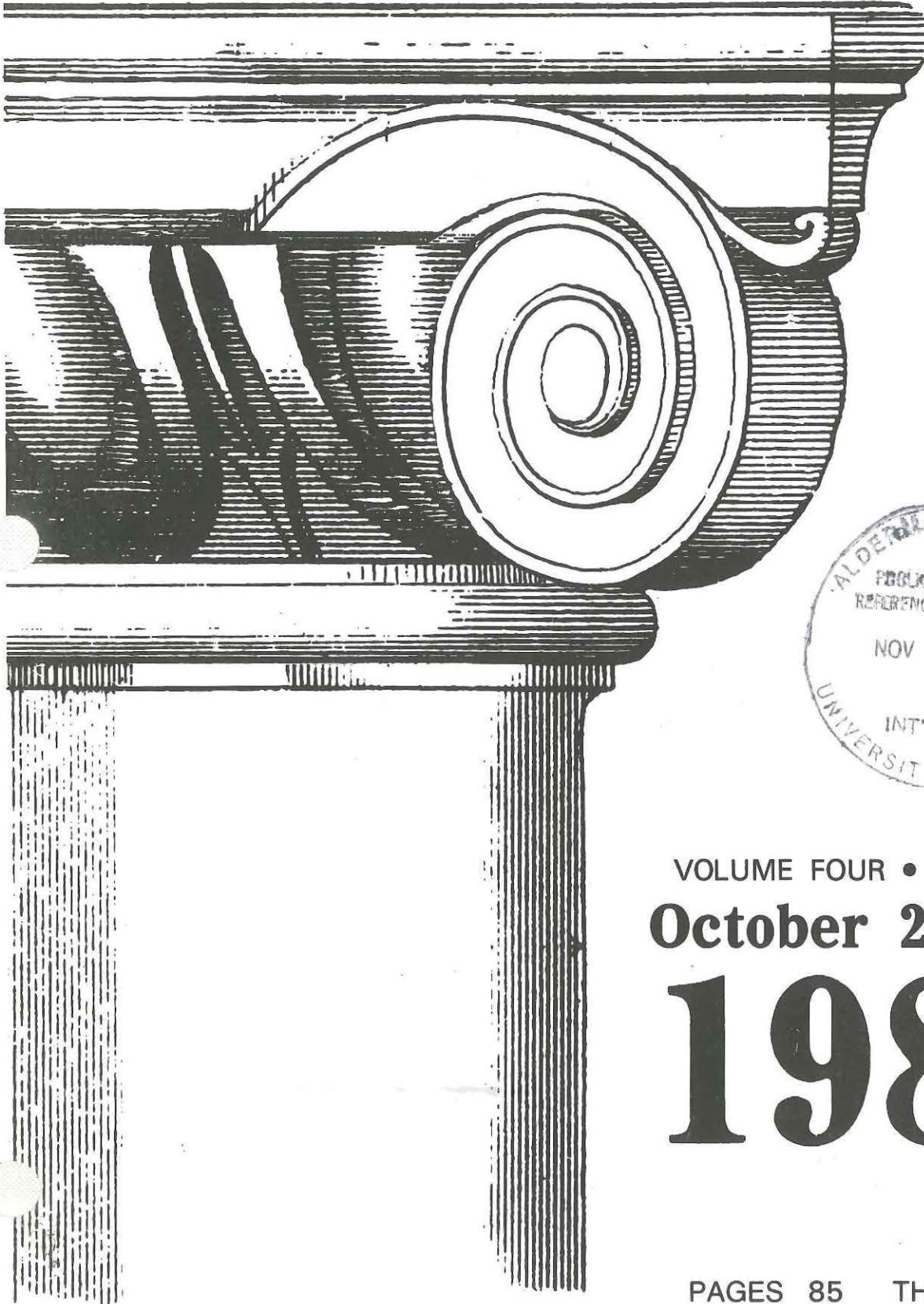


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# THE VIRGINIA REGISTER

OF REGULATIONS

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**October 26, 1987**  
**1987**

PAGES 85 THROUGH 172

# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

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

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the *Virginia Tax Bulletin* issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

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

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

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

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

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

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

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

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative

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

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

## EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

## CITATION TO THE VIRGINIA REGISTER

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# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

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

## DEPARTMENT OF COMMERCE

Title of Regulation: VR 190-03-01. Polygraph Examiners.

Statutory Authority: § 54-917 of the Code of Virginia.

Public Hearing Date: December 29, 1987 - 10 a.m.  
(See Calendar of Events section  
for additional information)

### Summary:

The proposed regulation continues the requirement for all polygraph examiners to be licensed and to meet certain education or experience requirements, or both, attend an approved polygraph school, serve an internship and pass an examination before becoming licensed. Polygraph interns may conduct polygraph examinations only under the direct supervision of a licensed polygraph examiner approved by the department to supervise their internship. All polygraph examinations must conform to specific standards of practice requirements.

The proposed revisions include a requirement that each applicant pay a \$125 fee for each administration of the licensing examination and pass all parts of the licensing examination at a single administration in order to be eligible for a license. Intern registrations may be extended for more than one year only after the individual has repeated the approved polygraph school. Also, included are: (i) three new definitions; (ii) additional standards of practice requirements; (iii) the prohibition of certain questions; (iv) limitations on the number of examinations which may be performed in one day, the number of questions which may be asked on a single test and the interval between questions asked on a polygraph test; (v) required test chart markings; and (vi) a prohibition against examiners making hiring or retention recommendations based solely on polygraph examination results. In addition, examiners are restricted to three evaluations of polygraph tests and are prohibited from rendering a report based upon polygraph chart analysis unless each relevant question is asked at least once on two separate polygraph tests. Polygraph examinations must be tape recorded upon the request of the examinee. Specific exceptions are made for law-enforcement examinations. Examinees must be notified in writing of certain Standards of Practice provisions at the beginning of each polygraph examination.

Portions of text in the currently effective regulations

have been moved and renumbered as follows:

1. Current §§ 2.17 and 2.18 have been renumbered as proposed §§ 2.7 and 2.8 respectively and moved in the proper numerical sequence.
2. Current §§ 2.13.3 and 3.6 have been renumbered as proposed subdivisions 1 and 3 respectively of § 2.12 and moved into the proper numerical sequence.
3. Current § 3.3.4 has been revised and made a part of proposed §§ 3.3 and 3.4.

VR 190-03-01. Polygraph Examiners.

## SECTION ONE

### PART I. GENERAL.

#### § 1.1. Definitions.

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

"Polygraph examination" means the entire period of contact between a licensee and an examinee.

"Polygraph test" means the part of the polygraph examination during which the examinee is connected to a polygraph instrument which is continuously recording the examinee's reactions to questions.

"Relevant question" means a question asked of an examinee during a polygraph test which concerns an issue identified to the examinee during the pretest and which is to be reported by the licensee to any other person.

#### § ~~1.1~~ 1.2. Advisory ~~committee~~ board .

The Polygraph Examiners Advisory ~~Committee~~ Board , consisting of eight members appointed by the director, shall advise the department on any matters relating to the practice of polygraphy and the licensure of polygraph examiners in the Commonwealth of Virginia.

~~1.1.1~~ A. The advisory ~~committee~~ board shall be composed of three Virginia licensed polygraph examiners employed by law-enforcement agencies of the Commonwealth, or any of its political subdivisions; three Virginia licensed polygraph examiners employed in private industry; and two citizen members as defined in §§ 54-1.18:1 and 54-1.27 of the Code of Virginia. All members

# Proposed Regulations

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must be residents of the Commonwealth of Virginia.

~~1.1.2.~~ B. Each member shall serve a three-year term. No member shall serve more than two consecutive three-year terms.

~~§ 1.2.~~ § 1.3. Renewal of license.

Each examiner's license shall be valid for one calendar year or for such part remaining in the one-year period when the license is issued. Each examiner's license shall be renewed during December of each year, and if not so renewed shall expire on December 31 of that year. A renewal fee of \$100 shall accompany each renewal application for the examiner's license. Each licensee who applies for renewal after January 31 shall pay an additional \$100 late fee (\$200 total to be paid). Failure of the licensee to receive the notice and application to renew from the department shall not constitute grounds for relief from these requirements for renewal.

~~§ 1.3.~~ § 1.4. Reinstatement of examiner's license.

An examiner whose license has expired may, at any time within six months after expiration, obtain a renewal license by paying all renewal and late fees due. Anyone who has not reapplied within six months may *shall* be required to pass the licensing examination and pay a reinstatement fee of \$200.

## SECTION TWO

### PART II. ENTRY REQUIREMENTS.

§ 2.1. Application for license *and registration* .

~~2.1.1.~~ A. Each application shall be made on forms provided by the department.

~~2.1.2.~~ B. Each application for an examiner's license shall be accompanied by a fee of \$125, which is nonrefundable.

C. *Each application for an intern registration shall be accompanied by a fee of \$35, which is nonrefundable.*

D. *A separate application and nonrefundable \$125 fee shall be required from each applicant for each administration of the licensing examination.*

E. *Each applicant shall submit his fingerprints on forms provided by the department.*

§ 2.2. Qualifications for Licensure.

~~Each applicant for an examiner's license shall submit a copy of his or her fingerprints to the Department, along with a notarized statement that he or she meets the requirements for licensure.~~

~~§ 2.3.~~ § 2.2. Experience required.

All applicants must have a high school diploma or its equivalent and a minimum of five years' experience as an investigator, detective, or in a ~~behaviorial science related~~ field acceptable to the department *which demonstrates the ability to practice polygraph* .

~~§ 2.4.~~ § 2.3. Experience required, exceptions.

~~2.4.1.~~ A. Two years of *the five years of* experience required in § 2.2 shall be ~~waived for~~ *credited to* applicants with an associate degree from an accredited college or university.

~~2.4.2.~~ B. All five years of experience required in § 2.2 shall be ~~waived for~~ *credited to* applicants with a bachelor's degree from an accredited college or university.

~~§ 2.5.~~ § 2.4. Education required.

The applicant ~~must~~ *shall either successfully complete the required training in detection of deception at a polygraph school approved by the department , or submit evidence of satisfactory completion of substantially equivalent training if the polygraph school at which the applicant received training in the detection of deception is not approved by the department* .

~~§ 2.6.~~ Education Required, Exception.

The Department may waive the education requirement if the applicant provides the Department with satisfactory evidence of having other substantially equivalent training.

~~§ 2.7.~~ Education Required, Exception for Residents of Unregulated Jurisdictions.

Any resident of a jurisdiction of the United States not licensing or certifying polygraph examiners may have the education requirement waived by providing the Department with satisfactory evidence of having three years of experience as a polygraph examiner in that jurisdiction.

~~§ 2.8.~~ § 2.5. Internship required.

The applicant must complete six months as a ~~licensed~~ *registered* intern examiner under the personal and direct on-premise supervision of an examiner qualified under § ~~2.10~~ § 2.9 who shall supervise each and every polygraph examination administered by the intern. The internship need not be accomplished in Virginia. However, any internship conducted outside of Virginia must comply fully with this regulation .

~~2.8.1.~~ No intern shall be eligible to sit for the license examination until the intern's supervisor has submitted to the department a written statement that the internship has been satisfactorily completed.

~~§ 2.9.~~ § 2.6. Examination required.

The applicant must pass ~~an~~ all parts of a polygraph examiner licensing examination prior to being licensed approved by the department at a single administration in order to be eligible for a polygraph examiner's license .

## § 2.7. Registration of polygraph examiner interns.

A polygraph examiner intern registration shall be issued to applicants who fulfill the requirements of §§ 2.2 through 2.4.

A. An intern registration shall be valid for 12 months from the date of issue.

B. Each intern shall be supervised by a licensed polygraph examiner who meets the qualifications in § 2.9.

## § 2.8. Continued registration as a polygraph intern after the expiration of the initial intern registration.

A. A person applying for an extension of a polygraph intern registration shall submit the fee referenced in § 2.1(C); and

B. The registration may be extended for no more than one year except that additional extensions will be allowed if the individual repeats the education requirements set forth in § 2.4.

## § 2.10. § 2.9. Qualifications for intern supervisors licensed polygraph examiners to act as supervisors of polygraph interns .

Each supervisor for a licensed registered intern examiner shall have held a valid Virginia examiner's license for three years or submit evidence satisfactory to the department that he or she has qualifications that are substantially equivalent to those required herein.

## § 2.11. § 2.10. Procedures for intern supervisors licensed polygraph examiners to certify the procedures to be used to supervise an intern during an internship .

~~2.11.1~~ A. Each intern supervisor licensee supervising an intern shall file with the application of the intern a description of the following :

~~2.11.1.1~~ 1. The frequency of contact between supervisor the licensee and the intern; and

~~2.11.1.2~~ 2. The procedure procedures to be employed by the supervisor licensee in reviewing and evaluating the intern's performance; and

~~2.11.1.3~~ 3. The polygraph technique(s) to be used.

~~2.11.2~~ B. The supervisor licensee supervising the intern shall review the intern's charts of the intern prior to the rendering of any opinion or conclusion on any polygraph examination administered by the intern.

## § 2.12 § 2.11. Waiver of requirements.

The department may waive the education, experience or internship for license by reciprocity any person licensed and in good standing in another jurisdiction where a formal reciprocal licensing agreement has established that the requirements were substantially equivalent to those in Virginia at the time licensure as granted.

The department may waive the internship for any person who practiced polygraphy in the federal jurisdiction.

## § 2.13. Polygraph schools application, inspection.

~~2.13.1.~~ Any school applying for approval or having been approved is subject to inspection by the department.

~~2.13.2.~~ Any school required by the department to be inspected shall pay for the actual expenses of the inspection.

~~2.13.3.~~ Each out-of-state school approved by the state in which it is located must have the appropriate regulatory agency of that state certify such approval to the department.

## § 2.14. § 2.12. Required Approval of polygraph school curriculum.

Each school shall teach a curriculum covering the subjects enumerated in this section. The duration of instruction shall be not less than 240 hours, unless the school has obtained approval from the department to teach the curriculum in fewer hours after satisfying the department that it can teach the curriculum satisfactorily in less time. The curriculum shall encompass:

Each school desiring to teach polygraphy shall submit its curriculum to the department for approval. The curriculum shall meet the following minimum requirements:

1. There shall be one type of accepted polygraph instrument per three students in the course;

2. The duration of instruction shall not be less than 240 hours, unless the school has obtained approval from the department for a shorter duration of instruction;

3. Each out-of-state school approved by the state in which it is located shall have the appropriate regulatory agency of that state certify such approval to the department;

4. The curriculum shall encompass the following subject areas:

~~2.14.1~~ a. Polygraph theory ;



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2-14.2 b. Examination techniques and question formulation ;

2-14.3 c. Polygraph interrogation ;

2-14.4 d. Case observation ;

2-14.5 e. Polygraph case practice ;

2-14.6 f. Chart interpretation ;

2-14.7 g. Legal aspects of polygraphy ;

2-14.8 h. Physiological aspects of polygraphy ;

2-14.9 i. Psychological aspects of polygraphy ;

2-14.10 j. Instrumentation ;

2-14.11 k. History of polygraph ; and

2-14.12 l. Reviews and examinations .

§ 2-15. Qualifications to be met by instructors of required subjects:

5. Any person teaching *the* subjects required by § 2-13 of these *this* regulation shall meet a *minimum* of the following *minimum* requirements for the subjects to be taught:

2-15.1 a. Legal aspects of polygraph examination. *The instructor must be a member of the Virginia Bar.*

2-15.2 b. Polygraph interrogation. *The instructor must have five years experience in the field of interrogation.*

2-15.3 c. Physiological aspects of polygraphy. *The instructor must have a degree in a health related science with coursework in physiology from an accredited institution of higher learning.*

2-15.4 d. Psychological aspects of polygraphy. *The instructor must have a degree in psychology from an accredited institution of higher learning.*

2-15.5 e. All other courses - *five years of experience as a polygraph examiner may be taught by individuals having at least five years of experience as a polygraph examiner .*

2-15.6 f. The department may make exception to the above qualifications when an instructor is otherwise qualified by education or experience *and provides such evidence in writing to the department .*

*Schools may be required to submit evidence of compliance with this regulation on a quarterly basis and shall allow observations of their compliance by the*

*department's designated representatives.*

§ 2-16. Nonresident application:

Each nonresident applicant for licensure shall file an irrevocable consent for the department to serve as service agent for all actions filed in any court in this Commonwealth.

§ 2-17. Intern License:

Upon approval of the department, polygraph examiner intern license shall be issued to anyone fulfilling the requirements of 2-2 through 2-6:

2-17.1. The fee for an intern license shall be thirty-five dollars (\$35):

2-17.2. The fee shall be paid not less than ten days prior to the date the applicant begins the internship:

2-17.3. An intern license shall be valid for twelve months from the date of issue:

2-17.4. Each intern shall be supervised by a licensed polygraph examiner:

§ 2-18. Continued licensure as a polygraph intern after the expiration of the initial intern license:

2-18.1. A person applying for an extension of a polygraph intern license shall submit the fee referenced in 2-16.1:

2-18.2. The license may be extended for no more than one year:

## SECTION THREE

### PART III. STANDARDS OF PRACTICE.

§ 3.1. *Standards of practice to be explained in writing.*

*At the beginning of each polygraph examination, the examiner shall provide the examinee with a written explanation of the provisions of §§ 3.1 through 3.8.*

§ 3.2. *Examinee may request tape recording of examination.*

*The examiner shall tape record the examination administered to any examinee who requests a tape recording. Each examiner shall maintain tape recording equipment and tapes adequate for such recording. The examiner shall safeguard all examination recordings with the records he is required to keep by § 3.17 and make the recordings available to the department, the examinee or the examinee's attorney upon request. The examiner may charge the examinee a fee not to exceed \$10 only if the examinee requests and receives a copy of an*

examination tape recording.

§ 3.3. Examinee entitled to a copy of written report.

The examinee shall be entitled to a copy of all portions of any written report pertaining to his examination which is prepared by the examiner and provided to any person. The examinee shall make his request in writing to the examiner. The examiner shall comply within 10 business days of providing the written report to any person or receiving the examinee's written request, whichever occurs later. The examiner may collect not more than \$1.00 per page from the examinee for any copy provided.

§ 3.4. Exceptions.

The provisions of §§ 3.1, 3.2, and 3.3 shall not be applicable to any examination conducted by or on behalf of the Commonwealth or any of its political subdivisions when the examination is for the purpose of preventing or detecting crime or the enforcement of penal laws. However, examiners administering examinations as described in this section shall comply with § 3.1 through a verbal explanation of the provisions of §§ 3.5, 3.6, and 3.7.

§ 3.1 § 3.5. Pretest procedure.

Prior to administering any polygraph examination test, the examiner shall inform the prospective examinee of all the issues to be covered during the polygraph examination and of all the items to be reported by the examiner to any other person; and advise the examinee of the applicable rights provided examinees in Section 3.3 of these regulations.

§ 3.2 § 3.6. Written consent to examine.

The examiner shall obtain written permission from the prospective examinee to administer the examination after fulfilling the requirements of § 3.1, but and before commencing proceeding further with the administration of the examination.

§ 3.3 § 3.7. Rights of Examinees Examination standards of practice.

The examiner shall guarantee the following To protect the rights to of each examinee, advise the examiner shall comply with the following standards of practice by advising each examinee in the manner prescribed of each of these rights the following standards of practice and shall not proceed to examine or continue to examine the examination if it is or becomes apparent to the examiner that the examinee does not understand any one of these rights:

3.3.1 1. All questions to be asked during the examination polygraph test(s) shall be reduced to writing and read to the examinee.

3.3.2 2. The examinee or the examiner may terminate

the examination at any time.

3.3.3 3. If the examination is within the scope of § 40.1-51.4:3 of the Code of Virginia, the examiner shall explain the provisions of that statute to the examinee.

4. No questions shall be asked concerning any examinee's lawful religious affiliations, lawful political affiliations, or lawful labor activities. This provision shall not apply to any such affiliation which is inconsistent with the oath of office for public law-enforcement officers.

5. The examinee shall be provided the full name of the licensee and the name, address, and telephone number of the Department of Commerce.

3.3.4. If a written report is to be prepared by the examiner and provided to any person, the examinee shall be entitled to a copy of all portions of that written report pertaining to his or her examination. The examinee shall exercise this entitlement by making written request to the examiner. The examiner shall comply with the examinee's written request within ten business days of providing the written report to any person or receiving the examinee's written request, whichever occurs later. The examiner shall be entitled to collect not more than fifty cents per page from the examinee for any copy provided.

3.3.4.1. Regulation 3.3.4 shall not be applicable to any examination conducted by or on behalf of any state or local government agency in the Commonwealth or its political subdivisions when the examination is for the purpose of preventing or detecting crime or the enforcement of penal laws.

§ 3.8. Sexual preference or sexual activity questions.

Examiners shall not ask questions during any part of a polygraph examination concerning any examinee's sexual preferences or sexual activities.

This section shall not be applicable to any examination conducted by or on behalf of any state or local government agency in the Commonwealth or its political subdivisions.

§ 3.9. Number of examinations.

An examiner shall not perform more than 12 polygraph examinations in any 24-hour period.

§ 3.10. Number of questions to be asked on a polygraph test.

An examiner shall not ask more than 16 questions on a single polygraph test.

Nothing in this section shall prohibit an examiner from conducting more than one polygraph test during a

# Proposed Regulations

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polygraph examination.

## § 3.11. Interval between polygraph test questions.

Examiners shall allow on every polygraph test a minimum time interval of 10 seconds between the examinee's answer to a question and the start of the next question.

## § 3.12. Polygraph test chart markings.

Examiners shall record at a minimum the following information on each polygraph test chart produced:

1. The name of the examinee;
2. The date of the examination;
3. The time that each test begins;
4. The examiner's initials;
5. Any adjustment made to component sensitivity;
6. The point at which each question begins and each answer is given;
7. Each question number; and
8. Each answer given by the examinee.

## § 3.13. Polygraph test evaluation.

Examiners shall render only three evaluations of polygraph tests:

1. Deception indicated;
2. No deception indicated; or
3. Inconclusive.

Examiners may include in their report any information revealed by the examinee during the polygraph examination.

Nothing in this section shall prohibit an examiner from explaining the meaning of the above evaluations.

## § 3.14. Chart analysis.

An examiner shall not render a verbal or written report based upon polygraph test chart analysis without having conducted at least two polygraph tests. Each relevant question shall have been asked at least once on each polygraph test.

## § 3.15. Hiring or retention recommendations.

Examiners shall not make hiring or retention recommendations based solely on the results of a

polygraph examination.

This section shall not prohibit an examiner from making a hiring or retention decision for the examiner's full-time employer.

## § 3.4 § 3.16. Display of license.

Each licensed polygraph examiner must and registered polygraph examiner intern shall post, in a conspicuous place for the examinee, their his license or registration, or a legible copy of their his license or registration to practice in Virginia.

## § 3.5 § 3.17. Records.

The licensed polygraph examiner or registered polygraph examiner intern shall maintain the following for at least one year from the date of each polygraph examination:

- ~~3.5.1~~ 1. Polygraphic charts.
- ~~3.5.2~~ 2. Questions asked during the examination;
- ~~3.5.3~~ 3. A copy of the results and the conclusions drawn;
- ~~3.5.4~~ 4. A copy of any written report provided in connection with the examination.

E. Tape recordings of examinations made in compliance with § 3.2.

~~§ 3.6. Polygraph School Physical Facilities—There must be one type of accepted polygraph instrument per three students in the course. (§ 54-920)~~

§ 3.7 § 3.18. Grounds for fines, denial, suspension or revocation of licenses or denial or withdrawal of school approval.

