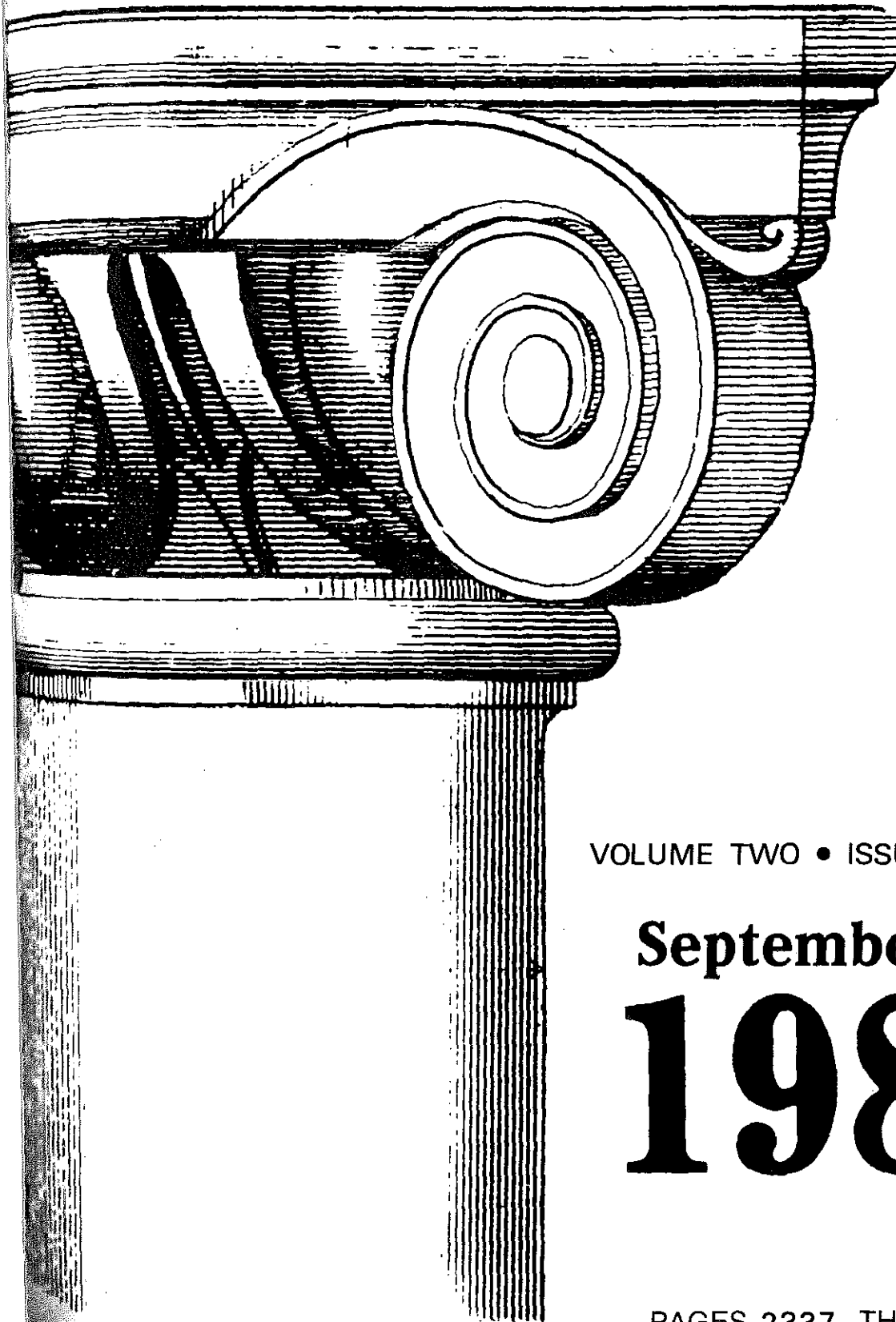


# THE VIRGINIA REGISTER

OF REGULATIONS



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September 1,  
**1986**

PAGES 2337 THROUGH 2456

# 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

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# PROPOSED REGULATIONS

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## Symbol Key

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

## DEPARTMENT OF EDUCATION (BOARD OF)

### Title of Regulation: VR 270-01-010. Regulations Governing Pupil Accounting Records.

Statutory Authority: §§ 22.1-16, 22.1-20, and Chapter 14 of Title 22.1 of the Code of Virginia.

Public Hearing Date: November 12, 1986 - 1:30 p.m.  
(See Calendar of Events section for additional information)

#### Summary:

*The regulations of the Virginia Board of Education governing pupil accounting (attendance) records have as their purposes the proper pupil accounting (attendance) in the public school instructional program, for school administration, and for the distribution of major state school funds.*

*The regulations describe appropriate pupil attendance procedures such as the conditions when pupils are counted as present or absent, define certain attendance terms, and describe the appropriate procedures when pupils transfer or when pupils are to be dropped from the attendance roll. The regulations also prescribe that local school boards must obtain approval to use a pupil accounting system in lieu of the Virginia Teacher's Register system.*

*The proposed changes to the regulations provide for technical amendments to clarify the intent and purpose of the section on pupil transfers, and adjustments to reduce the period of continuous days of absence, expulsion, and suspension, after which a pupil must be automatically withdrawn from school.*

VR 270-01-010. Regulations Governing Pupil Accounting Records.

### PART I. TEACHER'S REGISTER.

#### ~~1-~~ § 1.1. Purpose.

The purposes of the register or its equivalent are for proper pupil accounting in the instructional program, for school administration, and for the distribution of major state school funds.

At the close of each pupil accounting register period (20 days, 6 weeks, 9 weeks, etc.) each register should be carefully checked by the teacher with particular emphasis

on aggregate days attendance and membership for each pupil. At the end of the school term the register should be checked again, with particular emphasis on total aggregate days attendance and membership.

Local school boards shall adopt rules and regulations for periodic checks of teacher registers, at least three times a year, including a final check of each register at the end of the school term.

#### ~~2-~~ § 1.2. Recording half-day pupil attendance.

Teachers and principals may, with the permission of the local school board, discontinue recording pupil attendance on a half-day basis.

#### ~~3-~~ § 1.3. Teaching day defined.

A teaching day is defined as a day on which the school is in regular session for the instruction of pupils.

#### ~~4-~~ § 1.4. When pupil counted present.

A pupil shall be counted present only when he ~~she~~ is present for roll calls or is in attendance for approved participation at approved school-sponsored field trips or events. (A pupil reporting after roll call will be recorded present and tardy.)

#### ~~5-~~ § 1.5. Approval of school-sponsored field trips.

All school-sponsored field trips shall be approved by the school board and recorded in the official minutes. The school board, by duly recorded action, may delegate this authority to the division superintendent, provided, that where such authority is delegated, the division superintendent shall make written report to the school board on such field trips not less frequently than annually.

#### ~~6-~~ § 1.6. Absence because of nonschool-sponsored field trips.

Students absent because of nonschool-sponsored trips shall be recorded absent.

#### ~~7-~~ § 1.7. Closing register.

Under no condition are any registers to be closed before the end of the last day of the school term. Actual attendance should be recorded in the register through the last day of the school term. However, report cards prepared before closing the teacher's register will not reflect presence or absence of the pupil on days subsequent to preparation of said report cards.

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~~8.~~ § 1.8. Absence because of school bus not reaching school, etc.

If a school bus does not arrive at the school, regardless of the reason, and the children are unable to reach the school by other means of transportation, such children cannot be counted present.

~~9.~~ § 1.9. When pupil dismissed early.

If a school is closed due to inclement weather, civil defense alert, or other emergencies, and the children are dismissed early, pupils may be counted present.

~~10.~~ § 1.10. Excused full-day absences.

Excused full-day absences must not be counted as "present" under any condition.

~~11.~~ § 1.11. Special students attending school in the morning.

Special students, including those in work-study and COE programs, who attend school in the morning and are released for work in the afternoon may be counted as present.

~~12.~~ § 1.12. Pupil transfers.

Any pupil transferring to a Virginia public school from a Virginia public school shall present to the school in which he is seeking entry a certificate (on a form prescribed by the Superintendent of Public Instruction) certifying that such pupil has been removed from the roll of the school from which such pupil is transferring. This requirement does not apply to pupils transferring from a private school or a public school located outside of the state of Virginia.

A. For any pupil transferring from a Virginia public school, a certificate (on a form prescribed by the Superintendent of Public Instruction) shall be prepared certifying that such pupil has been removed from the roll of the school from which such pupil is transferring. The effective date of removal from the roll shall be the date such pupil withdraws from the school and shall be included on the certificate.

B. Any pupil transferring to a Virginia public school from a Virginia public school shall present such certificate to the school to which the pupil is seeking entry. This requirement does not apply to pupils transferring from a private school or a public school located outside of the state of Virginia.

~~13.~~ § 1.13. When pupil dropped from roll.

A pupil shall be dropped from the roll and marked "Withdrawn."

(a) 1. When a certificate of transfer is executed.

(b) 2. When a pupil has been expelled or suspended for more than 15 10 days.

(c) 3. When a pupil has been absent for 15 10 consecutive days or more.

(d) 4. When a pupil is transferred to a state-operated institution or hospital.

## II. Centralized pupil accounting system.

### PART II.

#### CENTRALIZED PUPIL ACCOUNTING SYSTEM.

§ 2.1. Local school boards may, with the approval of the Board Department of Education, substitute a centralized pupil accounting system in lieu of using teacher's registers. The above definitions and instructions are applicable to such central system.

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-50-1. Standards and Regulations for Agency Approved Providers.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written Comments By: October 31, 1986.  
(See Calendar of Events section for additional information)

### Summary:

*This regulation modifies the Standards and Regulations for Agency Approved Providers by adding homemaker as a type of in-home service provider. It allows local social service agencies to purchase homemaker services from individuals with homemaking skills acquired through training and experience. Local social service agencies have an option of purchasing homemaker services from an individual in-home provider instead of hiring homemakers on staff or contracting with organized homemaker agencies. The regulation expands the ability of local social service agencies to meet needs of individuals and families needing homemaker services.*

VR 615-50-1. Standards and Regulations for Agency Approved Providers.

### PART I. DEFINITIONS.

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

"Adoptive parent(s)" means a provider who gives parental care and establishes permanent family

# Proposed Regulations

relationships for children in the provider's home for purposes of adoption. Standards apply to adoptive parents until the final order of adoption is issued.

*"Adult"* means any individual 18 years of age or over.

*"Adult day care provider"* means a provider who gives personal supervision for up to three adults for part of a day. The provider promotes social, physical and emotional well-being through companionship, self-education and satisfying leisure time activities. Day care for more than three adults requires licensure by the Virginia Department of Social Services.

*"Adult foster/family care provider"* means a provider who gives room and board, supervision and special services for up to three adults unable to remain in their own home because of a physical/mental condition or an emotional/behavioral problem. Care provided for more than three adults requires licensure by the Virginia Department of Social Services.

*"Agency"* means the local welfare/social service agency.

*"Assistant"* means any individual who is responsible to assist a provider in caring for clients.

*"Child/children"* means any individual under 18 years of age or any individual who is in the custody of a local welfare/social service agency and is 18 to 21 years of age.

*"Child protective service central registry"* means the centralized system in Virginia for collecting information on complaints and dispositions of child abuse and neglect.

*"Chore provider"* means a provider who performs home maintenance and heavy housecleaning tasks for clients unable to perform such tasks for themselves.

*"Client"* means any adult or child who needs supervision and services and seeks assistance in meeting those needs from the local welfare/social service agency.

*"Companion provider"* means a provider who gives personal aid services and supervision and performs housekeeping tasks for clients unable to care for themselves without assistance.

*"Corporal punishment"* means any type of physical punishment inflicted in any manner upon the body of a child including but not limited to hand spanking, shaking a child, forcing a child to assume an uncomfortable position, or binding a child.

*"Family day care provider"* means a provider who gives care, protection, and guidance for up to nine children who need to be away from their families for part of a day. Providers caring for six or more children unrelated to the provider must be licensed by the Virginia Department of Social Services unless they are used exclusively by local agencies.

*"Foster parent"* means a provider who gives 24-hour substitute family care, room and board, and services for up to eight children committed or entrusted to local boards of social services or for whom supervisory responsibility has been delegated.

*"Homemaker"* means a provider with homemaking skills acquired through training and experience who performs or gives instruction in activities such as personal care, home management, household maintenance, child rearing and nutrition, consumer or hygiene education.

*"Infant"* means any child from birth up to two years of age.

*"In-home day care provider"* means a provider who is responsible for the supervision and care of children in the child's own home part of the day when the parents are away.

*"In-home provider"* means an individual who wishes to or does give care in the home of the client needing supervision and services.

*"Out-of-home provider"* means an individual who wishes to or does give care in the individual's own home to clients who enter the home for purposes of receiving needed supervision and services.

*"Parent/guardian"* means the biological or adoptive parent or the legal guardian(s) of a child.

*"Residential care"* means care provided for purposes of receiving room, board, and services on a 24-hour basis.

*"Responsible person"* means the parent/guardian of a child or an individual designated by or for an adult client.

## § 1.2. Agency approved providers.

These standards and regulations are applicable to the following agency approved providers:

### A. Out-of-home providers:

1. Adoptive parents;
2. Adult day care providers;
3. Adult foster/family care providers;
4. Family day care providers;
5. Foster parents;

### B. In-home providers:

1. Chore providers;
2. Companion providers;



# Proposed Regulations

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3. In-home day care providers; and

4. *Homemaker providers.*

These standards and regulations are not applicable to providers who are either licensed by the Virginia Department of Social Services or approved through an organization licensed by the Virginia Department of Social Services to approve such providers.

## PART II. STANDARDS.

§ 2.1. Standards for providers and other persons.

A. Age.

1. Chore and companion providers shall be at least 16 years of age;
2. Any other provider shall be at least 18 years of age; and
3. The assistant shall be at least 16 years of age.

B. Criminal records.

1. The provider and, for out-of-home care, the assistant, spouse of the provider, and adult household members who come in contact with clients shall identify any criminal convictions and be willing to consent to a criminal records search.
2. The provider and, for out-of-home care, the assistant, spouse of the provider, or adult household members who come in contact with clients shall not have been convicted of a felony or misdemeanor which jeopardizes the safety or proper care of clients.

C. Child abuse or neglect record.

1. The provider and, for out-of-home care, assistant, spouse of the provider and adult household members who come in contact with clients shall consent to a search of the Child Protective Service Central Registry if care is provided for children.
2. The provider and, for out-of-home care, the assistant, spouse of the provider, or adult household members who come in contact with clients shall not have a founded or unfounded/reason-to-suspect child abuse or neglect record in the Child Protective Service Central Registry if care is provided for children.

D. Interview, references, and employment history.

1. The provider shall participate in interviews with the agency.
2. The provider shall provide two references from

persons who have knowledge of the provider's ability, skill, or experience in the provision of services and who shall not be related to the provider.

3. The provider shall provide information on the provider's employment history.

4. The agency will use the interviews, references, and employment history to assess that the provider:

- a. Is knowledgeable in and physically and mentally capable of providing the necessary care for clients;
- b. Is able to sustain positive and constructive relationships with clients in care, and to relate to clients with respect, courtesy and understanding;
- c. Is capable of handling emergencies with dependability and good judgement; and
- d. Is able to communicate and follow instructions sufficiently to assure adequate care, safety and protection for clients.

5. For adoptive parents, the agency will further use the interview and references to assess that:

- a. The adoptive parent(s) demonstrates a capacity to love and nurture a child born to someone else;
- b. The adoptive parent(s) can accept the child for his own sake without expecting him to resolve family problems or to fulfill family ambitions;
- c. The married adoptive parents show marital stability and mutual satisfaction with each other.

6. Adoptive parents shall disclose financial information.

7. For adult foster/family care providers and foster parents, the agency will further use the interview, references, and employment history to assess that the provider has sufficient financial income/resources to meet the basic need of the provider's own family.

8. *For homemaker providers, the agency will further use the interview, reference, and employment history to assess that the provider has knowledge, skills, and ability, as appropriate, in:*

- a. *Home management and household maintenance;*
- b. *Personal care of infants, young children; and ill, disabled, or aged clients;*
- c. *Child rearing;*
- d. *Nutrition education and meal planning and preparation, including special diets; and*
- e. *Personal hygiene and consumer education.*

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## E. Training.

The provider shall attend any orientation and training required by the agency.

## F. Medical requirements.

### 1. Tuberculosis

Unless the provider is an in-home provider who is:

- a. A relative or friend of the client living in the client's home;
- b. A relative or friend outside of the client's home but who has had regular ongoing contact with the client; or
- c. A chore provider,

the provider and, for out-of-home care, the assistant, and all adult household members who come in contact with participants shall submit a statement from the local health department or licensed physician that he is free from tuberculosis in a communicable form.

### 2. Other medical examinations.

The provider and assistant shall submit the results of a physical and mental health examination when requested by the agency based on indications of a physical or mental health problem. For adoptive parents, the agency will require submission of the results of a physical examination performed by a licensed physician within the past twelve months.

## § 2.2. Standards for care.

### A. Nondiscrimination.

The provider shall provide care which does not discriminate on the basis of race, color, sex, national origin, age, religion, or handicap.

### B. Supervision.

The following standards do not apply to chore , and companion, and homemaker providers:

1. The provider shall have a plan for seeking assistance from police, firefighters, and medical professionals in an emergency.
2. A responsible adult shall always be available to substitute in case of an emergency.
3. If extended absence of the provider is required, the agency must approve any substitute arrangements the provider wishes to make.

4. For family or in-home day care, children shall be supervised by an adult at all times. An assistant under age 18 cannot be left in charge.

## C. Food.

The following standards do not apply to chore and companion , and homemaker providers:

1. Clients shall receive meals and snacks appropriate to the number of hours in care and the daily nutritional needs of each client.
2. Clients shall receive special diets if prescribed by a licensed physician or in accordance with religious or ethnic requirements or other special needs.
3. Drinking water shall be available at all times.
4. Clients in residential care shall receive three meals a day.

## D. Transportation of clients.

1. If the provider transports clients, the provider shall have a valid driver's license and automobile liability insurance.
2. The vehicle used to transport clients shall have a valid license and inspection sticker.
3. Providers who transport children must use child restraint devices in accordance with weight and age requirements of the Virginia law.

## E. Medical care.

The following standards do not apply to chore providers:

1. The provider shall have the name, address, and telephone number of each client's physician easily accessible.
2. The provider shall have first aid supplies easily accessible in case of accidents.
3. The out-of-home provider shall keep medicines and drugs separate from food except those items that must be refrigerated.
4. The family and in-home day care provider shall:
  - a. Give prescription drugs only in accordance with an order signed by a licensed physician or authentic prescription label and with a parent/guardian's written consent;
  - b. Give the child nonprescription drugs, including but not limited to vitamins and aspirin, only with the parent/guardian's written consent;

# Proposed Regulations

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c. Report all major injuries and accidents and all head injuries to the child's parent/guardian immediately; and

d. Have authorization for emergency medical care for each child.

## 5. The family day care provider:

a. May refuse to accept a sick child into the home;

b. Shall isolate a child who becomes ill during the day and notify the parent/guardian immediately in order that the child may be removed;

c. Shall identify or label all prescription and nonprescription drugs with each child's name and return all drugs to the parent/guardian when no longer needed; and

d. Shall keep all prescription and nonprescription drugs out of the reach of children.

## F. Discipline of children.

1. The provider shall establish rules that encourage desired behavior and discourage undesired behavior in cooperation with the parent/guardian of children in care.

2. The provider shall not use corporal punishment.

3. The provider shall not humiliate or frighten the child in disciplining the child.

4. The provider shall not withhold food, force naps, or punish toileting accidents in disciplining the child.

## G. Activities.

1. The family or in-home day care provider shall:

a. Provide structured activities appropriate to the children's ages, interests and abilities, as well as unstructured experiences in family living;

b. Provide opportunities for vigorous outdoor play daily, depending on the weather and the age of the child, as well as for participation in quiet activities; and

c. Limit the types of television programs viewed by children and not use television as a substitute for planned activities.

2. The adult day care provider shall provide recreational and other planned activities appropriate to the needs, interests, and abilities of the adults in care.

## H. Abuse, neglect, or exploitation reporting

responsibilities of providers.

The provider shall immediately report any suspected abuse, neglect, or exploitation of any adult or child in care to the agency.

## I. Clothing requirements for foster parents.

1. Foster parents shall provide clothing appropriate for the age and size of each child.

2. All clothing shall be properly laundered or dry cleaned, and altered or repaired as needed.

## § 2.3. Standards for the home of the out-of-home provider.

### A. Physical accommodations.

1. The home shall have sufficient appropriate space and furnishings for each client receiving care in the home to include:

a. Space to keep clothing and other personal belongings;

b. Accessible basin and toilet facilities;

c. For residential care, at least one toilet, one basin, and one tub or shower for every eight persons in the home;

d. Comfortable sleeping/napping furnishings;

e. For clients unable to use stairs unassisted, other than a child who can easily be carried, sleeping space on the first floor;

f. Space for recreational activities; and

g. Sufficient space and equipment for food preparation, service, and proper storage.

2. All rooms used by clients shall be heated in winter, dry, and well ventilated.

3. All doors and windows used for ventilation shall be screened.

4. Rooms used by clients shall have adequate lighting for activities and the comfort of clients.

5. The home shall have access to a working telephone.

6. The home shall be in compliance with all local ordinances.

7. Additional standards for adult foster/family care:

a. No more than two adults shall share a sleeping room.

# Proposed Regulations

b. Sleeping rooms shall not be shared by adults of the opposite sex except when a married couple or related individuals consent to share a room.

c. There shall be space in the household for privacy outside of the sleeping rooms for the adult to entertain visitors and talk privately.

## 8. Additional standards for homes of foster parents:

a. No more than four children shall occupy one bedroom.

b. There shall be at least 70 square feet of space in a room occupied by one child and at least 50 square feet of space for each child in a room shared by two or more.

c. Children of the opposite sex shall not share a double bed.

## B. Home safety.

1. The home and grounds shall be free from litter and debris and present no hazard to the safety of the clients receiving care.

2. The home shall be free of fire hazards. The provider shall permit a fire inspection of the home by appropriate authorities if conditions indicate a need for approval and the agency requests it.

3. The provider shall have a written evacuation plan in case of fire and rehearse the plan at least twice a year. The provider shall review the plan with each new client, other than an infant, placed in the home.

4. All sleeping areas shall have an operable smoke detector. Attics or basements used by clients shall have two fire exits. One of the fire exits shall lead directly outside, and may be a door or an escapable window.

5. The provider shall store any firearms and ammunition in a locked cabinet or an area not accessible to clients.

6. The provider shall protect clients from household pets which may be a health or safety hazard.

7. The provider shall keep cleaning supplies and other toxic substances stored away from food and out of the reach of children.

## C. Sanitation.

1. The provider shall permit an inspection of the home's private water supply and sewage disposal system by the local health department if conditions indicate a need for approval and the agency requests it.

2. The home and grounds shall be free of garbage that would present a hazard to the health of the client.

## D. Capacity.

1. The provider shall not exceed the maximum allowable capacity for the type of care given and as approved by the agency.

### 2. Adult day care.

The provider shall not accept more than three adults in the home at any one time.

### 3. Adult foster/family care.

The provider shall not accept more than three adults for the purpose of receiving room, board, supervision, or special services, regardless of relationship of any adult to the provider.

### 4. Family day care.

a. The maximum number of children at any one time shall not exceed nine.

b. The provider's own children under 14 years of age count in determining the maximum number of children.

c. Any child with a handicap which requires extra attention of the provider counts as two children.

d. More than nine children may be enrolled part-time as long as no more than nine children are present at any given time.

e. A provider accepting private placements, excluding a relative's child, cannot care for more than five children at any one time without a license from the Virginia Department of Social Services.

f. The ratio of children to adults shall not be exceeded and shall be based on the following:

(1) There shall be one adult to four infants.

(2) There shall be one adult to six children two years old and older.

(3) Any child with a handicap which requires extra attention of the provider counts as two children.

(4) A school age child who is in care less than three hours per day is not counted in determining the ratio of children to adults. However, while the child is present, he is counted in determining the maximum of nine children at any one time.

### 5. Foster parents.

# Proposed Regulations

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- a. The maximum number of children in a home with two foster parents is eight.
  - b. The maximum number of children in a home with one foster parent is four.
  - c. The foster parents' own children under age 14 count in determining the maximum number of children.
  - d. An infant counts as two older children.
  - e. Any child with a handicap which requires extra attention of the provider counts as two children.
  - f. The agency may grant an exception to the foster home's maximum for a sibling group.
6. The actual capacity of a particular home may be less than the above capacities if:
- a. The physical accommodations of the home are not adequate for the maximum number of clients;
  - b. The capabilities and skills of the provider are not sufficient to manage the maximum number of clients; or
  - c. Other individuals in the home require special attention or services of the provider.

§ 2.4. Client record requirements for the out-of-home provider.

A. The provider shall maintain written information on each client in care.

B. Client information shall include:

- 1. Identifying information on the client;
- 2. Name, address, and home and work telephone numbers of responsible persons;
- 3. Name and telephone number of person to be called in an emergency when the responsible person cannot be reached;
- 4. Name of persons not authorized to call or visit the client;
- 5. Date of admission and withdrawal of the client;
- 6. Daily attendance record, where applicable;
- 7. Medical information pertinent to the health care of the client;
- 8. Correspondence related to the client as well as other written client information provided by the agency; and

9. Placement agreement between the provider and adult client/parent/guardian where applicable.

10. For family day care, information shall also include authorization for each child to participate in specific classes, clubs, or other activities. The provider shall obtain individual authorization for each field or out-of-town trip for each child.

C. Client records are confidential and cannot be shared without the approval of the adult client/parent/guardian. The agency and its representatives shall have access to all records.

## PART III. APPROVAL REGULATIONS.

### § 3.1. Approval period.

The approval period for a provider is 24 months when the provider and, for out-of-home care, the home meets the standards.

### § 3.2. Allowable variance.

The provider may receive an allowable variance on a standard if the variance does not jeopardize the safety and proper care of the client or violate federal, state, or local law.

### § 3.3. Emergency approval.

Emergency approval of a provider may be granted in the following situations when the placement is in the home of or service is to be provided by the client's relative or friend:

- 1. The court orders emergency placement;
- 2. The child is placed under the 72-hour emergency removal authority; or
- 3. The adult client/parent/guardian requests placement or service in an emergency.

### § 3.4. Provider monitoring.

A. For out-of-home providers who are used by the agency, the agency representative will visit the home of the provider as often as necessary but at least semi-annually to monitor the provider.

B. For in-home providers who are used by the agency, the agency representative will interview the provider face-to-face as often as necessary but at least semi-annually to monitor the provider.

### § 3.5. Renewal process.

The agency will reapprove the provider prior to the end of the approval period if the provider and, for out-of-home

# Proposed Regulations

provider, the home continues to meet standards.

## § 3.6. Inability to continue to meet standards.

If the provider cannot continue to meet standards, the agency will grant provisional approval, suspend approval, or revoke approval, depending on the duration and nature of noncompliance.

## § 3.7. Relocation of out-of-home provider.

If the out-of-home provider moves, the agency will determine continued compliance with standards related to the home.

## § 3.8. Right to grieve.

The provider shall have the right to grieve the actions of the agency.

## § 3.9. Foster parent appeal right.

The foster parent shall have the right to appeal issues related to state policy.

## § 3.10. Medical requirements for clients.

The agency shall obtain medical statements from a licensed physician or local health department for adults or children placed with out-of-home providers through the agency.

\* \* \* \* \*

## Title of Regulation: VR 615-52-1. Policy Regarding Purchased Services.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written Comments by: October 31, 1986  
(See Calendar of Events section  
for additional information)

### Summary:

*This regulation establishes the broad parameters by which a local social service agency may purchase services from providers for a client in need of services. The provider must meet applicable laws, standards, and established criteria, and comply with contracting procedures. The client must meet applicable criteria of need and financial eligibility. This regulation expands the use of emergency shelter to cover adults and families as well as children. It also permits the payment of emergency needs such as food, clothing, or rent to be paid in certain situations.*

VR 615-52-1. Policy Regarding Purchased Services.

### PART I. DEFINITIONS.

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

"Adult protective services" means the identification, receipt and investigation of complaints and reports of adult abuse, neglect, and exploitation for incapacitated persons eighteen years of age and over and persons sixty years of age and over. It also includes the provision of social casework and other services in an attempt to stabilize the situation and protect the adult.

"Child protective services" means the identification, receipt and immediate investigation of complaints and reports of child abuse and neglect for children under eighteen years of age. It also includes documenting, arranging for, and providing social casework and other services for the child, his family, and the alleged abuser.

"Department" means the Virginia Department of Social Services.

"Family services" means services provided to individuals and families to prevent family violence, child neglect, family breakdown, including removal of the child, and other crises, and to strengthen the capacity of the family to function independently.

"Foster care and adoption services" means a full range of casework and other treatment and community services for a child entrusted or committed to the local agency or for whom after-care supervision has been delegated by the court.

"Local agency" means the local social service/welfare agency.

"Purchased services" means services sold by a provider of service who receives payment through the local agency or the department.

"Purchase of service" means the process by which a local agency purchases services for a client.

"Social services block grant plan" means the social services plan developed jointly by the department and the local agencies with public input and comment which identifies the allocation of federal and state monies, services provided, and eligible persons to be served.

### PART II. PROVIDER REQUIREMENTS.

#### § 2.1. Standards or criteria.

A provider of purchased services shall:

1. Comply with applicable federal, state, and local laws and regulations, and

2. Meet standards and criteria established for the type

# Proposed Regulations

of provider or services being sold.

## § 2.2. Contracting procedures.

A provider of purchased services shall follow purchase of service procedures regarding contracting.

### PART III. SERVICES PROVIDED.

## § 3.1. Services available.

Any appropriate service identified in the social services block grant plan may be purchased for an eligible individual within the limits of available funding and the additional limits established by the local agency's board.

## § 3.2. Documentation of services.

The need for and delivery of purchased services shall be documented in the client's case record.

## § 3.3. Service limitations.

### A. Services may be purchased for individuals who:

1. Meet requirements of need for the specific purchased service; and

2. Are financially eligible based on income levels identified in the social services block grant plan except that the following do not need to meet any financial eligibility criteria for purchased services when other resources are not available to cover the costs:

a. Individuals being served under adult protective services to stabilize the situation and prevent institutionalization;

b. Individuals and families being served under child protective services and family services to prevent disruption of the family; and

c. Children and families being served under foster care and adoption.

### B. Room and board.

1. Emergency shelter may be purchased for a child, adult, or family unit as a protective service until more permanent arrangements can be made.

2. Other room and board may be provided for short term as an integral but subordinate part of a service.

### C. Medical care.

1. Medical care for family planning may be purchased if it is not available through other resources.

2. Other medical care may be purchased only as an integral but subordinate part of a service if it is not available through other medical coverage such as Titles XVIII and XIX of the Social Security Act.

### D. Emergency needs.

Critical needs such as clothing, food, utility payments, or rent may be purchased when no other resources are available and lack of these needs becomes life threatening or may result in either institutionalization or, for children, foster care placement.

## STATE WATER CONTROL BOARD

Title of Regulation: Water Quality Standards: Water Quality Criteria for Surface Waters.

Statutory Authority: § 62.1-44.15 (3) of the Code of Virginia.

Public Hearing Date: November 6, 1986 - 2 p.m.  
(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the Water Quality Standards filed by the State Water Control Board, are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments to the Water Quality Standards, is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

### Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and of numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

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.

### Summary:

# Proposed Regulations

The proposed amendment would revise the water quality criteria values for ammonia, arsenic, cadmium, chromium III, chromium VI, copper, cyanide, and lead. The new criteria values will conform with those published by EPA on July 29, 1985, in the Federal Register (Vol. 50, No. 145, Pages 30784-30796). A complete text of the amendment is available.

Section 4.01 Water Quality Criteria for Surface Waters  
Chronic Criteria for Protection  
of Aquatic Life

	<u>Current VWC Values (ug/l)</u>	<u>New EPA*/Proposed VWC Values (ug/l)</u>
Ammonia	See attached Table A	See attached Table B
Trivalent Inorganic Arsenic	Fresh 72 dissolved Salt 63 dissolved	190 total recoverable 36 total recoverable
Cadmium	Fresh $e(1.16(\text{Ln Hardness})-3.841)$ active Salt 12 active	$e(0.7852(\text{Ln Hardness})-3.490)$ total recoverable 9.3 total recoverable
Chromium III	Fresh $e(0.819(\text{Ln Hardness})+0.537)$ Salt None Given	$e(0.819(\text{Ln Hardness})+1.561)$ total None Given recoverable
Chromium VI	Fresh 7.2 dissolved Salt 54 dissolved	11 total recoverable 50 total recoverable
Copper	Fresh $e(0.905(\text{Ln Hardness})-1.785)$ Salt 2 active	$e(0.8545(\text{Ln Hardness})-1.465)$ total 2.9 total recoverable recoverable
Cyanide	Fresh 4.2 free Salt 0.57 free	5.2 total 1.0 total
Lead	Fresh $e(1.34(\text{Ln Hardness})-5.245)$ Salt 8.6 active	$e(1.266(\text{Ln Hardness})-4.661)$ total 5.6 total recoverable recoverable

\*EPA criteria values published in Federal Register July 29, 1985, Vol. 50, No. 145, Pages 30784-30796.



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TABLE A

30-day average allowed concentrations for ammonia.\*

pH	0 C	5 C	10 C	15 C	20 C	25 C	30 C
Un-ionized Ammonia (mg/liter NH <sub>3</sub> )							
6.50	0.0018	0.0027	0.0040	0.0040	0.0040	0.0040	0.0040
6.75	0.0027	0.0041	0.0061	0.0061	0.0061	0.0061	0.0061
7.00	0.0042	0.0063	0.0094	0.0094	0.0094	0.0094	0.0094
7.25	0.0064	0.0096	0.0144	0.0144	0.0144	0.0144	0.0144
7.50	0.0098	0.0149	0.0220	0.0220	0.0220	0.0220	0.0220
7.75	0.0138	0.0208	0.0310	0.0310	0.0310	0.0310	0.0310
8.00	0.0139	0.0209	0.0310	0.0310	0.0310	0.0310	0.0310
8.25	0.0140	0.0210	0.0310	0.0310	0.0310	0.0310	0.0310
8.50	0.0142	0.0211	0.0310	0.0310	0.0310	0.0310	0.0310
8.75	0.0145	0.0214	0.0310	0.0310	0.0310	0.0310	0.0310
9.00	0.0150	0.0219	0.0310	0.0310	0.0310	0.0310	0.0310
Total Ammonia (mg/liter NH <sub>3</sub> )							
6.50	6.82	6.82	6.83	4.65	3.21	2.24	1.58
6.75	5.87	5.87	5.89	4.01	2.76	1.93	1.37
7.00	5.06	5.06	5.07	3.45	2.38	1.67	1.18
7.25	4.36	4.36	4.37	2.98	2.06	1.44	1.02
7.50	3.77	3.77	3.78	2.58	1.78	1.25	0.89
7.75	2.99	2.99	3.00	2.05	1.42	1.00	0.72
8.00	1.70	1.70	1.70	1.17	0.81	0.58	0.42
8.25	0.97	0.97	0.97	0.67	0.47	0.34	0.25
8.50	0.56	0.56	0.56	0.39	0.28	0.20	0.15
8.75	0.33	0.33	0.33	0.23	0.17	0.13	0.10
9.00	0.20	0.20	0.20	0.14	0.11	0.09	0.07

\* To convert these values to mg/liter N, multiply by 0.822.

Table B

pH	0 C	5 C	10 C	15 C	20 C	25 C	30 C
<b>A. Salmonids or Other Sensitive Coldwater Species Present</b>							
Un-ionized Ammonia (mg/liter NH <sub>3</sub> )							
6.50	0.0007	0.0009	0.0013	0.0019	0.0019	0.0019	0.0019
6.75	0.0012	0.0017	0.0023	0.0033	0.0033	0.0033	0.0033
7.00	0.0021	0.0029	0.0042	0.0059	0.0059	0.0059	0.0059
7.25	0.0037	0.0052	0.0074	0.0105	0.0105	0.0105	0.0105
7.50	0.0066	0.0093	0.0132	0.0186	0.0186	0.0186	0.0186
7.75	0.0109	0.0153	0.022	0.031	0.031	0.031	0.031
8.00	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
8.25	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
8.50	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
8.75	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
9.00	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
Total Ammonia (mg/liter NH <sub>3</sub> )							
6.50	2.5	2.4	2.2	2.2	1.49	1.04	0.73
6.75	2.5	2.4	2.2	2.2	1.49	1.04	0.73
7.00	2.5	2.4	2.2	2.2	1.49	1.04	0.74
7.25	2.5	2.4	2.2	2.2	1.50	1.04	0.74
7.50	2.5	2.4	2.2	2.2	1.50	1.05	0.74
7.75	2.3	2.2	2.1	2.0	1.40	0.99	0.71
8.00	1.53	1.44	1.37	1.33	0.93	0.66	0.47
8.25	0.87	0.82	0.78	0.76	0.54	0.39	0.28
8.50	0.49	0.47	0.45	0.44	0.32	0.23	0.17
8.75	0.28	0.27	0.26	0.27	0.19	0.15	0.11
9.00	0.16	0.16	0.16	0.16	0.13	0.10	0.08
<hr style="border-top: 1px dashed black;"/>							
<b>B. Salmonids and Other Sensitive Coldwater Species Absent†</b>							
Un-ionized Ammonia (mg/liter NH <sub>3</sub> )							
6.50	0.0007	0.0009	0.0013	0.0019	0.0026	0.0026	0.0026
6.75	0.0012	0.0017	0.0023	0.0033	0.0047	0.0047	0.0047
7.00	0.0021	0.0029	0.0042	0.0059	0.0083	0.0083	0.0083
7.25	0.0037	0.0052	0.0074	0.0105	0.0148	0.0148	0.0148
7.50	0.0066	0.0093	0.0132	0.0186	0.026	0.026	0.026
7.75	0.0109	0.0153	0.022	0.031	0.043	0.043	0.043
8.00	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
8.25	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
8.50	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
8.75	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
9.00	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
Total Ammonia (mg/liter NH <sub>3</sub> )							
6.50	2.5	2.4	2.2	2.2	2.1	1.46	1.03
6.75	2.5	2.4	2.2	2.2	2.1	1.47	1.04
7.00	2.5	2.4	2.2	2.2	2.1	1.47	1.04
7.25	2.5	2.4	2.2	2.2	2.1	1.48	1.05
7.50	2.5	2.4	2.2	2.2	2.1	1.49	1.06
7.75	2.3	2.2	2.1	2.0	1.98	1.39	1.00
8.00	1.53	1.44	1.37	1.33	1.31	0.93	0.67
8.25	0.87	0.82	0.78	0.76	0.76	0.54	0.40
8.50	0.49	0.47	0.45	0.44	0.45	0.33	0.25
8.75	0.28	0.27	0.26	0.27	0.27	0.21	0.16
9.00	0.16	0.16	0.16	0.16	0.17	0.14	0.11

\* To convert these values to mg/liter N, multiply by 0.822.

† Site-specific criteria development is strongly suggested at temperatures above 20 C because of the limited data available to generate the criteria recommendation, and at temperatures below 20 C because of the limited data and because small changes in the criteria may have significant impact on the level of treatment required in meeting the recommended criteria.

# 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 BOARD OF ACCOUNTANCY

**Title of Regulation:** VR 105-01-2. Rules and Regulations of the Virginia State Board of Accountancy.

**Statutory Authority:** § 54-84 of the Code of Virginia.

**Effective Date:** October 1, 1986

### Summary:

*The amendments increase fees and are necessary to comply with § 54-1.28:1 of the Code of Virginia. There are no other changes in the existing rules and regulations.*

VR 105-01-2. Rules and Regulations of the State Board of Accountancy.

### PART I. GENERAL.

#### § 1.1. Definitions.

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

*“Accredited institution”* means any four-year degree-granting college or university accredited at the time of the applicant's degree or attendance by any of the following:

1. Middle States Association of Colleges and Secondary Schools;
2. New England Association of Schools and Colleges;
3. North Central Association of Colleges and Secondary Schools;
4. Northwest Association of Schools and Colleges;
5. Southern Association of Colleges and Schools; and
6. Western Association of Schools and Colleges.

*“Certification”* means the issuance of a certificate to a person who has met all the requirements of these regulations.

*“Certify,” “Examine,” “Review,” or “Render or disclaim an opinion,”* when referenced to financial information or the practice of certified public accountancy, are terms which, when used in connection with the issuance of reports, state or imply assurance of conformity with generally accepted accounting principles and auditing and review standards. The terms include forms of language disclaiming an opinion concerning the reliability of the

financial information referred to or relating to the expertise of the issuer.

*“Client”* means a person or entity that contracts with or retains a firm for performance of public accounting services.

*“Compilation of financial statements”* means presenting in the form of financial statements information that is the representation of management (owners) without undertaking to express any assurance on the statements.

*“Financial statements”* means a presentation of financial data, including but not limited to, accompanying notes derived from accounting records, that purport to show financial position at a point in time or changes in that period of time. It includes statements which use a cash or other incomplete basis of accounting. The term includes balance sheets, statements of income, statements of retained earnings, statements of changes in financial position, and statements of changes in owners' equity. The term does not include either tax returns and supporting schedules, or incidental financial data included in management advisory services reports to support recommendations to a client.

*“Firm”* means a sole proprietorship, a corporation, partnership, professional association, or any combination practicing public accountancy in Virginia.

*“Individual firm name”* means a name different from the name in which the individual's license is issued.

*“Jurisdiction”* means another state, territory, the District of Columbia, or Puerto Rico.

*“License”* means permission to a natural person to practice as a certified public accountant as part of a firm.

*“Practice of public accountancy”* means to certify, render, or disclaim an opinion that financial data comply with standards of practice with which regulants are required to comply in Part 3 of these regulations, or use language in a report on which third parties might rely so similar thereto that a reasonably prudent person would be likely to consider it the same as the required language, including use of the terms “audit,” “examination,” “review,” “in conformity with generally accepted accounting principles,” or “in accordance with generally accepted auditing standards”.

*“Principal”* means a certified public accountant who is the sole proprietor of, or a partner or shareholder in, a firm.

# Final Regulations

"Professional association" means a firm organized in accordance with Chapter 25 of Title 54 of the Code of Virginia.

"Professional services and engagements" means the association between a client and the firm to perform, or offer to perform, public accounting services by the firm for the client.

"Professional staff" means employees of a firm engaged in the practice of public accountancy and who make decisions relating to their work, but excludes employees performing routine bookkeeping services.

"Regulant" means any certificate holder, licensee, professional corporation or firm. (§ 54-1.28.5 of the Code of Virginia)

## § 1.2. Fees.

Fees are required as follows and will not be prorated:

Upon original application or renewal of a registration for a professional corporation .....	\$50.00
Upon original application for certification (including by endorsement) .....	\$85.00
Upon any reexamination .....	\$75.00
Upon biennial license and certificate renewal .....	\$30.00
Upon biennial certificate renewal .....	\$10.00
CPA Examination .....	\$90.00
CPA Reexamination .....	\$90.00
Out-of-State Proctoring Fee .....	\$75.00
CPA [ Original ] License [ Original ] .....	\$75.00
CPA License Renewal [ Biennial ] .....	\$50.00
[ Late CPA Renewal License Penalty Fee .....	\$50.00 ]
CPA [ Original ] Certificate [ Original ] .....	\$25.00
[ Biennial ] CPA Certificate of Maintenance [ Biennial ] .....	\$20.00
[ Late Biennial CPA Certificate of Maintenance Penalty Fee .....	\$50.00 ]
CPA Professional Corporation License .....	\$50.00
CPA Professional Corporation License Renewal [ Biennial ] .....	\$50.00
[ CPA Professional Corporation License Late Penalty .....	\$50.00 ]
Certificate by Endorsement .....	\$90.00

## § 1.3. Renewal of licenses and registration.

Each license, certificate or registration of a professional corporation shall expire on September 30, of each even-numbered year and will be renewed upon receipt of the appropriate renewal application and fee. Failure of the regulant to receive written notice of expiration does not relieve him from the requirement to renew the license, certificate or registration.

