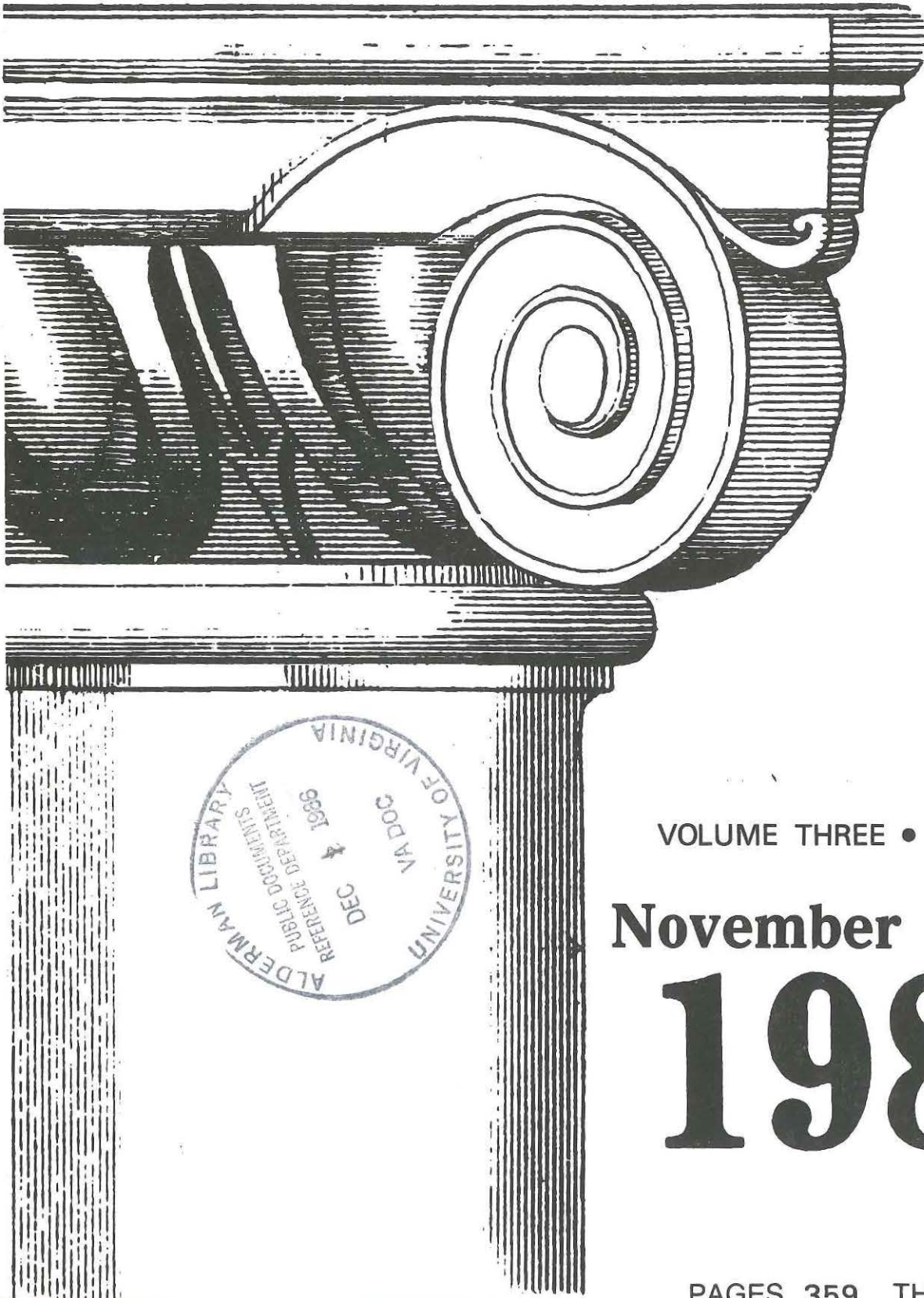


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THE VIRGINIA REGISTER

OF REGULATIONS



VOLUME THREE • ISSUE FOUR

November 24, 1986

1986

PAGES 359 THROUGH 454

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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VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 7	June 18
July 21	July 2
Aug. 4	July 16
Aug. 18	July 30
Sept. 1	Aug. 13
Sept. 15	Aug. 27
Sept. 29	Sept. 10
Final Index - Volume II	
Oct. 13	Sept. 24
Oct. 27	Oct. 8
Nov. 10	Oct. 22
Nov. 24	Nov. 5
Dec. 8	Nov. 19
Dec. 22	Dec. 3
Index - 1st Issue, Volume III	
1987	
Jan. 5	Dec. 17
Jan. 19	Dec. 31
Feb. 2	Jan. 14
Feb. 16	Jan. 28
Mar. 2	Feb. 11
Mar. 16	Feb. 25
Index - 2nd Issue	
Mar. 30	Mar. 11
Apr. 13	Mar. 25
Apr. 27	Apr. 8
May 11	Apr. 22
May 25	May 6
June 8	May 20
June 22	June 3
Index - 3rd Issue	
July 6	June 17
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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 COMMERCE

Title of Regulation: VR 170-01-1. Virginia Board of Barber Examiners.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Public Hearing Date: January 26, 1987 - 9 a.m.
(See Calendar of Events section for additional information)

Summary:

Pursuant to Chapter 1.1. (§ 54-1.17 et seq.) and Chapter 4.1 (§ 54-83.2 et seq.) of Title 54 of the Code of Virginia and in accordance with Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia, the Virginia Board of Barber Examiners proposes to amend its existing regulations.

The regulations apply directly to 3,580 currently licensed barbers.

The board proposes to amend § 1.7 decreasing the barber renewal fee from \$35 to \$30 (§ 7.1H) and late renewal fee, barber from \$70. to \$60 (§ 1.7L).

The anticipated impact of the fee decrease to licensees is a savings of \$16,525 per biennium.

VR 170-01-1. Virginia Board of Barber Examiners.

SECTION ONE

PART I GENERAL.

§ 1.1. Under the requirements established by the board, anyone practicing as a barber shall have a temporary license or a valid license as a barber, or a valid license as a barber teacher. ~~(54-83.22:1)~~

§ 1.2. Teacher license.

Any person desiring to teach barbering ~~must~~ *shall* obtain a barber teacher license. ~~(Chapter 534 (1974) Acts of Assembly)~~

§ 1.3. Shop license.

Any person, firm, or corporation operating any place or establishment providing barber services ~~must~~ *shall* have a valid shop license. ~~(Chapter 630 (1962) AaA)~~

§ 1.4. School license.

A license may be issued to any school approved by the board as meeting the standards set forth in § 4 of these regulations. ~~(Chapter 534 (1974) AaA)~~

§ 1.5. Issuance of original license.

The board shall issue original licenses as follows: ~~(54-83.22:1)~~

~~1.5.1~~ *1.5.1* A. License by examination. The board shall issue a license attesting to the competency of every applicant who has successfully completed an examination as required by these regulations. ~~(54-83.22:1)~~

~~1.5.2~~ *1.5.2* B. License by endorsement. Any person currently licensed to practice as a barber in any other state in the United States, the District of Columbia, or Puerto Rico may, upon proper application to the board, be issued a license to practice as a barber in ~~this State the Commonwealth~~ without being required to pass an examination. ~~(54-83.22:1)~~

§ 1.6. License renewal required. ~~(54-1.28(4))~~

~~1.6.1~~ *1.6.1* A. Licenses issued under these regulations shall expire on ~~the last day of~~ December 31 of each even-numbered year if issued prior to January 1, 1985. ~~(54-1.28(4))~~

~~1.6.2~~ *1.6.2* B. All licenses issued beginning January 1, 1985 will expire on March 31 of each odd-numbered year. ~~(54-1.28(4))~~

~~1.6.3~~ *1.6.3* C. Each licensee desiring to renew should submit his application for renewal, with the appropriate fee set forth in § 1.7, before the license expires. License holders shall be notified by mail of the fee and the procedure for renewal at least 45 days before the licenses expire. Any licensee not receiving renewal notice may submit a copy of his license with the required fee. Failure to receive written notice from the Department of Commerce does not relieve the regulant from the requirement to renew his license. ~~(54-1.28(4))~~

~~1.6.4~~ *1.6.4* D. Any licensee who fails to renew a license within one month after the license expires will be required to pay a late renewal fee which shall be equal to twice the regular renewal fee ; (see fee schedule in § 1.7) .

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Any licensee who fails to renew ~~their~~ *his* license within six months after the expiration date of ~~their~~ *his* license ~~must~~ *shall* apply for reinstatement of the license by submitting to the Department of Commerce a renewal application and fee which shall be equal to twice the regular renewal fee with a statement of the reasons for failing to renew prior to the expiration date. ~~(54-1.28(4))~~

~~1.6.5~~ 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)~~

~~1.6.6~~ F. The date the renewal application and fee ~~is~~ *are* 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)~~

~~1.6.7~~ G. Revoked licenses, suspended licenses and licenses not renewed from past renewal periods shall not be renewable under this regulation. ~~(54-1.28)~~

§ 1.7. Fee schedule. ~~(54-1.28(4))~~

- ~~1.7.1~~ 1. Initial examination fee, barber ~~(54-1.28(4))~~ \$ 50.
- ~~1.7.2~~ 2. Initial examination fee, barber teacher ~~(54-1.28(4))~~ \$ 50.
- ~~1.7.3~~ 3. Reexamination fee ~~(54-1.28(4))~~ \$ 5.
- ~~1.7.4~~ 4. Application fee, barbershop license ~~(54-1.28(4))~~ \$ 15.
- ~~1.7.5~~ 5. Barber school license ~~(54-1.28(4))~~ \$100.
- ~~1.7.6~~ 6. License by endorsement ~~(54-1.28(4))~~ \$ 50.
- ~~1.7.7~~ 7. Replacement of lost certificate ~~(54-1.28(4))~~ \$ 5.
- ~~1.7.8~~ 8. Renewal of barber license ~~(54-1.28(4))~~ \$ 35; \$ 30.
- ~~1.7.9~~ 9. Renewal of teacher license ~~(54-1.28(4))~~ .. \$ 50.
- ~~1.7.10~~ 10. Renewal of shop license ~~(54-1.28(4))~~ .. \$ 25.
- ~~1.7.11~~ 11. Renewal of school license ~~(54-1.28(4))~~ . \$100.
- ~~1.7.12~~ 12. Late renewal fee, barber ~~(54-1.28(4))~~ \$ 70; \$ 60.
- ~~1.7.13~~ 13. Late renewal fee, barber teacher ~~(54-1.28(4))~~ \$100.
- ~~1.7.14~~ 14. Late renewal fee barber school ~~(54-1.28(4))~~ \$200.
- ~~1.7.15~~ 15. Temporary Permit ~~(54-1.28(4))~~ \$ 5.

SECTION TWO

PART II. ENTRY.

§ 2.1. General requirements.

Upon filing application with the department on forms approved by the board, and upon paying the required fee, any person shall be granted a license provided the application contains evidence satisfactory to the board that an applicant has passed the examination administered by the board or by independent examiners after having completed one of the following: ~~(Chapter 534 (1974) AaA)~~

- ~~2.1.1~~ 1. Has graduated from a school of barbering approved by the board; or ~~(Chapter 534 (1974) AaA)~~
- ~~2.1.2~~ 2. Has completed a course in a public school with a curriculum in barbering approved by the State Department of Education; or ~~(Chapter 534 (1974) AaA)~~
- ~~2.1.3~~ 3. Has been trained as a barber at any state institution; or ~~(54-1.28(1))~~
- ~~2.1.4~~ 4. Has completed training as a barber in the armed forces; or ~~(54-1.28(1))~~
- ~~2.1.5~~ 5. Has completed an apprenticeship program approved by the board; and ~~(54-1.28(1))~~

§ 2.2. Apprenticeship training standards.

Barbershops training apprentices shall comply with the standards established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry and the Virginia State Board of Barber Examiners. ~~(54-1.28(1))~~

§ 2.3. School training.

Any person trained at a school for barbers shall be eligible for licensing provided the school maintains the minimum standards of operation as set forth in § 4.1 of these regulations. ~~(54-1.28(1))~~

§ 2.4. Exceptions to training requirements. ~~(54-1.28(1))~~

- ~~2.4.1~~ A. To licensed cosmetologists enrolling for barber training, barber schools shall give credit for 50% of the training hours required of any licensed cosmetologist. ~~(54-1.28(1))~~
- ~~2.4.2~~ B. To cosmetologist students wishing to enroll for barber training, the barber school shall give credit for a maximum of 50% of the hours required of cosmetologist students. ~~(54-1.28(1))~~

§ 2.5. Examination required. ~~(54-1.28(2))~~

- ~~2.5.1~~ A. Applicants for licensing shall pass a practical

Proposed Regulations

and a written examination with a minimum score of 70% on each part. ~~(54-1-28(2))~~

~~2-5-2~~ B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year. ~~(54-1-28(2))~~

§ 2.6. Reexamination.

If the applicant does not pass a reexamination within a one-year period, he will be required to submit another initial application/examination fee and repeat the entire examination. ~~(54-1-28(2))~~

§ 2.7. Eligibility.

Any candidate failing to appear for an examination during the six-month period following the first notification of eligibility shall be eligible to sit for another scheduled examination upon payment of a second initial examination fee. ~~(54-1-28(2))~~

§ 2.8. Conduct of examination. ~~(54-1-28(2))~~

~~2-8-1~~ 1. The examinations shall be conducted by independent examiners or board members. ~~(54-1-28(2))~~

~~2-8-2~~ 2. Each examiner shall complete a period of training specified by the board. ~~(54-1-28(2))~~

~~2-8-3~~ 3. Every examiner shall have at least three years of active experience as a licensed barber and be currently licensed by the board. ~~(54-1-28(2))~~

~~2-8-4~~ 4. The results of the examination shall be submitted to the board's office, where the grades shall be compiled and the results released. ~~(54-1-28(2))~~

§ 2.9. Temporary permit.

A temporary permit to work under the supervision of a currently licensed barber may be issued to any person that the board finds eligible for examination. ~~(54-83-22-1)~~

~~2-9-1~~ 1. The application for a temporary permit shall be accompanied by an application, an original examination fee, and a temporary permit fee. ~~(54-83-22-1)~~

~~2-9-2~~ 2. The temporary permit shall remain in force until 20 days following the next scheduled examination for which the applicant would be eligible. ~~(54-83-22-1)~~

~~2-9-3~~ 3. Any person continuing to practice barbering after a temporary permit has expired may be prosecuted under § 54.1-20 of the Code of Virginia. ~~(54-83-22-1)~~

~~2-9-4~~ 4. No applicant for examination shall be issued more than one temporary permit. ~~(54-83-22-1)~~

§ 2.10. General requirements for a barber-teacher's license.

An applicant for a barber-teacher's license shall pass a barber-teacher examination administered by the board or by independent examiners.

~~2-10-1~~ 1. A prerequisite to taking the examination shall be that the applicant be currently licensed as a Virginia barber.

~~2-10-2~~ 2. Applicants passing the examination for a barber-teacher's license shall not be required or allowed to maintain a barber license.

§ 2.11. Sanitation. ~~(54-1-28(1))~~ 2-11-1

An application for a barbershop license shall be accompanied by an affidavit of inspection required by any local health department. ~~(54-1-28(1))~~

SECTION THREE

PART III. STANDARDS OF PRACTICE.

§ 3.1. Display of license.

The license to practice as a barber shall be prominently displayed in the establishment where the barber is employed. ~~(54-1-28(5))~~

§ 3.2. Discipline.

The board may revoke, suspend, or fail to renew a license, or impose a fine as permitted by law if, after a hearing, it finds that: ~~(54-1-28(7))~~

~~3-2-1~~ 1. The licensee is incompetent, or negligent in practice, or incapable mentally or physically to practice as a barber; or ~~(54-1-28(7))~~

~~3-2-2~~ 2. The licensee is guilty of fraud or deceit in the practice or teaching of barbering; or ~~(54-1-28(7))~~

~~3-2-3~~ 3. The licensee violates or induces others to violate, or cooperates with others in violating, any of the provisions of these regulations, or Chapter 4.1, Title 54, of the Code of Virginia, or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber may practice or offer to practice; or ~~(54-1-28(7))~~

~~3-2-4~~ 4. The owner or operator of a school or salon permits or allows a person to practice or teach barbering without obtaining a license or temporary permit. ~~(54-1-28(7))~~

§ 3.3. Discipline.

The board may revoke, suspend, or fail to renew the

Proposed Regulations

license of any school or impose a fine as permitted by law when: ~~(54-1-28(7))~~

~~3.3.1 1. An instructor of the approved schools fails to teach the curriculum as provided for in these regulations; or (54-1-28(7))~~

~~3.3.2 2. The owner or director of the approved school permits or allows a person to teach in the school without holding a current teacher license. (54-1-28(7))~~

~~3.3.3 3. The teacher, owner or director is guilty of fraud or deceit in the teaching of barbering. (54-1-28(7))~~

§ 3.4. Discipline.

The board may revoke, suspend, or refuse to renew the license of any barbershop or impose a fine as permitted by law when there is a finding that: ~~(54-1-28.27)~~

~~3.4.1 1. The owner or operator of the shop fails to comply with the sanitary requirements of barbershops provided for in any local ordinances; or (54-83.27)~~

~~3.4.2 2. The owner or operator allows a person who has not obtained a license or temporary permit to practice as a barber unless the person is duly indentured as an apprentice; (54-83.22:1)~~

§ 3.5. Sanitation , premises and equipment, operations and service .

Barbershops shall comply with the following sanitation standards: ~~(54-1-28(5))~~

~~3.5.1 Premises and Equipment: (54-83.27)~~

~~3.5.1.1 1. Wash basins. There shall be a sufficient number of wash basins to provide hot and cold running water, under pressure, to adequately accommodate the clientele. (54-83.27)~~

~~3.5.1.2 2. General cleanliness. All furniture, walls, floors, and windows shall be clean and in good repair. Wash basins and sinks shall be clean. (54-83.27)~~

~~3.5.1.3 3. Cabinets. Cleaned instruments, such as combs, brushes, shears, towels, etc., shall be kept free from contamination until used. (54-83.27)~~

~~3.5.1.4 4. Towel receptacles. A sufficient number of receptacles for soiled towels shall be provided to accommodate the usual flow of business. (54-83.27)~~

~~3.5.2 Operations and Service: (54-83.27)~~

~~3.5.2.1 5. Towels. Clean towels shall be used for each patron. (54-83.27)~~

~~3.5.2.2 6. Haircloth. Whenever a haircloth is used in~~

~~cutting, shampooing, etc., a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin. (54-83.27)~~

~~3.5.2.3 7. Astringent use. No alum or other astringent shall be used in stick form. Liquid or powder astringent must shall be used. (54-83.27)~~

~~3.5.2.4 8. Brushes and combs. Brushes must shall be washed in soap and hot water after each use on a patron. Combs must shall be washed in soap and hot water or must shall be kept immersed in a properly prepared and maintained sanitizing solution. (54-83.27)~~

~~3.5.2.5 9. Permanent wave equipment. Permanent wave rods shall be rinsed after each use. End papers shall be destroyed after each use. (54-83.27)~~

SECTION FOUR

SECTION IV. BARBER SCHOOLS.

§ 4.1. General requirements.

A school of barbering shall be approved by the board if it meets all the following requirements: ~~(Chapter 538 (1974) AaA)~~

~~4.1.1 1. Its faculty is made up of licensed barber teachers. (Chapter 538 (1974) AaA)~~

~~4.1.2 2. It accepts no more than sixteen students per barber teacher. (Chapter 538 (1973) AaA)~~

~~4.1.3 3. It requires its students to practice in the school for not less than 1500 hours. (Chapter 534 (1974) AaA)~~

~~4.1.4 4. It teaches a course of instruction including the following subjects:~~

~~4.1.4.1 a. Cutting the hair with a razor, clippers, shears. (Chapter 534 (1974) AaA)~~

~~4.1.4.2 b. Tapering the hair. (Chapter 534 (1984) AaA)~~

~~4.1.4.3 c. Thinning the hair. (Chapter 534 (1974) AaA)~~

~~4.1.4.4 d. Shampooing the hair. (Chapter 534 (1974) AaA)~~

~~4.1.4.5 e. Styling the hair with a hand hair dryer. (Chapter 534 (1974) AaA)~~

~~4.1.4.6 f. Thermal waving. (Chapter 534 (1974) AaA)~~

~~4.1.4.7 g. Permanent waving with chemicals.~~

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(Chapter 534 (1974) AoA)

4.1.4.8 h. Shaving. (Chapter 534 (1974) AoA)

4.1.4.9 i. Trimming a moustache or beard. (Chapter 534 (1974) AoA)

4.1.4.10 j. Applying hair colors. (Chapter 534 (1974) AoA)

4.1.4.11 k. Lightening or toning the hair. (Chapter 534 (1974) AoA)

4.1.4.12 l. Analyzing skin or scalp conditions. (Chapter 534 (1974) AoA)

4.1.4.13 m. Giving scalp treatments. (Chapter 534 (1974) AoA)

4.1.4.14 n. Giving a facial massage or treatment. (Chapter 534 (1974) AoA)

4.1.4.15 o. Sanitizing and maintaining implements and equipment. (Chapter 534 (1974) AoA)

4.1.4.16 p. Honing and stropping a razor. (Chapter 534 (1974) AoA)

4.1.4.17 q. Using infra-red lights. (Chapter 534 (1974) AoA)

§ 4.2. Applicants for state approval.

Any person, firm, or corporation desiring to conduct a barber school shall submit an application to the board at least 30 days prior to the date for which approval is sought. Exception: Schools subject to regulation by the State Department of Education. (Chapter 534 (1974) AoA)

§ 4.3. School identification.

Each barber school approved by the board shall identify itself to the public as a teaching institution. (Chapter 534 (1974) AoA)

§ 4.4. Records.

4.4.1 A. Schools are required to keep permanent records showing what instruction the student has received. These records *must shall* be available for inspection by the department. All records *must shall* be kept on the premises of each school. (Chapter 534 (1974) AoA)

4.4.2 B. Thirty days prior to closing, selling or disposing of a barber school, the owner *must shall* furnish the board with a complete record of all currently enrolled students, their scores in examinations, hours of credit and any other information requested by the board. (Chapter 534 (1974) AoA)

BOARD OF EDUCATION

Title of Regulation: VR 270-02-0000. Teacher Certification Regulations.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Public Hearing Date: January 16, 1987 - 1 p.m.
(See Calendar of Events section for additional information)

Summary:

Article 1.

Introduction.

§ 1.1. Approved program approach to certification.

A. Requirements for teacher education and certification.

The assignment of a numbering system to be consistent with APA document requirements is shown in this revision.

B. Additional requirements for certification.

Proposed statements are added to include the requirements of passing the National Teacher Examinations and assessing beginning teachers in the Virginia Beginning Teacher Assistance Program.

§ 1.2. Approved program requirements.

B. Organization and administration.

Proposed statement to add a standard to the teacher preparation programs throughout the Commonwealth requiring that K-12 school division personnel be involved in the establishment of teacher preparation program policies and procedures for the colleges and universities with approved programs.

C. Student Personnel Program.

Proposed statement that the guidance program for college students provide for regularly scheduled conferences to include the counseling of individuals and groups.

E. Faculty.

Proposed addition to a statement to clarify the number of full-time faculty members and faculty degree status necessary for program approval.

G. Use of output measures in the approved program process.

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Proposed statement to add a standard that requires the colleges and universities to provide evidence of the success of their students and programs by using output measures.

Article 2.

Certification Procedures.

§ 1.4. Purpose of the responsibility for certification.

Proposed statement to reflect the requirement for the passing of National Teacher Examinations in order to qualify for the issuance of the initial teaching certificate in the Commonwealth of Virginia.

§ 1.5. Types of certificates.

A. Provisional Certificate.

1. Current statements are reformatted to make the requirements more easily understood. The content of these statements does not differ from the current regulations.

4. Proposed statement is added to the definition of the provisional certificate to clarify that a provisional certificate may be upgraded at the end of a two-year period. When all of the requirements have been met, different types of certificates may be issued to an individual.

B. Five-year Renewable Certificates.

1. Collegiate Professional Certificate.

Proposed statements to be added to clarify that the candidate must satisfy the requirements for the National Teacher Examinations and Beginning Teacher Assistance Program. Inquiries regarding exemptions from these requirements must be made directly to the Division of Teacher Education and Certification.

§ 1.6. Requirements for renewing a certificate.

A. Current statements have been reformatted for ease in understanding. The number of hours required has not been changed, but a clarification of coursework taken at a two-year institution is proposed. This clarification includes approval of computer technology and special trades provided there is prior approval by the employing agency and the Department of Education.

B. The word remediation is to be replaced with the word improvement to provide more positive wording when describing professional development for recertification.

§ 1.7. Requirements of additional endorsement.

Statements have been proposed to clarify that a recommendation for an additional endorsement must come from a four-year accredited college or university with an approved program. The individual must meet the specific endorsement requirements for the added endorsement.

Part II.

Certification Requirements.

Article I.

Basic Preparation Programs.

§ 2.2. Professional studies.

D. Teaching Levels.

1. Early Education(NK-4).

c. Endorsement requirements.

Statement to indicate a proposed reduction of hours from 60 to 54 semester hours. The following statement clarifies the competencies required for an early education candidate to acquire in this endorsement.

(1) English Language Arts.

Proposed statements to specify requirements for the acquisition of skills for the teaching of reading, language and children's literature.

§ 2.3. Specialized studies: Teaching endorsement areas.

N. Developmental Reading(NK-12).

Proposed addition of corrected terminology changing remedial to developmental/corrective.

1.b. The requirements have not been changed, but the addition of the word or aids the reader's understanding of the competencies required.

U. Vocational Education (Agricultural Education).

2. Endorsement requirements.

Statement proposed clarifies the distribution of coursework in technical agriculture.

V. Vocational Education (Business Education).

2. Endorsement requirements for general office procedures for stenography and for data processing.

a. Program I. General office procedures.

Proposed reduction of hours required from 36 to 33 semester hours.

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(4) Typewriting.

Proposed reduction of required hours from 9 to 6 semester hours.

Proposed statement clarifies the requirements for students with advanced standing after a determination of hours counted from previous work.

b. Program II. Business Education-Stenography.

Proposed reduction of hours required from 42 to 39 semester hours.

(4) Typewriting and Shorthand.

Proposed reduction of required hours from 15 to 12 semester hours. An additional statement is proposed to clarify the requirements for students with advanced standing after a determination of hours counted from previous work.

W. Vocational Education (Marketing and Distributive Education).

Proposed deletion of the word "Distributive" to update the regulations with the appropriate title for this area.

The proposed new title is Marketing Education.

Z. Vocational Education (Industrial Arts Education).

Proposed deletion of the words "Industrial Arts" to update the regulations with the appropriate title for this area.

The proposed new title is Technology Education.

Article 2.

Administrative, supervisory, and related instructional positions.

§ 2.6. Pupil personnel services positions.

A. Guidance counselors (elementary, middle and secondary).

Endorsement requirements.

b. Statement proposed that the applicant meet the requirements for two successful years of full-time experience in a professional school position. Persons will no longer be required to have teaching experience.

c.(9) Statement proposed requires that, in addition to guidance and counseling experiences, the practicum include multiple experiences in classroom observation and consultation with teachers.

d. Statement proposed to issue a provisional certificate for a period not to exceed two years to applicants who have completed all requirements for the Pupil Personnel Certificate except for the successful completion of work experience. It is a non-renewable certificate that may be raised to the Pupil Personnel Certificate upon the recommendation of an employing education agency when all requirements have been fulfilled.

§ 2.7. Special Education.

G. Preschool Handicapped.

1. a. Proposed addition in the program content section of the words degrees of severity to clarify a standard concerning the knowledge of the characteristics of major handicapping conditions.

DEPARTMENT OF LABOR AND INDUSTRY

Title of Regulation: VR 425-02-12. Virginia Confined Space Standard - 1910.146.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Public Hearing Dates:

February 2, 1987 - 7 p.m.

February 3, 1987 - 7 p.m.

February 4, 1987 - 8 p.m.

February 5, 1987 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

The proposed standard defines a "confined space" as "any space not intended for continuous employee occupancy, having a limited means of egress, and which is also subject to the accumulation of an actual or potentially hazardous atmosphere... or a potential for engulfment."

With some limited exceptions, the proposed Confined Space Standard provides the following general practices and procedures for entry into and work inside a confined space: (i) the employer must implement a written entry permit system; (ii) the employer must train each employee on the hazards of working in a confined space before the employee is authorized to enter a confined space (the employer must maintain the records of the most recent training program conducted); (iii) atmospheric testing must be conducted for oxygen level, flammability and toxic materials expected to be present; (iv) all confined spaces must be flushed or emptied of all dangerous substances to the extent feasible and in the case of a hazardous atmosphere adequate ventilation must be provided; (v) electrical and mechanical hazards must

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be removed or prevented from causing a hazardous situation; (vi) when necessary, an attendant shall be stationed immediately outside every confined space (a nonattendant entry is permitted in many cases); and (vii) the employee entering a confined space with a hazardous atmosphere must be provided with an appropriate retrieval device with a retrieval line and an appropriate respirator.

An important aspect of the proposed standard is its reliance on the concept of the "qualified person." A "qualified person" is defined as "a person who is trained to recognize the hazard(s) of the confined space and how to evaluate those anticipated hazards."

The proposed standard provides that the employer may designate an employee as a "qualified person" for the purpose of assuring safe confined space entry procedures and practices at a specific site.

Appendix A is a list of concentrations at which certain substances exhibit IDLH effects. Appendix B is a list of amendments and deletions for 1910 General Industry standards which are proposed for adoption concurrent with the adoption of the proposed Confined Space Standard. Appendix C lists 1926 Construction Industry standards which are to be amended or deleted concurrent with the Confined Space Standard.

VR 425-02-12. Virginia Confined Space Standard - 1910.146.

§ 1. Definitions.

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

"Attendant" means an individual assigned to remain immediately outside the entrance to the confined space and who may render assistance as needed to employees inside the space.

"Blind" or "blinding" or "blanking" means the absolute closure of a pipe, line or duct, to prevent passage of any material (e.g., by fastening a solid plate or "cap" across the pipe).

"Confined space" means any space not intended for continuous employee occupancy, having a limited means of egress, and which is also subject to either the accumulation of an actual or potentially hazardous atmosphere as defined in this subsection or a potential for engulfment as defined in this subsection. Confined spaces generally include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, manholes, underground utility vaults, acid tanks, digesters, ovens, kiers, pulpers, tunnels, pipelines and open top spaces more than 4 feet in depth such as pits, tubs, vaults and vessels.

"Engulfment" means the surrounding and effective

capture of a person by finely divided particulate matter or a liquid.

"Entrant" means any employee who enters a confined space.

"Entry" means any action resulting in any part of the employee's face breaking the plane of any opening of the confined space, and includes any ensuing work activities inside the confined space.

"Entry permit" means the employer's written authorization for employee entry into a confined space under defined conditions for a stated purpose during a specified time.

"Field checked" means the checking of the accuracy of an instrument's response to a known concentration of a gas. When an adequate response is not obtained then the equipment should be removed from service and adjusted or repaired by a factory-authorized service center or factory-trained technician.

