Virginia Association of Community Services Boards will testify on structure of mental health system.

August 2, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to

Calendar of Events

handicapped.)

The Commission will begin to formulate its recommendations.

Contact: Susan C. Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHANGES IN VIRGINIA'S ELECTION LAWS JOINT SUBCOMMITTEE

September 10, 1985 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing for suggestions on changes in Virginia's Election Laws. Deadline for written comments to be submitted to Dr. Jack Austin by August 1, 1985. (SJR 92)

Contact: Dr. Jack Austin, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Thomas G. Gilman, Senate Clerk's Office, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

INFANT MORTALITY IN THE COMMONWEALTH JOINT SUBCOMMITTEE

September 9, 1985 - 10 a.m. - Public Hearing
City Council Chambers, 418 Patton Street, Danville, Virginia

A public hearing on causes of, and prevention of, infant mortality in the Commonwealth. (SJR 106)

Contact: Brenda Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or George Diradour, Senate Clerk's Office, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

MONITORING LONG-TERM CARE JOINT SUBCOMMITTEE

† **September 17, 1985 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

The Joint Subcommittee will hear reports from task forces and agencies studying (i) housing needs of the disabled, (ii) post-educational transition services for the handicapped, (iii) reserve requirements for continuing care retirement communities, (iv) new methods of Medicaid reimbursement to nursing homes, and (v) assessment of public and private costs of

maintaining the elderly in their communities.

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, 2nd Floor, General Assembly Bldg., Richmond, Va., telephone (804) 786-3591

NEEDS OF MACHINE-DEPENDENT INDIVIDUALS JOINT SUBCOMMITTEE

August 15, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

A meeting of the joint subcommittee to study Senate Joint Resolution No. 99.

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

SEWAGE HANDLING LAWS JOINT SUBCOMMITTEE

† **July 22, 1985 - 1 p.m. - Public Hearing**
Rockingham County Courthouse, 2 South Main Street, 2nd Floor, Board of Supervisors Room, Harrisonburg, Virginia

The Joint Subcommittee welcomes comments from citizens who wish to address issues related to septic tank permitting, land spreading of sludge or septage, or the laws and regulations controlling these practices.

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591, or Robert F. Douth, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

ADVISABILITY OF ESTABLISHING A TAX AMNESTY PROGRAM JOINT SUBCOMMITTEE

July 31, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Organizational meeting studying advisability of establishing a tax amnesty program. (HJR 269)

Contact: John A. Garka, Economist, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

Calendar of Events

CHRONOLOGICAL LIST OPEN MEETINGS

- July 22, 1985**
Accountancy, Virginia State Board of
- July 23**
Accountancy, Virginia State Board of
Children's Facilities, Interdepartmental Committee on
Rate-Setting for
- July 24**
Contractors, State Board for
Health, Department of
WIC Program Advisory Board
Health Services Cost Review Commission, Virginia
Resources Authority, Virginia
- July 25**
Dentistry, Virginia Board of
Human Rights Committee, State
Mental Health and Mental Retardation, Department of
Substance Abuse Advisory Council
Mined Land Reclamation Advisory Commission,
The Governor's
- July 26**
Child Abuse, Governor's Advisory Committee on
Dentistry, Virginia Board of
Fire Commission, Virginia State
Game and Inland Fisheries, Commission of
Milk Commission, State
- July 27**
Dentistry, Virginia Board of
- July 29**
Education, Board of
Nursing, Virginia State Board of
- July 30**
Alcohol Abuse Prevention Project
Alcoholic Beverage Control Commission
Education, Board of
Nursing, Virginia State Board of
- July 31**
Alcohol Abuse Prevention Project
Education, Board of
Optometry, Virginia Board of
Tax Amnesty Program, Advisability of Establishing
Joint Subcommittee
- August 1**
Alcohol Abuse Prevention Project
Deinstitutionalization, Commission on
Optometry, Virginia Board of
State Board Examination & Diagnostic
Pharmaceutical Agent Examination
- August 2**
Deinstitutionalization, Commission on
General Services, Department of
Art and Architectural Review Board
Safety and Health Codes Board, Virginia
- August 6**
Mental Health and Mental Retardation, Department of
Systemwide Training Workshop
- August 9**
Mental Health and Mental Retardation, Department of
Public Guardianship Task Force
Social Work, Virginia Board of
- August 12**
Land Evaluation Advisory Commission, State
- August 13**
Alcoholic Beverage Control Commission
Conservation and Historic Resources
Division of Historic Landmarks
Women, Commission on the Status of
- August 14**
Aviation Board, Virginia
Aviation Conference, 12th Annual Virginia
Child Support, Governor's Commission on
Corrections, Board of
Sewage Handling and Disposal Appeals
Review Board, State
- August 15**
Aviation Conference, 12th Annual Virginia
Needs of Machine-Dependent Individuals
Joint Subcommittee
- August 16**
Aviation Conference, 12th Annual Virginia
Mental Health and Mental Retardation, Department of
Mental Retardation Advisory Council
- August 23**
Appropriations Committee, House AND
Finance Committee, Senate
Joint Meeting
- August 26**
Agricultural Foundation, Virginia
Water Control Board, State
- August 27**
Alcoholic Beverage Control Commission
Taxation, Department of
Water Control Board, State

Calendar of Events

August 28
Health Services Cost Review Commission, Virginia
Taxation, Department of

September 6
General Services, Department of
Art and Architectural Review Board
Opticians, State Board of

September 10
Alcoholic Beverage Control Commission

September 11
Sewage Handling and Disposal Appeals Review Board,
State

September 14
Visually Handicapped, Virginia Department for the
Advisory Committee on Services

September 17
Monitoring Long-Term Care
Joint Subcommittee

September 19
Water Control Board, State

September 20
Water Control Board, State

September 24
Alcoholic Bevergae Control Commission

October 11
General Services, Department of
State Insurance Advisory Board

October 22
Marine Resources Commission

PUBLIC HEARINGS

July 22, 1985
Child Support, Governor's Commission on
Sewage Handling Laws
Joint Subcommittee

July 25
Fire Commission, Virginia State
Governor's Regulatory Reform Advisory Board
Water Control Board, State

July 26
Milk Commission, State

July 29
Governor's Employment and Training Division

July 30
Child Support, Governor's Commission on

August 2
Labor and Industry, Department of

August 5
Veteran's Affairs, Commission on

August 6
Agriculture and Consumer Services, Department

August 7
Agriculture and Consumer Services, Department

August 8
Taxation, Department of
Social Services, Department of

August 20
Social Services, Department of
Division of Benefit Programs

August 22
Social Services, Department of
Division of Benefit Programs

August 23
Health, Department of

August 29
Social Services, Department of
Division of Benefit Programs

September 4
Social Services, Department of
Division of Benefit Programs

September 5
Water Control Board, State

September 9
Infant Mortality in the Commonwealth
Joint Subcommittee

September 10
Election Laws, Changes in Virginia's
Joint Subcommittee
Governor's Regulatory Reform Advisory Board
Mental Health and Mental Retardation, Department of

September 11
Mental Health and Mental Retardation, Department of
Social Services, Department of
Division of Benefit Programs

Calendar of Events

September 12

Mental Health and Mental Retardation, Department of
Mines, Minerals and Energy, Department of
Division of Mines

September 13

Mental Health and Mental Retardation, Department of

September 16

Health, Department of
Housing and Community Development, Board of

September 24

Aging, Virginia Department for the
Medical Assistance Services, Department of

October 2

Criminal Justice Services Board