Any person may renew an expired license, certificate or registration within six months after expiration by submitting the required renewal fee equal to 1 1/2 times the fee. If the regulant fails to renew within six months

following expiration, he will be required to apply for reinstatement. The applicant will be required to present reasons for reinstatement, and the board, in its discretion, may grant reinstatement or require a requalification and/or reexamination. The application fee for reinstatement shall be an amount equal to twice the license fee. (§ 54-1.28.4 of the Code of Virginia)

## § 1.4. Notification of change of address.

Every regulant shall notify the board within 30 days of any change of address or name. (§ 54-1.28.5 of the Code of Virginia)

## § 1.5. Appeals.

Any person aggrieved by any case decision of the board may appeal any decision in accordance with the Administrative Process Act and the Department of Commerce Agency Rules of Practice for Hearing Officers. (§ 54-1.28.5 of the Code of Virginia)

## § 1.6. License required, renewal.

Any person holding a Virginia certificate shall either maintain a Virginia license to practice public accounting, or file biennially as a certificate holder not engaged in the practice of public accountancy and pay the required renewal fee. (§ 54-1.28.3 of the Code of Virginia)

## § 1.7. License required; exception.

Only a certified public accountant, holding a valid license, may engage in practice of public accountancy in Virginia, provided this does not:

1. Prohibit any person from affixing his signature to any statement or report for internal or management use designating the position, title, or office of the person; or
2. Prohibit the act of any public official or public employee in the performance of his duties; or
3. Prohibit the performance by any person of services involving the use of accounting skills, rendering tax services, management advisory or consulting services, the keeping of books of account and related accounting records, and the preparation of financial statements without the expression of an opinion or assurance. (§ 54-84 of the Code of Virginia)
4. Prohibit the issuance by any person or persons of a compilation report provided this report does not use any form of language conventionally used by licensees with respect to a compilation of financial statements.

## § 1.8. Use of term Certified Public Accountant.

Only a person holding a valid certificate in Virginia, or other jurisdiction, shall use or assume the title or

# Final Regulations

designation "certified public accountant," or "public accountant," the abbreviations of that, or any title, designation, word, card, or device tending to indicate that the person is a certified public accountant or public accountant in Virginia. (§ 54-1.84 of the Code of Virginia)

No licensee or certificate holder in Virginia shall use or assume the titles or designations "certified public accountant," "public accountant," "CPA," or any other titles, designations, phrases, acronyms, abbreviations, signs, cards or devices tending to indicate the practice of public accountancy in his firm name unless all principals of that firm who work in Virginia or who have substantial contact with work in Virginia are licensed as CPAs in this state. (§ 54-1.84 of the Code of Virginia)

## § 1.9 . Regulant accountable for services rendered.

Whenever a regulant offers or performs any services in Virginia related to the practice of public accountancy, regardless of the necessity to hold a license to perform that service, the regulant shall be subject to the provisions of these regulations. A regulant shall be responsible for the acts or omissions of his staff.

## PART II. ENTRY.

### § 2.1. General.

Any person applying for certification as a certified public accountant shall meet the requirements of good character, education, and shall have passed an examination. Any person applying for a license to practice public accounting in Virginia shall hold a Virginia certificate as a certified public account and must meet the experience requirement. (§ 54-1.28.1 of the Code of Virginia)

### § 2.2. Good character.

Each applicant shall have fiscal integrity and a lack of history of acts involving dishonesty or acts which would constitute a violation of these regulations. The board may deny certification upon a finding supported by clear and convincing evidence of a lack of good character. (§ 54-1.28.1 of the Code of Virginia)

### § 2.3. Education required.

Each applicant shall have earned one of the following:

1. A baccalaureate or higher degree with either a major in accounting or a concentration in accounting from an accredited institution as defined in § 1.1;
2. One hundred twenty semester hours of earned credit from an accredited institution, which must include the following business related courses or their equivalent:

Semester	
Hours	
Principles of Accounting .....	6
Principles of Economics .....	3
Principles of Marketing .....	3
Principles of Management .....	3
Finance .....	3
Information Systems .....	3
Statistics .....	3
Business Policy .....	3
Financial Accounting and Accounting Theory .....	6
Cost/Managerial Accounting .....	3
Auditing .....	3
Taxation .....	3
Commercial Law (not to exceed six semester hours) .....	3
Business Electives .....	15
Total .....	60

3. Completion of a written examination approved by the board demonstrating that the applicant has obtained the knowledge, skill or ability equivalent to a bachelor's degree and 27 semester hours in accounting subjects from an accredited institution, which must include courses in accounting, auditing, cost accounting and not more than six semester hours in commercial law;

4. Until July 31, 1988, the education requirements will be satisfied with an earned baccalaureate or higher degree from an accredited institution or completion of a written examination approved by the board demonstrating that the applicant has obtained the knowledge, skill or ability equivalent to a bachelor's degree; and completion of 27 semester hours in accounting subjects from an accredited institution, which shall include courses in accounting, auditing, cost accounting and shall not include more than six semester hours in commercial law.

### § 2.4. Evidence of education.

Each applicant shall submit evidence of having obtained required education in the form of official transcripts transmitted directly from the accredited institution. In unusual circumstances other evidence of education may be

# Final Regulations

accepted when deemed equivalent and conclusive. (§ 54-1.28.1 of the Code of Virginia)

## § 2.5. Education prerequisite to examination.

The educational requirements shall be met prior to examination, provided, however, an applicant may be admitted to the examination, when the applicant has filed evidence of enrollment in the required courses. He may be admitted to a May examination if he will meet education requirements by June 30, and to a November examination if he will meet education requirements by December 31. (§ 54-1.28.2 of the Code of Virginia)

## § 2.6. Basic examination.

Each applicant for an original certificate to practice public accountancy in Virginia shall pass a basic four-part written national uniform examination in auditing, business law, theory of accounting, and accounting practice. Each part of the basic examination must be passed with a grade of 75 percent. The board is authorized to make use of all or any part of the Uniform Certified Public Accountant Examination and Advisory Grading Service of the American Institute of Certified Public Accountants and the National State Boards of Accountancy to assist it in performing its duties. (§ 54-1.28.2 of the Code of Virginia)

## § 2.7. Examination credits.

Credit will be given for basic examination parts passed through five successive offerings subsequent to the first occasion when credit is earned, provided:

1. No credit will be allowed until accounting practice or two other parts are passed at a single sitting; and
2. When two or three parts are failed at a single sitting; a minimum grade of 50 is achieved on each of those failed parts; and
3. An applicant sits for all part not credited. (§ 54-1.28.2 of the Code of Virginia)

## § 2.8. Extension of unexpired credits.

The board may extend earned basic examination credits to any applicant who has been on active duty in the armed forces for a period of six months immediately prior to an examination month. Request for extension shall be made in writing within six months of completion of active duty but no later than ten years from the date the last credit was earned. (§ 54-1.28.2 of the Code of Virginia)

## § 2.9. Conduct in basic examination.

A. An admittance card with recent photograph permanently attached shall be presented to sit for the examination.

Identification numbers assigned by the board shall be

use in lieu of name on all papers submitted.

B. No resource or reference material, unless specified by the board is permitted in the examination site.

C. Work on each examination must be completed within the time specified.

D. All writing must be clear and legible.

E. No communication between examinees is permitted during the examination.

F. Each applicant shall honestly represent only his own personal knowledge, skill, or ability in answering questions. (§ 54-1.28.2 of the Code of Virginia)

G. Each applicant shall agree to submit to an inspection if required to enforce compliance with these regulations.

## § 2.10. Loss of credit or eligibility.

Any applicant found in violation of regulations governing conduct in examination will lose established eligibility to be admitted or credit for examination parts earned. (§ 54-1.28.2 of the Code of Virginia)

## § 2.11. Application deadline.

Application to sit for the basic examination shall be made on a form provided by the board and shall be filed with all required documents by the first Friday in March for the May examination and by the first Friday in September for the November examination. (§ 54-1.28.2 of the Code of Virginia)

## § 2.12. Failure to appear; excused examination.

An applicant who fails to appear for the basic examination or reexamination shall forfeit the fees charged for the examination or reexamination unless excused.

The board may excuse an applicant for an examination until the next examination for military service when documented by orders or a letter from the commanding officer; or for serious injury, illness, or physical impairment, any of which must be documented by a statement from the treating physician; or for other good cause of similar magnitude approved by the board.

## § 2.13. Ethics examination.

In addition to the basic examination, prior to obtaining a certificate, each applicant may be required to pass an examination in ethics. (§ 54-1.28.2 of the Code of Virginia)

## § 2.14. Experience required.

Subject to the foregoing, an individual will be eligible for licensure if he possesses one of the following:

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1. Two years of experience in accounting with the attest function and/or the review function constituting not less than 800 hours of that experience; or

2. Three years of experience in accounting in its broadest sense. For those with more than a four-year lapse between completion of the CPA Examination and submission of the experience application, continuing professional education will be required. Such education may include courses in auditing, accounting and tax; or

3. Four years of diversified teaching experience in accounting subjects at an institution recognized by the board in conjunction with no less than five months experience with a public accounting firm with at least 600 hours of the work in auditing and preparation of financial statements.

"Diversified teaching experience" as used above means upper level courses in accounting, auditing and taxation.

## § 2.15. Education substituted for experience.

An applicant having an undergraduate degree in accounting will be credited with one year of required experience for completion of a master's degree at an accredited institution, which shall include 15 semester hours in graduate level accounting subjects. (§ 54-1.28.2 of the Code of Virginia)

## § 2.16. Certificate by endorsement.

Upon payment of the specified fee, a certificate will be granted to an applicant who holds a like valid and unrevoked certificate issued under the law of any jurisdiction showing that applicant is in good standing in the jurisdiction; provided:

1. The applicant meets all current requirements in Virginia at the time application is made; or (§ 54-1.28.3 of the Code of Virginia)

2. At the time the applicant's certificate was issued in the other jurisdiction, the applicant met all requirements then applicable in Virginia; or (§ 54-1.28.3 of the Code of Virginia)

3. The applicant has met all requirements applicable in Virginia except the education requirement, or has passed the examination under different credit provisions, and either:

a. The applicant has five years of experience in the practice of public accountancy within the 10 years prior to application, or

b. The applicant has five years of experience in the practice of public accountancy, one year of which was immediately prior to application, and has completed 15 semester hours of accounting, auditing,

and related subjects in an accredited institution. (§ 54-1.28.1 of the Code of Virginia)

## PART III. STANDARDS OF PRACTICE.

### § 3.1. Sole proprietor name.

A sole proprietor shall use his own name as the firm name except that a proprietor surviving the death or withdrawal of all other partners may continue using the names of those partners for not more than two years after becoming a sole proprietor. (§ 54-1.28.5 of the Code of Virginia)

### § 3.2. Partnership name.

A licensee shall not practice in a partnership that includes a fictitious name, indicates specialization, or includes the terms "company" or "associates" or any similar term unless used to designate at least one unnamed, currently licensed partner, provided, that the name of one or more past partners or shareholders of a predecessor corporation may be included in the firm name of the successor partnership. (§ 54-1.28.5 of the Code of Virginia)

### § 3.3. Corporate names.

A licensee shall not practice in a corporation the name of which indicates fields of specialization, or includes the terms "company," "associates," or similar terms or derivatives unless used to designate at least one unnamed shareholder, or which constitutes a fictitious name. Names of one or more past shareholders or partners in a predecessor partnership may be included in the corporate name. The shareholder surviving the death or withdrawal of all other shareholders may use the names of those past shareholders or partners for up to two years after death or withdrawal. The corporate name must always be followed by the designation "a professional corporation." (§§ 54-1.28.5 and 54-91.1 of the Code of Virginia)

### § 3.4. Notification of changes in firms.

A licensee shall notify the board in writing within 30 days after occurrence of any of the following:

1. The admission of any new shareholder or partner; or

2. The retirement or death of a copartner or shareholder; or

3. A change in the name of any partnership or professional corporation; or

4. The termination of any partnership or professional corporation; or

5. The change in the supervisor of any branch office;

or

6. The change in the number or location of Virginia offices; or

7. Any event which would cause the partnership or professional corporation not to be in conformity with the provisions of these regulations. (§ 54-1.28.5 of the Code of Virginia)

## § 3.5. Mandatory use of "CPA."

The term "certified public accountant(s)," or the abbreviation "CPA," shall appear with the name of a certified public accountant when used in connection with an expression of opinion. (§ 54-1.28.5 of the Code of Virginia)

## § 3.6. Sharing in office.

When sharing office facilities with any person who is not in the same firm, the licensee shall use practices and procedures which enable a reasonable person clearly to distinguish between the practice of the licensee and the operation of the other occupation or business. (§ 54-1.28.5 of the Code of Virginia)

## §3.7. Resident manager in Virginia in charge of branch office.

Each branch office of a firm shall be managed by a certified public accountant licensed in Virginia. No licensed certified public accountant shall manage more than one office until such time as the licensee can provide, and the board approve, management plan to provide supervision and quality control over the work product of all offices under the supervision of the licensee. (§ 54-1.28.5 of the Code of Virginia)

## § 3.8. Misleading firm name.

Nothing shall be contained in the name, styling, or letterhead of any firm which implies an ability, relationship, or condition that does not exist. (§ 54-1.28.6 of the Code of Virginia)

## § 3.9. Independence.

A regulant shall not express an opinion on financial statements of an entity in such a manner as to imply that its licensees are acting in an independent capacity when the licensee has any of the following interests in that entity:

1. Commitment to acquire any direct or material indirect financial interest; or

2. Position as trustee, executor, or administrator of any estate if such trust or estate is committed to acquire any direct or material indirect financial interest; or

3. Ownership of any joint closely-held business investment with the entity or any officer, director, or principal stockholder thereof which was material in relation to the net worth of the licensee; or

4. Relationship with the entity as a promoter, underwriter, or voting trustee, director, or officer, or in any capacity equivalent to that of a member of management or of an employee; or

5. Having any loan to or from the entity, or from any officer, director, or principal stockholder thereof except loans made by a financial institution under normal lending procedures, terms and requirements such as: loans obtained by the licensee or firm which are not material in relation to the net worth of the borrower; or home mortgages; or other secured loans, except those secured solely by a guarantee of the firm of its licensees. (§ 54-1.28.9 of the Code of Virginia)

## § 3.10. Integrity and objectivity.

A licensee shall not knowingly misrepresent facts or subordinate his judgement to others. In tax practice, a licensee may resolve doubt in favor of his client when there is reasonable support for the position. (§ 54-1.28.9 of the Code of Virginia)

## § 3.11. Commissions.

A regulant shall not pay a commission to obtain a client, or accept a commission for a referral to a client of products or services of another. Payments for the purchase of all, or part, of an accounting practice, retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons are permitted. (§ 54-1.28.9 of the Code of Virginia)

## § 3.12. Contingent fees.

A regulant shall not offer or perform the practice of accounting for a fee which is contingent upon the findings or results of these services. This regulation does not apply either to services involving taxes in which the sole findings are those of the tax authorities or to professional services for which the fees are to be fixed by courts or other public authorities. (§ 54-1.28.9 of the Code of Virginia)

## § 3.13. Incompatible occupations.

A regulant shall not concurrently engage in any other business or occupation which impairs his independence or objectivity in the practice of public accounting. (§ 54-1.28.9 of the Code of Virginia)

## § 3.14. Competence.

A regulant shall not undertake performance of professional services which he cannot reasonably expect to



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complete with due professional competence, including compliance, when applicable, with these regulations. (§ 54-1.28.9 of the Code of Virginia)

## § 3.15. Auditing standards.

A regulant shall not permit his name to be associated with financial statements involving the attest function in a manner that might be construed to imply he is acting as an independent public accountant unless he has complied with applicable, generally accepted auditing standards in use in Virginia at the time his name is so associated. Departures from compliance with generally accepted auditing standards must be justified. (§ 54-1.28.9 of the Code of Virginia)

## § 3.16. Accounting principles.

A regulant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the financial statements contain any departure from generally accepted accounting principles in current use in Virginia, which has a material effect on the statement as a whole. Any departure is permissible only if the regulant can demonstrate that, by reason of unusual circumstances, the financial statements would otherwise be misleading. In such a case, the regulant's report shall describe the departure, the approximate effects, if practicable, and the reasons that compliance with the generally accepted accounting principle would result in a misleading statement. (§ 54-1.28.9 of the Code of Virginia)

## § 3.17. Other technical standards.

A regulant shall comply with other technical standards pertaining to accounting, tax services and management advisory services that are current practices in Virginia. (§ 54-1.28.9 of the Code of Virginia)

## § 3.18. Forecasts or projections.

No regulant shall vouch for the achievability for any forecast or projection. (§ 54-1.28.9 of the Code of Virginia)

## § 3.19. Confidential client information.

A regulant shall not, without the consent of his client, disclose any confidential information pertaining to his client obtained in the course of the practice of public accounting, except in response to a subpoena or summons enforceable by order of a court, in response to any inquiry made by the board or its agents, by a government agency, or by a recognized organization of certified public accountants, or by the client himself or his heirs, successors or authorized representative, or in connection with a peer review of the regulant's practice. (§ 54-1.28.9 of the Code of Virginia)

## § 3.20. Client's records.

A regulant shall furnish to its client or former client, regardless of any payment due the firm, within a reasonable time upon request:

1. A copy of a client's tax return; or
2. A copy of any report, or other document, issued by the regulant to or for the client and not formally withdrawn by the regulant prior to the request; or
3. Any accounting or other record belonging to the client, or obtained from or on behalf of the client, which the regulant removed from the client's premises or had received for the client's account; or
4. A copy of the regulant's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records not otherwise available to the client. (§ 54-1.28.9 of the Code of Virginia)

## § 3.21. Acting through others.

A regulant shall not permit others to carry out on his behalf, acts which, if carried out by the regulant, would place him in violation of these regulations. A regulant shall not perform services for a client who is performing the same or similar services for another, if the firm could not perform those services under these rules. (§ 54-1.28.9 of the Code of Virginia)

## § 3.22. Advertising.

A regulant shall not make any false, fraudulent, misleading, deceptive, or unfair statement or claim, including but not limited to:

1. A misrepresentation of fact; or
2. Failure to make full disclosure of any relevant fact; or
3. Representations of services of exceptional quality not supported by verifiable facts; or
4. A representation that might lead to unjustified expectation of higher level of performance or of favorable results. (§ 54-1.28.9 of the Code of Virginia)

## § 3.23. Solicitation.

A regulant shall not by any direct personal communication solicit an engagement to perform professional services if the communication is overreaching or contains use of coercion, duress, compulsion, intimidation, threats, or harassment. (§ 54-1.28.9 of the Code of Virginia)

## § 3.24. Response to board communication.

A regulant shall respond by registered or certified mail

within 30 days of the mailing of any communication from the board when requested. (§ 54-1.28.6 of the Code of Virginia)

## § 3.25. Revocation, suspension, and fines.

The board may suspend, deny renewal, or revoke any certificate, or license, or may fine the holder thereof, upon a finding of:

1. Any fraud or misrepresentation in obtaining a certificate, or license; or
2. Cancellation, revocation, suspension, or refusal to renew authority to engage in the practice of public accountancy in any other jurisdiction for any cause; or
3. Suspension or revocation of the right to practice before any state or federal agency; or
4. Dishonesty, fraud, or negligence in the practice of public accountancy; or
5. Violation of or noncompliance with any of the provisions of these regulations; or
6. Conviction of a felony or of any crime an element of which is dishonesty or fraud, under the laws of the United States or of any jurisdiction; or
7. Any conduct reflecting adversely upon the regulant's fitness to engage in the practice of public accountancy; or
8. Violation of any of the provisions of Chapter 1.1 or Chapter 5 of Title 54 of the Code of Virginia. (§ 54-1.28.7 of the Code of Virginia)

## § 3.26. Practice inspection and continuing professional education.

In lieu of, or in addition to, any remedy provided in § 3.26, the board may require an inspection of a firm's practice or a completion of specified continuing education. (§ 54-1.28.7 of the Code of Virginia)

## § 3.27. Petition for reinstatement or modification of a penalty.

No petition shall be considered while the petitioner is under sentence for a criminal offense related to the practice of public accountancy, including any period during which the petitioner is on court imposed probation or parole for such offense. Otherwise, a person whose certificate or license has been revoked or suspended may petition the board for reinstatement or modification of any penalty, no sooner than one year from the effective date of that decision. The petition shall be accompanied by at least two verified recommendations from licensees who have had personal knowledge of the activities of the petitioner since the time the disciplinary penalty was

imposed. The board may consider all activities of the petitioner dating from the time the disciplinary action was taken; the offense for which the petitioner was disciplined; the petitioner's activities prior to the imposition of the penalty; the petitioner's rehabilitative efforts and restitution to damaged parties; and the petitioner's general reputation for truth and professional ability. (§ 54-1.28.5 of the Code of Virginia)

## § 3.28. Single act evidence.

Evidence of the commission of a single act prohibited by these regulations shall be sufficient to justify a finding of violation, without evidence of a general course of conduct. (§ 54-1.28.5 of the Code of Virginia)

## § 3.29. Ownership of records.

All statements, records, schedules, working papers, and memoranda made by a regulant incident to rendering services to client in the practice of public accountancy, shall become the property of the regulant absent an express agreement between the firm and the client to the contrary. No such statement, record, schedule, working paper, or memorandum shall be sold, transferred, or bequeathed, without the consent of the client to anyone other than a regulant. (§ 54-101 of the Code of Virginia)

## § 3.30. Severability.

If any provisions of these regulations be held invalid, other provisions shall not be affected. (§ 54-1.28.5 of the Code of Virginia)

# Final Regulations

VIRGINIA STATE BOARD OF ACCOUNTANCY  
 Department of Commerce  
 3600 West Broad Street  
 Richmond, Virginia 23230-4917  
 (804) 257-8505  
 Toll Free: 1(800) 552-3016

Fee \$90.00  
 (Make check payable  
 to TREASURER OF  
 VIRGINIA)

## APPLICATION FOR EXAMINATION

PLEASE TYPE OR PRINT

- Name Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_  
 Home Address \_\_\_\_\_  
 Social Security Number \_\_\_\_\_  
 Date of Birth \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Zip \_\_\_\_\_
- College Address (include only if current) \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Zip \_\_\_\_\_
- Business Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Zip \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

Collectible Address	Location	STREET ADDRESS	CITY	STATE	ZIP	DATE OF CHANGE

- Have you taken the CPA Examination before? Yes \_\_\_ No \_\_\_ If you have taken the CPA Examination before, did you sit as a Virginia candidate? Yes \_\_\_ No \_\_\_ If so, give the last date \_\_\_\_\_  
 Did you have valid credits from another state? Yes \_\_\_ No \_\_\_ If so, ask other board to send us your complete examination history.
- Has your name ever been changed? Yes \_\_\_ No \_\_\_ If so, please provide forms name with affidavit.
- Have you ever been convicted of a felony? Yes \_\_\_ No \_\_\_ or misdemeanor? Yes \_\_\_ No \_\_\_ If answer to either question is yes, attach full details.
- Please indicate order of preference of examination site. **NO SITE GUARANTEED**  
 Norfolk \_\_\_\_\_ Northern Virginia \_\_\_\_\_ Richmond \_\_\_\_\_ Danmore \_\_\_\_\_

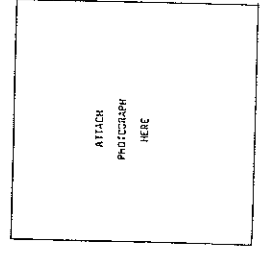
Conditions: \_\_\_\_\_  
 Staff Approval: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Board Approval: \_\_\_\_\_

THIS APPLICATION MUST BE ENDORSED BY FIVE RESIDABLE CITIZENS, PREFERABLY VIRGINIA RESIDENTS

Each of the undersigned hereby certifies that he/she is personally acquainted with, but not related to, the applicant, that he/she believes his/her to be of good moral character, and that he/she unreservedly recommends his/her to the Virginia State Board of Accountancy.

1. SIGNATURE	PRINTED NAME	OCCUPATION	MAILING ADDRESS	YEARS CPA APPLICANT

I hereby apply for permission to take the Uniform CPA Examination. I certify under oath that the picture of me attached to this application is of recent date and of reasonable likeness; that all the representations contained herein or attached hereto are, to the best of my knowledge, true and correct; that I have read the full text of the Virginia CPA Law and the Rules and Regulations of the Virginia State Board of Accountancy, and that I agree to abide by them. I understand that if I am approved to sit for this examination and fail to do so, for whatever reason, my fee will be forfeited.



Signature of Applicant \_\_\_\_\_  
 Date \_\_\_\_\_  
 AFFIDAVIT:  
 State of \_\_\_\_\_  
 County/City of \_\_\_\_\_  
 Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
 Notary Public \_\_\_\_\_  
 My commission expires \_\_\_\_\_

I UNDERSTAND THAT IN THE EVENT OF LOSS OF EXAMINATION PAPERS, THE BOARD OF ACCOUNTANCY'S LIABILITY IS LIMITED TO PROVIDING AN OPPORTUNITY TO RETAKE THE EXAMINATION.

VIRGINIA STATE BOARD OF ACCOUNTANCY  
CERTIFICATION OF EXAMINATION SUBJECTS

Print or type all information  
MUST BE COMPLETED AND SENT WITH APPLICATION

Name of Applicant \_\_\_\_\_  
Baccalaureate degree received \_\_\_\_\_ expected \_\_\_\_\_  
on \_\_\_\_\_ month, year \_\_\_\_\_ from \_\_\_\_\_ College or University \_\_\_\_\_

This form must have a transcript (official or student copy) attached. For any courses which are not descriptive, attach course description.

Foreign applicants attach letter evaluating courses complete in foreign schools.

PART I (Applicable Until July 31, 1988)

1. Baccalaureate degree received \_\_\_\_\_ expected \_\_\_\_\_  
on \_\_\_\_\_ month, year \_\_\_\_\_ from \_\_\_\_\_ College or University \_\_\_\_\_

2. Specify twenty-seven semester hours or equivalent in quarter hours in accounting subjects which must include courses in accounting, auditing, and cost accounting. Do not include more than six semester hours in commercial law. Financial accounting includes principles of accounting.

List complete accounting courses below:

COURSE TITLE	NO. OF HOURS SEMESTER OR QUARTER	COLLEGE OR UNIVERSITY
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

PART II (Effective March 1, 1986)

I am an eligible candidate to take the Uniform CPA Examination by meeting either of the following requirements.

1. Baccalaureate degree, with either major in accounting or a concentration in accounting, received \_\_\_\_\_ expected \_\_\_\_\_  
on \_\_\_\_\_ month, year \_\_\_\_\_ from \_\_\_\_\_ College or University \_\_\_\_\_

2. I have earned one hundred twenty semester hours of earned credit from an accredited institution(s) which include the following courses or their equivalent:

Principles of:	REQUIRED		COMPLETED	
	Semester or Quarter	Hrs.	Semester or Quarter	Hrs.
Accountancy	6	_____	_____	_____
Economics	3	_____	_____	_____
Marketing	3	_____	_____	_____
Management	3	_____	_____	_____
Finance	3	_____	_____	_____
Information Systems	3	_____	_____	_____
Statistics	3	_____	_____	_____
Business Policy	3	_____	_____	_____
Financial Acct. and Acct. Theory	6	_____	_____	_____
Cost/Managerial Acct.	3	_____	_____	_____
Auditing	3	_____	_____	_____
Taxation	3	_____	_____	_____
Commercial Law (not to exceed 6 semester hrs.)	3	_____	_____	_____

# Final Regulations

Business, including Acct.  
Electives 15 Title

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TOTAL 60 \_\_\_\_\_

Affidavit: \_\_\_\_\_

State of \_\_\_\_\_

City/County of \_\_\_\_\_

The statement was signed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

VIRGINIA STATE BOARD OF ACCOUNTANCY  
DEPARTMENT OF COMMERCE  
3600 WEST BROAD STREET  
Richmond, VA. 23230-1917  
(804) 257-8505  
Toll Free: 1-800-552-3016

A candidate currently enrolled in courses, credit for which is required to satisfy the education requirements for the examination, must provide certification that he/she is also enrolled and that all such courses will be completed no later than the last day of the next month after the examination for which application is made.

CERTIFICATION OF ENROLLMENT

1. I hereby declare that I am now enrolled in the following courses and for which credit is necessary to satisfy the provisions of Section 2.5 of Boards regulations.

College or University	Course Title	Course Number	Semester or Quarter	HRG.
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2. The above requirements will be completed by \_\_\_\_\_, 19 \_\_\_\_\_.

AFFIDAVIT:  
State of \_\_\_\_\_  
City/County of \_\_\_\_\_

The statement was signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Notary Public \_\_\_\_\_  
My Commission expires \_\_\_\_\_

Rev. 4/25

COMMONWEALTH OF VIRGINIA  
 Department of Commerce  
 Virginia State Board of Accountancy  
 3600 West Broad Street  
 Richmond, Virginia 23220-4917  
 Telephone: (804) 257-8505  
 Toll Free: 1 (800) 552-3016

APPLICATION FOR REGISTRATION UNDER THE PROFESSIONAL DESIGNATION  
 "CERTIFIED PUBLIC ACCOUNTANT(S)" OR "PUBLIC ACCOUNTANTS"  
 AS A CORPORATION.

CORPORATE NAME \_\_\_\_\_  
 ADDRESS OF MAIN OFFICE Number and Street City of Town State Zip  
 MAILING ADDRESS \_\_\_\_\_

**OFFICERS OF CORPORATION**

Name of Each Officer	Title	Legal Residence Address in Full	Va. Cert. No.

**BOARD OF DIRECTORS**

Name of Each Director	Legal Residence Address in Full	No. Shares Stock Owned	Va. Cert. No.

THE FOLLOWING QUESTIONS MUST BE ANSWERED IN DETAIL:

1. Number of Shares of Stock Authorized to be issued \_\_\_\_\_
2. Number of Shares of Stock Issued and Outstanding \_\_\_\_\_

LIST BELOW THE NAMES OF EACH OWNER OR CAPITAL STOCK IN THE CORPORATION

Name of Each Owner	Legal Residence Address in Full	No. Shares Stock Owned	Va. Cert. No.
TOTAL (Must agree with Item 2 above)			

**CERTIFICATION**

I, \_\_\_\_\_, President of the aforementioned corporation, do solemnly swear and affirm that the answers herein are true to the best of my knowledge and belief, that Chapter 5 of Title 54 and Chapter 7 of Title 13.1, Code of Virginia, as amended, and all applicable rules and regulations have been adhered to, and that this application is made for the purpose of including the issuance of authority to practice under the professional designation "Certified Public Accountant(s)" or "Public Accountant(s)" as a corporation.

Attested to before me, the secretary of the corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
 Secretary

**AFFIDAVIT**

STATE OF \_\_\_\_\_  
 COUNTY OR CITY OF \_\_\_\_\_  
 Sworn and subscribed to before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
 Notary Public

PLEASE NOTE: Refer to Chapter 5 of Title 54 (Section 54-91.1) and Chapter 7 of Title 13.1, (Sections 13.1-542 through 13.1-556) Code of Virginia, 1950, as amended, and to the rules and regulations dealing with Professional Practice and Corporate Practice.

FOR STATE BOARD OF ACCOUNTANCY USE ONLY

Corporation organized under Virginia Law? \_\_\_\_\_  
 All Directors, Shareholders and Chief Executive Officers hold valid Virginia certificates? \_\_\_\_\_

# Final Regulations



## COMMONWEALTH of VIRGINIA

Department of Commerce  
 3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23220-4917  
 (804) 257-8505  
 TOLL FREE: 1 (800) 552-9016

TELEPHONE REGISTRATION  
 TOLL FREE: 1 (800) 552-9016

REGISTRATION

FEE: \$ 25.00  
 (Make check payable  
 to the Treasurer  
 of Virginia)

VIRGINIA STATE BOARD OF ACCOUNTANCY  
 DEPARTMENT OF COMMERCE  
 3600 WEST BROAD STREET  
 RICHMOND, VA 23220-4917  
 (804) 257-8505  
 TOLL FREE: 1 (800) 552-9016

APPLICATION FOR ORIGINAL CERTIFICATION AS A CPA IN VIRGINIA

PLEASE TYPE OR PRINT

NAME: \_\_\_\_\_  
 (Use name as you wish it to appear on certificate)

Social Security Number \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
 (ZIP) \_\_\_\_\_ ( ) Telephone Number \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_  
 (Please include first name) \_\_\_\_\_ (ZIP) \_\_\_\_\_ ( ) Telephone Number \_\_\_\_\_

Date of completion of Uniform CPA Examination \_\_\_\_\_ Give Month and Year \_\_\_\_\_

Date of completion of Ethics Examination \_\_\_\_\_  
 (Attach copy of grade sheet or certificate) Month and Year \_\_\_\_\_

Have you ever been convicted of a felony? Yes \_\_\_\_\_ No \_\_\_\_\_ or misdemeanor?  
 Yes \_\_\_\_\_ No \_\_\_\_\_ If answer to either questions is yes, attach full details.

I hereby declare that I am not now in the practice of public accountancy on my own and that I will not do so in Virginia without first filing this application for license to the Virginia State Board of Accountancy, completing the prescribed continuing professional education courses, if required, and paying the required fee.

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

AFFIDAVIT: \_\_\_\_\_

State of \_\_\_\_\_

City/County of \_\_\_\_\_

This statement was signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public \_\_\_\_\_  
 My commission expires \_\_\_\_\_

FOR BOARD USE ONLY

Certificate Number \_\_\_\_\_ Staff approval \_\_\_\_\_ Board Approval \_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_ Date \_\_\_\_\_

VSSA CR-1 7/85

TO: CPA Candidates

FROM: Roberts L. Banning, Assistant Director  
 Virginia State Board of Accountancy

SUBJECT: Ethics Examination

Attached is an order form for AICPA's "Professional Ethics for Certified Public Accountants," a self-study course required of all candidates for a Virginia original or reciprocal certificate. A grade of at least 90 must be achieved in order for you to be eligible for certification.

The Institute is responsible for grading the self-administered exam, the results of which will then be sent to you and to the Board.

The course is not required prior to taking the Uniform CPA Examination, but evidence of its satisfactory completion must be provided to the Board for certification and licensure.

R. L. B.

RLB:pjs  
 Attachment

VSSA  
 4-7-85  
 2:36

ORDER FORM

TO: American Institute of Certified Public Accountants  
 1211 Avenue of the Americas  
 New York, New York 10036

Enclosed is my payment for the self-study course and examination.  
 "Professional Ethics for Certified Public Accountants -- No. 723722."  
 I understand that my payment covers the cost of the course materials, exam-  
 ination grading, and notification of successful completion to me and to  
 the Virginia State Board of Accountancy.

My check in the amount of \$45.00, made payable to the AICPA, is enclosed.

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_  
 STATE: \_\_\_\_\_

FEE: \$75.00  
 (Make check payable  
 to Treasurer of  
 Virginia)

COMMONWEALTH OF VIRGINIA  
 Department of Commerce  
 Virginia State Board of Accountancy  
 3600 West Broad Street  
 Richmond, Virginia 23230-4917  
 Telephone: (804) 227-8303  
 Toll Free: 1 (800) 333-3016

APPLICATION FOR LICENSE AS A CERTIFIED PUBLIC ACCOUNTANT IN VIRGINIA

MUST BE FILLED OR PRINTED

NAME Last First Middle Social Security Number  
 HOME ADDRESS Street number and name Telephone Number  
 City State Zip Code  
 EMPLOYER  
 BUSINESS ADDRESS Street number and name Telephone Number  
 City State Zip Code

AICPA Ethics Examination Completed \_\_\_\_\_

Have you ever been convicted of a felony? Yes \_\_\_ No \_\_\_  
 or misdemeanor? Yes \_\_\_ No \_\_\_

Former name if different when you were certified \_\_\_\_\_

FOR BOARD USE ONLY  
 Certificate Number \_\_\_\_\_ Board Approval \_\_\_\_\_ Conditions, if any: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Reviewed for Completeness Number: \_\_\_\_\_  
 By \_\_\_\_\_ on \_\_\_\_\_  
 By \_\_\_\_\_ on \_\_\_\_\_

USA-5  
 7/56  
 ACCY: Form 3

Code 15543



# Final Regulations

## RECORD OF EXPERIENCE

(Refer to Section 2.14 of the Rules and Regulations on Experience Requirements)

### A. ADDITIONAL EXPERIENCE

FIRM NAME \_\_\_\_\_ LOCATION \_\_\_\_\_ TO \_\_\_\_\_ EXACT DATE \_\_\_\_\_  
 TO \_\_\_\_\_

### B. GENERAL ACCOUNTING EXPERIENCE

FIRM NAME \_\_\_\_\_ LOCATION \_\_\_\_\_ TO \_\_\_\_\_ EXACT DATE \_\_\_\_\_  
 TO \_\_\_\_\_

### C. TEACHING EXPERIENCE

INSTITUTION \_\_\_\_\_ LOCATION \_\_\_\_\_ TO \_\_\_\_\_ EXACT DATE \_\_\_\_\_  
 TO \_\_\_\_\_

D. Credit under Section 2.15 requested? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Document with authenticated transcript showing master's degree if not previously submitted.

All experience, including current experience, must be documented by your employer(s) using Form VSA-4. If necessary, the information given on the form may be verified by an accompanying letter on letterhead, signed by the employer, and notarized.

\*\*\*\*\*

I hereby apply to the Virginia State Board of Accountancy for a license as a Virginia certified public accountant and certify under the oath that I have read and understand the Virginia CPA Law and the Rules and Regulations of the Board that all statements contained in this application and the statements' tests are correct to the best of my knowledge and belief, and that I have withheld no information which might reasonably be expected to cause the Board to deny this application.

DATE \_\_\_\_\_ SIGNATURE OF APPLICANT \_\_\_\_\_  
 AFFIDAVIT:  
 State of \_\_\_\_\_  
 City or County of \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 My commission expires \_\_\_\_\_ Notary Public \_\_\_\_\_

TO: Virginia State Board of Accountancy  
 Department of Commerce  
 3000 W. Broad Street  
 Richmond, VA, 23230

FROM: Name of Firm \_\_\_\_\_  
 Applicant for Licensure

RE: Reason for leaving, if applicable: From \_\_\_\_\_ to \_\_\_\_\_

1. Exact dates of employment: From \_\_\_\_\_ to \_\_\_\_\_  
 2. Reason for leaving, if applicable: \_\_\_\_\_  
 3. Was employment full-time? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If part-time, please indicate total number of hours worked: \_\_\_\_\_  
 4. Did the applicant's experience include emphasis on the independent examination and/or review of financial statements including the applicable performance of either the audit or review functions?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

What percentage of the applicant's time was so assessed? \_\_\_\_\_  
 Were generally accepted auditing standards or, where applicable, standards for accounting and review services applied? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Was third party reliance on the financial statements involved? Yes \_\_\_\_\_ No \_\_\_\_\_

List the types of organizations audited: \_\_\_\_\_  
 Describe the types of work assigned to this applicant: \_\_\_\_\_

5. Please describe the supervision provided the applicant. (Was the supervisor a CPA? Yes \_\_\_\_\_ No \_\_\_\_\_)

6. Please evaluate the quality of the applicant's performance: \_\_\_\_\_

7. Do you consider the applicant qualified by experience and demonstrated competence to become a CPA and to independently exercise the attest function? Yes \_\_\_\_\_ No \_\_\_\_\_

8. What were the applicant's job titles while with your organization?  
 Title \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. If applicant is no longer with your organization, is there any reason you would be unwilling to rehire him/her should a suitable opening become available?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature of \_\_\_\_\_

Title \_\_\_\_\_

Firm or Agency Name \_\_\_\_\_

Address \_\_\_\_\_

( ) ZIP \_\_\_\_\_

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

ACKNOWLEDG:

State of \_\_\_\_\_  
 City/County of \_\_\_\_\_

This statement was signed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public  
 My commission expires \_\_\_\_\_

Fee \$90.00  
 (Make Check Payable to Treasurer of Virginia)  
 VIRGINIA STATE BOARD OF ACCOUNTANCY  
 Department of Commerce  
 3600 West Broad Street  
 Richmond, VA 23230-4917  
 (804) 257-8505  
 Toll Free: 1(800)552-3016

## APPLICATION FOR REEXAMINATION

PLEASE TYPE OR PRINT

1. Name Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Social Security Number \_\_\_\_\_  
 Home Address \_\_\_\_\_ Date of Birth \_\_\_\_\_  
 ( ) Telephone Number \_\_\_\_\_

2. Employing Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone Number ( ) \_\_\_\_\_

3. Have you ever been convicted of a felony or misdemeanor since date of original application? Yes \_\_\_\_\_ No \_\_\_\_\_ If answer yes, attach full details.

4. I hereby make application for reexamination in the following subjects:  
 \_\_\_\_\_ Auditing \_\_\_\_\_ Law \_\_\_\_\_ Theory \_\_\_\_\_ Practice \_\_\_\_\_  
 to be given during the month of \_\_\_\_\_, 19\_\_\_\_

5. I last sat for the Virginia examination during the month of \_\_\_\_\_, 19\_\_\_\_.

6. Please indicate order of preference of examination site. **NO SITE GUARANTEED**

- \_\_\_\_\_ Norfolk
- \_\_\_\_\_ Northern Virginia
- \_\_\_\_\_ Richmond
- \_\_\_\_\_ Roanoke

FOR BOARD USE ONLY

Condition(s), if any: \_\_\_\_\_

APPROVAL

Date \_\_\_\_\_

Authorized Initials \_\_\_\_\_

Examination Site Assigned \_\_\_\_\_

# Final Regulations

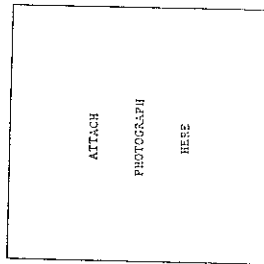
I hereby apply for permission to take the Uniform CPA Examination. I certify under oath that the picture of me attached to this application is of recent date and of reasonable likeness, and that all the representations contained herein or attached hereto are, to the best of my knowledge, true and correct. I understand that if I am approved to sit for this examination and fail to do so, for whatever reason, my fee will be forfeited.

Signature of Applicant \_\_\_\_\_  
Date \_\_\_\_\_

Affidavit:  
State of \_\_\_\_\_  
City/County of \_\_\_\_\_

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public \_\_\_\_\_  
My commission expires \_\_\_\_\_



I UNDERSTAND THAT IN THE EVENT OF LOSS OF EXAMINATION PAPERS, THE BOARD OF ACCOUNTANCY'S LIABILITY IS LIMITED TO PROVIDING AN OPPORTUNITY TO RETAKE THE EXAMINATION.