"Ground-fault circuit-interrupter" means a device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

"Hazardous atmosphere" means an atmosphere presenting a potential for death, disablement, injury, or acute illness from one or more of the following causes:

1. A flammable gas, vapor, or mist in excess of 10% of its lower explosive limit (LEL);
2. An oxygen-deficient atmosphere containing less than 19.5% oxygen by volume or an oxygen-enriched atmosphere containing more than 23% oxygen by volume;
3. An atmospheric concentration of any substance listed in Subpart Z of Part 1910 Standards above the listed numerical value of the permissible exposure limit (PEL); or
4. A condition immediately dangerous to life or health as defined in this subsection.

"Immediately dangerous to life or health (IDLH)" means any condition that poses an immediate threat to life, or which is likely to result in acute or immediately severe health effects. See Appendix A for concentrations at which several chemicals exhibit IDLH effects.

"Immediate severe health effects" means that an acute clinical sign of serious, exposure-related reaction is manifested within 72 hours of exposure.

"Lockout or tagging" means placing locks or tags on the

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energy-isolating device in accordance with § 3 B of this standard. Tags shall indicate that the energy-isolated device shall not be operated until the removal of the tag.

"Qualified person" means a person who is trained to recognize the hazard(s) of the confined space and how to evaluate those anticipated hazards. The employer may designate an employee as employer representative for the purpose of assuring safe confined space entry procedures and practices at a specific site. The qualified person may also be the entrant when permissible according to § 5 A of this standard.

"Rescue team" means those persons which the employer has designated prior to any confined space entry to perform rescues from confined spaces. A rescue team may consist of outside emergency personnel, provided the training requirements of § 7A.2 of this standard have been met.

"Retrieval line" means a line or rope secured at one end to a worker's safety belt, chest or body harness, or wristlets with the other end secured to an anchor point or lifting device located outside the entry portal. Retrieval lines must be of sufficient strength to remove an entrant when necessary.

"Zero mechanical state" means that the mechanical potential energy of all portions of the machine or equipment is at its lowest practical value so that the opening of the pipe(s), tube(s), hose(s), or actuation of any valve, lever, or button, will not produce a movement which could cause injury.

§ 2. Scope and application.

A. This section prescribes basic mandatory practices and procedures which employers must establish and use for employee entry into and work within confined spaces.

B. This section applies to all employers with employees covered by Virginia Standards for General Industry (Part 1910) and Virginia Standards for Construction Industry (Part 1926).

§ 3. Preparation.

Entry into a confined space shall not be made unless the qualified person has assured that the following procedures have first been completed.

A. All pumps or lines which may convey flammable, injurious, or incapacitating substances into a space shall be disconnected, blinded, or effectively isolated by other means to prevent the development of dangerous levels of air contamination or oxygen deficiency within the space. The disconnection or blind shall be so located or done in such a manner that inadvertent reconnection of the line or removal of the blind are effectively prevented.

1. This does not apply to public utility gas distribution

systems.

2. This does not require blocking of all laterals to sewers or storm drains unless experience or knowledge of industrial use indicates materials resulting in dangerous air contamination may be dumped into an occupied sewer.

B. All fixed mechanical devices and equipment that are capable of causing injury shall be placed at zero mechanical state (ZMS). Electrical equipment, excluding lighting, shall be locked out in the open (off) position with a key-type padlock except in cases where locking is impossible; in such cases equipment shall be properly tagged in accordance with 1910.145(f). The key shall remain with the person working inside the confined space. Installations under the exclusive control of electric utilities for the purpose of communication, or metering, or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property, are exempt from the requirements of this paragraph.

C. All confined spaces shall be emptied, flushed, or otherwise purged of flammable, injurious, or incapacitating substances to the extent feasible. Initial cleaning shall be done from outside the confined space if at all possible.

D. Where the existence of a hazardous atmosphere is demonstrated by tests performed by the qualified person, the confined space shall be mechanically ventilated until the concentration of the hazardous substance(s) is reduced to a safe level, and ventilation shall be continued as long as the recurrence of the hazard(s) is possible or appropriate personal protective equipment, as defined in Subpart I of the Virginia Standards for General Industry (Part 1910) and Subpart E of the Virginia Standards for Construction Industry (Part 1926), shall be used by all employees during entry.

§ 4. Atmosphere testing.

A. The qualified person shall assure that each confined space into which an employee may be required to enter is tested immediately prior to entry by a qualified person using direct reading instruments with remote sampling capacity for the following conditions:

1. Oxygen level;
2. Potential flammable hazard; and
3. Toxic materials known or expected to be present.

The testing of the atmosphere for a particular toxic material is not necessary where the presence of that material is known by virtue of a previous test and appropriate personal protective equipment to protect

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against that material is utilized.

B. When an attendant has been assigned, as prescribed by § 5 A, a qualified person shall perform atmospheric testing during occupation at intervals dependent on the possibility of changing conditions. Atmospheric test results must be recorded on the permit at least hourly in accordance with § 6 B.

C. When a nonattendant entry is permitted, as allowed by § 5 A, at least one entrant shall wear a continuous monitoring device equipped with an alarm and capable of evaluating oxygen concentrations and combustible gas concentrations in the confined space. When large confined spaces are entered, a sufficient number of monitoring devices shall be either worn or located in the work area to adequately monitor the atmosphere. The qualified person shall assess the need for mechanical ventilation in all confined spaces in accordance with the written permit system.

D. The calibration of each atmospheric testing instrument shall be checked according to the manufacturer's instructions and field checked immediately prior to its use.

§ 5. Attendants and rescue teams.

A. The qualified person shall evaluate each confined space that an employee may be required to enter by identifying and evaluating the hazards and potential hazards of that space. The qualified person then may allow an employee to make an unaccompanied, nonattendant entry into a confined space which has no potential for engulfment or IDLH atmosphere, and only low potential for hazardous atmosphere, provided the requirements of § 4 C are met.

B. An attendant shall be stationed immediately outside every confined space which has been found to have an IDLH atmosphere, a hazardous atmosphere or a potential for engulfment. The attendant shall be trained as directed by § 7 A.2, be within sight or call of the entrant, and have the means available to summon assistance.

C. Rescue teams shall be available where the confined space has been found to have an IDLH atmosphere, a hazardous atmosphere or a potential for engulfment.

§ 6. Permit systems.

The employer shall develop and implement a written entry permit system which includes a written permit procedure that provides the following minimum information:

A. The minimum acceptable environmental conditions which are acceptable to the employer for entry and work in the confined space;

B. A record of atmospheric test results conducted prior

to entry and at least hourly thereafter when an attendant is required;

C. The last calibration date(s) for the oxygen detector and combustible gas indicator being used;

D. The signature of the qualified person responsible for securing the permit and reviewing conditions prior to entry;

E. A written description of the location and type of work to be done;

F. Each permit shall be dated and carry an expiration time of not more than 12 hours; the permit may be extended for another 12-hour period pending recertification of acceptable conditions.

§ 7. Training.

A. The employer shall inform his employees of the hazards of working in confined spaces by providing specific training to employees before they may be authorized to enter a confined space.

1. General. The employer shall assure that all employees who may be required to enter a confined space have received training covering the following subjects:

a. Hazard recognition;

b. Use of respiratory protection equipment if the use of such equipment will be required. Training requirements are specified in 1910.134;

c. Use of atmospheric testing devices for those employees required to perform atmospheric tests. Training shall cover field checks as specified by the manufacturer, normal use, and specific limitations of the equipment;

d. Lockout and tagging procedures;

e. Use of special equipment and tools;

f. Emergency and rescue methods and procedures.

2. Rescue teams. Rescue teams shall be trained to use the equipment they may need to perform rescue functions assigned to them.

a. At least annually rescue teams shall practice removing victims through openings and portals of the same size, configuration and accessibility as those of spaces from which an actual rescue could be required.

b. The attendant or at least one member of each rescue team shall hold current certification in basic first aid and CPR (Cardio-Pulmonary Resuscitation).

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B. The employer shall maintain the records of the most recent training program conducted. These records shall include the date(s) of the training program, the instructor(s) of the training program, and the employee(s) to whom the training was given.

§ 8. Special equipment and tools.

A. No sources of ignition shall be introduced until the implementation of appropriate provision of this section has ensured that dangerous air contamination due to flammable or explosive substances does not exist.

B. All electrical cords, tools, and equipment shall be inspected for visually detectable defects before use in a confined space. In the absence of low voltage circuits and equipment or double insulated tools, equipment shall be of the heavy duty insulation type or ground fault circuit interrupters shall be used. Temporary lighting shall conform with 1926.405(a)(2)(ii)(G).

C. No fan or other equipment used for removing flammable gases or vapors shall create an ignition hazard.

D. Cylinders of compressed gases shall never be taken into a confined space, and shall be turned off at the cylinder valve when not in use. Overnight and at the change of shifts, the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas-consuming device. Exempt from this rule are cylinders that are part of self-contained breathing apparatus or resuscitation equipment.

§ 9. Tripods, safety harnesses, retrieval lines and respiratory protection.

A. Where the existence of an IDLH atmosphere, a hazardous atmosphere or potential for engulfment has been demonstrated by the qualified person, the following requirements shall also apply:

1. An appropriate retrieval device with retrieval line shall be used by any entrant(s), except where the retrieval lines themselves could cause a hazard because of structures, equipment, or becoming entangled with other lines inside the confined space. Where a retrieval line is used, the free end of the retrieval line shall be secured outside the entry opening either by another person holding the line or by securing it in some other manner.

2. When entry is made through a top opening, a hoisting device such as a tripod shall be provided for lifting employees out of the space.

B. When a person is required to enter a confined space which has either an IDLH atmosphere or a hazardous atmosphere there shall be either a positive-pressure self-contained breathing apparatus or a combination

positive-pressure air-line respirator with an auxiliary self-contained air supply immediately outside the entrance to the confined space.

C. When a person(s) must enter a confined space which contains either an IDLH atmosphere or a hazardous atmosphere without a retrieval line attached, then each entrant shall be supplied with and wear a MSHA/NIOSH approved positive pressure self-contained breathing apparatus.

APPENDIX A

Concentrations at which Substances Exhibit IDLH Effects

CHEMICAL NAME	IDLH LEVELS*
Ammonia	500 ppm
Benzene	2,000 ppm
Butadiene	20,000 ppm
2 - Butanone	3,000 ppm
Carbon dioxide	5,000 ppm
Carbon monoxide	1,500 ppm
Carbon tetrachloride	300 ppm
Chlorine	25ppm
Chlorobromomethane	5,000 ppm
Chloroform	1,000 ppm
Cresol	250 ppm
Cyclohexane	10,000 ppm
Dichlorodifluoromethane	50,000 ppm
Dichloromonofluoromethane	50,000 ppm
Ethyl acetate	400 ppm
Fluorotrichloromethane	100 ppm
Heptane	4,250 ppm
Hexane	5,000 ppm
2 - Hexanone	5,000 ppm
Hydrogen chloride	100 ppm
Hydrogen sulfide	300 ppm
Isopropyl alcohol	20,000 ppm

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<i>Liquified petroleum gas</i>	<i>19,000 ppm</i>
<i>Methyl alcohol</i>	<i>2,000 ppm</i>
<i>Methyl cellosolve</i>	<i>2,000 ppm</i>
<i>Methyl cellosolve acetate</i>	<i>4,500 ppm</i>
<i>Methyl chloroform</i>	<i>1,000 ppm</i>
<i>Methylene chloride</i>	<i>5,000 ppm</i>
<i>Nitric oxide</i>	<i>100 ppm</i>
<i>Nitrogen dioxide</i>	<i>50 ppm</i>
<i>Octane</i>	<i>3,750 ppm</i>
<i>Ozone</i>	<i>10 ppm</i>
<i>Pentane</i>	<i>5,000 ppm</i>
<i>Petroleum distillates mixture</i>	<i>10,000 ppm</i>
<i>Phenol</i>	<i>100 ppm</i>
<i>Phosgene</i>	<i>2 ppm</i>
<i>Propane</i>	<i>20,000 ppm</i>
<i>Sodium hydroxide</i>	<i>200 mg/M3</i>
<i>Stoddard solvent</i>	<i>5,000 ppm</i>
<i>Styrene</i>	<i>5,000 ppm</i>
<i>Sulfur dioxide</i>	<i>100 ppm</i>
<i>1,1,2,2 - Tetrachloro-1, 2 - difluoroethane</i>	<i>15,000 ppm</i>
<i>Toluene</i>	<i>2,000 ppm</i>
<i>Toluene-2,4-diisocyanate</i>	<i>10 ppm</i>
<i>Trifluoromonobromomethane</i>	<i>50,000 ppm</i>
<i>Turpentine</i>	<i>1,900 ppm</i>
<i>Xylene</i>	<i>10,000 ppm</i>

**Reference NIOSH/OSHA Pocket Guide to Chemical Hazards DHEW (NIOSH) Publication No. 78-210*

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APPENDIX B

Proposed Amendments And Deletions To VOSH Standards For General Industry To Coincide With The Adoption Of Virginia Confined Space Standard, 1910.146

Ventilation, 1910.94

1910.94(d)(11)(ii)	Amended to apply 1910.146 to the inspection, maintenance and installation of tanks, except for emergency situations such as rescue operations.
1910.94(d)(11)(iii)	<u>Deleted</u>
1910.94(d)(11)(iv)	<u>Deleted</u>
1910.94(d)(11)(vi)	Amended to apply 1910.146 to maintenance work

Welding, Cutting and Brazing, 1910.252

1910.252(d)(2)(vi)(c)	<u>Deleted</u>
1910.252(d)(4)(ii)	<u>Deleted</u>
1910.252(e)(4)(i)	<u>Deleted</u>
1910.252(e)(4)(ii)	<u>Deleted</u>
1910.252(e)(4)(iii)	<u>Deleted</u>
1910.252(e)(4)(iv)	<u>Deleted</u>
1910.252(e)(4)(vi)	<u>Deleted</u>
1910.252(f)(2)(i)	Amended to apply 1910.146 to welding or cutting in confined spaces
1910.252(f)(2)(i)(c)	Amended to eliminate a reference to confined spaces
1910.252(f)(4)(i)	<u>Deleted</u>
1910.252(f)(4)(ii)	<u>Deleted</u>
1910.252(f)(4)(iii)	<u>Deleted</u>
1910.252(f)(4)(iv)	<u>Deleted</u>
1910.252(f)(5)(i)	Amended to apply 1910.146 to welding with fluorine compounds in confined spaces
1910.252(f)(6)(i)	Amended to apply 1910.146 to welding with zinc in confined spaces
1910.252(f)(7)(i)	Amended to apply 1910.146 to welding with lead in confined spaces
1910.252(f)(7)(iii)	Amended to eliminate a reference to confined spaces
1910.252(f)(8)	Amended to apply 1910.146 to welding with beryllium in confined spaces

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1910.252(f)(9)(i)	<u>Amended</u> to eliminate a reference to confined spaces
1910.252(f)(9)(ii)	<u>Amended</u> to apply 1910.146 to welding with cadmium in confined spaces
1910.252(f)(10)	<u>Amended</u> to apply 1910.146 to welding with mercury in confined spaces

Pulp, Paper and Paperboard Mills, 1910.261

1910.261(b)(5)	<u>Amended</u> to apply 1910.146 to working in closed vessels, tanks, chip bins, and similar equipment
1910.261(e)(12)(iii)	<u>Deleted</u>
1910.261(f)(6)(i)	<u>Amended</u> to apply 1910.146 to cleaning, inspection or other work in rag cookers
1910.261(f)(6)(ii)	<u>Amended</u> to provide that standby person shall be in a position to summon assistance in case of an emergency
1910.261(g)(2)(iii)	<u>Deleted</u>
1910.261(g)(4)(i)	<u>Deleted</u>
1910.261(g)(4)(ii)	<u>Deleted</u>
1910.261(g)(6)	<u>Deleted</u>
1910.261(g)(8)	<u>Amended</u> to apply 1910.146 to work in chip and sawdust bins
1910.261(g)(15)	<u>Amended</u> to apply 1910.146 to work in digesters
1910.261(g)(15)(i)	<u>Deleted</u>
1910.261(g)(15)(ii)	<u>Deleted</u>
1910.261(g)(15)(iii)	<u>Deleted</u>
1910.261(g)(15)(iv)	<u>Deleted</u>
1910.261(j)(5)(ii)	<u>Deleted</u>
1910.261(j)(5)(iii)	<u>Amended</u> to apply 1910.146 to cleaning, inspecting or other work in pulpers
1910.261(j)(6)(i)	<u>Deleted</u>
1910.261(j)(6)(iii)	<u>Amended</u> to apply 1910.146 to cleaning, inspecting or other work in stock chests

Textiles, 1910.262

1910.262(p)(1)	<u>Deleted</u>
1910.262(q)(2)	<u>Deleted</u>

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Bakery Equipment, 1910.263

1910.263(1)(3)(iii)(b) Amended to apply 1910.146 to work in ovens

Telecommunications, 1910.268

1910.268(o) Amended to apply 1910.146 to the ventilation and testing for gas in manholes and unvented vaults.

1910.268(o)(1)(ii) Deleted

1910.268(o)(1)(ii)(a) Deleted

1910.268(o)(1)(ii)(b) Deleted

1910.268(o)(1)(ii)(c) Deleted

1910.268(o)(2) Amended to apply 1910.146 to entry of manholes and unvented vaults

1910.268(o)(2)(i) Deleted

1910.268(o)(2)(i)(a) Deleted

1910.268(o)(2)(i)(b) Deleted

1910.268(o)(2)(ii) Deleted

1910.268(o)(2)(ii)(a) Deleted

1910.268(o)(2)(ii)(b) Deleted

1910.268(o)(2)(ii)(c) Deleted

1910.268(o)(2)(ii)(d) Deleted

1910.268(o)(2)(ii)(e) Deleted

1910.268(o)(2)(iii)(a) Deleted

1910.268(o)(2)(iii)(b) Deleted

1910.268(o)(3) Deleted

1910.268(o)(5) Deleted

1910.268(o)(5)(i) Deleted

1910.268(o)(5)(ii) Deleted

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APPENDIX C

Proposed Amendments And Deletions To VOSH Standards For The Construction Industry To Coincide With The Adoption Of The Virginia Confined Space Standard, 1910.146

Safety Training and Education, 1926.21

1926.21(b)(6)(i)	<u>Deleted</u>
1926.21(b)(6)(ii)	<u>Deleted</u>

General Requirement for Storage, 1926.250

1926.250(b)(2)	<u>Amended to apply 1910.146 to work on stored materials in silos, hoppers, tanks and similar storage areas</u>
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Gas Welding And Cutting, 1926.350

1926.350(b)(4)	<u>Deleted</u>
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Fire Prevention, 1926.352

1926.352(g)	<u>Deleted</u>
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Ventilation and Protection in Welding, Cutting, and Heating, 1926.353

1926.353(b)	<u>Amended to apply 1910.146 to welding, cutting and heating in confined spaces.</u>
1926.353(b)(1)	<u>Deleted</u>
1926.353(b)(2)	<u>Deleted</u>
1926.353(c)	<u>Amended to apply 1910.146 to welding, cutting, or heating of metals of toxic significance in confined spaces</u>
1926.353(c)(1)	<u>Deleted</u>
1926.353(c)(1)(i)	<u>Deleted</u>
1926.353(c)(1)(ii)	<u>Deleted</u>
1926.353(c)(1)(iii)	<u>Deleted</u>
1926.353(c)(1)(iv)	<u>Deleted</u>

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1926.353(c)(2)	<u>Deleted</u>
1926.353(c)(2)(i)	<u>Deleted</u>
1926.353(c)(2)(ii)	<u>Deleted</u>
1926.353(c)(2)(iii)	<u>Deleted</u>
1926.353(c)(2)(iv)	<u>Deleted</u>

Specific Excavation Requirements, 1926.651

1926.651(v)	<u>Amended to apply 1910.146 to work in confined space excavations</u>
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Underground Lines, 1926.956

1926.956(a)(3)	<u>Amended to apply 1910.146 to work in a manhole or unvented vault</u>
1926.956(a)(3)(i)	<u>Deleted</u>
1926.956(a)(3)(ii)	<u>Deleted</u>
1926.956(a)(3)(iii)	<u>Deleted</u>
1926.956(b)(1)	<u>Deleted</u>
1926.956(b)(2)	<u>Deleted</u>
1926.956(b)(3)	<u>Deleted</u>

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Title of Regulation: VR 425-02-13. Virginia Field Sanitation Standard - 1928.110.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Public Hearing Dates:

February 2, 1987 - 1 p.m.

February 3, 1987 - 2 p.m.

February 4, 1987 - 3 p.m.

(See Calendar of Events section for additional information)

Summary:

The proposed standard defines "hand-labor operations" as "agricultural activities or operations performed by hand or with hand tools. These shall include, but not be limited to, the hand harvest of vegetables, tobacco and fruit, hand weeding of crops and hand planting of seedlings." The proposed standard excludes "such activities as logging operations/reforestation, the care of livestock or hand-labor operations in permanent structures (e.g., canning facilities or packing houses)."

Employers who are covered by the Field Sanitation Standard are required to furnish, without cost to the employee, the following:

- potable drinking water
- toilet facilities
- handwashing facilities

All agricultural employers, regardless of establishment size, shall provide potable drinking water for all employees engaged in hand-labor operations in the field. However, the toilet and handwashing facility requirements of the standard only apply to operations employing 11 or more employees, excluding management/support personnel and the employer's family members, who are engaged in hand-labor operations at the same worksite. Moreover, toilet and handwashing facilities are not required for employees who perform field work for a period of three hours or less (including transportation time to and from the field) during the day.

Potable drinking water containers as well as the toilet and handwashing facilities are required to be maintained in a clean and sanitary condition (in accordance with appropriate public health sanitation practices). Furthermore, employees shall be allowed opportunities during the workday to use the sanitation facilities.

The potable drinking water which must be furnished under the standard must be suitably cool and in sufficient amounts so that it is not completely

consumed during the workday. Drinking water must be dispensed in single use drinking cups or by fountains; the use of common drinking cups or dippers is prohibited.

Toilet facilities under the standard may be either fixed or portable and must be supplied with toilet paper adequate to meet employee needs. Moreover, toilet and handwashing facilities shall be provided at a 20:1 (workers: facility) ratio.

Under the proposed Virginia Field Sanitation Standard, a "handwashing facility" means soap, (adequate) water and single use towels. However, an agricultural employer may use a substitute which meets the following criteria:

1. Cleansing properties must act to remove soil and other residues from skin after use;
2. Contents of cleansing compound must not break or open skin barrier to pathogenic microorganisms; and
3. Cleansing compounds in waterless cleaner shall not facilitate transport of toxic agrochemicals across skin.

Toilet and handwashing facilities required under this standard shall be located in one of the following three ways:

1. Within one-quarter mile of the "worksite"; or
2. At the point of closest vehicular access to the worksite where it is infeasible, due to ground terrain or other physical conditions, to locate the facilities within one-quarter mile; or
3. Within a five minute drive (employer-provided, immediate travel to and from the facilities, during both work and rest periods).

VR 425-02-13. Virginia Field Sanitation Standard - 1928.110.

§ 1. Definitions.

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

"Agricultural employer" means any person, corporation, association, or other legal entity that operates an agricultural establishment, or in whose interest an agricultural establishment is operated; any person, corporation, association or other legal entity who is responsible for the management and condition of an agricultural establishment, or who acts directly or indirectly in the interest of an employer in relation to any employee is also an agricultural employer.

"Agricultural establishment" means a business operation that uses paid employees in the production of food, fiber,

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or other materials such as seed, seedlings, plants, or parts of plants.

"Hand-labor operations" means agricultural activities or operations performed by hand or with hand tools. These shall include, but not be limited to, the hand harvest of vegetables, tobacco, and fruit, hand weeding of crops and hand planting of seedlings. "Hand-labor" does not include such activities as logging operations/reforestation, the care of livestock or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

"Handwashing facility" means a facility providing either a basin, container, or outlet with an adequate supply of water, soap and single-use towels. A substitute for soap and water may be used if it meets the following criteria:

1. Cleansing properties must act to remove soil and other residues from skin after use;
2. Contents of cleansing compound must not break or open skin barrier to pathogenic microorganisms; and
3. Cleansing compounds in waterless cleaner shall not facilitate transport of toxic agrochemicals across skin.

"Potable water" means water that meets the Virginia Board of Health's quality standards for drinking water or the quality standard prescribed by the U.S. Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR part 141.

"Support personnel" means employees who do not perform hand-labor operations in the field while serving as temporary members of mobile crews in the field.

"Toilet facility" means a facility designed for the purpose of both defecation and urination, including biological or chemical toilets, combustion toilets, or sanitary privies that meet the Virginia Board of Health's design standards. They will be supplied with toilet paper adequate to meet employee needs. Toilet facilities may be either fixed or portable.

"Worksite" means the geometric center of a field or orchard where workers are employed. Contiguous or adjacent fields or orchards shall not be considered as separate worksites. Where two adjacent fields are separated by an impassable barrier such as a body of water or interstate highway, the workers in each respective field shall be counted independently and shall be considered to be employed at separate worksites.

§ 2. Scope.

All agricultural employers, regardless of establishment size, shall provide potable drinking water for all employees engaged in hand-labor operations in the field. For any agricultural establishment where 11 or more employees, excluding management/support personnel and employer's family members, are engaged in hand-labor

operations at the same worksite, on any given day, this standard shall apply.

§ 3. Requirements.

Agricultural employers shall provide the following for employees engaged in hand-labor operations in the field, without cost to the employee:

A. Potable drinking water.

1. Potable water shall be provided and shall be placed in locations readily accessible to all employees. Readily accessible, for purposes of this section, means within one-quarter mile of the worksite. Where it is not feasible to locate the drinking water within the required distance due to ground terrain, or other physical conditions, the drinking water shall be located at the point of vehicular access closest to the workers.

2. The water shall be suitably cool.

3. The water shall be available in sufficient amounts so that it is not completely consumed during the workday. If the water supply does run out, it shall be immediately refilled.

4. The water shall be dispensed in single use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.

B. Toilet and handwashing facilities.

1. One toilet facility and one handwashing facility shall be provided for each 20 employees or fraction thereof (1:20 ratio), except as stated in § 3.B.4 of this regulation.

2. Toilet facilities shall have doors that can be closed and latched from the inside and shall be constructed to ensure privacy.

3. Toilet and handwashing facilities shall be accessibly located in close proximity to each other. These facilities shall be located in one of the following three ways:

a. Within one-quarter mile of the worksite; or

b. Where it is not feasible to locate facilities within the required distance due to ground terrain, or other physical conditions, toilet and handwashing facilities shall be located at the point of vehicular access closest to the worksite; or

c. Where an employer has provided or arranged for access to transportation for employees, during both work and rest periods, for immediate travel to and from toilet and handwashing facilities, transportation to such facilities shall not require more than five minutes travel for the employees.

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4. Toilet and handwashing facilities are not required for employees who perform field work for a period of three hours or less (including transportation time to and from the field) during the day.

C. Maintenance.

Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, including the following:

1. Drinking water containers shall be covered, cleaned and refilled daily.
2. Toilet facilities shall be operational and maintained in a clean and sanitary condition;
3. Handwashing facilities shall be maintained in a clean and sanitary condition;
4. Disposal of wastes from toilet facilities shall be in accordance with the Department of Health Sewage Handling and Disposal Regulation; and
5. Disposal of wastewater from handwashing facilities may be discharged on-site provided that this method of disposal will not contaminate crops or adjoining water supplies, cause the water to stand on the ground so as to become stagnant, or otherwise create a safety or health hazard.

D. Education.

Employers shall inform their employees of their rights under this regulation.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

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

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

Public Hearing Date: February 10 & 12, 1987
(See Calendar of Events section for additional information)

Summary:

The Standards and Regulations for Licensed Homes for Adults are being amended to provide regulatory support for statutory requirements and to reflect current information relating to health care screening and fire safety. Six areas are being addressed:

a. Relaxation of tuberculosis screening requirements as recommended by the Health Department.

b. Deletion of the definition of "distribution" of medication as recommended by legal counsel to the department to conform to the Code of Virginia.

c. Addition of regulations to address the provisions of § 63.1-174.1 of the Code of Virginia, which deals with the safety of semi-mobile residents in smaller homes licensed solely for ambulatory residents.

d. Restoration of the definition of "respite care", which was present in the standards prior to 1985 when it was unintentionally deleted.

e. Addition of regulations to support the statutory requirements regarding the responsibility of caretakers to report suspected elder abuse.

f. Adoption of the recommendations of the Fire Safety Committee as also directed by HJR 19.

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

PART I. INTRODUCTION.

Article 1. Definitions.

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

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

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

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

"Administer medication" means to open a give either the container of medicine ; to remove or the prescribed dosage and to give it to the resident for whom it is prescribed or intended .

Section 54-524.65 of the Code of Virginia states that only people authorized by state law may administer drugs. People authorized to administer medicine include licensed physicians, registered nurses, licensed practical nurses, pharmacists, physicians' assistants, and other individuals who meet the requirements of the law. In addition to these persons designated in law, a physician may choose to designate, in writing, a person who does not meet the requirements of the law to be his or her authorized agent. This permits the person to administer medicine legally to that physician's designated patients, in accordance with

such a physician's instructions.

* *"Ambulatory"* means the condition of a person who is physically and mentally capable of making an exit from a building in an emergency including the ascent and descent of stairs, without the assistance of another person or without being dependent on the use of any device, such as, but not limited to, a wheelchair, walker or leg prosthesis either independently mobile or semi-mobile as defined below. The determination of whether a person is ambulatory shall be based on information contained in the medical report. (See § 5-7.2.b-5)

"Assisted exit" means that in order to exit a building within three minutes in an emergency the resident must receive repeated verbal prompts or commands or be physically touched, or moved by another person or object.

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

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

"Department" means the Virginia Department of Social Services.

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

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

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

"Distribute" means to give a container of medicine to a resident for whom it is prescribed so that he may take his own medicine from the container.

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

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

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

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

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

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

"Independent living status" means that the resident is assessed as capable of performing all essential activities of daily - living for himself without requiring the assistance of any staff member in the home for adults. (If the policy

of a facility dictates that medications are administered or distributed centrally without regard for the residents' capacity this shall not be considered in determining independent status.)

* *"Independently mobile"* means the condition of a person who is mentally and physically capable of making an unassisted exit from the home in an emergency. The ability to ascend and descend stairs (if present in any necessary exit path) is an essential part of this condition. The determination of whether a person is independently mobile shall be based on information contained in the medical report. (See § 5.7.2.b(5))

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

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

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

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

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

* *"Nonambulatory"* means the condition of a person who, because of physical or mental impairment, must be led or carried by another person, or is dependent on the use of a device, such as, but not limited to, a walker, wheelchair or leg prosthesis to make an exit from a building in an emergency requires an assisted exit from the building in an emergency. The determination of whether a person is nonambulatory shall be based on information contained in the medical report. (See § 5.7.2.b.5) or shall be determined by the demonstrated inability of a semi-mobile person to exit the building in three minutes where applicable (See §§ 3.9.C ad 5.7.2.b.(6)). Persons who are nonambulatory may be accepted for care and residents who become nonambulatory may remain in care providing the provisions of § 3.9 of these standards and regulations are met.