The department may fine, deny, suspend, or revoke any license or registration, or deny or withdraw school approval upon a finding that the applicant, licensee, registrant, or school:

- ~~3.7.3~~ 1. Has misrepresented information furnished when applying for any license or registration, renewal of license or registration, or approval; or
- ~~3.7.4~~ 2. Has violated or aided or abetted another in violating Chapter 1.1 of Title 54 or §§ 54-916 through 54-922 of the Code of Virginia, or any regulation or rule issued pursuant to those laws; or
- ~~3.7.5~~ 3. Has been convicted of any misdemeanor involving dishonesty, fraud, or deceit directly related to the occupation or any felony; or
- ~~3.7.6~~ 4. Has made any misrepresentation or false promise or caused to be printed or otherwise

disseminated any false or misleading advertisement; or

3.7.7 5. Has allowed one's license *or registration* to be used by anyone else; or

3.7.8 6. Has failed, within a reasonable time, to provide information requested by the department.

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF COMMERCE  
POLYGRAPH SECTION  
P.O. BOX 11066, RICHMOND, VIRGINIA 23230-1066

APPLICATION FOR A Polygraph  INTERN REGISTRATION FEE \$35.00  
(Check appropriate box)  EXAMINER LICENSE FEE \$125.00

- (1) Legal name of applicant \_\_\_\_\_  
(LAST) (FIRST) (MIDDLE)  
Residence Telephone # ( ) \_\_\_\_\_ Business Telephone # ( ) \_\_\_\_\_  
Area Code Area Code
- (2) Legal residence \_\_\_\_\_  
Street City State Zip
- (3) To Intern Under (If Applicable) \_\_\_\_\_  
Polygraph Examiner License No. \_\_\_\_\_  
Business Address: \_\_\_\_\_

A. Execute two Department of Commerce application fingerprint cards in their entirety and attach.  
 B. Make check or money order payable to: TREASURER OF VIRGINIA  
 C. Have your intern supervisor complete an Intern Supervisor Qualification and Endorsement Form if you are applying for an intern registration.

- (4) Enter the name and address of the Virginia approved polygraph school you attended and the date of your graduation:  
 NAME OF SCHOOL \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 DATE OF GRADUATION \_\_\_\_\_  
 NOTE: A CERTIFIED TRUE COPY of your transcript or diploma MUST be attached to this application.
- (5) Enter, if applicable, the name and address of the employer or employers through which you received qualifying experience and provide a brief description of your duties: (IF ADDITIONAL SPACE IS NEEDED, PLEASE USE A PLAIN SHEET OF PAPER AND ATTACH)  
 Employer's Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Date of Employment (from) \_\_\_\_\_ (to) \_\_\_\_\_  
 Description of Duties \_\_\_\_\_

NOTE: A LETTER FROM your employer(s) confirming the above information MUST be attached.

- (6) Enter, if applicable, the name and address of the accredited college or university from which you graduated and the type of degree earned, your degree field and the date you graduated:

Name of College or University \_\_\_\_\_  
 Address \_\_\_\_\_  
 Degree Earned \_\_\_\_\_ Degree Field \_\_\_\_\_  
 Date of Graduation \_\_\_\_\_

NOTE: A CERTIFIED TRUE COPY of a transcript from your college or university MUST be attached to this application.

- (7) If you are applying for an examiner license under a reciprocal licensing agreement between Virginia and another state, enter the name and address of the agency which issued your license, the license number, the date of issuance and the date of expiration:

NAME OF ISSUING AGENCY \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 LICENSE NUMBER \_\_\_\_\_  
 DATE OF ISSUANCE \_\_\_\_\_  
 DATE OF EXPIRATION \_\_\_\_\_

NOTE: PLEASE write to the above referenced agency and request they address a letter to the Virginia Department of Commerce verifying the above information.

- (8) Have you ever been convicted of a felony or misdemeanor: \_\_\_\_\_ If answer is "Yes" give full particulars on separate sheet of paper. (Yes or No)

(9) AFFIDAVIT

(To be executed by every applicant, including nonresident.)

State of \_\_\_\_\_  
 County or City of \_\_\_\_\_ SS.

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

SEAL

Signature of Applicant \_\_\_\_\_  
 Subscribed and sworn to before me this \_\_\_\_\_  
 day of \_\_\_\_\_, 19\_\_\_\_  
 Signature of Notary Public \_\_\_\_\_  
 My Commission expires: \_\_\_\_\_

DEPARTMENT OF COMMERCE  
INTERN SUPERVISOR QUALIFICATION  
AND ENDORSEMENT FORM

If you are applying for a registration as a Polygraph Intern, your Intern Supervisor must complete this form.

Legal name of Intern Supervisor \_\_\_\_\_  
(LAST) (FIRST) (MIDDLE)

Date licensed as an Examiner in Virginia \_\_\_\_\_

Virginia Polygraph Examiner License Number \_\_\_\_\_

Legal residence of Supervisor \_\_\_\_\_

Statement of frequency of contact between Intern Applicant and Intern Supervisor during the six month internship: \_\_\_\_\_  
\_\_\_\_\_

Procedure to be employed by the Intern Supervisor in reviewing and evaluating the Intern's performance: \_\_\_\_\_  
\_\_\_\_\_

Polygraph technique(s) to be utilized: \_\_\_\_\_

ENDORSEMENT BY LICENSED EXAMINER

I hereby agree to supervise the internship of \_\_\_\_\_ as required by Regulation. I understand I must provide personal and direct on-premise supervision, review all charts of the Intern prior to the rendering of any opinion or conclusion on any polygraph examination administered by the Intern and send the Department a written statement when the internship has been completed.

AFFIDAVIT

State of \_\_\_\_\_ ss.

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

The undersigned being duly sworn deposes and says that he is the person who executed this form, that the statements herein contained are true, that he has not suppressed any information that might affect this application, and that he has read and understands this affidavit.

SEAL

Signature of Intern Supervisor: \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 19 \_\_\_\_\_

Signature of Notary Public \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

Commonwealth of Virginia  
**DEPARTMENT OF COMMERCE**  
 Polygraph Section  
 3600 West Broad Street, Richmond, Virginia 23230-4917

**APPLICATION FOR APPROVAL OF A POLYGRAPH SCHOOL**

Date \_\_\_\_\_

1. Name of School: \_\_\_\_\_

2. Address of School: \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip

3. Telephone: (\_\_\_\_) \_\_\_\_\_

4.a. School Ownership: Sole Proprietor  Partnership  Corporation   
 Other  \_\_\_\_\_ (Please check one.)

b. Name and address of proprietor, partnership, corporation or association if different from school name.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip

c. If the school is owned by an individual or a partnership, list the name(s) and home address(es) of the owner(s). If the school is owned by a corporation or association, list the name(s) and home address(es) of the president, vice-president, secretary and treasurer.

Name	Address	Title

(If more space is needed, please use a plain sheet of paper.)

5. Name of Director or Chief Administrator of School: \_\_\_\_\_  
(Please Note: This person must maintain a knowledge of Virginia's polygraph examiner regulations and is the person the Department of Commerce will contact to investigate complaints, arrange for inspections, etc.)

6. Required School Curriculum (must total at least 240 hours):

Subject	Hours
Polygraph Theory _____	
Examination Techniques and Question Formulation _____	
Polygraph Interrogation _____	
Case Observation _____	
Polygraph Case Practice _____	
Chart Interpretation _____	
Legal Aspects of Polygraphy _____	
Physiological Aspects of Polygraphy _____	
Psychological Aspects of Polygraphy _____	
Instrumentation _____	
History of Polygraph _____	
Reviews and Examinations _____	
<b>TOTAL HOURS</b>	

7. Instructors --- Attach completed Instructor Qualification Form for each.

Name	Subjects to be Taught

(If more space is needed, please use a plain sheet of paper.)

8. Certification of Compliance

I, \_\_\_\_\_, the Director or Chief Administrator of \_\_\_\_\_ (Name of School)

certify that I have presented true statements throughout this application form and its attachments to the best of my knowledge and belief. I agree to maintain a knowledge of Virginia Polygraph Examiner Regulations, to cooperate with the Department of Commerce in any investigation or inspection and to at all times comply with Virginia Polygraph Examiner Regulations.

\_\_\_\_\_  
Signature

9. Affidavit

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

The undersigned being duly sworn deposes and says that he is the person who executed this application, that statements herein contained are true to the best of his knowledge and belief, that he has not suppressed any information that might affect this application and that he has read and understands this affidavit.

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

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

Commonwealth of Virginia  
**DEPARTMENT OF COMMERCE**  
 Polygraph Section  
 3600 West Broad Street  
 Richmond, Virginia 23230-4917

**INSTRUCTOR QUALIFICATION FORM**

NAME \_\_\_\_\_  
Last First Middle

ADDRESS \_\_\_\_\_  
City State Zip

TEACHING CERTIFICATE HELD (if any) \_\_\_\_\_

SUBJECTS YOU WILL TEACH \_\_\_\_\_

**EDUCATION:**

Name and Address of School	Degree Earned	Date Degree Awarded

**EMPLOYMENT:**

Name and Address of Employer	Dates of Employment	Brief Job Description

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

\_\_\_\_\_  
*(Signature of School Director)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Signature of Instructor)*

\_\_\_\_\_  
*(Date)*



# Proposed Regulations

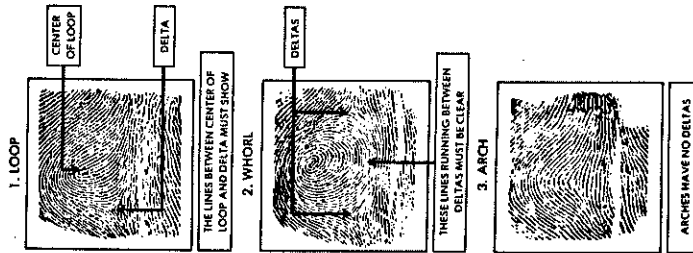
## FEDERAL BUREAU OF INVESTIGATION UNITED STATES DEPARTMENT OF JUSTICE WASHINGTON, D.C. 20537

### APPLICANT

TO OBTAIN CLASSIFIABLE FINGERPRINTS:

1. USE BLACK PENTAC INK
2. DISTRIBUTE THE STRESS ON THE SKIN
3. WASH AND DRY FINGERS THOROUGHLY
4. MAKE IMPRESSIONS IN THE ORDER LISTED
5. IF AN IMPRESSION OR SECURITY MARK IS IMPOSSIBLE TO PRINT A FINGER, MAKE A NOTATION TO THAT EFFECT IN THE INDIVIDUAL FINGER BLOCK
6. OBTAIN THE COMPLETED PRINTS TO SEE IF THEY CAN BE CLASSIFIED. MARKINGS IN HAND THAT MOST FREQUENTLY FALL INTO THE PATTERNS SHOWN ON THE CARD OTHER PATTERNS OCCUR INREGULARITY AND ARE NOT SHOWN HERE.

LEAVE THIS SPACE BLANK



- THIS CARD FOR USE BY:**
1. LAW ENFORCEMENT AGENCIES IN IMPLEMENTING APPLICANT FOR LAW ENFORCEMENT POSITIONS.
  2. OFFICIALS OF STATE AND LOCAL GOVERNMENT FOR THE PURPOSES OF IDENTIFICATION AND RECORDS, AS AUTHORIZED BY STATE STATUTES AND APPROVED BY THE ATTORNEY GENERAL OF THE UNITED STATES, LOCAL AND COUNTY OFFICIALS, UNLESS SPECIFICALLY BASED ON APPLICABLE STATE OR FEDERAL LAWS.
  3. U.S. GOVERNMENT AGENCIES AND OTHER ENTITIES INQUIRED BY FEDERAL LAW.
  4. OFFICIALS OF FEDERALLY CHARTERED OR LICENSED BANKS AND INSTITUTIONS TO PROMOTE OR MAINTAIN THE SECURITY OF THOSE INSTITUTIONS.

- INSTRUCTIONS:**
- \*1. PRINTS MUST BE OBTAINED THROUGH THE APPROVED PRINT STATE IDENTIFICATION BUREAU AND ONLY THOSE PRINTS WHICH NO DISQUALIFYING RECORD HAS BEEN FOUND LOCALLY SHOULD BE SUBMITTED FOR FBI SEARCH.
  - \*2. PRINTS OBTAINED FROM OTHER SOURCES THAT FEDERAL, STATE OR LOCAL AGENCIES REQUEST FOR FBI SEARCH SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY. BASIS OF AUTHORITY FOR SUCH DISCLOSURE IS 18 U.S.C. 2610 AND 2611.
  - \*3. IDENTITY OF PRIVATE CONTRACTOR WILL BE MAINTAINED IN SPACE, THROUGHOUT AND ADDRESS. THE CONTRIBUTOR IS THE NAME OF THE AGENCY SUBMITTING THE FINGERPRINT CARD TO THE FBI.
  - \*4. NUMBER, IF KNOWN, SHOULD BE INDICATED IN THE APPROPRIATE SPACE.
  - \*5. UNLESS INDICATED OTHERWISE, OTHER AGENCY RECORD NO. PASSPORT NO. IFFI, ALIEN REGISTRATION NO. IARI, FORM 54 NUMBER, CARD NO. FBI, SELECTIVE SERVICE NO. (SEE VETERAN'S ADMINISTRATION CATALOG, IV-1).

9 U.S. G.P.O. 1967-172-720

APPLICANT		LEAVE BLANK		LEAVE BLANK	
SIGNATURE OF PERSON FINGERPRINTED		LAST NAME (NAME)		FIRST NAME	
RESIDENCE OF PERSON FINGERPRINTED		ALASKA		VA 520050Z	
DATE		CITY		STATE	
SIGNATURE AND ADDRESS		CITY		STATE	
REASON FINGERPRINTED		ARMED FORCE NO.		SOCIAL SECURITY NO.	
		MILITARY NO.		MILITARY NO.	
		3. F. INDEX		3. F. MIDDLE	
		3. F. RING		3. F. LITTLE	
		8. L. INDEX		8. L. MIDDLE	
		8. L. RING		8. L. LITTLE	



# Proposed Regulations

## DEPARTMENT OF GENERAL SERVICES

**Title of Regulation:** VR 300-02-02. Regulations for the Approval of Independent Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases.

**Statutory Authority:** §§ 2.1-424, 2.1-426, and 18.2-268 of the Code of Virginia.

**Public Hearing Date:** January 6, 1988 - 10 a.m.  
(See Calendar of Events section for additional information)

### Summary:

Sections 18.2-266 and 18.2-268 of the Code of Virginia have been amended (effective April 1, 1988) to permit drug analyses in blood samples from suspected drug-impaired drivers. The Division of Consolidated Laboratory Services has been designated by these sections of the Code of Virginia to approve independent laboratories to perform qualitative and quantitative drug analyses in blood from suspected drug-impaired drivers. These regulations describe the application and evaluation procedures and the minimum technical requirements for approval of independent laboratories. They also describe the three types of approval and criteria to achieve and maintain same.

VR 300-02-02. Regulations for the Approval of Independent Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases.

### PART I. DEFINITIONS.

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

"Approval authority" means the Director of the Bureau of Forensic Science, the division or his designee.

"Division" means the Division of Consolidated Laboratory Services, the Department of General Services which is responsible for approval of independent laboratories.

"DUID" means driving under the influence of drugs.

"First sample" means the blood sample sent to the division for analysis.

"Independent laboratory" means any nongovernment laboratory in Virginia.

"Minimum requirements" means criteria which are deemed critical to the generation of valid data. These criteria describe the minimum level of capability at which the analyses can be successfully performed.

"On-site inspection" means evaluation of the independent laboratory facilities and procedures by a division team visiting the laboratory premises.

"Proficiency sample" means a blood sample prepared or provided by the division for proficiency evaluation of independent laboratories to perform qualitative and quantitative drug analyses.

"Second sample" means the blood sample sent for analysis to an independent approved laboratory at the request of the accused.

§ 1.2. These regulations and the steps set forth herein relating to the handling, identification and disposition of blood samples, the testing of such samples, and the completion and filing of any form or record prescribed by these regulations are procedural in nature and not substantive. Substantial compliance therewith shall be deemed sufficient.

### PART II. REGULATIONS.

#### Article 1. General.

§ 2.1. Sections 18.2-266 and 18.2-268 of the Code of Virginia have been amended to permit drug analyses of blood samples from suspected drug-impaired drivers. Portions of these blood samples will be sent for drug analysis to the division and, upon request of accused, to an approved independent laboratory, selected from a list of such laboratories by the accused. When analyses by the division indicate the presence of one or more drugs (listed herein), the approved independent laboratory will be directed to analyze the second sample to confirm or refute the qualitative results of the division and to conduct a quantitative analysis of those drugs (or their metabolites) confirmed.

§ 2.2. Partial expenses for the on-site inspection and approval processes and on-going monitoring will be borne by an application fee charged to the applying independent laboratory. A fee to be established by the division for each analyte may be charged by the approved independent laboratory to the court system. Such fees shall be paid out of the appropriation for criminal charges.

§ 2.3. The objective of this approval process is to establish each laboratory's ability to consistently produce accurate results. Documentation is the key element of this program. Each laboratory shall effectively show evidence of its capabilities and substantiate its performance. Its internal recordkeeping shall be an integral part of its quality assurance program. To assure that each laboratory is producing data of quality, the division has established a program of reviewing each laboratory's equipment-in-use, methods of analyses, personnel, laboratory techniques, and quality control program at the time of the on-site evaluation. As a continuing evaluation of each laboratory's

performance, periodic proficiency samples will be sent to each approved laboratory.

§ 2.4. The laboratory shall be secure not only in the traditional sense of resisting breaking and entering, but also in the sense of limiting access to areas where specimens are being processed and records are stored. Access to these secure areas is limited to specifically authorized individuals whose authorization is documented. Visitors and maintenance and service personnel shall be escorted at all times. Documentation of individuals accessing these areas, dates, time and purpose of entry shall be maintained.

§ 2.5. A written, signed and dated record or possession of each blood sample for drug determination shall be maintained to document the chain of custody.

## Article 2.

### Process of Approval of Independent Laboratories.

§ 2.6. To uniformly handle laboratory on-site evaluation and approval, the division will process prospective laboratories for approval in the following sequence:

#### A. Request for approval.

1. The director of a laboratory wishing to be approved to analyze blood for drugs shall submit a request in writing to the division. Laboratories seeking approval for DUID testing must also be approved for blood alcohol analyses.
2. An application packet consisting of the instructions, a copy of these regulations, and any pertinent information regarding the program will then be forwarded to the requesting laboratory.
3. The division will administratively review the information provided. The application fee shall accompany this submitted application.
4. The division will forward proficiency samples.
5. The division will then schedule an on-site evaluation if the laboratory proficiency test results are satisfactory.

#### B. On-site evaluation protocol.

1. The division will notify an independent laboratory of a pending on-site evaluation in writing at least three weeks in advance of the intended visit; the notification may include preliminary information sheets to be completed and returned to the division before the on-site evaluation occurs. The preliminary sheets will include name of laboratory, location, listing of personnel and important vitae, methods of analyses and updated list of equipment.
2. During the on-site evaluation, the approval team

will evaluate the procedures and equipment, review the records and procedure manual for compliance with the criteria stated in these regulations and evaluate the effectiveness of the security system, internal chain of custody procedures, and laboratory's quality control program. The team will use a general laboratory survey form as a working guideline for the evaluation and will review the results of the evaluation at the end of the visit with the appropriate laboratory staff. The review will include observed deviations in procedures and records, recommendations for improvements as necessary, and a discussion of how the division may aid the local laboratory in its attempt to be approved.

NOTE: A laboratory may be required to perform specific test procedures for a given test parameter during the on-site review.

#### C. Approval status.

The approval team will prepare a formal narrative report and action memorandum for the approval authority. This report will contain all information pertinent to the evaluation and also recommend one of the following actions:

1. Approved. A laboratory that meets the minimum requirements as determined by the evaluation team using these regulations. The approval shall be effective for three years.
2. Provisionally approved. A laboratory that has demonstrated its analytical capabilities but is judged deficient in its adherence to one or more of the administrative or procedural requirements of these regulations. A laboratory may be given a grace period of up to one year to correct deficiencies. In no case shall provisional approval be given if the evaluation team believes that the laboratory lacks the capability of performing the analysis. Laboratories placed in this category shall be reevaluated unless they can document in some other acceptable way that the deficiency has been corrected.
3. Not approved. A laboratory that does not meet the minimum requirements as determined by the evaluation team using these regulations. A laboratory in this category may appeal to the approval authority by requesting reevaluation. The results of a reevaluation will be sent to the independent laboratory within 30 days. Should the reevaluation confirm the "not approved" classification, the laboratory may correct the deficiencies noted and then begin the request for approval procedure again, including application fees.

§ 2.7. A laboratory wishing to maintain approval shall continue to meet the requirements listed in these regulations as well as pass annual performance evaluation studies.

# Proposed Regulations

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§ 2.8. An approved laboratory will be downgraded to a provisionally approved status for any of the following reasons:

1. Failure to analyze proficiency samples within the acceptable limits and time frames established by the division. After downgrading to a provisionally approved status, a laboratory may request quality control samples and technical assistance to help identify and resolve the problem. A provisionally approved status will continue until the laboratory's analysis of follow-up performance evaluation sample produces data within the acceptance limits established by the division.

2. Failure of an approved laboratory to notify the division within 60 days of major changes in personnel, equipment, laboratory location, or methodology which might impair analytical capability.

3. Failure to satisfy the division that the laboratory is maintaining the required standard of quality based upon an on-site evaluation.

4. Failure to report results within four weeks of receipt of proficiency samples or four weeks from receipt of the division's notification on court samples.

During the provisional status period, which may last up to one year, the laboratory may continue to analyze samples for enforcement purposes until it resolves its difficulties or is further downgraded to the nonapproved status.

§ 2.9. A laboratory will be downgraded from an approved or provisionally approved status to a not approved classification for the following reasons:

1. Failure to adhere to acceptable methods of analyses.

2. Failure to analyze follow-up proficiency samples within the acceptable limits established by the division.

3. A second failure to report results to the court within the four weeks from the notification by the division.

4. Submitting a performance evaluation check sample to another laboratory for analysis and reporting data as its own.

5. Failure to correct identified deviations by the time specified by the approving authority.

6. Permitting persons other than qualified laboratory personnel to perform and report results to the courts.

7. Failure to maintain acceptable security or custody of samples.

8. Falsifying data or using other deceptive practices.

§ 2.10. Approval will be reinstated when and if the laboratory can demonstrate to the approval authority's satisfaction that the deficiencies which produce provisionally approved status or revocation have been corrected. This may include an on-site evaluation, a successful analysis of samples on the next regularly scheduled proficiency study, or any other measure the approving authority deems appropriate.

§ 2.11. An approved independent laboratory will be notified in writing by the division of its next on-site evaluation which will be approximately 36 months from the previous approval. The continuing on-site evaluations will be performed essentially the same as the initial visit with emphasis on past deviations and their corrections.

## Article 3.

### Technical Requirements.

§ 2.12. Quality control.

A written description of a laboratory's quality control program shall be available; this program shall emphasize:

1. The use of approved analytical procedures.

2. Adequate training of laboratory personnel.

3. Calibration procedures, intervals, and standardizations to ensure control of the system.

4. Compliance with all sampling criteria.

5. A current working manual of procedures in an area readily available for the working analyst. The manual shall contain procedures used for each parameter, descriptions of how the procedures are EXACTLY performed (NOT how they should ideally be performed), calibration and standardization procedures, and appropriate references regarding their use.

6. Calibration results and dates.

7. Preparation of standard curves requiring a sufficient number of known concentrations to establish linearity.

8. Appropriate record of drug and metabolite standards including source, purity, date of receipt and security measures for storage.

9. Maintenance logs on appropriate instruments and equipment.

10. A system of recordkeeping for the handling, storage, logging, numbering, and reporting of samples.

11. A record of occurrences of out-of-control situations and the corrective actions taken to resolve the

problem. The compilation of these records will develop into a good referencing guide for corrective actions of troubleshooting.