Fee \$20.00  
(Make check payable to  
Virginia State Board of Accountancy  
Treasurer of  
Virginia)  
3600 West Broad Street  
Richmond, Virginia 23230-4917  
Telephone: (804) 257-8505  
Toll Free: 1 (800) 552-3016

COMMONWEALTH OF VIRGINIA  
Department of Commerce  
Virginia State Board of Accountancy  
Treasurer of  
Virginia

## APPLICATION FOR A VIRGINIA CPA CERTIFICATE BY ENDORSEMENT

MUST BE TYPED OR PRINTED

NAME Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Social Security Number \_\_\_\_\_  
HOME ADDRESS Street number and name \_\_\_\_\_ Telephone Number \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
EMPLOYER \_\_\_\_\_  
BUSINESS ADDRESS Street number and name \_\_\_\_\_ Telephone Number \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

LENGTH OF RESIDENCE OR EMPLOYMENT IN VIRGINIA \_\_\_\_\_  
PLACE OF BIRTH \_\_\_\_\_  
Have you ever been convicted of a felony? Yes \_\_\_\_\_ No \_\_\_\_\_ or has your right to practice accountancy in any jurisdiction ever been suspended or revoked? Yes \_\_\_\_\_ No \_\_\_\_\_  
If your answer is "YES," attach a statement providing all relevant details.

ORIGINAL CERTIFICATE NUMBER \_\_\_\_\_ ISSUED BY \_\_\_\_\_ ON \_\_\_\_\_ DATE \_\_\_\_\_  
(CPAs submit Form 8-1 and VSA-7. Non-certified applicants, submit Form VSA-7 Re Endorsement of Grades)

### FEES:

Have you satisfactorily completed the AICPA Course in Ethics? Yes \_\_\_\_\_ No \_\_\_\_\_; if "YES" provide evidence; if "NO," see memorandum)

BOARD USE ONLY  
Reviewed By \_\_\_\_\_ Certificate No. \_\_\_\_\_ Date: \_\_\_\_\_  
Date \_\_\_\_\_ Date of Issuance \_\_\_\_\_ Number: \_\_\_\_\_ Member: \_\_\_\_\_  
Member: \_\_\_\_\_ Member: \_\_\_\_\_

VSA 8-1

2/85

RECORD OF EXPERIENCE

(Refer to Section 2.14 of the Rules and Regulations on Experience Requirements)

A. AUDIT EXPERIENCE

FIRM NAME \_\_\_\_\_ LOCATION \_\_\_\_\_ EXACT DATES \_\_\_\_\_  
 TO \_\_\_\_\_

B. GENERAL ACCOUNTING EXPERIENCE

FIRM NAME \_\_\_\_\_ LOCATION \_\_\_\_\_ EXACT DATES \_\_\_\_\_  
 TO \_\_\_\_\_

C. TEACHING EXPERIENCE

INSTITUTION \_\_\_\_\_ LOCATION \_\_\_\_\_ EXACT DATES \_\_\_\_\_  
 TO \_\_\_\_\_

D. Credit under Section 2.15 requested? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Document with authenticated transcript showing Master's degree if not previously submitted.

All experience must be documented by your employer(s) using Form VSA-5. If necessary, the information on the form may be certified by an accompanying letter on letterhead, signed by the employer, and notarized.

\*\*\*\*\*

I hereby apply to the Virginia State Board of Accountancy for a license as a Virginia certified public accountant and certify under oath that I have read, and agree to abide by, the Virginia CPA Law and the Rules and Regulations of the Board, that all statements contained in this application and the statements) therein are correct, to the best of my knowledge and belief, and that I have written no information which might reasonably be expected to cause the Board to deny this application.

DATE \_\_\_\_\_ SIGNATURE OF APPLICANT \_\_\_\_\_  
 AFFIDAVIT: \_\_\_\_\_  
 State of \_\_\_\_\_  
 City or County of \_\_\_\_\_  
 Subscriber and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 My commission expires \_\_\_\_\_ Notary Public \_\_\_\_\_



COMMONWEALTH of VIRGINIA

Department of Commerce  
 300 WEST BROAD STREET, RICHMOND, VIRGINIA 23260-4917  
 TELEPHONE (804) 337-6500  
 TOLL FREE: 1 (800) 551-2616

TO: \_\_\_\_\_  
 Name of Board which issued applicant's ORIGINAL certificate  
 FROM: Roberta L. Manning, Assistant Director  
 Virginia State Board of Accountancy

The application for a Virginia CPA certificate submitted by \_\_\_\_\_  
 was issued by your board. \_\_\_\_\_ states that his or her original certificate  
 He would very much appreciate it if you would provide us with the following  
 information.

1. Certification Number \_\_\_\_\_ was issued on \_\_\_\_\_, 19\_\_\_\_.
2. The basis (or bases) for certification were those checked below:  
 \_\_\_\_\_ a written examination prepared by this Board.  
 \_\_\_\_\_ grades reported by the Advisory Grading Service for the Uniform CPA Examination.  
 \_\_\_\_\_ Other \_\_\_\_\_

CERTIFICATION

I certify that the foregoing statements are correct to the best of my knowledge and belief.

SEAL \_\_\_\_\_  
 OF \_\_\_\_\_  
 BOARD \_\_\_\_\_  
 Signature of Authorized Person \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

VSA-R-2  
 03-75



## COMMONWEALTH of VIRGINIA

DAVID R. HATHCOCK  
 Secretary  
 Department of Commerce  
 3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23260-4817  
 TELEPHONE: (804) 224-2600  
 TOLL FREE: 1 (800) 552-3016

TO: Roberta L. Banning, Assistant Director  
 Virginia State Board of Accountancy

FROM: \_\_\_\_\_  
 Name of Board Transferring Grades

I certify that \_\_\_\_\_ sat for the Uniform CPA Examination under our jurisdiction on the dates listed below, with the results noted:

DATE	I.D. NO.	AUDITING	LAW	THEORY	PRACTICE

These grades were furnished by the Advisory Grading Service of the AICPA and we recommend that they be accepted.

### CERTIFICATION

I certify that the foregoing statements are correct to the best of my knowledge and belief.

SEAL  
 OF  
 BOARD  
 \_\_\_\_\_  
 Signature of Authorized Person  
 \_\_\_\_\_  
 Title  
 \_\_\_\_\_  
 Date

VSSA-7  
 03-87

### VIRGINIA STATE BOARD OF ACCOUNTANCY

Department of Commerce  
 3600 West Broad Street  
 Richmond, Virginia 23230  
 (804) 227-8505  
 Toll Free: 1(800)552-3016

### TO THE ENDORSER OF AN APPLICANT FOR A VIRGINIA CPA CERTIFICATE BY ENDORSEMENT

The applicant named below has applied for a Virginia CPA Certificate by Endorsement. You have been named as one of the applicant's endorser, and the Virginia State Board of Accountancy would very much appreciate your frank answers to the following questions. Any other comments you care to make regarding this applicant would also be of value.

### ENDORSEMENT

1. Applicant's name \_\_\_\_\_
2. What type of relationship have you had with applicant? (Business, Professional or social?) \_\_\_\_\_
3. Number of years you have known applicant: \_\_\_\_\_
4. Is he/she of good moral character? \_\_\_\_\_
5. To the best of your knowledge, has he or she been employed as an accountant and, if so, for how long? \_\_\_\_\_
6. If the answer to Number 5 is in the affirmative, what is his or her professional reputation? \_\_\_\_\_
7. Are you aware of any facts which might negatively affect the Board's consideration of this application? If so, please specify. \_\_\_\_\_

### 8. Your comments or recommendations: \_\_\_\_\_

Continue on reverse side, if necessary.

\_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Name (Printed)  
 \_\_\_\_\_  
 Address:  
 \_\_\_\_\_  
 Occupation:  
 \_\_\_\_\_  
 Date: \_\_\_\_\_

VSBA R-3  
 3/87

# Final Regulations

## BOARD OF MEDICAL ASSISTANCE SERVICES

**Title of Regulation:** VR 460-03-4.194. Nursing Home Payment System.

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

**Effective Date:** October 1, 1986  
(pending federal approval)

**REGISTRAR'S NOTICE:** Due to its length, the final regulations of the Nursing Home Payment System (VR 460-03-4.194) filed by the Board of Medical Assistance Services, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments to the Nursing Home Payment System, is being published. The full text of the regulation is available for public inspection at the Office of the Registrar of Regulations and Department of Medical Assistance Services.

### Summary:

**Purpose of regulations:** To establish the methodology and limitations by which the Department of Medical Assistance Services reimburses nursing home providers for services rendered to eligible Medicaid recipients.

**Background:** These regulations describe the rate determination procedures, allowable costs, due dates for cost report submission, accounting methods, audit requirements and provider appeals mechanisms, availability of incentive payments for efficiently operated facilities and payment limitations for facilities exceeding their reimbursement ceilings.

The following specific changes were made to the existing regulations contained in the Nursing Home Payment System.

1. Allowable costs associated with construction and long-term financing will now be capped at 2% and 5% of the total project cost to build new facilities or to add beds to existing facilities.

2. Mortgage life insurance premiums will be an allowable cost as prescribed in the Medicare Principles of Reimbursement contained in the HIM-15.

\* 3. Interest expense incurred on debt reserve funds will now be an allowable cost and interest income will be offset to such expense.

\* 4. Allowable interest rates for construction and long-term financing will be based on the Baa +1% municipal bond rate.

\* 5. Allowable construction costs will be limited to the Dodge Construction Cost Limit at the time of CON issuance or licensure.

\* 6. Allowable construction costs will be restricted to 120% of those in the original CON application.

\* 7. Federal limitations (contained in the Consolidated Omnibus Budget Reconciliation Act of 1985 revisions to the Social Security Act) regarding the revaluation of assets on change of ownership have been included.

\* 8. Restrictions on the comingling of investment funds have been removed.

\* 9. The length of time that a new provider is allowed for retroactive reimbursement of costs and to meet occupancy level requirements has been restricted to a maximum of 15 months.

\* 10. As required by state statute, providers requesting extended repayment schedules when a determination of an overpayment has been made, will now be required to pay statutorily determined interest on the balance due.

11. In the purchase of a nursing home, the American Hospital Association guidelines to determine the useful life of the facility and moveable equipment will be used.

12. The time period for the DMAS tentative settlement of submitted cost reports and prospective rate determination is being increased from 60 to 90 days.

13. The existing nursing home lien statute, § 32.1-329 of the Code of Virginia, is being added to the payment system.

14. Nursing home providers' appeals procedures are being clarified.

15. Several miscellaneous HIM-15 regulations are being incorporated into the payment system to clarify current DMAS requirements and do not establish new requirements.

\* Indicates a significant difference in the final regulations over the proposed.

## VIRGINIA STATE BOARD OF OPTICIANS

**Title of Regulation:** VR 505-01-1. Rules and Regulations of the Board of Opticians.

**Statutory Authority:** § 54-1.28 (5) of the Code of Virginia.

**Effective Date:** October 1, 1986

### Summary:

The regulations govern the licensure of opticians in

# Final Regulations

Virginia and, as such, apply directly to approximately 969 actively licensed Virginia opticians of which 296 hold contact lens certification, and indirectly to those individuals who utilize their services.

The Virginia State Board of Opticians amended § 1.2 B of the current regulations so as to decrease the license renewal fee from \$80 to \$65 in accordance with § 54-1.28:1 of the Code of Virginia.

This change will affect all 969 actively licensed Virginia opticians. The anticipated impact of the fee reduction to licenses is a savings of \$14,325 per biennium.

VR 505-01-1. Rules and Regulations of the Board of Opticians.

## SECTION ONE PART I. GENERAL.

### § 1.1. Certificate of Registration.

Each applicant successfully completing the Virginia examination or qualifying as an out-of-state optician for a certificate by endorsement shall receive a certificate of registration as a "registered optician." (§ 54-1.28)

~~1.2~~ The fee for a license by examination or by endorsement shall be \$100 and shall be in the form of a check or money order payable to the Treasurer of Virginia. (§ 54-1.28)

### ~~1.3~~ § 1.2. License renewal required. (§ 54-1.28)

~~1.3.1~~ A. Licenses issued under these regulations shall expire on December 31 of each even-numbered year. The Department of Commerce shall mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew. (§ 54-1.28)

~~1.3.2~~ B. Each licensee applying for renewal shall return the renewal notice and fee of ~~\$80~~ \$65 to the Department of Commerce prior to the expiration date shown on the license. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee. (§ 54-1.28)

~~1.3.3~~ C. Any licensee who fails to renew their license within one month after the license expires ~~will~~ shall be required to pay a late renewal fee which shall be equal to twice the regular renewal fee. (§ 54-1.28)

~~1.3.4~~ D. If the licensee fails to renew the license within six months after the expiration date, request may be made for consideration after reinstatement of the license by submitting to the Department of Commerce a renewal application and fee of \$160, with a statement of the reasons for failing to renew prior to the expiration date. (§ 54-1.28)

~~1.3.5~~ E. Upon receipt of the renewal application, fee, and statement, the board may grant reinstatement of the license or require requalification, reexamination, or both before granting the reinstatement. (§ 54-1.28)

~~1.3.6~~ F. The date renewal application and fee is received by the Department of Commerce or its agent shall be the factor determining whether a license shall be renewed without penalty fees or shall be subject to reinstatement procedures. (§ 54-1.28)

~~1.3.7~~ G. Revoked licenses, suspended licenses and licenses not renewed from past renewal periods shall not be renewable under this regulation. (§ 54-1.28)

## SECTION TWO PART II. ENTRY REQUIREMENTS.

### § 2.1. Qualifications of applicant.

Any person desiring to sit for examination shall submit an application with the required fee and evidence satisfactory to the board that the applicant: (§ 54-1.28)

~~2.1.1~~ 1. Is at least 18 years of age; ~~and~~ (§ 54-1.28)

~~2.1.2~~ 2. Is a graduate of an accredited high school, or has completed the equivalent of grammar school and a four-year high school course, or is a holder of a certificate of general educational development; ~~and~~ (§ 54-1.28)

~~2.1.3~~ 3. Has satisfactorily completed a two-year course in a school of opticianry, including the study of topics essential to qualify for practicing as an optician; or (§ 54-1.28)

~~2.1.4~~ 4. Has completed a three-year apprenticeship in accordance with the standards established by the State Department of Labor and Industries Division of Apprenticeship Training and approved by the Virginia State Board of Opticians; (§ 54-1.28) and

~~2.1.5~~ 5. Provided, however, that any person desiring to sit for the board's examination before completing all prerequisites therefor, as provided in Sections ~~2.1.1~~ - ~~2.1.4~~, paragraphs 1 and 4 of § 2.1 of these regulations, shall be allowed to do so upon certification to the board by the proper officials of the school of opticianry the applicant is attending, or by the Virginia Department of Labor and Industry, Apprenticeship Division, if the applicant is in an apprenticeship program that the applicant is within seven months of graduating or completing the apprenticeship program; but such applicant shall not be notified of the results of the examination until (i) he has graduated or completed the apprentice program, or (ii) 45 days prior to the next scheduled examination, whichever shall first occur. (§ 54-1.28)

### § 2.2. Examination time and place.

The board shall schedule an examination to be held at least twice each calendar year at a time and place to be designated by the board. (~~§ 54-1.28~~)

## § 2.3. Character of optician examination.

The optician examination given by the board may include, but not be limited to, the following topics:

- 2.3.1 Ophthalmic materials (~~§ 54-1.28~~)
- 2.3.2 Ophthalmic optics (~~§ 54-1.28~~)
- 2.3.3 Ophthalmic spectacle lens grinding (~~§ 54-1.28~~)
- 2.3.4 Prescription interpretation (~~§ 54-1.28~~)
- 2.3.5 Theory of light (~~§ 54-1.28~~)
- 2.3.6 Finishing, fitting and adjusting of eyeglasses and frames (~~§ 54-1.28~~)
- 2.3.7 Ethics of relationship in respect to patient and physician or optometrist (~~§ 54-1.28~~)
- 2.3.8 Anatomy and physiology (~~§ 54-1.28~~)

## § 2.4. Evaluation of examination.

The minimum passing grade shall be 70% on each of the two sections of the examination. (~~§ 54-1.28~~)

2.5 1. An applicant who fails any section shall be required to take a reexamination and may take that section for an additional fee of \$35. This applicant shall not be required to file another application. (~~§ 54-1.28~~)

2.6 2. Any applicant who fails to pass the failed section within the next two successive scheduled examinations will be required to take the entire examination and pay the full initial examination fee. (~~§ 54-1.28~~)

## 2.7 § 2.5. Licensing of out-of-state opticians.

The board may in its discretion issue a certificate to any person: (~~§ 54-1.28~~)

- 2.7.1 1. Who has met the requirements listed in § 2.1; and (~~§ 54-1.28~~)
  - 2.7.2 2. Who has passed an examination substantially equivalent, in the opinion of the board, to the examination given in this state; and (~~§ 54-1.28~~)
  - 2.7.3 3. Who is in good standing in the state of licensure. (~~§ 54-1.28~~)
- 2.7.3.1 If training received out of state is less than Virginia's requirement, the Apprenticeship Council is

to evaluate the training and place the applicant in the Virginia curriculum at the level determined by the Apprenticeship Council. Upon completion of the required course, this applicant may sit for the Virginia examination. (~~§ 54-1.28~~)

## 2.8 § 2.6. Certification to fit contact lenses.

The board shall administer a contact lens examination of the Virginia licensed opticians desiring to be certified to fit contact lenses. Contact lens certification shall be mandatory for opticians to fit contact lenses. (~~§ 54-1.28~~)

2.9 Fees for contact lens examination or reexamination shall be \$45. (~~§ 54-1.28~~)

## SECTION THREE PART III. STANDARDS OF PRACTICE.

## § 3.1. Discipline.

After a hearing, the board may revoke, suspend, or refuse to renew a license, and/or impose a fine up to \$1,000 per for an offense on a licensee for any of the following reasons:

~~3.1.1~~ 1. Using alcohol or drugs to the extent that professional competence is adversely affected; (~~§ 54-1.28~~)

~~3.1.2~~ 2. Displaying professional incompetence or negligence which endangers the public health, safety or welfare; (~~§ 54-1.28~~)

~~3.1.3~~ 3. Fraudulently certifying that an applicant possesses the qualifications required under § 2.1 of these regulations; (~~§ 54-1.28~~)

~~3.1.4~~ 4. Violating or inducing others to violate any provisions of Chapters 1:1 and 14.1 of Title 54 of the Code of Virginia, or of any other statute applicable to the practice of the profession herein regulated, or of any provision of these regulations; (~~§ 54-1.28~~)

~~3.1.5~~ 5. Publishing or causing to be published any advertisement that is false, deceptive, or misleading. (~~§ 54-1.28~~)

## § 3.2. Display of license.

Every person to whom a certificate of registration has been granted under these regulations shall display in public view a current license. (~~§ 54-1.28~~)



# Final Regulations

Certificate No. \_\_\_\_\_  
Date \_\_\_\_\_  
For office use only

APPLICATION FOR: ( ) Examination  
( ) Endorsement

## COMMONWEALTH OF VIRGINIA

FEE \$100.00  
(Make check or money order  
Payable to the  
Treasurer of Virginia)

DEPARTMENT OF COMMERCE  
Virginia State Board of Opticians  
P. O. Box 11066  
Richmond, VA 23230-1066

FEE \$100.00

### SECTION I

Applicant's Last Name Only (Place one letter in each block):

\_\_\_\_\_ Phone No. \_\_\_\_\_  
First Name \_\_\_\_\_ Middle Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Date of Birth    Social Security Number        
Continued on back side

PLEASE DO NOT WRITE BELOW THIS LINE

\_\_\_\_\_  
Approved for EXAMINATION \_\_\_\_\_ Date of Exam \_\_\_\_\_

\_\_\_\_\_  
Approved for ENDORSEMENT \_\_\_\_\_ State \_\_\_\_\_

\_\_\_\_\_

Date of Exam	Practical Exam							Written Exam	Remarks
	1	2	3	4	5	6	TOTAL		

## SECTION II

Complete Subsection Applicable:

### Subsection A

1. Name and address of School of Opticianry attended \_\_\_\_\_  
\_\_\_\_\_  
A. Date enrolled \_\_\_\_\_ Date completed \_\_\_\_\_  
Degree received \_\_\_\_\_  
Attach Certified Transcript

### Subsection B

2. Name and address of shop or shops in which you served three year apprenticeship in accordance with the standards established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry as a Dispensing Optician \_\_\_\_\_  
\_\_\_\_\_  
A. Attach "Change of Status" form.  
B. Date enrolled \_\_\_\_\_ Date completed \_\_\_\_\_  
\_\_\_\_\_  
Signature of Apprenticeship Representative for the Department of Labor and Industry \_\_\_\_\_ Date \_\_\_\_\_

### Subsection C

3. Applicants presently registered in another State as an Optician:  
A. Documentary evidence from State Board in which licensed that you passed an examination which in the opinion of the Virginia Board is substantially equivalent to the examination given in Virginia, and is in good standing in the state of licensure attached.  
B. Copy of current Optician License attached.

NOTE: All Applications Must Be Accompanied By Certification of High School Graduation.

## SECTION III

(To Be Executed By All Applicants) Have this AFFIDAVIT completed by a Notary Public.

State of \_\_\_\_\_

County or City of \_\_\_\_\_

I, do hereby certify that the information given by me in this application and attachments is true to the best of my knowledge and belief and is made for the express purpose of obtaining a certificate to practice opticianry in the Commonwealth of Virginia. I am fully familiar with the fact that the Virginia State Board of Opticians has the authority to revoke, or to refuse to grant the certificate for which I have applied, if such certificate is obtained on the basis of any misrepresentation whatsoever.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature of Notary Public \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

My Commission expires: \_\_\_\_\_

# Final Regulations

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Rev. 2/20/86

COMMONWEALTH OF VIRGINIA  
VIRGINIA BOARD OF OPTICIANS

P. O. Box 11066  
Richmond, Virginia 23230-1066

INSTRUCTIONS FOR REINSTATEMENT OF LICENSE

The Application for Reinstatement form must be completed in its entirety.

1. A reinstatement fee of one hundred sixty dollars (\$160.00) is required.

GUIDELINES FOR REINSTATEMENT OF AN INDIVIDUAL LICENSE

- A. Persons whose license is not current in Virginia, who show proof of a current license in another jurisdiction, may obtain a Virginia license by endorsement.
  - B. If the licensee fails to renew their license within six months after the expiration date, request may be made for consideration of reinstatement of the license by submitting to the Department of Commerce a renewal application and a fee of \$160.00 with a statement detailing the reasons for failing to renew prior to the expiration date. Upon receipt of the renewal application, fee, and statement, the Virginia Board of Opticians may grant reinstatement of the license or require requalification, reexamination, or both before reinstatement.
2. This application and the appropriate fee should be returned in the enclosed envelope.
  3. Make checks payable to the "Treasurer of Virginia." All fees are nonrefundable, including cases when the application is denied.

APPLICATION FOR REINSTATEMENT OF LICENSE  
ANSWER ALL QUESTIONS

Name: \_\_\_\_\_ Date: \_\_\_\_\_ 19\_\_

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

Present Telephone Number:	Certificate Number:	Date Issued:
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CENTRAL FEE PROCESSING

Give reasons for failure to renew. (Use a separate sheet if necessary.) \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Do you wish to appear before the Board to discuss this matter? Yes \_\_\_ No \_\_\_

List the States where you are now currently licensed and your license number:

State	License No.	Expiration Date

**AFFIDAVIT AND NOTORIZATION**

(To Be Executed By all Applicants)      Have this AFFIDAVIT completed by a Notary Public

State of \_\_\_\_\_

County or City of \_\_\_\_\_

The undersigned being duly sworn deposes and says that they are the person who executed this application, that the statements herein contained are true, that they have not suppressed any information that might affect this application, and that they have read and understand this affidavit.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Notary Public

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires: \_\_\_\_\_

For Official Use Only		
Date	Approved	Disapproved

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# EMERGENCY REGULATION

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## DEPARTMENT OF HEALTH REGULATORY BOARDS

### Title of Regulation: Emergency Regulations for the Board of Professional Counselors.

#### BASIS AND NEED FOR EMERGENCY AMENDMENT AND REGULATIONS

The Board of Professional Counselors has determined that a need exists to amend its regulations immediately. Section 3.1.D.1.b. of the Board regulation which requires an essay examination has been found to be redundant and unnecessary as a requirement for licensure. If the requirement is not deleted, individuals seeking licensure will be required in September of 1986 to pass this examination. This will be an unnecessary burden on all candidates for licensure, and it may prohibit some individuals, otherwise qualified, from practice.

The repeal will be effective for a period of one year or until such time as the Board can take action under the nonemergency provisions of the Administrative Process Act.

Any individual may petition the Board for revision or further consideration of this action by simply filing a request with the Board; it will be considered at its next meeting. Comments on this action will be solicited during the Board's period of public comment in accordance with § 9-6.14:7.1 of the Code of Virginia, which will commence as soon as possible.

#### REGULATIONS THE VIRGINIA BOARD OF PROFESSIONAL COUNSELORS SECTION III: EXAMINATIONS. PC 3.1.D.1.

##### D. Description of Examinations:

1. The written examinations shall be administered in March and September of each year, and shall consist of:

a. An objective, multiple choice examination consisting of standardized questions. These questions may include, but not be limited to, the areas listed in BPC 2.2: A.

b. Essay Examination:

This examination shall include essay and/or objective questions on the:

Applicant's stated area(s) of practice

Law covering the practice of professional counseling

Regulations of the Board

Code of Ethics of the Board

/s/ Bernard L. Henderson, Jr., Director  
Department of Health Regulatory Boards  
Date: July 28, 1986

/s/ Gerald L. Baliles, Governor  
Date: July 30, 1986

/s/ Ann M. Brown, Deputy Registrar  
Date: August 5, 1986 - 10:45 a.m.

## DEPARTMENT OF WASTE MANAGEMENT

### Title of Regulation: VR 672-20-1. Financial Assurance Regulations for Solid Waste Facilities.

Statutory Authority: §§ 10-266, 10-269, and 10-273 of the Code of Virginia.

Effective Date: August 8, 1986 until June 1, 1987

#### Summary:

*These regulations establish the financial assurance requirements for privately owned or operated nonhazardous solid waste disposal facilities. The regulations specifically exempt facilities owned or operated by local, state, or federal agencies.*

*Alternate means to guarantee financial assurance for closure and postclosure of facilities are specified as a condition of permit application for new facilities. Existing facilities are required to meet the same requirement but not before June 1, 1987.*

*The regulations require the maintenance of liability coverage for sudden or nonsudden incidents. Applying a financial test is authorized as an alternative to appropriate insurance coverage.*

#### Basis of Emergency:

*The Commonwealth of Virginia issues permits for the operation of nonhazardous solid waste disposal facilities. Permits are issued for both publicly owned and privately owned facilities. There are approximately 100 outstanding permits issued to privately owned facilities. There are approximately ten applications pending in the Department of Waste Management.*

*In a recent lawsuit, a permit for the disposal of nonhazardous solid waste was invalidated because the Board of Health had not adopted financial responsibility regulations for costs associated with abandonment of privately owned solid waste disposal facilities as required by § 10-273 (formerly § 32.1-182) of the Code of Virginia. While that court decision applies only to a single case, there is a risk that permits issued to other landfill facilities may be*

# Emergency Regulation

invalidated unless the Department requires them to meet financial responsibility standards pursuant to § 10-273. Therefore, the promulgation of these standards may be crucial to ensure the necessary operation of existing facilities.

Because immediate action is required to avoid the potential hazards and nuisances associated with a shortage of disposal facilities, should existing permits be invalidated, an emergency exists and necessitates the promulgation of the financial assurance regulations.

While it is uncertain how a higher court would rule on the validity of court's decision to invalidate the permit, or how another court would rule when faced with the same issue, the Board promulgates this regulation to assure continued operation of currently permitted facilities and to assure that ample funds are readily available for closure in the event of facility abandonment.

Therefore, the Virginia Waste Management Board, pursuant to §§ 10-266, 10-269 of the Code of Virginia with the concurrence of the Governor of the Commonwealth, pursuant to § 9-6.14:6 of the Code of Virginia, adopts this following emergency regulation, effective upon filing with the Registrar of Regulations.

This emergency regulation will be enforced under applicable statutes and will remain in full force and effect until June 1, 1987, unless sooner modified or vacated or superseded.

The Virginia Waste Management Board will receive, consider, and respond to petitions by any interested persons at any time for the reconsideration or revision of this regulation.

It is so ordered by:  
/s/ Cynthia Bailey  
Executive Director, By Direction  
Date: July 25, 1986

Approved by:  
/s/ Gerald L. Baliles  
Governor of the Commonwealth  
Date: August 1, 1986

Filed by:  
/s/ Ann M. Brown  
Deputy Registrar  
Date: August 8, 1986 - 3:59 p.m.

## PART I. DEFINITIONS.

### § 1. Definitions.

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

content clearly indicates otherwise:

"Abandoned Facility" means any inactive solid waste management facility whose closure has not been approved by the Department or which have been approved by the Department but not completed.

"Ash" means waste material produced from an incineration process or any combustion. Ash types include fly ash, bottom ash, and incinerator residue.

"Bottom Ash" means ash or slag remaining in the combustion unit after combustion.

"Closed Facility" means a solid waste management facility which has been properly terminated in accord with an approved facility closure plan on file with the Department of Waste Management and complying with all applicable regulations and requirements concerning its stabilization.

"Closure" means the act of securing and stabilizing a solid waste management facility pursuant to the requirements of these regulations.

"Commercial Waste" means all solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, etc.

"Construction Waste" means the waste building material refuse and other largely inert solid waste resulting from construction, remodeling, and repair operations on houses, commercial buildings, pavements, and other structures. Construction waste includes lumber, wire, sheetrock, broken brick, shingles, glass, pipes, asphalt, and other nonhazardous, nonsoluble unwanted or unused construction material. Paints, coatings, asbestos and any liquid, compressed gases, or semi-liquids are not construction wastes. A mixture of construction waste with any amount of type of solid waste will cause it to be classified as other than construction waste.

"Cover Material" means soil or other material which is used to blanket solid waste in a landfill.

"Construction/Demolition Landfill" means a solid waste disposal area used for the controlled disposal of construction wastes, demolition wastes, wood wastes, including cardboard, brush, and tree stumps, and nondecomposable inert solids which are insoluble in water.

"Debris Landfill" means a construction/demolition landfill.

"Demolition Waste" means solid waste which is largely inert, resulting from the demolition or raising of buildings, roads, and other man-made structures. Plaster or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process and

# Emergency Regulation

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asbestos waste are not demolition waste.

"Disposal" means the discharge, deposition, injection, dumping, spilling, leaking or placement of any solid waste into or on land or water so that such solid waste or any constituent thereof may enter the environment (i.e., air, soil, surface water or groundwater) or to otherwise discard.

"Facility" means a solid waste management processing or disposal site, or resource recovery site, including any and all land used for solid waste disposal and associated activities. Facility types include sanitary landfills, construction/demolition landfills, debris landfills, inert waste landfills, industrial waste landfills, resource recovery systems, transfer stations, incinerators and composting operations.

"Fly Ash" means ash particulate collected from air pollution attenuation devices on combustion units, such as those that burn fossil fuels or incinerate solid waste.

"Ground Water" means any water, except capillary moisture beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this state.

"Hazardous Waste" means a "hazardous waste" as defined by the Virginia Waste Management Board.

"Incineration" means the controlled combustion of solid waste.

"Incinerator Residue" means the resulting ash product from the incineration of solid waste.

"Industrial Solid Waste" means all solid waste resulting from a manufacturing and industrial processes which are not suitable for discharge to a sanitary sewer or treatment in a community sewage treatment plant. Industrial solid wastes may include: mining wastes from the extraction, beneficiation, and processing of ores and minerals unless those materials are returned to the mine site; fly ash; bottom ash; slag; fire gas emission control wastes generated primarily from the combustion of coal or other fossil fuels; cement kiln dust; and asbestos.

"Industrial Waste Landfill" means a sanitary landfill facility for the disposal of a specific industrial waste or a waste which is a byproduct of a production process.

"Landfill" means a sanitary landfill unless otherwise designated or an impoundment closed in-situ.

"Leachate" means water or other liquid that has percolated through or originated in solid waste and contained, dissolved, suspended, miscible containments extracted from the solid waste. Leachate and any material with which it is mixed is solid waste; except that leachate that is pumped from a collection tank for transportation to

disposal in an off-site facility is septage, and leachate discharged into a wastewater collection system is industrial wastewater.

"Monitoring" means all procedures and techniques used to systematically analyze, inspect, and collect data on operational parameters of the facility or on the quality of air, groundwater, surface water, and soil.

"Monitoring Wells" means a well point below the groundwater table for the purpose of obtaining periodic water samples for qualitative analysis.

"Operator" means the person responsible for the overall operation and site management of a solid waste management facility.

"Owner" means the person, corporation or other legal entity which legally possesses the land on which a solid waste management facility is located.

"Permit" means the written permission of the Executive Director to own, operate, or construct a solid waste management facility.

"Person" means an individual, trust, firm, joint stock company, corporation, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, or federal government agency.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) and the Hazardous and Solid Waste Amendments of 1984.

"Sanitary Landfill" means a land disposal site employing an engineered method of disposal of solid waste to minimize environmental and health nuisances and hazards. The methods include spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, confining the solid waste to the smallest practical area, and applying suitable cover material at the end of each operating day or at such more frequent intervals as may be necessary.

"Site" means the land area upon which a facility or activity is physically located or conducted.

"Solid Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigating return flow or industrial discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear or byproduct material as defined by The Atomic Energy Act of 1954, as amended (68 Stat.

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923).

## PART II. GENERAL INFORMATION AND LEGISLATIVE AUTHORITY.

### § 2. Authority for Regulations.

Section 10-273 of the Code of Virginia authorizes the Virginia Waste Management Board to exercise general supervision and control over solid waste management activities in this Commonwealth and promulgate regulations for financial responsibility by privately owned solid waste disposal facilities in the event of abandonment and § 9-6.14; 4.1.(C)(5) for emergency regulations.

#### § 2.1. Purpose of Regulations.

A. The purpose of these regulations is to assure that owners and operators of nonhazardous solid waste disposal facilities are financially responsible for the closure and post-closure of their facilities and insured for liability which may result from any sudden or nonsudden accidental occurrences.

B. These regulations establish standards and procedures for the issuance and continuation of permits to construct or operate solid waste management facilities.

#### § 2.2. Petition for Regulation Revisions.

The Department of Waste Management will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision of these regulations.

#### § 2.3. Applicability of Regulations.

A. These regulations apply to all persons who own, operate, or allow solid waste disposal facilities to be operated on their property in the Commonwealth except counties, cities, and towns or federal and state agencies.

#### B. Exemptions to these regulations include:

1. Composting of sewage sludge at the sewage treatment plant of generation and not involving other solid wastes.

2. Land application of wastes regulated under Virginia Sewerage Regulations or the State Water Control Board as a part of the National Pollution Discharge Elimination System (NPDES).

3. The disposal of household garbage disposed of on the site of its generation.

4. Solid waste generated in the normal operation of a farm and related to the production of crops, to the extent those solid wastes are managed on the site of their generation.

5. Management of hazardous waste as defined and controlled by the Commonwealth of Virginia, Virginia Waste Management Board, Hazardous Waste Management Regulations.

C. Management of solid wastes which are exempted from the Virginia Hazardous Waste Management Regulations are subject to these regulations unless exempted herein.

§ 2.4. Effective Date of Regulations. These regulations become effective on the date of promulgation for any person applying for a permit on or after the date of promulgation or who has not been issued a permit before the date of promulgation. Existing, privately owned or operated facilities shall comply with these regulations not later than June 1, 1987. Action may be taken to revoke the permit of any person not in compliance at this time.

#### § 2.5. Enforcement and Appeal Procedures; Offenses and Penalties.

A. All administrative enforcement actions and appeals relative to these regulations shall be governed by the Virginia Administrative Process Act.

B. Orders - The Executive Director is authorized to issue orders to require any person to comply with these regulations as stated or to require such steps he deems necessary to bring about compliance. Orders will be issued in written form through certified mail and will be issued in accord with provisions of the Administrative Process Act.

#### § 2.6. Suspensions and Revocations.

A. If the Executive Director believes that the public health or the environment is or may be threatened by a solid waste management facility, he may suspend all or part of the operation of the facility for such time as he shall prescribe. The suspension shall be made by written notice to the operator. Such a suspension shall constitute an order.

B. The Executive Director may revoke or amend any permit for cause as set in § 10-272 of the Code of Virginia. Failure to provide or maintain adequate financial assurance in accordance with these regulations shall be a basis for site closure.

#### § 2.7. Severability.

A. The provisions of these regulations are severable; and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Act and their application.

B. Regulations governing disposal of solid waste and regulation of hazardous waste under the "Commonwealth



# Emergency Regulation

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of Virginia, Virginia Waste Management Board, Hazardous Waste Management Regulations" and other regulations of the Commonwealth, are not affected by these regulations and are completely severable from them. These regulations are completely severable from all federal or local government regulations.

## PART III. CLOSURE AND POST-CLOSURE FINANCIAL RESPONSIBILITY AND LIABILITY COVERAGE.

### § 3. General Purpose and Scope.

A. Permits for nonhazardous solid waste disposal facilities shall require closure, and post-closure financial assurance and liability insurance plans as prescribed in this part for the purpose of assuring that owners and operators of these facilities are financially responsible for protection of public health and the environment.

B. This part contains general provisions governing closure and post-closure care for solid waste disposal facilities. These provisions may be supplemented by more specific closure and post-closure care requirements. Together with the cost estimate provisions, these provisions form the basis of the financial assurance requirements and liability insurance limits included in this part.

### § 3.1. Closure and Post-Closure Care Requirements.

#### A. Notification.

1. An owner or operator intending to close a solid waste disposal facility shall notify the department of the intention to do so at least 180 days prior to the anticipated date of closing. Notice shall also be made to the governing body of each host community and adjacent property owners.

2. The owner or operator shall post one sign notifying all persons of the closing, prohibition against further receipt of waster materials, and location of a replacement facility. Further, suitable barriers shall be installed at former accesses to prevent new waste from being deposited.

#### B. Closure and Post-Closure Standards.

1. Closure and post-closure care shall occur in accord with approved plans. A closure plan and a post-closure plan shall be submitted with the permit application. The holder of the permit shall submit a proposed modified closure plan or post-closure plan to the Department for review and approval as such modifications become necessary during the life of the facility.

2. The owner or operator shall close his facility in a manner that minimizes the need for further maintenance; and controls, minimizes or eliminates, to the extent necessary to protect human health and the

environment, the post-closure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water, or to the atmosphere. The post-closure period shall continue for 10 years after the date of completing closure of the solid waste disposal facility or as the department decides is sufficient to protect human health and the environment.

### C. Inspection.

1. The department shall inspect all solid waste management facilities that have been closed to determine if the closing is complete and adequate. It shall notify the owner of a closed facility, in writing, if the closure is not satisfactory; and shall order necessary construction or such other steps as may be necessary to bring unsatisfactory sites into compliance with the regulations.

2. Notification by the department that the closure is satisfactory does not relieve the operator of responsibility for corrective action to prevent or abate problems caused by the facility.

### § 3.2. Financial Responsibility.

#### A. General.

1. In order to assure that the costs associated with protecting the public health and safety from the consequences of an abandonment or a failure to properly execute closure or post-closure care of a nonhazardous solid waste disposal facility are to be recovered from the owner or operator, the owner or operator of such a facility shall obtain one, or a combination of the financial responsibility instruments described in this section. Evidence of financial responsibility shall be in one or a combination of the following forms: a surety bond; a trust fund maintained for the benefit of the Department of Waste Management; a letter of credit; a deposit of acceptable collateral with the Executive Director; with the financial test and corporate guarantee or such other mechanisms as the Board may deem appropriate. Financial responsibility instruments for site closure shall be in the amount calculated as the cost estimate for facility closure using the procedures set forth in §§ 3.3. and 3.4. of these regulations. The selected financial responsibility instrument or instruments shall be filed with the Department of Waste Management as part of the permit application procedures and prior to the issuance of an operating permit. The Director may reject the proposed evidence of financial responsibility if the mechanism(s) submitted does not adequately assure that funds will be available for closure and post-closure care.

2. To further protect the public health and safety, owners or operators of nonhazardous solid waste disposal facilities shall obtain liability coverage for

sudden and nonsudden accidental occurrences using the procedures set forth in § 3.5. of these regulations.

## B. Applicability.

1. The requirements for appropriate financial responsibility for solid nonhazardous waste disposal facilities as contained in these regulations shall apply to all private owners or operators of such existing and future facilities throughout the Commonwealth of Virginia; no state, local or other governmental agency is required to comply with these provisions on financial responsibility.

2. Any funds forfeited to the state pursuant to a financial responsibility plan required by these regulations may be paid over to the county, city, or town in which the abandoned facility is located if such funds are expended by the county, city, or town only as necessary to restore and maintain such facility in a safe condition.

## § 3.3. Cost Estimates.

### A. Cost Estimate for Facility Closure.

1. In submitting a closure plan as required by these regulations, the owner or operator of a solid nonhazardous waste disposal facility shall include therein a written estimate of the cost of closing the facility. The estimated closing cost shall be jointly agreed upon by the Department of Waste Management and the owner or operator filing the permit application but in no case shall the estimated closing cost be less than \$1,000 for each acre to be ultimately utilized at the site for actual waste disposal purposes. If no mutually agreed to estimate is arrived at, the estimate will be determined by the department.

2. The estimated closing cost shall be based on the work required for a third party contractor to effect proper closure at the most expensive point in the life of the facility. Those factors to be considered in estimating the closing cost shall include:

- a. The size and topography of the site.
- b. The daily and weekly tonnage of waste to be received at the site.
- c. Availability of cover and fill material needed for site grading.
- d. The type of waste to be received at the site.
- e. Landfill method and sequential landfill plan.
- f. The location of the site and the character of the surrounding area.
- g. Requirements for surface drainage.

h. Leachate collection and treatment system.

i. Environmental quality monitoring systems.

j. Structures and other improvements to be dismantled and removed.

k. An appropriate forecasted average rate of inflation over the period of the life of the site.

3. If the Executive Director has reason to believe that a previously submitted closure cost estimate is no longer adequate, he may require that the operator submit a revised estimate. The operator shall submit the revised estimate within 60 days following the receipt of a notice of the requirement by the Executive Director.

### B. Cost Estimate for Facility Post-Closure.

1. In submitting a closure plan as required by these regulations, the owner or operator of a nonhazardous solid waste disposal facility shall include therein a written estimate of the cost of post-closure care, monitoring, maintenance, and corrective action for a privately owned or operated facility located in the Commonwealth of Virginia. The estimated post-closure cost shall be jointly agreed upon by the Department of Waste Management and the owner or operator filing the permit application but in no case shall the estimated closing cost be less than \$1,000 for each acre to be ultimately utilized at the site for actual waste disposal purposes.

2. Those factors to be considered in estimating post-closure care cost shall include:

- a. The size and topography of the site.
- b. The type and quantity of waste received.
- c. Landfill method and sequential landfill plan.
- d. The potential for significant leachate production and the possibility of contaminating water supplies.
- e. Environmental quality monitoring systems.
- f. Soil conditions.
- g. An appropriate forecasted coverage rate of inflation over the period of the life of the site.
- h. The location of the site and the character of the surrounding area.

3. Estimated costs of post-closure activities shall be determined on a case-by-case basis. If during a disposal site's active waste collection life a substantial change occurs in the operations of the facility or in the nature and development of the surrounding area,

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the Executive Director may order the filing of a revised estimate of post-closure costs by the owner or operator, which shall be submitted within 60 days following the receipt of notice.