"Nursing and convalescent care" means care given because of prolonged illness or defect, or during recovery

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from injury or disease, which includes any and all of the nursing procedures commonly employed in waiting on the sick such as administration of medicines, preparation of special diets, giving of bedside care, application of dressings and bandages, and the carrying out of treatments prescribed by a duly licensed practitioner of medicine.

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

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

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

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

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

"Respite care" means services provided for maintenance and care of aged, infirm or disabled adults for temporary periods of time, regulatory or intermittently. Homes offering this type of care are subject to these standards and regulations.

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

* "Semi-mobile" means the condition of a person who is:

1. Mentally and physically capable in an emergency of always exiting within three minutes from any area of the home available to semi-mobile residents with the help of a wheelchair, walker, cane, prosthetic device, or with the aid of a single verbal command;

and

2. Able to ascend and descend stairs (if present in any necessary exit path from areas available to semi-mobile residents.)

The determination of whether a person is semi-mobile shall be based upon information contained in the medical report and upon timed observation of the resident's ability to exit a building within three minutes where applicable. (See §§ 3.9.C and 5.7.2.b.(6))

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

"Transfer" means to be released from one caregiving facility to be admitted to another caregiving facility.

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

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

Article 2. Legal Base.

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

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

PART II. MANAGEMENT AND PERSONNEL.

Article 1. The Licensee.

§ 2.1. The licensee shall be responsible for complying with all standards and regulations for Licensed Homes for Adults and terms of the license issued by the department.

§ 2.2. The licensee shall meet the following requirements:

1. The licensee shall give evidence of financial responsibility.

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

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

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

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

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

Article 2. The Administrator.

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

§ 2.5. Qualification of administrator.

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

B. He shall be able to read, to write, and to understand these standards and regulations.

C. He shall be able to perform the duties and to assume the responsibilities required by these standards and regulations.

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

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

§ 2.6. Duties of the administrator.

It shall be the duty of the administrator:

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

a. Services to residents;

b. Maintenance of buildings and grounds;

c. Record keeping;

d. Employment, training and supervision of personnel.

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

3. To be familiar with and to assure compliance with these standards and regulations.

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

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

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

Article 3. Personnel.

§ 2.9. Staffing.

A. There shall be enough staff on duty at all times to assure compliance with these standards and regulations. This number shall be determined by:

1. The number of residents;

2. The physical and mental conditions of the residents;

3. The services to be provided;

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

5. The capabilities and training of the employees.

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

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

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

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

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be met.

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

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

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

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

OR

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

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

G. There shall be at least one staff member on the premises at all times who has certification in cardiovascular pulmonary resuscitation (CPR) issued within the current year by the Red Cross, a community college, a hospital, a volunteer rescue squad, a fire department or a similarly approved program. The CPR certificate must be renewed annually.

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

All staff members shall be:

1. Of good character;
2. Physically and mentally capable of carrying out assigned responsibilities;
3. Considerate and tolerant of aged and disabled persons;
4. Clean and well-groomed; and
5. Able and willing to accept supervision and training.

§ 2.11. Training and orientation.

A. All employees shall be made aware of:

1. The purpose of the facility;
2. The services provided;
3. The daily routines; and
4. Required compliance with standards and regulations for Licensed Homes for Adults as it relates to their duties and responsibilities.

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

1. Emergency plans for the facility; (See § 9.4)
 2. Techniques of complying with fire and disaster plans including evacuating residents when applicable;
 3. Use of the first-aid kit, and knowledge of its location;
 4. Confidential treatment of personal information;
 5. Observance of the rights and responsibilities of residents;
 6. *Procedures for detecting and reporting suspected abuse, neglect, or exploitation of residents to the appropriate local department of social services;*
- (NOTE: Section 63.1-55.3 of the Code of Virginia requires anyone providing full- or part-time care to adults for pay on a regular basis to report suspected adult abuse, neglect, or exploitation.)
7. Specific duties and requirements of their positions.

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

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

1. These training opportunities shall be provided through in-service training programs or institutes, workshops, classes, or conferences related to the care of aged, infirm or disabled adults.
2. A notation of this training shall be made in the employee's record, as required by § 5.26.10 of these standards and regulations.

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

1. Aggressive residents.

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

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

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

2. Bedfast residents/supportively restrained residents.

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

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

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

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

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

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

b. A written description of the content of this training, a notation of the person(s)/agency/organization or institution providing the training and the name(s) of staff receiving the

training shall be maintained by the facility.

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

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

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

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

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

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

§ 2.13. Relief staff.

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

OR

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

§ 2.14. Volunteers.

A. Any volunteers used shall:

1. Have qualifications appropriate to the services they render;

2. Be subject to laws and regulations governing confidential treatment of personal information.

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

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

PART III.

ADMISSION AND DISCHARGE POLICIES.

Article 1.

Admission Policies.

Proposed Regulations

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

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

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

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

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

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

1. The physician has signed a statement authorizing an agent at the home to administer medicine; or
2. There is a licensed doctor, registered nurse, licensed practical nurse or physician's assistant available to the home to administer medicine.

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

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

1. The physician signs a written statement that:
 - a. Nursing and convalescent care are not needed, including the basis for this decision in terms of diagnosis and prognosis;

(NOTE: A nursing or convalescent home license is required if a facility provides nursing and/or convalescent care to two or more nonrelated persons.) (§ 32-298(2) of the Code of Virginia)
 - b. The needs of the resident can be met in the home for adults; and
2. Complete medical records are kept, including physicians' progress reports obtained at intervals of not more than 90 days (See § 5.14). The reports shall contain the same information required in the written statement described in § 3.8.1.
3. The physician's progress report shall be based on the resident having been seen and examined by a licensed physician, physician's assistant or nurse practitioner at intervals of not more than 90 days. If the examination is performed by a physician's

assistant or nurse practitioner the results shall be reviewed by a licensed physician who shall evaluate and sign the required statement.

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

5. The facility meets the applicable provisions of § 9.6 of these standards and regulations relating to the housing of nonambulatory residents.

§ 3.9. Admission and retention of nonambulatory and semi-mobile residents (See Appendix A) .

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

1. Section 3.10, which addresses meeting the needs of the resident;
2. Section 5.7.2.a. and b, which address information required in the admissions physical examination;
3. Section 6.18, which addresses building requirements to accommodate nonambulatory residents; and
4. Section 9.6, which addresses housing of nonambulatory residents.

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

C. Semi-mobile residents shall be admitted to or retained in the home only when the following conditions are met:

1. In buildings with a licensed capacity greater than twenty, all building code requirements and standards and regulations governing housing for nonambulatory residents shall be met.
2. In buildings with a licensed capacity of twenty or fewer:
 - a. The resident is permanently assigned to a bedroom that is on the first floor and no more than 50 feet from an exit that is at ground level or ramped.
 - b. Prior to admission, and during each required fire drill, the resident exhibits the ability to exit the building within three minutes from any area available to semi-mobile residents. This includes the ability to ascend and descend stairs if any are present in an exit path from areas normally to be

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used by the resident. (See § 5.7.b.(5) and (6))

c. The record of the physical examination contains a statement that the prospective resident is potentially capable of exiting a building within three minutes without adverse medical consequence. (See § 5.7.b.(5))

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

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

§ 3.12. Admission of post-hospitalized persons.

The following standards shall apply when a home for adults accepts persons from a state program for the mentally ill or mentally retarded. (These standards do not apply to persons who were accepted for care in homes for adults prior to January 1, 1980.)

A. The home shall enter into a written agreement with the local community mental health and mental retardation services board, a state mental health clinic in those areas not served by such a board, or similar facility or agency within the private sector to make services available to post-hospitalized residents. This agreement shall be a one time agreement which shall cover all post-hospitalized residents who may need and/or desire such services.

(NOTE: The direct clinical services of the local community mental health and mental retardation services board and/or the state mental health clinics are to be provided at no cost to the home for adults. Residents may be charged on a sliding scale based on their ability to pay.)

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

1. Diagnostic, evaluation and referral services in order to identify and meet the needs of the resident;
2. Outpatient mental health and mental retardation services, including but not limited to recommended aftercare/follow-along services;
3. Services and support to meet emergency mental health needs of a resident.

C. A copy of this agreement shall remain on file in the home and shall be available for inspection by the department.

D. Prior to accepting a post-hospitalized person, the home shall obtain a summary of the aftercare/follow-along

service recommendations which pertain to the post-hospitalized person.

(NOTE: This information will be provided by the state facility from which the person is being discharged as part of the admissions physical examination required by § 5.7.1 of these standards and regulations. The state facility will complete this physical examination and will report the results on a form provided by the department.)

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

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

1. These progress reports shall be obtained at least every six months until it is stated in a report that aftercare/follow-along services are no longer needed.
2. This report shall contain at minimum:
 - a. A statement that continued aftercare/follow-along services are/are not needed;
 - b. Recommendation, if any, for continued after-care/follow-along services;
 - c. A statement that the resident's needs can continue to be met in a home for adults;
 - d. A statement of any recommended services to be provided by the home for adults.
3. Copies of these progress reports shall be filed in the resident's record and shall be available for inspection by the department.

G. Post-hospitalized persons shall not be accepted for care or remain in care when the home for adults is unable or unwilling to assist the resident in obtaining the services recommended in order to meet the resident's needs.

(NOTE: The resident has the option to refuse recommended aftercare/follow-along services.)

Article 2. Discharge Policies.

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

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transfer discharge date.

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

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

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

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

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

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

a. the resident needs nursing or convalescent care;

or

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

or

c. Approved space is not available for nonambulatory residents;

or

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

or

e. The resident is habitually disruptive and/or creates unsafe conditions;

or

f. Any resident in a home not licensed for nonambulatory residents is unable, at any time or for any reason, to make a three minute exit from any area of the building available to residents, or who at any time impedes others from making a three minute exit in an emergency or drill.

2. The resident requests that other living arrangements be made.

§ 3.16. When a resident is transferred or discharged, the licensee and/or administrator shall provide to the resident

or his representative a dated signed statement which contains the following information:

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

2. The reason(s) for the transfer or discharge.

3. The actions taken by facility staff to assist the resident in making an orderly transfer or discharge.

4. The date of the transfer or discharge from the facility and the resident's destination.

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

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

§ 3.17. A copy of the written statement required by § 3.16 shall be retained in the resident's record.

§ 3.18. The facility shall adopt a written policy regarding the number of calendar days notice is required when a resident wishes to withdraw from the facility and notice of this policy shall be incorporated into the residents agreement.

§ 3.19. The resident insofar as he is able, and/or his representative shall participate in plans for relocation, transfer, discharge or withdrawal.

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

§ 3.21. When the resident is being transferred or discharged to another facility, the procedures regarding records as set forth in these standards shall be followed. (See § 5.5 B and § 5.8)

PART IV. SERVICES.

Article 1. Resident Rights.

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

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provided for in these standards and regulations.

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

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

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

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

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

B. The name of this individual shall be documented in the resident's record.

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

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

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

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

§ 4.9. Each home shall make available in an easily accessible place a copy of the rights and responsibilities of

residents of homes for adults, as provided for in § 63.1-182.1 of the Code of Virginia.

A. The copy of the resident rights and responsibilities shall contain the following:

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

and

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

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

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

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

or

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

§ 4.10. *Research and experimentation.*

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

§ 4.11. B. The licensee and/or administrator may release statistical information about the residents of the home without the resident's permission only when names have been deleted and the information has been organized so that individual identities cannot be determined.

§ 4.12. C. The licensee and/or administrator shall allow residents to be observed only when the resident and/or his legal guardian have been notified of such observation and its purpose and have given consent.

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

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

§ 4.11. No resident, for reason of mobility status, shall be denied access to the use of living areas equivalent to those available to all residents.

§ 4.12. (Vacant)

§ 4.13. (Vacant)

Article 2. Personal Care and Supervision.

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

§ 4.15. Utilizing the resident's health and personal information outlined in §§ 5.6 and 5.7, the licensee and/or administrator shall assess the service needs of prospective residents for the purpose of determining whether the home can meet these needs.

(NOTE: Model checklist assessments detailing basic service needs will be supplied by the department upon request.)

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

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

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

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

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

B. The master service plan shall be filed in the resident's record; extracts from the plan may be filed in locations specifically identified for their retention; e.g. dietary plan in kitchen.

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

(NOTE: Homes for Adults having valid licenses on the effective date of these standards shall have one year from the effective date to comply with §§ 4.15 through 4.20 for

residents already in care.)

§ 4.19. The resident shall be encouraged to participate in plans for his care.

§ 4.20. Facility staff shall at all times speak to and treat the resident with courtesy, respect and consideration and as a person of worth, sensitivity and dignity.

§ 4.21. The resident shall be accorded respect for ordinary privacy in every aspect of daily living, including but not limited to the following:

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

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

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

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

§ 4.22. The resident shall be allowed privacy for social or business interviews, as well as for visits with persons of his own choice.

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

§ 4.24. Protection from abuse, neglect and exploitation.

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

B. The resident shall not be confined in a room with a door secured in such a manner that he cannot open it.

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

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

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

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

§ 4.27. Resident's clothing shall be kept clean and in good repair.

Article 3. Health Care.

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

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

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

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

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

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

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

§ 4.33. Physical or mechanical restraint.

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

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

A. Physical support restraint.

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

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

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

3. Each resident restrained for the purpose of providing physical support shall be provided the opportunity for care and exercise whenever necessary and at least once every two hour period the restraint is used. Facility staff shall assist any resident who needs assistance with exercising limbs and changing positions and monitor blood circulation. The care and exercise period shall last for a period of not less than three minutes and shall be noted in the resident's record;

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

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

a. These reports shall provide the information required by § 5.14 of these standards and regulations.

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

B. Emergency restraint.

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

1. The physician shall be notified immediately.

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

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

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

5. Additional supervision shall be provided to meet the physical and emotional needs of the resident who is restrained to include monitoring the resident as needed but at least every 30 minutes to determine the condition of the resident, the proper application of the restraint, and whether there is continuing need for the restraint.

6. The legal guardian, next of kin and/or any responsible social agency shall be notified immediately of the use of such restraints and the response to treatment.

7. Documentation of requirements regarding use of emergency restraints.

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

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

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

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

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

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

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

§ 4.36. Should a medical condition arise while the resident is in the home, the resident has the right to refuse recommended medical treatment. The licensee/administrator must then evaluate and document whether he can continue to meet the needs of the resident.

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

§ 4.37. The resident has the right to select health care providers who are reasonably available in the community and whose services can be purchased by the resident.

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

Article 4. Medication.

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

§ 4.40. A medicine cabinet, container or compartment shall be provided used for storage of medications prescribed for residents.

A. It shall be locked.

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

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

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

§ 4.42. Distribution of medication.

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

§ 4.43. §4.42. Administration of medication.

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

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

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

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

E. Medications stored centrally shall be either in locked storage or under immediate staff control at all times.

§ 4.43. Record of administration of medication.

A written record shall be kept of all medication administered to residents by facility staff or volunteers. This record shall be retained for one year and shall include:

1. Name of resident;
2. Medication name, prescription number, and dosage;
3. Date and time administered;
4. Name or identifying initials or person administering and
5. Any unusual reaction or side effect that occurs.

Article 5. Food Service.

§ 4.44. Catering or contract food service.

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

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

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

§ 4.45. Observance of religious dietary practices.

A. The residents' religious dietary practices shall be respected.

B. Religious dietary laws (or practices) of the administrator or licensee shall not be imposed upon residents unless mutually agreed upon in the admission agreement between administrator or licensee and resident.

§ 4.46. Time interval between meals.

A. Time between the evening meal and breakfast the following morning shall not exceed 15 hours.

B. There shall be at least four hours between breakfast and lunch and at least four hours between lunch and supper.

§ 4.47. A minimum of three meals shall be provided each day.

§ 4.48. Bedtime snacks shall be made available and shall be listed on the daily menu. Vending machines shall not be used as the only source for bedtime snacks.

§ 4.49. Menus for meals and snacks.

A. Food preferences of residents shall be considered when menus are planned.

B. Menus for meals and snacks shall be planned for at least two weeks in advance. At all times the menu for the following week shall be available.

C. Menus for the current week shall be dated and posted.

D. Any menu substitutions or additions shall be recorded.

E. A record shall be kept of the menus served for three months. They shall be subject to inspection by the department.

F. Minimum daily menu:

1. Unless otherwise ordered in writing by the attending physician, the daily menu, including snacks, for each resident shall provide, at least, the following:

Five-six ozs. of protein food (meat, poultry, fish, eggs, cheese, dry beans, etc.);

Two cups of milk or milk substitute (such as cheese, buttermilk, pudding, yogurt, etc.);

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Four servings (1/2 to 3/4 cup each) of fruits or vegetables; (one serving each day shall be a vitamin C source and a dark green or yellow vegetable shall be served at least three times each week).

Four or more servings of whole grain or enriched breads (one slice per serving), and/or cereals (1/2 to 3/4 cups per serving).

2. Other foods may be added.

3. Extra servings shall be provided, if requested.

4. At least one meal each day shall include a hot main dish.

§ 4.50. When a diet is prescribed for a resident by the attending physician, it shall be prepared and served according to the physician's orders.

§ 4.51. There shall be at least a seven day supply of staple foods on hand to meet individual daily dietary requirements of residents in case of emergencies.

§ 4.52. All meals shall be served in the dining area as designated by the facility. Under special circumstances, such as illness or incapacity, meals may be served in a resident's room, provided a sturdy table is used.

§ 4.53. Personnel shall be available to help any resident who may need assistance in reaching the dining room or when eating.

§ 4.54. Table coverings and napkins shall be clean at all times.

Article 6. Resident Activities. (See Appendix B)

§ 4.55. There shall be at least one scheduled activity available to the residents for no less than one hour each day. This activity shall be of a social, recreational, religious, or diversional nature. Community resources may be used to provide this activity.

§ 4.56. Activities shall be planned for at least one week in advance.

§ 4.57. These activities shall be varied and shall be planned in consideration of the abilities, physical conditions, needs and interests of the residents.

§ 4.58. The week's schedule of activities shall be written and posted in advance in a conspicuous place. Residents shall be informed of the activities program.

§ 4.59. A record shall be kept of the activity schedules for the past three months. They shall be available for inspection by the department.

§ 4.60. Resident participation in activities.

A. Residents shall be encouraged but not forced to participate in the program of activities.

B. At his discretion, the resident shall be permitted to meet with and participate in activities provided by social, religious and community groups, unless restrictions are imposed by the resident's physician.

C. Any restrictions imposed by a physician shall be documented in the resident's record and such restrictions shall be based solely on reasons of medical necessity.

Article 7. Visitation.

§ 4.61. Visiting in the home.

A. Daily visits to residents in the home shall be permitted.

B. If visiting hours are restricted, daily visiting hours shall be posted in a place conspicuous to the public.

§ 4.62 Visiting outside the home.

Residents shall not be prohibited from making reasonable visits away from the home except when there is a written order of the legal guardian to the contrary.

Article 8. Mail.

§ 4.63. Incoming and outgoing mail shall not be censored.

§ 4.64. Incoming mail shall be delivered promptly.

§ 4.65. Mail shall not be opened by staff except upon request of the resident or written request of the legal guardian.

Article 9. Transportation.

§ 4.66. The resident shall be assisted in making arrangements for transportation.

PART V. RECORDS.

Article 1. General Requirements.

§ 5.1. Any forms used for record keeping shall contain at a minimum the information specified in these standards and regulations. Model forms, which may be copied, will be supplied by the department upon request.

§ 5.2. If any form such as medical, information, etc., developed by the department is not used, the substitute form shall be approved by the department.

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§ 5.3. Records shall be kept in a locked area.

§ 5.4. The licensee shall have the responsibility for assuring that all records are treated confidentially and that information shall be made available only when needed for care of the resident.

(EXCEPTION: All records shall be made available for inspection by the department's representative.)

Article 2. Resident Records.

§ 5.5. When a resident is admitted to the home, a permanent individual record shall be established.

A. The record shall be kept current.

B. The complete record shall be retained until two years after the resident leaves the home.

§ 5.6. Personal and social data to be maintained in the record:

1. Name;
2. Address;
 - a. Address from which resident was received;
 - b. Last home address, if different and known;
3. Date of admission;
4. Social Security number;
5. Birthdate (If unknown, estimated age);
6. Birthplace, if known;
7. Marital status, if known;
8. Name, address and telephone number of legal guardian, committee, personal representative, or other person responsible;
9. Name, address and telephone number of next of kin, if known (two preferred);
10. Name, address and telephone number of personal physician, if known;
11. Name, address and telephone number of clergyman and place of worship, if applicable;
12. Name, address and telephone number of local welfare department and/or any other agency, if applicable (the name of caseworker, if known);
13. Previous occupation, if available;

14. Special interests and hobbies, if known;

15. Date of discharge from the home for adults and destination. In the event discharge was made under emergency conditions the name of the responsible party who was notified and the date of the notification.

§ 5.7. Health information to be maintained:

1. Prior to admission, the report of a physician examination, including screening for tuberculosis, shall be submitted to the home as required in § 3.3.

2. Form and content of the physical examination report by § 3.3.

a. The report shall contain the following information:

- (1) The date of the physical examination;
- (2) Any diagnoses or significant problems; and
- (3) Any recommendations for care including medication, diet and therapy.

b. Each report shall include separate statements that:

- (1) The individual is free of tuberculosis in a communicable form, including the type(s) of tuberculin test tests used and the results;
- (2) The individual does not need nursing or convalescent care (i.e., intermediate or skilled nursing care routinely provided in a facility subject to licensure by the State Department of Health);
- (3) The individual is not bedfast;
- (4) The person's needs can be met in a home for adults which is not a medical facility;
- (5) The individual is or is not considered to be physically and mentally capable of making an exit from the building in an emergency, including the ascent or descent of stairs, without assistance of another person or without being dependent on use of any device such as, but not limited to, a wheelchair, walker or leg prosthesis; The individual is considered to be independently mobile, potentially semi-mobile, or nonambulatory. (See Definitions, § 1.1)
- (6) The individual is or is not capable of administering his own medicine.
- (7) If the facility is licensed only for ambulatory residents the preadmission medical examination form shall contain a statement that:

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a. The prospective resident does not have a medical condition which would preclude making an attempt to make a three minute exit.

b. Clarifies whether the prospective resident is independently mobile or semi-mobile as defined in these regulations.

c. Each report shall be signed by the licensed physician, the physician's designee, or an official of a local department of health.

d. When the individual is a post-hospitalized person, the report of physical examination shall include a summary of the individual's aftercare/follow-along service needs. (See § 3.12D and E)

3. Subsequent evaluation for tuberculosis.

a. A resident who has a significant (positive) reaction to a tuberculin skin test and whose physician certifies the absence of communicable tuberculosis must obtain chest x-rays on an annual basis for two years.

(1) The individual shall submit statements documenting the chest x-rays and certifying freedom from tuberculosis in a communicable form.

(2) The statements shall be signed by a licensed physician, the physician's designee, or an official of a health department.

(3) The statements shall be filed in the individual's record.

(4) Screening beyond two years is not required unless there is known contact with a case of tuberculosis or development of chronic respiratory symptoms.

b. Additional screening is not required for an individual who had a nonsignificant (negative) reaction to an initial tuberculin skin test.

e. Any individual resident who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms, within 30 days of exposure/development, shall receive an evaluation in accord with § 5.7.2.b.(1) and 5-7-3.a .

§ 5.8. When a resident moves to another care-giving facility, the administrator shall provide to the receiving facility such information related to the resident as is necessary to ensure continuity of care and services to the resident. Original information pertaining to the resident shall be maintained by the home from which the resident was transferred/discharged. The home shall maintain a listing of all information shared with the receiving facility.

§ 5.9. Consent for release of information.

A. The resident or his legal guardian has the right to release information from the resident's record to person(s) or agencies outside the facility.

B. The licensee is responsible for making available to residents a form which residents may use to grant their written permission to release information to a person or agency outside the facility.

(NOTE: A model form, which may be copied, may be obtained from the department.)

§ 5.10. Only under the following circumstances is a facility permitted to release information from the resident's records and/or information regarding the resident's personal affairs without the written permission of the resident or his legal guardian:

1. When records have been properly subpoenaed;
2. When the resident is in need of emergency medical care and is unable or unwilling to grant permission to release information and/or his legal guardian is not available to grant permission;
3. As provided in Standard § 5.8 of these regulations .
4. To representatives of the department.
5. As otherwise required by law.

§ 5.11. The department, at any time, may request a report of a current psychiatric or physical examination, giving the diagnosed and/or evaluation, for the purpose of determining whether the resident's need may continue to be met in a home for adults. When requested, this report shall be provided and shall be in the form specified by the department.

§ 5.12. Copies of the written progress reports regarding post-hospitalized residents, required by § 3.12 F of these standards and regulations, shall be retained in the resident's records.

§ 5.13. Any physician's notes and progress reports in the possession of the home shall be retained in the resident's record.

§ 5.14. A statement signed by a physician shall be in the record of the resident who is remaining in the home after becoming bedfast or who is physically restrained for nonemergency situations as described in § 4.32 A. This statement shall be obtained at intervals of not more than 90 days and shall state that:

1. The resident is not in need of nursing or convalescent care; (The basis for this decision shall be recorded in terms of the diagnosis and prognosis.)
2. The resident's needs can be met in the facility; and

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3. Continuing restraint in an emergency, is not necessary.

§ 5.15. A notation of the notification of any serious illness, accident or use of restraint shall be made in the record within 24 hours. (See §§ 4.31 and 4.32.A.8.a concerning notification of next of kin.)

Article 3. Agreements.

§ 5.16. Copies of all agreements between the home and the resident or official acknowledgement of required notifications, signed by all parties involved, shall be retained in the resident's record. Copies shall be provided the resident and any responsible party.

§ 5.17. At the time of admission, these agreements/acknowledgements of notification shall include the following:

1. Financial arrangement for care.

The resident financial agreement shall specify the following understanding and agreements regarding financial arrangements for care and services:

a. The amount to be paid, including charges for specific services, the frequency of payment, and any rules relating to nonpayment;

b. The policy with respect to increases in charges and length of time for advance notice of intent to increase charges;

c. If the ownership of any personal property, real estate, money or financial investments is to be transferred to the home at the time of admission or at some future date, it shall be stipulated in the agreement.

2. Description of general services available to all residents.

3. Listing of specific charges for services to be made to the individual resident signing the agreement.

3. Requirements or rules to be imposed regarding resident conduct and signed acknowledgement that they have been reviewed by the resident/responsible party.

5. Acknowledgement that the resident has reviewed a copy of § 63.1-182.1 of the Code of Virginia, Rights and Responsibilities of Residents in Homes for Adults, and that the provisions of this statute have been explained to him.

6. Acknowledgement that the resident and/or his representative have reviewed and had explained to him the home's policies and procedures for

implementing § 63.1-182.1 of the Code of Virginia, including the grievance policy (§ 4.7) and relocation policy.

§ 5.18. Section 63.1-182.1 of the Code of Virginia, Rights and Responsibilities of Residents in Homes for Adults shall be reviewed with all resident annually. Written acknowledgement of such review shall be placed in each resident's record.

§ 5.19. A new agreement shall be signed or the original agreement shall be updated and signed by the resident, the guardian, committee or personal representative and by the licensee or administrator when there are changes in financial arrangements, services or requirements governing the residents conduct. If the original agreement provides for specific changes in financial arrangements, services or requirements, this standard does not apply.

§ 5.20. The resident shall have the right to manage all of his financial affairs and funds, unless a committee or guardian has been appointed for the resident.

§ 5.21. Delegation of financial management responsibility.

If the resident delegates the management of personal financial affairs to the home, the following Standards apply:

1. Such delegation shall be in writing, with all properties listed in detail. This shall include all monies, stocks, bonds, securities, personal property, real estate, and any other anticipated income. A copy of the delegation shall be placed in the resident's record and a copy shall be given to the resident or responsible party.

2. A quarterly accounting shall be made to the resident, with a copy being retained in the record.

3. Upon termination of care, an accounting of such funds and assets shall be made to the resident or responsible party.

§ 5.22. Resident accounts.

A. A statement or itemized receipt of the resident's account shall be provided to the resident monthly and a copy placed in his record.

EXCEPTION: See § 5.21 for situations where responsibility for management of the resident's financial affairs has been delegated to the home, which requires a quarterly accounting only.

B. The monthly statement or itemized receipt shall itemize any charges made and any payments received during the previous 30 days or during the previous calendar month and shall show the balance due or any credits for overpayments on the resident's account.

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§ 5.23. Safeguarding resident funds.

If any personal funds are held by the home for safekeeping on behalf of the resident, a written accounting of money received and disbursed, showing a current balance, shall be maintained.

A. Such funds and such accounting shall be made available to the resident and/or the responsible party upon request.

B. Such funds shall be returned to the resident or the responsible party upon termination of care.

§ 5.24. There shall be a written agreement between the home and any resident who performs staff duties (See § 2.12).

A. The agreement shall not be a condition for admission or continued residence.

B. The resident shall enter into such an agreement voluntarily.

C. The agreement shall specify duties, hours of work, and compensation.

Article 4. Employee Records.

§ 5.25. A record shall be established for each staff member. It shall not be destroyed until two years after employment is terminated.

§ 5.26. Personal and social data to be recorded:

1. Name;
2. Birthdate;
3. Current address and telephone number;
4. Position and date employed;
5. Last previous employment;
6. For persons employed after November 9, 1975, copies of at least two references or notations of verbal references reflecting the date of the reference, the source and the content;
7. Previous experience and/or training;
8. Social Security number;
9. Name and telephone number of person to contact in an emergency;
10. Notations of formal training received following employment;

11. Date and reason for termination of employment.

§ 5.27. Health information *required by these standards* shall be maintained *at the facility* for the license and/or administrator, each staff member, and each household member who comes in contact with residents or handles food.

~~1.~~ A. Initial tuberculosis examination and report:

~~a.~~ 1. Within 30 days ~~prior before or 30 days after~~ employment or contact with ~~program participants~~ residents, each individual shall obtain an evaluation indicating the absence of tuberculosis in a communicable form.

(EXCEPTION: When a staff person terminates work at one licensed facility and begins working at another licensed facility with a gap in service of six months or less, the previous statement of tuberculosis screening may be transferred to the second facility.)

~~b.~~ 2. Each individual shall submit a statement that he is free of tuberculosis in a communicable form, including the type(s) of test(s) used and the result(s). *This statement shall be maintained at the facility and shall include the following:*

- a. The type(s) of test(s) used and the test result(s);*
- b. The date of the statement; and*
- c. The statement shall be signed by a The signature of the licensed physician, the physician's designee, or an official of a local health department.*

~~d.~~ The statement shall be filed in the individual's record.

~~2.~~ B. Subsequent evaluations.

~~a.~~ An individual who had a significant (positive) reaction to a tuberculin skin test and whose physician certifies the absence of communicable tuberculosis must obtain a chest x-ray on an annual basis for the following two years.

~~(1)~~ The individual shall submit statements documenting the chest x-rays and certifying freedom from tuberculosis in a communicable form.