12. Records of analyses shall be confidential and shall be kept by the laboratory for three years. This includes raw data, calculations, and quality control data. A copy of each actual laboratory report shall be kept on file, including the name of the suspect; date of sample receipt; person receiving sample; date of analysis; person performing the analysis; result of analysis; and date sample returned.

§ 2.13. Each second sample for potential drug or metabolite determination(s) shall be identified as such by the submitting agencies. Upon receipt by the approved laboratory the container (box) shall be opened, date of receipt and name of the accused recorded and the sealed blood vial retained under refrigeration. Each vial shall remain sealed and under refrigeration until the division provides written instructions to the laboratory on sample disposition. These instructions will vary depending on the division's findings on the first sample. If the division finds no significant alcohol or drugs, the approved laboratory will be instructed to return the blood vial to the appropriate court unanalyzed. If the division finds only a significant amount of alcohol, the approved laboratory will be instructed to perform only an alcohol determination. If the division finds one or more drugs, metabolites or alcohol, the approved laboratory will be instructed to confirm or refute these findings. In each case the approved laboratory will be appraised of the qualitative, but not quantitative, results of the division before analysis of the second sample is to begin.

Section 18.2-268 of the Code of Virginia specifies that the approved independent laboratory shall analyze the second blood sample only when drugs, metabolites or an elevated concentration of alcohol have been reported by the division. Furthermore, only those analytes reported by the division shall be addressed in the report to the court by the approved laboratory. Incidental detection of alcohol, drugs or metabolites other than those reported by the division shall not be reported to the court and are not subject to compensation by the court.

§ 2.14. The one general analytical technique required for confirmation of drugs or metabolites is gas chromatography/positive ion electron-impact mass spectrometry. Selected ion monitoring of three or more ions and their relative ratios is also permitted for confirmation. These and other modes of gas chromatography/mass spectrometry including positive and negative chemical ionization are also permitted for drug and metabolite quantitation. Other acceptable techniques for quantitation are capillary or megabore gas chromatography with flame ionization, nitrogen-phosphorus or electron capture detectors. Likewise, quantitative immunoassays and high performance liquid chromatography with ultraviolet absorbance, fluorescence or electrochemical detectors may be used for drug and

metabolite quantitation.

§ 2.15. The following list indicates which drugs and metabolites which an approved laboratory shall be able to detect and the minimum concentration above which each must be quantitated. Drugs and metabolites below these concentrations may be quantitated if the approved laboratory wishes to do so and can document adequate analytical precision at the lower concentrations. Drugs and metabolites detected and confirmed but which are subsequently found to be below minimum measurable concentrations shall be reported as "detected, less than (x) nanograms/milliliter" (i.e. the minimum measurable concentration). If the laboratory does not confirm the presence of a drug or metabolite, the report shall read "none detected" followed by the laboratory's stated limit of detection for that drug or metabolite.

	<u>Required Limit of</u>
	<u>Quantitation (Nanograms</u>
	<u>per Milliliter)</u>

Category: Stimulants

Drug:		
	Cocaine .....	100
	(Benzoylcegonine) .....	100
	Amphetamine .....	20
	Methamphetamine .....	20
	Phenmetrazine .....	100

Category: Barbiturates

Drug:		
	Butalbital .....	1000
	Butobarbital .....	1000
	Amobarbital .....	1000
	Pentobarbital .....	1000
	Secobarbital .....	1000
	Phenobarbital .....	1000

Category: Benzodiazepines

Drug:		
	Diazepam .....	100
	Nordiazepam .....	100
	Chlordiazepoxide .....	500

Category: Antidepressants

Drug:		
	Amitriptyline .....	50
	Nortriptyline .....	50
	Imipramine .....	50
	Desipramine .....	50
	Doxepin .....	50

Category: Antihistamines

Drug		
	Diphenhydramine .....	50

# Proposed Regulations

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<i>Chlorpheniramine</i> .....	20
<i>Brompheniramine</i> .....	20

*Category: Analgesics*

*Drug:*

<i>Morphine</i> .....	50
<i>Codeine</i> .....	50
<i>Hydrocodone</i> .....	50
<i>Oxycodone</i> .....	50
<i>Meperidine</i> .....	100
<i>Propoxyphene</i> .....	100
<i>Methadone</i> .....	100

*Category: Miscellaneous*

*Drug:*

<i>Phencyclidine</i> .....	20
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*Category: Cannabinoids*

*Drug:*

<i>delta-9-Tetrahydrocannabinol</i> .....	2.5
<i>11-nor-delta-9-Tetrahydrocannabinol-9-carboxylic acid</i> .....	25

Commonwealth of Virginia  
Department of General Services  
Division of Consolidated Laboratory Services  
Bureau of Forensic Science  
P. O. Box 999  
Richmond, Virginia 23208

APPLICATION FOR APPROVAL TO CONDUCT INDEPENDENT ANALYSIS IN  
DRIVING UNDER THE INFLUENCE CASES

BLOOD ALCOHOL //                      DRUGS IN BLOOD //                      BOTH //  
ORIGINAL APPLICATION // RENEWAL APPLICATION // REINSTATEMENT APPLICATION //

Laboratory Name: \_\_\_\_\_

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

Laboratory Director: \_\_\_\_\_

Please attach the following:

1. Curriculum vita for Laboratory Director.
2. If laboratory is certified by other agencies, list name of certifying agency(s) and type(s) of certification(s).
3. Laboratory Quality Control Procedures. (See Regulations Part II, Article 4)
4. Check or Money Order made payable to Treasurer, Commonwealth of Virginia in the amount of:

\$300 for Drugs in Blood  
\$100 for Blood Alcohol  
\$350 for both of the above.

Note: By Regulation, a laboratory seeking approval for Drugs in Blood must also be approved for Blood Alcohol.

I hereby certify that I have reviewed and understand the REGULATIONS FOR APPROVAL OF INDEPENDENT LABORATORIES TO CONDUCT ANALYSES IN DRIVING UNDER THE INFLUENCE CASES and I certify that the information contained in this application is correct.

\_\_\_\_\_  
Signature of Laboratory Director

\_\_\_\_\_  
Date



# Proposed Regulations

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**Title of Regulation:** VR 330-02-03. Regulations for Approval of Independent Laboratories to Conduct Blood Alcohol Analyses in Driving Under Influence Cases.

**Statutory Authority:** §§ 2.1-424, 2.1-426 and 18.2-268 of the Code of Virginia.

**Public Hearing Date:** January 6, 1988 - 10 a.m.  
(See Calendar of Events section for additional information)

## Summary:

The Department of General Services, Division of Consolidated Laboratory Services ("DCLS"), is repealing its Regulations for Approval of Independent Laboratories to Conduct Blood Alcohol Analysis in Driving Under Influence Cases ("Regulations"), previously adopted on September 17, 1984, effective November 1, 1984, pursuant to § 18.2-268 of the Code of Virginia. These regulations are proposed to replace the repealed regulations and are to become effective on April 1, 1988. These newly proposed regulations clearly describe the technical and administrative performance required to achieve and maintain an approval status. They also provide for a provisionally approved status to allow a laboratory an opportunity to correct deficiencies without being relegated to a nonapproved status.

VR 330-02-03. Regulations for Approval of Independent Laboratories to Conduct Blood Alcohol Analysis in Driving Under Influence Cases.

## PART I. DEFINITIONS.

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

"Alcohol" means ethyl alcohol, ethanol.

"Alcohol determination" means quantitative assay of alcohol in blood in percent by weight by volume, i.e. grams ethanol per deciliter blood.

"Analyst" means a toxicologist, chemist or technician who actually performs a test.

"Approval authority" means the Director of the Bureau of Forensic Science or his designee.

"Division" means Department of General Services, Division of Consolidated Laboratory Services, which is responsible for approval of independent laboratories.

"DUI" means driving under the influence.

"Independent laboratory" means any nongovernment laboratory in Virginia.

"List of approved laboratories" means a list of independent laboratories approved to perform blood alcohol analyses which is published by the division and provided to law-enforcement agencies in Virginia. The driver charged with DUI may select any laboratory on this list to analyze the second blood sample for alcohol.

"Minimum requirements" means criteria which enable the generation of valid data. These criteria describe the minimum level of capability at which the analyses can be successfully performed.

"On-site inspection" means evaluation of the independent laboratory facilities and procedures by a division team visiting the laboratory premises.

"Proficiency sample" means a blood sample prepared or provided by the division for proficiency evaluation of independent laboratories to perform alcohol determinations.

"Second sample" means the blood sample sent for analysis to an independent approved laboratory at the request of the accused.

§ 1.2. These regulations and the steps set forth herein relating to the handling, identification and disposition of blood samples, the testing of such samples, and the completion and filing of any form or record prescribed by these regulations are procedural in nature and not substantive. Substantial compliance therewith shall be deemed sufficient.

## PART II. REGULATIONS.

### Article 1. General.

§ 2.1. Section 18.2-268 of the Code of Virginia provides that the Division of Consolidated Laboratory Services shall approve laboratories to perform independent analysis of blood samples to determine the blood alcohol content of persons arrested for driving a motor vehicle while under the influence of alcohol.

§ 2.2. Partial expenses for the on-site inspection, approval process and on-going monitoring will be borne by an application fee charged to the applying independent laboratory.

§ 2.3. The objective of this approval process is to establish each laboratory's ability to consistently produce accurate results. Documentation is the key element of this program. Each laboratory shall effectively show evidence of its capabilities and substantiate its performance. Its internal recordkeeping shall be an integral part of its quality assurance program. To assure that each laboratory is

producing data of quality, the division has established a program of reviewing each laboratory's equipment-in-use, methods of analyses, personnel, laboratory techniques, and quality control program at the time of the evaluation. As a continuing evaluation of each laboratory's performance 12 annual proficiency samples will be sent to each approved laboratory.

§ 2.4. The laboratory shall be secure not only in the traditional sense of resisting breaking and entering, but also in the sense of limiting access to areas where specimens are being processed and records are stored. Access to these secure areas is limited to specifically authorized individuals whose authorization is documented. Visitors and maintenance and service personnel shall be escorted at all times. Documentation of individuals accessing these areas, dates, time and purpose of entry shall be maintained.

§ 2.5. A written, signed and dated record or possession of each blood sample for alcohol determination shall be maintained to document the chain of custody.

## Article 2.

### Process of Approval of Independent Laboratories.

§ 2.6. To uniformly handle laboratory evaluation and approval, the division will process prospective laboratories for approval in the following sequence:

#### A. Request for approval.

1. The director of a laboratory wishing to be approved for blood alcohol determinations shall submit a request in writing to the division.
2. An application packet consisting of the instructions, a copy of these regulations, and any pertinent information regarding the program will then be forwarded to the requesting laboratory.
3. The division will administratively review the information provided. The application fee shall accompany this submitted application.
4. The division will forward six proficiency samples.
  - a. Each proficiency test result must be within  $\pm 10\%$  of the theoretical (target) value, or 0.01 g/dL, whichever is greater. Proficiency test results shall be reported to the nearest one-thousandth of a percent, i.e. 0.001g/dL.
  - b. If the proficiency test results do not meet the above criteria, a second set will be issued. If these results are also unsatisfactory, the laboratory will not be approved. The laboratory may reapply for approval after six months.
  - c. If the laboratory proficiency test results are satisfactory, the division may then schedule an

on-site evaluation.

#### B. On-site evaluation protocol.

1. The division will notify an independent laboratory of a pending on-site evaluation in writing at least three weeks in advance of the intended visit; the notification may include preliminary information sheets to be completed and returned to the division before the on-site evaluation occurs. The preliminary sheets will include name of laboratory, location, listing of personnel and important vitae, methods of analyses and updated list of equipment.

2. During the on-site evaluation, the approval team will evaluate the procedures and equipment, review the records and procedure manual for compliance with the criteria stated in these regulations and evaluate the effectiveness of the security system, internal chain of custody procedures, and laboratory's quality control program. The team will use a general laboratory survey form as a working guideline for the evaluation and will review the results of the evaluation at the end of the visit with the appropriate laboratory staff. The review will include observed deviations in procedures and records, recommendations for improvements as necessary, and a discussion of how the division may aid the local laboratory in its attempt to be approved.

NOTE: A laboratory may be required to perform blood alcohol determinations during the on-site review.

#### C. Approval status.

The approval team will prepare a formal narrative report and action memorandum for the approval authority. This report will contain all information pertinent to the evaluation and also recommend one of the following actions:

1. *Approved.* A laboratory that meets the minimum requirements as determined by the evaluation team using these regulations. The approval shall be effective for three years.
2. *Provisionally approved.* A laboratory that has demonstrated its analytical capabilities but is judged deficient in its adherence to one or more of the administrative or procedural requirements of these regulations. A laboratory may be given a grace period of up to one year to correct deficiencies. In no case shall provisional approval be given if the evaluation team believes that the laboratory lacks the capability of performing the analysis. Laboratories placed in this category shall be reevaluated unless they can document in some other acceptable way that the deficiency has been corrected.
3. *Not approved.* A laboratory that does not meet the minimum requirements as determined by the

# Proposed Regulations

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evaluation team using these regulations. A laboratory in this category may appeal to the approval authority by requesting reevaluation. The results of a reevaluation shall be sent to the independent laboratory within 30 days. Should the reevaluation confirm the "not approved" classification, the laboratory may correct the deficiencies noted and then begin the request for approval procedure again, including application fees.

§ 2.7. A laboratory wishing to maintain approval shall continue to meet the requirements listed in these regulations as well as pass annual performance evaluation studies.

§ 2.8. An approved laboratory will be downgraded to a provisionally approved status for any of the following reasons:

1. Failure to analyze proficiency samples within the acceptable limits established by the division. The division will send four proficiency samples for analysis every four months. To maintain an approved status a laboratory must report results within the acceptable range (see § 2.6.A.4.a) on at least three out of the four samples. Failure to meet this standard at any one time will result in downgrading to provisional approval. Failure to meet this standard on any two consecutive proficiency sample series will result in a not approved status. After downgrading to a provisionally approved status, a laboratory may request quality control samples and technical assistance to help identify and resolve the problem. A provisionally approved status will continue until the laboratory's analyses of follow-up performance evaluation samples produce data within the acceptable limits established by the division.

2. Failure of an approved laboratory to notify the division within 60 days of major changes in personnel, equipment, laboratory location, or methodology which might impair analytical capability.

3. Failure to satisfy the division that the laboratory is maintaining the required standard of quality based upon an on-site evaluation.

4. Failure to report results within four weeks of receipt of samples (either proficiency samples or court samples).

During the provisional status period, which may last up to one year, the laboratory may continue to analyze samples until it resolves its difficulties or is downgraded further to the nonapproved status.

§ 2.9. A laboratory will be downgraded from an approved or provisionally approved status to a not approved classification for the following reasons:

1. Failure to adhere to acceptable methods of

analyses.

2. Failure to analyze consecutive sets of proficiency samples within the acceptable limits and time frames established by the division.

3. A second failure to report results to the court within the four week time frame.

4. Submitting a blood alcohol sample to another laboratory for analysis and reporting data as its own.

5. Failure to correct identified deviations by the time specified by the approving authority.

6. Permitting persons other than qualified laboratory personnel to perform and report results to the courts.

7. Failure to maintain acceptable security or custody of samples.

8. Falsifying data or using other deceptive practices.

§ 2.10. Approval will be reinstated when and if the laboratory can demonstrate to the approval authority's satisfaction that the deficiencies which produce provisionally approved status or revocation have been corrected. This may include an on-site evaluation, a successful analysis of samples on the next regularly scheduled proficiency study, or any other measure the approval authority deems appropriate.

§ 2.11. An approved independent laboratory will be notified in writing by the division of its next on-site evaluation which will be approximately 36 months from the previous approval. The continuing on-site evaluations will be performed essentially the same as the initial visit with emphasis on past deviations and their corrections.

## Article 3. Technical Requirements.

§ 2.12. Quality control.

A written description of a laboratory's quality control program shall be available; this program shall emphasize:

1. The use of approved analytical procedures.

2. Adequate training of laboratory personnel.

3. Calibration procedures, intervals, and standardizations to ensure control of the system.

4. Compliance with all sampling criteria.

5. A current working manual of procedures in an area readily available for the working analyst. The manual shall contain procedures used for each parameter, descriptions of how the procedures are EXACTLY performed (NOT how they should ideally

be performed), calibration and standardization procedures, and appropriate references regarding their use.

6. Calibration results and dates.

7. Preparation of standard curves requiring a sufficient number of known concentrations to establish linearity.

8. Appropriate record of alcohol standards including source, purity, date of receipt and security measures for storage.

9. Maintenance logs on appropriate instruments and equipment.

10. A system of recordkeeping for the handling, storage, logging, numbering, and reporting of samples.

11. A record of occurrences of out-of-control situations and the corrective actions taken to resolve the problem. The compilation of these records will develop into a good referencing guide for corrective actions of troubleshooting.

12. Records of alcohol analyses shall be confidential and shall be kept by the laboratory for three years. This includes raw data, calculations, and quality control data. A copy of each actual laboratory report shall be kept on file, including the name of the suspect; date of sample receipt; person receiving sample; data of analysis; person performing the analysis; result of analysis; date sample returned.

§ 2.13. The general analytical techniques recommended for alcohol determination are gas chromatography, enzymatic or dichromate oxidation. Alternate techniques may be employed only with written permission by the division.

§ 2.14. Analyses of all blood alcohol samples shall be performed at least in duplicate with appropriate controls and standards. Replicable results must agree within 10% or 0.010 g/dL of each other, whichever is greater. For reporting purposes, replicate DUI results will be averaged and rounded down to the nearest hundredth of a percent (0.01 g/dL).

# Proposed Regulations

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Commonwealth of Virginia  
Department of General Services  
Division of Consolidated Laboratory Services  
Bureau of Forensic Science  
P. O. Box 999  
Richmond, Virginia 23208

APPLICATION FOR APPROVAL TO CONDUCT INDEPENDENT ANALYSIS IN  
DRIVING UNDER THE INFLUENCE CASES

BLOOD ALCOHOL / /                      DRUGS IN BLOOD / /                      BOTH / /

ORIGINAL APPLICATION / / RENEWAL APPLICATION / / REINSTATEMENT APPLICATION / /

Laboratory Name: \_\_\_\_\_

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

Laboratory Director: \_\_\_\_\_

Please attach the following:

1. Curriculum vita for Laboratory Director.
2. If laboratory is certified by other agencies, list name of certifying agency(s) and type(s) of certification(s).
3. Laboratory Quality Control Procedures. (See Regulations Part II, Article 4)
4. Check or Money Order made payable to Treasurer, Commonwealth of Virginia in the amount of:

\$300 for Drugs in Blood  
\$100 for Blood Alcohol  
\$350 for both of the above.

Note: By Regulation, a laboratory seeking approval for Drugs in Blood must also be approved for Blood Alcohol.

I hereby certify that I have reviewed and understand the REGULATIONS FOR APPROVAL OF INDEPENDENT LABORATORIES TO CONDUCT ANALYSES IN DRIVING UNDER THE INFLUENCE CASES and I certify that the information contained in this application is correct.

\_\_\_\_\_  
Signature of Laboratory Director

\_\_\_\_\_  
Date

## DEPARTMENT OF HEALTH (STATE BOARD OF)

### Bureau of Radiological Health

**Title of Regulation:** VR 355-20-1. Ionizing Radiation Rules and Regulations.

**Statutory Authority:** § 32.1-229.4 of the Code of Virginia.

**Public Hearing Date:** December 30, 1987 - 10 a.m.  
(See Calendar of Events section for additional information)

**REGISTRAR'S NOTICE:** Due to its length, the proposed regulation entitled Ionizing Radiation Rules and Regulations (VR 355-20-1) filed by the Department of Health, Bureau of Radiological Health, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments is being published. The full text of the regulation is available for public inspection at the Office of the Registrar of Regulations and the Department of Health.

#### Summary:

*The Department of Health proposes to amend the Ionizing Radiation Rules and Regulations to incorporate changes made during the 1987 General Assembly as a result of House Bill 91.*

*The major proposed changes will include:*

- 1. Require registration of x-ray machines within 30 days after installation.*
- 2. Require an inspection of x-ray machines be scheduled within 30 days after installation.*
- 3. Require both the certification of each x-ray machine used in the healing arts and the display of the certificate by the registrant.*
- 4. Prescribe forms to be used in reporting results of radiation surveys.*
- 5. Deny the use of an x-ray machine in the practice of healing arts whenever certification is denied.*
- 6. Require payment of an annual fee for each x-ray tube used in the healing arts.*
- 7. Provide for inspection fees of x-ray equipment inspected by Department of Health inspectors whenever the inspection is requested by the registrant.*
- 8. Regulate x-ray therapy machines generating 1 Mev and greater.*

*9. Provide that a list of private inspectors be maintained and set the criteria for an individual to be placed on the list.*

*The amendment also adopts the revisions of the model regulations in the document, Suggested State Regulations for Control of Radiation. The revisions reflect changes to the Federal Code which supersede sections of the regulations. The amended regulations correct the incompatibilities.*

*Responsibilities for regulations governing radioactive waste and transportation will be transferred to another agency.*

*The purpose of the Ionizing Radiation Rules and Regulations is to effectively regulate the use of radioactive materials and machines producing ionizing radiation in order to minimize radiation exposure to individuals and the population as a whole.*

*Effective regulation of radiation used in the healing arts should assure patient and operator exposure is minimized and diagnostic usefulness is maximized.*

## DEPARTMENT OF MINES, MINERALS AND ENERGY

**Title of Regulation:** VR 480-01-1. Public Participation Guidelines.

**Statutory Authority:** §§ 9-6.14:7.1 and 45.1-1.3(4) of the Code of Virginia.

**Public Hearing Date:** January 6, 1988 - 10 a.m.  
(See Calendar of Events section for additional information)

#### Summary:

*The proposed regulations are procedures for the solicitation and participation of interested parties in the initiation, development and adoption of regulations required by state law to be promulgated by the Department of Mines, Minerals and Energy.*

VR 480-01-1. Public Participation Guidelines.