## § 3.4. Financial Assurance for Facility Closure and Post-Closure.

A. General. A separate financial assurance mechanism shall be provided for closure and post-closure activities for each nonhazardous solid waste facility for which a permit is applied. Determination of the financial responsibility requirements for post-closure care shall be made by the department when the complete closure plan, closure financial responsibility mechanisms, and the permit application are evaluated.

B. Financial Mechanisms. Financial responsibility may be demonstrated by one or a combination of the following financial instruments executed in the amount calculated as the estimated closing cost in accordance with § 3.3. of these regulations. Financial instruments shall substantially comply with the language shown in the cited appendices.

1. A closure trust fund maintained by the owner or operator of a disposal site for the benefit of the Department of Waste Management (see Appendices 3.1 and 3.2).

2. A surety bond guaranteeing performance of closure, with the disposal site owner or operator as the principal and the State of Virginia as the obligee, issued for the life of the disposal site or until closure is completed, written with a penal sum equal to the estimated closure cost amount (see Appendices 3.3 and 3.4).

3. A letter of credit from a bank or other financial institution regulated by an agency of the State of Virginia written in the amount of the estimated closure cost (see Appendices 3.5 and 3.6).

4. A deposit of acceptable collateral, as determined by the Executive Director, with the State of Virginia with market value at least equal to the amount of the estimated closure cost (see Appendix 3.7).

5. Financial test and corporate guarantee (See Appendices 3.8, 3.9, and 3.10).

6. A financial test and corporate guarantee as determined appropriate by the Executive Director in accordance with Appendix 3.8.

7. Other individual or group mechanisms that the department may deem appropriate.

### C. Multiple Financial Mechanisms.

1. An owner or operator may satisfy the requirements of this section by establishing more than one financial

mechanism. These mechanisms are limited to trust funds, performance bonds, letters of credit, and deposits of acceptable collateral. The mechanisms must be as specified in Appendices 3.1 through 3.7 except that it is the combination of mechanisms rather than each single mechanisms, which must provide financial assurance for an amount at least equal to the closure cost estimate.

2. The Executive Director may invoke use of any or all of the mechanisms, in accordance with the requirements of Appendices 3.1 through 3.7.

D. Release of the owner or operator from the requirements of this section. Within 60 days after receiving certification from the owner or operator that closure has been accomplished in accordance with the closure plan and the provisions of these regulations, the Executive Director shall verify that proper closure has occurred. Unless the Executive Director has reason to believe that closure has not been in accordance with the closure plan, he shall notify the owner or operator in writing that he is no longer required to maintain financial assurance for closure of the particular facility. Such notice shall release the owner or operator only from the requirements for financial assurance for closure of the facility; it does not release him from legal responsibility for meeting the closure or post-closure standards or from liability for any sudden or nonsudden accidents occurring either before, during, or after closure of the site. If no written notice of termination of financial assurance requirements or failure to properly perform closure is received by the owner or operator within 60 days after certifying proper closure, the owner or operator may petition the Executive Director for an immediate decision, in which case the Executive Director should respond within 10 days after receipt of such petition.

E. Incapacity of Institution Issuing Financial Responsibility Instruments. An owner or operator who fulfills the requirements of § 3.4. by obtaining a letter of credit, a surety bond, or by depositing negotiable collateral will be deemed to be without the required financial assurance in the event of bankruptcy, insolvency, or a suspension or revocation of the license or charter of the issuing institution. The owner or operator must establish other financial assurance within 60 days of such event.

## § 3.5. Liability Insurance Requirements.

A. Each owner and operator of a solid waste disposal facility shall secure and maintain liability coverage for claims arising from injuries to other parties, including bodily injury or damage to property of others. This coverage shall be in the form of a financial test for liability coverage (see Appendix 3.8) or an insurance policy. Both of these forms of coverage shall be of the types and in not less than the amounts listed in subsections D and E below. Each person securing a permit shall file evidence of satisfactory insurance coverage when the department issues the permit and before any site

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development work begins.

B. The liability insurance shall be issued by an insurance company authorized to do business in the Commonwealth of Virginia through a licensed insurance agent operating under the authority of Virginia law. The liability insurance shall be subject to the insurer's policy provisions filed with and approved by the Executive Director.

C. A certificate or memorandum of insurance shall be furnished to the department for its approval showing specifically the coverage and limits, together with the name of the insurance company and the insurance agent. If any of the coverages set forth on these certificates or memorandums of insurance are reduced, cancelled, terminated, or nonrenewed, the permittee or, insurance company shall, not less than 30 days before the effective date of the action, furnish the department with appropriate notices of that action. Timely proof of periodic renewal shall be furnished to the department by submittal of a certificate or memorandum of insurance before the expiration date of the policy.

D. Each owner or operator of a solid waste disposal facility shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility. The minimum liability limits for sudden accidental occurrences shall be for the annual aggregate of:

1. \$500,000 for sanitary landfills without a liner and leachate collection system;
2. \$250,000 for sanitary and industrial landfills with a liner and leachate collection system;
3. \$300,000 for other industrial landfills; and
4. \$150,000 for construction/demolition landfills.

E. If the Executive Director determines at any time that an owner's or operator's required liability limits are not consistent with the degree and duration of present or potential risks associated with the disposal facility, the Executive Director may increase the operator's limit as may be necessary to protect human health and the environment. An insurance policy shall have not more than a \$5,000 deductible for each occurrence. The minimum coverage shall include the following expenses:

1. Coverage of premises and operations, including operations of independent contractors;
2. Coverage for contamination or pollution; and
3. Extension of the contamination and pollution liability coverage for vehicles of the solid waste disposal facility when these vehicles are away from the permittee's premises.

F. An owner or operator of a solid waste disposal facility shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences for an annual aggregate of at least \$500,000, exclusive of legal defense cost.

G. Insurance policies furnished under these regulations shall contain the following endorsement:

1. Any deductible amount provided for in any part of the policy shall be paid by the insurer upon establishment of legal liability of any insured and the insurer shall be entitled to recover from the insured for that deductible amount.
2. Contractual liability coverage shall specifically refer to and cover the obligation of the permittee to defend, indemnify, and hold harmless the Commonwealth of Virginia, and its officers, agents, and employees, both officially and personally, from alleged claims or causes of action for personal injury, property damage, or devaluation arising out of the issuance of the permit or operation of any site or facility thereunder.

H. Any applicant may request that the department evaluate the hazard(s) involved in an accidental occurrence and may request a variance from the specific insurance coverage amounts prescribed under this regulation or requirements for liability insurance where the applicant is able to demonstrate other financial responsibility satisfactory to the Executive Director.

Appendix 3.1.

## GUIDELINES FOR TRUST FUND.

A. The owner or operator of a nonhazardous solid waste disposal facility may satisfy the requirements of this section by establishing a closure trust fund which satisfies the requirements of this appendix and by attaching an originally signed duplicate of the trust agreement to the facility closure or post-closure plan submitted with the permit application. The trustee for the trust fund must be a bank or financial institution which has the authority to act as a trustee and whose trust operations are regulated and examined by the Commonwealth of Virginia.

B. The trust agreement shall be executed in the form provided for such purposes by the Executive Director. The trust agreement must contain a formal certification of the acknowledgement as indicated in Appendix 3.2.

C. Payments to the trust fund must be made annually by the owner or operator over the term of the state permit issued for such facility or over the disposal life of the facility if such facility life is shorter than the term of the state permit. Payments must be made as follows:

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(1) The first payment shall be made when the trust is established and shall be at least equal to the cost estimate (as determined under § 3.3.), divided by the number of years in the term of the permit or life of the facility, whichever is the shorter.

(2) Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment shall be the cost estimate minus the current value of the trust fund, divided by the number of years remaining in the term of the permit, or the remaining number of years in the life of the site, whichever is the shorter.

D. The owner or operator may accelerate payments into the trust fund or he may deposit the full amount of the cost estimate at the time the fund is established. However, the value of the fund must be maintained at no less than the value would have been if annual payments were made as specified in paragraphs A and C of this Appendix.

E. If the owner or operator establishes a trust fund after having initially used one or more alternative mechanisms specified in this section, his first payment must be at least the amount that the fund would have contained if the trust fund were established and annual payments were made as specified in paragraphs A and C of this Appendix.

F. Whenever the cost estimate changes after the pay-in period is completed, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new cost estimate, the owner or operator must, within 60 days of the change in the cost estimate, deposit a sufficient amount into the fund so that its value after payment at least equals the amount of the new estimate, or obtain other financial assurance as specified in this section to cover the difference. If the value of the trust fund is greater than the total amount of the cost estimate, the owner or operator may submit a written request to the Executive Director for release of the amount which is in excess of the closure cost estimate.

G. If the owner or operator substitutes other financial assurance as specified in this section for all or part of the trust fund, he may submit a written request to the Executive Director for release of the amount which is greater than the amount required as a result of the substitution.

H. Within 60 days after receiving a request from the owner or operator for release of funds specified in paragraphs F and G of this Appendix, the Executive Director will instruct the trustee to release to the owner or operator such funds as the Executive Director specifies in writing.

I. After beginning final closure or during the period of post-closure care, an owner or operator or any other

person authorized to conduct closure, may request reimbursement for closure or post-closure expenditures respectfully by submitting itemized bills to the Executive Director. Within 60 days after receiving bills for closure activities, the Executive Director shall instruct the trustee to make reimbursements in those amounts as the Executive Director determines that the expenditures are in accordance with the closure or post-closure plan or are otherwise justified.

J. The Executive Director shall agree to terminate the trust when:

(1) The owner or operator substitutes alternate financial assurance as specified in this section; or

(2) The Executive Director notifies the owner or operator that he is no longer required by this section to maintain financial assurance for the closure or post-closure of the facility.

## Appendix 3.2.

### WORDING OF TRUST AGREEMENT FOR A TRUST FUND.

A trust agreement for a trust fund as specified in § 3.4 B.1 of these regulations, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

#### TRUST AGREEMENT

Trust agreement, the "Agreement", entered into as of (date) by and between (name of the owner or operator), a (State) (corporation, partnership, association, proprietorship), the "Grantor", and (name of corporate trustee), a (State corporation) (national bank), the "Trustee".

Whereas, the Waste Management Board, Commonwealth of Virginia, has established certain regulations applicable to the Grantor, requiring that the owner or operator of a nonhazardous waste disposal facility must provide assurance that funds will be available when needed for closure or post-closure of the facility,

Whereas, the Grantor has elected to establish a trust to provide such financial assurance for the facility identified hererin,

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

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(a) The term "fiduciary" means any person who exercises any power of control, management, or disposition or renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of this trust fund, or has any authority or responsibility to do so, or who has any authority or responsibility in the administration of this trust fund.

(b) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(c) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of Facility and Cost Estimates. This Agreement pertains to (insert the facility number, if any, name, address, and the closure cost estimate, or portion thereof, for which financial assurance is demonstrated by this Agreement).

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund", for the benefit of the Department of Waste Management, Commonwealth of Virginia. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule A attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund will be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee undertakes no responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments to discharge any liabilities of the Grantor established by the Commonwealth of Virginia's Department of Waste Management.

Section 4. Payment for Closure. The Trustee will make such payments from the Fund as the Department of Waste Management, Commonwealth of Virginia will direct, in writing, to provide for the payment of the costs of closure or post-closure of the facility covered by this Agreement. The Trustee will reimburse the Grantor or other persons as specified by the Department of Waste Management, Commonwealth of Virginia, from the Fund for closure or post-closure expenditures in such amounts as the Department of Waste Management will direct, in writing. In addition, the Trustee will refund to the Grantor such amounts as the Department of Waste Management specifies in writing. Upon refund, such funds will no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the fund will consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee will invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with investment guidelines and objectives communicated in writing to the Trustee from time to time by the Grantor, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustee or any other fiduciary will discharge his duties with respect to the trust fund solely in the interest of the participants and beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of any enterprise of a like character and with like aims; expect that:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the facility, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 USC § 80a-2(a), will not be acquired or held, unless they are securities or other obligations of the federal or a state government;

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate subject to all of the provisions thereof, to be commingled with the assets of other trusts participating herein. To the extent of the equitable share of the Fund in any such commingled trust, such commingled trust will be part of the Fund;

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 USC § 80a-1 et seq., of one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustees may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

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(a) To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by private contract or at public auction. No person dealing with the Trustee will be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other dispositions;

(b) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United State government, or any agency or instrumentality thereof with a Federal Reserve Bank, but the books and records of the Trustee will at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

**Section 9. Taxes and Expenses.** All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund will be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee will be paid from the Fund.

**Section 10. Annual Valuation.** The Trustee will annually, at the end of the month coincident with or preceding the anniversary date of establishment of the Fund, furnish the Grantor and to the Executive Director of the Department of Waste Management, Commonwealth of Virginia, a statement confirming the value of the Trust. Any securities in the Fund will be valued at market value as of no more

than 30 days prior to the date of the statement. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the Executive Director of the Department of Waste Management, Commonwealth of Virginia will constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

**Section 11. Advice of Counsel.** The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee will be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

**Section 12. Trustee Compensation.** The Trustee will be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

**Section 13. Successor Trustee.** Upon the written agreement of Grantor, the Trustee, and the Executive Director of the Department of Waste Management, Commonwealth of Virginia, the Trustee may resign or the Grantor may replace the Trustee. In either event, the Grantor will appoint a successor Trustee who will have the same powers and duties as those conferred upon the Trustee hereunder. Upon acceptance of the appointment by the successor trustee, the Trustee will assign, transfer and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee and the date on which he assumes administration of the trust will be specified in writing and sent to the Grantor, the Executive Director of the Department of Waste Management, State of Virginia, and the present and successor trustees by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this section will be paid as provided in Part IX.

**Section 14. Instructions to the Trustee.** All orders, requests and instructions by the Grantor to the Trustee will be in writing, signed by the grantor, trustee, a Notary Public and any person the Grantor may designate. The Trustee will be fully protected in acting without inquiry in accordance with the Grantor's orders, requests and instructions. All orders, requests, and instructions by the Executive Director of the Department of Waste Management, Commonwealth of Virginia, to the Trustee will be in writing, signed by the Executive Director and the Trustee will act and will be fully protected in acting in accordance with such orders, requests and instructions. The Trustee will have the right to assume, in the absence of written notice to the contrary, that no event constituting

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a change or a termination of the authority of any person to act on behalf of the Grantor or the Commonwealth of Virginia's Department of Waste Management hereunder has occurred. The Trustee will have no duty to act in the absence of such orders, requests and instructions from the Grantor and/or the State of Virginia's Department of Waste Management, except as provided for herein.

Section 15. Notice of Nonpayment. The Trustee will notify the Grantor and the Executive Director of the Department of Waste Management, Commonwealth of Virginia, by certified mail within 10 days following the expiration of the 30 day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee is not required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the Executive Director of the Department of Waste Management, Commonwealth of Virginia, or by the Trustee and the Executive Director of the Department of Waste Management, Commonwealth of Virginia, if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust will be irrevocable and will continue until terminated at the written agreement of the Grantor, the Trustee, and the Executive Director of the Department of Waste Management, Commonwealth of Virginia, or by the Trustee and the Executive Director if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, will be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee will not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Executive Director of the Department of Waste Management, Commonwealth of Virginia, issued in accordance with this Agreement. The Trustee will be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement will be administered, construed and enforced according to the laws of the Commonwealth of Virginia.

Section 20. Interpretation. As used in the Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this Agreement will not affect the interpretation of the legal efficacy of this Agreement.

In witness whereof the parties have caused this Agreement to be executive by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in the relevant regulations of the Department of Waste Management, Commonwealth of Virginia.

(Signature of Grantor)  
By: ..... (Title)

Attest:  
(Title)  
(Seal)

(Signature of Trustee)  
By

Attest:  
(Title)  
(Seal)

Certification of Acknowledgement:

COMMONWEALTH OF VIRGINIA

COUNTY OF .....

On this [date], before me personally came [owner or operator] to me known, who being by me duly sworn, did dispose and say that she/he resides at [address], that she/he is [title] of [corporation], the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

[Signature of Notary Public]

Appendix 3.3.

## GUIDELINES FOR SURETY BOND GUARANTEEING PERFORMANCE OF CLOSURE OR POST-CLOSURE.

A. An owner or operator may satisfy the requirements of this section by obtaining a surety bond which satisfies the requirements of this appendix and by submitting the original copy of the bond with the facility closure plan along with the permit application. Only bonds issued by surety companies licensed to operate as sureties in the Commonwealth of Virginia and approved by the Executive Director will satisfy the requirements of this section.

B. The surety bond form supplied by the Executive Director shall be used by the owner or operator and the surety.

C. The surety bond must name the disposal site operator



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or owner as the principal and name the Commonwealth of Virginia as the obligee.

D. The term of the bond shall be for the life of the disposal facility for which a permit is applied by the owner or operator.

E. The bond must guarantee that the owner or operator will:

(1) Perform final closure or post-closure in accordance with the closure or post-closure plan and other requirements in the permit for the facility; or

(2) Perform final closure or post-closure following an order to begin closure or post-closure issued by the Executive Director or by a court, or following issuance of a notice of termination of the permit.

(3) Provide alternate financial assurance as specified in this section within 30 days after receipt by the Executive Director of a notice of cancellation of the bond from the surety.

F. The surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

G. The penal sum of the bond must be in an amount at least equal to the amount of the closure or post-closure cost estimate. (See § 3.3. of these regulations.)

H. If upon renewal of the permit, the cost estimate increases to an amount greater than the amount of the penal sum of the bond, the owner or operator shall, within 60 days after the increase, cause the penal sum of the bond to be increased to an amount at least equal to the new estimate or obtain other financial assurance, as specified in this section, to cover the increase. Whenever the cost estimate decreases, the penal sum may be reduced to the amount of the cost estimate following written approval by the Executive Director. Notice of an increase or decrease in the penal sum must be sent to the Executive Director by certified mail within 60 days after the change.

I. The bond shall remain in force for its term unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the Executive Director. Cancellation cannot occur, however:

(1) During the 120 days beginning on the date of receipt of the notice of cancellation by the Executive Director as shown on the signed return receipt; or

(2) While a compliance procedure is pending.

J. Following a determination that the owner or operator has failed to perform final closure or post-closure in accordance with the approved plan and other permit requirements when required to do so, the surety shall

perform final closure in accordance with the terms of the bond, approved plan and other permit requirements or closure order. As an alternative to performing final closure or post-closure, the surety may forfeit the full amount of the penal sum to the State.

K. The owner or operator may cancel the bond if the Executive Director has given prior written consent based on receipt of evidence of alternative financial assurance as specified in this section.

L. The Executive Director will notify the surety if the owner or operator provides alternate financial assurance as specified in this section.

M. The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the owner or operator has been notified by the Executive Director that the owner or operator is no longer required by this section to maintain financial assurance for closure of the facility.

N. In regard to closure or post-closure performed either by the owner or operator or the surety, proper final closure of a nonhazardous solid waste disposal site shall be deemed to have occurred when the Executive Director determines that final closure or post-closure has been completed. Such final closure shall be deemed to have been completed when the provisions of the site's approved plan have been executed and at the minimum, an acceptable final cover has been applied to all excavated trenches, pits, basins, and wastes; backfills have been returned to reasonably acceptable grades for the areas; leachate and erosion potential has been eliminated or minimized; and adequate hydroseeding of excavated and disturbed grounds and areas has been completed.

## Appendix 3.4.

### WORDING OF SURETY BOND GUARANTEEING PERFORMANCE OF CLOSURE OR POST-CLOSURE.

A surety bond guaranteeing performance of closure, as specified in § 3.4 B.2 of these Regulations, must be worded as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

#### PERFORMANCE BOND FOR CLOSURE

Date bond executed: .....

Effective date: .....

Principal: (legal name and business address)

Type of organization: (insert "individual", "joint venture", "partnership", or "corporation")

State of incorporation: .....

Surety: (name and business address)

Name, address, identification number, if any, and closure cost estimate for the facility: .....

# Emergency Regulation

Penal sum of bond: \$.....

Know all men by these present, That we, the Principal and Surety hereto are firmly bound to the Department of Waste Management, Commonwealth of Virginia, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.

Whereas, said Principal is required to have a permit from the Department of Waste Management, Commonwealth of Virginia, in order to own or operate the nonhazardous solid waste disposal facility identified above, and

Whereas, said Principal is required to provide financial assurance for closure of the facility as a condition of the permit,

Now, therefore the conditions of this obligation are such that if the Principal shall faithfully perform closure or post-closure of the facility identified above in accordance with the closure or post-closure plan submitted to receive said permit and other requirements of said permit as such plan and permit may be amended or renewed pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

Or, if the Principal shall faithfully perform closure or post-closure following an order to begin closure or post-closure issued by the Commonwealth of Virginia's Department of Waste Management or by a court, or following a notice of termination of the permit,

Or, if the Principal shall provide alternate financial assurance as specified in the Department's regulations within 90 days of the date notice of cancellation is received by the Executive Director of the Department of Waste Management, then this obligation will be null and void, otherwise it is to remain in full force and effect for the life of the disposal facility identified above.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the Executive Director of the Department of Waste Management, Commonwealth of Virginia, that the Principal has been found in violation of the requirements of the Department's regulations, the Surety must either perform closure or post-closure in accordance with the approved plan and other permit requirements or forfeit the amount of the cost estimate to the Commonwealth of Virginia.

Upon notification by the Executive Director of the Department of Waste Management, Commonwealth of Virginia, that the Principal has been found in violation of an order to begin closure or post-closure, the Surety must either perform closure or post-closure in accordance with the closure order or forfeit the amount of the closure cost estimates to the Commonwealth of Virginia.

The Surety hereby agrees that amendments to the closure or post-closure plan, permit, applicable laws, statutes, rules and regulations shall in no way alleviate its obligation on this bond.

For purposes of this bond, final closure or post-closure shall be deemed to have been completed when the Executive Director of the Department of Waste Management, Commonwealth of Virginia, determines that the conditions of the approved plan have been met and, at the minimum, an acceptable final cover has been applied to all excavated trenches, pits, basins, and exposed wastes; backfills have been returned to reasonable grades for the area; leachate and erosion potential has been eliminated or minimized; and adequate hydroseeding of excavated and disturbed grounds and areas has been completed.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of said penal sum.

The Surety may cancel the bond by sending written notice of cancellation to the owner or operator and to the Executive Director of the Department of Waste Management, Commonwealth of Virginia, provided, however, that cancellation cannot occur (1) during the 120 days beginning on the date of receipt of the notice of cancellation by the Executive Director as shown on the signed return receipt; or (2) while a compliance procedure is pending.

The Principal may terminate this bond by sending written notice to the Surety, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the Executive Director of the Department of Waste Management, Commonwealth of Virginia.

In witness whereof, the Principal and Surety have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in the relevant regulations of the Commonwealth of Virginia, Department of Waste Management.

## Principal

Signature(s): .....

Name(s) and Title(s) (typed) .....

## Corporate Surety

Name and Address: .....

State of Incorporation: .....

# Emergency Regulation

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Liability Limit: \$.....  
Signature(s): .....  
Name(s) and Title(s) (typed) .....

Corporate Seal:

## Appendix 3.5.

### GUIDELINES FOR LETTER OF CREDIT.

A. An owner or operator of a nonhazardous solid waste disposal facility may satisfy the requirements of this section by obtaining an irrevocable standby letter of credit which satisfies the requirements of this appendix and by submitting the original copy of the letter of credit attached to the facility closure or post-closure plan along with the permit application. The letter of credit must be effective before the initial receipt of waste at the facility for which it is issued. The issuing institution must be a bank or other financial institution which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Commonwealth of Virginia.

B. The wording of the letter of credit must be identical to the wording specified in the Appendix 3.6.

C. The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year. If the issuing institution decides not to extend the letter of credit beyond the current expiration date it must, at least 120 days before the date, notify both the owner or operator and the Executive Director by certified mail of that decision. The 120 day period will begin on the date of receipt by the Executive Director as shown on the signed return receipt. Expiration cannot occur, however, while a compliance procedure is pending.

D. The letter of credit must be issued for at least the amount of the cost estimate (see § 3.3. of these regulations), except as provided in § 3.4. of these regulations.

E. Whenever the cost estimate increases to an amount greater than the amount of credit, the owner or operator shall, within 60 days of the increase, cause the amount of credit to be increased to an amount at least equal to the new estimate or obtain other financial assurance as specified in this section to cover the increase. Whenever the cost estimate decreases, the letter of credit may be reduced to the amount of the new estimate following written approval by the Executive Director. Notice of an increase or decrease in the amount of the credit shall be sent to the Executive Director by certified mail within 60 days of the change.

F. Following a determination that the owner or operator has failed to perform closure or post-closure in accordance with the approved plan or other permit requirements, the Executive Director will draw on the letter of credit.

G. The letter of credit no longer satisfies the requirements of this paragraph subsequent to the receipt by the Executive Director of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the then current expiration date. Upon receipt of such notice, the Executive Director shall issue an order of noncompliance with these regulations, unless the owner or operator of the site has demonstrated alternate financial assurance as specified in this appendix. Should the owner or operator not correct the violation by demonstrating such alternate financial assurance within 30 days of issuance of the compliance order, the Executive Director will draw on the letter of credit.

H. The Executive Director shall return the original letter of credit to the issuing institution for termination when:

(1) The owner or operator substitutes alternate financial assurance for closure or post-closure as specified in this section; or

(2) The Executive Director notifies the owner or operator, in accordance with § 3.4 D of these regulations that he is no longer required by this section to maintain financial assurance for closure or post-closure of the facility.

## Appendix 3.6.

### WORDING OF LETTER OF CREDIT.

A letter of credit as specified in § 3.4 B.3 of these regulations must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

#### IRREVOCABLE STANDBY LETTER OF CREDIT

Executive Director  
Department of Waste Management  
Commonwealth of Virginia

Dear Sir or Madam:

We hereby establish our Irrevocable Letter of Credit No. .... in favor of the Executive Director, Department of Waste Management, Commonwealth of Virginia, at the request and for the account of (owner's or operator's name and address) up to the aggregate amount of (in words) U.S. dollars \$....., available upon presentation of

(1) your sight draft, bearing reference to this letter of credit No. .... together with

(2) your signed statement declaring that the amount of the draft is payable pursuant to regulations issued under the authority of the Department of Waste Management, Commonwealth of Virginia.

The following amounts are included in the amount of this letter of credit: (Insert the facility identification

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number, if any, name and address, and the closure cost estimate, or portions thereof, for which financial assurance is demonstrated by this letter of credit.)

This letter of credit is effective as of (date) and will expire on (date at least 1 year later), but such expiration date will be automatically extended for a period of (at least one year) on (date) and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify you and (owner or operator's name) by certified mail that we decide not to extend the Letter of Credit beyond the current expiration date. In the event you are so notified, unused portion of the credit will be available upon presentation of your sight draft for 120 days after the date of receipt by you as shown on the signed return receipt or while a compliance procedure is pending, whichever is later.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we will duly honor such draft upon presentation to us, and we will pay to you the amount of the draft promptly and directly.

I hereby certify that I am authorized to execute this letter of credit on behalf of (issuing institution) and that the wording of this letter of credit is identical to the wording specified in the relevant regulations of the Department of Waste Management, Commonwealth of Virginia.

Attest:

(Signature and title of official of issuing institution) (Date)

This credit is subject to (insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce", or "the Uniform Commercial Code".)

## Appendix 3.7.

### GUIDELINES FOR DEPOSIT OF ACCEPTABLE COLLATERAL.

A. An owner or operator of a nonhazardous solid waste disposal facility may satisfy the requirements of this section, wholly or in part, by filing with the Executive Director a collateral bond payable to the Commonwealth of Virginia, conditioned so that the owner or operator shall comply with the closure or post-closure plan filed for the site. The amount of the bond shall be at least equal to the estimated closure or post-closure cost of the site for which the permit application has been filed or any part thereof not covered by other financial responsibility instruments. Liability of such bond shall be for the term of the permit of until proper final closure or post-closure of the site is completed, whichever comes first. Such bond shall be executed by the owner or operator after depositing with the Executive Director acceptable collateral, the market value of which shall be at least equal to the total estimated closure or post-closure cost or any part thereof

not covered by other financial responsibility instruments.

B. Acceptable collateral may include certificates of deposit, negotiable bonds of the United States Government, the Commonwealth of Virginia or any of its agencies, any government authority within the Commonwealth of Virginia, or any county, municipality or other local bond issuing authority within the Commonwealth of Virginia approved as acceptable for financial responsibility purposes by the Executive Director.

C. The Executive Director shall, upon receipt of any such collateral, place the instrument(s) with the State Treasurer to be held in the name of the Commonwealth of Virginia, in trust, for the purposes for which such deposit is made.

D. The owner or operator shall be entitled to demand, receive and recover the interest and income from said instrument(s) as it becomes due and payable as long as the market value of the instrument(s) plus any other mechanisms used continue to at least equal the amount of the estimated closing cost.

E. The owner or operator shall also be permitted to replace the collateral instruments with other like instruments of at least equal market value upon proper notification to the Executive Director and the State Treasurer.

F. In the event of failure of the owner or operator to comply with the final closure or post-closure plan, the Executive Director shall declare said collateral forfeited and shall request the State Treasurer to convert said collateral into cash and transfer such funds to the Executive Director to be used for final closure purposes.

## Appendix 3.8.

### GUIDELINES FOR FINANCIAL TEST AND CORPORATE GUARANTEE FOR FINANCIAL ASSURANCE AND LIABILITY COVERAGE.

A. An owner or operator may satisfy the requirements for financial assurance by demonstrating that he passes a financial test as specified in this appendix. To pass this test the owner or operator shall meet the criteria in either (1) or (2) below:

(1) The owner or operator shall have:

(a) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and

(b) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates; and

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(c) Tangible net worth of at least \$10 million; and

(d) Assesses in the United States amounting to at least 90% of his total assets or at least six times the sum of the current closure and post-closure cost estimates.

(2) The owner or operator shall have:

(a) A current rating for his most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; and

(b) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates; and

(c) Tangible net worth of at least \$10 million; and

(d) Assets located in the United States amounting to at least 90% of his total assets or at least six times the sum of the current closure and post-closure cost estimates.

B. To demonstrate that he meets this test, the owner or operator shall submit the following items to the Executive Director:

(1) A letter signed by the owner's or operator's chief financial officer and worded as specified in Appendix 3.9 for closure and post-closure financial assurance or Appendix 3.11 for liability coverage.

(2) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statement for the latest completed fiscal year; and

(3) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

(a) He has compared the data which the letter from the chief financial officer specifies as having been derived from an independently audited, year-end financial statement for the latest fiscal year with the amounts in such financial statements; and

(b) In connection with that procedure, no matter came to his attention which caused him to believe that the specified data should be adjusted.

C. To determine that he meets this test, the owner or operator shall submit the following items to the Executive Director:

(1) A letter signed by the owner's or operator's chief financial officer and worded as specified in Appendix 3.9 and

(2) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

(3) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

(a) He has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

(b) In connection with that procedure, no matter came to his attention which caused him to believe that the specified data should be adjusted.

(c) An owner or operator of a new facility shall submit the items specified to the Executive Director at least 60 days before the date on which solid waste is first received for treatment, storage, or disposal.

(d) After the initial submission of items specified in B.

D. After the initial submission of items specified in B, the owner or operator shall send updated information to the Executive Director within 90 days after the close of each succeeding fiscal year. This information shall consist of all three times specified in B.

E. If the owner or operator no longer meets the requirements of A., he shall send notice to the Executive Director of intent to establish alternate financial assurance as specified in this part. The notice shall be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator shall provide the alternate financial assurance within 120 days after the end of such fiscal year.

F. The Executive Director may, based on a reasonable belief that the owner or operator may no longer meet the requirement of A., require reports of financial condition at any time from the owner or operator in addition to those specified in B. If the Executive Director finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of A., the owner or operator shall provide alternate financial assurance as specified in this part within 30 days after notification of such a finding.

G. The Executive Director may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his report on examination of the owner's or operator's financial statements (see B.(2)). An adverse opinion or a disclaimer

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of opinion will be cause for disallowance. The Executive Director will evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this part within 30 days after notification of the disallowance.

H. During the period of post-closure care, the Executive Director may approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Executive Director that the amount of the cost estimate exceeds the remaining cost of the post-closure care.

I. The owner or operator is no longer required to submit the items specified in B. when:

- (1) An owner or operator substitutes alternate financial assurance as specified in this part; or
- (2) The Executive Director releases the owner or operator from the requirements of this part.

J. Release of the owner or operator from the requirements of this appendix within 60 days after receiving certification from the owner or operator and an independent registered professional engineer that closure has been accomplished in accordance with the closure plan. The Executive Director will notify the owner or operator in writing that he is no longer required by this appendix to maintain financial assurance for closure of the particular facility, unless the Executive Director has reason to believe that closure has not been in accordance with the closure plan.

K. An owner or operator may meet the requirements of this appendix by obtaining a written guarantee, hereafter referred to as "corporate guarantee". The guarantor shall be the parent corporation of the owner or operator. The guarantor shall meet the requirements for owners or operators in A. through G. and shall comply with the terms of the corporate guarantee. The wording of the corporate guarantee shall be identical to the wording specified in Appendix 3.10. The corporate guarantee shall accompany the items sent to the Executive Director as specified in B. The terms of the corporate guarantee shall provide that:

- (1) If the owner or operator fails to perform final closure or post-closure of a facility covered by the corporate guarantee in accordance with the closure plan or post-closure plan and other interim status requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in Appendices 3.1 and 3.2 in the name of the owner and operator.
- (2) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Executive Director. Cancellation may not occur,

however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Executive Director, as evidenced by the return receipts.

(3) If the owner or operator fails to provide alternate financial assurance as specified in this part and obtain the written approval of such alternate assurance from the Executive Director within 90 days after the receipt by both the owner or operator and the Executive Director of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternate financial assurance in the name of the owner or operator.

Appendix 3.9.

## WORDING OF LETTER FROM CHIEF FINANCIAL OFFICER FOR FINANCIAL ASSURANCE.

NOTE: Instructions in brackets are to be replaced with the relevant information and the brackets removed.

Executive Director  
Department of Waste Management  
101 N. 14th Street, 11th Floor  
Richmond, Virginia 23219

Dear [Sir, Madam]:

I am the chief financial officer of [name and address of firm]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in § 3.4. of the Solid Waste Financial Assurance Regulations.

[Fill out the following four paragraphs regarding facilities and associated cost estimates. If your firm has no facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, include its name, address, and current closure and/or post-closure cost estimates. Identify each cost estimate as to whether it is for closure or post-closure care.]

(1) This firm is the owner or operator of the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in Appendix 3.8 of the regulations. The current closure and/or post-closure cost estimates covered by the test are shown for each facility:

.....

(2) This firm guarantees, through the corporate guarantee specified in Appendix 3.8 of the regulations, the closure or post-closure care of the following facilities owned or operated by subsidiaries of this firm. The current cost estimates for the closure or post-closure care so guaranteed are shown for each facility:

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.....

(3) This firm, as owner or operator or guarantor, is demonstrating financial assurance for the closure or post-closure care of the following facilities through the use of a financial test. The current closure and/or post-closure cost estimates covered by such a test are shown for each facility:

.....

(4) This firm is the owner or operator of the following solid waste management facilities. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility:

.....

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended [date].

[Fill in Alternative I if the criteria of Appendix 3.8.A(1) are used. Fill in Alternative II if the criteria of Appendix 3.8.A(2) are used.]

## ALTERNATIVE I.

- (1) Sum of current closure and post-closure cost estimates [total of all cost estimates shown in the four paragraphs above.] ..... \$...
- (\*2) Total liabilities [if any portion of the closure or post-closure cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4.] ..... \$...
- (\*3) Tangible net worth ..... \$...
- (\*4) New worth ..... \$...
- (\*5) Current assets ..... \$...
- (\*6) Current liabilities ..... \$...
- (7) New working capital [line 5 minus line 6]. ..... \$...
- (\*8) The sum of net income plus depreciation, depletion, and amortization. .... \$...
- (\*9) Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.). ..... \$...

YES NO

- (10) Is line 3 at least \$10 million?
- (11) Is line 3 at least 6 times line 1?
- (12) Is line 7 at least 6 times line 1?
- (\*13) Are at least 90% of firm's assets located in the U.S.? If not, complete line 14.
- (14) Is line 9 at least 6 times line 1?
- (15) Is line 2 divided by line 4 less than 2.0?
- (16) Is line 8 divided by line 2 greater than 0.1?
- (17) Is line 5 divided by line 6 greater than 1.5?

## ALTERNATIVE II.

- (1) Sum of current closure and post-closure cost estimates [total of all cost estimates shown in the four paragraphs above]. ..... \$...
- (2) Current bond rating of most recent issuance of this firm and name of rating service ..... \$...
- (3) Date of issuance of bond. .... \$...
- (4) Date of maturity of bond. .... \$...
- (\*5) Tangible net worth [If any portion of the closure and post-closure cost estimates if included in "Total Liabilities" on your firm's financial statements, you may add the amount of that portion to this line.] ..... \$...
- (\*6) Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.) ..... \$...

YES NO

- (\*7) Is line 5 at least \$10 million?
- (8) Is line 5 at least 6 times line 1?
- (\*9) Are at least 90% of firm's assets located in the U.S.? If not, complete line 10.
- (10) Is line 6 at least 6 times line 1?

I hereby certify that the wording of this letter is identical to the wording specified in Appendix 3.8 of the Regulations as such regulations were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

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## Appendix 3.10.

### WORDING OF CORPORATE GUARANTEE FOR CLOSURE OR POST-CLOSURE CARE.

NOTE: Instructions in brackets are to be replaced with the relevant information and the brackets removed.

### CORPORATE GUARANTEE FOR CLOSURE OR POST-CLOSURE CARE.

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the state of [insert name of state], herein referred to as guarantor, to the Virginia Department of Waste Management ("Department"), obligee, on behalf of our subsidiary [owner or operator] of [business address].

#### Recitals

(1) Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in Appendix 3.8.

(2) [Owner or operator] owns or operates the following solid waste management facility(ies) covered by this guarantee: [List for each facility: name, and address. Indicate for each whether guarantee is for closure, post-closure care, or both.]

(3) "Closure plans" and "post-closure plans" as used below refer to the plans maintained as required by § [3.4] of the Regulations.

(4) For value received from [owner or operator], guarantor guarantees to the Department that in the event that [owner or operator] fails to perform [insert "closure", "post-closure care", or "closure and post-closure care"] of the above facility(ies) in accordance with the closure or post-closure plans and other [permit or interim status] requirements whenever required to do so, the guarantor shall do so or establish a trust fund as specified in § 3.4. of the Regulations in the name of [owner or operator] in the amount of the current closure or post-closure cost estimates as specified in § [3.3].

(5) Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, be certified mail, notice to the Executive Director and to [owner or operator] that he intends to provide alternate financial assurance as specified in § [3.4.] of the Regulations, in the name of [owner or operator]. Within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless [owner or operator] has done so.

(6) The guarantor agrees to notify the Executive Director by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the

proceeding.

(7) Guarantor agrees that within 30 days after being notified by the Executive Director of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure or post-closure care, he shall establish alternate financial assurance as specified in § [3.4.] of the Regulations, in the name of [owner or operator] unless [owner or operator] had done so.

(8) Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the closure or post-closure plan, amendment or modification of the closure or post-closure plan, amendment or modification of the permit, the extension or reduction of the time of performance of closure or post-closure.

(9) Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] shall comply with the applicable financial assurance requirements of § 3.4. for the above-listed facilities, except that guarantor may cancel this guarantee by sending notice by certified mail to the Executive Director and to [owner or operator], such cancellation to become effective no earlier than 120 days after receipt of such notice by both the Department and [owner or operator], as evidenced by the return receipts.

(10) Guarantor agrees that if [owner or operator] fails to provide alternate financial assurance as specified in § 3.4. of the Regulations, and obtain written approval of such assurance from the Executive Director within 90 days after a notice of cancellation by the guarantor is received by the Executive Director from guarantor, guarantor shall provide such alternate financial assurance in the name of [owner or operator].

(11) Guarantor expressly waives notice of acceptance of this guarantee by the Department or by [owner or operator]. Guarantor also expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit(s).

I hereby certify that the wording of this guarantee is identical to the wording specified in Appendix 3.10 of the Regulations as such regulations were constituted on the date first above written.

Effective date: .....

[Name of guarantor]

[Authorized signature for guarantor]

[Name of person signing]

[Title of person signing]



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Signature of witness or notary: .....

## Appendix 3.11.

### WORDING OF THE LETTER FROM CHIEF FINANCIAL OFFICER FOR LIABILITY COVERAGE.

Executive Director  
Department of Waste Management  
101 N. 14th Street, 11th Floor  
Richmond, VA 23219

Dear [Sir, Madam]:

I am the chief financial officer of [owner's or operator's name and address]. This letter is in support of the use of the financial test to demonstrate financial responsibility for liability coverage [insert "and closure and/or post-closure care" if applicable] as specified in § [3.5.] of the Virginia Solid Waste Financial Assurance Regulations.

[Fill out the following paragraph regarding facilities and liability coverage. For each facility, include its name and address.]

The owner or operator identified above is the owner or operator of the following facilities for which liability coverage is being demonstrated through the financial test specified in § [3.5.].

[If you are using the financial test to demonstrate coverage of both liability and closure and post-closure care, fill in the following four paragraphs regarding facilities and associated closure and post-closure cost estimates. If there are not facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, include its name, address, and current closure and/or post-closure care.]

(1) The owner or operator identified above owns or operates the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in § [3.4.] of the Virginia Solid Waste Financial Assurance Regulations. The current closure and/or post-closure cost estimates covered by the test are shown for each facility:

.....

(2) The owner or operator identified above guarantees, through the corporate guarantee specified in § [3.4.] of the Virginia Solid Waste Financial Assurance Regulations, the closure and post-closure care of the following facilities owned or operated by its subsidiaries. The current cost estimates for the closure and post-closure care so guaranteed are shown for each facility:

.....

(3) This owner or operator is demonstrating financial assurance for the closure or post-closure care of the following facilities through the use of financial test. The current closure and/or post-closure cost estimates covered by such a test are shown for each facility:

.....

(4) The owner or operator identified above owns or operates the following hazardous waste management facilities. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility:

.....

This owner or operator [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this owner or operator ends on [month, day]. The figures for the following items marked with the asterisk are derived from this owner's or operator's independently audited, year-end financial statements for the latest completed fiscal year ended [date].

[Fill in part A if you are using the financial test to demonstrate coverage only for the liability requirements.]

#### Part A.

#### Liability Coverage for Accidental Occurrences.

[Fill in Alternative I if the criteria of Appendix 3.8.A(1) are used. Fill in Alternative II if the criteria of Appendix 3.8.A(2) are used.]

#### ALTERNATIVE I.

(1) Amount of annual aggregate liability coverage to be demonstrated. .... \$...

(\*2) Current Assets. .... \$...

(\*3) Current Liabilities. .... \$...

(4) Net working capital (line 2 minus line 3). .... \$...

(\*5) Tangible net worth. .... \$...

(\*6) If less than 90% of assets are located in the U.S., give total U.S. assets. .... \$...

YES NO

(7) Is line 5 at least \$10 million?

(8) Is line 4 at least 6 times line 1?

(9) Is line 5 at least 6 times line 1?

# Emergency Regulation

(\*10) Are at least 90% of assets located in the U.S.? If not, complete 11.

(11) Is line 6 at least 6 times line 1?

### ALTERNATIVE II.

(1) Amount of annual aggregate liability coverage to be demonstrated. .... \$...

(2) Current bond rating of most recent issuance and name of rating service. .... \$...

(3) Date of issuance of bond. .... \$...