~~(2)~~ The statements shall be signed by a licensed physician, the physician's designee, or an official of a local health department.

~~(3)~~ The statements shall be filed in the individual's record.

~~(4)~~ Screening beyond two years is not required unless there is known contact with a case of tuberculosis or development of chronic respiratory

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symptoms.

b. Additional screening is not required for an individual who had a nonsignificant (negative) reaction to an initial tuberculin skin test.

e. Any individual who comes in contact with a known case of tuberculosis or who develops chronic respiratory/symptoms shall, within 30 days of exposure/development, receive an evaluation in accord with § 5.27. ~~1. A~~

§ 5.28. At the request of the administrator of the facility or the Department of Social Services, a report of examination by a licensed physician shall be obtained when there are indications that the safety of residents in care may be jeopardized by the physical or mental health of a specified individual.

§ 5.29. Any individual who, upon examination or as a result of tests, shows indication of a physical or mental condition which may jeopardize the safety of residents in care or which would prevent performance of duties:

(a) Shall be removed immediately from contact with residents and food served to residents; and

(b) Shall not be allowed contact with resident or food served to residents until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed statement from the physician.

PART VI. BUILDING AND GROUNDS.

Article 1. Buildings.

§ 6.1. Buildings subject to state and/or local building code shall meet these codes. A Certificate of Occupancy shall be obtained as evidence of compliance with the applicable code(s).

§ 6.2. Before construction begins or contracts are awarded for any new construction, remodeling, or alterations, plans shall be submitted to the department, to the local building official, to the local health department and/or to the Office of the State Fire Marshal, and/or local fire department where applicable, for review and recommendations.

§ 6.3. No mobile home shall be used as a home for adults or as a part of a home for adults.

§ 6.4. Buildings shall present no safety hazards.

§ 6.5. All rooms shall be well ventilated.

§ 6.6. Doors.

A. All doors shall open and close readily and effectively.

B. Any doorway that is used for ventilation shall be effectively screened.

C. Screen doors shall open outward.

§ 6.7. Any window that is used for ventilation shall be effectively screened and shall open and close readily.

§ 6.8. Rooms extending below ground level shall not be used for residents unless they are dry and well ventilated. Bedrooms below ground level shall have required window space and ceiling height.

§ 6.9. Heat.

A. Heat shall be supplied from a central heating plant or by an approved electrical heating system.

B. Provided their installation or operation has been approved by the state or local fire authorities, space heaters, such as but not limited to, wood burning stoves, coal burning stoves, and oil heaters, and/or portable heating units either vented or unvented, may be used only to provide or supplement heat in the event of a power failure or similar emergency.

C. When outside temperatures are below 65°F a temperature of at least 72°F shall be maintained in all areas used by residents during hours when residents are normally awake. During night hours, when residents are asleep, a temperature of at least 68°F shall be maintained. This standard applies unless otherwise mandated by federal or state authorities.

§ 6.10. There shall be hot and cold running water from an approved source.

§ 6.11. Cooling devices (fan or air conditioners).

A. Cooling devices shall be made available in those areas of buildings used by residents when inside temperatures exceed 85°F.

B. Any electric fans shall be screened and placed for the protection of the residents.

C. Cooling devices shall be placed to minimize drafts.

§ 6.12. Lighting.

A. Artificial lighting shall be by electricity.

B. All areas shall be well lighted for safety.

C. Night lights shall be provided in halls.

D. The following footcandles of light as registered on a light meter shall be provided for general illuminations in the areas specified:

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1. Sitting area 30;
2. Bathrooms 30;
3. Dining area 30;
4. Stairways 30;
5. Resident's rooms 30;
6. Halls 20;
7. Reading areas 30.

E. Areas used for crafts or handwork shall be illuminated by 100 footcandles of light as measured by a light meter.

F. Emergency lighting.

1. Flashlights or battery lanterns shall be available at all times, with one light for each employee directly responsible for resident care who is on duty between 6 p.m. and 6 a.m.
2. There shall be one operable flashlight or battery lantern available for each bedroom used by residents and for the living and dining area unless there is a provision for emergency lighting in the adjoining hallways.
3. In homes not subject to the Uniform Statewide Building Code, but where there are 25 or more residents housed under one roof, there shall be provisions for emergency lighting or corridors and stairways leading to required exits by an independent standby system consistent with the Uniform Statewide Building Code.
4. Open flame lighting is prohibited.

G. Outside entrances and parking areas shall be lighted for protection against injuries and intruders.

§ 6.13. Each room shall have walls, ceiling, and floors or carpeting that may be cleaned satisfactorily.

§ 6.14. All inside and outside steps, stairways and ramps shall have nonslip surfaces.

§ 6.15. Handrails shall be provided on all stairways, ramps, elevators, and at changes of floor level.

§ 6.16. Safeguards that are acceptable under existing fire and building codes shall be provided in hazardous areas that may include, but shall not be limited to, windows, doors, porches and changes in floor level.

§ 6.17. Elevators, where used, shall be kept in good running condition and shall be inspected at least annually. The signed and dated certificate of inspection issued by the local housing authority, by the insurance company, or by the elevator company shall be evidence of such inspection.

§ 6.18. *Housing for nonambulatory and semi-mobile residents.*

A. In homes where nonambulatory residents are housed:

1. Ramp(s) shall be provided at ground level;
2. Doorways shall permit passage of wheelchairs, if used.

B. *In homes not licensed for nonambulatory residents but where semi-mobile residents are housed:*

1. *Two first floor exits shall be at ground level or ramped.*
2. *Doorways in areas commonly used by semi-mobile residents shall permit passage of wheelchairs or walkers, if used.*

§ 6.19. There shall be enclosed walkways between residents' rooms and dining and sitting areas which are adequately lighted, heated, and ventilated. This requirement shall not apply to existing buildings of homes that had licenses in effect on January 1, 1980, unless such buildings are remodeled after that date or there is a change of sponsorship of the licensed home.

§ 6.20. Sitting room - dining room - recreation area.

Space other than sleeping areas must be provided that the residents may use for sitting, for visiting with each other and/or with guests, for social and recreational activities, and for dining. These rooms may be used interchangeably.

§ 6.21. Sleeping areas.

Resident sleeping quarters shall provide:

1. For not less than 450 cubic feet of air space per resident;
2. For not less than 80 square feet of floor area in bedrooms accommodating one resident;
3. For not less than 60 square feet of floor area per person in rooms accommodating two or more residents;
4. For ceilings at least 7 1/2 feet in height;
5. Window area:
 - a. There shall be at least eight square feet of window area in a room housing one person;
 - b. There shall be at least six square feet of window area per person in rooms occupied by two or more persons.
6. For occupancy by no more than four residents in a room:

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(EXCEPTION: A home that had a valid license on January 1, 1980, permitting care of more than four residents in specific room(s), will be deemed to be in compliance with this standard; however, the home may not exceed the maximum number of four residents in any other room in the facility. This exception will not be applicable if the home is remodeled or if there is a change of sponsorship.)

7. For at least three feet of space between sides and ends of beds that are placed in the same room;

8. That no bedroom shall be used as a corridor to any other room;

9. That all beds shall be placed only in bedrooms;

10. That household members and staff shall not share bedrooms with residents.

§ 6.22. Toilet, handwashing and bathing facilities.

A. In determining the number of toilets, washbasins, bathtubs or showers required, the total number of persons residing on the premises shall be considered. Unless there are separate facilities for household members or live-in staff, they shall be counted in determining the required number of fixtures. In a home with a valid license on January 1, 1980, only residents shall be counted in making the determination unless such home is subsequently remodeled or there is a change of sponsorship.

1. On each floor where there are residents' bedrooms, there shall be at least:

a. One toilet for seven persons;

b. One washbasin for each seven persons;

c. One bathtub or shower for each 10 persons;

d. Toilets, washbasins and bathtubs or showers in separate rooms for men and women where more than seven persons live on a floor.

2. On floors used by residents where there are no residents' bedrooms there shall be:

a. At least one toilet;

b. At least one washbasin;

c. Toilets and washbasins in separate rooms for men and women in homes where there are 10 or more residents.

B. Bathrooms shall provide for visual privacy for such activities as bathing, toileting, and dressing.

C. There shall be ventilation to the outside in order to eliminate foul odors.

D. There shall be ample supply of hot and cold water. (Precautionary measures shall be taken to prevent scalding in basins, tubs and showers.)

E. The following sturdy safeguards shall be provided:

1. Handrails by bathtubs;

2. Grab bars by toilets;

3. Handrails and stools by stall showers.

(EXCEPTION: The use of handrails, grab bars and stools shall be optional in facilities used for independent living.)

Article 2. Grounds.

§ 6.23. Grounds shall be free of hazards.

§ 6.24. Grounds shall be readily accessible in all seasons from the home and from the roadway.

§ 6.25. Grounds shall be properly maintained, to include freedom from trash and litter, mowing of grass, removal of snow and ice, etc.

PART VII. FURNISHINGS, EQUIPMENT AND SUPPLIES.

Article 1. Telephone.

§ 7.1. Each building shall have at least one operable, nonpay telephone easily accessible to staff. There shall be additional telephones or extensions as may be needed to summon help in an emergency.

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

§ 7.3. Privacy shall be provided for residents to use a telephone.

Article 2. Signaling Devices.

§ 7.4. All homes for adults shall have a signaling device that is audible or visible at the staff station and is easily accessible to the resident in his bedroom or in a connecting bathroom.

§ 7.5. In homes licensed to care for 20 or more residents under one roof:

A. The signaling device shall be one which terminates at the staff station and permits staff to determine the origin of the signal.

or

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B. If the device does not terminate at the staff station so as to permit staff to determine the origin of the signal, staff shall make rounds at intervals of at least once an hour as specified in § 2.9.E.1.

Article 3. First Aid and Emergency Supplies.

§ 7.6. First aid emergency supplies shall be on hand. These supplies shall include but shall not be limited to scissors, tweezers, gauze and adhesive tape. These supplies shall be located in a designated place within the home.

§ 7.7. In those homes where ambulance service is not available within 15 minutes there shall be a complete first aid kit, containing those items specified in the Standard First Aid and Personal Safety Manual that is available from all chapters of the American Red Cross. (See § 2.9 F)

Article 4. Living and Sleeping Areas.

§ 7.8. Sitting rooms and/or recreation areas shall be equipped with:

1. Comfortable chairs (e.g. overstuffed, straight-backed, and rockers);
2. Tables;
3. Lamps;
4. Television (if not available in other areas of the facility);
5. Radio (if not available in other areas of the facility);
6. Current newspaper and magazines;
7. Books;
8. Games;
9. Materials appropriate for the implementation of the planned activity program.

§ 7.9. Dining areas shall have a sufficient number of sturdy dining tables and chairs to serve all residents, either all at one time or in shifts.

§ 7.10. Bedrooms shall contain the following items:

1. A separate bed with comfortable mattress, springs and pillow for each resident;

(EXCEPTION: Provisions for a double bed for a married couple shall be optional.)

2. A table or its equivalent accessible to each bed;

3. An operable bed lamp or bedside light accessible to each resident;

4. A chair for each resident;

5. Drawer space for clothing and other personal items. If more than one resident occupies a room, ample drawer space shall be assigned to each individual;

6. At least one mirror.

§ 7.11. Adequate and accessible closet or wardrobe space shall be provided for each resident.

§ 7.12. Prior to or at the time of admission, the resident and/or his representative shall be informed of the home's policy regarding bringing resident possessions into the home.

§ 7.13. The resident shall be encouraged to furnish or decorate his room as space and safety considerations permit and in accordance with these standards and regulations.

§ 7.14. The home shall have sufficient bed and bath linens in good repair so that residents always have clean

1. Sheets;
2. Pillowcases;
3. Blankets;
4. Bedspreads;
5. Towels;
6. Washcloths;
7. Waterproof mattress covers when needed.

§ 7.15. The home shall have an adequate supply of toilet tissue and soap. Toilet tissue shall be accessible to each commode.

§ 7.16. At least one moveable thermometer shall be available in each building for measuring temperatures in individuals rooms that do not have a fixed thermostat which shows the temperature in the room.

§ 7.17. Where there is an outdoor area accessible to residents, such as a porch or lawn, it shall be equipped with furniture in season.

§ 7.18. Adequate kitchen facilities and equipment shall be provided for preparation and serving of meals.

§ 7.19. When any portion of a home for adults is subject to inspection by the State Health Department, the home shall be in compliance with those regulations, as evidenced by a report from the State Health Department.

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PART VIII. HOUSEKEEPING AND MAINTENANCE.

§ 8.1. The interior and exterior of all buildings shall be maintained in good repair.

§ 8.2. The interior and exterior of all buildings shall be kept clean and shall be free of rubbish.

§ 8.3. All buildings shall be well ventilated and free from foul, stale and musty odors.

§ 8.4. Adequate provisions for the collection and legal disposal of garbage, ashes and waste material shall be made.

A. Covered, vermin-proof, watertight containers shall be used.

B. Containers shall be emptied and cleaned at least once a week.

§ 8.5. Buildings shall be kept free of flies, roaches, rats and other vermin. The grounds shall be kept free of their breeding places.

§ 8.6. All sewage shall be disposed of in a public sewer system or in an approved sewage disposal system which meets state and/or local health requirements.

§ 8.7. All furnishings and equipment, including plumbing fixtures, shall be kept clean and in good repair.

§ 8.8. Bed and bath linens shall be changed at least every seven days and more often if needed.

§ 8.9. Laundering.

A. Table and kitchen linens shall be laundered separately from other washable goods.

B. A sanitizing agent shall be used when bed, bath, table and kitchen linens are washed.

PART IX. FIRE AND EMERGENCY PROTECTION.

§ 9.1. Virginia Public Building Safety Code and Uniform Statewide Building Code.

A. When any building of a home for adults is subject to inspection by the Office of the State Fire Marshal, it shall meet the requirements of the Virginia Public Building Safety Code.

B. When any building of a home for adults is subject to inspection by building officials, it shall meet the requirements of the Uniform Statewide Building Code.

§ 9.2. A home for adults shall comply with any local fire ordinance.

§ 9.3. A home for adults shall be free from fire hazards and shall provide adequate protection as determined by at least an annual inspection by the local fire department, a volunteer fire department, or a fire authority recognized by the department. The report of the inspection shall be made on a form provided by the department.

§ 9.4. Emergency plans.

A. A detailed emergency plan shall be prepared for each home for adults. The plan shall consist of the following:

1. Written procedures to be followed in the event of a fire or similar emergency. The local fire department or fire prevention bureau shall be consulted in preparing such a plan, if possible;

2. A drawing of each floor of each building, showing alternative exits for use in an emergency, location of telephones, fire alarm boxes and fire extinguishers, if any.

3. Written procedures to meet other emergencies, including severe weather, loss of utilities, missing persons, severe injury.

B. The emergency fire plan required by this standard shall be prominently displayed on each floor of each building used by residents.

C. The telephone number for the fire department, rescue squad or ambulance, and police shall be posted by each telephone shown on the emergency/fire plan.

(NOTE: In homes for adults where all outgoing telephones calls must be placed through a central switchboard located on the premises, this information may be posted by the switchboard rather than by each telephone, providing this switchboard is manned 24 hours each day.)

D. The licensee and/or administrator and all staff members shall be fully informed of the fire plan for the home, including their duties, and the location and operation of fire extinguishers and fire alarm boxes, if available. They shall know the telephone procedure for calling the fire department.

E. The emergency plan required by § 9.4 A of these standards and regulations shall be discussed at orientation for new staff, for new residents, and for volunteers.

§ 9.5. Fire drills.

A. At least one fire drill shall be held each month for the staff on duty and those residents able to participate. During a three-month period:

1. At least one fire drill shall be held between the hours of 7 a.m. and 3 p.m.;

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2. At least one fire drill shall be held between the hours of 3 p.m. and 11 p.m.;

3. At least one fire drill shall be held between the hours of 11 p.m. and 7 a.m.

B. If residents have gone to bed for the night, these Standards do not require that they participate in drills held for night staff members. Signals for such drills may be in code in order not to alarm residents. Homes not licensed for nonambulatory residents shall require all residents to participate in all required drills.

C. Additional fire drills may be held at the discretion of the administrator, fire official, or licensing specialist, and must be held in homes not licensed for nonambulatory residents when there is any reason to question whether all residents can evacuate the building within three minutes. (See also § 3.15.1.f)

D. The required drills (§§ 3.9.C.2, 9.5.A.1-3 and 9.5.C) shall be planned and each required drill shall be announced in advance unannounced.

E. Immediately prior to each required fire drill, The fire plan shall be reviewed quarterly with all staff present and with all participating residents.

F. Immediately following each required fire drill, there shall be an evaluation of the drill by the staff in order to determine the effectiveness of the fire plan.

G. A record of required fire drills shall be kept in the home for one year. Such record shall include the date, the hour, the number of staff participating, the number of residents; and the time required to evacuate the building if such evacuation is required by the emergency plan.

H. In homes not licensed for nonambulatory residents, all residents must evacuate the building or meet the requirements of the approved fire plan within three minutes on each drill required by § 3.9.C.2, § 9.5.A.1-3 and § 9.5.C.

I. In homes not licensed for nonambulatory residents, if the building is not evacuated or the requirements of the approved fire plan met within three minutes, the administrator/licensee shall attach to the fire drill report the following:

1. Names of residents unable to evacuate the building within three minutes and reasons therefor.
2. Facility's plan for rapidly reestablishing ability to evacuate the building within three minutes. The plan must include the discharge of all residents who are unable to exit the building within three minutes or who impede others' exit. (See § 5.15.1.f)

J. In homes not licensed for nonambulatory residents, all fire drills shall be timed with an instrument which

indicates seconds; the three minute timed interval begins when the first signal is given.

K. Fire drills shall include, as a minimum:

1. Sounding of fire alarms;
2. Practice in building evacuation procedures;
3. Practice in alerting fire fighting authorities;
4. Simulated use of fire fighting equipment;
5. Practice in fire containment procedures; and
6. Practice of other simulated fire safety procedures as may be required by the facility's written fire plan.

§ 9.6. Housing of semi-mobile and nonambulatory residents.

A. In building or portions of building subject to Virginia Fire Safety Regulations, all residents must be ambulatory independently mobile if occupancy is restricted to ambulatory persons under the Virginia Public Building Safety Code unless the licensed capacity of the building is twenty or fewer and all regulations regarding housing of semi-mobile residents are met.

B. In buildings subject to the Uniform Statewide Building Code, all residents must be ambulatory independently mobile unless the building or portions of the building have been approved in the I-2 Classification or unless the licensed capacity of the building is twenty or fewer and all regulations regarding housing of semi-mobile residents are met.

§ 9.7. Each room used by residents, excluding bathrooms and closets, shall contain a properly installed and functional smoke detector or the facility shall have an approved smoke detection system.

(NOTE: Homes for Adults having valid licenses on July 1, 1987, shall have until July 1, 1988, to comply with this standard.)

§ 9.8. All licensed homes for adults shall meet one of the following requirements:

A. Approval as I-2 use group classification of the Uniform Statewide Building Code.

B. Approval for nonambulatory residents according to the Virginia Public Buildings Safety Regulations.

C. Installation of a operational sprinkler system meeting at a minimum, the requirements of the National Fire Protection Association, Standard 13, for Installation of Sprinkler Systems, 1985 Edition.

(NOTE: Homes for Adults having valid licenses on July 1, 1987, shall have until July 1, 1990, to comply with this

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requirement.)

PART X. ADDITIONAL REQUIREMENT WITH RESPECT TO PUBLIC HOMES.

§ 10.1. If the home is operated by a political subdivision of the state or by two or more such subdivisions, copies of applicable ordinances and operating policies shall be filed with the department.

APPENDIX A. TO STANDARDS AND REGULATIONS FOR LICENSED HOMES FOR ADULTS. NONAMBULATORY RESIDENTS IN HOMES FOR ADULTS.

INTRODUCTION:

The purpose of the Appendix is to provide a summary of the Standards and Regulations which pertain to the acceptance and care of persons who are nonambulatory in Licensed Homes for Adults. This Appendix does not contain any additional standards and regulations. It simply summarizes the requirements found in these Standards and Regulations, which must be met if nonambulatory persons are to reside in homes for adults.

WHEN IS A PERSON NONAMBULATORY?

The definition of a nonambulatory person is found in Part I, Article 1, Definitions of these Standards. Simply stated, a person is considered to be nonambulatory if he must be led or carried by another person or is dependent on a device such as, but not limited to, a leg prosthesis, walker or wheelchair in order to make an exit from a building in an emergency.

HOW IS A PERSON DETERMINED TO BE NONAMBULATORY?

This determination will be based on the medical report which is required at the time a person applies for admission to the home (see § 5.7) and the medical report which may be requested on any resident at any time. (See § 5.11)

CAN A PERSON WHO IS NONAMBULATORY RESIDE IN A HOME FOR ADULTS?

The definition of "nonambulatory", Part I, Article 1, Definitions and the admission policy in § 3.0 address this point. This section identifies the specific requirements which must be met if nonambulatory persons are accepted into care or remain in care in a licensed home for adults. These specific requirements (Standards) are listed and summarized below. If a facility meets these requirements, nonambulatory residents may reside in the facility.

A. Section 3.10 requires that the home be able to meet

the needs of each resident who is admitted for care. The home, therefore, must be able to meet all needs of any nonambulatory person who is admitted for care.

B. Section 5.7 identifies the medical information which must be obtained on each person prior to that person being accepted into care. This information must be obtained by means of a physical examination by a licensed physician and within the time period specified in § 3.3. Section 5.7 also requires that ten specific areas be addressed as part of the physical examination required for admission. These ten areas, as they appear in § 5.7 are reprinted below. This information, particularly Item 5.7.b.5, provides the basis for determining whether or not a person is nonambulatory:

1. The date of the physical examination;
2. Any diagnosis or significant problems;
3. Any recommendations for care, including medication, diet and therapy;
4. Separate statements that:
 - a. The individual has no evidence of communicable disease;
 - b. Nursing and/or convalescent care is not needed;
 - c. The individual is not bedfast;
 - d. The individual is or is not considered to be physically and mentally capable of making an exit from the building in an emergency, including the ascent and descent of stairs, without assistance of another person or without being dependent on the use of any device such as but not limited to, a wheelchair, walker or leg prosthesis;
 - e. The person's needs can or cannot be met in a home for adults including assistance with all activities of daily living which the person can perform only with difficulty;
 - f. The individual is or is not capable of administering his own medicine.

C. Section 5.12 provides that a medical report can be requested on any resident by the department any time there is reason to believe the condition of the resident has changed and a physical examination is needed to determine the extent of change. Therefore, if there is reason to believe that the resident is no longer ambulatory, the department can require a physical examination. This report would then be used as the basis for determining whether or not a resident is nonambulatory.

D. Section 6.18 is part of the Building and Grounds Section. It requires that homes in which nonambulatory

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residents are housed have doorways which permit passage of wheelchairs if wheelchairs are used, and have ramps, at ground level.

E. Section 0.6 is part of the fire and emergency protection requirements. It contains the Standards which address the housing of nonambulatory residents and is reprinted below:

§ 0.6. Housing of Nonambulatory Residents.

A. In buildings or portions of buildings subject to Virginia Public Building Safety Regulations, all residents must be ambulatory if occupancy is restricted to ambulatory persons under the Virginia Public Building Safety Regulations.

B. In buildings subject to the Uniform Statewide Building Code, all residents must be ambulatory unless the building or portions of the building have been approved in the I-2 Classification.

Two types of buildings are addressed in these Standards; those subject to Virginia Public Building Safety Regulations (paragraph A); those subject to the Uniform Statewide Building Code (paragraph B). All homes for adults will fall into one of these types of buildings and therefore, must meet the applicable Standard(s) contained in § 0.6 before nonambulatory residents may be accepted or remain in care.

IS A PERSON WHO IS BEDFAST NONAMBULATORY?

A person who is bedfast, as defined in Part I, Article 1, Definitions of the Standards and Regulations, would be considered nonambulatory. However, a nonambulatory person would not always be bedfast.

Section 3.7 prohibits admission of a person who is bedfast to a home for adults. Part I, Article 1, Definitions identifies the Standards which must be met for a resident who becomes bedfast to remain in care. Specifically, a resident who becomes bedfast may not remain in the home for adults unless the provisions §§ 3.8 and 5.14 of the Standards and Regulations are met.

APPENDIX B. TO STANDARDS AND REGULATIONS FOR LICENSED HOME FOR ADULTS.

RESIDENT ACTIVITIES.

INTRODUCTION.

This Appendix describes the requirements of the Standards and Regulations contained in Part IV, Article 6, Resident Activities. These Standards do not require the employment of an activities director. Facilities should not have to provide an elaborate or complex program to meet these requirements. The purpose of the Standards is

simply to insure that residents are not left without anything to do or without anything to occupy their time. This Appendix does not contain any additional Standards and Regulations. It does provide some additional explanation of the Resident Activities Program which is required in Licensed Homes for Adults.

WHAT KINDS OF ACTIVITIES MUST THE PROGRAM INCLUDE?

Section 4.54 requires that the Activities Program include activities which fall into one or more of four broad types. These are social, recreational, religious and diversional. A brief discussion of each type of activity, with some examples of each, follows:

A. Social Activities - Social activities encourage interests and friendships, help minimize self-consciousness and promote and increase self-confidence. They involve other people and group efforts and encourage each resident to interact with other people. Typical examples include dancing, bingo, group singing, birthday parties, community groups such as senior citizens, groups outings to parks, museums, etc.

B. Recreational Activities - Recreational activities emphasize doing what a person likes to do. They make the resident feel good about himself and may or may not involve other people. Often recreational activities involve only the individual. These types of activities include gardening, reading, walks, individual hobbies, etc.

C. Religious Activities - Religious activities provide a means to meet the spiritual needs of the resident. These types of activities are often very important to residents of a home for adults. Typical religious activities might include planning or arranging transportation to permit attendance at local place of worship, arranging for religious services or study to be conducted in the home, with optional attendance, and informing appropriate clergy of these residents' whereabouts and condition, in order that the clergy may visit with the residents.

D. Diversional Activities - Diversional activities place emphasis on individual accomplishment rather than socialization. Activities of this type serve to take a resident's mind off worries and focus efforts on things which lead to a productive, satisfying accomplishment. Some examples of diversional activities include sewing, painting, braiding of rugs, knitting, repairing or refinishing furniture, crocheting, woodworking, etc.

The program described above, by type of activity, does not need to be costly in terms of money or additional staff. It must, however, be a planned program and based on the abilities, physical condition, needs and interests of the residents (See § 4.56). This is very important since the success of the program will depend largely on the residents' interest in the activities provided. There are a number of publications available which provide information on activities appropriate for aged, infirm,

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disabled adults. Two are available at no cost and provide good reference information. There are, "The Activity Coordinators Guide, A Handbook for Activities Supervisors in Long Term Care Facilities", prepared by the Department of Health, Education, and Welfare, and "The Therapeutic Recreation Activity Guide in Long Term Care Facilities", developed by the Office of Recreation Services, Commission of Outdoor Recreation. Copies of these publications may be obtained, after the effective date of these Standards and Regulations from the Regional Offices of the Department of Social Services.

HOW MANY ACTIVITIES MUST THE PROGRAM INCLUDE?

Section 4.54 requires that the home provide at least one activity each day for the residents. This Standard also requires that this daily activity be at least one hour in length.

WHAT ACTIVITIES PLANNING IS REQUIRED?

The activities program, while not intended to be elaborate, costly and complex, must be varied (See § 4.56). This requires that enough advance planning be done to insure that the minimum requirement of one activity per day for one hour each day is not limited to the same activity day after day. Activities must also be planned for one week in advance (See § 4.57). This does not prohibit the same activity from being offered each day as long as there are other activities planned and available so that activities provided are varied and consider the abilities, physical condition, needs and interests of all residents (See § 4.56).

A written schedule of activities available must be prepared and posted in advance of the period covered by the schedule in a place where all residents can see and read it. Residents must also be informed of the activities program (See § 4.57). This is required so that all residents will know what activities are available and when these activities will take place. § 4.58 requires that activities schedules for the past three months be kept for inspection by the Department of Social Services representative.

MUST EACH RESIDENT PARTICIPATE?

Each resident must be encouraged to participate in the program. No resident shall be forced to participate (See § 4.59).

CAN OUTSIDE COMMUNITY RESOURCES BE USED?

It is not intended that the home conduct the required activities program totally using its own resources if there are community resources available and willing to help. Facilities are encouraged to explore the capabilities and willingness of any available local organization to assist in the activities program. However, when community resources are used, it is the responsibility of the licensee to insure that the activity provided is of a type that meets

the requirements of Part IV, Article 6.

* * * * *

Title of Regulation: VR 615-45-1. Policy Regarding Child Protective Services Central Registry Information.

Statutory Authority: § 63.1-248.1 et seq. of the Code of Virginia.

Public Hearing Date: January 7, 1987 - 10 a.m. & January 14, 1987 - 8:30 a.m.

(See Calendar of Events section for additional information)

Summary:

This regulation establishes the criteria for entry of identifying information (name, race, sex, and date of birth) of individuals involved in child abuse/neglect reports into the child abuse and neglect Central Registry. It also establishes the length of time such identifying information can be maintained. It recognizes the need to consider the level of risk of abuse or neglect to a child. It recognizes the need to differentiate between the various degrees of seriousness of abuse and neglect when determining the length of time identifying information should be maintained.

VR 615-45-1. Policy Regarding Child Protective Services Central Registry Information.

PART I. DEFINITIONS.

§ 1.1. The following words and terms when used in conjunction with this regulation shall have the following meaning, unless the context clearly indicates otherwise:

"Central registry" means the name index of individuals involved in child abuse and neglect reports maintained by the Virginia Department of Social Services.

"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.

"Complaint" means a valid report of suspected child abuse/neglect which must be investigated by the local department of social services.

"Founded" means that a review of all the facts shows clear and convincing evidence that child abuse or neglect exists.

"Identifying information" means name, race, sex, and date of birth of the subject.

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"Investigating agency" means the local department of social services responsible for conducting investigations of child abuse/neglect complaints pursuant to § 63.1-248.6 of the Code of Virginia.

"Reason to suspect" means that a review of all the facts shows no clear and convincing evidence that child abuse and neglect exists. However, the child's situation gives the worker reason to believe that abuse or neglect may have occurred.

"Unfounded" means that a review of all the facts shows no reason to believe that abuse or neglect occurred.

PART II. POLICY.

§ 2.1. Determination of risk.

The investigating agency determines risk by completing a thorough assessment of factual information available to the investigating agency as it pertains to the complaint situation. The assessment includes information about the abuse/neglect incident, the care-taker, the child, the family and any other special circumstances to determine what level of risk the situation poses to the child.

§ 2.2. Levels of risk.

The three levels of risk are:

1. High risk.

The worker's assessment of risk-related factors indicates a likelihood that there will be no change in the situation, that the child will be in jeopardy of abuse/neglect, and that intervention will be necessary in order to protect the child.

2. Moderate risk.

The worker's assessment of risk-related factors indicates that change in the situation is likely to occur with minimal intervention needed in order to protect the child.