#### PART I. PURPOSE AND AUTHORITY.

*§ 1.1. These guidelines are designed to allow participation by the public in the formulation of regulations that are written to carry out the legislative mandates of the Virginia Department of Mines, Minerals and Energy (referred to in this document as "the department"). Although required by law, these rulemaking procedures also reflect the agency's commitment to an open forum for all points of view, and to a thorough analysis of many possible courses of action in regulatory development.*

# Proposed Regulations

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*These guidelines actually are true regulations themselves, as required by § 9-6.14:7.1 of the Code of Virginia. They have been adopted under the rulemaking authority of the department, as prescribed in § 45.1-1.3(4) of the Code of Virginia, and are subject to the same provisions of the Virginia Administrative Process Act (APA) as are all regulations. The Public Participation Guidelines apply to all regulatory actions of the department except emergency adoptions, which are covered by separate provisions, and certain exempt activities specified in Article 1 of the APA (§ 9-6.14:4.1 of the Virginia Code). Depending on the nature of the regulation, the Director of the Department, the Chief of the Division of Mines, the Virginia Oil and Gas Commission, the Well Review Board or the Board of Surface Mining Review may be authorized to promulgate regulations. The term "promulgating authority" used in these regulations shall apply to the appropriate individual or group authorized to initiate and carry out the regulatory process. These guidelines supersede the public participation guidelines that were transferred January 1, 1985 when the department took over certain regulatory programs from the Department of Labor and Industry and the former Department of Conservation and Economic Development (Acts of Assembly 1984, c. 590, cl. 6).*

## PART II.

### INITIATING THE RULEMAKING PROCESS.

§ 2.1. *The department may initiate rulemaking at any time. However, it shall do so according to the provisions of these regulations and the Administrative Process Act.*

§ 2.2. *The promulgating authority shall consider all written requests for regulatory change. Any individual or group may petition the promulgating authority to create, amend or abolish any regulation. The promulgating authority shall consider all petitions and other written requests, but may choose not to initiate rulemaking. To be considered, a petition shall contain:*

- 1. The name, address and telephone number of the petitioner.*
- 2. The new regulation, amendment or repeal action proposed by the petitioner.*
- 3. The reasons for requesting the rulemaking.*
- 4. The anticipated effects of making the requested regulatory changes, including costs to various parties.*
- 5. The anticipated effects of not making the requested regulatory changes.*

§ 2.3. *The department recommends that all petitioners include documentation to support their requests for rulemaking.*

## PART III.

### IDENTIFYING INTERESTED PARTIES.

§ 3.1. *Whenever the promulgating authority decides to initiate rulemaking, the department shall identify the various parties that may have an interest in the regulation or regulations being considered, using the following procedures:*

A. *The department shall compile a regulatory mailing list composed of the names and addresses of parties who have expressed an interest in commenting on regulatory actions proposed by the department. The department initially shall determine who has such an interest through an exploratory mailing to all parties on the department's existing mailing lists, and to parties who previously have expressed interest in the department's regulatory activities. To be included on the initial regulatory mailing list, parties shall respond in writing within 30 days after the date of the exploratory mailing.*

B. *In the exploratory mailing, the department also shall ask respondents to indicate whether they are willing to serve on committees to develop regulations. The regulatory mailing list shall categorize each party according to the type or types of regulations in which the party has expressed an interest, and indicate whether the party has agreed to serve on a regulation work committee.*

C. *The department shall keep the regulatory mailing list current by periodically adding the names and addresses of parties expressing an interest in regulatory activities, of parties who comment on the department's regulatory actions, and of parties otherwise identified by the department staff; and by deleting the names and addresses of parties no longer expressing such an interest.*

## PART IV.

### DRAFTING REGULATORY CHANGES.

§ 4.1. *Whenever the promulgating authority initiates rulemaking, the department shall solicit public participation in the development of regulations, using the following procedures:*

A. *The department shall form a work committee of parties who have agreed to serve on committees to develop regulations of the type being considered; or, in cases where the promulgating authority determines the proposed action does not warrant formation of a new committee, the department may submit the proposal for regulatory action to a standing public committee or advisory board of the department for review and development. In such cases, the promulgating authority shall determine that the committee or board he chooses has the expertise to review the type of regulation being considered.*

B. *Taking into consideration the comments of the group participating in regulatory development, the department shall produce a working draft of the proposed regulatory changes to be offered for public review.*

## PART V. NOTIFYING INTERESTED PARTIES.

§ 5.1. Whenever the department develops a working draft of a proposed regulatory change, the department shall notify interested parties of its intention to make such regulatory changes, using the following procedures:

A. The department shall compose a Notice of Intended Regulatory Action in the format prescribed by the Registrar of Regulations, and a media release containing the information in the notice. Both documents shall specify a deadline for submitting written comments regarding the intended regulatory action. If the promulgating authority decides to conduct a public meeting for review of working drafts, then the notice and the media release shall specify the date, time and location of that public meeting.

B. The department shall submit the Notice of Intended Regulatory Action to the Registrar of Regulations for publication in the Virginia Register on a date 15 to 30 days prior to the end of the comment period.

C. Between 15 and 30 days prior to the end of the comment period, the department shall:

1. Deliver a copy of the Notice of Intended Regulatory Action to all parties on the regulatory development list who have expressed an interest in the type of regulations being considered;
2. Deliver a copy of the media release to at least one general circulation newspaper published in the state capitol, and to any other news media the department deems suitable.

## PART VI. FORMAL REVIEW.

§ 6.1. After consideration of comments received from the public, the department shall prepare a final draft of the proposed regulatory changes and submit this draft to the promulgating authority for his review.

§ 6.2. When the promulgating authority decides to proceed with rulemaking, the department shall submit the proposed regulation to a 60-day final comment period according to the provisions of the Virginia Administrative Process Act and the Virginia Register Act.

A. The department shall forward to the Registrar of Regulations a notice of the comment period and public hearing. The notice shall state the legal authority for the department to act; the deadline for comments on the proposed regulation; the date, time and location of the public hearing; and the name, address and telephone number of a person to contact for further information about the proposed regulation. The department shall include with the notice the full text of the proposed regulation, statements of the basis, purpose and impact of

the proposed regulation, and a summary of the regulation.

B. The department shall send a copy or summary of the proposed regulation to all parties on the regulatory development list who have expressed an interest in the type of regulation being considered, and to all others who have commented on the proposed regulatory changes. This draft shall be accompanied by a letter explaining the deadlines and procedures for submitting formal public comments under the Administrative Process Act.

C. The department shall request the Registrar of Regulations to publish the public hearing notice in the Virginia Register, in a Richmond area newspaper, and in other newspapers as requested by the department, at least 60 days before the end of the comment period.

D. During the final comment period, the proposed regulations will be reviewed concurrently by the public, the Governor, the General Assembly, the Secretary of Economic Development and the Attorney General.

## PART VII. ADOPTION.

§ 7.1. Upon expiration of the public comment period, the department shall carry out the remaining steps to adopt the regulations according to the provisions of the Administrative Process Act.



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# FINAL REGULATIONS

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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

**Title of Regulation:** VR 355-39-01. Regulations Governing Eligibility Standards and Charges for Medical Care Services (fee scale only).

**Statutory Authority:** § 32.1-12 of the Code of Virginia.

**Effective Date:** December 1, 1987

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C.1 of the Code of Virginia, which excludes regulations fixing rates or prices. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

### Summary:

*The purpose of Amendment #7 to the regulations allows the Board of Health to increase charges in certain medical service categories to the same rate Medicare and Medicaid reimburse the private sector.*

*Many of the current charges are less than the reimbursement rate allowed by Medicare and Medicaid. As a result the department is unable to collect at these third party rates when the patient has these sources of payment.*

CHS OPTS MANUAL  
Section IV

STATE HEALTH DEPARTMENT  
CHARGES AND PAYMENT REQUIREMENTS BY INCOME LEVELS  
Effective December 1, 1987

Under the provisions of the State Health Department Eligibility Regulations, promulgated under the authority of Section 32.1-11 and 32.1-12 of the Code of Virginia, and in accordance with the Eligibility Standards and Charges for Medical Care Services as adopted by the State Board of Health, listed below are the charges for medical care services, stating the minimum required payments to be made by patients toward their charges, according to income levels.

MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT (1)	A 0%	B 10%	C 25%	D 50%	E 75%	F 100%
A. Maternity/Gynecology (2)	\$ 20.00	0	\$ 2.00	\$ 5.00	\$ 10.00	\$ 15.00	\$ 20.00
B. Pediatric/Well Baby	\$ 37.00*	0	\$ 3.75	\$ 9.25	\$ 18.50	\$ 27.75	\$ 37.00
C. Family Planning (3)							
1. Initial/Annual Visit	\$ 43.00	0	\$ 4.30	\$ 10.75	\$ 21.50	\$ 32.25	\$ 43.00
2. Follow Up/Problem Visit	\$ 20.00	0	\$ 2.00	\$ 5.00	\$ 10.00	\$ 15.00	\$ 20.00
D. General Medical (4)							
1. Initial Visit	\$ 37.00*	0	\$ 3.75	\$ 9.25	\$ 18.50	\$ 27.75	\$ 37.00
2. Follow Up/Problem	\$ 20.00	0	\$ 2.00	\$ 5.00	\$ 10.00	\$ 15.00	\$ 20.00
E. Brief Service (5)	\$ 8.50*	0	\$ 1.00	\$ 2.25	\$ 4.25	\$ 6.50	\$ 8.50
F. Dental (6)	Medicaid Allowed Rate Statewide	0	10%	25%	50%	75%	100%

(\*) New Charges

# Final Regulations

**Charges and Payments Requirements by Income Levels**  
Effective December 1, 1987

OHS OPTS MANUAL	MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT	A 0%	B 10%	C 25%	D 50%	E 75%	F 100%
	G. Special Services (7)							
	1. Without Eligibility Determination							
	a. Venipuncture (for tests except Communicable Disease Investigations)	\$ 7.00	0		FLAT RATE STATEWIDE (8)			
	b. Pregnancy Testing	FREE	0		STATEWIDE			
	c. Administration of Prescribed Medication and/or Non-Routine Immunizations PLUS: Cost of Vaccine when furnished by Health Department	\$ 3.50	0		FLAT RATE STATEWIDE			
	d. Blood Pressure Check	FREE	0		STATEWIDE			
	e. PPD/Tuberculin Testing	\$ 3.15*	0		FLAT RATE STATEWIDE			
	f. Radiological Examination of Chest	\$18.00	0		FLAT RATE STATEWIDE			
	g. Activities of Daily Living (ADL) Services	\$ 8.00 Per Hour(9)	0		FLAT RATE STATEWIDE			

(\*) New Charges

Charges and Payment Requirements By Income Levels  
Effective December 1, 1987

CHS OPTS MANUAL	MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT	A 0%	B 10%	C 25%	D 50%	E 75%	F 100%
2.	With Eligibility Determination							
	a. Pharmacy Professional Fee PLUS: Cost of Drugs/ Rabies Vaccine	\$ 3.50  COST	0  0	\$ .50  10%	\$ 1.00  25%	\$ 1.75  50%	\$ 2.75  75%	\$ 3.50  100%
	b. Other X-Ray Services (10)	Medicaid Allowed Rates Statewide	0	10%	25%	50%	75%	100%
	c. Other Laboratory Services (11)	Medicaid Allowed Rates Statewide	0	10%	25%	50%	75%	100%
	d. Colposcopy Services							
	1. Colpo with Biopsy	\$ 86.00*	0	\$ 8.75	\$ 21.50	\$ 43.00	\$ 64.50	\$ 86.00
	2. Colpo with Biopsy and Cryosurgery	\$105.00*	0	\$ 10.50	\$ 26.25	\$ 52.50	\$ 78.75	\$105.00
H.	Other Services							
	1. Childrens Speciality Services (12)	\$ 60.00 Annually	0	\$ 6.00	\$ 15.00	\$ 30.00	\$ 45.00	\$ 60.00
	2. Child Development Clinics							
	a. Initial Evaluation	\$249.00	0	\$ 25.00	\$ 62.50	\$124.50	\$186.75	\$249.00
	b. Follow Up Visit (13)							
	1. Pediatric Unit	\$ 9.00	0	\$ 1.00	\$ 2.25	\$ 4.50	\$ 6.75	\$ 9.00
	2. Psychologist Unit	\$ 6.00	0	\$ .75	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
	3. Social Work Unit	\$ 6.00	0	\$ .75	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
	4. Nursing Unit	\$ 6.00	0	\$ .75	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00

(\*) New Charges

# Final Regulations

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CHS OPTS MANUAL  
Section IV

## Charges and Payments by Income Levels

### FOOTNOTES

1. Maximum Charges Per Visit
  - a. If service is obtained through contract with providers outside the Department, charges will be those charged the Department in the contract, instead of the listed rates.
  - b. Health Department maximum charges shall be: Income A - Free, Income B - 10% of charge, Income C - 25% of charge, Income D - 50% of charge, Income E - 75% of charge, and Income F - full charge. See Income Levels Schedules in the Eligibility Section of the CHS Operations Manual.
2. Maternity/Gynecology
  - a. Medicaid maternity patients will be charged one clinic fee per month regardless of the number of visits incurred within that month. This policy is consistent with Medicaid's reimbursement rates to the private sector.
  - b. Non-Medicaid maternity and gynecology patients are charged for each clinic visit.
3. Family Planning

For non-Medicaid Family Planning patients, the contraceptive method selected is included in the cost of the initial and annual visits.

If the patient has Medicaid, billing for services will be made to Medicaid and not to Title XX.
4. General Medical
  - a. An "Initial Visit" is defined as the first time an individual is seen, when a patient record is established and a comprehensive evaluation is done by the physician.
  - b. A "Follow Up Visit" is defined as any subsequent visit to a health department clinic.
5. Brief Service

A "Brief Service" is defined as an encounter with a patient who is required to return for specific follow up of a medical condition. This can be used in conjunction with all specialty clinics.

## Charges and Payments by Income Levels

CHS OPTS MANUAL  
Section IV

### FOOTNOTES

6. Dental  
The charges for dental services are to be those that are the Medicaid allowed rates for dental procedures.
7. Special Services  
When a patient cannot pay the full flat rate charge for the service in this group, an eligibility determination should be done to determine whether the patient is medically indigent or what portion of the charges the patient must pay.
8. Flat Rate Statewide  
Charges for services are to be applied on a statewide basis, unless the patient demonstrates an inability to pay for the service, through an eligibility determination.
9. ADL Services  
ADL services are provided to patients who do not qualify for Medicaid benefits. This charge per hour is one dollar more than Medicaid's Personal Care Program. All ADL service collections are to be charged to the General Medical subprogram activity.
10. Other X-Ray Services  
X-Ray procedure charges shall be the actual cost of the procedure, not to exceed the Medicaid allowed rates for that procedure.
11. Other Laboratory Services  
Laboratory charges shall be the actual cost of the procedure not to exceed the Medicaid allowed rates for that procedure.
12. Children's Specialty Services  
Refer to the SCC Program Guidelines for patient criteria and charges.
13. Child Development Clinics  
Follow Up Visits  
A unit of service equals 0.5 hours of face-to-face contact between the provider and the recipient of the service.

# Final Regulations

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## DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: VR 480-03-19.801.13. Self-Bonding.

Statutory Authority: § 45.1-230 of the Code of Virginia.

Effective Date: November 25, 1987

### Summary:

*This regulation is a portion of the Coal Surface Mining Reclamation Regulations (VR 480-03-19) and this amendment establishes the conditions under which the Division of Mined Land Reclamation may accept a self-bond from applicants for coal surface mining reclamation permits to assure successful land reclamation. The qualifications of the applicant and the informational requirements for self-bonds are described. The amendment limits the information required of applicants for underground mine permits proposing self-bonds to only that information authorized by § 45.1-270.3(c) of the Code of Virginia.*

### § VR 480-03-19.801.13 Self-bonding.

(a) The division may accept a self-bond from the applicant of a proposed underground mining operation.

(1) The applicant shall designate the:

(i) Name and address of a suitable agent to receive service of process in the Commonwealth.

(ii) Name and address of the certified public accountant(s) who prepared the statement required by this section.

(iii) Location of the financial records used to prepare the C.P.A. statement required by this section.

(2) The applicant, or the applicant's parent organization in the event the applicant is a subsidiary corporation, must have a net worth, certified by an independent Certified Public Accountant in the form of an unqualified opinion appended to the financial statement submitted, of no less than \$1 million after total liabilities are subtracted from total assets. The certification shall include a final determination by the independent Certified Public Accountant regarding the applicant's ability to satisfactorily meet all obligations and costs under the proposed reclamation plan for the life of the mine. If the applicant is a subsidiary corporation, the applicant's parent organization's net worth need only be certified by the independent Certified Public Accountant, if the applicant uses or includes any assets or liabilities of the parent organization in computing or arriving at the applicant's net worth. Where the division has a valid reason to believe that the permittee's net worth is less than required by this subsection, it may require a new Certified Public Accountant's statement and certification.

(3)(i) A cognovit note must be executed by the applicant, and said agreement must also be executed by:

(A) If a corporation, two corporate officers who are authorized to sign the note by a resolution of the board of directors, a copy of which shall be provided;

(B) To the extent that the history or assets of a parent organization are relied upon to make the showings of this part, the parent organization of which it is a subsidiary, whether first-tier, second-tier, or further removed, in the form of (A) above;

(C) If the applicant is a partnership, all of its general partners and their parent organization or principal investors; and

(D) If the applicant is a married individual, the applicant's spouse;

(i) Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the note;

(iii) The cognovit note shall be a binding obligation, jointly and severally, on all who execute it;

(iv) For the purposes of this paragraph, principal investor or parent organization means anyone with a 10% or more beneficial ownership interest, directly or indirectly, in the applicant.

(b) The division may accept a self-bond from the applicant of a proposed surface mining operation or associated facility. The applicant shall provide the:

(1) Name and address of a suitable agent to receive service of process in the Commonwealth.

(2) Evidence indicating a history of satisfactory continuous operation.

(3) Evidence substantiating the applicant's financial solvency, with the appropriate financial documentation required by paragraph (a)(2) of this section.

(4) Indemnity agreement:

(i) Containing the date of execution;

(ii) Made payable to the "Treasurer of Virginia";

(iii) Immediately due and payable in the event of bond forfeiture of the permit;

(iv) Payable in a sum certain of money;

(v) Signed by the maker(s);

(vi) The indemnity agreement must be executed by the applicant and by:

(A) If a corporation, two corporate officers who are authorized to sign the agreement by a resolution of the Board of Directors, a copy of which shall be provided;

(B) To the extent that the history or assets of a parent organization are relied upon to make the showings of this part, the parent organization of which it is a subsidiary, whether first-tier, second-tier, or further removed, in the form of (A) above;

(C) If the applicant is a partnership, all of its general partners and their parent organization or principal investors; and

(D) If the applicant is a married individual, the applicant's spouse;

(vii) Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the indemnity agreement;

(viii) The indemnity agreement shall be a binding obligation, jointly and severally, on all who execute it;

(ix) For purposes of this paragraph, principal investor or parent organization means anyone with a 10% or more beneficial ownership interest, directly or indirectly, in the applicant.

(c) Whenever a participant in the Pool Bond Fund applies for an additional permit or permits, the C.P.A. certification required by paragraph (a)(2) or (b)(3) of this section shall be updated reflecting those prior reclamation obligations and self-bonding liabilities still in effect.

(d) If at any time the conditions upon which the self-bond was approved no longer prevail, the division shall require the posting of a surety or collateral bond before coal surface mining operations may continue. The permittee shall immediately notify the division of any change in his total liabilities or total assets which would jeopardize the support of the self-bond. If the permittee fails to have sufficient resources to support the self-bond, he shall be deemed to be without bond coverage in violation of § 480-03-19.800.11(b).

\* \* \* \* \*

Title of Regulation: VR 480-03-19.801.17. Bond Release Applications.

Statutory Authority: § 45.1-230 of the Code of Virginia.

Effective Date: November 25, 1987

Summary:

*This regulation is a portion of the Coal Surface Mining Reclamation Regulations (VR 480-03-19) and this amendment states the time frame and conditions for filing a bond release application after vegetation has*

*been established on the mined area for operators participating in the Coal Surface Mining Reclamation Fund ("Fund"). The amendment allows bond reductions on successfully reclaimed mine sites sooner than is allowed by current regulations.*

§ VR 480-03-19.801.17. Bond Release Applications.

(a) The permittee participating in the Pool Bond Fund, or any person authorized to act upon his behalf, may file an application with the division for release of all or part of the bond furnished in accordance with § 480-03-19.801.12(b) for the increment areas which have been adequately reclaimed and vegetated vegetation established pursuant to §§ ~~480-03-19.816.111~~ through ~~480-03-19.816.116~~ or §§ ~~480-03-19.817.111~~ through ~~480-03-19.817.116~~ the postmining land use. A minimum of ~~two (2)~~ one full growing seasons season or a minimum of 12 months, whichever is longer, must have elapsed before the division will determine that the vegetation is adequately established. However, in no event shall the total bond of the permit be less than the minimum amounts established pursuant to § 480-03-19.801.12(b) prior to completion of the two full growing seasons and compliance with § 480-03-19.801.18. Bond liability shall continue for not less than five years, or as provided by § 480-03-19.800.13 of § 480-03.19.800.17(b).

(1) Applications may only be filed at times or seasons that allow the division to evaluate properly the reclamation operations alleged to have been completed. The times or seasons appropriate for the evaluation of certain types of reclamation shall be identified in the mining and reclamation operations plan required in Subchapter VG and approved by the division.

(2) The application shall include copies of letters sent to adjoining property owners, surface owners, local government bodies, planning agencies, and sewage and water treatment facilities or water companies in the locality of the permit area, notifying them of the permittee's intention to seek release of performance bond(s). These letters shall be sent before the permittee files the application for release.

(3) Within 30 days after filing the application for release the permittee shall submit proof of publication of the advertisement required by paragraph (b) of this section. Such proof of publication shall be considered part of the bond release application.

(b) The permittee seeking total or partial bond release shall, at the time of filing an application under this section, advertise the filing of the application as provided by § 480-03-19.800.40(a)(2).

(c) The division shall inspect and evaluate the reclamation work involved within 30 days after receiving a completed application for bond release, or as soon thereafter as weather conditions permit. The surface owner, or agent, or lessee shall be given notice of such



# Final Regulations

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inspection and may participate with the division in making the bond release inspection.

(d) Division review and decision. (1) The division shall consider, during the inspection evaluation, hearing and decision:

(i) Whether the permittee has met the criteria for release of the bond under § 480-03-19.801.18;

(ii) The degree of difficulty in completing any remaining reclamation, restoration, or abatement work; and

(iii) Whether pollution of surface and subsurface water is occurring, the probability of future pollution or the continuance of any present pollution, and the estimated cost of abating any pollution.

(2) If no public hearing has been held under paragraph (e), the division shall notify the permittee and any other interested parties in writing of its decision to release or not to release all or part of the performance bond or deposit within 60 days from the receipt of the completed application, or within 30 days from the public hearing if a public hearing was held.

(3) The notice of the decision shall state the reasons for the decision, and recommend any corrective actions necessary to secure the release.

(4) The division shall not release the bond until:

(i) The town, city, or other municipality nearest the operation and the county in which the surface coal mining and reclamation operation is located have received at least 30 days notice of the release by certified mail; and

(ii) The right to request a public hearing pursuant to § 480-03-19.800.40(f) has not been exercised, or a final decision by the hearing officer approving the release has been issued pursuant to § 480-03-19.800.40(f).

(e) Any person wishing to contest the division's decision to approve or disapprove the bond release shall have the right to appeal in accordance with § 480-03-19.800.40(f). In the event of an appeal, the division shall conduct the proceeding as provided by § 480-03-19.800.40(f) through (h).

## STATE WATER CONTROL BOARD

Title of Regulation: VR 680-21-00. Water Quality Standards.

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

Effective Date: November 25, 1987

REGISTRAR'S NOTICE: Due to its length, the Water

Quality Standards, filed by the State Water Control Board are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published. The full text of the standards is available for inspection at the offices of the Registrar of Regulations, and the State Water Control Board.

### Background:

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

*Section 62.1-44.15(3) of the Code of Virginia authorizes the board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Board, at least once every three years, to review the standards and policies, and as appropriate, to propose revisions and changes to the standards and policies. Such revised standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified or cancelled.*

### Summary of Amendment:

*As required by state and federal law the State Water Control Board has conducted a triennial review of the water quality standards regulations. As a product of this review, the board has adopted numerous revisions to the water quality standards regulations. A complete text of the proposed revisions and modifications is available.*

# STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 29, 1987

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI870308

Ex Parte, In re: Surety Bond  
Required of Money Order Sellers.

## ORDER DIRECTING NOTICE

Chapter 283 of the 1987 Acts of the General Assembly requires that all sellers of money orders in Virginia be licensed and further establishes the bonds required by law of such licensees under Chapter 12 of Title 6.1 at a minimum of five thousand dollars (\$5,000) per sales location. (Currently each licensed seller must have at least a twenty-five-thousand-dollar (\$25,000) bond; prior to July 1, 1987, unlicensed sellers at one or two locations were permitted a bond of two thousand, five hundred dollars (\$2,500) per location.)

The Bureau of Financial Institutions proposes establishing a minimum bond of twenty-five thousand dollars (\$25,000) for all licenses under the Chapter; where money orders are sold at more than one location the Bureau proposes that the bond be increased by five thousand dollars (\$5,000) per additional location to a maximum of two hundred fifty thousand dollars (\$250,000).