(4) Date of maturity of bond. .... \$...

(\*5) Tangible net worth. .... \$...

(\*6) Total assets in U.S. (required only if less than 90% of assets are located in the U.S.) .... \$...

YES      NO

(7) Is line 5 at least \$10 million?

(8) Is line 5 at least 6 times line 1?

(\*9) Are at least 90% of assets located in the U.S.? If not, complete line 10.

(10) Is line 6 at least 6 times line 1?

[Fill in part B if you are using the financial test to demonstrate assurance of both liability coverage and closure or post-closure care.]

### Part B.

#### Closure or Post-Closure Care and Liability Coverage.

[Fill in Alternative I if the criteria of Appendix 3.8.A.(1) are used. Fill in Alternative II if the criteria of Appendix 3.8.A.(2) are used.

### ALTERNATIVE I.

(1) Sum of current and post-closure cost estimates (total of all cost estimates listed above). .... \$...

(2) Amount of annual aggregate liability coverage to be demonstrated. .... \$...

(3) Sum of lines 1 and 2. .... \$...

(\*4) Total liabilities (if any portion of your closure or post-closure cost estimates is included in your total liabilities, you may deduct that portion from this line and add that amount to lines 5 and 6). .... \$...

(\*5) Tangible net worth. .... \$...

(\*6) Net worth. .... \$...

(\*7) Current Assets. .... \$...

(\*8) Current Liabilities. .... \$...

(9) Net working capital (line 7 minus line 8). .... \$...

(\*10) The sum of net income plus depreciation, depletion, and amortization. .... \$...

(\*11) Total assets in U.S. (required only if less than 90% of assets are located in the U.S.) .... \$...

YES      NO

(12) Is line 5 at least \$10 million?

(13) Is line 5 at least 6 times line 3?

(14) Is line 9 at least 6 times line 3?

(\*15) Are at least 90% of assets located in the U.S.? If not, complete line 16.

(16) Is line 11 at least 6 times line 3?

(17) Is line 4 divided by line 6 less than 2.0?

(18) Is line 10 divided by line 4 greater than 0.1?

(19) Is line 7 divided by line 8 greater than 1.5?

### ALTERNATIVE II.

(1) Sum of current and post-closure cost estimates (total of all cost estimates listed above). .... \$...

(2) Amount of annual aggregate liability coverage to be demonstrated. .... \$...

(3) Sum of lines 1 and 2. .... \$...

(4) Current bond rating of most recent issuance and name of rating service. .... \$...

(5) Date of issuance of bond. .... \$...

(6) Date of maturity of bond. .... \$...

(\*7) Tangible net worth (if any portion of the closure or post-closure cost estimates is included in "total liabilities" on your financial statements you may add that portion to this line). .... \$...

(\*8) Total assets in the U.S. (required only if less than 90% of assets are located in the U.S.) .... \$...

YES      NO

(9) Is line 7 at least \$10 million?

# Emergency Regulation

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(10) Is line 7 at least 6 times line 3?

(\*11) Are at least 90% of assets located in the U.S.? If not, complete line 12.

(12) Is line 8 at least 6 times line 3?

I hereby certify that the wording of this letter is identical to the wording specified in Appendix 3.11 of the Virginia Solid Waste Financial Assurance Regulations as such regulations were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

# STATE CORPORATION COMMISSION

## Bureau of Insurance

June 20, 1986

### ADMINISTRATIVE LETTER 1986-12

TO: All Health Maintenance Organizations Licensed in Virginia.

RE: Guidelines for Approval of Copayment Requirements.

The definition of copayment in § 38.2-4300 (formerly § 38.1-863) has been amended so that, effective July 1, 1986, copayments will no longer be defined as nominal payments required of enrollees as a condition of the receipt of specific health services. The word "nominal" has been deleted pursuant to Senate Bill 169 which was passed during the 1986 session of the General Assembly.

The Code of Virginia does, however, impose a limitation on the level or amount of copayments which may be required of enrollees by stating in § 38.2-4302 (formerly § 38.1-865) that the Commission shall be satisfied that the health maintenance organization provides or arranges for basic health care services on a prepaid basis except to the extent of reasonable requirements for copayments. The following guidelines are offered to clarify what will be accepted by the Bureau of Insurance as being "reasonable" requirements for copayments as of July 1, 1986.

It should be noted that these guidelines apply only to basic health care services and do not apply to any supplemental health care services.

#### Guidelines for Bureau Approval of Copayment Requirements

1. The maximum amount of copayment a health maintenance organization may require in any contract or calendar year shall not exceed 100% of the total annual premium per single member of family unit.
2. The maximum copayment amount shall be based upon the actual premium charged, including any employer contributions, for that member or family's coverage.
3. The maximum copayment amount shall be shown in the evidence of coverage as a specified dollar amount.
4. The copayment requirement for each specific basic health care service shall be shown in the evidence of coverage as a specified dollar amount.
5. Each health maintenance organization shall keep accurate records of each enrollee's copayment expenses and notify the enrollee when his copayment maximum is reached. Once the maximum is reached, no additional copayment charges shall be made for the remainder of the contract or calendar year.

Prompt refunds to the enrollee shall be made for copayments charged after the copayment maximum is reached. The evidence of coverage shall clearly state the health maintenance organization's procedure for meeting this requirement.

This will make is necessary for all HMOs licensed in Virginia to review their group agreements and evidences of coverage, whether issued on a group basis or an individual basis, to make sure they meet these guidelines.

1. As of July 1, 1986, the Bureau of Insurance will not approve any HMO policy forms, agreements, or evidences of coverage that do not conform to the copayment guidelines set forth in this letter.

2. Effective 90 days from July 1, 1986, any group agreements or evidences of coverage which do not meet these guidelines will be considered to be disapproved and may not be marketed subsequent to that date. In view of this, those HMOs with forms that do not meet these guidelines must withdraw them from use and file forms which do meet these guidelines within this 90 day period.

3. With regard to group contracts already in force, these may remain in force only until the anniversary date immediately following the expiration of 90 days from July 1, 1986. At that time, all group agreements must meet these guidelines.

4. Any evidence of coverage marketed on an individual basis prior to the expiration of 90 days from July 1, 1986 may stay in force, or may be amended, subject to the consent of all parties, using a form approved by the Bureau of Insurance.

Each health maintenance organization licensed in Virginia is requested to review the contents of this letter and its policy forms. Please acknowledge receipt of this letter, and direct any questions concerning its contents, in writing, to:

Robert L. Wright, CLU  
Supervisor  
Forms and Rates Section  
Life and Health Division  
State Corporation Commission  
Bureau of Insurance  
P. O. Box 1157  
Richmond, Virginia 23209

/s/ James M. Thomson  
Commissioner of Insurance

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# State Corporation Commission

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## Bureau of Insurance

June 26, 1986

### ADMINISTRATIVE LETTER 1986-13

TO: All Health Maintenance Organizations.

RE: Requirements for Coverage for Mental Illness and Substance Abuse.

Effective July 1, 1986 § 38.2-4300 of the Code of Virginia provides that basic health care services shall include limited treatment of mental illness and substance abuse in accordance with minimum standards prescribed by the State Corporation Commission. These standards shall not exceed the level of services mandated for insurance carriers pursuant to Article 2 (§ 38.2-3408 et seq.) of Chapter 34 of Title 38.2.

The purpose of this letter is to advise all health maintenance organizations licensed in Virginia that the standards prescribed by the Commission shall be those set forth in §§ 38.2-3412 and 38.2-3413 of the Code. It is the intent to administer this requirement in a manner consistent with the manner in which it is administered with commercial insurers and health services plans.

The following actions are required for implementation of the expanded definition of basic health care services:

1. All new filings of group or individual agreements or evidences of coverage, in order to be approved by the Bureau of Insurance on or after July 1, 1986, must provide, as a minimum, the benefits required by § 38.2-3412.A. of the Code of Virginia, as amended.
2. No group or individual agreement or evidence of coverage form approved prior to July 1, 1986 is to be issued or renewed after September 30, 1986, unless it has been amended to provide, as a minimum, the benefits required by § 38.2-3412.A. of the Code of Virginia, as amended, using forms approved by the Bureau of Insurance.
3. Each Health Maintenance Organization is instructed to develop appropriate procedures for offering the optional benefits mandated by §§ 38.2-3412.B. and 38.2-3413. Contract, evidence of coverage forms, and/or appropriate amendments should be developed and submitted to the Bureau of Insurance for approval, so that the coverages required to be offered under §§ 38.2-3412.B. and 38.2-3413 can be provided when accepted by the group purchaser.
4. No group agreement or related evidence of coverage form approved prior to July 1, 1986 is to be issued or renewed after September 30, 1986 unless the optional benefits mandated by §§ 38.2-3412.B. and 38.2-3413 have been made available to the group purchaser and, if accepted, have been incorporated

into the group agreement and any related evidence of coverage using forms approved by the Bureau of Insurance.

5. All claims for mental illness or substance abuse treatment rendered on and after July 1, 1986 shall be covered as required by § 38.2-3412.A. and C. whether or not such coverage is reflected in the evidence of coverage on such date.

It is suggested that each Health Maintenance Organization develop a means of demonstrating that the group purchaser was given an opportunity to accept or decline the optional benefits mandated by §§ 38.2-3412.B. and 38.2-3413. This may be by modification to applications for group coverage, separate letters, or any other means that may be verified for future audit purposes.

Enclosed for your convenience are copies of §§ 38.2-3412 and 38.2-3413 of the Code. If, after review, there are any questions concerning the contents of these sections of the Insurance Code or this letter, please contact Mr. Robert L. Wright, of my staff, who will be pleased to assist you.

Robert L. Wright, CLU  
Supervisor, Forms and Rates Section  
Life and Health Division  
P. O. Box 1157  
Richmond, Virginia 23209

/s/ James M. Thomson  
Commissioner of Insurance

\* \* \* \* \*

## Bureau of Insurance

July 1, 1986

### ADMINISTRATIVE LETTER 1986-14

TO: All Interested Parties

RE: Senate Bill 250, Recodification of the Insurance Code - Title 38.2

Attached is a summary of the substantive changes to the insurance code resulting from the recodification which was passed as SB 250 by the 1986 General Assembly of Virginia. Other 1986 legislation that enacted or amended and reenacted insurance-related statutes has already been summarized in Administrative Letter 1986-6 and is not included here. Due to the extent of the code revision, only substantive changes are addressed in this letter. Editorial, reorganizational, and clarification modifications have not been incorporated into the summary. Copies of the bill itself are available for \$5.00 each from Legislative Information at 804/786-6530. In addition, House Document 17 is available and contains the report of the Code Commission to the General Assembly and includes drafting

notes clarifying substantive changes to those sections that were modified, as well as a cross reference table for the new numbering system. Please note, however, that H.D. 17's version of Title 38.2 does not include amendments to the bill made by the General Assembly.

The effective date of Title 38.2 is July 1, 1986. There is, however, a 12-month phase-in period for complying with the provisions for policies, contracts, certificates, applications, riders, or endorsements.

Each organization to which this letter is being sent should review the attachment carefully and see that notice of these changes is directed to the proper persons (including its licensed representatives) to insure that appropriate action is taken to effect compliance with these new legal requirements.

If you have any questions about the changes due to the recodification, my staff is ready to assist you.

/s/ James M. Thomson,  
Commissioner of Insurance

## INSURANCE CODE CHANGES SUBTITLE I - GENERAL PROVISIONS

### Chapter 1. General Provisions.

1. **Definitions.** Definitions having a title-wide application have been moved to this chapter for easy reference. Definitions that are chapter-specific have been left in their individual chapter. (38.2-100)
2. **New Classes of Insurance.** Several new classes of insurance have been defined to provide for coverages now being written, such as homeowner's insurance, variable annuities, and mortgage guaranty insurance. (Article 2)

### Chapter 2. Provisions of a General Nature.

1. **Management and Exclusive Agency Contracts.** Former § 38.1-29.1, dealing with management and exclusive agency contracts, has been expanded to give the Commission the authority to withdraw approval of these contracts. (38.2-203)
2. **Insurance Activities of Banks.** The "grandfather provision" that allows financial institutions that were licensed to sell insurance as of January 1, 1977 to continue to do so, (part of former § 38.1-327.10) now clarifies that such financial institutions may hire newly-licensed agents without losing their grandfather status. (38.1-205)
3. **Penalties and Restitution Payments** A new title-wide general penalties section replaces former § 38.1-40 as well as numerous other chapter-specific penalty sections throughout the title. This new section also provides for restitution payments under certain

circumstances such as overcharging rates. Restitution will be limited to the amount of the direct financial loss.

The new penalty section provides for: (a) making the penalties apply to violations of regulations; (b) distinguishing between the penalties for negligent and knowing or willful violations; (c) increasing the maximum penalty for violations without knowledge or intent to \$1,000 with an aggregate maximum penalty of not more than \$10,000 for a series of similar violations; (d) a \$5,000 penalty for each knowing or willful violation with no maximum aggregate penalty; and (e) exempting from the penalty provisions violations resulting solely from electronic or mechanical malfunction. (38.2-218)

4. **Cease and Desist.** A new section has been added providing title-wide authority for cease and desist orders. This section replaces the cease and desist provisions found in individual chapters. These former chapter-specific sections have been deleted. (38.2-219). Former § 38.1-224 (now 38.2-2002) contains a provision somewhat similar to a cease and desist provision, but that provision will be left unchanged because it is a special case.
5. **Injunctions.** A new section has been added providing title-wide authority for issuing injunctions. This section replaces the injunction provisions found in individual chapters. These former chapter-specific sections have been deleted. (38.2-220). Former § 38.1-132 (now 38.2-1507) is a special case dealing with delinquency proceedings and will not be deleted. The authority of the Commission to issue injunctions is already contained in § 12.1-13. However, new § 38.2-220 is more detailed and provides a ready reference for those subject to Title 38.2.
6. **Appeals.** The appeal provision in Title 12.1 applying to all orders, judgments, etc., of the Commission has been incorporated by reference in a new section, § 38.2-222. The various appeal sections currently appearing throughout the title have been deleted.
7. **Rules and Regulations.** A new section has been added providing for authority on a title-wide basis to issue rules and regulations and also to enter orders. It will replace a number of similar sections from Title 38.1 which have now been deleted. (38.2-223)
8. **Procedures.** A new section has been added providing for the application on a title-wide basis of the procedures of Chapter 5 of Title 12.1 (Procedure Before the Commission and Appeals) to proceedings under Title 38.2. (38.2-224). While Chapter 5 of Title 12.1 would apply to Title 38.1 and new Title 38.2 even without § 38.2-224, this section was added for ready reference.
9. **Penalties May Be Paid to the Guaranty Association.**

# State Corporation Commission

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Former § 38.1-42 has been amended so that the Commission is authorized to direct payment of penalties for civil violations to the guaranty associations rather than the Literary Fund if the Commission determines a need for such payment. Penalties for criminal violations will still be allocated to the Literary Fund in all instances. (38.2-225)

10. **Proof of Financial Responsibility.** A new section has been added to provide the Commission the authority to enforce the filing of proof of financial responsibility as required by Title 46.1 of the Virginia Code. (38.2-228)
11. **Title-wide Immunity Section.** A new immunity section provides that there shall be no liability and no cause of action against (i) any person who, in good faith, furnishes information relating to an insurance investigation when information is furnished under requirements of law or at the request or direction of the Commission, or (ii) Commissioners and their employees or agents acting in good faith investigating insurance transactions or disseminating official reports relating to official investigations of such transactions. (38.2-229)

## Chapter 3. Provisions Relating to Insurance Policies and Contracts.

1. **Insured's Application or Consent Required for Life or Accident and Sickness Insurance.** Former § 38.1-330 has been amended so that the person to be insured under an individual life or accident and sickness insurance policy will be required to apply for the insurance or consent in writing at the time of the making of the contract, except if the insurance is purchased on a spouse, or on a minor where there is dependency or an insurable interest in the life of a minor. Knowledge of the insurance will no longer be sufficient. (38.2-302)
2. **Life and Accident and Sickness Insurance Form Filing Exemption.** A new subsection has been added to former § 38.1-342.1 so that the Commission has the authority to exempt certain categories of life and health insurance forms from filing and approval requirements. This change is intended to provide the Bureau of Insurance with flexibility regarding the filing and approval of group contract forms since many group contracts are tailor-made. In addition, the section now requires filing and approval of group accident and sickness forms, health services contracts, dental services contracts, optometric services contracts, HMO forms, and fraternal forms, including individual certificate forms for all above types of group insurance. (38.2-316)
3. **Property and Casualty Form Disapproval Standards.** More detailed standards for disapproval of property and casualty forms have been added to the Code. Existing § 38.1-279.48:1 has been moved from the

competitive rating chapter and revised to include a new provision for disapproval if the coverage is of such a limited nature as to be contrary to the public interest. (38.2-317)

## Chapter 4. Assessments For Administration of Insurance Laws and Declarations of Estimated Assessments by Insurers.

1. **Assessment Provisions Updated.** Former §§ 38.1-45, 38.1-48.4 and 38.1-48.6 have been changed to make this chapter consistent with the recently amended tax code (Title 58.1)
  - a. The penalty rate in former § 38.1-45 for failure to pay an assessment when due has been increased from 5% to 10%. This is consistent with § 58.1-2507. Interest will also be charged on the overdue assessment. (38.2-403)
  - b. The interest rate in subsection H of former § 38.1-48.4 has been increased from .5 to .75 percent with an extension and one percent per month without an extension. (38.2-409)
  - c. The penalty rate under subsection A of former § 38.1-48.6 for failure to pay an estimated assessment has been changed to the interest rate established pursuant to § 6621 of the Internal Revenue Code which is referred to in § 58.1-15. (38.2-411). This is consistent with § 58.1-2527.
  - d. The percentage of the portion of installments which must be paid without subjection to penalty provided for in former §§ 38.1-48.6 B and 38.1-48.6 D has been increased from 80% to 90% of the estimated assessment. (38.2-411 B and 38.2-411 D). This is consistent with the change in § 58.1-2527.
2. **Appeal from Assessment.** Former § 38.1-47 has been clarified to specify that appeals from assessment must be in accordance with the Rules of Court applicable to appeals from the State Corporation Commission. (38.2-405)

## Chapter 5. Unfair Trade Practices.

1. **Misrepresentation and False Advertising.** Former § 38.1-52.1 has been amended to place more responsibility on insurers to control material prepared by agents as follows: "No person shall make, issue, circulate, or cause or knowingly allow to be made, issued or circulated..." (38.2-502)
2. **False Information and Advertising Generally.** Former § 38.1-52.2 has been amended to place more responsibility on insurers to control material prepared by agents as follows: "No person shall knowingly make, publish, disseminate, circulate, or place before the public, or cause, or knowingly allow, directly or indirectly, to be made, published, disseminated,

circulated, or placed before the public..." (38.2-503)

3. **Blindness, Other Impairments and Unfair Discrimination.** The language in former § 38.1-52.7 that prohibits refusing to insure, limiting the coverage or charging a different rate for the same coverage solely because of blindness, partial blindness, or mental or physical impairments has been modified to delete the phrase "or is related to actual or reasonably anticipated experience." However, it will not be unfair discrimination to limit coverage or charge higher rates because of blindness or partial blindness, or mental or physical impairments if the decision is based on sound actuarial principles. In addition, the prohibition against discrimination solely because of geographical location now applies to life and health risks as well as property and casualty. (38.2-508)

4. **Rebates.** Item 3 of former § 38.1-52.8 B has been changed to allow for considering the experience of a group and adjusting the rate for the next year, instead of requiring retroactive rate adjustments. In addition, Item 4 has been changed to allow for employees of insurers to receive premium reductions for insurance on their lives and property and the lives of their spouses and dependent children. (38.2-509)

5. **Unfair Claims Settlement Practices.** A new subsection has been added to former § 38.1-52.9 providing that the section does not create a private cause of action. (38.2-510)

6. **Favored Agent or Insurer; Coercion of Debtors.** Former § 38.1-52.12 was amended by adding; (a) a provision prohibiting unreasonably disapproving a policy provided by a debtor on his own life to protect a loan; (b) a provision that a borrower must be told in writing that insurance related to credit extensions may be purchased from an insurer or agent of the borrower's choice; and (c) a new subsection C to ensure that a written commitment to loan money or extend credit is secured prior to the solicitation of insurance. (38.2-513)

## Chapter 6. Insurance Information and Privacy Protection.

1. **Application of Chapter.** The reference in former § 38.1-57.4 to January 1, 1982, has been deleted to clarify that the access and correction provisions of former §§ 38.1-57.11 and 38.1-57.12 (38.2-608 and 38.2-609), and that disclosure provisions of former § 38.1-57.16 (38.2-613), apply to information collected before January 1, 1982. (38.2-601)

2. **Adverse Underwriting Decisions; New Penalties.** The definition of "adverse underwriting decision" in former § 38.1-57.5 for life and accident and sickness insurance has been amended to include "an offer to insure with limitations, exceptions or benefits other than those

applied for". (38.2-602) In addition, the new general penalties provisions (38.2-218) will apply instead of the chapter's requirements that a violation be "knowing" before a fine of more than \$500 can be imposed or that there must be a violation of a previously issued cease and desist order.

3. **Disclosure Limitations and Conditions.** A paragraph 18 has been added to former § 38.1-57.16 to provide disclosure of necessary personal information about an individual collected in connection with an insurance transaction to a lienholder, mortgagee, assignee, lessor or other person having a legal or beneficial interest in the insurance policy. (38.2-613)

## Chapter 7. Antitrust Provisions.

1. **Antitrust Penalties.** Antitrust violations will be subject to the penalty provisions of the Virginia Antitrust Act, § 59.1-9.1 et seq. (38.2-704)

2. **Applicability of Antitrust Act.** A new section was added providing that conduct subject to regulation, review or examination pursuant to Title 38.2 shall, in addition, be subject to the provisions of the Virginia Antitrust Act in Title 59.1. (38.2-705)

## Chapter 8. Service of Process.

1. **Definitions.** "Insurer" has been defined to include prepaid legal, dental and optometric service plans, health services plans and health maintenance organizations (38.2-800). "Agent" has been defined to include agents for prepaid legal, dental and optometric service plans, and health agents. (38.2-808)

2. **Attorney's Fees.** The minimum attorney fee provided in former § 38.1-70 has been raised from \$25 to \$100. (38.2-807)

## Chapter 9. Transition Provisions.

1. **Effective Date.** Some sections specifically provide for their own effective date. Unless otherwise provided, the official effective date of Title 38.2 is July 1, 1986.

2. **12-Month Transition Period.** In order to provide for a reasonable period to adjust to the new code provisions, companies will be given 12 months from the date of the Code enactment to use their existing forms. (38.2-903)

## SUBTITLE II - FINANCIAL REGULATIONS

### Chapter 10. Organization, Admission and Licensing of Insurers.

1. **Deposits Required of Insurers Generally.** The requirement in former §§ 38.1-72 and 38.1-74 that the § 38.1-108 deposit be made before a charter is granted



# State Corporation Commission

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has been deleted. Section 38.1-108 (now 38.2-1045) itself will still require the deposit before a license is issued.

## 2. **Additional Requirements of Articles of Incorporation.**

The requirement that the name of a domestic mutual insurer contain the word "mutual" provided for in former § 38.1-75 has been deleted. Also, the requirement that the name not be confusingly similar to the name of any other company doing business in Virginia has been deleted because Title 13.1 contains similar provisions that apply to domestic mutual insurers. The remainder of § 38.1-75 appears in 38.2-1002.

## 3. **Certain Mutual Companies May Convert to Stock.**

A provision has been added to former § 38.1-79 allowing a mutual insurer to convert to a stock insurer without meeting the minimum capital and surplus requirements at conversion time if the Commission finds the insurer will be able to meet the requirement within a reasonable time. (38.2-1005)

## 4. **Foreign and Alien Companies Filing Copies of Charters.**

Former § 38.1-84 requiring foreign and alien companies to file copies of their charters has been deleted because §§ 13.1-107 and 13.1-270 already require this. The filing of mutual company bylaws will be required administratively.

## 5. **Annual Renewal of License.**

Former § 38.1-98 has been revised to allow an insurer's license to be renewed on a restricted basis if the Commission finds an impairment of required capital and surplus or if the insurer has not met all licensing requirements as provided for in § 38.2-1024. (38.2-1025)

## 6. **Suspension or Revocation Published.**

The time provided in former § 38.1-102 for publishing a notice of the suspension or revocation of an insurer's license has been shortened from sixty days after final judgment to thirty days (if no appeal is taken) to be consistent with the thirty day period for appealing a decision of the Commission. (38.2-1043)

## 7. **Return of Deposits.**

The last sentence of former § 38.1-112 has been deleted to avoid any possible interpretation that an out-of-state court has jurisdiction over the § 38.2-1045 (formerly § 38.1-108) deposit. The deleted sentence has been replaced with a new subsection B that coordinates the release of the deposit with Title 38.2, Chapter 3 (Rehabilitation and Liquidation of Companies) when there is a delinquency proceeding. (38.2-1048)

The new subsection B also replaces the last three sentences of former § 38.1-110 (now 38.2-1046), which had provided for a class action to obtain release of the deposit, so there will be one procedure for releasing the deposit when there is a delinquency proceeding. This new procedure will require the

appointment of a receiver in Virginia under § 38.2-1521 to obtain the release of the deposit where a foreign or alien insurer is the subject of a delinquency proceeding in another state or country. Under this new procedure the priority in proposed § 38.2-1046 for distribution of the deposit will be controlling over the priority in Title 38.2, Chapter 15 (Rehabilitation and Liquidation of Insurers), so that wages and certain other liabilities given priority in Chapter 15 will not come ahead of policyholders' claims on the deposit.

## 8. **Alternate Deposit Requirements.**

The alternate insurer deposit provided for in former § 38.1-113 has been increased from \$200,000 to \$500,000 in recognition of inflation and the multi-state purpose of this deposit, and general creditors have been added to policyholders as persons protected by this deposit. (38.2-1049)

## Chapter 11. Captive Insurers.

### 1. **Licensure After Examination.**

The mandatory examination of a captive insurer provided for in paragraph 2 of subsection C of former § 38.1-920 before a license is issued has been made discretionary. (38.2-1104)

## Chapter 12. Reciprocal Insurance.

### 1. **Power to Enter Into Reciprocal Insurance Contracts.**

Former §§ 38.1-692 and 38.1-693 have been merged into one section and amended to include municipalities and other governmental authorities within the definition of "person", thus allowing these local governmental bodies another avenue to follow in obtaining insurance coverages. (38.2-1204)

### 2. **Alien Reciprocals.**

Former § 38.1-696 has been amended so that an alien reciprocal will be allowed to apply for a license in this Commonwealth directly from its domiciliary country rather than having to go through another state. This parallels a 1985 legislative change for regular alien insurance companies. (38.2-1208)

### 3. **Subscriber's Liability.**

The requirement in former § 38.1-702 that each assessable policy contain a statement of the contingent liability has been expanded to require that this statement be on the front of the policy in large type capital letters. (38.2-1212)

### 4. **Agent For Service of Process.**

The agent for service of process for reciprocals has been changed from the Secretary of the Commonwealth, as provided for in former § 38.1-706, to the Clerk of the Commission. (38.2-1216)

### 5. **Attorney to File Bond.**

The bond of \$25,000 required in former § 38.1-710 of the attorney-in-fact of a reciprocal has been changed to a bond in an amount

set at the discretion of the Commission but not less than \$50,000. (38.2-1220)

## **Chapter 13. Reports, Reserves and Examinations; Insurance Holding Companies.**

1. **False Statements, Reports, etc.** Former § 38.1-163 has been amended so that filing false or fraudulent statements, reports or other instruments shall be a Class Five felony rather than such actions being deemed perjury. Surplus lines brokers have been specifically included. (38.2-1304)
2. **Valuation of Stocks and Other Securities.** A new subsection C was added to former § 38.1-167 to set forth three valuation options that can be used for estimating the value of certain assets. These methods are book value, market value and acquisition cost. Additionally, the Commission is given the authority to specify the manner of valuing a subsidiary if a situation warrants such intervention. (38.2-1308)
3. **Unearned Premium Reserves.** Former § 38.1-171 has been changed to require mortgage guaranty insurance unearned premium reserves to be calculated in a manner similar to other property and casualty unearned premium reserves. (38.2-1312)
4. **Mortgage Guaranty Insurance Contingency Reserve.** Subsection C of former § 38.1-173.2 has been changed to conform with the NAIC standard. Previously, mortgage guaranty insurers could utilize contingency reserves when the loss ratio exceeded 20%. This loss ratio has been increased to 35%. (38.2-1315)
5. **Examinations.** Former § 38.1-174 provided only that the Commission could examine the affairs of any insurance company authorized to do business in the state. The authority of the Commission has been extended to include the power to examine the affairs of anyone licensed under this title. (38.2-1317)
6. **Expense of Examination.** A new subsection C has been added to former § 38.1-176 to allow the Commission to employ experts, at the expense of the person examined, to perform accounting services when the Commission deems that the person's accounting is unacceptable. (38.2-1319)
7. **Insurance Holding Company System.** The definition of "insurance holding company system" has been broadened to mean two or more affiliated persons, one or more of which is a person licensed pursuant to this title. (38.2-1322)
8. **Dividends and Other Distributions.** The definition of "extraordinary dividend" in former § 38.1-178.3 has been amended so that it now means any dividend or distribution of cash or other property whose fair market value together with that of other dividends or distributions made within the preceding twelve months

exceeds either [as opposed to "the greater of" in the former section] (i) ten percent of the insurer's surplus to policyholders or (ii) the net gain from operations of the insurer, if a life insurer, or the net income if the insurer is not a life insurer. This change establishes a lower threshold for requiring Commission approval and is consistent with the NAIC model. (38.2-1330)

9. **Prior Approval.** Former § 38.1-178.3:1 has been amended so that prior approval will be required for investments resulting in holdings of assets in affiliated companies in excess of fifty percent of surplus. (38.2-1331) -

## **Chapter 14. Investments.**

1. **Classification of Investments.** A new subsection B has been added to former § 38.1-217.3 to give the Commission authority, upon application by an insurer, to classify investments not already classified in the chapter. (38.2-1402)
2. **Preferred Stocks.** A provision has been added to former § 38.1-217.6 for a pro forma dividend standard for preferred stocks issued less than three years before the date of the investment. (38.2-1423)
3. **Lending of Securities.** The collateral requirement provided for in former § 38.1-217.32 has been reduced from 103 percent to 102 percent. (38.2-1429)
4. **Investments.** United States government bond mutual funds have been added to former § 38.1-217.35 as a Category 1 investment for domestic insurers. (38.2-1432)
5. **Limitations of Mortgages.** Subsection A of former § 38.1-217.40 has been rewritten to allow the loan-to-value ratios for leasehold mortgages and mortgages to employees of insurers to be exceeded if the excess is covered either by FHA, VA, etc. or by private mortgage guaranty insurance. The existing options for other mortgages to be exceeded under these conditions will be continued. (38.2-1437)
6. **Real Estate.** The term "real estate" as used in former § 38.1-217.44 has been defined to include a leasehold of real estate having an unexpired term of twenty years or more. (38.2-1441)
7. **Guaranty Association Obligations.** A new section has been added providing that a domestic insurer may invest in any obligation of the two Virginia guaranty associations that is not in default. (38.2-1442)

## **Chapter 15. Rehabilitation and Liquidation of Insurers.**

1. **Priority of Claims for Wages.** The amount that employees of an insolvent insurer can collect for unpaid wages has been raised from the \$300 provided for in former § 38.1-138 to \$1,000. (38.2-1514)

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## Chapter 16. Virginia Property and Casualty Insurance Guaranty Association.

1. **Name Change.** The term "property and casualty" has been added to the Association's name to differentiate it from the Virginia Life, Accident and Sickness Insurance Guaranty Association.
2. **Application.** Former § 38.1-758 has been amended to clarify that the coverage of the Guaranty Association applies only to member insurers. In addition, captive insurance companies and home protection companies have been added to the list of companies not eligible for membership to clarify current practice. (38.2-1601)
3. **Duties and Powers of the Association.** Former § 38.1-763 has been amended to conform to the NAIC model with respect to filing claims with the liquidator or receiver of an insolvent insurer, stating that a covered claim shall not include any claim filed with the Association after the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer. In addition, a provision has been added to allow for the repayment of increased assessments made to certain insurers resulting from a deferral of assessments to other insurers. Repayment shall be made when the deferred assessment insurers bring their contributions up to date. (38.2-1606)
4. **Additional Funds Paid to Association.** A new article has been added to this chapter for the establishment of a safety fund for the Association. The article gives guidance to the Commission in administering § 38.2-225. Additional provisions are included on the priority, use, and repayment of funds not derived from assessments. Of particular significance is the Commission's authority to direct funds derived from penalties to the safety fund. The establishment of the safety fund should allow the Association to handle insolvencies, particularly small insolvencies, more expediently. (Article 2)

### SUBTITLE III - INSURANCE AGENTS

## Chapter 18. Insurance Agents.

1. **Licensing Requirements Extended.** Additional requirements of the agents licensing chapter will apply to sales representatives for health maintenance organizations and Blue Cross and Blue Shield plans, cooperative nonprofit life benefit company agents, burial society agents, mutual assessment property and casualty agents, and mutual assessment life and health agents to assure that all agents have a minimum degree of competency.
  - a. Unless licensed as life and health agents, new sales representatives for health maintenance organizations and Blue Cross and Blue Shield plans will be licensed as health agents which will require them to take a 25-hour study course and pass an examination. (38.2-1800 and 38.2-1816). An applicant who is a CLU is exempt from the education and exam requirements for a life and health insurance license or a health license. (38.2-1817)
  - b. Cooperative nonprofit life benefit company agents and burial agents will be subject to full life and health agent licensure requirements but the Commission will have the authority to waive these requirements. (38.2-1815)
  - c. Mutual assessment property and casualty insurance agents will be required to meet education and examination requirements if they sell more complex types of property and casualty insurance such as workers' compensation, fidelity, surety, credit, legal services, mortgage guaranty, motor vehicle and aircraft insurance. (38.2-1814 and 38.2-2525)
  - d. Mutual assessment life and health insurance agents will be required to meet education and examination requirements if they sell more complex types of life and health insurance such as credit life insurance, variable life insurance, credit accident and sickness insurance, Medicare supplemental insurance, and annuities. (38.2-1815 and 38.2-3919)

## Chapter 17. Virginia Life, Accident and Sickness Insurance Guaranty Association.

1. **Investments.** Former § 38.1-482.22 has been amended so that investments by an insurer in evidences of indebtedness issued by the Association will qualify as Category 1 investments. (38.2-1704)
2. **Assessments.** Former § 38.1-482.23 has been amended so that Association members will be charged a floating rate for assessments due but not paid. (38.2-1705)
3. **Detection and Prevention of Insolvencies.** Paragraph 4 of former § 38.1-482.26 has been deleted. It is no longer required that the Association review the IRIS (insurance regulation information system) reports. The remainder of that former section appears in 38.2-1708.

2. **Power of Commission to Investigate Affairs of Person Engaged in Insurance Business.** Former § 38.1-327.9 that gave the Commission authority to investigate into the affairs of any person engaged in or alleged to be engaged in the insurance business in Virginia has been amended by specifying that business affairs may be investigated to determine if there has been a violation of this title. (38.2-1809)
3. **Agent Applicants Moving to Virginia from Another State.** Language has been added to former §§ 38.1-327.19 and 38.1-327.29 to provide that an applicant for an agent's license who has moved into Virginia from another state may be exempt from education and examination requirements under certain circumstances if that other state grants the same exemption to a former Virginia agent. (both former sections have been merged into 38.2-1818)
4. **Property and Casualty and Life and Health Agents.** Former Articles 2 and 3 are being merged into one article that applies to both Property and Casualty Agents and Life and Health Agents.
  - a. Former § 38.1-327.24 has been moved to § 38.2-1815.
  - b. Former § 38.1-327.25 has been deleted and § 38.2-1817 will apply.
  - c. Former § 38.1-327.28 has been deleted and § 38.2-1818 will apply.
  - d. Former § 38.1-327.29 has been deleted and § 38.2-1819 will apply.
  - e. Former § 38.1-327.30 has been deleted and § 38.2-1820 will apply.
  - f. Former § 38.1-327.31 has been deleted and § 38.2-1821 will apply.
5. **Change of Address, Name.** Former § 38.1-327.37 has been amended to delete "office address". Residence is used elsewhere in the Code. (38.2-1826)
6. **Temporary License.** Former § 38.1-327.42 has been amended so that a child of the agent is now eligible to receive a temporary license upon the death of the agent or inability of the agent to act because of a sickness, injury or mental incapacity. (38.2-1830)
7. **Refusal or Revocation of License.** Conviction of a felony has been added to the list in former § 38.1-327.43 as to what constitutes grounds for refusal to issue a license and for revocation of a license. (38.2-1831)
8. **Appointment of Agents.** A new subsection has been added to former § 38.1-327.44:1 providing that appointments are public information and are to be available for public inspection during normal business hours of the Commission, for a reasonable fee. (38.2-1833)
9. **Annual Property and Casualty Consultants License Fee.** The July 1 deadline for paying the annual \$50 fee for a consultant's license provided for in former § 38.1-327.65 has been changed to August 1 for consistency with the collection of appointment fees. (38.2-1840)

## SUBTITLE IV - PROPERTY AND CASUALTY INSURANCE

### Chapter 19. Regulation of Rates Generally.

1. **Private Pleasure Vessels or Craft.** The exemption provided in former § 38.1-279.31(b)(7) for ocean marine risks as distinguished from inland marine risks has been changed to only provide for an exemption for vessels or craft used primarily in a trade of business. Private pleasure vessels or craft will now be subject to the rule, rate, and policy form requirements of Title 38.2, Chapters 3 and 19. (38.2-1902)
2. **Rate Standards.** The rate standard section (former § 38.1-279.33) has been amended by including a provision that a rate shall not be "unfairly discriminatory" if a different rate is charged for the same coverage and (i) the rate differential is based on sound actuarial principles of (ii) is related to actual or reasonably anticipated experience. (38.2-1904). The provisions relating to the uninsured motorists fund have been deleted because the Title 38.2 amendments in the Uninsured Motorists Fund chapter rendered these provisions inapplicable.
3. **Appeal of Point Charge.** The period provided in former § 38.1-279.33:1 for an appeal of points charged under a safe driver insurance program has been extended from the 15 days from notification of the point charge to 60 days from notification of any resultant premium adjustment. (38.2-1905)
4. **Rate Filings.** A provision has been added to former § 38.1-279.40 which requires the Commission to notify the insurer within 30 days if more information is required to evaluate a rate filing coming within the provisions of this section. If more information is required, the filing shall be deemed to be made when that information is provided. (38.2-1912)
5. **Rate Service Organizations.** The duty of a rate service organization to notify the Commission of problems regarding information submission in former § 38.1-279.41 has been deleted. (38.2-1928)
6. **Agreements for Equitable Apportionment of Insurance.** A new subsection has been added to former § 38.1-279.45 to clarify that the Commission may approve

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the policy forms and endorsements used by insurers under a residual market facility (such as the Virginia Automobile Insurance Plan). (38.2-1918)

7. **Withholding Information.** The reference to the Criminal Code in former § 38.1-279.55 has been deleted since a violation of this section does not necessarily constitute perjury as defined in the Criminal Code. (38.2-1928)

## **Chapter 20. Regulation of Rates for Certain Types of Insurance.**

1. **Joint Underwriting and Joint Reinsurance.** A new paragraph has been added to former § 38.1-224 that parallels language contained in a similar section of the Competitive Rating Chapter, making the two chapters more consistent. (38.2-2002)
2. **New Deemer Provision.** A provision which “deems” a rate filing to be in compliance and effective unless the Commission disapproves the rate within 30 days of the filing has been added to former § 38.1-253. Also, the Commission will be obligated to inform a filer within 30 days if the filing does not contain all of the necessary information. (38.2-2006)
3. **Deviations.** The phrase “unfairly discriminatory” has been deleted from subsection B of former § 38.1-255.2 because uniform percentage deviations are required. If the rating system itself is not unfairly discriminatory, uniform percentage deviations from that rating system will not be unfairly discriminatory. The word “excessive” has also been deleted because deviations must be downward. (38.2-2009)
4. **Agreements for Equitable Apportionment of Insurance.** A new subsection has been added to former § 38.1-264 to clarify that the Commission may approve the policy forms and endorsements used by insurers under a residual market facility (such as the Virginia Automobile Insurance Plan). (38.2-2015)
5. **Rate Service Organizations.** The duty of rate service organizations to notify the Commission of problems regarding submitted information in former § 38.1-271 has been deleted. (38.2-2021)

## **Chapter 21. Fire Insurance Policies.**

1. **Application of Chapter.** With the addition of a new section (38.2-2100) that limits the scope of the chapter to fire insurance policies, and fire insurance policies in combination with other coverages, the specification of applicability to such policies found in many sections has been deleted.
2. **Standard Insuring Agreement for Fire Insurance Policies.** The standard insuring agreement in former § 38.1-365 has been amended so that policy inception and expiration times are 12:01 a.m. rather than noon. The standard insuring agreement is now being

modified by endorsement to accomplish this change. (38.2-2104)

3. **Mailing of Notice of Cancellation or Refusal to Renew.** The provision in former § 38.1-371.1 has been changed to allow the insurer to retain a single duplicate copy of the cancellation or nonrenewal notice where there is a lienholder and two notices have been mailed, if the notices sent to the insured and the lienholder are part of the same form. This provision has also been revised to state that records of cancellation and nonrenewal notices must be kept for one year. In addition, an insurer that sends a notice by registered or certified mail must also comply with the requirement to retain a duplicate copy and to endorse it. (38.2-2113)
4. **Termination of Policy.** Former § 38.1-371.2 has been changed to specify that the insurer must give 30 days written notice of cancellation or nonrenewal except for nonpayment, in which case the insurer must give 10 days notice. This provision has also been revised to state that records of cancellation and nonrenewal notices must be kept for one year. In addition, anti-discrimination prohibitions of nonrenewals based on age, sex, race, residence, marital status, lawful occupation, etc., similar to those included in the liability chapter (now Chapter 22) have been added. (38.2-2114)
5. **Discrimination in Issuance of Fire Insurance.** A new section has been added that prohibits discrimination in the issuance of fire insurance policies based on age, sex, residence, race, creed, color, etc. (38.2-2115)
6. **Required Statement on Owner-Occupied Dwellings.** Former § 38.1-279.49:1 has been revised to make the notice requirement more flexible to meet the differences in the forms and endorsements currently available. (38.2-2118)

## **Chapter 22. Liability Insurance Policies.**

1. **Bankruptcy and Insolvency, Unsatisfied Judgment.** Former § 38.1-380 has been amended so that contracts providing only first party indemnification against liability rather than third party payments are also subject to these required provisions. (38.2-2200)
2. **Required Notices for Medical Expenses and Income Loss Benefits, Uninsured/Underinsured Motorists.** The required notices contained in former § 38.1-380.2 A and B have been changed to make them more readable. (38.2-2202)
3. **Liability Insurance on Motor Vehicles.** There were 17 subsections in former § 38.1-381. For improved readability, this section has been reorganized into the following new sections:

§ 38.2-2204. Subsections (a) through (a2) have become

one section entitled "Liability insurance on motor vehicles, aircraft and watercraft; standard provisions; "omnibus clause".

§ 38.2-2205. Subsections (a3) and (a4) have become a new section entitled "Liability insurance on motor vehicles' standard provisions; applicability of other valid and collectible insurance."

§ 38.2-2206. Subsections (b) through (j) have become a new section entitled "Uninsured motorist insurance coverage."