3. Low/no risk.

The worker's assessment of risk-related factors indicates that the situation can and will be changed, that no additional intervention will be necessary and that the child is at no reasonably assessable risk or abuse/neglect.

§ 2.3. Maintenance of identifying information.

Identifying information in reports of child abuse and neglect shall be maintained in the central registry as follows:

1. Ten years for a complaint determined by the

investigating to be founded and high risk.

2. Eight years for a complaint determined to be:

a. Founded and moderate risk; or

b. Reason to suspect and high risk.

3. Five years for a complaint determined to be reason to suspect and moderate risk.

4. Permanently when:

a. The determination of the case is high risk, founded sexual abuse;

b. The abuser/neglector is convicted of felony child abuse or neglect;

c. A child dies as a result of child abuse/neglect;

d. Parental rights are terminated as a result of abuse/neglect.

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.

DEPARTMENT OF HEALTH

Bureau of Pharmacy Services

Title of Regulation: VR 355-01-4. Virginia Voluntary Formulary (1987 Revision).

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia

Effective Date: January 15, 1987

Summary:

The purpose of the Virginia Voluntary Formulary is to provide a list of drugs of accepted therapeutic value, commonly prescribed within the Commonwealth which are available from more than one source of supply, and a list of chemically and therapeutically equivalent drug products which have been determined to be interchangeable. Utilization of the Formulary by practitioners and pharmacists enables citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards.

The proposed revised Virginia Voluntary Formulary adds and deletes drugs and drug products to the Formulary that became effective May 15, 1986. These additions and deletions are based upon recommendations of the Virginia Voluntary Formulary Council following its review of scientific data submitted by pharmaceutical manufacturers. The Council makes its recommendations to the State Board of Health.

The Virginia Voluntary Formulary is needed to enable citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards. Without the Formulary physicians, dentists, and pharmacists in Virginia would not have the assurance that those generic drug products that may be substituted for brand name products have been evaluated and judged to be interchangeable with the brand name products.

VR 355-01-4. Virginia Voluntary Formulary (1987 Revision).

ADDITIONS TO THE VIRGINIA VOLUNTARY FORMULARY

**ACETAMINOPHEN
Tablets**

Chase Chemical Co. (Geneva Generics)500mg
Duramed Pharm. (PRL) 325mg, 500mg

**ACETAMINOPHEN with CODEINE
Capsules**

Lemmon Co.300mg-30mg, 300mg-60mg
(Bioline Labs., Geneva Generics, Goldline Labs.)

**ACETAMINOPHEN with CODEINE
Tablets**

Duramed Pharm.300mg-30mg

**ACETAMINOPHEN with CODEINE
Elixir**

Roxane Labs., Inc.120mg-12mg/5ml

**ACETAMINOPHEN with HYDROCODONE
BITARTRATE
Tablets**

Barr Labs., Inc.500mg-5mg
Knoll Pharm.Vicodin 500mg-5mg

**ACETAZOLAMIDE
Tablets**

Danbury Pharmacal, Inc.250mg

**ALLOPURINOL
Tablets**

Barr Labs., Inc.100mg, 300mg.
Bolar Pharm. Co., Inc. (Parmed Pharm.) ... 100mg, 300mg
Danbury Pharmacal, Inc. (Parmed Pharm.) 100mg, 300mg

**AMINOPHYLLINE
Tablets**

Duramed Pharm. Inc. 100mg, 200mg
(Bioline Labs., Goldline Labs., PRL, Purepac Pharm.)
Richlyn Labs. (Purepac Pharm.) 100mg, 200mg
Roxane Labs., Inc. 100mg, 200mg

**AMINOPHYLLINE
Solution**

Fisons Corp.Somophyllin 105mg/5ml
Roxane Labs., Inc.105mg/5ml

AMITRIPTYLINE HC1

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Tablets	National Pharm. Mfg. Co. (Barre) 0.05%
Sidmak Labs., Inc. 150mg	Schering Corp. Diprosone 0.05%
AMPICILLIN TRIHYDRATE	BETAMETHASONE VALERATE
Capsules	Cream
Biocraft Labs., Inc. (Goldline Labs.) 250mg, 500mg	NMC Labs., Inc. (Bioline Labs., Goldline Labs.) 0.1%
AMPICILLIN TRIHYDRATE	Thames Pharmacal Co. 0.1%
Suspension	BETAMETHASONE VALERATE
Biocraft Labs., Inc. 125mg/5ml, 250mg/5ml	Lotion
(Bioline Labs., Goldline Labs.)	National Pharm. Mfg. Co. (Barre) 0.1%
ASPIRIN with CAFFEINE and BUTALBITAL	BETAMETHASONE VALERATE
Tablets	Ointment
Boots Labs., Inc. (Goldline Labs.) 325mg-40mg-50mg	NMC Labs., Inc. (Bioline Labs., Goldline Labs.) 0.1%
ASPIRIN with CODEINE	BETHANECHOL CHLORIDE
Tablets	Tablets
Barr Labs., Inc. (Purepac) 325mg-30mg, 325mg-60mg	Sidmak Labs., Inc. 5mg, 10mg, 50mg
ASPIRIN with OXYCODONE	BROMPHENIRAMINE MALEATE
Tablets	Tablets
Halsey Drug Co., Inc. 325mg-4.5mg-0.38mg	Duramed Pharm., Inc. (PRL) 4mg
(Purepac Pharm.)	Pioneer Pharm., Inc. (H.L. Moore) 4mg
Roxane Labs., Inc. 325mg-4.5mg-0.38mg	BROMPHENIRAMINE MALEATE with
BACITRACIN	PHENYLPROPANOLAMINE HCl and CODEINE
Ointment	PHOSPHATE
Thames Pharmacal Co. 500u/Gm	Syrup
BACITRACIN ZINC-NEOMYCIN	National Pharm. Mfg. Co. 2mg-12.5mg-10mg/5ml
SULFATE-POLYMYXIN B SULFATE	(Barre Drug, Lederle Labs.)
Ophthalmic Ointment	A.H. Robins Co. Dimetane DC 2mg-12.5mg-10mg/5ml
Pharmafair, Inc. 400u-3.5mg(Base)-10,000u/Gm	CARBAMAZEPINE
(Bioline Labs., Goldline Labs.)	Tablets
BACITRACIN ZINC-HYDROCORTISONE-NEOMYCIN	Colmed Labs./Pharm. Basics 200mg
SULFATE-POLYMYXIN B SULFATE	Geigy Pharm. Tegretol 200mg
Ophthalmic Ointment	CARISOPRODOL with ASPIRIN
Burroughs Wellcome Co. .Cortisporin 400u-1%-3.5mg(Base)-	Tablets
..... 10,000u/Gm	Bolar Pharm. Co., Inc. 200mg-325mg
Pharmafair, Inc. 400u-1%-3.5mg(Base)-10,000u/Gm	Wallace Labs. Soma Compound 200mg-325mg
BENXTROPINE MESYLATE	CHLORAMPHENICOL
Tablets	Ophthalmic Solution
Par Pharm., Inc. 0.5mg, 1mg, 2mg	Pharmafair Inc. (Bioline Labs, Goldline Labs.) 5mg/ml
(Bioline Labs., Goldline Labs., PRL)	CHLORPHENIRAMINE MALEATE
Quantum Pharmics, Ltd. (Purepac) 1mg, 2mg	Controlled Release Capsules
BETAMETHASONE DIPROPIONATE	Vitarine Pharm., Inc. (Purepac) 8mg, 12mg
Lotion	

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CHLORPHENIRAMINE MALEATE Tablets

Duramed Pharm., Inc. (PRL) 4mg
 Pioneer Pharm., Inc. (H.L. Moore) 4mg
 Vitarine Pharm., Inc. (VHA Plus) 4mg

CHLORPROMAZINE HCl Tablets

Pharm. Basics, Inc. (Purepac) 10, 25, 50, 100, 200mg

CHLORPROMAZINE HCl Concentrate

Roxane Labs., Inc. 30mg/ml, 100mg/ml

CHLORPROPAMIDE Tablets

Colmed Labs./Pharm. Basics 100mg, 250mg
 (Purepac Pharm.)
 Par Pharm., Inc. (PRL) 100mg, 250mg
 Sidmak Labs., Inc. 100mg, 250mg

CHLORTHALIDONE Tablets

Sidmak Labs., Inc. 25mg, 50mg
 Zenith Labs., Inc. (Purepac) 25mg

[CHOLESTYRAMINE Powder Packets

Mead-Johnson & Co. Questran 4 Gm
 Pharmaceutical Basics, Inc. 4 Gm]

CLOFIBRATE Capsules

Ayerst Labs., Inc. Atromid-S 500mg
 Chase Chemical (Pharm. Basics) 500mg

CLONIDINE HCl Tablets

Biocraft Labs., Inc. 0.1mg, 0.2mg, 0.3mg
 [Duramed Pharm., Inc. 0.1mg, 0.2mg, 0.3mg]
 Boehringer Ingelheim, Ltd. .. Catapres 0.1mg, 0.2mg, 0.3mg
 [Danbury Pharmacal, Inc. 0.1mg, 0.2mg, 0.3mg]
 Par Pharm., Inc. 0.1mg, 0.2mg, 0.3mg

CLOXACILLIN SODIUM Solution

Biocraft Labs., Inc. 125mg/5ml
 (Bioline Labs., Goldline Labs.)

COLCHICINE Tablets

West-ward, Inc. (Purepac Pharm.) 0.6mg

CYPROHEPTADINE Tablets

Par Pharm., Inc. (PRL) 4mg
 Pioneer Pharm., Inc. (H.L. Moore) 4mg

DEXAMETHASONE Tablets

Par Pharm., Inc. (PRL) 0.25mg, 0.5mg, 0.75mg
 1.5mg, 4mg, 6mg

DEXAMETHASONE-NEOMYCIN SULFATE-POLYMYXIN B SULFATE Ophthalmic Ointment

Pharmafair, Inc. 0.1%-3.5mg(Base)-10,000u/Gm
 (Bioline Labs., Goldline Labs.)

DEXAMETHASONE-NEOMYCIN SULFATE-POLYMYXIN B SULFATE Ophthalmic Suspension

Pharmafair, Inc. 0.1%-3.5mg(Base)-10,000u/ml
 (Bioline Labs., Goldline Labs.)

DIAZEPAM Tablets

Barr Labs., Inc. 2mg, 5mg, 10mg
 Duramed Pharm., Inc. 2mg, 5mg, 10mg
 Mylan Pharm., Inc. (Qualitest) 2mg, 5mg, 10mg
 Par Pharm., Inc. 2mg, 5mg, 10mg
 Zenith Labs., Inc. 2mg, 5mg, 10mg
 (Bioline Labs., Goldline Labs.)

DIETHYLPROPION HCl Tablets

Camall Company 25mg

DIPHENHYDRAMINE HCl Capsules

Towne-Paulsen & Co. (VHA Plus) 25mg, 50mg

DIPHENOXYLATE HCl with ATROPINE SULFATE Liquid

Roxane Labs., Inc. 2.5mg-0.025mg/5ml

DIPYRIDAMOLE Tablets

Par Pharm., Inc. (PRL) 25mg, 50mg, 75mg

DISOPYRAMIDE PHOSPHATE Capsules

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[Barr Laboratories, Inc.100mg, 150mg]
 Biocraft Labs., Inc. 100mg, 150mg
 (Bioline Labs., Goldline Labs.)
 [Zenith Labs., Inc.100mg, 150mg]

DOCUSATE CALCIUM Capsules

Pharmacaps, Inc. (PRL)240mg

DOCUSATE CALCIUM with DANTHRON Capsules

Hoechst-Roussel Pharm.Doxidan 60mg-50mg
 Pharmacaps, Inc. (United Research, [PRL]) ..60mg-50mg

DOCUSATE SODIUM Capsules

Pharmacaps, Inc. (PRL) 100mg, 250mg

DOCUSATE SODIUM with CASANTHRANOL Capsules

Pharmacaps, Inc. (PRL)100mg-30mg

[DOXEPIN HYDROCHLORIDE Capsules

Chelsea Labs., Inc. (Rugby Labs.) ... 25mg, 50mg, 100mg]

DOXYCYCLINE HYCLATE Capsules

Par Pharm., Inc. (PRL) 50mg, 100mg

ERGOLOID MESYLATES Tablets

Barr Labs., Inc.1mg
 Bolar Pharm. Co., Inc. (PRL) 1mg

ERGOLOID MESYLATES Sublingual Tablets

Bolar Pharm., Co., Inc. (PRL)0.5mg, 1mg

ERYTHROMYCIN ETHYLSUCCINATE Suspension

National Pharm. Mfg. Co.400mg/5ml
 (Bioline Labs., Goldline Labs.)

[ESTROPIPATE Tablets

Abbott Labs., Inc.Ogen 1.5mg, 3mg
 Pharm. Basics, Inc.1.5mg, 3mg]

FERROUS SULFATE Tablets

Chase Chemical Co. (Bell Pharm.)325mg
 Duramed Pharm., Inc.325mg
 (Vanguard Labs., VHA Plus)

[FERROUS SULFATE Controlled Release Capsules

Freshlabs, Inc. (Geneva Generics) 250mg]

FLUOCINOLONE ACETONIDE Cream

Clay-Park Labs., Inc.0.01%, 0.025%
 (Goldline Labs.)
 Thames Pharm. Co.0.01%, 0.025%

[FLUOCINONIDE Cream

K-Line Pharm. (T.J. Raco), 0.05%
 United Research Labs)
 Syntex Laboratories Lidex 0.05%]

FLURANDRENOLIDE Lotion

National Pharm. Mfg. Co.0.05%
 (Bioline Labs., Goldline Labs.)

[FLUPHENAZINE HYDROCHLORIDE Concentrate

Schering Corporation Permitil 5mg/ml
 E.R. Squibb & Sons Prolizin 5mg/ml]

FLURAZEPAM HCl Capsules

Hoffman-LaRoche, Inc. Dalmane 15mg, 30mg
 Mylan Pharm., Inc. (VHA Plus)15mg, 30mg
 Par Pharm., Inc.15mg, 30mg

FOLIC ACID Tablets

Towne-Paulsen & Co. (VHA Plus) 1mg

FUROSEMIDE Tablets

Barr Labs., Inc.20mg
 Danbury Pharmacal, Inc.20mg, 40mg
 Roxane Labs., Inc.20mg, 40mg
 Watson Labs., Inc. 20mg, 40mg, 80mg

GENTAMYCIN SULFATE Ophthalmic Solution

Pharmafair, Inc. 3mg/ml
 (Bioline Labs., Goldline Labs.)

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<p>GENTAMYCIN SULFATE Cream</p> <p>Thames Pharmacal Co. 0.1%</p> <p>GLUTETHIMIDE Tablets</p> <p>MD Pharm., Inc. (Purepac Pharm.) 500mg</p> <p>GRAMICIDIN with NEOMYCIN SULFATE and POLYMYXIN B SULFATE Ophthalmic Solution</p> <p>Pharmafair, Inc. 0.025mg-1.75mg(Base)-10,000u/ml (Geneva Generics)</p> <p>GUAIFENESIN Syrup</p> <p>[<i>Naska Pharmacal (Rugby Labs)</i> 100mg/5ml] National Pharm. Mfg. Co. 100mg/5ml (Barre Drug, Lederle Labs.) A.H. Robins Co. Robitussin 100mg/5ml</p> <p>GUAIFENESIN with DEXTROMETHORPHAN HBr. Syrup</p> <p>National Pharm. Mfg. Co. 100mg-15mg/5ml (Barre Drug, Lederle Labs.) A.H. Robins Co. Robitussin DM 100mg-15mg/5ml</p> <p>GUANETHIDINE MONOSULFATE Tablets</p> <p>Bolar Pharm. Co., Inc. 10mg, 25mg (Bioline Labs., Goldline Labs.)</p> <p>[<i>HALOPERIDOL</i> Tablet</p> <p><i>McNeil Pharm.</i> <i>Haldol 0.5mg, 1mg, 2mg, 5mg</i> <i>Searle Pharm.</i> <i>0.5mg, 1mg, 2mg, 5mg</i></p> <p><i>HALOPERIDOL LACTATE</i> Concentrate</p> <p><i>McNeil Labs.</i> <i>Haldol 2mg(Base)/ml</i> <i>Searle Pharm.</i> <i>2mg(Base)/ml</i>]</p> <p>HYDRALAZINE HCl Tablets</p> <p>Barr Labs., Inc. 10mg, 100mg Par Pharm., Inc. (PRL) 10mg, 25mg, 50mg, 100mg Sidmak Labs. 100mg</p> <p>HYDRALAZINE HCl with HYDROCHLOROTHIAZIDE Capsules</p> <p>Reid Provident Labs. 25mg-25mg, 50mg-50mg</p>	<p>(Bioline Labs., Goldline Labs., International Labs.)</p> <p>HYDRALAZINE HCl with HYDROCHLOROTHIAZIDE Tablets</p> <p>Bolar Pharm. Co., Inc. 25mg-15mg (Bioline Labs., Goldline Labs.)</p> <p>HYDROCHLOROTHIAZIDE with HYDRALAZINE HCl and RESERPINE Tablets</p> <p>Reid-Provident Labs., Inc. 15mg-25mg-0.1mg (International Labs.)</p> <p>HYDROCORTISONE Topical Lotion</p> <p>Clay-Park Labs., Inc. 0.5% [1%] (Bioline Labs., Goldline Labs.) Thames Pharmacal Co. 0.5%</p> <p>HYDROCORTISONE Tablets</p> <p>Purepac/Kalipharma, Inc. 10mg</p> <p>HYDROXYZINE HCl Tablets</p> <p>Barr Labs., Inc. 10mg, 25mg, 50mg, 100mg (VHA Plus) Par Pharm., Inc. 10mg, 25mg, 50mg (Purepac Pharm., PRL) Sidmak Labs., Inc. 10mg, 25mg</p> <p>HYDROXYZINE PAMOATE Capsules</p> <p>Par Pharm., Inc. (PRL) 25mg, 50mg, 100mg</p> <p>IBUPROFEN Tablets</p> <p>Barr Labs., Inc. 400mg, 600mg (Parmed Pharm., Purepac Pharm.) Boots Pharm., Inc. 400mg, 600mg (Bioline Labs., Goldline Labs.) [<i>Chelsea Labs., Inc. (Rugby Labs.)</i> . 200mg, 400mg, 600mg] Danbury Pharmacal, Inc. 400mg, 600mg (Geneva Generics, Qualitest Labs.) MylanPharm., Inc. 400mg, 600mg Par Pharm., Inc. 400mg, 600mg (Bioline Labs., Goldline Labs., PRL) [<i>Upjohn Mfg. (Bristol-Myers)</i> <i>Nuprin 200mg</i> <i>Whitehall Labs.</i> <i>Advil 200mg</i>]</p> <p>IMIPRAMINE HCl Tablets</p>
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Par Pharm., Inc. (PRL) 10mg, 25mg, 50mg

INDOMETHACIN
Capsules

Duramed Pharm., Inc.25mg, 50mg
Par Pharm., Inc. (PRL)25mg, 50mg
Watson Labs., Inc.25mg, 50mg

ISOSORBIDE DINITRATE
Tablets

Par Pharm., Inc. (PRL)5mg, 10mg, 20mg

LIDOCAINE HCl
Topical Ointment

Thames Pharmacal Co.5%

LINDANE
Lotion

National Pharm. Mfg. Co.1%
(Bioline Labs., Goldline Labs.)

LINDANE
Shampoo

National Pharm. Mfg. Co.1%
(Bioline Labs., Goldline Labs.)

[**LITHIUM CARBONATE**
Capsules

Roxane Labs., Inc.300mg

LITHIUM CARBONATE
Tablets

Roxane Labs., Inc.300mg]

LORAZEPAM
Tablets

Barr Labs., Inc.0.5mg, 1mg, 2mg
[Duramed Pharm., Inc.0.5mg, 1mg, 2mg]

MECLIZINE HCl
Tablets

Par Pharm., Inc. (PRL)12.5mg, 25mg
Sidmak Labs., Inc.12.5mg, 25mg

MEPERIDINE HCl
Tablets

Barr Labs., Inc.50mg, 100mg
(Bioline Labs., Goldline Labs.)

MEPERIDINE HCl
Syrup

Roxane Labs., Inc.50mg/5ml
Winthrop Labs.Demerol 50mg/5ml

METHYCLOTHIAZIDE
Tablets

Par Pharm., Inc.2.5mg, 5mg

METHYCLOTHIAZIDE with DESERPIDINE
Tablets

Bolar Pharm. Co., Inc.5mg-0.25mg, 5mg-0.5mg
(Bioline Labs., Goldline Labs.)

METHYLDOPA
Tablets

Cord Labs., Inc.250mg, 500mg
(Bioline Labs., Goldline Labs.)
[Duramed Pharm., Inc.250mg, 500mg]
Lederle Labs.250mg, 500mg
Mylan Pharm., Inc.250mg, 500mg
(Bioline Labs., Goldline Labs.)
Zenith Labs., Inc.250mg, 500mg

METHYLDOPA with HYDROCHLOROTHIAZIDE
Tablets

Merck, Sharp & DohmeAldoril-15 250mg-15mg
.....Aldoril-25 250mg-25mg
Mylan Pharmaceuticals, Inc.250mg-15mg
.....250mg-25mg

METHCLOPRAMIDE HCl
Tablets

Beecham Labs.10mg
[Chelsea Labs., Inc. (Rugby)10mg]
Colmed Labs./Pharm. Basics Inc. (PRL)10mg
Danbury Pharmacal, Inc.10mg
Par Pharm., Inc.10mg

METRONIDAZOLE
Tablets

Par Pharm., Inc. (PRL)250mg, 500mg
Sidmak Labs., Inc.500mg

**NEOMYCIN SULFATE with HYDROCORTISONE and
POLYMYXIN B SULFATE**
Otic Solution

Pharmafair, Inc.3.5mg(Base)-1%-10,000u/ml
(Bioline Labs., Goldline Labs.)

**NEOMYCIN SULFATE with HYDROCORTISONE and
POLYMYXIN B SULFATE**
Otic Suspension

Pharmafair, Inc.3.5mg(Base)-1%-10,000u/ml
(Bioline Labs., Goldline Labs.)

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<p style="text-align: center;">NIFEDIPINE Capsules</p> <p>Miles Pharm. Adalat 10mg Pfizer Labs. Procardia 10mg</p> <p style="text-align: center;">NYSTATIN Vaginal Tablets</p> <p>Lemmon Co. (Goldline Labs.)100,000u Quantum Pharmics, Ltd.100,000u</p> <p style="text-align: center;">NYSTATIN Topical Cream</p> <p>Thames Pharmacal Co.100,000u/Gm</p> <p style="text-align: center;">NYSTATIN Vaginal Ointment</p> <p>Clay-Park Labs.100,000u/Gm (Bioline Labs., Goldline Labs., Qualitest Labs.)</p> <p style="text-align: center;">NYSTATIN with TRIAMCINOLONE ACETONIDE Cream</p> <p>[Clay-Park Labs. 100,000u-1mg/Gm] Lemmon Co.100,000u-1mg/Gm [NMC Labs., Inc. 100,000u-1mg/Gm] E.R. Squibb & Sons, Inc. Mycolog-II 100,000u-1mg/Gm</p> <p style="text-align: center;">NYSTATIN with TRIAMCINOLONE ACETONIDE Ointment</p> <p>[Clay Park Labs. 100,000u-1mg/Gm] Lemmon Co.100,000u-1mg/Gm E.R. Squibb & Sons, Inc. Mycolog-II 100,000u-1mg/Gm</p> <p style="text-align: center;">OXTRIPHYLLINE Tablets</p> <p>Bolar Pharm. Co., Inc. 100mg, 200mg (Bioline Labs., Goldline Labs.)</p> <p style="text-align: center;">PAPAVERINE HYDROCHLORIDE Controlled Release Capsules</p> <p>Duramed Pharm., Inc. (PRL)150mg Pioneer Pharm., Inc.150mg (Bioline Labs., H.L. Moore)</p> <p style="text-align: center;">PAPAVERINE HYDROCHLORIDE Tablets</p> <p>Sidmak Labs., Inc. (Qualitest Labs.)300mg</p> <p style="text-align: center;">PENICILLIN V POTASSIUM Tablets</p> <p>Beecham Labs. 250mg, 500mg Biocraft Labs., Inc. (Goldline Labs.) 250mg, 500mg</p>	<p style="text-align: center;">PENICILLIN V POTASSIUM Solution</p> <p>Beecham Labs. 125mg/5ml, 250mg/5ml</p> <p style="text-align: center;">PHENAZOPYRIDINE HYDROCHLORIDE Tablets</p> <p>Copley Pharm., Inc. 100mg, 200mg (Vanguard Labs., VHA Plus) Quantum Pharmics, Ltd. 100mg, 200mg</p> <p style="text-align: center;">PHENOBARBITAL Tablets</p> <p>Lemmon Co. (Geneva Generics)15mg Pharmaceutical Basics, Inc. 60mg</p> <p style="text-align: center;">PHEENTERMINE Capsules</p> <p>Duramed Pharm., Inc. 30mg</p> <p style="text-align: center;">PHENYL BUTAZONE Tablets</p> <p>Barr Labs., Inc.100mg</p> <p style="text-align: center;">PHENYTOIN SODIUM Extended Capsules</p> <p>Bolar Pharm. Co., Inc.100mg (Bioline Labs., Goldline Labs., Qualitest)</p> <p style="text-align: center;">[POTASSIUM CHLORIDE Oral Liquid, Sugar Free</p> <p>Upsher-Smith Labs.10%, 20%]</p> <p style="text-align: center;">POTASSIUM CHLORIDE Packets</p> <p>Bajamar Chemical Co. (Abbott) 20mEq</p> <p style="text-align: center;">POTASSIUM GLUCONATE Elixir</p> <p>National Pharm. Mfg. Co. 20mEq/15ml (Bioline Labs., Goldline Labs.)</p> <p style="text-align: center;">PREDNISONE Tablets</p> <p>Duramed Pharm., Inc. (PRL)5mg, 10mg, 20mg</p> <p style="text-align: center;">PROBENECID Tablets</p> <p>Zenith Labs., Inc.500mg (Bioline Labs., Goldline Labs.)</p>
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<p style="text-align: center;">PROBENECID with COLCHICINE Tablets</p> <p>Zenith Labs., Inc. (Purepac) 500mg-0.5mg</p> <p style="text-align: center;">PROCAINAMIDE HCl Controlled Release Tablets</p> <p>Bolar Pharm. Co., Inc. 250mg (Bioline Labs., Goldline Labs.) Copley Pharmaceutical, Inc. 500mg Danbury Pharmacal, Inc. 250mg, 500mg, 750mg Sidmak Labs., Inc. 250mg, 500mg</p> <p style="text-align: center;">PROMETHAZINE HYDROCHLORIDE Tablets</p> <p>Danbury Pharmacal, Inc. 50mg</p> <p style="text-align: center;">PROMETHAZINE HCl with CODEINE PHOSPHATE Syrup</p> <p>National Pharm. Mfg. Co. 6.25mg-10mg/5ml (Purepac Pharm.)</p> <p style="text-align: center;">PROMETHAZINE HCl with DEXTROMETHORPHAN Syrup</p> <p>National Pharm. Mfg. Co. 6.25mg-15mg/5ml (Bioline Labs., Goldline Labs.)</p> <p style="text-align: center;">PROMETHAZINE HCl with PHENYLEPHRINE HCl and CODEINE PHOSPHATE Syrup</p> <p>National Pharm. Mfg. Co. 6.25mg-5mg-10mg/5ml (Purepac Pharm.)</p> <p style="text-align: center;">PROPOXYPHENE NAPSYLATE with ACETAMINOPHEN Tablets</p> <p>Barr Labs., Inc. 50mg-325mg, 100mg-650mg (Parmed Pharm.) Lemmon Co. (Parmed Pharm.) 100mg-650mg Mylan Pharm., Inc. (Parmed) 100mg-650mg</p> <p style="text-align: center;">PROPRANOLOL HYDROCHLORIDE Tablets</p> <p>Barr Labs., Inc. 10mg, 20mg, 40mg Danbury Pharmacal, Inc. 10mg, 20mg, 40mg, 80mg Duramed Pharm., Inc. 10mg, 20mg, 40mg, 80mg (Parmed Pharm., PRL, Purepac Pharm., Qualitest Labs.) Martec Pharm./Schering Corp. ... 10mg, 20mg, 40mg, 80mg (Zenith Labs.) Mylan Pharm., Inc. 10mg, 20mg, 40mg, 80mg Watson Labs., Inc. 10mg, 20mg, 40mg, 80mg</p> <p style="text-align: center;">PSEUDOEPHEDRINE HYDROCHLORIDE Tablets</p>	<p>Duramed Pharm., Inc. (PRL) 30mg, 60mg</p> <p style="text-align: center;">PSEUDOEPHEDRINE HCl with TRIPROlidine HCl Syrup</p> <p>Naska Pharmacal, Inc. (Rugby) 30mg-1.25mg/5ml</p> <p style="text-align: center;">QUINIDINE SULFATE Tablets</p> <p>Vitarine Pharm. (VHA Plus) 200mg, 300mg</p> <p style="text-align: center;">QUININE SULFATE Capsules</p> <p>Danbury Pharmacal, Inc. 200mg</p> <p style="text-align: center;">RESERPINE Tablets</p> <p>Lemmon Co. 0.1mg, 0.25mg (Bioline Labs., Goldline Labs.)</p> <p style="text-align: center;">SELENIUM SULFIDE Lotion/Shampoo</p> <p>Ross Labs. Selsun Blue 1% Thames Pharmacal Co. 1%, 2.5%</p> <p style="text-align: center;">SULFACETAMIDE SODIUM Ophthalmic Ointment</p> <p>Pharmafair, Inc. 10% (Bioline Labs., Goldline Labs.)</p> <p style="text-align: center;">SULFACETAMIDE SODIUM Ophthalmic Solution</p> <p>Pharmafair, Inc. 10% (Bioline Labs., Goldline Labs.)</p> <p style="text-align: center;">[SUCRALFATE Tablets</p> <p>Marion Labs., Inc. Carafate 1 Gm Pharmaceutical Basics, Inc. 1 Gm]</p> <p style="text-align: center;">SULFAMETHOXAZOLE Tablets</p> <p>Bolar Pharm., Co., Inc. (Purepac Pharm.) 500mg</p> <p style="text-align: center;">SULFINPYRAZONE Capsules</p> <p>Par Pharm., Inc. 200mg</p> <p style="text-align: center;">SULFINPYRAZONE Tablets</p> <p>Par Pharm., Inc. 100mg</p>
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TEMAZEPAM Capsules

Pharmaceutical Basics, Inc.15mg, 30mg
Quantum Pharmics, Ltd.15mg, 30mg
(Parmed Pharm., Purepac Pharm.)
Sandoz Pharmaceuticals Restoril 15mg, 30mg

THEOPHYLLINE Solution

Riker Labs., Inc.Theolair 80mg/15ml
Roxane Labs., Inc.80mg/15ml

THIORIDAZINE HCl Tablets

Bolar Pharm. Co., Inc. (Purepac Pharm.) .. 100mg, 200mg
Danbury Pharmacal, Inc. (Geneva Generics)200mg
Par Pharm., Inc. (PRL) ..10mg, 15mg, 25mg, 50mg, 100mg

THIORIDAZINE HCl Concentrate

Roxane Labs., Inc.30mg/ml, 100mg/ml

TOLAZAMIDE Tablets

Barr Labs., Inc.100mg, 250mg, 500mg
[*Chelsea Labs., Inc. (Rugby)* 100mg, 250mg, 500mg]
Colmed Labs./Pharm.Basics, Inc. 250mg, 500mg
Danbury Pharmacal, Inc.100mg, 250mg, 500mg
Duramed Pharm., Inc.100mg, 250mg, 500mg
Mylan Pharm., Inc. 250mg, 500mg
Zenith Labs., Inc.100mg, 250mg, 500mg
(Bioline Labs., Goldline Labs.)