IT APPEARING, in light of Rule 4:12 of the Rules of Practice and Procedure of the State Corporation Commission that reasonable notice of the proposed standard should be given prior to its adoption.

IT IS ORDERED:

(1) That the Bureau of Financial Institutions promptly send a copy of this order, with the proposed standard attached, to each licensed money order seller and to each firm with a bond on file together with a letter explaining the law change, soliciting written comments (to be submitted to John T. Sutton, Jr., Deputy Commissioner not later than October 19, 1987), and offering an opportunity for hearing;

(2) That the Bureau compile all comments received and report on them to the Commission, and further, that it advise the Commission promptly should it determine that a hearing on the regulation is necessary or desirable; and

(3) That the Bureau present for approval an order adopting the standard on October 26, 1987, or as soon thereafter as possible. In presenting the final regulation the Bureau shall affirm that the instructions for notice prescribed herein were complied with.

ATTESTED COPIES hereof shall be sent to: Office of the Attorney General, Division of Consumer Counsel, 101

North 8th Street, 5th Floor, Richmond, Virginia 23219; and the Commissioner of Financial Institutions.

## MONEY ORDER SELLERS - SURETY BOND STANDARD

1. Every seller of money orders shall be bonded in principal amount as follows:

1 office	\$25,000
Each additional office	\$5,000
Maximum bond required	\$250,000

2. The form of the bond will be provided by the Bureau.
3. Evidence of an appropriate bond shall be submitted prior to the issuance of a license.
4. The seller must continuously maintain its bond thereafter as long as it has money orders outstanding, and for a reasonable period after any termination of business. In any case where a bond of less than \$250,000 is maintained, it shall be the duty of the licensee to keep the amount of the bond commensurate with the number of offices.
5. Effective date:

# VIRGINIA TAX BULLETIN

## VIRGINIA DEPARTMENT OF TAXATION

TAX BULLETIN 87-13

DATE: September 1, 1987

SUBJECT: Virginia Income Tax  
Interest on Ginnie Maes

The purpose of this tax bulletin is to clarify the department's policy with respect to the taxability of interest earned on obligations of the Government National Mortgage Association (GNMA), which are popularly known as "Ginnie Maes."

The GNMA was created by Congress in 1968 to perform certain functions in the secondary mortgage market. It is a wholly owned government corporation within the Department of Housing and Urban Development. In order to attract investors into the mortgage market, the GNMA minimizes the risk of loss by guaranteeing qualifying certificates issued by private financial institutions. This guarantee by the GNMA pledges the full faith and credit of the United States to secure the timely payment of the interest and principal set forth in the instrument.

The United States Supreme Court, on June 8, 1987, ruled in Rockford Life Insurance Company v. Illinois Department of Revenue et al. (No. 86-251), that instruments guaranteed by the GNMA and commonly known as "Ginnie Maes" are not exempt from state taxation under the provisions of 31 U.S.C. § 3124(a) (Rev. Stat. § 3710, 31 U.S.C. § 742 prior to the 1982 reformulation of the statute).

In computing Virginia Taxable income, both Virginia Code §§ 58.1-322 C.1 (applicable to individuals) and 58.1-402 C.1 (applicable to corporations) provide a subtraction for:

Interest or dividends on obligations of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions. (Emphasis added.)

Based upon the Supreme Court decision in the Rockford case, interest paid on "Ginnie Maes" is not exempt from State taxation under federal law; therefore, such interest does not qualify for the subtraction allowed under Virginia Code §§ 58.1-322 C.1 or 58.1-402 C.1.

Interest derived from GNMA investments, will be subject to Virginia income tax for taxable years beginning on and after January 1, 1987.

\* \* \* \* \*

TAX BULLETIN 87-15

DATE: October 1, 1987

SUBJECT: Interest Rates

State and certain local interest rates are subject to change every quarter. The rates for the fourth quarter of 1987 will be 9% for tax overpayments and 10% for tax underpayments. This is a change from the first three quarters of 1987 when the rates were 8% for tax overpayments and 9% for tax underpayments.

### Rate for Addition to Tax for Underpayment of Estimated Tax

Taxpayers whose taxable year ends on September 30, 1987: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals), Form 760F (for farmers and fishermen), or Form 500C (for corporations), the 10% rate will apply through the January 15, 1988 due date of the return.

### Local Tax

Localities assessing interest on delinquent taxes pursuant to Virginia Code § 58.1-3916 may impose interest at a rate not to exceed the underpayment rates which are in effect for the applicable quarters of the second and subsequent years of delinquency. For the fourth quarter of 1987, the underpayment rate is 10%. Localities which have provided for refund of erroneously assessed taxes may provide by ordinance that such refund be repaid with interest at a rate which does not exceed the rate imposed by the locality for delinquent taxes.

### Recent Interest Rates

<u>Period</u>	<u>Rate for Under-payment (Assessments)</u>	<u>Rate for Over-payment (Refunds)</u>
1/1/85 - 6/30/85	13%	13%
7/1/85 - 12/31/85	11%	11%
1/1/86 - 6/30/86	10%	10%
7/1/86 - 12/31/86	9%	9%
1/1/87 - 9/30/87	9%	8%
10/1/87 - 12/31/87	10%	9%

Questions about interest rates may be directed to the Taxpayer Assistance Section, Office Services Division, Virginia Department of Taxation, P.O. Box 6-L, Richmond, Virginia 23282, or (804) 257-8031 (Individual) or 257-8036 (Corporation).

TABLE OF PRO RATA FACTORS FOR COMPUTING DAILY INTEREST  
AT 9% PER ANNUM FOR A 365-DAY YEAR

1	.00025	51	.01259	101	.02490	151	.03723
2	.00049	52	.01282	102	.02515	152	.03748
3	.00074	53	.01307	103	.02540	153	.03773
4	.00099	54	.01332	104	.02564	154	.03797
5	.00123	55	.01356	105	.02589	155	.03822
6	.00148	56	.01381	106	.02614	156	.03847
7	.00173	57	.01405	107	.02638	157	.03871
8	.00197	58	.01430	108	.02663	158	.03896
9	.00222	59	.01455	109	.02688	159	.03921
10	.00247	60	.01479	110	.02712	160	.03945
11	.00271	61	.01504	111	.02737	161	.03970
12	.00296	62	.01529	112	.02762	162	.03995
13	.00321	63	.01553	113	.02786	163	.04019
14	.00345	64	.01578	114	.02811	164	.04044
15	.00370	65	.01603	115	.02836	165	.04068
16	.00395	66	.01627	116	.02860	166	.04093
17	.00419	67	.01652	117	.02885	167	.04118
18	.00444	68	.01677	118	.02910	168	.04142
19	.00468	69	.01701	119	.02934	169	.04167
20	.00493	70	.01726	120	.02959	170	.04192
21	.00518	71	.01751	121	.02984	171	.04216
22	.00542	72	.01775	122	.03008	172	.04241
23	.00567	73	.01800	123	.03033	173	.04266
24	.00592	74	.01825	124	.03058	174	.04290
25	.00616	75	.01849	125	.03082	175	.04315
26	.00641	76	.01874	126	.03107	176	.04340
27	.00666	77	.01899	127	.03132	177	.04364
28	.00690	78	.01923	128	.03156	178	.04389
29	.00715	79	.01948	129	.03181	179	.04414
30	.00740	80	.01973	130	.03205	180	.04438
31	.00764	81	.01997	131	.03230	181	.04463
32	.00789	82	.02022	132	.03255	182	.04488
33	.00814	83	.02047	133	.03279	183	.04512
34	.00838	84	.02071	134	.03304	184	.04537
35	.00863	85	.02096	135	.03329	185	.04562
36	.00888	86	.02121	136	.03353	186	.04586
37	.00912	87	.02145	137	.03378	187	.04611
38	.00937	88	.02170	138	.03403	188	.04636
39	.00962	89	.02195	139	.03427	189	.04660
40	.00986	90	.02219	140	.03452	190	.04685
41	.01011	91	.02244	141	.03477	191	.04710
42	.01036	92	.02268	142	.03501	192	.04734
43	.01060	93	.02293	143	.03526	193	.04759
44	.01085	94	.02318	144	.03551	194	.04784
45	.01110	95	.02342	145	.03575	195	.04808
46	.01134	96	.02367	146	.03600	196	.04833
47	.01159	97	.02392	147	.03625	197	.04858
48	.01184	98	.02416	148	.03649	198	.04882
49	.01208	99	.02441	149	.03674	199	.04907
50	.01233	100	.02466	150	.03699	200	.04932

TABLE OF PRO RATA FACTORS FOR COMPUTING DAILY INTEREST  
AT 09% PER ANNUM FOR A 365-DAY YEAR

201	.04956	251	.06189	301	.07422	351	.08655
202	.04981	252	.06214	302	.07447	352	.08679
203	.05005	253	.06238	303	.07471	353	.08704
204	.05030	254	.06263	304	.07496	354	.08729
205	.05055	255	.06288	305	.07521	355	.08753
206	.05079	256	.06312	306	.07545	356	.08778
207	.05104	257	.06337	307	.07570	357	.08803
208	.05129	258	.06362	308	.07595	358	.08827
209	.05153	259	.06386	309	.07619	359	.08852
210	.05178	260	.06411	310	.07644	360	.08877
211	.05203	261	.06436	311	.07668	361	.08901
212	.05227	262	.06460	312	.07693	362	.08926
213	.05252	263	.06485	313	.07718	363	.08951
214	.05277	264	.06510	314	.07742	364	.08975
215	.05301	265	.06534	315	.07767	365	.09000
216	.05326	266	.06559	316	.07792		
217	.05351	267	.06584	317	.07816		
218	.05375	268	.06608	318	.07841		
219	.05400	269	.06633	319	.07866		
220	.05425	270	.06658	320	.07890		
221	.05449	271	.06682	321	.07915		
222	.05474	272	.06707	322	.07940		
223	.05499	273	.06732	323	.07964		
224	.05523	274	.06756	324	.07989		
225	.05548	275	.06781	325	.08014		
226	.05573	276	.06805	326	.08038		
227	.05597	277	.06830	327	.08063		
228	.05622	278	.06855	328	.08088		
229	.05647	279	.06879	329	.08112		
230	.05671	280	.06904	330	.08137		
231	.05696	281	.06929	331	.08162		
232	.05721	282	.06953	332	.08186		
233	.05745	283	.06978	333	.08211		
234	.05770	284	.07003	334	.08236		
235	.05795	285	.07027	335	.08260		
236	.05819	286	.07052	336	.08285		
237	.05844	287	.07077	337	.08310		
238	.05868	288	.07101	338	.08334		
239	.05893	289	.07126	339	.08359		
240	.05918	290	.07151	340	.08384		
241	.05942	291	.07175	341	.08408		
242	.05967	292	.07200	342	.08433		
243	.05992	293	.07225	343	.08458		
244	.06016	294	.07249	344	.08482		
245	.06041	295	.07274	345	.08507		
246	.06066	296	.07299	346	.08532		
247	.06090	297	.07323	347	.08556		
248	.06115	298	.07348	348	.08581		
249	.06140	299	.07373	349	.08605		
250	.06164	300	.07397	350	.08630		

TABLE OF PRO RATA FACTORS FOR COMPUTING DAILY INTEREST  
AT 10% PER ANNUM FOR A 365-DAY YEAR

1	.00027	51	.01397	101	.02767	151	.04137
2	.00055	52	.01425	102	.02795	152	.04164
3	.00082	53	.01452	103	.02822	153	.04192
4	.00110	54	.01479	104	.02849	154	.04219
5	.00137	55	.01507	105	.02877	155	.04247
6	.00164	56	.01534	106	.02904	156	.04274
7	.00192	57	.01562	107	.02932	157	.04301
8	.00219	58	.01589	108	.02959	158	.04329
9	.00247	59	.01616	109	.02986	159	.04356
10	.00274	60	.01644	110	.03014	160	.04384
11	.00301	61	.01671	111	.03041	161	.04411
12	.00329	62	.01699	112	.03068	162	.04438
13	.00356	63	.01726	113	.03096	163	.04466
14	.00384	64	.01753	114	.03123	164	.04493
15	.00411	65	.01781	115	.03151	165	.04521
16	.00438	66	.01808	116	.03178	166	.04548
17	.00466	67	.01836	117	.03205	167	.04575
18	.00493	68	.01863	118	.03233	168	.04603
19	.00521	69	.01890	119	.03260	169	.04630
20	.00548	70	.01918	120	.03288	170	.04658
21	.00575	71	.01945	121	.03315	171	.04685
22	.00603	72	.01973	122	.03342	172	.04712
23	.00630	73	.02000	123	.03370	173	.04740
24	.00658	74	.02027	124	.03397	174	.04767
25	.00685	75	.02055	125	.03425	175	.04795
26	.00712	76	.02082	126	.03452	176	.04822
27	.00740	77	.02110	127	.03479	177	.04849
28	.00767	78	.02137	128	.03507	178	.04877
29	.00795	79	.02164	129	.03534	179	.04904
30	.00822	80	.02192	130	.03562	180	.04932
31	.00849	81	.02219	131	.03589	181	.04959
32	.00877	82	.02247	132	.03616	182	.04986
33	.00904	83	.02274	133	.03644	183	.05014
34	.00932	84	.02301	134	.03671	184	.05041
35	.00959	85	.02329	135	.03699	185	.05068
36	.00986	86	.02356	136	.03726	186	.05096
37	.01014	87	.02384	137	.03753	187	.05123
38	.01041	88	.02411	138	.03781	188	.05151
39	.01068	89	.02438	139	.03808	189	.05178
40	.01096	90	.02466	140	.03836	190	.05205
41	.01123	91	.02493	141	.03863	191	.05233
42	.01151	92	.02521	142	.03890	192	.05260
43	.01178	93	.02548	143	.03918	193	.05288
44	.01205	94	.02575	144	.03945	194	.05315
45	.01233	95	.02603	145	.03973	195	.05342
46	.01260	96	.02630	146	.04000	196	.05370
47	.01288	97	.02658	147	.04027	197	.05397
48	.01315	98	.02685	148	.04055	198	.05425
49	.01342	99	.02712	149	.04082	199	.05452
50	.01370	100	.02740	150	.04110	200	.05479

TABLE OF PRO RATA FACTORS FOR COMPUTING DAILY INTEREST  
AT 10% PER ANNUM FOR A 365-DAY YEAR

201	.05507	251	.06877	301	.08247	351	.09616
202	.05534	252	.06904	302	.08274	352	.09644
203	.05562	253	.06932	303	.08301	353	.09671
204	.05589	254	.06959	304	.08329	354	.09699
205	.05616	255	.06986	305	.08356	355	.09726
206	.05644	256	.07014	306	.08384	356	.09753
207	.05671	257	.07041	307	.08411	357	.09781
208	.05699	258	.07068	308	.08438	358	.09808
209	.05726	259	.07096	309	.08466	359	.09836
210	.05753	260	.07123	310	.08493	360	.09863
211	.05781	261	.07151	311	.08521	361	.09890
212	.05808	262	.07178	312	.08548	362	.09918
213	.05836	263	.07205	313	.08575	363	.09945
214	.05863	264	.07233	314	.08603	364	.09973
215	.05890	265	.07260	315	.08630	365	.10000
216	.05918	266	.07288	316	.08658		
217	.05945	267	.07315	317	.08685		
218	.05973	268	.07342	318	.08712		
219	.06000	269	.07370	319	.08740		
220	.06027	270	.07397	320	.08767		
221	.06055	271	.07425	321	.08795		
222	.06082	272	.07452	322	.08822		
223	.06110	273	.07479	323	.08849		
224	.06137	274	.07507	324	.08877		
225	.06164	275	.07534	325	.08904		
226	.06192	276	.07562	326	.08932		
227	.06219	277	.07589	327	.08959		
228	.06247	278	.07616	328	.08986		
229	.06274	279	.07644	329	.09014		
230	.06301	280	.07671	330	.09041		
231	.06329	281	.07699	331	.09068		
232	.06356	282	.07726	332	.09096		
233	.06384	283	.07753	333	.09123		
234	.06411	284	.07781	334	.09151		
235	.06438	285	.07808	335	.09178		
236	.06466	286	.07836	336	.09205		
237	.06493	287	.07863	337	.09233		
238	.06521	288	.07890	338	.09260		
239	.06548	289	.07918	339	.09288		
240	.06575	290	.07945	340	.09315		
241	.06603	291	.07973	341	.09342		
242	.06630	292	.08000	342	.09370		
243	.06658	293	.08027	343	.09397		
244	.06685	294	.08055	344	.09425		
245	.06712	295	.08082	345	.09452		
246	.06740	296	.08110	346	.09479		
247	.06767	297	.08137	347	.09507		
248	.06795	298	.08164	348	.09534		
249	.06822	299	.08192	349	.09562		
250	.06849	300	.08219	350	.09589		

# GOVERNOR

## EXECUTIVE ORDER NUMBER 52 (87)

### PROMULGATION OF VOLUME IV, EMERGENCY OPERATIONS PLAN FOR EMERGENCY MANAGEMENT OF RESOURCES

By virtue of the authority vested in me by Section 44-146.17 of the Code of Virginia as Governor and as Director of Emergency Services, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby promulgate and issue Volume IV of the Commonwealth of Virginia Emergency Operations Plan for Emergency Management of Resources in Peacetime, dated September, 1987.

The plan is consistent with the Commonwealth of Virginia Emergency Services and Disaster Law of 1973 (Chapter 3.2, Title 44 of the Code), as amended.

The Commonwealth of Virginia "Emergency Management of Resources Plan" is hereby made applicable to all state agencies assigned emergency responsibilities in connection with peacetime shortages of vital resources or interruption of essential services and to the local governing officials of all political subdivisions which may be affected by any such resource crisis. Heads of state agencies and governing bodies of all political subdivisions are hereby directed to develop detailed procedures and provide staff training as necessary to ensure effective execution of their emergency responsibilities under this plan whenever a resource shortage occurs or appears imminent.

The State Coordinator of Emergency Services, in accordance with Section 44-146.18 of the Code, shall be responsible for maintaining and updating this Plan and coordinating its administration with the appropriate federal, state, and local agencies.

This Executive Order shall become effective on the date of its signing and shall remain in full force and effect until amended or rescinded by further executive order.

This Executive Order rescinds Executive Order Number Fifty-Three (84), Emergency Operations Plan, Part I of Volume IV, Emergency Management of Resources in Peacetime, issued by Governor Charles S. Robb on September 27, 1984.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of September, 1987.

/s/ Gerald L. Baliles  
Governor

### GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

## CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, and Officers of the Department of Corrections, Division of Adult Institutions.

Governor's Comment:

No objection to the proposed regulations, which will consolidate three separate regulations into one set and revise certain administrative and curricula requirements.

/s/ Gerald L. Baliles  
September 22, 1987

## DEPARTMENT OF HEALTH

Title of Regulation: VR 355-35-01. Rules and Regulations Governing Restaurants.

Governor's Comment:

These regulations appear carefully drawn to update food protection practices to reflect current technology, terminology and federal regulatory requirements. 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  
September 21, 1987

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Title of Regulation: VR 470-02-08. Rules and Regulations for the Licensure of Supported Residential Programs and Residential Respite Care/Emergency Shelter Facilities.

Governor's Comment:

These regulations appear carefully drawn to bring the Department into compliance with its statutory mandate to license mental health, mental retardation and substance abuse facilities. Although I approve programmatic impact of these standards, however, I would encourage the Department to consider carefully the fiscal impact of implementation and whether these regulations can be enforced within existing appropriations.

/s/ Gerald L. Baliles  
September 28, 1987

\* \* \* \* \*



# Governor

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**Title of Regulation: VR 470-02-09. Rules and Regulations for the Licensure of Outpatient Facilities.**

**Governor's Comment:**

These regulations appear carefully drawn to bring the Department into compliance with its statutory mandate to license mental health, mental retardation and substance abuse facilities. Although I approve programmatic impact of these standards, however, I would encourage the Department to consider carefully the fiscal impact of implementation and whether these regulations can be enforced within existing appropriations.

/s/ Gerald L. Baliles  
September 28, 1987

\* \* \* \* \*

**Title of Regulation: VR 470-02-10. Rules and Regulations for the Licensure of Day Support Programs.**

**Governor's Comment:**

These regulations appear carefully drawn to bring the Department into compliance with its statutory mandate to license mental health, mental retardation and substance abuse facilities. Although I approve programmatic impact of these standards, I would encourage the Department to consider carefully the fiscal impact of implementation and whether these regulations can be enforced within existing appropriations.

/s/ Gerald L. Baliles  
September 28, 1987

\* \* \* \* \*

**Title of Regulation: VR 470-02-11. Rules and Regulations for the Licensure of Residential Facilities.**

**Governor's Comment:**

These regulations appear carefully drawn to bring the Department into compliance with its statutory mandate to license mental health, mental retardation and substance abuse facilities; however, I would encourage the Department to monitor carefully the implementation of these regulations to ensure that they can be enforced within existing appropriations.

/s/ Gerald L. Baliles  
September 28, 1987

# DELEGATIONS OF DUTIES AND RESPONSIBILITIES

The 1987 General Assembly passed Legislation allowing an agency's chief executive officer to delegate to any officer or employee of his agency the duties and responsibilities conferred upon him by law and, in the case of an agency with a supervisory board, such board may delegate its duties and responsibilities. Section 1-17.2 of the Code of Virginia requires that when duties and responsibilities conferred or imposed upon a chief executive officer or supervisor board are delegated, such reports are to be published in the Virginia Register of Regulations as soon after filing as practicable.

## CRIMINAL JUSTICE SERVICES BOARD

**Address:**  
Department of Criminal Justice Services  
805 East Broad Street  
Richmond, Virginia 23219

**Telephone:** (804) 786-4000

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
Mandatory Training Exemptions. [§ 9-173]

**Position Receiving Delegation:**  
Deputy Director

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
Accept Grants. [§ 9-176(A)]

**Position Receiving Delegation:**  
Deputy Director

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
Fix Personnel Salaries. [§ 9-176(D)]

**Position Receiving Delegation:**  
Deputy Director

## DEPARTMENT OF EDUCATION

**Address:**  
Department of Education  
James Monroe Building  
101 North 14th Street  
Richmond, Virginia 23219

**Telephone:** (804) 225-2023

**Title of Chief Executive Officer:**  
Superintendent of Public Instruction

### Duty or Responsibility Delegated:

Approval of plans for building, additions to or alterations of public school facilities for either permanent or temporary use. [§ 22.1-140]

### Position Receiving Delegation:

Associate Director for Energy and Facilities Services

\* \* \* \* \*

### Title of Chief Executive Officer:

Superintendent of Public Institution

### Duty or Responsibility Delegated:

Disbursement of funds received by the Commonwealth of Virginia under the provisions of Public Law 396, 97th Congress, known as the "National School Lunch Act" and any successor act or amendment thereto; and as such is authorized, empowered and directed to exercise the powers and perform the duties conferred and imposed by such Act of Congress. [§ 22.1-24]

### Position Receiving Delegation:

Director, Accounting and Finance  
Associate Director, School Food Service

\* \* \* \* \*

### Title of Chief Executive Officer:

Superintendent of Public Instruction

### Duty or Responsibility Delegated:

Certification to the Comptroller funds appropriated for school purposes and apportionment of such funds. [§ 22.1-99]

### Position Receiving Delegation:

Associate Superintendent for Finance and Support Services  
Administrative Director for Finance and Support Services  
Director of Accounting and Finance

## DEPARTMENT OF GENERAL SERVICES

**Address:**  
Department of General Services  
Ninth Street Office Building  
Richmond, Virginia 23219

**Telephone:** (804) 786-3311

# Delegations

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**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
Director of the Department of General Services may establish a Division of Support Services to manage parking in Capitol Square area. In lieu of creating a separate division, the Director has delegated the parking responsibilities to the Director of the Division of Engineering and Buildings. [§§ 2.1-527 and 2.1-531]

**Position Receiving Delegation:**  
Deputy Director for Engineering and Buildings

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
Ensure that every building owned by the Commonwealth is inspected for asbestos, provide an estimate for abatement and provide a list of priorities. [§ 2.1-526.13]

**Position Receiving Delegation:**  
Deputy Director for Engineering and Buildings

## GUNSTON HALL

**Address:**  
Board of Regents of Gunston Hall  
10709 Gunston Road  
Suite 417  
Lorton, Virginia 22079

**Telephone:** (703) 550-9220

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
The Board of Regents shall manage, maintain and operate Gunston Hall. [§ 9-99.1]

**Position Receiving Delegation:**  
Director (for daily management of Gunston Hall)

## MARINE RESOURCES COMMISSION

**Address:**  
Marine Resources Commission  
P.O. Box 756  
2401 West Avenue  
Newport News, Virginia 23607

**Telephone:** (804) 247-2200 or SCATS 535-2200

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Personnel authorized to sign grants, contracts, leases.