§ 38.2-2207. Subsection (i) has become a separate section as this provision is not specifically tied to the other provisions in § 38.1-381.

4. **Cancellation or Nonrenewal.** Former § 38.1-381.1 has been amended to provide that a single duplicate copy may be retained by the insurer where the notices sent to the insured and the lienholder are part of the same form. A change was also made to require these records to be kept for one year. In addition, an insurer that sends a notice by registered or certified mail must also comply with the requirement to retain a duplicate copy and to endorse it. (38.2-2208)
5. **Procedures for Cancellation or Nonrenewal.** A provision has been added to former § 38.1-381.5 which requires the insurer to retain for one year a copy of each written manifestation of its willingness to renew. In addition, the definition of "policy of automobile insurance" has been expanded to include motorcycles. (38.2-2212).

This change in definition also affects former § 38.1-381.10. An appropriate reduction in rates for persons age fifty-five or older who have completed an approved accident prevention course will have to be filed for motorcycles also. (38.2-2217)

6. **Rate Classifications.** Former § 38.1-381.7 has been revised to require that a rate classification statement be provided upon renewal only if there is a change in the insured's classification. The intent is to reduce the number of required notices. (38.2-2214)

## Chapter 25. Mutual Assessment Property and Casualty Insurers.

1. **Minimum Surplus Levels.** Former § 38.1-659 has been rewritten and now provides surplus requirements for the various classes of insurance that are written by county mutuals. The classes of insurance are divided into three groups. The applicable surplus requirement depends on which classes of insurance the county mutual chooses to write. Surplus requirements for group (A) which includes fire, miscellaneous property damage and animal insurance is \$25,000; for group (B) which includes water; burglary; glass; boiler; home protection; farmowners and several other classes a

surplus of \$100,000 is required if only property coverages are written. Group (C), which requires \$800,000 worth of surplus, includes the more sophisticated lines of insurance such as workers' compensation, fidelity and surety and others. (38.1-2503)

2. **Property Beyond Authorized Territory.** In former § 38.1-661, a county mutual could provide coverage only to those who owned real property in its territory. The changed language in this section will allow a county mutual to provide coverage to residents of its territory. (38.2-2504)
3. **Conversion of Mutual Assessment Property and Casualty Insurers.** A new section was added so that a county mutual may become licensed under the provisions of Title 38.2, Chapter 10 (Organization, Admission and Licensing of Insurers). The county mutual can be licensed pursuant to Chapter 10 even though it does not currently meet the specified requirements. However, the insurer shall submit a plan to the Commission that shows that these requirements will be met within 10 years. (38.2-2507)
4. **Who May Become Members.** The requirement in former § 38.1-659 that a basic fire policy had to be issued prior to writing other classes has been deleted.
5. **Policy Forms to Be Filed.** All county mutuals shall file with the Commission a copy of any policy form and standard endorsement the insurer intends to use. County mutuals will be exempt from filing requirements of Title 38.2, Chapter 3 (Provisions Relating To Insurance Policies and Contracts) unless the insurer is writing those classes of insurance enumerated in subsection C of § 38.2-2503 where full compliance with Chapter 3 shall be required. Previously, companies were required to file such forms only at the time that they applied for their license. (38.2-2517)
6. **Right to Limit Assessment Liability.** If a county mutual has surplus equal to at least three times its average annual losses and expenses over the last five years or \$800,000, it may limit the assessment liabilities of its members in any one year to an amount not less than one additional current annual assessment (38.2-2520). This is different from the fixed amount of \$300,000 provided for in former § 38.1-683.1.
7. **Agents Licenses Required.** A new section has been added providing that all agents representing county mutuals shall be licensed pursuant to Title 38.2, Chapter 18 (Insurance Agents). However, if the agents licenses are limited to those classes of insurance referred to in subsections A and B of § 38.2-2503, no written examination shall be required. (38.2-2525)
8. **Surplus to Policyholders.** A new section has been added

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providing that a county mutual may accumulate and use surplus as determined by the board of directors. Any income earned on surplus may be used as the directors see fit. A county mutual will be given until July 1, 1991 to meet the surplus requirements specified in § 38.2-2503. If the insurer is not meeting the surplus requirements of either subsection B or C of § 38.2-2503 on July 1, 1986, and is not currently writing any of those classes, it shall not write any of those classes until the specified surplus requirement is met. (38.2-2526)

9. **Limitation on Single Risk to Be Assumed.** A new section has been added providing that a county mutual shall not insure any single risk excluding reinsurance in an amount exceeding 10% of its surplus to policyholders. A phase-in period is provided until July 1, 1991. The phase-in single risk limit requirements are the current statutory single risk limit requirements that are keyed to insurance in force. (38.2-2527)

10. **Reinsurance.** Former § 38.1-675 has been rewritten so that a county mutual may reinsure the whole or any part of its risks with a solvent insurer licenses in this Commonwealth or in other states having solvency standards at least equal to those of this Commonwealth. The reinsurance shall be ceded without contingent liability on the part of the reinsurer. If the county mutual has surplus in excess of \$800,000, it may accept or assume reinsurance from any licensed property and casualty insurer. (38.2-2528)

11. **Unearned Premium Reserves Required.** A new section has been added in order to strengthen the financial integrity of the county mutuals. These insurers shall be required to have unearned premium reserves. A phase-in period is granted in this section that will require full unearned premium reserves to be met by December 31, 1996. (38.2-2529)

## Chapter 26. Home Protection Companies.

1. **License Application Fee.** The license application fee provided for in former § 38.1-933 has been increased from \$100 to \$500. (38.2-2603)

2. **Qualification for License.** The provision in former § 38.1-934 that a home protection company have a distinctive name has been deleted. The corporations title already addresses this issue. In addition, a provision that a home protection company must keep adequate, correct and complete books and records of accounts and maintain proper accounting controls has been added. (38.2-2604)

3. **Exemption from Compulsory Associations.** Former § 38.1-948 has been deleted because it was rendered unnecessary by a change to a section in the Property and Casualty Guaranty Association Chapter (see 38.2-1603)

## Chapter 27. Basic Property Insurance Inspection and Placement Plan and Joint Underwriting Association.

1. **Establishment of a Residual Market Facility.** The major portions of former §§ 38.1-748 and 38.1-748.1 have been consolidated into a single section under which a residual market entity will be mandated, but its plan of operation and form of organization will be left open. The plan or operation will be subject to Commission approval. (38.2-2702). The rules, rates, policy forms and endorsements used by the residual market facility shall be subject to the Commission's approval under § 38.2-2703. Sections 38.2-2704, 38.2-2705 and 38.2-2706 address some of the other topics previously addressed in §§ 38.1-748 and 38.1-748.1. In addition, new language has been added to the § 38.2-2702 which specifies the powers of the residual market facility.

## Chapter 28. Medical Malpractice Joint Underwriting Association.

1. **Association Activation.** Subsection A, the activation portion of former § 38.1-776, has been revised to make it more general and now provides that the Commission shall have the power to activate a joint underwriting association if it finds that medical malpractice insurance cannot be made reasonably available in the voluntary market for a significant number of any class, type, or group of providers of health care. The provision in subsection B that the Commission report annually to the General Assembly as to whether this chapter should be repealed or whether it should be amended has been deleted. In subsection C, the countersignature requirement of agents has been deleted. Countersignature requirements for agents generally had already been deleted by prior legislation. (38.2-2801)

2. **Assessments.** A new paragraph has been added to former § 38.1-776.1 to clarify that any monetary contribution or assessment paid by a member to the association would be refunded before dissolution of the association. (38.2-2802). In addition, subsection F of former § 38.1-781 has been amended to clarify that preliminary organizational assessments shall be refunded to members upon dissolution of the association. (38.2-2807)

## Chapter 29. Federal Riot Reinsurance Reimbursement Fund.

1. This chapter (originally intended to be former Chapter 19.1) has been deleted because the federal legislation on which it was based is no longer in effect. Chapter 29 is being reserved for future use.

## **SUBTITLE V - LIFE INSURANCE AND ACCIDENT AND SICKNESS INSURANCE**

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## Chapter 31. Life Insurance.

1. **Domestic Insurers Prohibited From Insuring Lives and Persons of Residents of Reciprocal States.** The requirement in former § 38.1-433 that the Commission mail insurers a notice specifying reciprocal states has been deleted. (38.2-3102)
2. **Fraudulent Procurement of Policy.** The scope of former § 38.1-434 that provided for penalties for any person who knowingly secures or causes to be secured a life insurance policy on a person who is not insurable by means of misrepresentations or false or fraudulent statements has been expanded to include "attempts to secure". In addition, an agent who violates this section is now subject to license revocation under § 38.2-1831 as well as the general title-wide penalties section. (38.2-3103)
3. **Designation of Testamentary Trustee as Beneficiary.** Former §§ 38.1-408.1 and 38.1-442.1 have been combined into a new section because of the overlap of the sections. (38.2-3112)
4. **Readability Standards.** A new section has been added to provide a right to impose a readability requirement for life insurance and annuities similar to the accident and sickness readability requirement, former § 38.1-354.1 which is now § 38.2-3404. Policy form is defined to include individual life policies, plans, agreements and annuity contracts; fraternal benefit policies, certificates or contracts; group life policies, contracts, plans or agreements issued to a group with 10 or fewer members and group certificates. (38.2-3116)
5. **Standards for Certain Policies.** A new section has been added to give the Commission authority to establish standards for variable life insurance, universal life insurance or similar types of life insurance policies and annuities. The Commission may prescribe the method of identification of policies and contracts based upon coverage provided. The Commission may also issue rules and regulations that specify prohibited policies or policy provisions which are unjust, unfair or unfairly discriminatory to the policyowner, beneficiary or other person insured under the policy. (38.2-3117)

## Chapter 33. Life Insurance Policies.

1. **Grace Period.** The grace period in former § 38.1-392 was changed from one month to thirty-one days for consistency with the grace periods for other types of policies. Also, the provision for deducting overdue premiums from settlements has been limited to earned overdue premiums through the month of death. (38.2-3303)
2. **Policyowner.** The terms "insured", "policyholder" and "policyowner", which were used interchangeably in the

Title 38.1 version of this article, have been changed to "policyowner". (38.2-3307 and 38.2-3308)

3. **Reinstatement.** Former § 38.1-400 has been changed to provide that interest on policy loans must be paid at the rate set forth in the policy, rather than a rate not exceeding six percent in order to eliminate inconsistencies between this former section and former § 38.1-397.1, now § 38.2-3308. (38.2-3311)
4. **Title.** Former § 38.1-403 has been amended so that a title will not be required on the back of policies. (38.2-3314)
5. **Variations for Certain Forms of Policies.** Reference to flexible premium policies has been added to former § 38.1-404, which states that the requirements of §§ 38.2-3300 through 38.2-3314 that are not applicable to single premium, nonparticipating, term, variable or flexible premium life policies shall, as approved by the Commission, be modified or not incorporated in those policies. (38.2-3315)
6. **Group Life Insurance Requirements Liberalized.** Instead of specifying the kinds and sizes of groups that may purchase group life insurance, the new group life insurance article will allow any group of two or more people to buy group life insurance so long as the plan precludes individual selection of the amount of life insurance. The same requirements will exist for all groups with additional requirements for burial and creditor groups. (Article 2)
7. **Group Requirements.** Former § 38.1-480 has been modified and now sets forth four requirements for group life policies. All members eligible for group coverage shall be members of the group or all of any policy class or classes of the group. An insurer may exclude or limit coverage on a person whose individual insurability is not satisfactory to the insurer. A policy must cover at least two persons (other than spouses or minor children) at issue date and each policy anniversary date, and the amount of insurance must be based on some plan that precludes individual selection. The employer or labor union cannot be the beneficiary of the group life policy. (38.2-3320)
8. **Trustee Groups.** A new section has been added to allow one or more groups to be insured under one policy issued to a trustee. (38.2-3322)
9. **Increased Coverage Amounts for Spouses and Dependents.** Life insurance coverage for family members as provided for in former § 38.1-472.1 was limited to the lesser of 50% of the insurance on the life of the insured employee or \$10,000 for a spouse, \$5,000 for family members age 6 months and over and \$1,000 for family members under 6 months. Limits for spouse and dependent coverage are now increased so that coverage for spouses and dependents may equal coverage for the insured group member.



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Any type of group except a creditor group may now extend coverage to spouses or dependent children. (38.2-3323)

10. **Payment of Benefits.** The \$500 limit in former § 38.1-427.1 with respect to the amount an insurer could pay from the proceeds to any person appearing equitably entitled because of having incurred the funeral or last illness expenses has been increased to \$2,000. (38.2-3330)
11. **Right To Individual Policy.** The \$2,000 limit in former § 38.1-428.2 with respect to the amount of the individual policy to which certain terminated group policyowners are entitled has been increased to \$10,000. (38.2-3333)
12. **Provisions Prohibited.** A new section listing prohibited policy provisions has been added. The prohibited provisions include (1) limiting the time an action at law or equity can begin to less than one year after the cause of action or (2) make the agent soliciting the insurance the agent of the person insured or making the acts or representations of the agent binding on the person insured. These provisions were part of former § 38.1-406 which previously applied primarily to individual policies. (38.2-3338)
13. **Definition of Industrial Life Insurance.** The reference to "weekly premium policy" in former § 38.1-409 has been deleted because companies now sell weekly premium ordinary policies. (38.2-3340)

## Chapter 34. Provisions Relating to Accident and Sickness Insurance Policies.

1. **Certification to Accompany Application.** Former § 38.1-348.2 has been expanded to require a certification regarding the effect of false statements in applications for group policy certificates where individual underwriting is done. In addition, the section has been changed to require that the certification be part of the application. A sentence has been added to provide flexibility for direct response and guaranteed issue policies. (38.2-3402)
2. **Fraudulent Procurement.** Former § 38.1-348.3 was broadened to include "attempt to secure" in connection with the prohibition against securing an individual accident and sickness policy on an uninsurable person by misrepresentations, false or fraudulent statements. In addition, an agent who violates this section is now subject to license revocation as well as the general penalties section. (38.2-3403)
3. **Optional Coverage for Obstetrical Services.** Coverage for obstetrical services includes reimbursement for services by a physician based on charges for the services determined in the same manner in which charges are developed for other surgical procedures.

The reference to "usual, customary and reasonable" found in former § 38.1-348.9 was deleted so these services can be reimbursed on the basis of the same formula that is used for any other procedures. (38.2-3414)

## Chapter 35. Accident and Sickness Insurance Policies.

1. **Notice To Be Printed on Policy; Return of Policy to Insurer.** Former § 38.2-248.4 has been changed to require that the notice regarding claims not being paid because the application is inaccurate, and the ten day free look be printed on the policy instead of allowing an option to attach the notice to the policy. Also, a sentence has been added to provide flexibility if the notice is inapplicable such as in the case of guaranteed issue policies. Also, this section has been changed to provide that if a policy is returned during the ten day free look period the policy is voided from inception. (38.2-3502)
2. **Required Provisions.** The older NAIC model provisions in former §§ 38.1-349 and 38.1-350 have been replaced by the NAIC model simplified policy provisions but the entire contract, time limit on certain defenses, preexisting conditions, and reinstatement, notice of claim and proof of loss provisions have been modified. (38.2-3503 and 38.2-3504). In addition, the five day requirement for delivering or mailing a written notice not to renew has been changed to the same amount of time as the grace period. A similar change has been made to the optional cancellation provision. Also, the \$1,000 amount limitation has been raised to \$2,000 in the optional facility of payment provision, item (9) of former § 38.1-349. (38.2-3503)
3. **Article 3. Group Accident and Sickness Insurance Policies.** The former Virginia Code had no standard policy provision requirements for group accident and sickness insurance. This new article essentially adopts the NAIC Health Insurance Standard Provisions Model Act. Some changes were made for clarity, consistent with the changes for the standard group life insurance policy provisions. This new article has similar requirements for the types of groups as proposed in the Group Life Insurance article. The article requires standard policy provisions and specifies that a policy may be issued to any group of two or more people so long as the plan precludes individual selection of the amount of insurance.
4. **Effective Date For Industrial Sick Benefit Insurance.** A new section was added that prohibits the sale of any new industrial sick benefit insurance policies after June 30, 1987. (38.2-3550)

## Chapter 36. Medicare Supplement Policies.

1. **Free Look Notice Required.** The free look notice must now be printed on the policy instead of "printed on or attached to" the policy as provided for in former §

# State Corporation Commission

38.1-362.13. Consistent with the changes in other free look provisions, the provision has been changed to provide that if the policy is returned during the free look period, there is no coverage. (38.2-3604)

## Chapter 37. Credit Life Insurance and Credit Accident and Sickness Insurance.

1. **Policy Provisions.** A requirement has been added to former § 38.1-482.6 for the age of the debtor to be included in the policy or certificate. In addition, a requirement was added that if a policy or certificate does not provide benefits or coverage for the entire term of the debt, a statement of the limited nature of the insurance must be printed in contrasting color ink in 12-point type. (38.2-3707)
2. **Prohibited Policy Provisions.** References to prohibited policy provisions in former § 38.1-482.6 have been made into a separate section and amended so that no individual or group credit life insurance or credit accident and sickness insurance application forms shall contain a question of general good health without questions concerning the applicant's health history or medical treatment history. (38.2-3708)

## Chapter 38. Cooperative Nonprofit Life Benefit Companies.

1. **Annual License Fee.** Former § 38.1-500 has been deleted to eliminate the annual license fee because Chapter 38 companies pay a premium tax.
2. **What Laws Applicable.** The language of former § 38.1-502 has been stricken and language has been substituted to clearly state that Chapter 38 companies must comply with the general insurance laws unless this chapter contains a provision to the contrary. (38.2-3804). The change in this section made the deletion of some former sections possible including §§ 38.1-501, 38.1-509, 38.1-513, and 38.1-518.

## Chapter 40. Burial Societies.

1. **What Laws Applicable.** The language of former § 38.1-554 has been stricken and language has been substituted to clearly state that Chapter 40 companies must comply with the general insurance laws unless this chapter contains a provision to the contrary. (38.2-4004). The change in this section made the deletion of some former sections possible including §§ 38.1-557, 38.1-567, and 38.1-568.
2. **Fidelity Bond Required.** The bond requirements in former § 38.1-558 have been increased. The bond shall not be less than \$10,000 or more than \$100,000. (38.2-4008)
3. **Beneficiaries.** Former § 38.1-561 has been amended so that the insurable interest requirements applicable to other life insurance policies will apply to Chapter 40

policies and that if a beneficiary is not living or not allowable, any proceeds will be payable to the member's estate. (38.2-4019)

4. **When Certificate Invalid.** Another criterion has been added to former § 38.1-562 before a certificate can be considered invalid. In addition to the existing four requirements, if health questions were not asked on the application, the certificate could be declared invalid. (38.2-4020)

## Chapter 41. Fraternal Benefit Societies.

1. **Overall Reorganization.** This chapter has been reorganized and rewritten and is generally consistent with the Model Fraternal Code approved by the National Fraternal Congress of America and adopted by the Congress in October, 1983.
2. **Purposes and Power.** Language has been added to former § 38.1-638.36 to indicate that fraternal may have subsidiaries or affiliated organizations which are operated in furtherance of the purposes of the society to benefit members and their beneficiaries. (38.2-4104)
3. **Bond Requirement.** The bond requirement in former § 38.1-638.15 was increased from \$5,000 to a minimum of \$50,000 and to a maximum of \$200,000. (38.2-4109)
4. **Benefits.** Fraternal now have the authority to apply to provide benefits, authorized for life insurance companies in the future, which are not inconsistent with the fraternal chapter. (38.2-4116)
5. **Beneficiaries.** The amount of funeral benefits provided for in former 38.1-638.32 that are payable to a person who incurs the burial expenses for a member has been increased to \$2,000. (38.2-4117)
6. **Investments.** Fraternal are now governed by Title 38.2 Chapter 13, Article 5 (Insurance Holding Companies) and Chapter 14 (Investments) when acquiring subsidiary corporations. (38.2-4121 and 38.2-4123)
7. **Funds.** A new subsection has been added to former § 38.1-638.42 providing the authority of a fraternal to apply to the Commission to establish separate accounts and issue variable contracts. (38.2-4122)

## SUBTITLE VI - SERVICES PLANS

### Chapter 42. Health Services Plans.

1. **Dental and Optometric Services.** A new section has been added to provide that dental services and optometric services may be provided by either subscription contract or endorsement in a plan. (38.2-4205)
2. **Additional Requirements Applicable.** Appropriate

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provisions applicable to insurance companies will be applicable to Blue Cross and Blue Shield plans, including many of the general provisions (Chapter 2), Unfair Trade Practices (Chapter 5), Privacy Act (Chapter 6), and certain financial provisions such as mergers (Chapter 10, Article 3) and holding companies (Chapter 13, Article 5). (38.2-4214)

3. **Free Look Provision for Medicare Supplement Contracts.** The ten day free look provision for Medicare supplement contracts in former § 38.1-818.1 has been expanded to cover all individual subscriber contracts by deleting that section and making former § 38.1-348.4 (now § 38.2-3502) applicable by reference in § 38.2-4214. Medicaid Supplement contracts must now contain a 30-day free look pursuant to § 38.2-3604, applicable by reference in § 38.2-4214.
4. **Interplan Arrangement.** Former § 38.1-823 has been expanded to prohibit a corporation from entering into a contract to acquire control of any person or enter into any material transaction if that contract or transaction would jeopardize the interests of the corporation's subscribers as determined by the Commission. (38.2-4220)
5. **Licensing.** A \$500 nonrefundable application fee will be required instead of the \$50 license fee provided for in former § 38.1-825. License renewal fees provided for in former § 38.1-826 have been eliminated because substantial maintenance fees are paid. (38.2-4222)
6. **Licensing of Agents.** Former § 38.1-827 has been amended so that unless licensed as life and health agents, new sales representatives for Blue Cross and Blue Shield plans will be licensed as health agents which will require them to take a 25-hour study course and pass an examination. Salaried officers of the home office are exempt from the licensure requirement. (38.2-4224)
7. **Corporate Restrictions.** A provision has been added to former § 38.1-828 providing for health services nonstock corporations or insurance holding companies controlling health services nonstock corporations to acquire subsidiaries or affiliates of similar or related business, subject to Commission approval. In determining whether a proposed acquisition affiliation is in the best interest of the nonstock corporation, its subscribers and the public, the Commission shall consider whether the acquisition will have an adverse financial impact on the nonstock corporation, the extent to which the business is similar or related, and the competitive environments facing the nonstock corporation or holding company at the time of the acquisition. (38.2-4225)
8. **Reinsurance.** A new section has been added to allow a nonstock corporation licensed under this chapter to cede risks. (38.2-4229)

## Chapter 43. Health Maintenance Organizations.

1. **Issuance of License; Fee.** The \$100 application fee provided for in former § 38.1-883 has been increased to \$500 which is consistent with the changes made to all services plans. In addition, the 90-day time limit for issuing a license to an HMO provided for in former § 38.1-865 has been deleted. (38.2-4302)
2. **Evidence of Coverage and Charges for Health Care Services.** Former § 38.1-869 sets forth requirements for filing forms and schedules of charges. "Filings" has been defined to mean actual receipt by the Commission and a thirty day extension is now allowed for the review period for the filing of forms in order to be consistent with other form filing sections. Language has also been added which requires the HMO to provide a list of its providers and its service area on the evidence of coverage if this information has not been given at the time of enrollment and to advise its subscribers of their right to convert coverage to an individual contract. (38.2-4306)
3. **Annual Statement.** Language has been added to former § 38.1-870 that provides for an extension of time for filing annual reports. (38.2-4307)
4. **Complaint System.** A provision has been added to former § 38.1-872 requiring the complaint record to be maintained "for the period prescribed by § 38.2-511" (formerly § 38.1-52.10). (38.2-4308)
5. **Prohibited Practices.** Former § 38.1-876 has been amended to include a prohibition of sexual discrimination in the selection of health care providers. (38.2-4312)
6. **Licensing of Agents.** Former § 38.1-877 has been amended so that unless licensed as life and health agents, new sales representatives for HMOs will be licensed as health agents which will require them to take a 25-hour study course and pass an examination selling HMO contracts to be licensed as health agents or life and health agents. This is consistent with the change made in Chapter 42. Salaried officers of the home office are exempt from the licensure requirement. (38.2-4313)
7. **Other Applicable Laws.** Former § 38.1-887 has been amended to add references to the Privacy Act, the uniform penalties section, the new rules and regulations section, the Insurance Agents Chapter and the Unfair Trade Practices Act. (38.2-4319)

## Chapter 44. Legal Services Plans.

1. **Application of Certain Provisions.** Appropriate provisions applicable to insurance companies have been made applicable to legal services plans including many of the general provisions (Chapter 2), Unfair Trade Practices (Chapter 5), Privacy Act (Chapter 6),

# State Corporation Commission

and Insurance Agents (Chapter 18). (38.2-4408)

- 2. Issuance of License; Fees.** The \$100 application fee provided for in former § 38.1-802 has been increased to \$500 which is consistent with the changes made to all service plans. License renewal fees provided for in former § 38.1-803 have been eliminated because substantial maintenance fees are paid. (38.2-4413)
- 3. Licensing of Agents.** The requirement in former § 38.1-804 that only those persons soliciting subscription contracts outside the principal office of a plan must be licensed has been changed to require that all persons who solicit subscription contracts must be licensed as legal services agents. Salaried officers of the home office are exempt from the licensure requirement. (38.2-4415)

## Chapter 45. Dental or Optometric Services Plans.

- 1. Application of Certain Provisions.** Appropriate provisions applicable to insurance companies have been made applicable to dental or optometric services plans including many of the general provisions (Chapter 2), Unfair Trade Practices (Chapter 5), Privacy Act (Chapter 6), and Insurance Agents (Chapter 18). (38.2-4509)
- 2. Issuance of License; Fees.** The \$100 application fee provided for in former § 38.1-906 has been increased to \$500 which is consistent with the changes made to all service plans. License renewal fees provided for in former § 38.1-907 have been eliminated because substantial maintenance fees are paid. (38.2-4517)
- 3. Licensing of Agents.** The requirement in former § 38.1-908 that only those persons soliciting subscription contracts outside the principal office of a plan must be licensed has been changed to require that all persons who solicit subscription contracts must be licensed. Home office salaried officers of the corporation are exempt from the licensure requirement. (38.2-4510)

## SUBTITLE VII - OTHER

### Chapter 47. Insurance Premium Finance Companies.

- 1. License Required; Fee.** The application fee has been increased from the \$200 provided for in former § 38.1-736 to a \$500 nonrefundable fee as this is consistent with the fees paid by other companies. (38.2-4701)
- 2. Criteria Used When Issuing a License.** Item 4 of former § 38.1-737 has been amended by changing "liquid assets" to "working capital" and by deleting language which allows the Commission to look only at business conducted in Virginia instead of the total operation. The item now reads, "...that the applicant

has assets equal to or greater than its liabilities and has working capital sufficient for the operation of its business." (38.2-4702)

- 3. Suspension, Revocation or Failure to Renew License.** Failure to comply with an order of the Commission has been added to former § 38.1-739 as grounds for suspension, revocation or refusal of an insurance premium finance company's license. (38.2-4704)
- 4. Bad Check Charge.** The \$5.00 maximum amount that can be charged for a returned check as provided for in former § 38.1-740.2 has been increased to \$15.00. (38.2-4706)
- 5. Penalty For Engaging in Business Without a License.** Former § 38.1-744, a penalty section, has been retained because of its unique nature, and the maximum daily fine has been raised from \$50 to \$100. (38.2-4710)

### Chapter 48. Surplus Lines.

- 1. Accepting and Placing Surplus Lines Business.** An amendment to former § 38.1-327.51 clarifies Bureau policy that any business referred to a surplus lines broker must come from a licensed P&C agent and that surplus lines brokers may only compensate licensed P&C agents for referral business. (38.2-4805)
- 2. Affidavits That Insurance is Unprocurable from Licensed Insurers Required.** An amendment was added to former § 38.1-327.52 that clarifies that the Commission is to prescribe the combined affidavit form. This will allow for the inclusion of information such as declining admitted insurer, underwriter and line of insurance necessary for the Commission to monitor compliance with the law. In addition, a provision was added which will require the affidavit to show that the insured has been given the notice required under subsection B prior to the placement of insurance. However, if coverage must be placed and become effective within twenty-four hours after referral to the broker, the notice may be given promptly following such placement. (38.2-4806)

The concept of a good faith search is defined differently for broker originated business and referral business. For broker originated business, the concept of a good faith search with three unaffiliated authorized insurers is defined as requiring that the three declinations come from insurers authorized to write such business. The term authorized is defined to mean that a company is licensed to write such business and has complied with the applicable filing requirements of Title 38.2, Chapter 19 (Regulation of Rates Generally). The purpose of these changes is to provide that declining insurers must be able to write the insurance coverage sought. For business that is referred by property and casualty agents the requirements under present law are retained.

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Under subsection C of § 38.2-4806 commercial insureds, subject to certain conditions, may waive the requirement of a diligent search and have the surplus lines broker place the business without obtaining a declination from three licensed insurers under this new subsection.

3. **Licensees To Keep Records.** A new subsection was added to former § 38.1-327.53 that requires records of each policy to be kept for at least five years. (38.2-4807)
4. **Effect of Payment To Surplus Lines Brokers.** A new section provides that payment to a surplus lines broker shall be deemed to be payment to the insurer. (38.2-4808)
5. **Taxation of Surplus Lines Brokers.** Amendments to former § 38.1-327.54 broaden the Bureau's scope of authority with surplus lines brokers who are delinquent in paying the assessment or premium tax. Changes include the following: (a) The Bureau's authority to deal with brokers who are delinquent in paying premium taxes has been broadened by reference to the penalty provision in Title 58.1; (b) Brokers whose tax liability is expected to exceed \$1500 will be required to make quarterly tax payments; (c) Brokers will be responsible for taxes and assessments collected from insureds in a fiduciary relationship with the Commonwealth of Virginia; (d) Willful violations of the premium tax or assessment laws will be a Class 1 misdemeanor; and (e) Under the provisions of Title 38.2 Chapter 13 (Reports, Reserves and Examinations), surplus lines brokers who knowingly or willfully file false or fraudulent statements or reports will be subject to conviction of a Class 5 felony.
6. **Annual Statements.** An amendment to former § 38.1-327.56 gives the Commission discretionary authority to extend by two months the period within which annual statements must be filed. (38.2-4811)

**Title-wide Changes.** The requirement of an oath has been deleted in several sections to eliminate the technical defense that no oath was administered in the event that inaccurate reports are filed. The sections are 38.2-1024, 38.2-1300, 38.2-1305, 38.2-2511, 38.2-2604, 38.2-4129, 38.2-4134, and 38.2-4807.

## TITLE 38.2

Effective July 1, 1986

(Reorganization of the Insurance Code)

### Subtitle I

## General Provisions to Title 38.2

- Chapter 1. General Provisions**  
(38.1 source: Chapter 1, Articles 1, 2 and 3)
- Chapter 2. Provisions of a General Nature**  
(38.1 source: Chapter 1, Article 4)
- Chapter 3. Provisions Relating to Insurance Policies and Contracts**  
(38.1 source: Chapter 8, Article 1)
- Chapter 4. Assessment For Administration of Insurance Laws and Declarations of Estimated Assessments by Insurers**  
(38.1 source: Chapter 1, Articles 5 and 5.1)
- Chapter 5. Unfair Trade Practices**  
(38.1 source: Chapter 1, Article 6)
- Chapter 6. Insurance Information and Privacy Protection**  
(38.1 source: Chapter 1, Article 6.1)
- Chapter 7. Antitrust Provisions**  
(38.1 source: Chapter 1, Article 7)
- Chapter 8. Service of Process**  
(38.1 source: Chapter 1, Articles 8 and 9)
- Chapter 9. Transition Provisions**  
(38.1 source: Chapter 1, Article 4.1)

## Subtitle II Financial Regulations

- Chapter 10. Organization, Admission and Licensing of Insurers**  
(38.1 source: Chapter 2, Chapter 9, Article 7, and Chapter 30)
- Chapter 11. Captive Insurers**  
(38.1 source: Chapter 28)
- Chapter 12. Reciprocal Insurance**  
(38.1 source: Chapter 16)
- Chapter 13. Reports, Reserves and Examinations; Insurance Holding Companies**  
(38.1 source: Chapter 4)
- Chapter 14. Investments**  
(38.1 source: Chapter 5.1)
- Chapter 15. Rehabilitation and Liquidation of Insurers**  
(38.1 source: Chapter 3)
- Chapter 16. Virginia Property and Casualty Insurance Guaranty Association**  
(38.1 source: Chapter 20)

**Chapter 17. Virginia Life, Accident and Sickness Insurance Guaranty Association**  
(38.1 source: Chapter 9, Article 5.2)

### **Subtitle III** **Insurance Agents**

**Chapter 18. Insurance Agents**  
(38.1 source: Chapter 7.1, Articles 1-4, 6)

### **Subtitle IV** **Property and Casualty Insurance**

**Chapter 19. Regulation of Rates Generally**  
(38.1 source: Chapter 6.2)

**Chapter 20. Regulation of Rates for Certain Types of Insurance**  
(38.1 source: Chapter 6)

**Chapter 21. Fire Insurance Policies**  
(38.1 source: Chapter 8, Article 3)

**Chapter 22. Liability Insurance Policies**  
(38.1 source: Chapter 8, Article 4)

**Chapter 23. Legal Services Insurance**  
(38.1 source: Chapter 8, Article 4.1)

**Chapter 24. Fidelity and Surety Insurance**  
(38.1 source: Chapter 14)

**Chapter 25. Mutual Assessment Property and Casualty Insurers**  
(38.1 source: Chapter 15)

**Chapter 26. Home Protection Companies**  
(38.1 source: Chapter 29)

**Chapter 27. Basic Property Insurance Residual Market Facility and Joint Underwriting Association**  
(38.1 source: Chapter 19)

**Chapter 28. Medical Malpractice Joint Underwriting Association**  
(38.1 source: Chapter 21)

**Chapter 29. [Reserved]**

**Chapter 30. Uninsured Motorists Fund**  
(38.1 source: Chapter 8, Article 3.1)

### **Subtitle V** **Life Insurance and Accident and Sickness Insurance**

**Chapter 31. Life Insurance**

Article 1. General Provisions

(38.1 source: Chapter 9, Article 1)

Article 2. Proceeds of Certain Policies  
(38.1 source: Chapter 9, Article 2)

Article 3. Reserves  
(38.1 source: Chapter 9, Article 3)

**Chapter 32. Standard Nonforfeiture Provisions for Life Insurance**  
(38.1 source: Chapter 9, Article 4)

**Chapter 33. Life Insurance Policies**

Article 1. Life Insurance Policies; Annuities  
(38.1 source: Chapter 8, Article 5)

Article 2. Group Life Insurance Policies  
(38.1 source: Chapter 9, Article 5, Chapter 8, Article 7)

Article 3. Industrial Life Insurance Policies  
(38.1 source: Chapter 8, Article 6)

**Chapter 34. Provisions Relating to Accident and Sickness Insurance**

Article 1. General Provisions  
(38.1 source: Chapter 8, Article 2)

Article 2. Mandated Benefits  
(38.1 source: Chapter 8, Article 2)

Article 3. Jurisdiction Over Providers of Health Care Services  
(38.1 source: Chapter 1, Article 4.2)

**Chapter 35. Accident and Sickness Insurance Policies**

Article 1. Individual Accident and Sickness Insurance Policies  
(38.1 source: Chapter 8, Article 2)

Article 2. Individual Accident and Sickness Insurance Minimum Standards Act  
(38.1 source: Chapter 8, Article 2.3)

Article 3. Group Accident and Sickness Insurance Policies  
(38.1 source: new sections)

Article 4. Industrial Sick Benefit Insurance  
(38.1 source: Chapter 9, Article 6)

**Chapter 36. Medicare Supplement Policies**  
(38.1 source: Chapter 8, Articles 2.2, 2.3)

**Chapter 37. Credit Life Insurance and Credit Accident and Sickness Insurance**  
(38.1 source: Chapter 9, Article 5.1)

**Chapter 38. Cooperative Nonprofit Life Benefit Companies**

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(38.1 source: Chapter 10)

**Chapter 39. Mutual Assessment Life, Accident and Sickness Insurers**

(38.1 source: Chapter 11.1)

**Chapter 40. Burial Societies**

(38.1 source: Chapter 12)

**Chapter 41. Fraternal Benefit Societies**

(38.1 source: Chapter 13.1)

**Subtitle VI  
Service Plans**

**Chapter 42. Health Services Plans**

(38.1 source: Chapter 23)

**Chapter 43. Health Maintenance Organizations**

(38.1 source: Chapter 26)

**Chapter 44. Legal Services Plans**

(38.1 source: Chapter 22)

**Chapter 45. Dental or Optometric Services Plans**

(38.1 source: Chapter 27)

**Subtitle VII  
Other**

**Chapter 46. Title Insurance**

(38.1 source: Chapter 17)

**Chapter 47. Insurance Premium Finance Companies**

(38.1 source: Chapter 18)

**Chapter 48. Surplus Lines Insurance Law**

(38.1 source: Chapter 7.1, Article 5)

**Chapter 49. Continuing Care Provider Registration and Disclosure**

(38.1 source: Chapter 31)

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**Bureau of Insurance**

June 30, 1986

**ADMINISTRATIVE LETTER 1986-15**

**TO: All Health Maintenance Organizations and Health Services Plans.**

**RE: Health Agent Study Course - Administrative Letter 1986-11.**

Please be advised that Administrative Letter 1986-11

dated June 4, 1986 has been clarified as follows:

1. Individuals licensed as salesmen for prepaid hospitalization plans, prepaid medical and surgical services plans, medical health plans, prepaid hospital, medical and surgical plans and health maintenance organizations (HMOs) on or before June 30, 1986 will not be required to take the twenty-five-hour study course and pass the examination for health agents before they can solicit or procure coverages for an HMO or Health Services plan. Such individuals have previously met the requirements in effect at the time of licensure.

On July 1, 1986, all agents who are licensed and appointed with a company for license types 42-Prepaid Hospitalization, 43-Prepaid Medical & Surgical Services, 44-Health Maintenance, and 80-Medical Health will receive a Health agent license and an appointment card with a license type of 40-Health for each company.

2. Instructors who are approved to teach the twenty-five-hour study course must meet the following criteria:

- a) Submit a current and detailed resume for review by Bureau personnel;
- b) Have a CLU, FLMI, Master of Insurance Degree or other equivalent insurance education satisfactory to the State Corporation Commission, or, a minimum of three years life and health insurance management or training experience; or
- c) Be an insurance teacher at an approved educational institution.

It should be noted that the "Agents Insurance Examination Preparation Manual" for Life and Health Insurance and addendum are now available for purchase through the Virginia Association of Life Underwriters, 2807 Parham Road, Suite 303, Richmond, Virginia 23229, (804) 747-6020. Any questions concerning the above-cited clarifications should be directed to William B. Walker, Agents' Licensing and Examination Supervisor, The State Corporation Commission's Bureau of Insurance, Post Office Box 1157, Richmond, Virginia 23209.

/s/ James M. Thomson  
Commissioner of Insurance

\* \* \* \* \*

# State Corporation Commission

## Bureau of Insurance

July 1, 1986

### ADMINISTRATIVE LETTER 1986-16

TO: All Companies Licensed to Write Automobile Insurance  
In Virginia.

RE: Administrative Order No. 9177  
Mobile Home Owners Policy - MH (C)  
Virginia Amendatory Endorsement - MH (C) -1

The enclosed copy of Administrative Order No. 9177, entered on June 26, 1986, is your notice that the State Corporation Commission is withdrawing the above captioned forms as automobile standard forms. Based on the classifications and definitions of insurance in Title 38.2 of the Code of Virginia (Formerly Title 38.1), automobile physical damage is not an appropriate classification for this type of insurance. Instead, companies who sell this type of coverage should be licensed for fire, miscellaneous property, and liability other than automobile insurance. For those companies who utilize the standard forms in question or readable versions thereof, sufficient lead time is being given for you to amend your license, if necessary.

Any company currently using the standard forms, approved amendments to the standard forms, or approved readable versions of the standard forms, need not refile their program for approval once the withdrawal Order becomes effective. The Bureau of Insurance will, however, continue to disapprove mobile home owners policies which are more restrictive than the MH (C) form.

This Administrative Letter and the enclosed Administrative Order in no way affect any currently approved property filings for mobile home insurance.

/s/ James M. Thomson  
Commissioner of Insurance

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## STATE CORPORATION COMMISSION BUREAU OF INSURANCE

AT RICHMOND, June 26, 1986  
ADMINISTRATIVE ORDER NO. 9177

ORDER VACATING THE PROVISIONS OF  
ADMINISTRATIVE ORDER NUMBERS 6812 AND 6888.

WHEREAS, By Administrative Order No. 6812, entered herein on April 13, 1973, the State Corporation Commission adopted a standard form for use by all companies for writing automobile insurance on Mobile Homes;

WHEREAS, By Administrative Order No. 6888, entered herein on November 12, 1974, the State Corporation

Commission adopted a Virginia Amendatory Endorsement for use with the standard form promulgated in Administrative Order No. 6812;

AND IT APPEARING to the State Corporation Commission that this policy form and endorsement for use in writing the type of insurance herein referred to should no longer be continued as standard forms;

IT IS THEREFORE ORDERED, That there being, in the opinion of the State Corporation Commission, no further necessity for the continuance of the following standard forms, they are hereby withdrawn on and after October 15, 1986:

MH (C) 5-73 - Mobile Home Owners Policy  
MH (C)-1 11-74 Virginia Amendatory Endorsement

IT IS FURTHER ORDERED, That attested copies of this Order be sent to all rate service organizations, the Bureau of Insurance, and all companies which are affected thereby.

\* \* \* \* \*

## Bureau of Insurance

June 30, 1986

### ADMINISTRATIVE LETTER 1986-17

TO: All Approved Surplus Lines Insurers.

RE: Automobile Standard Forms and Endorsements

Fire Insurance Policies and Fire Insurance  
In Combination with Other Coverages

It has come to our attention that certain surplus lines insurers are not in compliance with the statutory requirements regarding the above captioned kinds of insurance contracts. Section 38.1-382 of the Code of Virginia (Section 38.2-2218 effective July 1, 1986) gives the State Corporation Commission the authority to promulgate standard forms for use in connection with any contract of motor vehicle insurance to be issued or delivered in this State. Once a standard form is promulgated by the Commission, Section 38.1-384 (Section 38.2-2220 effective July 1, 1986) requires that "... no (emphasis supplied) insurance company shall use any form covering substantially the same provisions contained in such standard form unless it be in the precise language of the form so filed and adopted by the Commission." Because the Code of Virginia does not exempt surplus lines insurers from the statutory requirements, the applicable standard automobile forms must be used by surplus lines insurers also.

In addition, there are several statutory provisions contained in Chapter 8, Article 3 as respects fire insurance



# State Corporation Commission

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and fire insurance in combination with other coverages with which surplus lines insurers must also comply. Section 38.1-363 (Section 38.2-2101 effective July 1, 1986) specifically prohibits the issuance or delivery of a policy of fire insurance on any property in Virginia unless the policy or contract conforms to the requirements of Title 38.1 (Chapter 21 of Title 38.2 effective July 1, 1986). Sections 38.1-365 through 38.1-367 (Sections 38.2-2104 through 38.2-2106 effective July 1, 1986) apply to surplus lines insurers as well as licensed insurers. These provisions primarily establish the standard insuring agreement, the statutory fire provisions, conditions, stipulations and agreements, and the standard execution and attestation clause for fire insurance and fire insurance in combination with other coverages.