TOLBUTAMIDE Tablets

Purepac/Kalipharma, Inc.500mg

[TRAZODONE HCl Tablets

Danbury Pharmacal, Inc.50mg, 100mg
Mead-Johnson & Co.Desyrel 50mg, 100mg
Pharmaceutical Basics, Inc.50mg, 100mg]

TRIAMCINOLONE ACETONIDE Cream

MNC Labs., Inc. (Purepac Pharm.) 0.1%

TRIAMCINOLONE ACETONIDE Ointment

Clay-Park Labs., Inc.0.025%, 0.1%, 0.5%
(Goldline Labs.)
Thames Pharmacal Co. 0.1%

TRIFLUOPERAZINE HCl Tablets

Duramed Pharm., Inc.1mg, 2mg, 5mg, 10mg
(PRL, Purepac Pharm.)

TRIMETHOPRIM Tablets

[*Barr Labs., Inc.* 100mg]
Biocraft Labs., Inc.100mg
(Bioline Labs., Goldline Labs.)
Danbury Pharmacal, Inc.100mg

TRIMETHOPRIM with SULFAMETHOXAZOLE Tablets

Par Pharm., Inc. (PRL)80mg-400mg, 160mg-800mg

TRIMETHOPRIM with SULFAMETHOXAZOLE Suspension

National Pharm. Mfg. Co.40mg-200mg/5ml
(Bioline Labs., Goldline Labs.)40-200mg/5ml
..... Pediatric Suspension

VALPROIC ACID Capsules

Abbott Labs., Inc.Depakene 250mg
Par Pharm., Inc.250mg
[*Pharm. Basics, Inc.*250mg
Scherer, Inc. (International Labs.)250mg]

[VERAPAMIL HCl Tablets

Danbury Pharmacal, Inc.80mg, 120mg]

DELETIONS FROM 1986 VIRGINIA VOLUNTARY FORMULARY

OXYPHENBUTAZONE Tablets

Ciba-Geigy Pharm. (USV Pharm.)100mg
Geigy Pharm. Tandearil 100mg

[METHANDROSTENOLONE Tablets

Bolar Pharm. Co., Inc. 2.5mg, 5mg
(*Bioline Labs., Goldline Labs., Qualitest Labs.,
Rugby Labs., Major Pharm.*)
Par Pharm. (Geneva Generics) 2.5mg, 5mg

DICYCLOMINE HYDROCHLORIDE Capsules

Boots Pharm., Inc. (Vanguard Labs.)10mg

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DIPHENHYDRAMINE HYDROCHLORIDE Capsules

Boots Pharm., Inc.25mg, 50mg
(United Research Labs.)

PAPAVERINE HYDROCHLORIDE Controlled Release Capsules

Boots Labs., Inc.150mg

PREDNISONE Tablets

Boots Labs., Inc.5mg
(United Research Labs.)]

DEPARTMENT OF LABOR AND INDUSTRY

Title of Regulation: VR 425-02-4. Commercial Diving Standard - Virginia Occupational Safety and Health Codes Board.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: February 2, 1987

Summary:

On October 28, 1986, the Virginia Occupational Safety and Health Codes Board adopted the Federal OSHA amendment to the Commercial Diving Standard for General Industry (29 CFR 1910.430). The effective date of the amendment is February 2, 1987.

The amendment corrects a reference to the VOSH Standards on compressed gas cylinders and equipment to read "§§ 1910.101 and 1910.169-171", instead of "§§ 1910.166-171". Sections 1910.166-168 were deleted in 1984 (49 Fed. Reg. 5318) because they repeated provisions also found in 1910.101. As noted in the 1984 final rule, the removal of §§ 1910.166-168 was not intended to lessen employee protection in any way.

This is a minor amendment which corrects an inaccurate reference in the standard, and makes no substantive change in the requirements of 1910.430. No additional costs to Virginia employers or the Department of Labor and Industry are anticipated.

Federal Regulation 29 CFR 1953.23(a)(2) requires Virginia to adopt within six months changes to Federal standards in verbatim or to promulgate equivalent changes which are at least as effective as the Federal change. The Virginia Code reiterates this requirement in § 40.1-22(5). Adopting this amendment to 1910.430 will allow Virginia to conform to the Federal standard.

Since the amendment to 1910.430 was adopted without

public comment in accordance with § 9-6.14:4.1.C.4(c) of the Code of Virginia, the Department of Labor and Industry will receive, consider and respond to petitions by any interested person at anytime with respect to reconsideration or revision.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Commercial Diving Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 3 AG
RICHMOND, VIRGINIA 23208
(804) 756-2591

November 6, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
The Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

Re: VR 425-02-4. - Amendment to Virginia Commercial Diving Standard for General Industry

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by Federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

Title of Regulation: VR 425-02-11. Virginia Occupational Safety and Health Administrative Regulations Manual.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: February 2, 1987

Summary:

The Preface to the Manual has been revised extensively. All Appendices have been deleted since they were informational references only and not regulatory. Subpart A, Sections 1, 2 and 3, of the 1983 Manual have been deleted since their information is contained in either the new Preface or other subsections of the proposed 1986 revision to the

Final Regulations

Manual.

No significant substantive changes have been made in the proposed revision to these regulations. With the exception of Subpart A, Sections 1, 2 and 3, all sections of the 1983 Manual have been retained in the 1986 proposed changes. Following is a description of the changes contained in each new section of the Manual.

§ 1. New Language and format. Definition of "State Health Commissioner" is deleted since that term is no longer used in the Manual.

§ 2. Language and format differ but substance is the same.

§ 2.1. Old item (c) no longer applies to Virginia.

§ 3. Deletion of note because it is unnecessary. Entire subsection is explanatory and does not establish any new regulation. Some material has been repositioned in the proposed new subsection.

§ 4. Deletion of note because it is unnecessary. Entire subsection is explanatory and does not establish any new regulation. Some material has been repositioned in the proposed new subsection.

§ 5. Language changes and deletion of nonbinding explanatory item. New language will allow standard that has been stayed by Federal OSHA to remain in force until the Safety and Health Codes Board has an opportunity to evaluate conditions in Virginia and the applicability of the stay.

§ 6. Format and Language. Changes to Paragraph 6.G.2 clarify but do not change the meaning of the section.

§ 7. Format. Section 8.6.J has some language changed and information added for clarity.

§ 8. Format. Sections 10.F and 10.H language has been changed for clarity. Section 10.1.B(5) examples are deleted.

§ 9. Format. Section 11.1.A has some language deleted for clarity.

§§ 7, 9, 12, 13, 14 and 15 are changed in format only.

These amendments to the ARM reflect changes to the current organizational structure of the VOSH program which occurred as a result of the transfer of the Occupational Health portion of the program from the Department of Health to the Department of Labor and Industry. Changes also reflect new requirements for style and format of regulations as set forth in the Virginia Register Form, Style and Procedure Manual. Finally, some changes reflect new internal practices

and procedures, correction of technical errors and clarifications that needed to be made.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Administrative Regulations Manual, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

* * * * *

Title of Regulation: VR 425-02-14. Accident Prevention Tags Standard - Virginia Occupational Safety and Health Codes Board.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: February 2, 1987

Summary:

On October 28, 1986, the Virginia Occupational Safety and Health Codes Board adopted the Federal OSHA amendment to the Accident Prevention Tags Standard for General Industry (29 CFR 1910.145). The effective date of the amendment is February 2, 1987.

The amended standard allows employers to use pictographs, words or a combination of both in addition to the signal word or words currently used, provides that the signal word or words of all accident prevention tags be capable of being read at a distance of five feet (1.5 m) and requires the employer to use, as a minimum, a two-tier hazard classification system with the signal words "Danger" or "Caution" on accident prevention tags. This amendment also regulates the design and the application of the biological hazard tag.

The amended standard will provide the employer with more flexibility in the use of accident prevention tags as temporary hazard identification devices in the workplace, while maintaining the protection provided by the current requirements. Employers will be able to use a wide variety of "major messages" on their accident prevention tags to improve safety through greater employee awareness of hazards in the workplace.

Federal Regulation 29 CFR 1953.23(a)(2) requires Virginia to adopt within six months changes to Federal standards in verbatim or to promulgate equivalent changes which are at least as effective as the Federal change. The Virginia Code reiterates this requirement in § 40.1-22(5). Adopting this amendment to 1910.145 will allow Virginia to conform to the Federal standard.

Final Regulations

Since the amendment to 1910.145 was adopted without public comment in accordance with § 9-6.14:4.1.C.4(c) of the Code of Virginia, the Department of Labor and Industry will receive, consider and respond to petitions by any interested person at anytime with respect to reconsideration or revision.

assistance for the month of application. The amended regulation includes a second situation where an individual or family eligible for maintenance must receive assistance for the month of application.

VR 615-01-14. Entitlement Date in the General Relief Program.

§ 1. Definitions.

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

"Agency action or action" means action taken by the superintendents/directors or local board certifying the individual or family is eligible for maintenance.

"Entitlement date or entitlement" means the date eligibility for maintenance begins.

"General relief program (GR)" means a program supervised by the Virginia Department of Social Services and administered by local social services departments, in accordance with each locality's approved general relief plan, which provides financial assistance to eligible individuals and families.

"Maintenance payments or maintenance" means ongoing financial assistance from the general relief program.

§ 2. Maintenance payments.

A. Entitlement date.

When an individual or family has been found by agency action to be eligible, entitlement shall begin no later than the first day of the month following the month of application, provided the individual or family meets all eligibility conditions at that time. If eligibility is determined and action taken during the month in which application is made, the date of entitlement to financial assistance shall be the first of the month in which application is made. In the following situations, the date of entitlement shall be the first of the month in which the application was made:

1. Action is taken during the month of application.
2. Action is taken in a month later than the month of application:
 - a. For reasons beyond the control of the applicant, as determined by the agency, and
 - b. The applicant received general relief maintenance from another locality in Virginia for the month prior to the month of application.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Accident Prevention Tags Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 346
RICHMOND, VIRGINIA 23208
(804) 786-2581

November 6, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
The Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

Re: VR 425-02-14. - Amendment to Virginia Accident Prevention Tags Standard for General Industry

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:sll

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-01-14. Entitlement Date in the General Relief Program.

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

Effective Date: January 1, 1987

Summary:

The current regulation, governing the entitlement date for maintenance assistance from the general relief program, specifies one situation where an individual or family eligible for maintenance must receive

EMERGENCY REGULATION

BOARD OF VETERINARY MEDICINE

below.

Title of Regulation: Emergency Regulations of Board of Veterinary Medicine. (Fee Structure)

Fiscal Year 1986-87

Effective Date: November 3, 1986, through November 2, 1987.

Budget Expenditures\$190,330

Projected Revenue at Current
Fee Levels 78,875

Summary:

Projected One-Year Deficit Without
Emergency Regulations (111,455)

The Board of Veterinary Medicine has determined that it is necessary to adopt new fees by emergency regulation. If higher fees are not adopted prior to the upcoming renewal of licenses, in March of 1987, the Board's receipts will be less than half of the amount needed to meet anticipated expenses for the biennium. By increasing licensure fees, the Board can generate adequate funds to implement its programs mandated by law.

Projected Revenues at Fee Levels Proposed
in Emergency Regulations 189,250

Basis of Emergency:

4. Establish an "inactive" class of licensure for veterinarians, to reduce the fees for out-of-state and retired practitioners. Almost half of Virginia's licensed veterinarians do not live or practice in state. Unless this fee category is established, many out-of-state licensees may allow their licenses to expire because of the fee increase. Such attrition would cut the Board's income and defeat the purpose of these regulations.

The Board of Veterinary Medicine last raised its fees in 1982. Since then its expenses have risen as a result of increased complaint investigations and facility inspections. The Board ended fiscal year 1985-86 with expenses exceeding revenues.

The emergency regulations will be effective for a period of one year, or until they are modified or superseded by regulations promulgated according to normal rulemaking procedures under the Administrative Process Act.

As a result of a thorough regulatory review, the Board is promulgating a revised body of rules. Its new regulations include a fee structure which matches its financial needs. A Notice of Intent to promulgate these regulations has been filed and the Board expects to begin a sixty-day public comment period in November, 1986. However, normal rulemaking procedures will not be completed by the time renewals are mailed in December, 1986. Therefore, the Board finds it necessary to adopt its new fee structure by emergency regulation.

The Virginia Board of Veterinary Medicine will receive, consider and respond to petitions by any interested persons at any time for the reconsideration or revision of these regulations.

Nature of Regulations:

Emergency Regulations of Board of Veterinary Medicine. (Fee Structure)

The emergency regulations will:

Regulation 8. Registration Fees. (Authority § 54-784.03 of the Code of Virginia)

1. Change the veterinarian and animal technician renewal period from two years to one year. This frequency of renewal will address the severe cash flow problem the Board has experienced under a two-year renewal cycle. It will allow for smaller fee payments by those affected.

A. Every person authorized by this Board to practice veterinary medicine shall, on ~~March 1~~ February 28 of every odd number year, pay to the Secretary of the Board a biennial registration fee as prescribed in Regulation 26, and every holder of a certificate of animal technology shall, in a like manner, pay a biennial registration fee as prescribed in Regulation 26.

2. Change the renewal deadline by one day, from March 1 to February 28, to make renewals consistent among all the boards in the Department of Health Regulatory Boards.

1. The Board shall mail to each person so registered a notice to renew ~~their~~ his license or certificate prior to the expiration of any license or certificate.

3. Increase fees for licensure of veterinarians from \$35 to \$125 a year, for certification of animal technicians from \$15 to \$30 a year, and for registration of animal facilities from \$25 to \$50 a year. The results of these fee changes are illustrated

2. It shall be the responsibility of each person so registered to return the renewal application with the prescribed fee and to be received by the Board prior to the expiration of ~~their~~ his license or certificate.

3. A veterinarian license or animal technician certificate may be renewed up to one year after the expiration date provided a late fee as prescribed by

Emergency Regulation

Regulation 26 is paid in addition to the required renewal fee.

4. Failure to renew a veterinarian license or animal technician certificate after one year of the expiration date of said license or certificate shall make said license or certificate invalid. Reinstatement of expired licenses or certificates shall be at the discretion of the Board. The Board may require documentation of competency and professional activities as well as imposition of additional late fees.

B. Any facility establishing shall apply for registration with the Board 30 days prior to such opening for practice and pay to the Board a registration fee as prescribed in Regulation 26 at the time of application.

1. Every such animal facility so registered shall be required to renew the registration annually and pay to the Secretary of the Board a registration fee as prescribed in Regulation 26. It shall be the duty of the Board to mail a renewal notice to each facility so registered prior to the expiration of registration.

2. Every such facility which fails to renew the registration by ~~March 1~~ February 28 shall expire and become invalid, but may be reinstated within 30 days of expiration upon receipt of a properly executed renewal application and a late fee as prescribed in Regulation 26 in addition to the required renewal fee. Reinstatement of an expired registration after 30 days shall be at the discretion of the Board.

3. Every new animal facility or an animal facility which changes location shall be inspected, approved and registered by the Board prior to opening for the practice of veterinary medicine. Applications are to be made 30 days prior to the proposed date of the said animal facility.

medicine in the Commonwealth.

/s/ Bernard L. Henderson, Jr., Director
Virginia Department of Health Regulatory Boards
Date: October 8, 1986

/s/ Gerald L. Baliles, Governor
Commonwealth of Virginia
Date: October 29, 1986

/s/ Joan W. Smith, Registrar of Regulations
Virginia Code Commission
Date: November 3, 1986

Regulation 26. Fees. (Authority § 54-784.03 of the Code of Virginia)

Veterinary Examination Fee	\$125.00
Veterinary License Fee (biennial) (active) ...	70.00 125.00
Veterinary License Fee (inactive)*	50.00
Veterinary License Renewal Late Fee	10.00
Animal Technician Examination Fee	50.00
Animal Technician Certificate Renewal Fee (biennial)	30.00
Animal Technician Certificate Renewal Late Fee	10.00
Animal Facility Initial Registration and Renewal Fee	25.00 50.00
Animal Facility Registration Renewal Late Fee	15.00
Temporary Permit Fee	25.00
Duplicate Certificate Fee	10.00
Duplicate License Fee	5.00
Veterinary Faculty Recognition Certificate Fee	20.00
Certification to Other State Boards	10.00

* Inactive - not engaged in the practice of veterinary

STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 30, 1986

APPLICATION OF

THE WASHINGTON, D.C. SMSA
LIMITED PARTNERSHIP

CASE NO. PUC850027

For Approval of a Minimum-Maximum
Tariff - Phase I.

ORDER ADOPTING RULES

By order of May 5, 1986, the Commission directed publication for comment of proposed rules governing a range of rates offered by cellular communications carriers. In response, the Commission received comments from the following cellular carriers: Washington, D.C. SMSA Limited Partnership (Partnership), Norfolk Cellular Telephone Company (Norfolk), Washington/Baltimore Cellular Telephone Company d/b/a Cellular I (Cellular I), Contel Cellular of Richmond, Inc., and Contel Cellular of Norfolk, Inc. With publication of proposed rules and receipt of comments, we are now prepared to conclude Phase I of this proceeding and to adopt rules governing a range of cellular rates.

The commenting cellular carriers directed their attention and suggestions to § 2 which contains the standards for minimum and maximum rates. As proposed in our May 5, 1986, order, § 2(A) required minimum rates which produce "aggregate revenues sufficient to allow the carrier to recover its direct operating costs in providing service." Cellular I suggested that the rules should provide more guidance without unduly limiting Commission flexibility. In its comments, Partnership supported the Commission's determination that the historical test year with traditional ratemaking adjustments would impede the Commission in dealing with this novel technology in developing markets.

We agree with these comments. It is the Commission's intention to have as a floor rates which cover the out-of-pocket expenses of providing service. We shall revise the minimum rate standard to require revenues sufficient to recover cash operating expenses. We are also adding to § 1 a requirement that applicants file a justification for the proposed range of rates in addition to the cost data and the proposed tariff pages. In addition, § 1 will be amended to clarify that an applicant electing to seek a protective order should make a request at the same time the application is filed so that the matter may be considered at the outset of the proceeding.

As we have noted from the outset of this proceeding, we recognize that cellular technology is developing a market and that the carriers do not have the operating history to develop an historic test year. In light of these factors, the Commission will be flexible in considering the level of cost and their relationship to anticipated revenues from proposed rates.

Proposed § 2(B) established a presumption of

reasonableness for the maximum rates in a range of rates. Upon further consideration the Commission believes that applicants must have a standard for developing a proposed maximum rate and that the Commission must employ this standard in its review. We believe that an appropriate standard requires that maximum rates be part of a rate structure in which all rates, from minimum to maximum, bear a reasonable relationship without abrupt shifts or discontinuities. Further, estimated revenue which application of the maximum rate would yield must bear a reasonable relationship to system costs and to economic risks.

The Commission also believes that rules on a range of rates should give applicants guidance on the burden of proof they must carry to put the proposed rates in effect. We have already noted the addition of a justification statement to § 1 of the rules. In addition, the term "accept a tariff having a range of rates" or variants of that term better describe the procedures that the Commission intends to implement. These changes are made in §§ 1, 2, 3, and 6. Closely related to these changes are the addition to § 3 of language on the burden of proof and the addition of new § 7.

Several considerations lead the Commission to substitute the term "acceptance" and to add language on burden of proof. Before accepting a tariff publishing a range of rates, the Commission will require a statement of justification to be submitted, simultaneously with the tariff, making a prima facie showing that the range of rates is just and reasonable. If such showing is made, we will permit the rates to become effective. Once the range becomes effective, based on such showing, any party challenging a particular rate would bear the burden of proof. If, on the other hand, the Commission suspends the range for lack of a prima facie showing of reasonableness, the applicant would necessarily carry the burden of proof. The language added to § 3 also clarifies the responsibilities of the staff in this process.

In its comments, Norfolk expressed concern about the Commission's determination of when a competitive market exists. As we noted in our order of May 5, 1986, the Commission has concluded that the legislature has already determined that competition exists where two cellular mobile radio communications carriers are in operation within the same or substantially similar area. Once that condition has been established, it is appropriate for the Commission to consider proposed tariff provisions establishing a range of rates filed by either carrier.

The general observations and findings on the issue of a range of cellular rates made in our May 5, 1986, order remain valid. With modifications discussed above, the Commission adopts final rules governing a range of rates offered in the tariffs of cellular carriers, and concludes the first phase of this proceeding.

By our order entered in this proceeding on August 1, 1985, Partnership's tariff was allowed to take effect subject

State Corporation Commission

to an investigation conducted by the Hearing Examiner. We direct Partnership to file cost data and a statement of justifications as required by § 1 of the rules. Any request for a protective order should accompany the filing. Since the range of rates is in effect, the burden of going forward will lie with the protestants as provided by § 3 of the rules. The Hearing Examiner will conduct his investigation in Phase II of this proceeding applying the standards established by § 2 of the rules and following the procedures set out in § 4, concerning requests for hearing, §§ 5, and 7. Accordingly,

IT IS ORDERED, that, pursuant to the authority granted by Titles 12.1 and 56 of the Code, the rules contained in Appendix A to this order are adopted as final rules of the Commission, effective on the date of this order.

IT IS FURTHER ORDERED that Partnership file within 30 days of the date of this order cost data and a statement of justification of the range of rates now in effect.

IT IS FURTHER ORDERED that the Hearing Examiner commence an investigation of Partnership's proposed minimum-maximum tariff in accordance with this order and file a report of findings and recommendations with the Commission.

ATTESTED COPIES hereof shall be sent to Stephen H. Watts, II, Esquire, McGuire, Woods & Battle, One James Center, Richmond, Virginia 23219; Steven W. Pearson, Esquire, Thomas & Fiske, P.O. Box 14515, Richmond, Virginia 23221; Laurence E. Skinner, Esquire, Hunton & Williams, P.O. Box 1535, Richmond, Virginia 23212; Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 5th Floor, Richmond, Virginia 23219; and to the Commission's Divisions of Communications, Accounting and Finance, and Economic Research and Development.

APPENDIX A

RULES GOVERNING THE FILING OF A RANGE OF RATES BY CELLULAR MOBILE RADIO COMMUNICATIONS CARRIERS

- § 1. Cellular Mobile Radio Communications carriers' applications for a range of rates pursuant to Subsection B of Virginia Code § 56-508.12 must include cost data which will enable the Commission to determine if the proposed range of rates is just and reasonable. The application shall include a statement of justification for the rates set out in the application. A request for a protective order for any proprietary data included in the application should be filed at the same time as the application.
- § 2. In determining whether to accept a tariff having a range of rates the following standards shall apply:
- (A) Minimum rates proposed by a cellular carrier must produce aggregate revenues sufficient to allow the carrier to recover its cash operating expenses including, but not limited to, maintenance, wages and salaries, taxes, overhead, and debt service. Minimum rates which do not allow a cellular carrier to recover its direct operating costs will not be accepted.
- (B) Maximum rates proposed by a cellular carrier will be accepted if they are reasonably related to the minimum rates and do not produce excessive revenues.
- § 3. Upon receipt of an application proposing a range of rates, the application will be docketed and either suspended or accepted. If allowed to take effect, subject to investigation, the burden of going forward shall be on the protestant or intervenor. If suspended, the burden of proof shall be on the applicant. The Commission's staff may make a recommendation to the Commission on suspension or acceptance of any application. Copies will be sent to the parties who may file comments on the staff recommendation.
- § 4. The applicant shall notify the public and customers whose rates might change. Parties may protest or intervene as provided by the Commission's Rules of Practice and Procedure. All requests for hearing and for suspension shall be filed in a timely manner, and shall set forth a full and clear statement of facts which the protestant or intervenor is prepared to prove by competent evidence.
- § 5. If a hearing on the application is not held, the Commission's staff shall investigate the proposed range of rates and report its findings directly to the Commission and to any parties. The parties may file comments. If a hearing is held, the investigation shall be conducted as ordered.
- § 6. If the Commission approves the range of rates, the cellular carrier may increase or decrease rates within the approved range without Commission's approval. The rates must, however, be filed with the Division of Communications at least one working day prior to the effective date, and customers must be notified of the change at least one working day prior to the effective date.
- § 7. Once a tariff is in effect, the burden of proof shall be on the challenger of any range or of a specific rate in effect.

GOVERNOR

EXECUTIVE ORDER NUMBER TWENTY-SIX (86)

REVIEW OF EXISTING REGULATIONS BY STATE AGENCIES

By virtue of the authority vested in me as Governor by § 9-6.14:25 of the Code of Virginia, I hereby establish procedures for state agencies to follow for the review of existing regulations.

State government has an affirmative and inescapable duty to enforce regulations that protect the public safety and welfare. It is the policy of the Commonwealth of Virginia to conduct required regulatory activities in a manner that intrudes to the least possible extent into the legitimate functions of private enterprise and individual citizens and to strive to draft, adopt and enforce regulations that do not unnecessarily burden the activities of private businesses and citizens.

To effect this policy, state agencies must periodically evaluate all of their existing regulations. The purpose of such evaluation is to determine whether circumstances and legal authority justify continued enforcement, modification or elimination of regulations.

APPLICABILITY

This Executive Order applies to those agencies which periodically are designated by me by letter to the agency head to review all of the existing regulations which they have promulgated in accordance with the Administrative Process Act (Title 9, Chapter 1.1:1, of the Code of Virginia). For the purpose of this review, the definition of regulation shall be as set forth in § 9-6.14:4 of the Code of Virginia.

I. AGENCY RESPONSIBILITIES

A. Each agency shall prepare a work plan detailing the agency's proposal for reviewing its existing regulations. Within thirty days after an agency's designation, three copies of this work plan must be submitted to the Governor's Office. The work plan outlines who is responsible for conducting tasks and describes in detail the timeframe, the process, and techniques the agency will use to evaluate its regulations.

The work plan shall include the process the agency will use for:

1. Review of regulations by the Office of the Attorney General to ensure statutory authority.

This review must be conducted before submission of the final regulation review package to the Governor's Office. The review must address all rules proposed to be eliminated, modified, or added as well as those which the agency does not propose to change.

2. Review of regulations to ensure they are necessary for the protection of public health, safety and welfare.

This component of the work plan must describe the procedures the agency will use to:

- a. Solicit and incorporate public comment during this regulatory review process, consistent with § 9-6.14:7.1 of the Code of Virginia;
- b. Assess the costs to the regulated entities to implement and comply with regulatory requirements (including mandated reports and forms) and the cost to the agency to administer and enforce the regulations;
- c. Determine whether and how circumstances have changed since the regulations were issued;
- d. Identify the purpose of the regulations;
- e. Assess whether there is a continuing need for the regulations;
- f. Analyze alternatives to the current regulations and regulatory activities;
- g. Measure the regulations' effectiveness; and
- h. Identify conflicting or duplicative requirements of other state agencies or of the federal or local governments.

3. Review of regulations to ensure they are clearly written and easily understood.

The work plan also must describe the format the agency will use to present its conclusions and recommendations.

B. The agency shall prepare a review package for each existing regulation. The review package must comply with the requirements of this executive order as well as with the timeframes and procedures established in its approved work plan.

Each regulatory review package shall include:

1. A letter from the Office of the Attorney General containing the results of the required review for statutory authority.
2. A cover sheet giving, for each regulation, the title, statutory authority, date promulgated, date last amended and parties regulated.
3. A numerical summary of the rules reviewed which lists:
 - a. Number of existing rules,*

- b. Number of rules proposed to be eliminated,
- c. Number of rules proposed to be modified,
- d. Number of proposed new rules,** and
- e. Total number of proposed rules.***

* This includes existing rules plus those new rules that result from simply separating existing rules with numerous requirements into separate, discretely numbered rules or from simply moving an existing requirement from one regulation to another.

** A new rule is one that imposes a substantive requirement not contained in existing regulations.

*** The total number of proposed rules must equal the number of rules reviewed plus proposed new substantive rules and minus rules proposed to be eliminated.

- 4. A summary of the review to determine if the regulation in its present form is necessary including a needs assessment, analysis of alternatives and summary of public comments.
- 5. An assessment to determine if the regulation is clear and easily understood.
- 6. A summary of conclusions and recommendations.
- 7. A copy of the proposed regulation presented in a manner that makes it easy to compare existing and proposed regulations.
- 8. A copy of the existing regulation.

C. Each agency, upon request by the Commission on Efficiency in Government, shall appear before that Commission to discuss the results of its regulatory review efforts.

II. RESPONSIBILITIES OF AGENCY REVIEW COORDINATOR

A. The agency head must designate an Agency Review Coordinator to serve as the contact person during the review process. The work plan must identify the Agency Review Coordinator by name and position.

B. The Agency Review Coordinator:

- 1. Prepares the agency's work plan for transmittal to the Governor's Office.
- 2. Prepares and provides two (2) copies of the final regulatory review packages to the Governor's Review Team Chairman, discussed below.

III. RESPONSIBILITIES OF THE GOVERNOR'S OFFICE

CONCERNING THE REVIEW PROCESS

A. To initiate the review process, the Governor's Office:

- 1. Establishes submission deadlines for agency work plans and Regulatory Review Packages.
- 2. Appoints a Governor's Review Team and designates the Chairman. Review team members will be selected after considering nominations made by the Governor's Secretaries.

B. During the Review Process, involvement of the Governor's Office will be limited to reviewing and commenting on new or changed regulations which are of an essential nature and which, therefore, are submitted by a designated agency before its final regulatory review package is completed.

IV. RESPONSIBILITIES OF THE GOVERNOR'S REVIEW TEAM CHAIRMAN

A. The Governor's Review Team Chairman will lead the Governor's Review Team in assessing each agency's self-evaluation.

B. The Chairman:

- 1. Convenes the review team.
- 2. Receives a copy of each designated agency's approved work plan from the Governor's Office and distributes the second copy of each work plan to a designated member of the review team.
- 3. Reviews each work plan submitted and may require any changes necessary to bring the work plan into compliance with the requirements of this Executive Order.
- 4. Answers questions concerning procedures and guidelines.
- 5. Receives the regulatory review packages, assigns each one an "identification control number," and distributes them to review team members.
- 6. Returns any incomplete regulatory review packages to the submitting agency. (The Chairman has the authority to set deadlines for the agencies' return of complete packages.)
- 7. Receives from review team members and reviews a memorandum on each agency regulatory review package and forwards the memorandum along with a copy of each regulation review package to the Governor's Office when he or she determines the memorandum meets the requirements of section V. B. of this order.