**Position Receiving Delegation:**  
Chief of Administration and Finance  
Assistant Chief of Administration and Finance

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Person authorized to issue permits for scientific collection activities in state waters.

**Position Receiving Delegation:**  
Chief of Marine Law Enforcement

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Personnel authorized to dispose of forfeited property. [Reference - VMRC Administrative Instruction 12F]

**Position Receiving Delegation:**  
Supervisor of Marine Operations Station

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Personnel authorized to purchase patrol vessel replacement parts. [Reference - VMRC Administrative Instruction 12E]

**Position Receiving Delegation:**  
Fleet Supervisor of Operations Station  
Supervisor of Operations Station

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Purchasing Agent - local purchasing authority. [Reference - VMRC Administrative Instruction 12]

**Position Receiving Delegation:**  
Supervisor, Virginia Marine Resources Operations Station

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Personnel authorized to schedule use of aircraft by other organizations. [Reference - VMRC Administrative Instruction 6]

**Position Receiving Delegation:**  
Chief of Law Enforcement  
Area Supervisor  
Pilot

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Granting permission for employees to travel in excess of 200 miles out of state by automobile. [Reference - VMRC Administrative Instruction 5]

**Position Receiving Delegation:**  
Assistant Commissioner of Finance and Administration

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Main office closings for inclement weather. [Reference - VMRC Administrative Instruction 18]

**Position Receiving Delegation:**  
Chief of Finance and Administration

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Personnel who may authorize overtime work which require overtime pay under the Fair Labor Standards Act. [Reference - Agency Personnel Policies on Overtime]

**Position Receiving Delegation:**  
Division Heads

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Authority to review all decisions of local wetlands

boards in compliance with § 62.1-13.10 of the Code of Virginia and determine whether further review by the Commissioner or full Commissioner is warranted in compliance with § 62.1-13.11.

**Position Receiving Delegation:**  
Chief of Habitat Management

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Authority to sign permits granted under the provisions of § 62.1-3 or 62.1-3.01 of the Code of Virginia.

**Position Receiving Delegation:**  
Chief of Habitat Management

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Authority to grant extensions of time, to approve transfers and to approve minor modifications to permits issued under §§ 62.1-3 or 62.1-3.01 of the Code of Virginia.

**Position Receiving Delegation:**  
Chief of Habitat Management

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Commissioner

**Duty or Responsibility Delegated:**  
Authority to sign Orders to Comply and Stop Work orders issued under the provisions of § 62.1-13.16:1 of the Code of Virginia.

**Position Receiving Delegation:**  
Chief of Habitat Management

**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

**Address:**  
Department of Medical Assistance Services  
600 East Broad Street  
Suite 1300  
Richmond, Virginia 23219

**Telephone:** (804) 786-8099

**Title of Chief Executive Officer:**  
Director

# Delegations

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**Duty or Responsibility Delegated:**  
To sign Peer Review contracts.

\*\*\*\*\*

**Position Receiving Delegation:**  
Health Services Review Director

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
To act on behalf of the Director of the Department of Medical Assistance Services in his absence, as necessary, so as not to interfere with, jeopardize, or diminish the Commonwealth's authority in entitlement to receive maximum federal funding for Medical Assistance.

**Position Receiving Delegation:**  
Deputy Director

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
To sign, on behalf of the Director of the Department of Medical Assistance Services, in his absence, general correspondence, regulatory documents necessary, so as not to interfere with, jeopardize or diminish the Commonwealth's authority in entitlement to receive maximum federal funding for Medical Assistance.

**Position Receiving Delegation:**  
Deputy Director

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
Authorize expenditure of funds for in-state travel, education, training, hiring of temporary staff.

**Position Receiving Delegation:**  
Deputy Director, all Division Directors listed below  
Division Directors:  
Medicaid Operations Director, Division of Medical Social Services  
Internal Audit Director  
Human Resources Manager  
Fiscal Director  
Programming/Systems Development Supervisor  
Medicaid Operations Director, Division of Operations and Provider Services  
Health Services Review Director  
Medicaid Reimbursement Division Director

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
Hire and terminate employees in individual Divisions.

**Position Receiving Delegation:**  
Deputy Director, all Division Directors listed below  
Division Directors:  
Medicaid Operations Director, Division of Medical Social Services  
Internal Audit Director  
Human Resources Manager  
Fiscal Director  
Programming/Systems Development Supervisor  
Medicaid Operations Director, Division of Operations and Provider Services  
Health Services Review Director  
Medicaid Reimbursement Division Director

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
To sign agency procurement requests, purchase orders and changes.

**Position Receiving Delegation:**  
Manager of Contracts and Procurements  
Fiscal Director

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
To sign requests for personnel and training actions.

**Position Receiving Delegation:**  
Human Resources Manager

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
To sign the Federal Refugee Resettlement quarterly financial report HCFA 25s; Form 27s.

**Position Receiving Delegation:**  
Fiscal Director

\*\*\*\*\*

**Title of Chief Executive Officer:**

Director

MILK COMMISSION

**Duty or Responsibility Delegated:**  
Write letters to Fiscal Agent requesting cost estimates and statements of understanding.

**Address:**  
Milk Commission  
Ninth Street Office Building  
Suite 1015  
Richmond, Virginia 23219

**Position Receiving Delegation:**  
Programming/Systems Development Supervisor

**Telephone:** (804) 786-2013

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Administrator

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
Authority to review and approve documents that reflect fiscal agent charges rendered.

**Duty or Responsibility Delegated:**  
By unanimous vote of the Commission at its meeting held on September 18, 1987, delegated its authority to approve base transfers in accordance with Regulation No. 4, paragraph 5 of the Commission's Rules and Regulations.

**Position Receiving Delegation:**  
Programming/Systems Development Supervisor

**Position Receiving Delegation:**  
Administrator

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

DEPARTMENT OF MINES, MINERALS AND ENERGY

**Duty or Responsibility Delegated:**  
Execute documents that pertain to systems development activities to the computer systems development manager, when estimated cost does not exceed \$25,000.

**Address:**  
Department of Mines, Minerals and Energy  
2201 West Broad Street  
Richmond, Virginia 23220

**Position Receiving Delegation:**  
Programming/Systems Development Supervisor

**Telephone:** (804) 257-0330

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
Delegated responsibility for signing provider agreements.

**Duty or Responsibility Delegated:**  
Authority to close the Department offices in Charlottesville because of inclement weather.

**Position Receiving Delegation:**  
Medicaid Operations Director

**Position Receiving Delegation:**  
Director of the Division of Mineral Mining

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
To sign leases or contracts for goods, services, equipment and real property.

**Duty or Responsibility Delegated:**  
Authority to close the Department offices in Lynchburg because of inclement weather.

**Position Receiving Delegation:**  
Manager of Contracts and Procurements  
Deputy Director

**Position Receiving Delegation:**  
Director of the Division of Mineral Mining

\*\*\*\*\*

**Title of Chief Executive Officer:**  
Director

# Delegations

---

**Duty or Responsibility Delegated:**

Authority to close the Department offices in Big Stone Gap, Abingdon and Keen Mountain because of inclement weather.

**Position Receiving Delegation:**

Assistant Director for Mining

\* \* \* \* \*

**Title of Chief Executive Officer:**

Director

**Duty or Responsibility Delegated:**

The authority to direct the mission, goals and objectives of the Division of Mines, the Division of Mined Land Reclamation, the Division of Gas and Oil, and the Division of Mineral Mining, subject to the Director's continuing oversight.

**Position Receiving Delegation:**

Assistant Director for Mining

\* \* \* \* \*

**Title of Chief Executive Officer:**

Director

**Duty or Responsibility Delegated:**

The authority to exercise the general powers of the Department of Mines, Minerals and Energy as set out in § 54.1-1.3 (1 through 3).

**Position Receiving Delegation:**

Assistant Director for Mining

\* \* \* \* \*

**Title of Chief Executive Officer:**

Director

**Duty or Responsibility Delegated:**

The authority to serve as the Director's representative on boards, commissions, committees, etc., within the Division of Mines, the Division of Mined Land Reclamation, the Division of Gas and Oil, and the Division of Mineral Mining.

**Position Receiving Delegation:**

Assistant Director for Mining

\* \* \* \* \*

**Title of Chief Executive Officer:**

Director

**Duty or Responsibility Delegated:**

To review the decisions of the hearing officers under Chapters 17, 19 and 23 of Title 45.1 of the Code of Virginia, as set out in Virginia Surface Mining Regulations Sections V787.11(c), V843.13(e) and

V843.16(d).

**Position Receiving Delegation:**

Assistant Director for Mining

\* \* \* \* \*

**Title of Chief Executive Officer:**

Director

**Duty or Responsibility Delegated:**

To represent the Director and his interests at meetings with the energy and minerals industry, federal government, members of the Governor's office and other state agencies, members of the General Assembly, special interest groups and individual citizens of the Commonwealth.

**Position Receiving Delegation:**

Assistant Director for Mining

\* \* \* \* \*

**Title of Chief Executive Officer:**

Director

**Duty or Responsibility Delegated:**

All duties, responsibilities and powers vested in the Director under Chapters 17, 19 and 23 of Title 45.1 of the Code of Virginia, except for the authority to promulgate regulations.

**Position Receiving Delegation:**

Commissioner of the Division of Mined Land Reclamation

\* \* \* \* \*

**Title of Chief Executive Officer:**

Director

**Duty or Responsibility Delegated:**

All duties, responsibilities and powers vested in the Director under Chapter 16 of Title 45.1 of the Code of Virginia, except for the authority to promulgate regulations.

**Position Receiving Delegation:**

Director of the Division of Mineral Mining

\* \* \* \* \*

**Title of Chief Executive Officer:**

Director

**Duty or Responsibility Delegated:**

All other powers and duties of the Director and of the Department of Mines, Minerals and Energy not delegated to the Assistant Director necessary and convenient for the administration and enforcement of the mine safety laws of Virginia, Virginia Code §

45.1-1.10 et seq., and the Division of Mines.

**Position Receiving Delegation:**  
Chief of the Division of Mines

\* \* \* \* \*

**Title of Chief Executive Officer:**  
Director

**Duty or Responsibility Delegated:**  
All of the duties, responsibilities and powers vested in the Chief Mine Inspector by Chapters 1 through 14 of Title 45.1 of the Code of Virginia, concerning what has heretofore been known as the Metal/Nonmetal Group.

**Position Receiving Delegation:**  
Director of the Division of Mineral Mining

**PUBLIC DEFENDER COMMISSION**

**Address:**  
Public Defender Commission  
8550 Mayland Drive  
Suite 201  
Richmond, Virginia 23229

**Telephone:** (804) 281-9484

**Title of Chief Executive Officer:**  
Executive Director

**Duty or Responsibility Delegated:**  
Authorization for additional personnel in Public Defender Offices, obtaining office space, purchase of supplies, personnel, policies and procedures.

**Position Receiving Delegation:**  
Fiscal Director

**TREASURY BOARD**

**Address:**  
Department of Treasury  
James Monroe Building  
3rd Floor  
101 North 14th Street  
Richmond, Virginia 23219

**Telephone:** (804) 225-2142

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Negotiate final terms of contracts with financial consultants selected by Board.

**Position Receiving Delegation:**  
State Treasurer

**Agency name (if different from agency with authority and responsibility):**  
Department of the Treasury

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Approve financial terms of agencies lease purchase of equipment in accordance with Board guidelines.

**Position Receiving Delegation:**  
Director of Debt Management

**Agency name (if different from agency with authority and responsibility):**  
Department of the Treasury

**DEPARTMENT OF THE TREASURY**

**Address:**  
Department of the Treasury  
James Monroe Building  
3rd Floor  
101 North 14th Street  
Richmond, Virginia 23219

**Telephone:** (804) 225-2142

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Administer agency procurement.

**Position Receiving Delegation:**  
Deputy Treasurer

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Approval of bond replacements and coupon payments for lost bonds and coupons.

**Position Receiving Delegation:**  
Director of Debt Management

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer



# Delegations

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**Duty or Responsibility Delegated:**  
Signing replacement bonds (Commonwealth of Virginia, VCBA, VPBA, VPSA).

**Position Receiving Delegation:**  
Director of Debt Management

\*\*\*\*\*

**Title of Chief Executive Officer**  
State Treasurer

**Duty or Responsibility Delegated:**  
Administer Escheats Generally statutes. [§§ 55-168 through 55-201.1]

**Position Receiving Delegation:**  
Director of Abandoned Property

\*\*\*\*\*

**Title of Chief Executive Officer**  
State Treasurer

**Duty or Responsibility Delegated:**  
Administer Uniform Disposition of Unclaimed Property Act. [§§ 55-210.1 through 55-201.30]

**Position Receiving Delegation:**  
Director of Abandoned Property

\*\*\*\*\*

**Title of Chief Executive Officer**  
State Treasurer

**Duty or Responsibility Delegated:**  
Establish procedures for depositing state monies.

**Position Receiving Delegation:**  
Director of Cash Management and Investments

\*\*\*\*\*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Invest state monies and bond proceeds and arrange for custody of securities purchased.

**Position Receiving Delegation:**  
Director of Cash Management and Investments

\*\*\*\*\*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Administer the Security for Public Deposits Act.

**Position Receiving Delegation:**  
Director of Cash Management and Investments

\*\*\*\*\*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Transfer monies between depositories.

**Position Receiving Delegation:**  
Director of Cash Management and Investments

\*\*\*\*\*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Act as custodian for collateral posted by insurance companies.

**Position Receiving Delegation:**  
Director of Cash Management and Investments

\*\*\*\*\*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Procure banking services; maintain banking relationships.

**Position Receiving Delegation:**  
Director of Cash Management and Investments

\*\*\*\*\*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Disburse state monies.

**Position Receiving Delegation:**  
Director of Operations

\*\*\*\*\*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Receive checks for payment to state, deposit funds into state's bank account and maintain transaction records.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Maintain list of warrants drawn upon state treasury.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Maintain state treasury bank accounts.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Report and remit unrepresented checks if older than one year.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Present copies of checks as submission of evidence in court proceedings.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Provide financial statements and other information for annual report.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**

State Treasurer

**Duty or Responsibility Delegated:**  
Approve VSRS purchase and sale confirmations.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Release checks for hand pickup normally released through mail.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Administer stop payment on checks and reissue.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Authorize agency expenditures.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Maintain trust account for which Treasurer is trustee.

**Position Receiving Delegation:**  
Director of Operations

\* \* \* \* \*

**Title of Chief Executive Officer:**  
State Treasurer

**Duty or Responsibility Delegated:**  
Maintains agency's security system and access.

# Delegations

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**Position Receiving Delegation:**

Director of Operations

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The chief executive officers and supervisory boards listed below have advised the Registrar of Regulations that no duties or responsibilities falling within the purview of § 1-17.2 of the Code of Virginia are delegated. Notification letters are on file in the Office of the Registrar of Regulations.

Alcoholic Beverage Control Board

Executive Director  
Governor's Employment and Training Department

Administrator  
Council on the Environment

Director  
State Council of Higher Education

Director  
Science Museum of Virginia

Administrative Coordinator  
Commonwealth's Attorneys' Services and Training Council

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## STATE AIR POLLUTION CONTROL BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution: Kraft Pulp Mill Rule (4-13)**. The purpose of the proposed regulation is to require the owner/operator to limit total reduced sulfur emissions from the kraft pulp mill to a level resultant from the use of reasonably available control technology and necessary for the protection of public welfare.

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Written comments may be submitted until December 15, 1987.

**Contact:** M. E. Lester, Division of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Va. 23240-0089, telephone (804) 786-7564

## AUCTIONEERS BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Auctioneers Board intends to consider amending regulations entitled: **Rules and Regulations for the Registration of Auctioneers**. The purpose of the proposed amendments is to provide clarification to existing regulations regarding the Registration of Auctioneers.

Statutory Authority: §§ 54-824.9:1 and 54-824.9:3 of the Code of Virginia.

Written comments may be submitted until October 31, 1987.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free 1-800-552-3016)

## DEPARTMENT OF COMMERCE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider promulgating regulations entitled: **Asbestos Licensing Regulations**. The purpose of the proposed regulation is to carry out the provisions of Chapter 7, § 54-145.10:11 of Title 54, regarding training and licensing of any person or entity engaging in work as an asbestos worker, contractor/supervisor, or inspector.

Statutory Authority: § 54-145.5 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

**Contact:** Peggy Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8595, SCATS 327-8595 or toll-free 1-800-552-3016

## DEPARTMENT OF CORRECTIONS

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Corrections intends to consider amending regulations entitled: **Standards for Youth Institutional Services Facilities**. The purpose of the proposed regulation is to provide standards for operating learning centers with respect to the provision of adequate care, treatment, and supervision; and suitable education, training, and employment of such children committed to the Department of Corrections.

Statutory Authority: §§ 53.1-5, 53.1-248 and 53.1-249 of the Code of Virginia.

Written comments may be submitted until November 30, 1987, to Tom Foster, Manager Division of Youth Services, Region II, 11150 Main Street, Suite 500, Fairfax, Virginia 22030.

**Contact:** Thaddeus Aubry, Manager, State & Local Youth Facilities, 11150 Main St., Suite 500, Fairfax, Va.

## General Notices/Errata

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22030-5066, telephone (703) 591-9422 or SCATS 466-3084

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Corrections intends to consider amending regulations entitled: **Standards for Pre and Post Dispositional Group Homes**. The purpose of the proposed regulations is to provide standards for operating locally and state-administered pre and post dispositional group homes with respect to the provision of adequate care, treatment, and supervision; and suitable education, training and employment of such children ordered or referred to said facilities by the Juvenile Court and other youth-serving agencies.

Statutory Authority: §§ 16.1-311, 53.1-5, and 53.1-249 of the Code of Virginia.

Written comments may be submitted until November 30, 1987, to Mary Johnson, Manager, Division of Youth Services, Region IV, 540 East Constance Road, Suffolk, Virginia 23434.

**Contact:** Thaddeus Aubry, Manager, State & Local Youth Facilities, 11150 Main St., Suite 500, Fairfax, Va. 22030, telephone (703) 591-9422 or SCATS 466-3084

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Corrections intends to consider amending regulations entitled: **Standards for Family Group Homes**. The purpose of the proposed regulations is to provide standards for operating locally and state-administered family group homes with respect to the provision of adequate care, treatment, and supervision, and suitable education, training, and employment of such children ordered or referred to said homes by the Juvenile Court and other youth-serving agencies.

Statutory Authority: §§ 16.1-311, 53.1-5 and 53.1-249 of the Code of Virginia.

Written comments may be submitted until November 30, 1987, to William Lieb, Director, Family Group Home of Charlottesville, P. O. Box 155, Charlottesville, Va. 22902.

**Contact:** Thaddeus Aubry, Manager, State & Local Youth Facilities, 11150 Main St., Suite 500, Fairfax, Va. 22030, telephone (703) 591-9422 or SCATS 466-3084

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of

Corrections intends to consider amending regulations entitled: **Standards for Outreach Detention**. The purpose of the proposed regulation is to provide standards for operating locally and state-administered pre and post dispositional outreach, outreach detention and intensive supervision programs with respect to the provision of adequate care, treatment, and supervision, and suitable education, training and employment of such children ordered to said programs by the Juvenile Court.

Statutory Authority: §§ 16.1-311, 16.1-233 and 53.1-5 of the Code of Virginia.

Written comments may be submitted until November 30, 1987.

**Contact:** Eleanor Dye, Manager, State & Local Youth Facilities, 5306-A Peters Creek Road, Roanoke, Va. 24019, telephone (703) 982-7186 or SCATS 676-7244

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Corrections intends to consider amending regulations entitled: **Minimum Standards for Court Services in Juvenile and Domestic Relations District Courts**. The purpose of the proposed regulation is to provide standards to aid in the effective operation of the Court Service Units in each of the Juvenile and Domestic Relations District Courts in Virginia by defining their roles, ensuring that services are delivered in an appropriate manner, and establishing criteria that will ensure that the quality and quantity of services provided are sufficient to meet the needs of the courts and the public.

Statutory Authority: §§ 16.1-233 and 53.1-5 of the Code of Virginia.

Written comments may be submitted until November 30, 1987.

**Contact:** Austen C. Micklem, Jr., Regional Administrator, Division of Youth Services, Fifty/Sixty Six Bldg., 11150 Main St., Fairfax, Va. 22030, telephone (703) 591-9422

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Corrections intends to consider amending regulations entitled: **Standards for Secure Detention**. The purpose of the proposed regulation is to provide standards for operating locally administered secure detention facilities and programs with respect to the provision of adequate care, treatment, and supervision, and suitable education and training of such children ordered to said facilities, pre-dispositionally or post-dispositionally by the juvenile court.

Statutory Authority: §§ 16.1-284.1.E, 16.1-311 and 53.1-5 of the Code of Virginia.

Written comments may be submitted until November 30, 1987, to Kitty Hardt, Manager, Division of Youth Services, Region III, 302 Turner Road, Richmond, Virginia 23225.

Contact: Thaddeus Aubry, Manager, State & Local Youth Facilities, 11150 Main St., Suite 500, Fairfax, Va. 22030-5066, telephone (703) 591-9422 or SCATS 466-3084

## STATE BOARD OF EDUCATION

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider promulgating regulations entitled: **Regulations Governing Education Programs in Secure Regional Detention Homes and Certain Local Detention Homes**. The purpose of the proposed regulation is to provide standards for the operation of education programs in secure regional detention homes and certain local detention homes.

Statutory Authority: §§ 22.1-16 and 22.1-209.2 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

Contact: Nancy W. Haynes, Supervisor Institutional & Related Services, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2883, SCATS 335-2883 or toll-free 1-800-422-2083

## DEPARTMENT OF HEALTH Division of Water Programs

### † 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: **Commonwealth of Virginia/State Board of Health, Waterworks Regulations**. The purpose of the proposed amendments is to update Drinking Water Standards, current treatment technology and update other Design Requirements, etc.

Statutory Authority: § 32.1-164 of the Code of Virginia.

Written comments may be submitted until November 9, 1987, to Allen Hammer, P.E., Director, Bureau of Water Supply Engineering, Department of Health, 109 Governor

Street, James Madison Building, Room 927, Richmond, Virginia 23219.

Contact: E. Paul Farrell, Jr., Applications Engineer, Department of Health, Division of Water Programs, 109 Governor St., Madison Bldg., Room 927, Richmond, Va. 23219, telephone (804) 786-1758

## DEPARTMENT OF MEDICAL ASSISTANCE 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 Medical Assistance Services intends to consider amending regulations entitled: **Cost Report Filing Requirements and Audit Requirements Applicable to Provider Reimbursement**. The purpose of the proposed regulation is to establish requirements, applicable to all provider types, for financial information, to be filed by providers, which is needed to settle cost reports; establish new requirements for mandatory nursing home audits.