Please review the statutes in question to ensure your compliance with the Code of Virginia. Failure to comply may result in statutory penalties being imposed against you and/or withdrawal of your status as an approved surplus lines insurer.

/s/ James M. Thomson  
Commissioner of Insurance

\* \* \* \* \*

## Bureau of Insurance

July 1, 1986

### ADMINISTRATIVE LETTER 1986-18

**TO:** All Companies Licensed to Write Property and Casualty Insurance in Virginia.

**RE:** Notice of Termination of Commercial Liability Other than Automobile Insurance Policies.

With Administrative Letter 1986-10, dated June 4, 1986, companies were forwarded a copy of House Bill 140 that becomes effective July 1, 1986, together with a prototype termination notice to facilitate implementation of the new law.

In response to a number of questions recently directed to the Bureau of Insurance, please be advised that the written termination notice requirement of the new law does apply to package policies insuring business entities that include as a part thereof coverages as defined in Sections 38.2-117 and 38.2-118 (Formerly Sections 38.1-15 and 38.1-16).

/s/ James M. Thomson  
Commissioner of Insurance

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

### STATE BOARD OF ACCOUNTANCY

Title of Regulation: **VR 105-01-2. Rules and Regulations of the Virginia State Board of Accountancy.**

Governor's Comment:

No objections to the proposed regulation as presented. I urge the Department to carefully consider any public comments received prior to final adoption.

Gerald L. Baliles, Governor  
Date: August 7, 1986

### VIRGINIA STATE BOARD OF OPTICIANS

Title of Regulation: **VR 505-01-2. Rules and Regulations of the Board of Opticians.**

Governor's Comment:

No objections to the proposed regulation as presented. I urge the Department to carefully consider any public comments received prior to final adoption.

Gerald L. Baliles, Governor  
Date: August 7, 1986

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## NOTICES OF INTENDED REGULATORY ACTION

### 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 Department of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Recordkeeping and Biosecurity by Poultry Dealers for the Control of Avian Influenza and Other Contagious and Infectious Diseases of Poultry**. The purpose of the proposed regulations is to require the registration of dealers in poultry and their agents doing business in Virginia as a means of tracing poultry disease to its source, and thus as a means of enhancing disease-eradication capability.

Statutory Authority: §§ 3.1-726, 3.1-727, 3.1-735, and 3.1-736 of the Code of Virginia.

Written comments may be submitted until October 1, 1986, to Poultry Dealers, Bureau of Veterinary Services, Virginia Department of Agriculture and Consumer Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219

Contact: Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia**. The purpose of the proposed regulations is to set standards governing the importation of llamas into the Commonwealth of Virginia from other states, so as to prevent introduction through llamas of the tuberculosis, brucellosis, and bluetongue diseases.

Statutory Authority: §§ 3.1-723 through 3.1-741 of the Code of Virginia.

Written comments may be submitted until September 1, 1986, to Llamas, Bureau of Veterinary Services, Virginia Department of Agriculture and Consumer Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219

Contact: Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

## STATE AIR POLLUTION CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR120-01. Regulations for the Control and Abatement of Air Pollution: Permits for Stationary Sources (Part VIII)**. The primary purpose of this notice is to seek comment on the pros and cons of two proposals (and any possible alternatives) the agency is considering regarding its regulations concerning permits for stationary sources. They are as follows:

1. To establish a requirement for a renewable permit to operate for all existing stationary sources currently subject to the agency's regulations.
2. To establish a requirement that a fee be required for the proposed permit to operate specified above and the permit to construct for new stationary sources currently in the agency's regulations.

In addition to the primary purpose specified above, the secondary purpose will be to undertake a review and seek comment on all aspects of the regulations covering permits for stationary sources. Consideration will be given to any suggestions that are received by the agency prior to September 15, 1986.

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Written comments may be submitted until September 15, 1986, to Director of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Virginia 23240

Contact: M. E. Lester, Division of Program Development, State Air Pollution Control Board, P.O. Box 10089,

Richmond, Va. 23240, telephone (804) 786-7564

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Health Services Cost Review Council intends to consider amending regulations entitled: **Rules and Regulations of the Virginia Health Services Cost Review Council**. The proposed amendments will give the council the authority to assess fees which are reasonable and necessary for the operation of the agency in a more timely and appropriate manner.

Statutory Authority: §§ 9-156 through 9-166 of the Code of Virginia.

Written comments may be submitted until September 16, 1986.

Contact: Ann Y. McGee, Director, Virginia Health Services Cost Review Council, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-6371

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Council of Higher Education for Virginia intends to consider amending regulations entitled: **Regulations for Institutional Approval of In and Out-of-State Institutions**. The purpose of the regulation is to clarify and modify, as appropriate, the current regulations for approving in-state private institutions to offer degrees by level and for out-of-state institutions to offer degree programs and courses in Virginia.

Statutory Authority: § 23-9.6:1 (m) of the Code of Virginia.

Written comments may be submitted until October 1, 1986, to Dr. John Molnar, State Council of Higher Education, 101 North 14th Street, Richmond, Virginia 23219

Contact: Grace I. Lessner, Information Officer, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

## STATE HIGHWAY AND TRANSPORTATION BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Highway and Transportation Board intends to consider amending regulations entitled: **VR 385-01-4. Rules and Regulations for the Administration of Waysides and Rest Areas**. The purpose of the proposed amendments is to allow for sale of refreshments in rest areas with the approval of the State Highway and Transportation Board.

Statutory Authority: § 33.1-218 of the Code of Virginia.

Written comments may be submitted until November 17, 1986.

Contact: John M. Wray, Jr., Chief Engineer, Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2707

## DEPARTMENT OF MENTAL HEALTH AND MENTAL HEALTH RETARDATION

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to consider promulgating regulations entitled: **Temporary Detention Facilities**. The purpose of the proposed regulations is to set standards for the licensing of Temporary Detention Facilities by the Department of Mental Health and Mental Retardation.

Statutory Authority: § 37.1-67.1 of the Code of Virginia.

Written comments may be submitted until September 30, 1986, to Rubyjean Gould, James Madison Building, Room 1315, 13th Floor, 109 Governor Street, Richmond, Virginia 23219

Contact: Barry Craig, Director of Licensure, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

## STATE BOARD OF PHARMACY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Pharmacy intends to consider promulgating, amending and repealing regulations entitled: **VR 530-01-1. Virginia**

# General Notices/Errata

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## State Board of Pharmacy Regulations.

On June 25, 1986, the board withdrew the proposed regulations, published in the Virginia Register of Regulations on December 23, 1985, and which were the subject of an informational hearing on March 12, 1986. This proposal resulted from the regulatory review process mandated by Executive Order of the Governor.

All comments which were received before and after the regulatory review process, and all comments received as a result of the informational proceeding and hearing held March 12, 1986, will be considered and used by the board in developing newly proposed regulations which it intends to promulgate.

The board invites any additional written comments from the public and the professional community on the existing regulations prior to proposing new regulations for public comments. In addition, the board seeks written comments on any problem or issues within its jurisdiction which may be properly addressed by its regulations.

Written comments may be submitted until September 12, 1986.

**Contact:** Jack B. Carson, Executive Director, Board of Pharmacy, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0239

## BOARD FOR THE RIGHTS OF THE DISABLED

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Rights of the Disabled intends to consider promulgating regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to set forth the procedures for public participation in the development of regulations.

Statutory Authority: § 51.01-40 of the Code of Virginia.

Written comments may be submitted until September 30, 1986.

**Contact:** Bryan K. Lacy, Systems Advocacy Attorney, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free number 1-800-552-3962)

## DEPARTMENT OF SOCIAL SERVICES

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services, Division of Licensing Programs, intends to consider amending regulations entitled: **Standards and Regulations for Licensed Homes for Adults**. The purpose of the proposed amendments is to (i) amend standards dealing with TB examination; (ii) review emergency regulations dealing with semi-mobile residents; (iii) incorporate recommendations of the fire safety committee; and (iv) to amend standards dealing with administration of medication.

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

Written comments may be submitted until September 15, 1986.

**Contact:** Catherine A. Loveland, Program Specialist, Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

## 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 630-2-300 et seq. Individual Income Tax and VR 630-3-300 et seq. Corporation Income Tax**. The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapters 221, (HB 1475 Technical corrections to recodification) and 560, (SB 712 Conservation tillage credit), and the 1986 Acts of Assembly, Chapter 407, (SB 50 Extend Neighborhood Assistance Act) and other appropriate amendments as may be suggested.

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

Written comments may be submitted until September 15, 1986.

**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 consider amending regulations entitled:

**VR 630-2-322. Virginia Taxable Income. (Virginia Individual Income Tax).** This regulation is being amended to conform to the changes made by the 1986 General Assembly to § 58.1-322 of the Code of Virginia (Chapters 474 and 515). This Code section was amended to provide an additional \$1,000 deduction for each child under permanent foster care residing in a taxpayer's home for the entire taxable year, provided that the child qualifies as that taxpayer's dependent under § 151 of the Internal Revenue Code. This Code section was also amended to provide an exclusion from the income tax for benefits paid by retirement plans organized by public institutions of higher education under § 51-111.28 of the Code of Virginia.

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

Written comments may be submitted until September 15, 1986.

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 consider amending regulations entitled: **VR 630-8-1712. Virginia Tax on Wills and Administration.** The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapter 474, (HB 1521 Raise threshold to \$500) and other appropriate amendments as may be suggested.

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

Written comments may be submitted until September 15, 1986.

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 consider amending regulations entitled: **VR 630-9-3809. Virginia Writ Taxes.** The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapters 106, (HB 1393 Exempt appeal of involuntary commitment order) and 221, (HB 1475 Technical corrections to recodification) and other appropriate amendments as may be suggested.

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

Written comments may be submitted until September 15, 1986.

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 consider amending regulations entitled: **VR 630-10-22.1. Churches. (Retail Sales and Use Tax).** This regulation is being amended to conform to the change made by the 1986 General Assembly to § 58.1-608.38 of the Code of Virginia (Chapter 605, Senate Bill 192). This Code section was amended to expand the exemption for nonprofit churches to include purchases of baptistries, certain printed materials used in carrying out the work of the church and gifts for use outside church buildings.

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

Written comments may be submitted until September 15, 1986.

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 consider amending regulations entitled: **VR 630-10-86. Printing. (Retail Sales and Use Tax).** The purpose of the proposed revision is to reference legislation enacted by the 1986 session of the General Assembly exempting high speed electrostatic duplicators and other duplicators which have a printing capacity of 4000 or more impressions per hour from the sales and use tax when purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

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

Written comments may be submitted until September 15, 1986.

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 consider promulgating regulations entitled: **VR 630-10-102.11. Taxidermists. (Retail Sales and**

## General Notices/Errata

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**Use Tax).** This regulation will set forth the application of the sales and use tax to taxidermists.

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

Written comments may be submitted until September 15, 1986.

**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 consider amending regulations entitled: **VR 630-14-800 et seq. Virginia Recordation Tax.** The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly Chapters 134, (HB 1697 Deeds conveying property to the original beneficiaries of a deed in trust) and 246, (HB 1637 Deed claiming exemption from tax must cite code section granting exemption) and other appropriate amendments as may be suggested.

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

Written comments may be submitted until September 15, 1986.

**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 consider amending regulations entitled: **VR 630-18-796.11:3. Levy of Tax; Rules and Regulations; and VR 630-18-796.11:4. Handler to Deduct Tax from Payment to Farmers; Report and Payment of Tax by Handler. (Egg Excise Tax).** The purpose of the proposed amendments is to reflect 1985 legislative changes to § 3.1-796.11:3 of the Code of Virginia which narrowed the levy of the egg excise tax to eggs produced or sold in Virginia.

Statutory Authority: §§ 3.1-796.11:3 and 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## STATE WATER CONTROL BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Public Participation Guidelines.** The amendments will clarify the manner in which the agency will encourage the participation of interested parties in the development and adoption of agency regulations under the Administrative Process Act.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Written comments may be submitted until September 16, 1986.

**Contact:** Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Water Quality Standards.** The proposed amendments will establish water quality standards for the protection of the Chesapeake Bay, its tributaries and other state waters from nutrient enrichment.

Statutory Authority: § 62.1-44.15 (3) of the Code of Virginia.

Written comments may be submitted until November 7, 1986.

**Contact:** Jean Gregory, Ecology Supervisor, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

**GENERAL NOTICES**

**DEPARTMENT OF CONSERVATION AND HISTORIC  
RESOURCES**

**Division of Soil and Water Conservation**

**Notice of Public Hearings**

Notice of hearings upon the division of Craig and Botetourt Counties from Rockbridge County and the City of Buena Vista comprising the Natural Bridge Soil and Water Conservation District.

WHEREAS, on the 27th day of May, 1986, there was duly filed in the office of the Virginia Division of Soil and Water Conservation at Richmond, Virginia, a petition submitted pursuant to the provisions of the Soil Conservation Districts Law, as amended, requesting the division of Craig and Botetourt Counties from the Natural Bridge Soil and Water Conservation District to create a new district and the relocation and redefinition of the boundaries of the Natural Bridge District, and

WHEREAS, the lands sought to be included in a new district by said petition comprise lands lying within the boundaries of Craig and Botetourt Counties, and the land sought to be included in the Natural Bridge District comprise lands lying within the boundaries of Rockbridge County and the Cities of Buena Vista and Lexington.

NOW, THEREFORE, notice is hereby given that public hearings will be held upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the actions proposed by the said petition, upon the propriety of the petition, and upon all other proceedings taken under the said act, and upon all questions relevant to such inquiries. Two said public hearings will be held by the Virginia Division of Soil and Water Conservation on the 4th day of September, 1986. The first hearing will be held at 10 a.m. in the Circuit Courtroom, Second Floor, Rockbridge County Courthouse, Lexington, Virginia 24450; and the second hearing will be held at 2 p.m. in the Law Library, Second Floor, Botetourt County Courthouse, Fincastle, Virginia 24090.

All interested parties will be given an opportunity to be heard.

VIRGINIA SOIL AND WATER CONSERVATION BOARD  
/s/ R. E. Wilkinson, Chairman

**NOTICE TO STATE AGENCIES**

RE: Forms for filing material on dates for publication in

The Virginia Register of Regulations.

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



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# CALENDAR OF EVENTS

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## Symbols Key

- † Indicates entries since last publication of the Virginia Register  
☒ Location accessible to handicapped  
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

### THE VIRGINIA CODE COMMISSION

**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.

## EXECUTIVE

### GOVERNOR'S ADVISORY BOARD ON AGING

- † October 7, 1986 - 1 p.m. - Open Meeting  
† October 8, 1986 - 9 a.m. - Open Meeting  
† October 9, 1986 - 9 a.m. - Open Meeting  
Sheraton Beach Inn, Oceanfront at 39th Street, Virginia Beach, Virginia. ☒

The board will meet with the executive directors of Virginia's 25 area agencies on aging, and with members of these agencies local boards, to discuss matters of interest and concern to the Commonwealth's older citizens.

**Contact:** William Peterson, Department for the Aging, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-3140

### DEPARTMENT FOR THE AGING

#### Long-Term Care Ombudsman Program Advisory Council

- † December 4, 1986 - 9:30 a.m. - Open Meeting  
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☒

The council will discuss the work of Virginia's

Long-Term Care Ombudsman Program and hear interim reports from various subcommittees.

**Contact:** Catherine P. Saunders, Department for the Aging, James Monroe Bldg., 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2912

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**September 8, 1986** - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-13. Rules and Regulations Governing the Transportation of Companion Animals.** These regulations establish standards for transportation of impounded companion animals and companion animals moving in commerce.

Statutory Authority: § 29-213.37 of the Code of Virginia.

Written comments may be submitted until September 8, 1986. (804) 786-2483

\* \* \* \* \*

**September 8, 1986** - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-14. Rules and Regulations Governing the Transportation of Horses.** These regulations establish standards for transportation of loads of horses being transported to a commercial slaughter facility.

Statutory Authority: § 29-213.37 of the Code of Virginia.

Written comments may be submitted until September 8, 1986.

**Contact:** Tonya K. Higgins, D.V.M., Animal Welfare Veterinarian, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

# Calendar of Events

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**September 22, 1986 - 2 p.m. - Public Hearing**  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:17.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to repeal regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Condensed and Dry Milk Products and Grade "A" Condensed and Dry Whey.** These regulations govern the production, packing, labeling, storage, transportation, handling and sale of condensed and dry milk products and condensed and dry whey for use in commercial preparation of Grade "A" pasteurized milk products.

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

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

**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

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**September 22, 1986 - 2 p.m. - Public Hearing**  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

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: **VR 115-05-01. Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.** These regulations prescribe the production, processing, labeling and distribution of Grade "A" Market Milk, and Grade "A" Market Milk Products within the Commonwealth of Virginia.

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

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

**Contact:** William R. Crump, Jr., Chief, Bureau of Dairy Services, Department of Agriculture and Consumer Services, Division of Dairy and Food, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

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**September 22, 1986 - 2 p.m. - Public Hearing**  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:17.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-02. Rules and Regulations Governing the Cooling or Storage of Milk on Dairy Farms; The Sampling and Sample Handling of Milk From the Farm to the Laboratory; The Handling Transferring, Hauling and Delivery of Milk From the Farm to the Processing Plant.** These regulations govern the cooling and storage of milk on dairy farms, sampling and handling of milk samples and the hauling, transferring, storage, handling and delivery of milk from the farm to the processing plant within the Commonwealth of Virginia.

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

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

**Contact:** W. 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. 23208, telephone (804) 786-1452

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**† November 5, 1986 - 9 a.m. - Open Meeting**  
Washington Building, Room 204, 1100 Bank Street, Richmond, Virginia. ☐

The Virginia Board of Agriculture and Consumer Services (Board) has been petitioned by the Environmental Defense Fund and the Virginia Seafood Council to ban or restrict the use of Tributyltin (TBT) in anti-fouling paints under the board's authority to regulate the sale and use of pesticides in Virginia. TBT is a pesticidal ingredient in some anti-fouling paint used on boats and ships to reduce the attachment of barnacles.

The board is sponsoring an Evidential Hearing pursuant to § 9-6.14:8 of the Administrative Process Act to be conducted by an appointed hearing officer to seek data from scientific research and opinions of experts on the toxicity and harmful effects of the use of TBT in anti-fouling paints as well as the economic impact of prohibiting or restricting the use of such paints in Virginia. Specifically, the board is seeking data in the following areas:

- a. Scientific data on TBT in anti-fouling paint as to:
  - 1. Toxicity to aquatic life

# Calendar of Events

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2. Persistence in aquatic systems
3. Current concentration in Virginia waters
4. Concentration in aquatic organisms, if any
5. Observed effects on marine life in any Virginia waters where TBT levels have been determined
6. Rates of release of TBT from "Free Association" as compared to copolymer TBT anti-fouling paints.
  - b. To solicit facts and figures on the economic impact to boat owners and operators as well as shipyard facilities by banning or prohibiting the use of TBT in anti-fouling paints.
  - c. To solicit facts and figures on the economic impact to the Virginia Seafood Industry from the use or continued use of TBT in anti-fouling paints.
  - d. To solicit facts on the kinds and amounts of anti-fouling paint containing TBT used in Virginia.
  - e. To solicit facts and figures on the use of "Free Association" vs. copolymer TBT in anti-fouling paints in Virginia.
  - f. Wetted hull areas on commercial, recreational, and federal vessels that are using TBT anti-fouling paints in Virginia.
  - g. Any scientific facts or other relevant data not addressed in a - f above.

Anyone having scientific data or other relevant facts is invited to appear and make presentations to the board. Written copies of presentations are requested and should be provided at the hearing for incorporation into the official record. Presentation should be limited to one-half hour. However, written text may be of any necessary length to transmit pertinent scientific data and relevant facts. Anyone planning to make a presentation should contact Billy W. Southall, Director, Division of Product and Industry Regulation, 1100 Bank Street, P.O. Box 1163, Room 403, Richmond, Virginia 23209, telephone (804) 786-3534 to obtain an assigned hour for presentation in order to best utilize the time and effort of participants. The hearing may extend beyond November 5 into November 6 and November 7, if necessary, to accommodate the number of people who wish to make presentations. Data submitted will be used by the board to reach a decision on whether or not to promulgate regulations to ban or restrict the use of TBT in anti-fouling paints in Virginia.

Contact: Raymond D. Vaughan, 1100 Bank St., Room 210, Richmond, Va. 23219, telephone (804) 786-3501

## STATE AIR POLLUTION CONTROL BOARD

September 3, 1986 - 10:30 a.m. - CANCELLED  
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

The special meeting of the board to discuss a permit application from Mountain View Rendering Company has been cancelled.

Contact: Dick Stone, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5478

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL BOARD

September 23, 1986 - 10 a.m. - Public Hearing  
2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Alcoholic Beverage Control intends to adopt and amend regulations concerning the manufacture, sale and advertising of alcoholic beverages. These amendments are to provide clarification of various issues; to establish guidelines and to deregulate the following areas:

Advertising (VR 125-01-2);

Tied-House (VR 125-01-3);

Requirements for Product Approval (VR 125-01-4);

Retail Operations (VR 125-01-5);

Manufacturers and Wholesalers Operators (VR 125-01-6);

Other Provisions (VR 125-01-7).

Title of Regulation: VR 125-01-2. Advertising.

Basis: This amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w) and 4-98.14 of the Code of Virginia.

§ 3. Advertising; exterior, signs, trucks, uniforms.

Purpose: The amendment to subsection A, paragraph 3, is the deletion of language which limits the number of additional advertising and increase their visibility to the public. It would also serve as a tourist attraction.

Issue: Is the current restriction of two directional signs not farther than one-half mile from the licensed establishment sufficient for advertising to the general public or would

addition advertising cause an unsightly proliferation of signage?

**Substance:** The farm wineries are in support of this deregulation because it would help introduce the winery and its products to the public and thus increase business. Wineries should be able to advertise in the same manner as any other retail business in the Commonwealth in compliance with the rules, regulations and ordinances of the county, city or town in which the establishment is located.

**Impact:** It would allow wineries to do unlimited roadside directional advertising in accordance with the laws of the local governing body. It would not cause an unsightly proliferation of signage because the winery would only put up as many directional signs as permitted by local governing bodies. This is deregulation and would have little or no affect on the agency.

§ 9. Advertising; coupons.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69, 4-79, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

**Purpose:** 1. To provide another source for the public to obtain refund coupons. Currently, refund coupons may be obtained from the product, in the print media, or by direct mail to the consumer from the manufacturer. This amendment would permit wholesalers, on behalf of manufacturers, to attach refund coupons to cut case cards.

2. To limit the value of a refund coupon to not more than 50% of the normal retail price.

**Issues:** 1. Should wholesalers be permitted to provide this additional service for retailers and the general public?

2. Is it in the best interest of the public to place a limit on the value of refund coupons?

3. Would a refund of more than 50% of the normal retail price constitute an inducement to purchase alcoholic beverages?

**Substance:** 1. Beer wholesalers are opposed to the regulation because they are in competition with wine wholesalers. The wine wholesalers favor the regulation because it would help balance the competition between large wineries and small wineries, which do not have the facilities to attach refund pads prior to their reaching the retail establishment. Also since coupons are allowed to be attached to case cards in the State A.B.C. stores, they should be permitted in the general marketplace.

2. This amendment would limit the amount of the refund where no such limitation currently exists. Refund coupons cannot exceed 50% of the normal retail value of the product. The Beer Wholesalers Association opposed the regulation. It favored manufacturers being permitted to

affix coupons of an unlimited value.

**Impact:** 1. There may be a slight cost of enforcement, making sure retailers consented to the coupons and that coupons were offered to all retail licensees equally. The implementation will cause an additional cost to those wine wholesalers who desire to attach such coupons, but it will not affect the agency other than as noted above.

2. Implementation and enforcement of this regulation will cause an insignificant cost to the agency.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-3. Tied-House.

§ 2. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-22.1, 4-33(d), 4-37(e), 4-79, 4-103(b) and 4-115 of the Code of Virginia.

**Purpose:** 1. To allow wholesalers to remove from their assigned positions the misplaced merchandise of other wholesalers.

2. To permit wholesalers to provide additional services to retailers and further deregulation by the board.

3. To permit wine wholesalers to exchange wine on an identical quantity, brand or package basis for quality control purposes and to ensure that fresh stock is maintained in retail establishments.

**Issues:** 1. Does permitting a wholesaler to remove another wholesaler's product from an area which the first wholesaler has been assigned by the retailer constitute a resetting which is in violation § 4-79 of the Code of Virginia.

2. Should the board authorize wholesalers to engage in this activity?

3. Would this place an additional burden on small wholesalers?

4. Should wine wholesalers be permitted to exchange wine for quality control purposes, now permitted by beer wholesalers?

**Substance:** 1. The Beer Wholesalers Association proposed the relaxation in the regulation regarding wholesalers moving the merchandise of other wholesalers. These amendments would permit wholesalers greater flexibility in keeping their assigned space in the retail establishment free from the merchandise of other wholesalers.

2. This deregulation would permit wholesalers to perform a service which is currently prohibited.

## Calendar of Events

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3. The Virginia Winery Association is greatly in favor of this amendment because wines have a short shelf life and need to be exchanged to protect the integrity of the product.

**Impact:** 1. The cost of enforcement and implementation of this amendment would be minimal to this agency. The cost incurred would be by those wineries and wholesalers who wish to engage in this activity. This is deregulation which will allow wholesalers more flexibility in providing services for retailers.

§ 6. Certain transactions to be for cash; "cash" defined; reports by sellers; payments to the board.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-33, 4-44, 4-60(h) and (j), 4-98.11, 4-98.18, 4-98.19, 4-103 (b) and 4-107 of the Code of Virginia.

**Purpose:** Wholesalers would no longer be required to submit an invalid check report when no such checks have been received from retail licensees. This is deregulation.

**Issues:** Should a wholesaler be required to submit an invalid check report to the board when there are no such invalid checks to report to the board.?

**Substance:** When a wholesaler has not received any invalid checks he would no longer be required to submit an invalid check report to the board.

**Impact:** This is deregulation which would enhance both administrative and industrial efficiency. It would eliminate unnecessary paper work for the agency, as well as the wholesaler.

§ 9. Inducement to retailers; tapping equipment; bottle or can openers; banquet licenses; cut case cards; *clip-ons and table tents*.

**Basis:** These amendments are proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69.2, 4-79(f) and (h) and 4-98.14 of the Code of Virginia.

**Purpose:** To clarify and define the limitations and restrictions in which these materials and equipment may be furnished to retailers by manufacturers and wholesalers of alcoholic beverages resulting from a statutory change in § 4-79 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issue:** Should wholesalers be restricted to the furnishing of such equipment and materials to retailers as presently provided in § 9 of VR 125-01-3?

**Substance:** 1. The first amendment inserts a new subsection B. which permits wine tapping equipment. The amendment defines what is and is not considered part of the equipment.

2. The second major amendment to the section permits beer manufacturers, bottlers or wholesalers to sell, lend, buy for or give to any retailer beer cut case cards. The cut case cards must be supported by or affixed to an integral part of the case display and the wholesaler may mark or affix retail prices on them with the consent of the retailer.

3. The third amendment permits wine wholesalers to sell, lend, buy for or give to any retailer wine clip-ons and table tents. The amendments limit the number of wines to be listed on these items to four.

**Impact:** The regulation will permit the wine and beer wholesalers more flexibility in assisting retailers in advertising wine and beer products. The agency will not have to increase staff to enforce this regulation; thus, there should be no significant costs of implementation or enforcement.

§ 10. Routine business entertainment; definition; permitted activities; conditions.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-79, 4-98.14 and 4-103(b) of the Code of Virginia.

**Purpose:** To permit manufacturers to entertain retailers in a similar manner as wholesalers are permitted to do by § 4-79 (a2) of the Code of Virginia and § VR 125-01-3 and pursuant to § 4-79 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issues:** Should a licensed manufacturer of alcoholic beverages be allowed to furnish entertainment to licensed retailers?

**Substance:** See purpose.

**Impact:** This regulation will affect those manufacturers who provide the entertainment and the retailers who are recipients of the entertainment. It will impose no costs on any retailer and a very minor record keeping requirement on the manufacturer. No additional costs to this agency are anticipated with respect to implementation and enforcement of this regulation.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-4. Requirements for Product Approval.

§ 2 Wines; qualifying procedures; disqualifying factors; samples; exceptions.

**Basis:** The regulation is proposed under the authority contained in §§ 4-7(h) and (1) and 4-11(a) of the Code of Virginia.

**Purpose:** Allows manufacturers of wine coolers and sangria-type wines to use artificial coloring. The language

of this regulation is the same as adopted in Emergency Regulation A-245, effective August 7, 1985.

**Issues:** Should manufacturers of wine coolers and sangria-type wines be permitted to add artificial coloring which is now allowed by the federal authorities?

**Substance:** See purpose.

**Impact:** This has been in effect since August 1985. All costs will be incurred by industry. This amendment will have no affect on this agency with respect to implementation and enforcement.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-5. Retail Operations.

§ 2. Determination of legal age of purchaser.

**Basis:** This regulation is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-62, 4-98.14 and 4-103(b) of the Code of Virginia.

**Purpose:** To reduce the types of valid identification acceptable by retail licensees as proof of age.

**Issues:** 1. Will the elimination of college and university identification cards reduce the instances of sales of alcoholic beverages to persons less than the legal drinking age?

2. Will the elimination of such identification cards cause a hardship to those persons not possessing operator's licenses?

3. Can college and university identification cards be easily altered or forged to procure alcoholic beverages?

**Substances:** Reduce the sources of valid identification that may be used to procure alcoholic beverages. Reduce the potential for false identification as most college identifications fall to meet the specifications of height and weight.

**Impact:** This may place a greater burden on retailers when purchasers do not possess a driver's license. However, the amendment should reduce incidents of sales of alcoholic beverages to persons less than the legal age. Thus, the costs to this agency for implementation and enforcement will be reduced.

§ 17. Caterer's license.

**Basis:** This regulation is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69 and 4-98.2(c) of the Code of Virginia, amended by Senate Bill 254, of the 1986 General Assembly.

**Purpose:** To permit and define mixed beverage caterer's licenses and qualifications.

**Issues:** 1. To whom should such a license be issued?

2. What specific restrictions should be placed on such a license?

**Substance:** The proposed regulation is Emergency Regulation A-247, effective July 1, 1986, with the following amendments. The proposed amendment to subsection A, paragraph 2, requires the caterer to have gross sales averaging at least \$5,000 per month.

Subsection B, paragraph 4, is proposed to be amended so that the established place of business where the caterer may store alcoholic beverages must also be approved by the board.

The proposed amendments to subsections C.2 and C.6 will expand the regulations to include sponsoring groups or organization as well as persons.

The proposed amendment to subsection C.4 will reduce the number of times the caterer will have to notify the board of catered events, but requires the caterer to plan his schedule by the month. The caterer should notify the board in writing at least two calendar days in advance of any events to be catered under his license for the following month.

Subsection C.5 will be limited by the proposed amendment to private events at which alcoholic beverages are served, but not sold.

The proposed amendment to subsection C.7 would replace the present language with the following language: "The licensee shall insure that all functions at which alcoholic beverages are sold are ones which qualify for a banquet license, for a special event license or a mixed beverage special events license. Licensees are entitled to all services and equipment now available under a banquet license from wholesalers."

The proposed amendment to subsection C.8 eliminates the requirement that the caterer's license, which must be present at the catered event, be certified.

The proposed amendment to subsection C.9 would make the exceptions to § 4-79 of the Code of Virginia that provide for banquet or mixed beverage special events licenses inapplicable to a caterer's license.

**Impact:** The license tax on such a license is \$1,300 per annum; however, this new license category will cause this agency additional costs for processing applications, licensing and monitoring. At this time it cannot be predicted how great an impact this new regulation will have.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-6. Manufacturers and Wholesalers Operators.

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§ 4. Indemnifying bond required of wholesale wine distributors.

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(a), (b) and (1), 4-11(a) and 4-31(g) of the Code of Virginia.

**Purpose:** To eliminate federal, state and local bonds in lieu of surety bond and authorize the board to waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility as provided by a change in § 4-31 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issues:** Whether the board should waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

**Substance:** See purpose.

**Impact:** This is deregulation. This will result in administrative efficiency by reducing paperwork when a wholesaler requests and is granted such a waiver for good cause shown.

§ 6. Beer, importer licenses; conditions for issuance and renewal.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(b) and (1), 4-11 and 4 25(gl) and (el) of the Code of Virginia.

**Purpose:** To eliminate unauthorized persons shipping wine into the Commonwealth to wholesalers without the brand owner's approval.

**Issues:** 1. Will requiring wine importers to provide the board with a list of the brands of wines they will import and written authorization of those brand owners to import their brand into the state preventing transshipping of wine to wholesalers in Virginia?

2. Do wine importers and wholesalers need the same safeguards now afforded to beer importers?

**Substance:** The Virginia Wine Wholesalers Association supports this regulation because of the risk of product adulteration and product liability resulting in higher issuance premiums. The regulation would protect wineries.

**Impact:** The costs of implementation and enforcement are insignificant. The amendment will require wine importers to do more paper work to prove they are authorized to import the wine into the Commonwealth.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-7. Other Provisions.

§ 6. Alcoholic beverages for hospitals, industrial and manufacturing users.

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(a), (b) and (1), 4-11(a), 4-15.02 (effective July 1, 1986),4-48(a) and 4-72.1 B. of the Code of Virginia.

**Purpose:** To remove the current regulatory burden on shipper or carrier of a transportation permit.

2. Regulatory clarification as a result of the removal of the board's authority to sell wine.

**Issues:** 1. Will the elimination of the transportation permit to the shipper or carrier create an enforcement problem relating to the control of alcohol or alcoholic beverages coming into or through Virginia?

2. Will a bill of lading or a complete and accurate memorandum accompanying the shipment of alcoholic beverages to the permittee be sufficient as is the current practice in the marketplace?

3. Should a copy of the bill of lading or memorandum be submitted to the board by the permittee after delivery?

4. Is the elimination of references to "markup," which applied to wine sales by the board, appropriate since the board no longer has authority to sell wines other than Virginia farm winery wines or vermouth?

**Substance:** 1. This amendment would reduce the burdens of shippers having to get transportation permits for every shipment. Instead, the shipper would only be required to get a yearly permit. However, the permittee shall submit a valid copy of the invoice covering the transaction to the board.

2. The word "markup" usually refers to wine sales. The board can no longer sell wines other than Virginia farm winery wines or vermouth; therefore, "markup" should be changed to "permit fee" to be used with regards to other alcoholic beverages.

**Impact:** 1. Cost of implementation would be insignificant. The amendment would enhance administrative efficiency, for there would be less paper work.

2. This is merely a clarification in the regulation. No additional costs will be incurred by the agency to implement and enforce this regulation. Also it will have no substantial impact on the alcoholic beverage industry.

Statutory Authority: §§ 9-6.14:7.1 and 9-6.12:22 of the Code of Virginia.

Written comments may be submitted until September 23, 1986.

Contact: Robert N. Swinson, Assistant Secretary to the

Board, Department of Alcoholic Beverage Control, P. O. Box 27491, Richmond, Va. 23261, telephone (804) 257-0617

## STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS

**September 12, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of May 16, 1986; (ii) review disciplinary cases; (iii) consider regulatory changes; and (iv) plan a meeting schedule for next year.

### State Board of Professional Engineers

† **September 19, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of July 30, 1986, meeting; (ii) review applications; and (iii) consider cases.

**Contact:** Joan L. White, Assistant Director, APELSCLA, Department of Commerce, Travelers Bldg., 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8512

## STATE BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

† **September 10, 1986 - 10 a.m. - Open meeting**  
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to consider (i) reinstatement of temporary permits; (ii) update on expenditures, revenue and fees; (iii) NTE qualifying scores; (iv) election of officers; and (v) signing of certificates.

**Contact:** Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8554

## CHESAPEAKE BAY COMMISSION

† **September 25, 1986 - 1 p.m. - Open Meeting**  
† **September 28, 1986 - 9 a.m. - Open Meeting**  
Great Oak Landing, Chestertown, Maryland

A working session of the commission to revise and update the policy positions adopted by the commission

in November 1983, and documented in the Commission's 1983 Annual Report.

**Contact:** Margaret Johnston, 60 West St., Suite 200, Annapolis, Md. 21401, telephone (301) 263-3420

## INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDRENS RESIDENTIAL FACILITIES

### Advisory Committee

**September 10, 1986 - 10 a.m. - Open Meeting**  
Koger Building, 1st Floor Conference Room, 8001 Franklin Farms Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to receive (i) report from subcommittee on Facilities for High Risk Children; (ii) report from the office of the coordinator; and (iii) follow-up report on the Implementation of the Department of Social Services Observation Report.

### Coordinating Committee

**September 12, 1986 - 8 a.m. - Open Meeting**  
Department of Corrections, Room 105, 4615 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to receive (i) report on advisory committee meeting; and (ii) progress report on structured monitoring.

**Contact:** John J. Allen, Jr., Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

## DEPARTMENT OF COMMERCE

**September 17, 1986 - 10 a.m. - Public Hearing**  
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Commerce intends to adopt regulations entitled: **VR 190-01-1. Rules and Regulations Governing Employment Agencies.** These regulations regulate individuals, partnerships and corporations offering employment agency services.

Statutory Authority: § 54-872.23:1 of the Code of Virginia.

Written comments may be submitted until September 5,



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1986.

**Contact:** Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free number 1-800-552-3016)

## STATE BOARD FOR COMMUNITY COLLEGES

† September 17, 1986 - 3 p.m. - Open Meeting  
James Monroe Building, Board Room, 15th Floor, 101 North 14th Street, Richmond, Virginia. ☒

State Board Committees (Audit, Personnel, Curriculum and Program, Budget and Finance) will meet at the above address. (Agenda unavailable)

The Facilities committee meeting will be held at the J. Sargeant Reynolds Community College, Goochland Campus (3 p.m.).

† September 18, 1986 - 9 a.m. - Open Meeting  
James Monroe Building, Board Room, 15th Floor, 101 North 14th Street, Richmond, Virginia. ☒

A state board meeting. (Agenda unavailable)

**Contact:** Mrs. Joy Graham, James Monroe Bldg., Board Room, 15th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2126

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Falls of the James Advisory Committee

† September 12, 1986 - 12 Noon - Open Meeting  
Richmond City Hall, 3rd Floor Conference Room, 900 East Broad Street, Richmond, Virginia. ☒

A meeting regarding instream flow study.

**Contact:** Richard G. Gibbons, Division of Parks and Recreation, Washington Bldg., Room 1201, Capitol Square, Richmond, Va. 23219, telephone (804) 225-3004

### Division of Forestry

#### Reforestation of Timberlands Committee

† September 4, 1986 - 10 a.m. - Open Meeting  
Division of Forestry, 509 East Nine Mile Road, Sandston, Virginia.

Annual meeting of committee to review yearly accomplishments and proposed 1986-87 season budget.

**Contact:** Jim Starr, Division of Forestry, P.O. Box 3758, Charlottesville, Va. 22903-0758, telephone (804) 977-6555

### Virginia Soil and Water Conservation Board

† September 18, 1986 - 7:30 p.m. - Open Meeting  
Empire Restaurant, Interstate 81 at Exit 9, Abingdon, Virginia.

A regular bi-monthly business meeting.

**Contact:** Donald L. Wells, Suite 206, 203 Governor St., Richmond, Va. 23219, telephone (804) 786-2064

## BOARD OF CORRECTIONS

September 17, 1986 - 10 a.m. - Open Meeting  
October 15, 1986 - 10 a.m. - Open Meeting  
Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☒

A regular monthly meeting to consider such matters as may be presented to the board.

**Contact:** Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

\* \* \* \* \*

November 12, 1986 - 10 a.m. - Public Hearing  
Board of Corrections, Board Room, 4615 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to amend regulations entitled: **VR 230-40-003. Post Dispositional Confinement for Secure Detention and Court Service Units.** This proposed amendment establishes standards for confinement and treatment of juveniles in post dispositional care.

Statutory Authority: § 16.1-284.1 of the Code of Virginia.

Written comments may be submitted until September 30, 1986.

**Contact:** Glenn D. Radcliffe, Chief of Operations/Support Services, Division of Youth Services, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-0385

CRIMINAL JUSTICE SERVICES BOARD

† October 1, 1986 - 1:30 p.m. - Open Meeting
Department of Motor Vehicles, Agecroft Room, 2300 West
Broad Street, Richmond, Virginia. ☐

A meeting to consider matters related to the board's
responsibilities for criminal justice training and
improvement of the criminal justice system.

Committee on Training

September 3, 1986 - 9:30 a.m. - Open Meeting
State Capitol, House Room 2, Capitol Square, Richmond,
Virginia. ☐

A meeting to discuss matters related to training for
criminal justice personnel.

† October 1, 1986 - 9:30 a.m. - Open Meeting
Division of Motor Vehicles, Agecroft Room, 2300 West
Broad Street, Richmond, Virginia. ☐

A meeting to discuss matters related to training for
criminal justice personnel.

Criminal Justice Information Systems Committee

† September 25, 1986 - 10 a.m. - Open Meeting
Ninth Street Office Building, Governor's Cabinet
Conference Room, 6th Floor, 9th and Grace Streets,
Richmond, Virginia. ☐

A meeting to discuss projects and business of the
committee.

Contact: Dr. Jay W. Malcan, Staff Executive, Department
of Criminal Justice Services, 805 E. Broad St., Richmond,
Va. 23219, telephone (804) 786-4000

VIRGINIA BOARD OF DENTISTRY

† September 10, 1986 - 11 a.m. - Open Meeting
Central Virginia Training Center, off Colony Road, Madison
Heights, Virginia. ☐

An informal hearing on Dr. John D. Swope.

† September 11, 1986 - 10 a.m. - Open Meeting
Central Virginia Training Center, off Colony Road, Madison
Heights, Virginia. ☐

A formal hearing on Dr. Edwin A. Gendron.

† September 25, 1986 - 10 a.m. - Open Meeting
Omni International Hotel, 777 Waterside Drive, Norfolk,
Virginia. ☐

A formal hearing on Dr. Martha Elizabeth Nunn.

† September 25, 1986 - 8 a.m. - Open Meeting
† September 26, 1986 - 1:30 p.m. - Open Meeting
† September 27, 1986 - 9 a.m. - Open Meeting
Omni International Hotel, 777 Waterside Drive, Norfolk,
Virginia. ☐

A meeting to consider board disciplinary actions,
finance and other regular business.

Contact: Nancy T. Feldman, Executive Director, 517 W.
Grace St., Richmond, Va. 23220, telephone (804) 786-0311

DEPARTMENT OF EDUCATION (BOARD OF)

October 28, 1986 - 1:30 p.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Education
intends to amend regulations entitled: Regulations
Governing Pupil Transportation Including Minimum
Standards for School Buses in Virginia. The purpose
of the proposed amendment is to prescribe the scope
of physical examinations for school bus drivers.

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

Written comments may be submitted until October 29,
1986.

Contact: R. A. Bynum, Associate Director, Department of
Education, P.O. Box 6Q, Richmond, Va. 23216, telephone
(804) 225-2037

\* \* \* \* \*

† November 12, 1986 - 1:30 p.m. - Public Hearing
James Monroe Building, Large Conference Room, 18th
Floor, 101 North 14th Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Board of Education intends
to amend regulations entitled: VR 270-01-010. Regulations
Governing Pupil Accounting Records. The regulations
direct local school division personnel in maintaining school
attendance of pupils in the public school system.