V. RESPONSIBILITIES OF THE GOVERNOR'S REVIEW

Governor

TEAM

A. Review team members will receive a copy of the agency work plan from the Chairman and assess agencies' regulatory review packages according to the steps outlined below.

B. Regulatory Review Packages:

1. A member of the Governor's Review Team conducts a detailed review of each package, develops recommendations on significant issues, and prepares a memorandum on the package for the Governor's Office. That memorandum is first sent to the Governor's Review Team Chairman.

2. The memorandum should include:

- a. An overview of the agency's proposed actions and particularly noteworthy proposals;
- b. A review of the costs imposed on the regulated community and incurred by the agency as a result of the regulation; and
- c. An identification of significant or technical issues that need to be resolved, based on the review team member's detailed review.

VI. POST REVIEW ACTION OF THE GOVERNOR'S OFFICE

A. After the review team's assessments are completed, the Governor's Office receives the memoranda on the regulatory review packages.

B. The Governor's Office then considers the review team's recommendations and prepares a summary and highlights of the agency reviews of existing regulations for the Governor's Commission on Efficiency in Government.

C. The Governor's Office will then send final instructions to the agencies concerning the regulations.

This Executive Order will become effective upon its signing and will remain in full force and effect until June 30, 1990, unless rescinded or amended by further executive order

Given under my hand and under the Seal of the Commonwealth of Virginia this 12th day of October, 1986.

/s/ Gerald L. Baliles, Governor

GOVERNOR'S COMMENTS OF PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

DEPARTMENT OF HEALTH

Title of Regulation: VR 355-17-01. Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings.

Office of the Governor
October 27, 1986

Dr. C. M. G. Buttery
Commissioner
Department of Health
James Madison Building
109 Governor Street
Richmond, Virginia 23219

Dear Dr. Buttery:

I have reviewed the Sanitary Regulations for Marinas and Boat Moorings (VR 355-17-01) under the procedures of Executive Order Number Five (86).

The intent of the proposed regulations as stated in the regulatory review summary is to protect public health by preventing the spread of disease and to provide additional protection to shellfish growing areas. The regulations will provide much-needed additional sewage dump and pump-out facilities and will clarify the existing regulations affecting these facilities.

I totally agree with the intent of the regulations you have proposed and that it is necessary to protect shellfish growing areas from contamination by high concentrations of human waste in locations adjacent to where marine vessels congregate. As you are well aware, I have placed a very high priority on our state initiatives and multi-state efforts to improve water quality, especially with reference to the Chesapeake Bay. The efforts that have been made to reopen shellfish grounds have been highly successful and resulted in putting substantial shellfish acreage back into production. The resulting commercial value of those areas, coupled with the obviously improved water quality, has been a very positive influence.

I am concerned that the standards proposed in these regulations may go beyond a regulatory scheme that insures that boaters in Virginia have adequate access to pump-out facilities. There seems to be a serious question as to what percentage of the sewage is the result of illegal dumping adjacent to marinas by boat owners as opposed to some other source of pollution.

The Commonwealth, as well as other states, has been able to make substantial progress with respect to water quality in the Chesapeake Bay as a result of our educational efforts and initiatives.

It may very well be that a combination of some regulatory scheme less board than that which is offered, together with expanded educational activities in cooperation with the marina industry, may prove fruitful

in addressing our shared concerns that individuals who choose to operate marine vessels should avail themselves of available regulated marinas and moorings which have adequate pump-out facilities.

In light of these considerations, I would urge the department to consider carefully the comments offered at the public hearing on these proposals to insure that the costs of imposing these requirements do not substantially outweigh the benefits to be derived from their enforcement. I am certain that the department will arrive at the most effective method of addressing the need for boat sewage disposal facilities and the concern for preserving the quality of Virginia's waterways.

/s/ Gerald L. Baliles

DEPARTMENT OF SOCIAL SERVICES

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

Office of the Governor
October 29, 1986

Mr. William L. Lukhard
Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229-8699

Dear Mr. Lukhard:

I have reviewed the Policy Regarding Purchased Services (VR 615-52-1) under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn to give local social services agencies greater flexibility in purchasing services for their clients. It is also anticipated that the department's proposed changes will reduce and simplify the procedural and reporting requirements for purchased services. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles

STATE WATER CONTROL BOARD

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

Governor's Comment:

No objections to the proposed revisions for reasons stated by the Water Control Board. However, water quality must be monitored so that future discussions with EPA regarding water quality protection will be based on documentation.

/s/ Gerald L. Baliles
Date: October 29, 1986

GENERAL NOTICES/ERRATA

Symbol Key †
† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

BOARD OF CORRECTIONS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider promulgating regulations entitled: **VR 240-40-004. Outdoor Adventure Education.** The purpose of the proposed regulations is to improve procedures, safety and program management for juvenile outdoor adventures, strengthen issues of counseling, use of outfitters and staff training.

Statutory Authority: §§ 16.1-322.1 and 53.1-5 of the Code of Virginia.

Written comments may be submitted until December 1, 1986.

Contact: Robert Callahan, Jr., Chairman, Wilderness Task Force, Juvenile Court Service Unit Municipal Center, Virginia Beach, Va. 23456, telephone (804) 427-4361.

DEPARTMENT OF CORRECTIONS (VR 230-40-001)
DEPARTMENT OF EDUCATION (VR 270-01-003)
DEPARTMENT OF MENTAL HEALTH AND
MENTAL RETARDATION (VR 470-02-01)
DEPARTMENT OF SOCIAL SERVICES (VR 615-29-02)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Departments of Corrections, Education, Mental Health and Mental Retardation and Social Services intends to consider amending regulations entitled: **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.** The regulations establish standards to provide children in residential facilities with at least a minimal level of care. The current effort is intended to amend and clarify those sections of the standards which address discipline and punishment.

Statutory Authority: §§ 16.1-286, 53.1-237 thru 53.1-239, 16.1-310 thru 16.1-314, 53.1-249, 22.1-319 thru 22.1-335, 22.1-218, 37.1-179 thru 37.1-189, 37.1-199, 63.1-195 thru 63.1-219 and 63.1-56.1 of the Code of Virginia.

Other pertinent information: Only those sections of the regulation which address discipline and punishment will be considered for amendment.

Written comments may be submitted until December 10, 1986.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Departments of Corrections, Education, Mental Health and Mental Retardation and Social Services intends to consider amending regulations entitled **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.** This regulation establishes standards to provide children in residential facilities with at least a minimal level of care. The current effort is intended to amend those sections of the standards which address the categories of facilities subject to regulation.

Written comments may be submitted until December 10, 1986.

Statutory Authority: §§ 16.1-286, 53.1-237 thru 53.1-239, 16.1-310 thru 16.1-314, 53.1-249, 22.1-319 thru 22.1-335, 22.1-218, 37.1-179 thru 37.1-189, 37.1-199, 63.1-195 thru 63.1-219 and 63.1-56.1 of the Code of Virginia.

Other pertinent information: Only those sections of the regulation which address the categories of facilities subject to regulation will be considered for amendment.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

General Notices/Errata

DEPARTMENT OF HEALTH (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider promulgating regulations entitled: **Private Well Construction Regulations**. The purpose of these regulations is to protect users of groundwater by requiring construction methods which prevent surface and subsurface pollutants from contaminating the groundwater.

Statutory Authority: § 32.1-176.4 of the Code of Virginia.

Written comments may be submitted until December 8, 1986.

Contact: Donald J. Alexander, Director, Bureau of Sewage and Water, Division of Sanitarian Services, Madison Bldg., Room 522, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-1750.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Rules and Regulations of the Board of Health, Commonwealth of Virginia Governing Restaurants**. The purpose of the proposed amendments is to make minor technical adjustments to the regulations.

Statutory Authority: §§ 35.1-11 through 35.1-17 of the Code of Virginia.

Written comments may be submitted until December 8, 1986.

Contact: John E. Benko, Director, Bureau of Food and General Environmental Services, Madison Bldg., Room 522, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3559

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Sewage Handling and Disposal Regulations**. The purpose of the proposed amendments is to address special considerations for large flow sewage systems; redefine rock; permit the use of sand fill on primary and secondary beach dunes; and address soils with rapid percolation rates.

Statutory Authority: §§ 32.1-12 and 32.1-164 of the Code of Virginia.

Written comments may be submitted until December 8, 1986.

Contact: Donald J. Alexander, Director, Bureau of Sewage and Water, Madison Bldg., Room 522, 109 Governor St., Richmond, Va. (804) 786-3559

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider promulgating, amending and repealing regulations entitled: **Summer Camps**. The purpose of the proposed changes is to upgrade regulations and make standards current.

Statutory Authority: §§ 35.1-11 and 35.1-16 of the Code of Virginia.

Written comments may be submitted until December 8, 1986.

Other pertinent information: This is the first revision since 1948.

Contact: Joseph W. Moschler, Director, Bureau of Tourist Establishment Sanitation, Madison Bldg., Room 500, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-2087

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Labor and Industry intends to consider promulgating regulations entitled: **Biennial Program Sponsor Evaluation**. The purpose of the proposed regulations is to establish a biennial program sponsor evaluation procedure based upon criteria established by the Virginia Apprenticeship Council.

Statutory Authority: Chapter 1 (§ 40.1-6(3)) of Title 40.1 of the Code of Virginia.

Written Comments may be submitted until December 5, 1986, to: Carol A. Amato, Commissioner, Virginia Department of Labor and Industry, 205 North 4th Street, P.O. Box 12064, Richmond, Virginia 23241.

Contact: Robert S. Baumgardner, Director of Apprenticeship, 205 N. 4th St., P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-3075.

General Notices/Errata

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Labor and Industry intends to consider amending regulations entitled: **Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, IV.B.14. Standards of Apprenticeship Programs - Numeric Ratio of Apprentices to Journeymen.** The purpose of the proposed amendment is to amend the numeric ratio of apprentices to journeymen from 1:3 to 1:1.

Statutory Authority: Chapter 1 (§ 40.1-6(3)) of Title 40.1 of the Code of Virginia.

Written comments may be submitted until December 5, 1986, to: Carol A. Amato, Commissioner, Virginia Department of Labor and Industry, 205 North 4th Street, P.O. Box 12064, Richmond, Virginia 23241.

Contact: Robert S. Baumgardner, Director of Apprenticeship, 205 N. 4th St., P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-3075.

BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Mental Health and Mental Retardation intends to consider amending regulations entitled: **Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children.** The purpose of the proposed amendments is to establish minimum requirements for treatment programs in residential facilities serving mentally ill, mentally retarded, and substance abusing children.

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

Written comments may be submitted until December 10, 1986 to: Rubyjean Gould, Administrative Services Director, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Virginia 23214.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

DEPARTMENT OF REHABILITATIVE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Rehabilitative Services intends to promulgate regulations entitled: **Provision of Vocational Rehabilitation Services.** The purpose of the proposed regulations is to establish policies, procedures and requirements governing the provision of services to disabled persons.

Statutory Authority: §§ 51.01-8 through 51.01-30 of the Code of Virginia.

Written comments may be submitted until January 30, 1987, to Charles H. Merritt, Assistant Commissioner, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Va. 23230

Contact: Jim Hunter, Board Administrator, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Va. 23230, telephone (804) 257-6446 (toll-free 1-800-552-5019)

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **VR 615-01-17. Deprivation Requirement in the Aid to Dependent Children (ADC) Program.** The purpose of the proposed amendments is in the cases of separation, allow the physical absence of the parent from the home to be considered sufficient to constitute deprivation, without any measurement of the absent parent's provision of maintenance, physical care, and guidance.

Statutory Authority: § 63.1-25 of the Code of Virginia and 45 Code of Federal Regulations 233.90(c)(1)(iii).

Written comments may be submitted until December 10, 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, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **VR 615-01-18. Entitlement Date in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.** The purpose of the proposed regulation is to begin entitlement for ADC and GR from the date of the

General Notices/Errata

application for assistance.

Statutory Authority: § 63.1-25 of the Code of Virginia and 45 Code of Federal Regulations 206.10(a)(6)(i).

Written comments may be submitted until December 10, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699.

Contact: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Family Services**. The purpose of the proposed regulation is to prevent unnecessary foster care placement of children at risk by assisting families to resolve problems and strengthen family life.

Statutory Authority: §§ 63.1-25, 63.1-55, 63.1-56 and 63.1-248.1 of the Code of Virginia.

Written comments may be submitted until December 1, 1986.

Contact: Linda N. Booth, Administrative Planning Supervisor, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (toll free number 1-800-552-7091) -

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider repealing regulations entitled: **Minimum Standards for Licensed Child Caring Institutions**. The regulation establishes standards to provide children in certain residential facilities with at least a minimal level of care.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until December 10, 1986.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Drive, Richmond, Va. 23229-8699, telephone (804) 281-9025

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Minimum Standards for Licensed Family Day Care Systems, Minimum Standards for Licensed Family Day Care Homes, Minimum Standards for Licensed Independent Foster Homes, and Minimum Standards for Private Child Placing Agencies**. The purpose of the proposed amendment is to prohibit the use of physical means of punishment or discipline. To remove generic licensing procedures to avoid duplication. In addition, the CPA regulation will also be revised to clarify adoptive placement/temporary foster care and to amend standards regarding sanitary disposal/water supply.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until December 10, 1986.

Contact: Meredyth P. Partridge, Program Development Supervisor, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

DEPARTMENT OF WASTE MANAGEMENT

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Waste Management intends to consider promulgating and amending regulations entitled: **VR 672-20-01. Financial Assurance Regulations for Solid Waste Facilities**. The purpose of the proposed regulations is to replace emergency regulations promulgated on August 8, 1986, which will expire on June 1, 1987. Those regulations established the financial assurance requirements for privately owned or operated nonhazardous solid waste disposal facilities. The proposed amendments will provide for specific exemptions from liability insurance requirements and alternatives for fulfilling the liability insurance requirements. The new regulations will be titled Financial Assurance Regulations for Solid Waste Facilities, VR 421-20-01.

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

Contact: Cheryl Cashman, Public Information Officer, Department of Waste Management, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

General Notices/Errata

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 repealing regulations entitled: **Priority System for Construction Grant Recipients to Determine Whether a Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.** The purpose of this regulation was to set forth the criteria for determining if grant applicants were experiencing financial hardship and qualified for supplemental state grant funds, in addition to the federal funds. Repeal of this regulation is being proposed since there has been no appropriation under this program since FY 76 and no future appropriations under this program are likely.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until November 26, 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: **Regulation No. 3.** The propose of the amendments is to ensure local approval, prior to board approval, of the location or site of any nongovernmentally owned sewage treatment plant. Repeal of this regulation is being proposed because of improved procedures for issuance of permits and questions as to the legality of the regulation.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until November 26, 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 repealing regulations entitled: **Regulation No. 7 - Industrial Waste Survey.** The purpose of this regulation was to determine the number of indirect

dischargers to publicly owned sewage treatment plants. Repeal of this regulation is being proposed since the requirements have either expired or are now incorporated in subpart G of Regulation No. 6.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until November 26, 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 repealing regulations entitled: **Regulation No. 10 - Trash and Pumpout Services for Vessels at Anchor.** The purpose of this regulation was to require commercial vessels in the foreign trade larger than 1,000 gross tons that anchor in Virginia waters for longer than 48 hours to properly dispose of trash, garbage, and sewage and sewage sludge. Repeal of this regulation is being proposed since conditions which necessitated its adoption are no longer in existence nor are they likely to reappear.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until November 26, 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 Resources Policy.** The Water Resources Policy is a statement of policy for the agency's use in preparing water resource management plans, advising on adequacy/desirability of water resource projects, authorizing specific water resource projects, and commenting on projects which affect water resources. The proposed amendments are editorial and structural to conform to the Forms, Style and Procedures Manual for the Virginia Register of Regulations.

Statutory Authority: § 62.1-44.36 of the Code of Virginia.

Written comments may be submitted until November 26, 1986.

General Notices/Errata

Contact: Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828.

Virginia

Contact: Alan J. Anthony, Richard Ayers, or Durwood Willis, Office of Environmental Standards and Research, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0791

† 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: **Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and the Potomac-Shenandoah River Basin Water Quality Management Plan.** The proposed amendments will include water quality management planning for RADCO Study Area IV including waste treatment disposal alternatives for the King George Courthouse area.

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

Written comments may be submitted until December 9, 1986.

Contact: Stephen L. Hogue, Supervisor, Water Resources Development, State Water Control Board, 5515 Cherokee Avenue, Suite 404, Alexandria, Va. 22312, telephone (703) 642-7422.

† 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 promulgate regulations entitled: **Toxics Management.** The purpose of this regulation is to control and manage the discharge of toxic pollutants into the waters of the Commonwealth to insure that no adverse impacts occur.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until January 19, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Other pertinent information: Public meetings will be held at the times and places listed below:

January 5, 1987, at 2 p.m. in the Community Room, Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

January 7, 1987, at 2 p.m. in the Council Chamber, Williamsburg/James City County Courthouse, Court and South Henry Street, Williamsburg, Virginia

January 8, 1987, at 2 p.m. in the McCourt Building Board Room, County of Prince William, 1 County Complex, 4850 Davis Ford Road, Prince William,

GENERAL NOTICES

NOTICES 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

CALENDAR OF EVENTS

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

January 20, 1987 - 1 p.m. - Open Meeting
January 21, 1987 - 9 a.m. - Open Meeting
Jefferson Sheraton Hotel, 101 West Franklin Street, Richmond, Virginia. ☒

The board will discuss issues of interest to older Virginians including legislation before the 1987 Session of the Virginia General Assembly and the impending reauthorization of the federal Older American Act.

Contact: William Peterson, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2271/225-3140

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

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

December 10, 1986 - 1 p.m. - Open Meeting
December 11, 1986 - 1 p.m. - Open Meeting
Washington Building, Room 204, 1100 Bank Street, Richmond, Virginia. ☒

A regular official meeting.

Contact: Raymond D. Vaughan, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3501

STATE AIR POLLUTION CONTROL BOARD

January 14, 1987 - 10 a.m. - Public Hearing
Council Chambers, Town of Abingdon Municipal Building, 133 West Main Street, Abingdon, Virginia.

January 14, 1987 - 7 p.m. - Public Hearing
Old Roanoke County Courthouse, 2nd Floor Courtroom, Salem, Virginia

January 14, 1987 - 10 a.m. - Public Hearing
Lynchburg Public Library, 2315 Memorial Avenue, Lynchburg, Virginia

January 14, 1987 - 10 a.m. - Public Hearing
State Air Pollution Control Board, State Capitol Regional Office, 8205 Hermitage Road, Richmond, Virginia

January 14, 1987 - 10 a.m. - Public Hearing
State Air Pollution Control Board, Hampton Roads Regional Office, Pembroke Four - Suite 409, Pembroke Office Park, Virginia Beach, Virginia

January 14, 1987 - 10 a.m. - Public Hearing
State Air Pollution Control Board, National Capital Regional Office, Springfield Towers - Suite 502, 6320 Augusta Drive, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled:

Calendar of Events

VR 120-01. Regulations for the Control and Abatement of Air Pollution. The regulations establish limits for sources of air pollution to the extent necessary to attain and maintain level of air quality as will protect human health and welfare.

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Written comments may be submitted until January 14, 1987 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 ALCOHOLIC BEVERAGE CONTROL BOARD

December 2, 1986 - 9:30 a.m. - Open Meeting
December 16, 1986 - 9:30 a.m. - Open Meeting
December 30, 1986 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☐

A meeting to review and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, Virginia Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0617

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

State Board of Architects

† **December 5, 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 September 11, 1986, meeting; (ii) review for exam; (iii) discuss investigative cases; (iv) review applications; and (v) discuss correspondence.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8506

GOVERNOR'S ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

December 5, 1986 - 10 a.m. - Open Meeting
Blair Building, Conference Room A, Koger Executive Center, Richmond, Virginia. ☐

A regularly scheduled quarterly meeting.

Contact: D. Ray Sirry, Division Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9308

DEPARTMENT OF COMMERCE

† **January 26, 1987 - 9 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 amend regulations entitled: **Virginia Board of Barber Examiners.** The proposed change of regulation § 1.7 will decrease the license renewal fee from \$35.00 to \$30.00 (§ 1.7H) and late renewal fee, barber from \$70.00 to \$60.00 (§ 1.7L).

STATEMENT

Basis, Purpose, Impact, and Summary: Pursuant to Chapter 1.1 (§ 54-1.17 et seq.) and Chapter 4.1 (§ 54-83.2 et seq.) of Title 54 of the Code and in accordance with Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code, the Virginia Board of Barber Examiners proposes to amend its existing regulations.

Regulations of the board apply directly to 3,580 currently licensed barbers, and indirectly to those who must hold a barber's license (licensed barber-teachers, licensed barber schools and licensed barber shops) as well as those members of the public who provide goods and services to licensees and purchase professional barber services.

The board proposes to amend its current regulation § 1.7(H)(L) to reduce the fee charged to renew a barber license from \$35.00 to \$30.00 and late renewal fee, barber from \$70.00 to \$60.00 in compliance with § 54-1.28:1 of the Code and in conformance with the Commonwealth's regulatory policy of intruding as little as possible into the legitimate operation of the Commonwealth's business and citizens.

The anticipated impact of the fee decrease to licensees is \$16,525.00 per biennium.

It is not reasonably expected that a fee decrease will have a perceptible impact on the costs of professional services to the consumer.

The revision to Chapter 1.7 is being proposed to assure

Calendar of Events

that the Virginia Barber Board has revenue adequate but not excessive during the 1986-88 biennium to cover all costs incurred in regulating barbers as required by § 54-1.28:1 of the Code of Virginia.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until January 23, 1987.

Contact: Evelyn W. Brennan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509 (toll-free 1-800-552-3016)

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Outdoor Recreation Advisory Board

December 3, 1986 - 9:30 a.m. – Open Meeting
State Capitol, House Room 1, Richmond, Virginia. ☐

A quarterly business meeting to review statewide recreation and state park matters, including fees and charges for 1987.

Contact: Art Buehler, Virginia Division of Parks and Recreation, Washington Bldg., Room 1201, Richmond, Va. 23219, telephone (804) 786-2446

Virginia Soil and Water Conservation Board

December 10, 1986 - 9 a.m. – Open Meeting
Roanoke Airport Marriott, 280 Hershberger Road, N.W., Roanoke, Virginia.

A regular bi-monthly business meeting.

Contact: Donald L. Wells, Suite 206, 203 Governor St., Richmond, Va. 23219, telephone (804) 786-2064.

STATE BOARD OF CONTRACTORS

December 3, 1986 - 10 a.m. – Open Meeting
December 4, 1986 - 10 a.m. – Open Meeting
Board of Supervisor's Meeting Room, 143 Third Street, NW, Pulaski, Virginia

The board will meet to conduct a formal administrative hearing: State Board for Contractors v. Tilley Construction Company, Inc., Dublin, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

BOARD OF CORRECTIONS

November 25, 1986 - 7 p.m. – Public Hearing
Holiday Inn, Junction of US 11, I-81 and I-77, Wytheville, 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 adopt regulations entitled: **Minimum Standards for Jails and Lockups**. These regulations establish minimum standards for the administration and operation of jails and lockups.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

Written comments may be submitted until November 15, 1986.

Contact: John T. Britton, Manager, Certification Unit, 5001 W. Broad St., Suite 300, Richmond, Va. 23230, telephone (804) 281-9240

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December 17, 1986 - 10 a.m. – Open Meeting
January 14, 1987 - 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.

Contact: Mrs. Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

VIRGINIA STATE CRIME COMMISSION

† **December 10, 1986 - 10 a.m. – Open Meeting**
General Assembly Building, 6th Floor Conference Room, Capitol Square, Richmond, Virginia. ☐

The commission will examine illegal drug trafficking in the Commonwealth. The commission will also consider legislative proposals concerning crime, crime control, public safety and protection.

Contact: Robert E. Colvin, Executive Director, P.O. Box 3-AG, Richmond, Va. 23235, telephone (804) 225-4534

VIRGINIA BOARD OF DENTISTRY

December 11, 1986 - 8 a.m. – Open Meeting
December 12, 1986 - 8 a.m. – Open Meeting
Koger Center, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

Calendar of Events

A meeting to hold formal hearings and consider regular board business.

Contact: Nancy T. Feldman, Executive Director, Koger Center, 1601 Rolling Hills Dr., Richmond, Va. 23229 (804) 786-0311.

STATE BOARD OF EDUCATION

December 11, 1986 - 9 a.m. - Open Meeting
December 12, 1986 - 9 a.m. - Open Meeting
James Monroe Building, 1st Floor Conference Rooms C and D, 101 North 14th Street, Richmond, Virginia. ☐

A regularly scheduled meeting. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Building, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2540

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† **January 16, 1987 - 1 p.m. - Open Meeting**
James Monroe Building, Rooms C and D, 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 Board of Education intends to amend regulations entitled: **Certification Regulations for Teachers.** These regulations are the requirements for all personnel whose employment must be certified based on the standards in the regulations.

STATEMENT

Statement: The proposed changes in the regulations are to clarify existing requirements for the certification of teachers and other personnel.

Substance: The proposed changes are to clarify the requirements for (i) the National Teacher Examinations use, (ii) the Virginia Beginning Teacher Assistance Program, (iii) the Approved Program approval standards for colleges and universities, (iv) certificate renewal for teachers, (v) requirements for additional endorsements for teachers, (vi) specific endorsement requirements for the content areas of English/Language Arts, Developmental Reading, Business Education, and (vii) the Guidance Counselor requirements.

Issues: The proposed changes are consistent with existing federal and state statutes, regulations and judicial decisions. In addition, the Attorney General provided legal advice to the board on the proposed clarifications. Consistent with present policy and procedures, the proposed changes are under continuous review. The

proposed changes require the least burden on affected individuals and the Department of Education.

Basis and Purpose: The basis and purpose of the certification of teachers and other personnel are to maintain the standards of professional competence and to ensure a level of preparation that will lead to successful practice in the classroom.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Written comments may be submitted until December 31, 1986, to Dr. S. John Davis, Superintendent of Public Instruction, Department of Education, P.O. Box 6Q, Richmond, Virginia. 23216

Contact: Dr. William L. Helton, Administrative Director of Teacher Education, Certification, and Professional Development, Department of Education, P.O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2027

GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

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:

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

November 24, 1986 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☐

Canvass of November 4, 1986, General and Special Elections.

† **December 12, 1986 - (Time to be announced) - Open Meeting**
Ninth Street Office Building, Room 101, Richmond, Virginia. ☐

Canvass of December 9, 1986, Special Election in the

Calendar of Events

81st House of Delegates District.

Contact: M. Debra Mitterer, Ninth Street Office Bldg., Room 101, Richmond, Va. 23219, telephone (804) 786-6551

DEPARTMENT OF FIRE PROGRAMS (BOARD OF)

December 19, 1986 - 9:30 a.m. - Public Hearing
James Monroe Building, 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 Virginia Fire Services Board intends to adopt regulations entitled **VR 310-01-2. Regulations Establishing Certification Standards for Fire Inspectors.** These regulations establish standards for qualifying fire inspectors to be permitted to issue summonses and serving arrest warrants as provided § 27-34.2 of the Code of Virginia.

Statutory Authority: § 9-155 of the Code of Virginia.

Written comments may be submitted until December 31, 1986. Proposed effective date is April 1, 1987.

Contact: Carl N. Cimino, Executive Director, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

December 5, 1986 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

The board will 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

† **January 9, 1986 - 10 a.m. - Open Meeting**
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

The board will 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: M. Stanley Krause, Jr., AIA, AICP, Rancorn,

Wildman & Krause, Architects and City Planning Consultants, P.O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

State Insurance Advisory Board

December 11, 1986 - 9:30 a.m. - Open Meeting
College of William and Mary, Room C, Campus Center, Williamsburg, Virginia. ☐

Quarterly meeting of the State Insurance Advisory Board.

Contact: Mr. Charles F. Scott, Director, Department of General Services, Division of Risk Management, Room 117, 105 E. Broad St., Richmond, Va. 23219, telephone (804) 225-4519

Division of Consolidated Laboratory Services Advisory Board

January 9, 1987 - 9:30 a.m. - Open Meeting
James Monroe Building, Conference Room D, 1 North Fourteenth Street, Richmond, Virginia. ☐

A meeting to discuss issues, concerns, and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

Contact: Dr. A. W. Tiedemann, Jr., Director, Division of Consolidated Laboratory Services, 1 North 14th St., Richmond, Va. 23219, telephone (804) 786-7905

INTERAGENCY COORDINATING COUNCIL ON DELIVERY OF RELATED SERVICES TO HANDICAPPED CHILDREN

November 25, 1986 - 1:30 p.m. - Open Meeting
Commission for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☐

A regular monthly meeting.

Contact: Dr. Michael M. Fehl, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

DEPARTMENT OF HEALTH (BOARD OF)

December 2, 1986 - 10 a.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

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intends to adopt regulations entitled: **VR 355-12-01. Virginia Hearing Impairment Identification and Monitoring System.** The regulations establish procedures for implementation of a system to identify newborns at risk for hearing impairment and to monitor them until a determination of the status of their hearing is made.

Statutory Authority: § 32.1-64 of the Code of Virginia.

Written comments may be submitted until December 1, 1986.

Contact: Pat T. Dewey, Speech and Hearing Services Administrator, Department of Health, James Madison Bldg., 6th Floor, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6281

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December 2, 1986 - 11 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 State Board of Health intends to amend regulations entitled: **State Plan for the Provision of Crippled Children's Services.** These regulations describe the eligibility criteria, application process, financial process, treatment process, variance and appeal process, scope, and content of the crippled children's services.

Statutory Authority: §§ 32.1-12 and 32.1-77 of the Code of Virginia.

Written comments may be submitted until December 2, 1986.

Contact: Willard R. Ferguson, M.D., Director, Division of Handicapped Children, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3691

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† **December 3, 1986 - 9 a.m. - Open Meeting**
† **December 4, 1986 - 9 a.m. - Open Meeting**
Holiday Inn Old Town, 480 King Street, Old Town Alexandria, Virginia

The Board of Health will meet on December 3 and 4, 1986, in Alexandria to tour the Health Department and surrounding area in Northern Virginia and conduct the regular business meeting of the board.

Contact: Sally A. Camp, Room 400, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3561

COUNCIL ON HEALTH REGULATORY BOARDS

Ad-Hoc Committee on Allied Health Professions

† **November 24, 1986 - 10 a.m. - Open Meeting**
Koger Center, Surry Building, Suite 200, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

An organizational meeting of the Ad-Hoc Committee on Allied Health Professions of the Council on Health Regulatory Boards. The committee will devise and approve a work plan and timetable for its study of the regulation of allied health occupations and professions in Virginia.

Contact: Richard D. Morrison, Policy Analyst, Department of Health Regulatory Boards, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-0845

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

December 17, 1986 - 11:30 a.m. - Public Hearing
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. The Rules and Regulations of the Virginia Health Services Cost Review Council.** The changes in the rules and regulations are designed to permit the collection of fees in a more timely and appropriate manner.

Statutory Authority: § 9-164, paragraph 2 of the Code of Virginia.

Written comments may be submitted until December 17, 1986.