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

Written comments may be submitted until November 9, 1987.

Contact: N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7931

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Rehabilitative Services**. The purpose of the proposed regulations is to make certain modifications to existing regulations regarding inpatient/outpatient admission authorization requirements increase professional staff providing cognitive therapy, define rehabilitative nursing, technical corrections.

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

Written comments may be submitted until November 9, 1987.

Contact: Tinnie B. Conover, Manager, Institutional Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

# General Notices/Errata

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## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Extended Repayment Schedule**. The purpose of the proposed amendments is to provide for the director's discretion to extend the schedule of repayments beyond the current 12 months when undue hardship may result from the current schedule. Medicaid providers shall make repayments when they are found to have received overpayments.

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

Written comments may be submitted until 5 p.m., October 26, 1987.

**Contact:** N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7931

## VIRGINIA BOARD OF OPTOMETRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Optometry intends to consider amending regulations entitled: **Regulations of the Virginia Board of Optometry**. The purpose of the proposed amendment is to raise fees so that the board can collect adequate revenue to cease operating with a deficit.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until October 28, 1987.

**Contact:** Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

## 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: **Agency Placement Adoptions**. The purpose of the proposed amendments is to clarify and strengthen agency placement adoption policy to facilitate the more timely and appropriate placement of children who have become

permanently and legally separated from their birth parents. The amended regulations will implement Senate Bill 334, promote the use of adoptive assistance in agency placements which has been a barrier to adoption, and strengthen local agency decision making. Particular focus on Adoption Assistance (Subsidy) and policy to enact Senate Bill 334.

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

Written comments may be submitted until November 12, 1987.

**Contact:** Brenda Kerr, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9081

### 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: **Child Day Care Program As It Relates To The Provision And Payment For Child Day Care Services**. The purpose of the proposed amendments is to improve the child day care program by assuring approved providers a reasonable rate of pay, and by assuring eligible families full choice among licensed providers.

Statutory Authority: §§ 63.1-25, 63.1-55, 63.1-133.24 and 63.1-248.6 of the Code of Virginia.

Written comments may be submitted until November 2, 1987.

**Contact:** Paula S. Mercer, Child Day Care Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9032 (toll-free 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 amending regulations entitled: **Foster Care**. The purpose of the proposed amendments is to strengthen foster care policy to facilitate the achievement of permanent plans for children committed or entrusted to a local agency in a timely manner. These changes will implement Senate Bill 334 and enhance state compliance to Public Law 96-272.

Statutory Authority: §§ 16.1-382, 16.1-281 and 63.1-25 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

**Contact:** Pamela T. Fitzgerald, Child Welfare Supervisor,

Department of Social Services, 8007 Discovery Dr.,  
Richmond, Va. 23229-8699, telephone (804) 281-9081

### Division of Licensing Programs

#### 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: **Standards and Regulations for Licensed Homes for Adults**. The purpose of the proposed action is to (i) amend standards relating to residents' rights, (ii) revise definition of "nursing and convalescent care," (iii) amend standards addressing the maintenance of records, (iv) amend standards relating to the maintenance of residents' personal funds, (v) revise definition of "maintenance and care," (vi) amend planned activity requirement, and (vii) review standards relating to restraints.

Statutory Authority: §§ 63.1-25 and 63.1-174 of the Code of Virginia.

Written comments may be submitted until November 30, 1987.

**Contact:** Jeffrey A. Setien, Program Development Supervisor, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

### DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Transportation intends to consider promulgating regulations entitled: **Minimum Standards of Entrances to State Highways**. The purpose of the proposed regulation is to establish guidelines for controlling the use of highway right-of-way where it is necessary to provide access to commercial, private and industrial properties abutting state roads.

Statutory Authority: §§ 33.1-12, 33.1-197 and 33.1-198 of the Code of Virginia.

Written comments may be submitted until February 23, 1988.

**Contact:** John L. Butner, Assistant State Traffic Engineer, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2965

### STATE WATER CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **Rappahannock River Basin Water Quality Management Plan**. The purpose of the proposed regulation is to set forth measures for the State Water Control Board to implement in order to reach and maintain applicable water quality goals in general terms and also by establishing numeric loading for five day biochemical (BOD5) and/or nitrogenous oxygen (NOD5).

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

Written comments may be submitted until 5 p.m., November 27, 1987.

**Contact:** Dale F. Jones, Office of Water Resources Planning, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6422, SCATS 327-6422

## GENERAL NOTICES

### DEPARTMENT OF HEALTH

#### † Notice

At its regular meeting September 16, 1987, the Virginia Statewide Health Coordinating Council approved the following for publication within the 1987 State Medical Facilities Plan:

1987 STATE MEDICAL FACILITIES PLAN  
PART I: MEDICAL FACILITIES STATISTICAL UPDATE  
B. 1987 STATEWIDE INVENTORY AND ANALYSIS  
9.0 NURSING HOME SERVICES

TABLE 9.1 (Partial)

HSA	PD	Projected Gross Bed Need		HSA	PD	Projected Gross Bed Need	
		1987	1993			1987	1993
I	6	1,438	1,489	IV	13	586	603
	7	807	828		14	513	528
	9	340	353		15	3,691	3,760
	10	740	756		19	999	1,025
	16	483	499		TOTAL HSA IV	5,789	5,916
TOTAL HSA I		4,028	4,125				
II	8	4,481	4,655	V	17	379	395
					18	536	552
					20	4,616	4,738
					21	1,862	1,928
III	1	551	566	TOTAL HSA V	22	333	339
	2	447	462		7,726	7,952	
	3	1,154	1,181		TOTAL HSA V	7,726	7,952
	4	665	683				
	5	2,117	2,153		STATE TOTAL	29,693	30,508
	11	1,185	1,209				
	12	1,550	1,606				
TOTAL HSA III		7,469	7,860				



# General Notices/Errata

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The balance of the 1987 State Medical Facilities Plan has not yet been approved for publication. For further information, contact John P. English, Acting Director, Division of Health Planning, Virginia Department of Health, James Madison Building, Room 1010, Richmond, Virginia 23219, telephone (804) 786-4891.

## 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: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

### FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01  
NOTICE OF COMMENT PERIOD - RR02  
PROPOSED (Transmittal Sheet) - RR03  
FINAL (Transmittal Sheet) - RR04  
EMERGENCY (Transmittal Sheet) - RR05  
NOTICE OF MEETING - RR06  
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08

Copies of the 1987 Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

## ERRATA

### VIRGINIA STATE BOARDS OF MEDICINE AND NURSING

#### Title of Regulation:

VR 465-07-1. Virginia State Board of Medicine.  
VR 495-02-1. Virginia State Board of Nursing. Regulations Governing the Certification of Nurse Practitioners.

Publication: 3:23 V.A.R 2720-2725 August 17, 1987

#### Correction:

Page 2723, § 2.5 should read: § 2.5. Renewal of *certification*. instead of § 2.5. Renewal of certificate.

Page 2723, § 2.6.B.1.c should read: c. Present evidence that he is *competent* to resume... instead of c. Present evidence that he is currently to resume...

Page 2724, § 5.1.A.4 should read: 4. Has violated or cooperated in the violation of the laws or regulations... instead of 4. Has violated or cooperated in the violation of the laws of regulations...

Page 2724, § 5.1.A.6 should read: 6. ....state or federal, relating to the *possession*, use... instead of 6. ....state or federal, relating to the profession, use...

Page 2725, § 5.2.C should read: C. ...the Board of Nursing, the nurse practitioner *certificate* shall be... instead of C. ...the Board of Nursing, the nurse practitioner shall be...

# CALENDAR OF EVENTS

## Symbol Key †

† Indicates entries since last publication of the Virginia Register

### NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

### VIRGINIA CODE COMMISSION

### EXECUTIVE

#### STATE AIR POLLUTION CONTROL BOARD

† November 10, 1987 - 10 a.m. - Public Hearing  
Chesterfield County Central Library, Lori Road,  
Chesterfield, Virginia

Following a 30-day comment period, a public hearing will be held on a permit application from Virginia Power to construct and operate two combined cycle gas turbine power plants at its Chesterfield Power Station in Chester, Virginia.

Contact: Robert L. Beasley, Director, 8205 Hermitage Rd.,  
Richmond, Va. 23228, telephone (804) 264-3067

† November 23, 1987 - 9 a.m. - Open Meeting  
General Assembly Building, Capitol Square, Senate Room  
A, Richmond, Virginia. ☒

A general meeting of the board.

Contact: Dick Stone, State Air Pollution Control Board, P.  
O. Box 10089, Richmond, Va. 23240, telephone (804)  
786-5478

#### ALCOHOLIC BEVERAGE CONTROL BOARD

November 4, 1987 - 9:30 a.m. - Open Meeting  
November 17, 1987 - 9:30 a.m. - Open Meeting

2901 Hermitage Road, Richmond, Virginia. ☒

A meeting to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, 2901 Hermitage Rd.,  
Richmond, Va., telephone (804) 257-0617

\* \* \* \* \*

November 19, 1987 - 10 a.m. - Public Hearing  
2901 Hermitage Road, 1st Floor Hearing Room, Richmond,  
Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Alcoholic Beverage Control Board intends to adopt and amend regulations concerning the possession, sale, distribution and consumption of alcoholic beverages. The proposed amendments will affect the following six categories:

Procedural Rules for the Conduct of Hearings Before the Commission and its Hearing Officers and the Adoption or Amendment of Regulations (VR 125-01-1);

Advertising (VR 125-01-2);

Tied-House (VR 125-01-3);

Requirements for Product Approval (VR 125-01-4);

Retail Operators (VR 125-01-5);

Manufacturers and Wholesalers Operators (VR 125-01-6).

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted no later than 10 a.m. on November 19, 1987.

Contact: Robert N. Swinson, Secretary, P. O. Box 27491,  
2901 Hermitage Rd., Richmond, Va. 23261, telephone (804)  
257-0616

#### STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

† November 6, 1987 - 9 a.m. - Open Meeting  
Travelers Building, 3600 West Broad Street, 5th Floor,

# Calendar of Events

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Richmond, Virginia. ☒

A meeting to (i) approve minutes of the September 11, 1987 meeting; (ii) review disciplinary cases; and (iii) review correspondence.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

\* \* \* \* \*

**November 6, 1987 - 10 a.m. – Public Hearing**  
Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to adopt, amend and repeal regulations entitled: VR 130-01-2. Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects. The purpose of the regulations is to regulate the practice of architects, professional engineering, land surveying and certified landscape architecture and the professional corporations and business entities offering these professions.

Statutory Authority: § 54-25 of the Code of Virginia.

Written comments may be submitted until November 6, 1987.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555 (toll-free 1-800-552-3016)

## State Board of Land Surveyors

† **November 5, 1987 - 1 p.m. – Open Meeting**  
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the August 7, 1987 meeting; (ii) review applications; and (iii) review enforcement cases.

## State Board of Professional Engineers

† **November 17, 1987 - 9 a.m. – Open Meeting**  
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to approve minutes of the August 4, 1987 meeting; (ii) review applications; and to (iii) review enforcement cases.

Contact: Bonnie S. Salzman, Assistance Director,

Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8512

## VIRGINIA BOATING ADVISORY BOARD

† **November 19, 1987 - 10 a.m. – Open Meeting**  
Naval Surface Weapons Center, Dalgren, Virginia. ☒

A joint general quarterly meeting with the Maryland Boating Act Advisory Board.

Contact: Wayland W. Rennie, 8411 Patterson Avenue, Richmond, Va. 23227, telephone (804) 740-7206

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

**November 20, 1987 - 10 a.m. – Open Meeting -**  
Fourth Street State Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to consider (i) requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) to approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752

## CHESAPEAKE BAY COMMISSION

† **November 12, 1987 - 9:30 a.m. – Open Meeting**  
† **November 13, 1987 - 9:30 a.m. – Open Meeting**  
The Tides Inn, Irvington, Virginia

Topics on the agenda will include the 1987 Chesapeake Bay Agreement and legislative proposals for the 1988 General Assembly sessions.

Contact: Margaret R. Johnston, 60 West St., Suite 200A, Annapolis, MD 21401, telephone (301) 263-3420

## CHILD DAY-CARE COUNCIL

† **November 12, 1987 - 9 a.m. – Open Meeting**  
† **November 13, 1987 - 8:30 a.m. – Open Meeting**  
Holiday Inn Civic Center, 501 Orange Avenue, Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A general meeting of the council. An agenda will be available prior to the meeting.

Contact: Meredyth Partridge, 8007 Discovery Dr.,  
Richmond, Va. 23229, telephone (804) 281-9025

## BOARD OF COMMERCE

† November 20, 1987 - 10:30 a.m. - Open Meeting  
Department of Commerce, Travelers Building, 3600 West  
Broad Street, 5th Floor, Conference Room 1, Richmond,  
Virginia. ☐

A tentative meeting of the board. Agenda items may  
include additional consideration of subcommittee  
reports on current Board of Commerce legislatively  
mandated studies:

1. The Study of the Desirability of Regulating the  
Profession of Real Estate Appraisers. HJR 198
2. The Study of the Need for Certifying Interior  
Designers. HJR 245
3. The Study of the Need to Establish a Private  
Investigator's Board. SJR 144
4. The Study of Issues Relating to the Practice of  
Public Accountancy. HB 1019

Contact: Catherine M. Walker, Policy Analyst, 3600 W.  
Broad St., 5th Fl, Richmond, Va. 23230, telephone (804)  
257-8564

## DEPARTMENT OF COMMERCE (BOARD OF)

† December 29, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room  
D, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of  
the Code of Virginia that the Department of  
Commerce intends to amend regulations entitled: **VR  
190-03-01. Polygraph Examiners Regulations.** The  
purpose of this action is to regulate polygraph  
examiners and interns by establishing standards of  
education, experience and training to assure only  
qualified individuals become licensed and to assure  
valid polygraph examinations are performed.

### STATEMENT

#### 1. Statement of purpose:

Chapter 27 (§ 54-916 et seq.) of Title 54 of the Code of  
Virginia provides authority for the Director of the  
Department of Commerce (formerly the Department of  
Professional and Occupational Regulation) to promulgate  
regulations necessary to regulate polygraph examiners. The  
purpose of the proposed regulation is to assure the public

is protected through competent polygraph examiners using  
valid procedures in the most cost effective and least  
burdensome manner available. Competent polygraph  
examiners are assured through education, experience,  
specialized training and licensing examination requirements  
which are substantially unchanged from the current  
regulation. The proposed regulation adds a fee for  
subsequent licensing examinations and requires that all  
parts of the licensing examination be passed at a single  
administration. Valid polygraph procedures are assured  
through the Standards of Practice provisions which are  
substantially revised in the proposed regulation.

#### 2. Estimated impact:

A. The proposed regulation will affect directly  
approximately 320 licensed polygraph interns.

B. The projected cost to those already licensed is  
estimated to be \$100 to \$20,000 annually. Those conducting  
criminal examinations for law-enforcement agencies will  
not have to comply with the tape recording requirements  
and will incur the lowest compliance cost (\$100 license  
renewal). Those in commercial practice and those in law  
enforcement conducting noncriminal examinations may  
incur an initial cost of several hundred to several  
thousand dollars to purchase tape recording equipment and  
a recurring cost for tape purchase and storage of as much  
as \$10 for each examination they are required to record.  
An examiner conducting 12 examinations a day could  
conduct a total of 3,000 examinations per year for a tape  
cost of \$30,000 at \$10 a tape. It should be noted that the  
proposed regulation does not compel the licensee to record  
each examination administered, rather it provides the  
examinee the option of having the examination tape  
recorded. Those who want to apply for a license will incur  
an additional cost of \$1,000 to \$10,000 in license fees,  
school tuition and lost wages while meeting the  
requirements of licensure.

The costs will be paid by the licensee's clients who will  
pass the costs on to the consuming public in the form of  
higher prices for goods and services.

C. The projected cost to the agency for implementation  
and enforcement is expected to be \$35,000 annually. The  
proposed regulation may be enforced by examining  
licensees' records and, when available, listening to  
examination recordings to evaluate compliance. No  
significant additional impact is anticipated for agency  
implementation and enforcement.

D. All revenue will come from license application,  
license renewal and examination fees. Funds for  
administering the regulation will come from part of the  
special dedicated revenue appropriated to the Department  
of Commerce. The proposed fee schedule is as follows:

Polygraph License Renewal	\$100
Polygraph License Original Application	125
Polygraph Intern Registration	35

# Calendar of Events

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3. The legal authority for the Department of Commerce to promulgate the proposed regulation is found in Chapter 27 (§ 54-916 et seq.) of Title 54 of the Code of Virginia.

4. Assurance from the Office of the Attorney General of statutory authority for this proposed regulation was received. The comments made by the Office of the Attorney General in the letter were implemented through revisions to the draft regulation. This proposed regulation has again been reviewed by the Office of the Attorney General, who has provided verbal assurance of a statutory authority.

5. The proposed regulation is needed to continue implementation of Chapter 27 of Title 54 of the Code of Virginia and to assure the public is protected through competent polygraph examiners performing valid examinations. Without the proposed regulation, licensees, interns, their clients and the public would have no means to assure that polygraph examiners are properly qualified and are performing valid examinations.

6. This amended regulation is the result of the Robb Administration's regulatory review program. Continued clarity and simplicity were assured by revising only those sections of the existing regulation which the experience of the department has shown were in need of clarification and by using simple active sentences to the greatest extent possible. Also, the department has consulted with members of the Polygraph Examiners Advisory Board, the Office of the Attorney General and an individual learned in English grammar to aid clarification.

7. The proposed regulation applies to individual practitioners rather than businesses. Businesses using polygraph examination services will be impacted by increased fees charged for services necessary to cover the costs of tape recording equipment and tapes. Small businesses or organizations may be less able to absorb the increased cost and, as a result, may have to be more selective in deciding who is to be examined. Also, polygraph examinations are labor intensive and are available at a wide range of prices. Competition in the market may offset the cost increase to some degree. Public entities who use polygraph examinations for nonlaw enforcement purposes and private nonprofit entities will be impacted in the same manner. The increased cost to administer a polygraph examination is estimated at \$5.00 to \$20.

8. Consideration of the proposed revisions began on December 13, 1985 at the request of the Special Labor and Commerce Subcommittee Studying House Bill 1292—Establishing Public Employee Polygraph Protection Act (1985 Session). The subcommittee's recommendations were adopted as House Joint Resolution No. 52 by the 1986 General Assembly on February 10, 1986. A Notice of Intended Regulatory Action was published in the Virginia Register of Regulations on February 3, 1986, seeking public participation in the regulation formulation process. The elements of the subcommittee's recommendations

were made a part of the notice of intent. The response to the notice of intent and the specific recommendations of the HJR-52 were discussed with the Polygraph Examiners Advisory Board on March 4, 1986. As a result, the department decided to publish a second Notice of Intended Regulatory Action seeking comment in a number of areas suggested by the board and by the response to the first notice of intent. Also, the department decided to reject the following alternative approaches proposed by HJR-52:

1. Evaluation of license applicant's disposition of demeanor as a part of the licensing requirements because such evaluation is subjective to the point of being arbitrary.

2. Peer review procedures because no valid means of peer review is available.

After receiving response from the second notice of intent, which was published in the Virginia Register of Regulations on April 28, 1986, and discussing same with the Polygraph Examiners Advisory Board on June 17, 1986, the department decided to reject alternatives prohibiting accusatory interrogation and knowing coercion and intimidation in employment examinations because easily followed and enforced guidelines could not be found.

With the exception of the tape recording provision, the alternatives proposed have little, if any, impact because they establish as regulation those elements of polygraph practice necessary for valid examinations. Examiners now using valid procedures will feel little impact. The one exception is the requirement to tape record examinations if the examinee so requests. This will require expenditure to purchase suitable tape recording equipment and to purchase and maintain tapes. No other means could be found to make an objective record of what occurs during a polygraph examination where, typically, only the examiner and examinee are present. Access to the tapes will allow the department to objectively determine if the regulation was complied with.

The proposed regulation is the least burdensome alternative available.

9. The Department of Commerce will use its Public Participation Guidelines to aid in evaluating the proposed regulation after promulgation. According to these guidelines, the department will conduct an informational proceeding once in each biennium. This proceeding will take the form of a public proceeding at which public comment on the regulation will be solicited from interested parties on the department's mailing list and the general public. Any complaints concerning the regulation's proper address of problems occurring and proposals for regulation provision elimination will be carefully considered.

10. No forms or reports are mandated by the proposed regulation other than forms necessary to apply for and

renew licenses and a letter reporting that an intern has completed his internship and is eligible to take the licensing examination. Each form will require only identifying and other information necessary to determine qualification, account for fees and issue licenses.

The procedural requirements in the proposed regulation establishes standards of conduct for polygraph examiners which prescribe how polygraph examinations are to be conducted, restrict certain areas of questioning, specify standards which must be met before examination results may be reported and create minimum licensing standards. The procedural requirements are needed to assure only valid examinations are given by qualified examiners.

No new forms are required by the proposed regulation. Those forms in current use will be continued with slight modification.

11. The estimated date of publication of the proposed regulation in the Virginia Register of Regulations is October 26, 1987.

12. The public comment period will end on December 28, 1987. The proposed effective date is March 2, 1988.

Statutory Authority: § 54-917 of the Code of Virginia.

Written comments may be submitted until December 28, 1987.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8516/8563 (toll-free 1-800-552-3016)

## STATE BOARD FOR COMMUNITY COLLEGES

† November 5, 1987 - 2 p.m. – Open Meeting  
Roanoke Hotel, Shenandoah Room, Roanoke, Virginia

The board committee will meet at 11 a.m. and a regular board meeting at 2 p.m.

Contact: Joy S. Graham, telephone (804) 225-2126

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Falls of the James Advisory Committee

† November 20, 1987 - noon – Open Meeting  
Richmond City Hall, 3rd Floor Conference Room, Richmond, Virginia. ☐

A regular meeting to discuss general business and issues affecting the portion of the James River that

runs through the City of Richmond.

Contact: Richard G. Gibbons, Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-4132

## Virginia Soil and Water Conservation Board

† December 9, 1987 - 9 a.m. – Open Meeting  
Omni Richmond Hotel, Cary Street, Richmond, Virginia. ☐

A regular bi-monthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-4356

## STATE BOARD OF CORRECTIONS

November 18, 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: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

\* \* \* \* \*

December 16, 1987 - 10 a.m. – Public Hearing  
Department of Corrections, 4615 West Broad Street, Board Room, 3rd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Corrections intends to amend regulations entitled: **VR 230-30-001. Minimum Standards for Jails and Lockups.** The purpose of these regulations is to establish minimum standards for the administration and operation of jails and lockups.

Statutory Authority: §§ 53.1-5 and 53.1-68 of the Code of Virginia.

Written comments may be submitted until November 30, 1987.

Contact: Gayle L. Turner, Acting Manager, Certification Unit, Department of Corrections, 5001 West Broad St., Suite 300, Richmond, Va. 23230, telephone (804) 281-9240

# Calendar of Events

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## VIRGINIA BOARD OF DENTISTRY

**December 5, 1987 - 9 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C  
(Tentative), Richmond, Virginia. ☒

An informational hearing for the purpose of receiving comment on (i) regulation of administration of general anesthesia, conscious sedation and nitrous oxide oxygen inhalation analgesia; (ii) all restraint techniques; (iii) exam fees; (iv) Infectious disease control; (v) Posting Radiation Certification Certificates; and to (vi) review any new and existing regulations believed to be necessary by the public.

**Contact:** N. Taylor Feldman, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

## STATE BOARD OF EDUCATION

**November 16, 1987 - 9 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Rooms D & E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A regularly scheduled meeting to conduct business according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

**Contact:** Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va., telephone (804) 225-2540

**December 8, 1987 - 1:30 p.m. - Public Hearing**  
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

This meeting will constitute an official public hearing on the proposed permanent regulations governing Literary Loan Applications in Virginia. The proposed regulations are identical to emergency regulations which became effective on March 23, 1987.