STATEMENT

The regulations are for the proper administration of pupil
accounting (attendance) in the instructional program, for
school administration, and for the distribution of major
state school funds. The proposed changes provide for
technical amendments to clarify the intent and purpose of
the section on pupil transfers, and adjustments to reduce
the period of continuous days of absence, expulsion, or

# Calendar of Events

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suspension after which a pupil must be automatically withdrawn from school.

Statutory Authority: §§ 22.1-16, 22.1-20 and Chapter 14 of Title 22.1 of the Code of Virginia.

Written comments may be submitted until November 12, 1986.

Contact: Howell L. Gruver, Administrative Director, MIS, Virginia Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2099

## STATE EDUCATION ASSISTANCE AUTHORITY

September 3, 1986 - 10 a.m. - Public Hearing  
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the State Education Assistance Authority intends to adopt regulations entitled: **Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program.** These regulations establish policies governing the administration of the Federal Guaranteed Student Loan Program and PLUS Loan Program in the Commonwealth of Virginia.

Statutory Authority: § 23-38.64 of the Code of Virginia.

Written comments may be submitted until September 3, 1986.

Contact: Regina D. Williams, Director, Marketing/Communications, State Education Assistance Authority, Suite 300, 6 N. 6th St., Richmond, Va. 23219, telephone (804) 786-2035 (toll-free number 1-800-792-5626)

## GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

September 25, 1986 - 10 a.m. - Open Meeting  
October 15, 1986 - 10 a.m. - Open Meeting  
November 18, 1986 - 10 a.m. - Open Meeting  
December 17, 1986 - 10 a.m. - Public Hearing  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

The Governor's Commission on Efficiency in Government has established its 1986 meeting schedule as follows:

9/25/86: Implementation of commission procedures and July meeting decisions.

10/15/86: Implementation of commission procedures and September meeting decisions.

11/18/86: Review results of work conducted in September and October; prepare recommendations.

12/17/86: Public hearing on recommendations to Governor and 1987 General Assembly; finalize recommendations.

Contact: Alan Albert OR Leonard Hopkins, Office of the Governor, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

## STATE BOARD OF ELECTIONS

† September 5, 1986 - 2 p.m. - Open Meeting  
101 9th Street, Ninth Street Office Building, Richmond, Virginia. ☐

Canvass of September 2, 1986 Special Election for the 68th House of Delegates District.

Contact: M. Debra Mitterer, 101 9th St., Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-6551

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board

September 13, 1986 - 10 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

A meeting of the board to advise the Director of the Department 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 E. Ivankoe, Department of General Services, Ninth Street Office Bldg., Room 209, Richmond, Va. 23219, telephone (804) 786-3311

### Division of Consolidated Laboratory Services Advisory Board

September 5, 1986 - 9:30 a.m. - Open Meeting  
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☐

A meeting to discuss programs and issues confronting the Division of Consolidated Laboratory Services.

Contact: Dr. A. W. Tiedemann, Jr., Director, Division of Consolidated Laboratory Services, 101 N. 14th St., Richmond, Va. 23219, (804) 786-7905

## VIRGINIA BOARD OF GEOLOGY

**September 10, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor,  
3600 West Broad Street, Richmond, Virginia. ☒

The board will meet to (i) approve the minutes of May 7, 1986, meeting; (ii) grade and review the test administered July 23; (iii) review new test questions; (iv) review new applications as required; (v) discuss our relationship with NC Board; and (vi) elect officers.

**Contact:** Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

## DEPARTMENT OF HEALTH (BOARD OF)

† **September 11, 1986 - 9 a.m. - Open Meeting**  
† **September 12, 1986 - 9 a.m. - Open Meeting**  
Omni Charlottesville Hotel, 235 West Main Street,  
Charlottesville, Virginia.

The board will meet to tour the Health Department and the surrounding area in Charlottesville and conduct the regular business meeting of the board.

**Contact:** Sally A. Camp, James Madison Bldg., Room 400,  
109 Governor St., Richmond, Va. 23219, telephone (804)  
786-3561

\* \* \* \* \*

**October 20, 1986 - 2 p.m. - Public Hearing**  
James Madison Building, Main Floor Conference Room,  
109 Governor Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **VR 355-39-01. Regulations Governing Eligibility Standards and Charges for Medical Care Services.** The purpose of the amendments is to establish medical indigency; prescribe income scales and charges for services to patients who are not declared medically indigent.

Statutory Authority: § 32.1-11 of the Code of Virginia

Written comments may be submitted until 5 p.m., October 20, 1986.

**Contact:** Barbara W. Jernigan, Administrative Supervisor,  
109 Governor St., Room 512, James Madison Bldg.,  
Richmond, Va. 23219, telephone (804) 786-3554

## Division of Water Programs

**October 15, 1986 - 10 a.m. - Public Hearing**  
James Madison Building, 1st Floor Conference Room, 109  
Governor Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health, Division of Water Programs, intends to amend regulations entitled: **Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings.** The regulations require all marinas and boat moorings to provide sanitary facilities.

Statutory Authority: § 32.1-246 of the Code of Virginia.

Written comments may be submitted until October 15, 1986, to Dr. C. M. Sawyer, Virginia Department of Health, Division of Water Programs, Madison Building, Room 903, 109 Governor Street, Richmond, Virginia 23219

**Contact:** Albert F. Golding, Marina Supervisor, Virginia Department of Health, Division of Water Programs, James Madison Bldg., Room 903A, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-1761

## VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

† **September 16, 1986 - 1 p.m. - Open Meeting**  
† **September 17, 1986 - 1 p.m. - Open Meeting**  
Virginia Beach Hilton Inn, Eighth Street and Atlantic  
Avenue, Virginia Beach, Virginia. ☒

The Statewide Health Coordinating Council will hold its annual meeting beginning at 1 p.m. on September 16, and concluding at 12 noon on September 17, 1986, to conduct regular business of the council.

**Contact:** Raymond O. Perry, Assistant Health Commissioner, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6970

\* \* \* \* \*

**September 19, 1986 - 10 a.m. - Public Hearing**  
James Madison Building, Main Floor Auditorium, 109  
Governor Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Statewide Health Coordinating Council intends to amend regulations entitled: **Virginia State Health Plan 1980-1984, Volume 1, pp. 474-475.** Standards for evaluating Certificate of Public Need applicants to establish or expand ambulatory surgical services.

Statutory Authority: § 32.1-120 of the Code of Virginia.

Written comments may be submitted until September 19, 1986.

# Calendar of Events

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Contact: Ellen Zagorin, Health Planning Consultant, James Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891

## COUNCIL ON HEALTH REGULATORY BOARDS

### Regulatory Research and Evaluation Committee

September 16, 1986 - 1:30 p.m. - Open Meeting  
James Monroe Building, Conference Rooms C, D, and E, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Virginia Council on Health Regulatory Boards invites comments from the public on the issue of the regulation of social workers employed by public and private nonprofit and certain other organizations. Presently these social workers are exempted from the requirement for licensure under the Code of Virginia, § 54-944 (d) which provides that the requirements for licensure in Chapter 28 shall not be applicable to "Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization." The Board of Social Work has recommended termination of this exemption. This recommendation is under study by the Council on Health Regulatory Boards under the authority granted by § 54-955 of the Code of Virginia. Interested individuals and agencies are invited to submit written comments until 5:00 p.m. on the hearing date. Requests to present oral testimony should be made to Richard D. Morrison, Policy Analyst, Council on Health Regulatory Boards.

Contact: Richard D. Morrison, Policy Analyst, Department of Health Regulatory Boards, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† September 24, 1986 - 9:30 a.m. - Open Meeting  
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☒

A monthly business meeting of the council for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Floor, Richmond, Va. 23219, telephone (804) 786-6371

## VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

September 8, 1986 - 9 a.m. - Open Meeting  
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) review disciplinary cases; (2) review correspondence; and (iii) administer hearing aid dealer and fitter examination.

Contact: Roberta L. Banning, Department of Commerce, 5th Floor, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8505

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

September 3, 1986 - 9 a.m. - Open Meeting  
4-H Center, Wakefield, Virginia.

Monthly council meeting. Agenda available on request.

Contact: Grace I. Lessner, James Monroe Bldg., 9th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

\* \* \* \* \*

September 22, 1986 - 10 a.m. - Public Hearing  
James Monroe Building, 9th Floor Conference Room, 101 North 14th Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to adopt regulations entitled: VR 380-01-01. Regulations for the Senior Citizen Higher Education Program. These regulations will stipulate the requirements under which senior citizens may take courses at Virginia's state-supported institutions of higher education without paying tuition or fees. The Senior Citizens Higher Education Act, as amended in 1984, provides that courses taken for credit are free if a senior citizen has a taxable income of less than \$7,500. Noncredit courses may be taken without charge regardless of income. Effective July 1, 1986, institutions may count these enrollments in their census of full-time equivalent students (FTES).

Statutory Authority: §§ 23-9.6:1 and 23-38.56 of the Code of Virginia.

Written comments may be submitted until September 12, 1986.

Contact: Barry M. Dorsey, Associate Director, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2632

**DEPARTMENT OF HIGHWAYS AND TRANSPORTATION  
(STATE BOARD OF)**

**September 18, 1986 - 10 a.m. - Open Meeting**  
Department of Highways and Transportation, Annex  
Building Board Room, 1401 East Broad Street, Richmond,  
Virginia. ☒ (Interpreter for deaf provided if requested)  
**October 16, 1986 - 10 a.m. - Open Meeting**  
Hotel Roanoke, Roanoke, Virginia. ☒ (Interpreter for deaf  
provided if requested)

Monthly meetings of the board to vote on proposals  
presented regarding bids, permits, additions and  
deletions to the highway system, and any other  
matters requiring board approval.

**Contact:** Albert W. Coates, Jr., Virginia Department of  
Highways and Transportation, 1401 E. Broad St.,  
Richmond, Va. 23219, telephone (804) 786-9950

**VIRGINIA HOUSING DEVELOPMENT AUTHORITY**

† **September 16, 1986 - 9 a.m. - Open Meeting**  
Kingsmill on the James, Williamsburg, Virginia. ☒

A regular monthly meeting of the Board of  
Commissioners to (i) review and, if appropriate,  
approve the minutes from the prior monthly meeting;  
(ii) consider for approval and ratification mortgage  
loan commitments under its various programs; (iii)  
review the authority's operations for the prior month;  
and (iv) consider such other matters and take such  
other actions as they may deem appropriate. 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:** Judson McKellar, Jr., General Counsel, 13 S. 13th  
St., Richmond, Va. 23219, (804) 782-1986

**BOARD OF HOUSING AND COMMUNITY  
DEVELOPMENT**

**October 20, 1986 - 10 a.m. - Public Hearing**  
State Capitol, House Room C, Capitol Square, Richmond,  
Virginia. ☒

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 edition,  
Article 2.**

The purpose of this amendment is to change the definition  
of the word "Ambulatory" as it appears in Volume I -  
New Construction Code of the Uniform Statewide Building

Code compatible with the state statute's definition of  
"Ambulatory" as amended in § 63.1-174.1 of the Code of  
Virginia by the 1986 Session of the General Assembly.

Statutory Authority: Article 1 (§ 36.97 et seq.) of Chapter 6  
of Title 36 of the Code of Virginia.

Written comments may be submitted until October 20,  
1986.

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**October 20, 1986 - Open Meeting** (following the public  
hearing at 10 a.m. on "Ambulatory")  
State Capitol, House Room C, Richmond, Virginia. ☒  
(Interpreter for deaf provided if requested)

To afford interested persons and groups an opportunity  
to submit data, views and arguments regarding the  
impact the Virginia Public Building Safety Law has on  
existing public buildings. Anyone wishing to speak or  
offer written statements relating to the impact of this  
law will be given an opportunity to do so on the day  
of the hearing. Written statements may be prefiled  
with the agency if received by October 20, 1986.

**Contact:** Jack A. Proctor, CPCA, Deputy Director, Building  
Regulatory Services, Department of Housing and  
Community Development, 205 N. 4th St., Richmond, Va.  
23219, telephone (804) 786-4751

**STATE INSURANCE ADVISORY BOARD**

**September 12, 1986 - 9:30 a.m. - Open Meeting**  
Ninth Street Office Building, Room 209, Conference Room  
of the Director of the Department of General Services,  
Richmond, Virginia. ☒

A quarterly meeting of the State Insurance Advisory  
Board.

**Contact:** Charles F. Scott, Director, Department of General  
Services, Division of Risk Management, Room 117, 805 E.  
Broad St., Richmond, Va. 23219, telephone (804) 786-5968

**GOVERNOR'S JOB TRAINING COORDINATING  
COUNCIL**

**September 22, 1986 - 10:30 a.m. - Open Meeting**  
Jefferson Sheraton Hotel, Franklin and Adams Streets,  
Richmond, Virginia. ☒

This is a general meeting of the council and is open  
to the public.

**Contact:** Gladys Walker, Governor's Employment and  
Training Department, P.O. Box 12083, Richmond, Va.

# Calendar of Events

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23241, telephone (804) 786-8085

## STATE LAND EVALUATION ADVISORY COMMITTEE

**September 8, 1986 - 10 a.m. - Open Meeting**  
Department of Taxation, 2220 West Broad Street,  
Richmond, Virginia. ☒

A meeting to set suggested ranges of values for agricultural, horticultural, forest and open-space land use under the use value assessment program.

**Contact:** Otho C. W. Fraher, Director, Property Tax Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23220, telephone (804) 257-8020

## VIRGINIA STATE LIBRARY BOARD

**September 15, 1986 - 11 a.m. - Open Meeting**  
Jefferson-Madison Regional Library, The McGuire Room,  
2nd and East Jefferson Streets, Charlottesville, Virginia

A regular meeting to discuss administrative matters.

**Contact:** Jean K. Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

## COMMISSION ON LOCAL GOVERNMENT

**September 23, 1986 - 2 p.m. - Open Meeting**  
Omni International Hotel, 777 Waterside Drive, Norfolk,  
Virginia. ☒

A regular bimonthly meeting to consider such matters as may be presented.

**October 20, 1986 - 9 a.m. - Open Meeting**  
**October 21, 1986 - 9 a.m. - Open Meeting**  
**October 22, 1986 - 9 a.m. - Open Meeting**  
Town of Christiansburg (site to be determined)

Oral presentations regarding the Town of Christiansburg - Montgomery County annexation action.

**Contact:** Barbara Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

## VIRGINIA'S LONG-TERM CARE COUNCIL

**September 16, 1986 - 9:30 a.m. - Open Meeting**  
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided if requested)

A meeting to discuss issues relevant to the development and provision of long-term care services in the Commonwealth. The council will also hear a report on the development of a statewide uniform intake, assessment and tracking mechanism for use by all publicly-funded human services agencies.

**Contact:** Catherine Saunders, Staff, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2271/2912

## BOARD OF MEDICAL ASSISTANCE SERVICES

† **September 9, 1986 - 10 a.m. - Open Meeting**  
Department of Medical Assistance Services, Board Room,  
Suite 1300, 600 East Broad Street, Richmond, Virginia. ☒

An open meeting of the board to discuss (i) State Plan amendment of Medical Eligibility for Children in subsidized adoptions mandated by COBRA (ii) 1987 legislative proposals and budget agenda items and (iii) federal regulatory process - delegate approval authority and (iv) other business pertinent to the board.

**Contact:** Jacqueline M. Fritz, Department of Medical Assistance Services, Suite 1300, 600 E. Broad St., Richmond, Va. 23219, telephone (804) 786-7933

\* \* \* \* \*

**October 31, 1986 - 9 a.m. - Public Hearing**  
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: **Rehabilitation Services**. These regulations define the amount, duration and scope of rehabilitation services covered by the department.

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

Written comments may be submitted until October 27, 1986.

**Contact:** Martha B. Pulley, Health Programs Consultant, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

# Calendar of Events

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**October 31, 1986 - 9 a.m. - Public Hearing**  
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: **VR 460-03-2.0152. Definition of Home Ownership.** The purpose of the regulation is to establish the definition of home ownership to be used in determining eligibility for Medicaid.

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

Written comments may be submitted until October 27, 1986.

**Contact:** Ann E. Cook, Medical Social Services Director, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

## VIRGINIA STATE BOARD OF MEDICINE

### Chiropractic Examination Committee

**September 4, 1986 - 12 Noon - Open Meeting**  
**September 11, 1986 - 12 Noon - Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☐

The committee will meet in open and executive session to continue the development of the Virginia Chiropractic Part III examination.

### Credentials Committee

**September 12, 1986 - 8 a.m. - Open Meeting**  
**September 13, 1986 - 8 a.m. - Open Meeting**  
Virginia Beach Hilton Inn, 8th Street and Atlantic Avenue, Virginia Beach, Virginia. ☐

A meeting to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session.

### Informal Conference Committee

**September 10, 1986 - 12 Noon - Open Meeting**  
Roanoke Office - Commonwealth of Virginia Building, 210 Church Avenue S.W., Roanoke, Virginia. ☐  
**September 12, 1986 - 10 a.m. - Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☐

The committee, composed of three members of the Virginia State Board of Medicine, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed session pursuant to § 2.1-344 A (6) of the Code of Virginia, relating to executive or closed meetings.

### Advisory Committee on Physician Assistants

**September 19, 1986 - 2 p.m. - Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☐

A meeting to (i) discuss general business; (ii) review regulations; and (iii) discuss Health Care Walk In Centers.

### Advisory Committee on Respiratory Therapy

**September 9, 1986 - 2 p.m. - Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☐

A meeting to (i) evaluate credentials, (ii) elect officers, and (iii) have a general discussion.

**Contact:** Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

## STATE BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

**September 24, 1986 - 10 a.m. - Open Meeting**  
Southwestern State Hospital, Marion, Virginia. ☐

A regular monthly meeting. The agenda will be published on September 17 and may be obtained by calling Jane Helfrich.

**Contact:** Jane V. Helfrich, Board Secretary, State Mental Health and Mental Retardation Board, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

## VIRGINIA MUSEUM OF FINE ARTS

### Full Board of Trustees

**September 18, 1986 - 11:30 a.m. - Open Meeting**  
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove Avenue, Richmond, Virginia. ☐



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A quarterly meeting to consider committee and staff reports and budget review.

## Accessions Committee

September 17, 1986 - 2 p.m. - Open Meeting  
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove Avenue, Richmond, Virginia. ☐

A quarterly meeting to consider gifts and purchases.

## Education in the Arts Committee

September 30, 1986 - 12 Noon - Open Meeting  
Virginia Museum of Fine Arts, Members' Suite, Payne Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

Study of museum by-laws relative to functioning of the education in the arts committee.

## Entertainment Committee

September 16, 1986 - 3 p.m. - Open Meeting  
Virginia Museum of Fine Arts, Members' Suite, Boulevard and Grove Avenue, Richmond, Virginia. ☐

A meeting to schedule the year's entertainment events with hostesses.

## Executive Committee

October 16, 1986 - 11:30 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove, Richmond, Virginia. ☐

A meeting to consider committee and staff reports and budget review.

## Exhibitions Committee

October 8, 1986 - 10:30 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

A meeting to review proposed exhibitions for the museum.

## Finance Committee

September 16, 1986 - 10:30 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Members' Suite, Payne Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

Budget review.

October 16, 1986 - 10:30 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Members' Suite, Payne Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

Budget review.

## Programs Committee

October 8, 1986 - 12 Noon - Open Meeting  
Virginia Museum of Fine Arts, Members' Suite, Payne Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

Study of museum by-laws relative to functioning of the programs committee.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, Boulevard and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553/SCATS 327-0553

## NORFOLK STATE UNIVERSITY

### Board of Visitors

† September 9, 1986 - 9 a.m. - Open Meeting  
Harrison B. Wilson Administration Building, Board Room, Norfolk, Virginia. ☐

A meeting to discuss various issues pertaining to the University. The agenda should be available at least five working days prior to the meeting.

Contact: Gerald D. Tyler, Norfolk State University, Wilson Hall - S340, 2401 Corprew Ave., Norfolk, Va. 23504, telephone (804) 623-8373

## STATE BOARD OF NURSING

† September 22, 1986 - 9 a.m. - Open Meeting  
† September 23, 1986 - 9 a.m. - Open Meeting  
† September 24, 1986 - 9 a.m. - Open Meeting  
Department of Health Regulatory Board, 517 West Grace Street, Richmond, Virginia. ☐

A regular meeting of the State Board of Nursing to consider (i) matters related to nursing education programs; (ii) discipline of licensees; and (iii) licensing by examination and endorsement and other matters under jurisdiction of the board.

## Task Force for the Study of Definitions of Nursing

**September 10, 1986 - 7 p.m.** – Public Hearing  
(correction to above date from Sept. 11, 1986)  
General Assembly Building, House Room D, Capitol Square,  
Richmond, Virginia. ☒ (Interpreter for deaf provided if  
requested)

Pursuant to HJR 12 of the 1986 General Assembly, the Department of Health Regulatory Boards' Task Force for the Study of the Definitions of Nursing will hold a public hearing on the need to revise statutory definitions of professional nursing practice. The public is invited to appear at this hearing to present testimony or submit written comments by September 15, 1986, to Corinne F. Dorsey, Executive Director, Virginia State Board of Nursing, P.O. Box 27708, Richmond, Virginia, 23261. Additional public hearings are scheduled in Wytheville (October 2) and Northern Virginia (October 9). Details on these hearings will appear in the Virginia Register of Regulations commencing with the next issue.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

## STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

† **September 24, 1986 - 9 a.m.** – Open Meeting  
Department of Commerce, Travelers Building, Conference Room 2, 3600 West Broad Street, Richmond, Virginia. ☒

A regulatory review committee meeting.

† **September 25, 1986 - 9 a.m.** – Open Meeting  
Department of Commerce, Travelers Building, Conference Rooms 1, 2 and 3, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to (i) conduct administering of the examination; (ii) to consider complaints; (iii) regulatory review; and (iv) discuss the state written exam.

**Contact:** Gerald W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8508

## STATE BOARD OF PHARMACY

**September 9, 1986 - 9 a.m.** – Open Meeting  
Holiday Inn, Room 239, 3200 West Broad Street, Richmond, Virginia. ☒

Formal hearing for Leonard L. Edloe, Pharmacist, Edloe's Pharmacy, 1124 N. 25th St., Richmond,

Virginia.

**Contact:** J. B. Carson, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0182

## COMMISSIONERS TO EXAMINE PILOTS

**September 10, 1986 - 10 a.m.** – Open Meeting  
Hasler and Company, 121 Tazewell Street, Norfolk, Virginia

A regular meeting of the board to conduct routine business.

**Contact:** David E. Dick, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8515/8563 OR William L. Taylor, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

## VIRGINIA SAFETY AND HEALTH CODES BOARD

† **September 25, 1986 - 1:30 p.m.** – Open Meeting  
Jefferson-Sheraton Hotel, Roosevelt Room, Franklin and Addison Streets, Richmond, Virginia. ☒

The board will meet to receive the following: (i) proposed amendment for Cotton Dust Standard, 1910.1043, corrections; (ii) proposed amendment to Ethylene Oxide Standard, 1910.1047, technical corrections; (iii) proposed amendment to Asbestos Standard for General Industry, 1910.1001; (iv) proposed amendment to Asbestos Standard for Construction Industry, 1926.58; and (v) proposed amendments to Electrical Standard for Construction Industry, subpart K, 1926.400-449.

**Contact:** Margaret T. Gravett, Administrative 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

† **September 24, 1986 - 10 a.m.** – Open Meeting  
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

A meeting to hear and render a decision on all Appeals of Denials of On-Site Sewage Disposal System Permits.

**Contact:** P. M. Brooks, James Madison Building, Room 502, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-1931

# Calendar of Events

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## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† September 16, 1986 - 9 a.m. - Public Hearing  
Albemarle County Office Building, Room 7, 401 McIntire  
Road, Charlottesville, Virginia. ☒

The authority will conduct a public hearing to consider Industrial Development Bond Applications received by the authority and for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10 a.m., the authority will conduct its regular business meeting.

Contact: Nic Walker, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

September 19, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: VR 615-01-14. Entitlement Date in the General Relief Program. These regulations specify the first month for which maintenance assistance shall be provided for an individual eligible for General Relief.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 19, 1986, 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, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8600, telephone (804) 281-9046

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† October 31, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: VR 615-50-1. Standards and Regulations for Agency Approved Providers. The proposed amendments will expand standards used by local social service agencies to approve certain types of providers.

### STATEMENT

Basis: This regulation is issued under authority granted by

§§ 63.1-25, 63.1-55 and 63.1-56 of the Code of Virginia.

Subject: This regulation expands the Standards and Regulations for Agency Approved Providers to include homemaker as an in-home service provider.

Purpose: This regulation increases the flexibility of local social service agencies in providing homemaker services for clients they serve by permitting them to purchase from individuals who qualify as homemakers.

Substance: This regulation adds homemaker to the Standards and Regulations for Approved Providers as an in-home service provider. It expands the alternatives local agencies have in selecting homemaker providers.

Issues: The intent of this regulation is to permit local social service agencies more flexibility in selecting providers of homemaker services for clients. The regulation will allow local social service agencies to use individual providers of homemaker services. This will assist local agencies in obtaining this service, particularly those agencies who do not employ homemakers and whose locality is not served by an organized homemaker agency.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until October 10, 1986.

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† October 31, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: VR 615-52-1. Policy Regarding Purchased Services. This regulation will set forth the broad parameters to permit local social service agencies to purchase applicable services for a client.

### STATEMENT

Basis: This regulation is issued under authority granted by §§ 63.1-25 and 63.1-55 of the Code of Virginia.

Subject: This regulation sets forth the board parameters under which local social service agencies may purchase services from approved providers for clients they serve.

Purpose: This regulation increases the flexibility of local social service agencies to purchase appropriate services for clients they serve. Each local agency may establish priorities in serving clients based on local needs and on available funding.

Substance: This regulation permits each local agency to establish priorities in purchasing services for clients based on local needs and the limited funding made available to

# Calendar of Events

them.

**Issues:** The intent of this regulation is to increase local flexibility in a time of scarce funding rather than place further restrictions on the use of funds through state established policies. The regulation expands the possible services which may be purchased in protective and preventive service cases. It also permits the purchase of emergency shelter for adults and families and emergency needs in certain circumstances.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

**Contact:** Linda N. Booth, Administrative Planning Supervisor, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, (toll-free number 1-800-552-7091)

## DEPARTMENT OF TAXATION

**October 6, 1986 - 10 a.m. - Public Hearing**  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of the Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-49.2. Innovative High Technology Industries and Research (Retail Sales and Use Tax)**. This regulation sets forth the application of the sales and use tax to businesses engaged in high technology production or research.

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

Written comments may be submitted until October 6, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## VIRGINIA BOARD OF VETERINARY MEDICINE

† **October 30, 1986 - 9 a.m. - Open Meeting**  
(Location to be announced). Richmond, Virginia.

A general board meeting.

**Contact:** Moria C. Lux, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

## VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

**October 15, 1986 - 3 p.m. - Open Meeting**  
**October 15, 1986 - 7 p.m. - Open Meeting -**  
Medical Foundation of Roanoke, 3000 Keagy Road, Salem, Virginia. ☒ (Interpreter for deaf provided if requested) ☛

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

**Contact:** Donald L. Cox, Virginia Department for the Visually Handicapped, Commonwealth of Virginia Bldg., 210 Church Ave., SW, Room B50, Roanoke, Va., 24011, telephone and Voice/TDD (703) 982-7122

**October 16, 1986 - 3 p.m. - Open Meeting**  
**October 16, 1986 - 7 p.m. - Open Meeting**  
Southwest Region Office, Department of Social Services, 190 Patton Street, Abingdon, Virginia. ☒ (Interpreter for deaf provided if requested) ☛

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

**Contact:** Richard Fanis, Virginia Department for the Visually Handicapped, 111 Commonwealth Ave., Bristol, Va. 24201, telephone and Voice/TDD (804) 669-0114

## STATE WATER CONTROL BOARD

**September 22, 1986 - 8:30 a.m. - Open Meeting**  
**September 23, 1986 - 9 a.m. - Open Meeting**  
**September 24, 1986 - 9 a.m. - Open Meeting**  
Northern Virginia (site to be determined)

Quarterly board meetings.

† **September 30, 1986 - 2 p.m. - Open Meeting**  
Prince William County Board Room, McCourt Building, 1 County Complex Court, 4850 Davis Ford Road, Prince William, Virginia.  
† **October 2, 1986 - 2 p.m. - Open Meeting**  
Norfolk City Council Chambers, 11th Floor, City Hall, Norfolk, Virginia.

The State Water Control Board will hold a public meeting to receive comments on the proposed development of water quality standards for the protection of state waters from the effects of nutrient enrichment.

# Calendar of Events

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† September 9, 1986 - 7 p.m. - Public Hearing  
Gordon Barber Elementary School Auditorium, High Street,  
Gordonsville, Virginia

A public hearing to receive comments on a proposed modification for NPDES Permit No. VA0021105 issued to Rapidan Service Authority for the Town of Gordonsville STP located in the Town of Gordonsville, Virginia. The Town of Gordonsville STP is a municipal wastewater treatment plant with a proposed discharge from its wastewater treatment plant to the unnamed tributary to the South Anna River.

Contact: Doneva A. Dalton, Water Control Board, P.O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6829

\* \* \* \* \*

September 11, 1986 - 7 p.m. - Public Hearing  
Henry County Administration Building, Board Meeting Room, Kings Mountain Road, Collinsville, 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: VR 680-16-02. Roanoke River Basin Water Quality Management Plan. This will be a revision of poundage limits on the Upper and Lower Segments of the Smith River so as to allow for construction of the proposed sewage treatment plant being proposed by the Henry County Public Service Authority.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Written comments may be submitted until September 18, 1986.

Contact: waters from the effects of nutrient enrichment.

Contact: Doneva A. Dalton, Court Reporter, State Water Control Board, P.O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6829

\* \* \* \* \*

† November 6, 1986 - 2 p.m. - Public Hearing  
Virginia War Memorial, Auditorium, 621 South Belvidere Street, 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: Water Quality Criteria for Surface Water. The proposed amendment would revise the water quality criteria values for ammonia, arsenic, cadmium, chromium III, chromium VI, copper, cyanide, and lead.

## STATEMENT

Basis: Section 62.1-44.15 (3) of the Code of Virginia authorizes the State Water Control 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, and amended or cancelled. The water quality criteria are standards established for specific pollutants.

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). If EPA determines that Virginia's water quality standards are not appropriate, it will promulgate its own federal water quality standard for Virginia.

Purpose: The purpose of this proposed amendment is to revise the existing water quality criteria values for eight pollutants so that they are consistent with values published by EPA on July 29, 1985, in the Federal Register. The criteria being revised are for ammonia, arsenic, cadmium, chromium III, chromium VI, copper, cyanide and lead. The existing criteria for these pollutants were adopted by the board in September 1984, and were based on EPA's draft criteria values published in February 1984. The criteria published by EPA in July 1985, are the final criteria values for these pollutants.

Impact: The proposed revision will affect the numerical values for eight water quality criteria. These criteria are utilized to determine whether permit limitations are required to regulate the discharge of the specific pollutants. Therefore the proposed revisions may affect the permit limitations which may be established for a given discharger. However, the proposed revisions to the numerical values for these criteria do not represent large numerical changes which would significantly affect any discharge limitations which would be based upon them. Of the eight criteria being revised, six of the eight new criteria values represent slightly less stringent values which, if they did in fact affect permit limits, would not require more stringent limits. The other two revised criteria (for arsenic and cadmium) revise the values such that only slightly more stringent discharge limits could be required. These limits, however, would not in all probability effect the level of treatment required.

The revised criteria values will insure that the aquatic life and other beneficial uses of the water are protected. They provide the best available information as to the level of protection required.

The proposed revisions, therefore, will have little or no impact on affected dischargers throughout the Commonwealth should insure that proper water quality is being maintained. The revisions should have no impact on agency resources. The proposed amendment will revise the

numerical water quality criteria for eight pollutants.

**Statutory Authority:** § 62.1-44.15 (3) of the Code of Virginia.

Written comments may be submitted until November 17, 1986, to Ms. Doneva Dalton, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

**Contact:** Stu Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

## VIRGINIA COUNCIL ON THE STATUS OF WOMEN

**September 23, 1986 - 9 a.m. - Open Meeting**  
AT&T Communications, 1st Floor Conference Room, 1001 East Broad Street, (Old City Hall), Richmond, Virginia

A regular meeting of the council to conduct general business and to receive reports from the committees of the council.

**Contact:** Bonnie H. Robinson, Executive Director, Virginia Council on the Status of Women, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

## LEGISLATIVE

### HOUSE APPROPRIATIONS COMMITTEE

† **September 15, 1986 - 9:30 a.m. - Open Meeting**  
General Assembly Building, Conference Room, 9th Floor, Capitol Square, Richmond, Virginia. ☐

A regular monthly meeting.

**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

### JOINT SUBCOMMITTEE STUDYING THE SCREENING OF CHILD-CARE PERSONNEL

† **September 16, 1986 - 2 p.m. - Open Meeting**  
General Assembly Building, 4th Floor West Conference Room, Capitol Square, Richmond, Virginia. ☐

A work session for discussion and development of recommendations. (HJR 98)

**Contact:** Susan Ward, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, (804) 786-3591

### JOINT MEETING OF HOUSE COMMITTEE ON CORPORATIONS, INSURANCE AND BANKING AND SENATE COMMITTEE ON COMMERCE AND LABOR

**September 15, 1986 - 9 a.m. - Open Meeting**  
(the time listed as 5 p.m. was in error)  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

The purpose of this meeting is for briefing by three Commissioners of the State Corporation Commission.

**Contact:** C. William Cramme', III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

### HOUSE EDUCATION SUBCOMMITTEE #2 (Students Generally and Their Curricula)

† **September 17, 1986 - 10 a.m. - Open Meeting**  
General Assembly Building, 4th Floor West Conference Room, Capitol Square, Richmond, Virginia. ☐

The purpose of this meeting is to discuss HB 345, relating to day care programs outside school hours. HB 345 was carried over from the 1986 session.

**Contact:** Norma Szakal, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

### SPECIAL SUBCOMMITTEE STUDYING HJR 13

† **September 15, 1986 - 4 p.m. - Open Meeting**  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Competitive Environment for Tourism Marketing.

4 - 5 p.m.: Briefing Session  
5 - 6 p.m.: Open Meeting

**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

# Calendar of Events

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## **SPECIAL SUBCOMMITTEE STUDYING THE REGULATION OF FINANCIAL PLANNERS,**

**September 17, 1986 - 10 a.m. - Open Meeting**  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☒

An organizational meeting to discuss whether financial planners should be regulated and if so, to what extent.

**Contact:** C. William Cramme', III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

## **JOINT SUBCOMMITTEE REVIEWING THE SAVINGS AND LOAN LAWS AND INTEREST RATE LAWS OF THE COMMONWEALTH AND INTERSTATE BANKING**

**September 16, 1986 - 10 a.m. - Open Meeting**  
State Capitol, House Room 1, Capitol Square, Richmond,  
Virginia. ☒

A special subcommittee of the Savings and Loan Subcommittee will review credit card laws in Virginia.

**September 16, 1986 - 10 a.m. - Open Meeting**  
State Capitol, House Room 2, Capitol Square, Richmond,  
Virginia. ☒

A special subcommittee of the Savings and Loan Subcommittee will review carried over HB 400 dealing with interest rate laws in Virginia.

**Contact:** C. William Cramme', III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Richmond, Va. 23219, telephone (804) 786-3591

## **JOINT SUBCOMMITTEE STUDYING THE PROBLEMS OF TEEN PREGNANCY IN VIRGINIA**

**September 5, 1986 - 9 a.m. - Public Hearing**  
Lee Center in the Auditorium, 1108 Jefferson Street,  
Alexandria, Virginia.

The second public hearing for this subcommittee has been scheduled on Friday, September 5, to consider HJR 61.

Public hearing: 9 a.m. to 1 p.m.  
Working session: 1:30 p.m. to 4:30 p.m.

**Contact:** Brenda Edwards, Research Associate, Division of Legislative Services, General Assembly Bldg., 2nd Floor, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## **JOINT SUBCOMMITTEE STUDYING TORT REFORMS**

† **September 8, 1986 - 10 a.m. - Public Hearing**  
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. #FT3001 5

The purpose of the public hearing is for the subcommittee to elicit from the public suggestions for tort reform in the civil justice system which may help alleviate the current liability insurance dilemma and prevent future recurrence, and to discuss the need for collecting more data from insurance companies in order to better evaluate their premium charges. (SJR 22)

**Contact:** Robert F. Doult, Deputy Clerk of the Senate, P.O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

## **JOINT SUBCOMMITTEE STUDYING VIRGINIA'S TRAUMA CARE SYSTEM**

† **September 8, 1986 - 10 a.m. - Open Meeting**  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☒

A work session to review information and comments heard during previous meetings. The subcommittee will also hear presentations from individuals from various levels of the emergency medical systems. (HJR 65)

**Contact:** Norma Szakal, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

## **CHRONOLOGICAL LIST**

### **OPEN MEETINGS**

**September 3**  
Criminal Justice Services, Board of  
- Committee on Training  
Higher Education for Virginia, State Council of

**September 4**  
† Conservation and Historic Resources, Department of  
Division of Forestry  
- Reforestation of Timberlands Committee  
Medicine, Virginia State Board of  
- Chiropractic Examination Committee

# Calendar of Events

## September 5

- † Elections, State Board of General Services, Department of
  - Division of Consolidated Laboratory Services Advisory Board

## September 8

- Hearing Aid Dealers and Fitters, Virginia Board of Land Evaluation Advisory Committee, State
- † Tort Reform, Joint Subcommittee Studying
- † Virginia Trauma Care System, Joint Subcommittee Studying

## September 9

- † Medical Assistance Services, Board of Medicine, Virginia State Board of
  - Advisory Committee on Respiratory Therapy
- † Norfolk State University, Board of Visitors
- Pharmacy, State Board of

## September 10

- † Audiology and Speech Pathology, State Board of Examiners for Children's Residential Facilities, Interdepartmental Licensure and Certification of
  - Advisory Committee
- † Dentistry, Virginia Board of Geology, Virginia Board of
- † Health, Board of Medicine, Virginia State Board of
  - Informal Conference Committee
- Pilots, Commissioners to Examine

## September 11

- Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects
  - State Board of Architects
- † Dentistry, Virginia Board of
- † Health, Board of Medicine, Virginia State Board of
  - Chiropractic Examination Committee

## September 12

- Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects
- Children's Residential Facilities, Interdepartmental Licensure and Certification of
  - Coordinating Committee
- † Conservation and Historic Resources, Department of
  - Falls of the James Advisory Committee
- Health, Board of
- Insurance Advisory Board, State
- Medicine, Virginia State Board of
  - Credentials Committee
  - Informal Conference Committee

## September 13

- General Services, Department of
  - Art and Architectural Review Board
- Medicine, Virginia State Board of
  - Credentials Committee

## September 15

- † Appropriations Committee, House
- House Committee on Corporations, Insurance and Banking and Senate Committee on Commerce and Labor, Joint Meeting of
- Library Board, Virginia State
- Special Subcommittee Studying HJR 13

## September 16

- † Child-Care Personnel, Joint Subcommittee Studying the Screening of
- † Health Coordinating Council, Virginia Statewide Health Regulatory Boards, Council of
  - Regulatory Research and Evaluation Committee
- † Housing Development Authority, Virginia
- Long-Term Care Council, Virginia's
- Museum of Fine Arts, Virginia
  - Entertainment Committee
- Savings and Loan Laws and Interest Rate Laws of the Commonwealth and Interstate Banking, Joint Subcommittee Reviewing
- † Small Business Authority, Virginian

## September 17

- † Community Colleges, State Board for
- Corrections, Board of
- † Education Subcommittee #2
- Financial Planners, Special Subcommittee Studying the Regulations of
- † Health Coordinating Council, Virginia Statewide
- Museum of Fine Arts, Virginia
  - Accessions Committee

## September 18

- † Community Colleges, State Board for
- † Conservation and Historic Resources, Department of
  - Virginia Soil and Water Conservation Board
- Highways and Transportation, Department of (State Board of)
- Museum of Fine Arts, Virginia
  - Finance Committee
  - Full Board of Trustees

## September 19

- † Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects
  - State Board of Professional Engineers
- Medicine, Virginia State Board of
  - Advisory Committee on Physician Assistants

## September 22

- Job Training Coordinating Council, Governor's
- † Nursing, State Board of
- Water Control Board, State

## September 23

- Local Government, Commission on
- † Nursing, State Board of
- Water Control Board, State
- Women, Council on the Status of, Virginia



# Calendar of Events

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## September 24

- † Health Services Cost Review Council, Virginia Mental Health and Mental Retardation, State Board of
- † Nursing Home Administrators, State Board of Examiners for
- † Nursing, State Board of
- † Sewage Handling and Disposal Appeals Review Board, State
- Water Control Board, State

## September 25

- † Chesapeake Bay Commission
- † Criminal Justice Services Board
  - Criminal Justice Information Systems Committee
- † Dentistry, Virginia Board of
- Efficiency in Government, Governor's Commission on
- † Nursing Home Administrators, State Board of Examiners for
- † Safety and Health Codes Board, Virginia

## September 26

- † Chesapeake Bay Commission
- † Dentistry, Virginia Board of

## September 27

- † Dentistry, Virginia Board of

## September 30

- Museum of Fine Arts, Virginia
  - Education in the Arts Committee
- Water Control Board, State

## October 1

- † Criminal Justice Services Board
  - Committee on Training

## October 2

- † Water Control Board, State

## October 7

- † Aging, Governor's Advisory Board on

## October 8

- † Aging, Governor's Advisory Board on
- Museum of Fine Arts, Virginia
  - Exhibitions Committee
  - Programs Committee of the Board of Trustees

## October 9

- † Aging, Governor's Advisory Board on

## October 15

- Corrections, Board of
- Efficiency in Government, Governor's Commission on
- Visually Handicapped, Virginia Department for the

## October 16

- Highways and Transportation, Department of (State Board of)
- Museum of Fine Arts, Virginia

- Executive Committee

- Finance Committee

Visually Handicapped, Virginia Department for the

## October 20

Housing and Community Development, Board of  
Local Government, Commission on

## October 21

Local Government, Commission on

## October 22

Local Government, Commission on

## October 30

† Veterinary Medicine, Virginia Board of

## November 5

† Agriculture and Consumer Services, State Board of

## November 18

Efficiency in Government, Governor's Commission on

## December 4

† Aging, Department for the  
- Long-Term Care Ombudsman Program Advisory  
Council

## PUBLIC HEARINGS

### September 3

Education Assistance Authority, State

### September 5

Teen Pregnancy in Virginia, Joint Subcommittee  
Studying the Problems of

### September 9

† Water Control Board, State

### September 10

Nursing, State Board of  
- Task Force for the Study of Definitions of Nursing

### September 11

Water Control Board, State

### September 16

† Small Business Financing Authority, Virginia

### September 17

Commerce, Department of

### September 19

Health Coordinating Council, Virginia Statewide

### September 22

Agriculture and Consumer Services, Department of  
Higher Education for Virginia, State Council of

## Calendar of Events

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**September 23**

Alcoholic Beverage Control Board, Department of

**October 6**

Taxation, Department of

**October 15**

Health, Department of  
- Division of Water Programs

**October 20**

Health, Board of  
Housing and Community Development, Board of

**October 28**

Education, Department of (Board of)

**October 31**

Medical Assistance Services, Board of

**November 6**

† Water Control Board, State

**November 12**

Corrections, Board of  
† Education, Department of (Board of)

**December 17**

Efficiency in Government, Governor's Commission on

# Calendar of Events

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