Contact: Dr. Ann Y. McGee, Director, Virginia Health Service Cost Review Council, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-6371

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **December 10, 1986 - 9 a.m. - Open Meeting**
James Monroe Building, 9th Floor Conference Room, 101 North 14th Street, Richmond, Virginia. ☐

A monthly council meeting. The agenda is available upon request.

Contact: Grace I. Lessner, James Monroe Bldg., 9th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804)

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VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

† **December 9, 1986 - 7:30 p.m.** – Public Hearing
Training and Development Center, Department Highways and Transportation Building, 1221 East Broad Street, Richmond, Virginia. ☒

A public hearing on the "1986 Update of the State Rail Plan."

Contact: Billy D. Ketron, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-1065

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† **December 18, 1986 - 10 a.m.** – Open Meeting
Virginia Department of Highways and Transportation, Annex Building, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

Secretary of Transportation and Public Safety's Committee on Industrial Access Railroad Tracks

† **December 8, 1986 - 11 a.m.** – Open Meeting
Ninth Street Office Building, Room 615, Conference Room A, Ninth and Grace Streets, Richmond, Virginia. ☒

A meeting (i) to consider project application from Adoph Coors Company and Spotsylvania County; and (ii) to discuss program procedures.

Contact: Sally H. Cooper, Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Virginia 23219, telephone (804) 786-4798

State Rail Advisory Committee

† **December 9, 1986 - 1 p.m.** – Open Meeting
Training and Development Center, Department of Highways and Transportation Building, 1221 East Broad Street, Richmond, Virginia. ☒

Review of draft "1986 Update of the State Rail Plan"

and discussion of proposed work program for the "1987 Rail Plan Update."

Contact: Billy D. Ketron, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-1065

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Amusement Device Technical Advisory Committee

† **December 18, 1986 - 10 a.m.** – Open Meeting
Department of Housing and Community Development, 7th Floor Conference Room, 205 North Fourth Street, Richmond, Virginia. ☒

A meeting to develop recommended regulations pertaining to the construction, maintenance, operation and inspection of amusement devices for consideration by the Board of Housing and Community Development.

Contact: Jack A. Proctor, Deputy Director, Division of Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219-1747, telephone (804) 786-4751

INNOVATIVE TECHNOLOGY AUTHORITY

November 24, 1986 - 9:30 a.m. – Open Meeting
Old Dominion University, Webb Center, Newport News Hampton Room, Norfolk, Virginia.

A meeting to conduct business of the authority followed by a board meeting of the Authority for Innovative Technology.

Contact: Julia Stefanelli, Center for Innovative Technology, 13873 Park Center Rd., Suite 201, Herndon, Va. 22071, telephone (703) 689-3000

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Safety and Health Codes Board

† **December 1, 1986 - 10 a.m.** – Open Meeting
State Capitol Building, House Room 4, Richmond, Virginia.

The board will meet to consider (i) recordkeeping requirements for tests, inspections and maintenance requirements, parts 1910 and 1915, amendment; (ii) hazard communication, disclosure of trade secrets to occupational health nurses, 1910.1200, amendment; (iii)

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asbestos, 1910.1001, 1926.58, 1910.1101, 1925.55, amendments and administrative stay; and (iv) other business.

Contact: Margaret T. Gravett, Staff Specialist, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-9877

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† **February 2, 1987 - 7 p.m.** – Public Hearing
Woodbridge Senior High School, 3001 Old Bridge Road,
Woodbridge, Virginia

† **February 3, 1987 - 7 p.m.** – Public Hearing
J. Sargeant Reynolds Community College, The Auditorium,
1st Floor, 700 East Jackson Street, Richmond, Virginia

† **February 4, 1987 - 8 p.m.** – Public Hearing
Old Dominion University, Chandler Hall, Norfolk, Virginia

† **February 5, 1987 - 7 p.m.** – Public Hearing
Department of Highways and Transportation, 731 Harrison
Avenue, Salem, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to adopt regulations entitled: **Virginia Confined Space Standard**. This standard proposes to regulate entry into and work in confined spaces in Virginia general industry and Virginia construction industry.

STATEMENT

Basis: The Virginia Safety and Health Codes Board, with the advice of the commissioner of the Department of Labor and Industry, is required under § 40.1-22(5) of the Code of Virginia to "adopt, alter, amend or repeal rules and regulations to further protect and promote the safety and health of employees in places of employment over which it has jurisdiction... ."

Purpose: The proposed Confined Space Standard is designed to require safe practices and procedures for employee entry into and work inside confined spaces. Such uniform, statewide requirements will help to reduce the occupational exposure of employees to the many potential hazards found in confined spaces; atmospheres which are irritative, explosive or oxygen deficient, and working environments which contain electrical, crushing, falling or tripping hazards, or a potential for engulfment.

Impact: The proposed standard will apply to all employers with employees working in either general industry or construction, but will not apply to agriculture. Federal agencies have exclusive jurisdiction over federal workplaces and the maritime industry, so the standard will not apply in these areas either.

The estimated number of affected employers in Virginia is 1107, representing an estimated 24,224 confined space

entrants that would be covered by the standard.

The estimated cost of compliance with the proposed standard is approximately \$494 total additional cost per employee for all affected employers. The comparable value of benefits per worker, based upon injuries and deaths avoided by compliance with this standard, is estimated to be \$694 per affected employee.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until January 31, 1987, to Commissioner Carol Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241

Contact: Jay Withrow, Technical Services Director, Department of Labor and Industry-VOSH, 205 N. 4th St., Richmond, Va. 23241, telephone (804) 786-8011

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† **February 2, 1986 - 1 p.m.** – Public Hearing
War Memorial Building, Lord Fairfax Room, Winchester,
Virginia.

† **February 3, 1986 - 2 p.m.** – Public Hearing
Southside Community College, John H. Daniel Campus,
Room 55, Keysville, Virginia

† **February 4, 1986 - 3 p.m.** – Public Hearing
Eastern Shore Community College, Lecture Hall, Route 13,
Melfa, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to adopt regulations entitled: **VR 425-02-13. Virginia Field Sanitation Standard**. This standard proposes to regulate sanitation requirements for Virginia Agricultural Hand-Labor Operations.

STATEMENT

Basis: The Virginia Safety and Health Codes Board, with the advice of the commissioner of the Department of Labor and Industry, is required under § 40.1-22(5) of the Code of Virginia to "adopt, alter, amend or repeal rules and regulations to further protect and promote the safety and health of employees in places of employment over which it has jurisdiction... ."

Purpose: The proposed Field Sanitation Standard is designed to reduce or eliminate the health problems faced by agricultural hand laborers which are caused by inadequate provision of sanitation facilities in the field. The provisions of this standard will serve to reduce or eliminate the following four major categories of occupational diseases among farm field workers: (i) heat-related illness, (ii) communicable disease, (iii) urinary tract infections, and (iv) pesticide-related illness.

Impact: The proposed standard will apply to all

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agricultural employers in the Commonwealth who employ field workers for hand agricultural operations. Potable drinking water must be furnished to all employees engaged in hand-labor operations in the field regardless of agricultural establishment size. Toilet and handwashing facilities must be provided for any agricultural establishment where 11 or more employees, excluding management/support personnel and employer's family members, are engaged in hand-labor operations at the same worksite.

The 1982 Agricultural Census of Virginia indicates that 13,099 farms in Virginia produce commodities which typically involve hand labor, and there were approximately 20,050 hand agricultural laborers employed in the Commonwealth of Virginia in 1985. The compliance cost is estimated to be \$.69 per worker-day.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until January 31, 1987, to Commissioner Carol Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241

Contact: Jay Withrow, Technical Services Director, Department of Labor and Industry, 205 N. 4th St., Richmond, Virginia 23241, telephone (804) 786-8011

VIRGINIA STATE LIBRARY BOARD

NOTE: CHANGE IN TIME

December 6, 1986 - 10 a.m. – Open Meeting
Norfolk Public Library, Martin Meeting Room, 301 East City Hall Avenue, Norfolk, Virginia. ☒

A regular meeting to discuss administrative matters.

Executive Committee

NOTE: CORRECTION IN DATE

December 6, 1986 - 9:30 a.m. – Open Meeting
Norfolk Public Library, Martin Meeting Room, 301 East City Hall Avenue, Norfolk, Virginia. ☒

To discuss administrative affairs.

Contact: Jean K. Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

† **November 24, 1986 - 9 a.m. – Open Meeting**
† **November 25, 1986 - 9 a.m. – Open Meeting**
† **November 26, 1986 - 9 a.m. – Open Meeting**
Prince George County General District Court, 6600

Courthouse Road, Prince George County, Virginia

Public presentations regarding Prince George County's partial immunity action.

† **November 25, 1986 - 7:30 p.m. – Public Hearing**
Prince George County High School, Auditorium, Laurel Springs Road, Prince George County, Virginia.

A public hearing regarding Prince George County's partial immunity action.

Contact: Barbara Bingham, Ninth Street Office Bldg., Room 901, 9th and Grace Sts., Richmond, Va. 23219, telephone (804) 786-6508

VIRGINIA LONG-TERM CARE COUNCIL

December 4, 1986 - 9:30 a.m. – Open Meeting
January 6, 1987 - 9:30 a.m. – Open Meeting James Monroe Building, Conference Room C, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to discuss Virginia's long-term care service system and issues relating to the coordination and provision of services and programs. The council will continue to develop the Statewide Information Management System for human services.

Contact: Catherine Saunders, Long-Term Care Manager, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2271/225-2912

VIRGINIA MARINE PRODUCTS BOARD

† **December 2, 1986 - 5 p.m. – Open Meeting**
Windmill Point Quality Inn, Marine Resort, State Route 695, Windmill Point, Virginia

The board will meet to receive reports from the executive director of the Virginia Marine Products Board on: finance, marketing, past and future program planning, publicity and public relations, old and new business.

Contact: Shirley Estes Berg, P.O. Box 1248, Newport News, Va. 23601, telephone (804) 599-7261

MARINE RESOURCES COMMISSION

† **December 2, 1986 - 9:30 a.m.**
Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia

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The Marine Resources Commission will meet to hear and decide cases on fishing licensing; oyster ground leasing; environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It will also hear and decide appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within 5 days.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, Marine Resources Commission, P.O. Box 756, Newport News, Va 23607, telephone (804) 247-2208

BOARD OF MEDICAL ASSISTANCE SERVICES

† **December 9, 1986 - 10 a.m. - Open Meeting**
Department of Medical Assistance Services, Suite 1300, 600 East Broad Street, Richmond, Virginia. ☐

A meeting to discuss (i) Rehabilitative Services State Plan Amendment (final regulations); (ii) status reports on budget amendments and legislative proposals for 1987; and (iii) 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

VIRGINIA STATE BOARD OF MEDICINE

November 25, 1986 - 9:30 a.m. - Open Meeting
Koger Executive, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

The Virginia Board of Medicine will inquire into allegations that a practitioner may have violated laws and regulations governing the practice of medicine in Virginia.

Contact: Eugenia K. Dorson, Executive Secretary, Koger Executive Center, 1601 Rolling Hills Dr., Richmond, Va. 23228, telephone (804) 786-0575

MIGRANT SEASONAL FARMWORKER BOARD

November 24, 1986 - 10 a.m. - Open Meeting
General Assembly Building, 4th Floor West Conference Room, Richmond, Virginia. ☐

The purpose of this meeting is orientation of the newly appointed board members, and the election of the new chairperson.

Contact: Ms. Jeffress Hudson, Virginia Employment Commission, 703 E. Main St., Richmond, Va., telephone (804) 786-8706

DEPARTMENT OF MINES, MINERALS AND ENERGY

December 30, 1986 - 10 a.m. - Public Hearing
Department of Mines, Minerals and Energy, The Bookbindery Building Conference Room, 2201 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 Mines, Minerals and Energy intends to amend regulations entitled: **VR 480-03-16. Minerals Other Than Coal Surface Mining Regulation.** These regulations establish the procedures and requirements pertaining to "Permits for Certain Mining Operators; Reclamation of Land" implemented pursuant to Chapter 16, Title 45 of the Code of Virginia.

Statutory Authority: § 45.1-180.3 of the Code of Virginia.

Written comments may be submitted until December 30, 1986.

Contact: William Roller, Compliance Manager, Division of Mined Land Reclamation, P.O. Box 4499, Lynchburg, Va. 24502, telephone (804) 239-0602

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January 7, 1987 - 10 a.m. - Public Hearing
Division of Mined Land Reclamation Conference Room, 622 Powell Avenue, Big Stone Gap, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: **VR 480-03-19. Coal Surface Mining Reclamation Regulations.** Proposed amendments to Virginia's program for surface coal mining operations to consider areas unsuitable for mining, and for reclaiming abandoned mines.

Statutory Authority: § 45.1-230 of the Code of Virginia.

Written comments may be submitted until January 7, 1986.

Contact: Conrad T. Spangler, Chief Engineer, Division of Mined Land Reclamation, P.O. Drawer U, Big Stone Gap, Va. 24219, telephone (703) 523-2925

Calendar of Events

Division of Mined Land Reclamation

November 28, 1986 - 2 p.m. - Open Meeting
AML Conference Room, 622 Powell Avenue, Big Stone Gap, Virginia. ☐

The purpose of this public meeting is to give interested persons an opportunity to be heard in regard to the FY1987 Virginia Abandoned Mine Land Construction Grant Application and Administrative Grant to be submitted to the Federal Office of Surface Mining.

Contact: Roger L. Williams, Abandoned Mine Land Manager, P.O. Drawer U, 622 Powell Ave., Big Stone Gap, Va. 24219, telephone (703) 523-2925

of optometry in Virginia and state requirements for candidates for licensure of optometrists.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until January 10, 1986.

Other pertinent information: The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Contact: Moria C. Lux, Executive Director, Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 786-0131 (After 1/1/87 (804) 662-9910) (Toll-free number 1-800-533-1560)

OLD DOMINION UNIVERSITY

Board of Visitors

December 11, 1986 - (Time to announced) - Open Meeting
Old Dominion University, Webb University Center, Old Dominion University Campus, Norfolk, Virginia. ☐

A regular meeting to handle affairs of the University (Specific times included in agenda distributed two week prior to meeting).

Contact: Gordon A. McDougall, Office of the Board of Visitors, Old Dominion University, Norfolk, Va. 23508, telephone (804) 440-3072

ADVISORY COMMITTEE ON PHYSICIAN ASSISTANTS

December 5, 1986 - 10 a.m. - Open Meeting
Koger Executive Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

The Advisory committee will meet to consider the proposal for chiropractic assistants and other items which may come before the committee.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

VIRGINIA BOARD OF OPTOMETRY

November 24, 1986 - 8:30 a.m. - Open Meeting
Koger Center, Surry Building, 1601 Rolling Hill Drive, Richmond, Virginia. ☐

A general business meeting and preparation of state board examination.

Contact: Moria C. Lux, Executive Director, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0131

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January 10, 1987 - 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 Virginia Board of Optometry intends to amend regulations entitled: **VR 510-01-1. Regulations of the Virginia Board of Optometry.** The proposed amendments provide standards for the practice

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

December 10, 1986 - 10 a.m. - Open Meeting
Hasler and Company, 212 Tazewell Street, Norfolk, Virginia.

The board will meet to conduct routine business at its regular business meeting.

Contact: David E. Dick, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/257-8563 OR William L. Taylor, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† **December 1, 1986 - 2 p.m. - Open Meeting**
Department of Health Regulatory Boards, Koger Center, Board Room 3, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

An informal conference committee meeting.

† **December 12, 1986 - 1 p.m. - Open Meeting**

Calendar of Events

John Marshall Hotel, 14th Floor, 5th and Franklin Streets, Richmond, Virginia. ☒

A meeting to (i) conduct general board business, (ii) make policies, (iii) respond to board correspondence; and (iv) review applications.

Contact: Joyce D. Williams, Koger Center, 1610 Rolling Hills Drive, Richmond, Va. 23229, telephone (804) 756-7702

RADIATION ADVISORY BOARD

† November 26, 1986 - 10:30 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

A meeting to discuss (i) current issues in radiation control, including the status of credentialing of x-ray operators, (ii) results to date of radon testing; and (iii) current topics in x-ray control.

Contact: Charles R. Price, Radiation Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-5932

VIRGINIA REAL ESTATE BOARD

January 16, 1987 - 10:30 a.m. - Public Hearing
Department of Commerce, Travelers Building, Room 395, 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 Virginia Real Estate Board intends to amend regulations entitled: **VR 585-01-1. Virginia Real Estate Board Licensing Regulations.** Regulate licensed real estate firms, brokers and salesperson; registered rental location agents; and proprietary schools

Statutory Authority: §§ 54-1.28 and 54-740 of the Code of Virginia.

Written comments may be submitted until January 10, 1987.

Contact: Florence R. Brassier, Assistant Director, Virginia Real Estate Board, Department of Commerce, 3600 W. Broad St., Richmond Va. 23230-4917, telephone (804) 257-8552 (toll-free number 1-800-552-3016)

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January 16, 1987 - 10:30 a.m. - Public Hearing
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. 23230 ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Real Estate

Board intends to amend regulations entitled: **VR 585-01-2. Condominium Regulations.** Rules and regulations governing the marketing and sale of condominiums in Virginia.

Statutory Authority: § 55-79.98 (a) of the Code of Virginia.

Written comments may be submitted until January 10, 1987.

Contact: Lucia Anna Trigiani, Property Registration Administrator, Virginia Real Estate Board, Department of Commerce, 5th Floor, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8510 (toll free number 1-800-552-3016)

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January 16, 1987 - 10:30 a.m. - Public Hearing
Department of Commerce, Travelers Building, 5th Floor, 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 Virginia Real Estate Board intends to amend regulations entitled: **VR 585-01-3. Time-Share Regulations.** Rules and regulations governing the marketing and sale of time-shares in Virginia. The board is amending these regulations because of statutory changes and for clarification.

Statutory Authority: § 55-396 A of the Code of Virginia.

Written comments may be submitted until January 10, 1987.

Contact: Lucia Anna Trigiani, Property Registration Administrator, Department of Commerce, 5th Floor, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8510 (toll-free number 1-800-552-3016)

SOCIAL SERVICES AND STATE MENTAL HEALTH AND MENTAL RETARDATION BOARDS

† December 17, 1986 - 10 a.m. - Open Meeting
Department of Mental Health and Mental Retardation, James Madison Building 13th Floor, 109 Governor Street, Richmond, Virginia. ☒

A joint monthly meeting. The agenda will be published on December 10 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

Calendar of Events

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

January 9, 1987 - 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 Social Services intends to adopt regulations entitled: **VR 615-70-5. Health Care Coverage.**

Statutory Authority: Code of Federal Regulations 45 CFR 302, 304, 305 and 306 and §§ 20-60.3, 63.1-250, 63.1-250.1, 63.1-250.2, 63.1-252.1 and 63.1-287 of the Code of Virginia.

Contact: Jane Clements, Bureau of Chief Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23228, telephone (804) 281-9074

† **January 7, 1987 - 10 a.m.** - Public Hearing
Commonwealth Building, Suite 100, 210 Church Street, S.W., Roanoke, Virginia

† **January 14, 1987 - 8:30 a.m.** - Open Meeting
Blair Building, Rooms A and B, 8007 Discovery Drive, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **Policy Regarding Child Protective Services Central Registry Information.** This regulation will establish the timeframe and rationale for name entry into the Central Registry.

STATEMENT

Basis: This regulation is issued under authority granted by § 63.1-248.1 et seq. of the Code of Virginia.

Subject: This regulation sets forth the basis for entry of identifying information of individuals involved in child abuse/neglect reports in the Central Registry and the length of time such information will be maintained.

Purpose: This regulation establishes new criteria for the basis of the entry of identifying information and alters the current timeframes for maintenance of such information.

Substance: This regulation recognizes the need to consider the child's level of risk of abuse or neglect. It also recognizes differences in abuse and neglect situations and establishes timeframes for maintenance of corresponding identifying information.

Issues: The intent of this regulation is to establish criteria for the entry of identifying information and timeframes for the maintenance of such information which is fair to the person identified and the children to be protected. The regulation addresses the variations found between types of

abuse and neglect by establishing the need to maintain some identifying information longer than other information.

Statutory Authority: § 63.1-248.1 et seq. of the Code of Virginia.

Written Comments may be submitted until January 23, 1987.

Contact: Janine Tondrowski, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9081 (toll-free 1-800-552-7091)

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† **February 10, 1987 - 10 a.m.** - Public Hearing
Koger Center, Blair Building, 8007 Discovery Drive, Richmond, Virginia. ☒

† **February 12, 1987 - 10 a.m.** - Public Hearing
Commonwealth Building, 201 Church Street, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services (Board of) and Division of Licensing Programs intend to amend regulations entitled: **VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.** The purpose of these amendments is to regulate homes which provide care and maintenance to the aged and infirm.

STATEMENT

Substance: Under the current definitions and exemptions in the Code, any facility operated for the purpose of the maintenance and care of four or more adults who are aged, infirm, or disabled must be licensed as a home for adults.

Issues: The document addresses the following issues which impact homes for adults subject to licensure by the Department of Social Services.

Relaxation of tuberculosis screening requirements; adoption of the recommendations of the Fire Safety Committee regarding the installation of smoke detectors, and sprinkler systems; detectors of "distribution of medication"; the safety of semi-mobile residents in small homes; requirements regarding the responsibility of caretakers to report suspected abuse; and reinstatement of the definition of respite care.

Basis: Chapter 9, Title 63.1 of the Code of Virginia provides the statutory basis for promulgation of standards for home for adults. The State Board of Social Services has approved proposed revisions for a 60-day period of public comment.

Purpose: The Standards and Regulations for Licensed

Calendar of Events

Homes for Adults are being amended to provide regulatory support for statutory requirements and to reflect current information relating to health care screening and fire safety.

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

Written comments may be submitted until February 1, 1987.

Contact: Catherine A Loveland, Program Specialist, Division of Licensing Programs, Department of Social Service, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

BOARD OF SOCIAL WORK

† **December 19, 1986 - 1 p.m.** - Open Meeting
The John Marshall Hotel, 5th and Franklin Streets, Richmond, Virginia. ☐

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; (iv) act on reports of oral examining committees; and (v) discuss regulations.

Contact: Mary E. Hodges, Acting Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-7703

THE TREASURY BOARD

January 8, 1987 - 10 a.m. - Public Hearing
James Monroe Building, Conference Room B, 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 Treasury Board intends to amend regulations entitled: **VR 640-02. The Virginia Security for Public Deposits Act Regulations.** These regulations make permanent and amend the emergency regulation that expires May 21, 1987.

Statutory Authority: § 2.1-364(a) of the Code of Virginia.

Written comments may be submitted until January 9, 1986.

Contact: Pat Watt, Director, Financial Policy Analysis, Department of Treasury, P.O. Box 6H, Richmond, Va. 23215, telephone (804) 225-2142

VIRGINIA WASTE MANAGEMENT BOARD

† **December 16, 1986 - 9 a.m.** - Open Meeting

James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☐

The board will (i) accept public comments on debris landfills; (ii) consider preliminary approval of an amendment to the Hazardous Waste Management Regulations; and (iii) consider preliminary approval of the financial assurance Solid Waste Regulations.

Contact: Cheryl Cashman, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

DEPARTMENT OF WASTE MANAGEMENT

† **January 6, 1987 - 10 a.m.** - Open Meeting
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☐

A public meeting to consider the proposed draft of the regulations entitled "Financial Assurance Regulations for Solid Waste Facilities."

Contact: Cheryl Cashman, Public Information Officer, Department of Waste Management, James Monroe Building, 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

STATE WATER CONTROL BOARD

November 26, 1986 - 10 a.m. - Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

A public meeting to receive comments on the proposed repeal of regulations entitled: Regulation No. 3; Regulation No. 7 - Industrial Waste Survey; Regulation No. 10 - Trash and Pumpout Services for Vessels at Anchor; and Priority System for Construction Grant Recipients to Determine Whether a Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.

Contact: Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

† **December 10, 1986 - 1:30 p.m.** - Open Meeting
† **December 11, 1986 - 9 a.m.** - Open Meeting
† **December 12, 1986 - 9 a.m.** - Open Meeting
National Conference Center, Williamsburg Hilton, 50 Kingsmill Road, Williamsburg, Virginia. ☐

A regular quarterly meeting (joint with Water Study Commission).

Calendar of Events

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

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† **January 5, 1987 - 2 p.m.** – Open Meeting
Roanoke County Administration Center, Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

† **January 7, 1987 - 2 p.m.** – Open Meeting
Williamsburg/James City County Courthouse, Council Chambers, Court and South Henry Street, Williamsburg, Virginia

† **January 8, 1987 - 2 p.m.** – Open Meeting
McCourt Building, Board Room, County of Prince William, 1 County Complex, 4850 Davis Ford Road, Prince William, Virginia

A public meeting to receive comments on the promulgation of regulations to control and manage the discharge of toxic pollutants into the waters of the Commonwealth to ensure that no adverse impacts occur.

Contact: Alan J. Anthony, Ph.D., Richard Ayers, or Durwood Willis, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0791

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

December 4, 1986 - 5 p.m. – Open Meeting
December 5, 1986 - 8 a.m. – Open Meeting
December 6, 1986 - 8 a.m. – Open Meeting
The College of William and Mary, Campus Center, Jamestown Road, Williamsburg, Virginia. ☒

A regularly scheduled meeting to receive reports from several committees of the board and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall - Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

LEGISLATIVE

JOINT COMMITTEE MEETING OF HOUSE APPROPRIATIONS, HOUSE FINANCE AND SENATE FINANCE

† **December 15, 1986 - 9:30 a.m.** – Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

A joint monthly meeting. The agenda will include the revised revenue estimates.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

SUBCOMMITTEE STUDYING THE REGULATION OF FINANCIAL PLANNERS

† **December 16, 1986 - 1:30 p.m.** – Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

The subcommittee will meet to determine if legislation is needed in the area of financial planners. (HJR 131)

Contact: Terry Barrett Mapp, Research Associate, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

SUBCOMMITTEE STUDYING ECONOMIC DEVELOPMENT

† **December 8, 1986 - 10 a.m.** – Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

A working session of this subcommittee to discuss recommendations to the 1987 General Assembly. (HJR 132)

Contact: Joanne Fisher, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

SAVINGS AND LOAN SUBCOMMITTEE STUDYING HOUSE BILL 400

† **December 16, 1986 - 9:30 a.m.** – Open meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Calendar of Events

The subcommittee will meet to discuss final recommendations on the interest rate revision. (HJR 41)

Contact: C. William Cramme', III, Staff Attorney, Division of Legislative Services, General Assembly, 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE COMMONWEALTH'S TIDAL SHORELINE EROSION POLICY

† December 18, 1986 - 1 p.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☒

The subcommittee will be looking into the Commonwealth's shoreline policy and whether the policy reflects an appropriate balance between the rights of individual property owners and the Commonwealth's responsibility to protect the environment.

Contact: Martin Farber, Research Associate, Division of Legislative Services, General Assembly Bldg., Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

November 24

Elections, State Board of
† Health Regulatory Boards, Council on
- Ad-Hoc Committee on Allied Health Professions
† Local Government, Commission on
Migrant Seasonal Farmworkers Board
Optometry, Virginia Board of

November 25

Handicapped Children, Interagency Coordinating
Council on Delivery of Related Services to
† Local Government, Commission on
Medicine, Virginia Board of

November 26

† Local Government, Commission on
† Radiation Advisory Board, Virginia

November 28

Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation

December 1

† Labor and Industry, Department of
- Safety and Health Codes Board, Virginia
† Professional Counselors, Board of

December 2

Alcoholic Beverage Control Board, Virginia
† Marine Products Board, Virginia
† Marine Resources Commission

December 3

Conservation and Historic Resources, Department of
- Outdoor Recreation Advisory Board
Contractors, State Board of
† Health, State Board of

December 4

Aging, Department for the
- Long-Term Care Ombudsman Program Advisory
Council
Contractors, State Board of
† Health, State Board of
Long Term-Care Council, Virginia
William and Mary, The College of, Board of Visitors

December 5

† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Architects
Child Abuse and Neglect, Governor's Advisory Board
on
General Services, Department of
- Art and Architectural Review Board
Physician Assistants, Advisory Committee on
William and Mary, The College of, Board of Visitors

December 6

Library Board, Virginia State
- Executive Committee
William and Mary, The College of, Board of Visitors

December 8

† Economic Development, Subcommittee Studying
† Highways and Transportation, Virginia Department
of
- Secretary of Transportation and Public Safety's
Committee on Industrial Access Railroad Tracks

December 9

† Highways and Transportation, Virginia Department
- State Rail Advisory Committee
† Medical Assistance Services, Board of

December 10

Agriculture and Consumer Services, State Board of
Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board
† Crime Commission, Virginia State
† Higher Education for Virginia, State Council of
Pilots, Board of Commissioners to Examine
† Water Control Board, State

Calendar of Events

December 11

Agriculture and Consumer Services, State Board of
Dentistry, Virginia Board of
Education, State Board of
General Services, Department of
- State Insurance Advisory Board
Old Dominion University, Board of Visitors
† Water Control Board, State

December 12

† Elections, State Board of
† Professional Counselors, Board of
Dentistry, Virginia Board of
Education, State Board of
† Water Control Board, State

December 15

† House Appropriations, House Finance and Senate
Finance, Joint Committee Meetings

December 16

Alcoholic Beverage Control Board
† Waste Management Board, Virginia

December 17

Corrections, Board of
† Mental Health and Mental Retardation and Social
Services Boards

December 18

† Financial Planners, Subcommittee Studying the
Regulation of
† Highways and Transportation Board, Virginia
Department of
† Housing and Community Development
- Amusement Device Technical Advisory Committee
† Savings and Loan Subcommittee Studing House Bill
400

December 19

† Social Work, Board of

December 30

Alcoholic Beverage Control Board, Virginia

January 5

† Water Control Board, State

January 6

Long Term-Care Council, Virginia
† Waste Management, Department of

January 7

† Water Control Board, State

January 8

† Water Control Board, State

January 9

† General Services, Department of
- Art and Architectural Review Board

General Services, Department of

- Division of Consolidated Laboratory Services
Advisory Board

January 14

Corrections, Board of

January 20

Aging, Governor's Advisory Board on

January 21

Aging, Governor's Advisory Board on

PUBLIC HEARINGS

November 25

Corrections, Department of (Board of)

November 26

Water Control Board, State

December 2

Health, Department of Health (Board of)
Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation

December 9

† Highways and Transportation, Department of

December 17

Efficiency in Government, Governor's Commission on
Health Services Cost Review Council, Virginia

December 19

Fire Programs, Department of (Board of)

December 30

Mines, Minerals and Energy, Department of

January 7

Mines, Minerals and Energy, Department of
† Social Services, Department of

January 8

Treasury Board

January 14

State Air Pollution Control Board
† Social Services, Department of

January 16

† Education, State Board of
Virginia Real Estate Board

January 26

† Commerce, Department of

February 2

† Labor and Industry, Department of

Calendar of Events

February 3

† Labor and Industry, Department of

February 4

† Labor and Industry, Department of

February 5

† Labor and Industry, Department of

February 10

† Social Services, Department of

February 12

† Social Services, Department of

Calendar of Events