**Contact:** M. E. Cale, Associate Superintendent for Financial and Support Services, Department of Education, P. O. Box 6-AG, Richmond, Va. 23216-2060, telephone (804) 225-2025

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

**December 8, 1987 - 1:30 p.m. - Public Hearing**  
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Department of Education intends to repeal existing regulations and adopt new regulations entitled: VR 270-02-0009. **Regulations Governing Literary Loan Applications in Virginia.** The purpose of the regulations is to prescribe the application process and release of funds for loans from the Literary Fund to school divisions for school construction.

**Statutory Authority:** §§ 22.1-16, 22-1-142 through 22.1-161 of the Code of Virginia.

Written comments may be submitted until December 11, 1987.

**Contact:** M. E. Cale, Associate Superintendent for Financial and Support Services, Department of Education, P. O. Box 6-Q, Richmond, Va. 23216-2060, telephone (804) 225-2025

## GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

**October 27, 1987 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

A regular monthly meeting to discuss and consider final reports of the commission's work. The agenda will be available prior to meeting.

**Contact:** Leonard L. Hopkins, Governor's Office, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

## VIRGINIA EMERGENCY RESPONSE COUNCIL

† **November 4, 1987 - 10 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒

A meeting to (i) update the formation of local emergency planning committees; (ii) plan for upcoming training seminars; and (iii) discuss Tier I/Tier II reporting.

**Contact:** Cheryl Cashman, Department of Waste Management, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

† **November 5, 1987 - 9 a.m. - Open Meeting**  
Holiday Inn Airport, 5203 Williamsburg Road, Richmond, Virginia

† **November 20, 1987 - 9 a.m. - Open Meeting**  
Best Western Springfield Inn, 6550 Loisdale Court, Springfield, Virginia

† **November 24, 1987 - 9 a.m. - Open Meeting**

Roanoke Civic Center, 710 Williamson Road, N.E.,  
Roanoke, Virginia

The council will conduct a conference on Title III, Superfund Amendments and Reauthorization Act of 1986 (SARA). The conference is designed to give an indepth overview of the requirements of Title III to elected and appointed officials of local governments, to emergency responders, and to industry representatives.

**Contact:** Norman S. McTague, Department of Emergency Services, 310 Turner Rd., Richmond, Va. 23225-6491, telephone (804) 323-2185

## COUNCIL ON THE ENVIRONMENT

† **November 5, 1987 - 10 a.m.** – Open Meeting  
City Council Chambers, Charlottesville, Virginia

This is a quarterly meeting of the council, and is open to the public. Topics to be discussed include a Policy for the Protection of Environmentally Significant Areas, the State Water Control Board's Groundwater Protection Strategy, the U.S. Forest Service's proposed Gypsy Moth IPM demonstration project, and state assumption of the Federal Underground Injection Control Program. Updates will be given on the draft Chesapeake Bay Agreement, the 1987 Coastal Resources Management Grant, and the Citizen River Basin Committees' recommendations. Citizens will be given an opportunity to address council during the Citizens Forum portion of the meeting.

**Contact:** Hannah Crew, Council on the Environment, Ninth Street Office Bldg., Room 903, Richmond, Va. 23219, telephone (804) 786-4500

## GOVERNOR'S MIGRANT AND SEASONAL FARMWORKERS BOARD

† **November 10, 1987 - 10:30 a.m.** – Open Meeting  
Handley Public Library, Braddock and Piccadilly Streets,  
Winchester, Virginia

A regular meeting of the board.

**Contact:** Marilyn Mandel, Director, Planning, Research and Policy Analysis, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2385

## VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**October 26, 1987 - 9 a.m.** – Open Meeting

**October 27, 1987 - 9 a.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

October 26, 1987 - Informal fact-finding conferences

October 27, 1987 - A general board meeting to certify candidates for the November, 1987, examination. Regulations may be discussed.

**November 16, 1987 - 9 a.m.** – Open Meeting

**November 17, 1987 - 9 a.m.** – Open Meeting  
Omni Charlottesville Hotel, 235 West Main Street,  
Charlottesville, Virginia.

November 16, 1987 - Examination - National Conference

November 17, 1987 - A meeting to administer the Virginia State Board Examination, and a general board meeting. Regulations may also be discussed.

**Contact:** Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

## BOARD OF GAME AND INLAND FISHERIES

† **October 29, 1987 - 1:30 p.m.** – Open Meeting  
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

The following board committees will meet to discuss related items:

Law and Education; Wildlife and Boat; Finance

Following the committee meetings on this date, the board members may meet informally to discuss the business on the agenda for the regular meeting of October 30, 1987.

**October 30, 1987 - 9:30 a.m.** – Open Meeting  
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

The board will act on proposed amendments to regulations VR 325-03-1.4 and VR 325-03-2.11 pertaining to the sale of hybrid striped bass and fishing in certain portions of Little River.

A presentation of the Morgan Award will be given to the outstanding hunter education instructor for the fiscal year 1987-88.

General administrative matters will be considered also.

**Contact:** Norma G. Adams, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000



# Calendar of Events

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board

**November 6, 1987 - 10 a.m. - Open Meeting**  
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, 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, 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 10, 1987 - 9:30 a.m. - Open Meeting**  
The College of William and Mary, Campus Center, Room C, Williamsburg, Virginia. ☐

A quarterly meeting.

**Contact:** Charles F. Scott, Department of General Services, Division of Risk Management, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 225-4619

### Division of Consolidated Laboratory Services

† **January 6, 1988 - 10 a.m. - Public Hearing**  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of General Services intends to adopt new regulations and repeal existing regulations entitled: **VR 330-02-02. Regulations for the Approval of Independent Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases.** The regulations establish procedural and technical criteria for the approval of independent laboratories to analyze blood for drugs in driving under the influence cases.

#### STATEMENT

##### 1. Statement of purpose:

Sections 18.2-266 and 18.2-268 of the Code of Virginia have been amended to permit drug determinations in blood samples from suspected drug-impaired drivers. Portions of these blood samples will be sent for drug analyses to the Division of Consolidated Laboratory Services (DCLS) and upon request of the accused, to "approved" independent laboratories. When analyses by

DCLS indicate the presence of one or more drugs, the approved independent laboratory will be directed to analyze the second portion of that blood sample to confirm the DCLS results.

These regulations describe the evaluation procedures and the minimum technical requirements for approval of independent laboratories by DCLS to perform drug determinations in blood from suspected drug-impaired drivers in Virginia and thereby insure accurate results.

##### 2. Estimated impact:

A. Number and types of regulated entities or persons affected - approximately five to 15 private analytical laboratories.

B. Projected cost to regulated entities for implementation and compliance - approximately \$500 per year or less. -

C. Projected cost to agency for implementation and enforcement - approximately \$5,000/year.

D. Source of funds - special funds recovered by application fees (\$300).

Statutory Authority: §§ 2.1-424, 2.1-426 and 18.2-268 of the Code of Virginia.

Written comments may be submitted until January 6, 1988.

**Contact:** Dr. Paul B. Ferrara, Director, Bureau of Forensic Science, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-2281

\* \* \* \* \*

† **January 6, 1988 - 10 a.m. - Public Hearing**  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of General Services intends to adopt new regulations and repeal existing regulations entitled: **VR 330-02-03. Regulations for the Approval of Independent Laboratories to Conduct Blood Alcohol Analysis in Driving Under Influence Cases.** The regulations describe the technical and administrative performance required to achieve and maintain approval for independent laboratories to conduct blood alcohol analysis.

#### STATEMENT

##### 1. Statement of purpose:

Section 18.2-268 of the Code of Virginia provides that the Division of Consolidated Laboratory Services shall approve laboratories to perform independent analysis of blood samples to determine the blood alcohol content of persons arrested for driving a motor vehicle under the influence

of alcohol.

The existing regulations, promulgated in November of 1984, are to be repealed and replaced with these revised regulations. These new proposed regulations more clearly describe the technical and administrative performance required to achieve and maintain an approval status. They also provide for a provisionally approved status to allow a laboratory an opportunity to correct deficiencies without being relegated to a nonapproved status.

## 2. Estimated impact:

A. Number and types of regulated entities or persons affected - approximately 15 private analytical laboratories.

B. Projected cost to regulated entities for implementation and compliance - approximately \$200 per year or less.

C. Projected cost to agency for implementation and enforcement - approximately \$2,000/year.

D. Source of funds - special funds recovered by application fees (\$100).

Statutory Authority: §§ 2.1-424, 2.1-426 and 18.2-268 of the Code of Virginia.

Written comments may be submitted until January 6, 1988.

**Contact:** Dr. Paul B. Ferrara, Director, Bureau of Forensic Science, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-2281

## VIRGINIA BOARD OF GEOLOGY

† **November 13, 1987 - 9 a.m.** - Open Meeting  
Travelers Building, 3600 West Broad Street, 5th Floor,  
Richmond, Virginia. ☐

A meeting to (i) approve minutes of the September 17, 1987 meeting, and (ii) review applications.

**Contact:** Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

\* \* \* \* \*

**November 13, 1987 - 10 a.m.** - Public Hearing  
Travelers Building, 3600 West Broad Street, Room 395,  
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Geology intends to adopt, amend, and repeal regulations entitled: **VR 335-01-2. Rules and Regulations of the Virginia Board of Geology.** The purpose is to regulate the certification of professional

geologists and their practice.

Statutory Authority: § 54-963 of the Code of Virginia.

Written comments may be submitted until November 3, 1987.

**Contact:** Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555 (toll-free 1-800-552-3016)

## VIRGINIA HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

**November 6, 1987 - 10 a.m.** - Open Meeting  
State Capitol, Capitol Square, House Room 4, Richmond,  
Virginia. ☐

The business of the meeting will consist of a program status report; a report on Title III of SARA, and discussions on criteria related to technical response team cost sharing; response reimbursement; and state/local government agreements.

**Contact:** Addison E. Slayton, Jr., State Coordinator, Department of Emergency Services, 310 Turner Rd., Richmond, Va. 23225, telephone (804) 323-2897

## DEPARTMENT OF HEALTH (STATE BOARD OF)

† **December 30, 1987 - 10 a.m.** - Public Hearing  
State Capitol, Capitol Square, House Room 1, Richmond,  
Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 that the Virginia Department of Health intends to amend regulations entitled: **VR 355-20-1. Ionizing Radiation Rules and Regulations.** These regulations cover radioactive materials and radiation producing machines; provide radiation protection standards.

## STATEMENT

**Legal authority:** Regulations governing sources of ionizing radiation are based on the requirements of § 32.1-229.4 of the Code of Virginia.

**Purpose:** The purpose of this amendment is to adopt changes made during the 1987 General Assembly as a result of House Bill 91.

The amendment also adopts the revisions of the model regulations in the document, Suggested State Regulations for Control of Radiation. The revisions reflect changes to the Federal Code which supersede sections of the regulations. The amended regulations correct the incompatibilities.

# Calendar of Events

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Responsibilities for regulations governing radioactive waste and transportation will be transferred to another agency.

Summary and analysis: The following amendments incorporate provisions required by House Bill 91.

The major proposed changes will include:

- \* Exempt from the registration requirements x-ray machines not used in the healing arts that are operated by remote control and which are not accessible to human beings during operation.

- \* Exempt from the registration requirements radiation producing machines used primarily for domestic purposes.

- \* Require registration of x-ray machines within 30 days after installation.

- \* Require an inspection of x-ray machine be scheduled within 30 days after installation.

- \* Require both the certification of each x-ray machine used in the healing arts and the display of the certificate by the registrant.

- \* Prescribe forms to be used in reporting results of radiation surveys.

- \* Deny the use of an x-ray machine in the practice of healing arts whenever certification is denied.

- \* Require payment of an annual fee for each x-ray tube used in the healing arts.

- \* Provide for inspection fees of x-ray equipment inspected by the Department of Health inspectors whenever the inspection is requested by the registrant. The inspection fees are based on the following types of machines:

- 1) General radiographic, veterinary, mammographic, chiropractic and podiatric machines.

- 2) Fluoroscopic and C-arm fluoroscopic machines.

- 3) Combination machines (general purpose - fluoroscopy).

- 4) Dental intraoral, panoramic and cephalometric machines.

- \* Regulate x-ray therapy machines generating 1 Mev or greater.

- \* Provide that a list of private inspectors be maintained and set the criteria for an individual to be placed on the list.

- \* The following amendments incorporate changes suggested by the model regulations.

The major changes will include:

- \* Include International Standard Units: Becquerels, Grays and Seiverts.

- \* Clarify provisions for veterinarians as holders of radioactive material licenses.

- \* Exempt Americium-241 in quantities less than .05 microcures, commonly found in smoke detectors.

- \* Clarify use of radioactive materials for certain *in vitro* clinical or laboratory testing by general licensees.

- \* Redefine composition of radiation safety committee for certain specific licenses for radioactive materials to include nursing staff and institution's management.

- \* Define periodic internal inspection and retention of records for sealed sources used in Industrial Radiography.

- \* Define exempt quantity of Ra-226 used in gas and aerosol detectors.

- \* Require a licensee to notify commissioner when activity authorized by specific license is permanently discontinued.

- \* Add radiopharmaceuticals to the list of the various groups of medical uses of radioactive materials.

- \* Eliminate prior approval of the commissioner for open field irradiators when access control devices are impractical.

- \* Specify disposal of specific wastes.

- \* Require testing the alarm system of industrial radiography installations at the beginning of each period of use.

- \* Require the licensee or registrant of industrial radiography installations to conduct an internal audit program of its activities authorized by its license.

- \* Require a physical radiation survey after each exposure in industrial radiography to confirm that the machine is "off."

- \* Require that all certified x-ray machine components operate according to manufacturers' specifications.

- \* Require that the fluoroscopy maximum entrance exposure rate be tested at Kvp and milliamperage that will yield maximum entrance exposure rate possible for unit instead of typical clinical Kvp.

- \* Require a private inspector to be physically present at the facility during the x-ray inspection.

- \* Provide that x-ray controls on podiatric and dental equipment which have a stretch cord be capable of

allowing the operator to stand in a protected position and require dosimetry for the operator. This also includes open by patient areas and dental facilities.

\* Require that PBL to operate properly on x-ray machines so equipped.

\* Redefine time and exposure reproducibility.

\* Set exposure limits for specific medical and dental projections.

\* Define the parameters to be tested in spot check measurements for teletherapy machines.

The following regulations governing radioactive waste and transportation will be transferred to another agency:

\* Intrastate Transportation of Radioactive Materials.

\* Annex T "Virginia Hazardous Radioactive Materials Transportation Act."

Statutory Authority: § 32.1-229.4 of the Code of Virginia.

Written comments may be submitted until 5 p.m. December 26, 1987.

**Contact:** Leslie P. Foldesi, Radiation Safety Specialist, Bureau of Radiological Health, 109 Governor St., Room 916, Richmond, Va. 23219, telephone (804) 786-5932 (toll-free 1-800-468-0138)

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

October 28, 1987 - 9:30 a.m. - Open Meeting

November 18, 1987 - 9:30 a.m. - Open Meeting

Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

A monthly business meeting of the council for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

**Contact:** Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-6371

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† November 4, 1987 - 9 a.m. - Open Meeting  
Norfolk State University, Norfolk, Virginia

A monthly council meeting. The agenda will be available on request.

**Contact:** Marla Richardson, 101 N. 14th St., 9th Floor,

Richmond, Va. 23219, telephone (804) 225-2638

## GOVERNOR'S COMMISSION TO STUDY HISTORIC PRESERVATION

October 29, 1987 - 7 p.m. - Public Hearing  
Roanoke Municipal Building, 215 Church Avenue, S.W., Council Chambers, Roanoke, Virginia

November 5, 1987 - 7 p.m. - Public Hearing  
Richmond City Hall, 900 East Broad Street, Council Chambers, Richmond, Virginia. ☐

November 10, 1987 - 7 p.m. - Public Hearing  
Jefferson/Madison Library, 201 East Market Street, Charlottesville, Virginia

November 12, 1987 - 7 p.m. - Public Hearing  
Frederick County Courthouse, 5 North Kent Street, Winchester, Virginia

November 18, 1987 - 7 p.m. - Public Hearing  
The Lyceum, 201 South Washington Street, Alexandria, Virginia

December 3, 1987 - 7 p.m. - Public Hearing  
Norfolk City Hall, 810 Union Avenue, Council Chambers, Norfolk, Virginia. ☐

A public hearing to receive comment on the preservation program in Virginia.

**Contact:** Margaret Peters, Information Officer, Division of Historic Landmarks, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

November 16, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-2. Certification of Tradesmen Standards.** The purpose of the amendments is to update minimum, statewide standards for the Certification of Tradesmen to be used by local governments that choose to require tradesmen who work within their boundaries to be certified.

Statutory Authority: § 15.1-11.4 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

# Calendar of Events

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**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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**November 16, 1987 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-04. Virginia Amusement Device Regulations/1987.** The purpose of these regulations is to provide uniform safety standards for the construction, maintenance, operation and inspection of amusement devices.

Statutory Authority: §§ 36-98 and 36-98.3 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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**November 16, 1987 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-6. Virginia Statewide Fire Prevention Code/1987.** The purpose of these regulations is to provide uniform fire prevention standards for the protection of life and property in the use and maintenance of buildings.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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**November 16, 1987 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of

the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code - Volume I - New Construction Code/1984.** The purpose is to provide for minimum safety to life and property for the construction and use of buildings and structures.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

\* \* \* \* \*

**November 16, 1987 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-22. Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code/1984.** The purpose is to provide uniform building maintenance standards for the protection of life and property in the use and maintenance of buildings.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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**November 16, 1987 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-31. Virginia Industrialized Building and Mobile Home Safety Regulations/1984.** The purpose of these amendments is to provide for safety to life and property from fire in manufactured buildings as defined in §§ 36-70 - 36-85.1 of the Code of Virginia.

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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**November 16, 1987 - 10 a.m. - Public Hearing**  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-41. Virginia Public Building Safety Regulations/1984.** These amendments are proposed to provide for safety to life and property from fire in public buildings.

Statutory Authority: § 27-72 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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**November 16, 1987 - 10 a.m. - Public Hearing**  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations.** The purpose of the amendment is to establish minimum general standards covering design, installation and operation of LP Gas equipment and the odorization thereof for the protection of health, welfare and safety of the people.

Statutory Authority: § 27-87 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

#### Amusement Device Technical Advisory Committee

**November 10, 1987 - 8:30 a.m. - Open Meeting**  
205 North Fourth Street, 7th Floor Conference Room,  
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, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

#### STATE HUMAN RIGHTS COMMITTEE

† **October 30, 1987 - 10 a.m. - Open Meeting**  
Southwestern Virginia Training Center, Hillsville, Virginia.  
☐

A regular meeting of the committee to discuss business related to human rights issues. Agenda items will be listed in advance.

**Contact:** Elsie D. Little, A.C.S.W., State Human Rights Director, P. O. Box 1797, Richmond, Va., telephone (804) 786-3988

#### INNOVATIVE TECHNOLOGY AUTHORITY

##### Board of Directors

† **October 29, 1987 - 10 a.m. - Open Meeting**  
Omni Hotel, 100 South 12th Street, Richmond, Virginia. ☐

A meeting to consider the operating plan for upcoming biennium.

**Contact:** Marcus J. Fisk, Director of Public Relations, Center for Innovative Technology, 13873 Park Center Rd., Herndon, Va. 23071, telephone (703) 689-3000

#### DEPARTMENT OF LABOR AND INDUSTRY

##### Virginia Apprenticeship Council

**November 5, 1987 - 9 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. ☐

A regular quarterly meeting. The public session begins at 9 a.m. and the council meeting is at 10 a.m.

**Contact:** Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

# Calendar of Events

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## **LIBRARY BOARD**

**November 7, 1987 - 9:30 a.m. – Open Meeting**  
Aurora Hills Branch, Arlington Department of Libraries,  
735 18th Street, South, Arlington, Virginia. ☒

A regular meeting to discuss administrative matters.

**Contact:** Jean K. Reynolds, Virginia State Library and Archives, 11th Street and Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

## **COMMISSION ON LOCAL GOVERNMENT**

† **November 9, 1987 - 10 a.m. – Open Meeting**  
† **November 10, 1987 - 10 a.m. – Open Meeting**  
The Homestead, Parlor A, Hot Springs, Virginia

A regular meeting to consider such matters as may be presented.

**Contact:** Barbara W. Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

## **LONG-TERM CARE COUNCIL**

**October 29, 1987 - 9:30 a.m. – Open Meeting**  
Ninth Street Office Building, Cabinet Conference Room, 6th Floor, Room 622, Richmond, Virginia. ☒

The council will discuss issues related to the development and coordination of long-term care services in Virginia.

**Contact:** Catherine P. Saunders, Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219, telephone (804) 225-2271

## **MARINE RESOURCES COMMISSION**

**November 5, 1987 - 9:30 a.m. – Open Meeting**  
† **December 1, 1987 - 9:30 a.m. – Open Meeting**  
Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia. ☒

The Virginia Marine Resources Commission will meet on the first Tuesday of each month, except November, which is a state holiday, at 9:30 a.m. in Newport News City Council Chambers, located at 2400 Washington Avenue, Newport News, Virginia. The commission will 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 will be 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 measure within 5 days.

**Contact:** Sandra S. Schmidt, Secretary to the Commission, 2401 West Ave., P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2206

## **DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)**

**November 30, 1987 –** Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-4.194. Nursing Home Payment System.** The purpose is to establish methods and standards for Medicaid reimbursement of nursing home providers.

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

Written comments may be submitted until November 30, 1987.

**Contact:** N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7931

## **COMMISSION ON MEDICAL CARE FACILITIES CERTIFICATE OF PUBLIC NEED**

**November 9, 1987 - 10 a.m. – Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room D & E, Richmond, Virginia. ☒

By Executive Order 31 (86) Governor Baliles created an advisory commission with two responsibilities: (i) to examine the effectiveness of the Certificate of Public Need program in controlling medical care costs while making good quality, accessible health care available to all Virginians; and (ii) if this examination demonstrates that the Commonwealth's existing health planning process no longer effectively meets these objectives, the commission shall assess alternatives and recommend revisions to the existing Certificate of Public Need process.

**Contact:** E. George Stone, State Health Department, James Madison Bldg., 109 Governor St., Room 1010, Richmond, Va. 23219, telephone (804) 786-6970

## VIRGINIA STATE BOARD OF MEDICINE

**November 4, 1987 - 10 a.m. - Open Meeting**  
**November 5, 1987 - 10 a.m. - Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

The informal conference previously scheduled for September 1, 1987 has been rescheduled for November 4 and 5, 1987. The committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

† **November 19, 1987 - 8:15 a.m. - Open Meeting**  
† **November 20, 1987 - 8:15 a.m. - Open Meeting**  
† **November 21, 1987 - 8:15 a.m. - Open Meeting**  
† **November 22, 1987 - 8:15 a.m. - Open Meeting**  
The Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ☒

The board will meet to review reports, interview licensees and make decisions on discipline matters before the board on Thursday, Friday, Saturday afternoon and Sunday. At 8:15 a.m. on Saturday, November 21, 1987, the full board will meet in open session and conduct general board business, review regulations governing the practice of nurse practitioners, physical therapy, physician assistants and discuss any other items which may come before the board.

## Chiropractic Examination Committee

† **December 11, 1987 - noon - Open Meeting**  
Embassy Suites Hotel, 2925 Commerce Center, Richmond, Virginia. ☒

The Chiropractic Examination Committee will meet in open and executive session for the purpose of reviewing and developing chiropractic questions for the January, 1988 exam.

## Informal Conference Committee

**October 27, 1987 - 1 p.m. - Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

**Contact:** Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

## VIRGINIA STATE BOARDS OF MEDICINE AND NURSING

**November 3, 1987 - 1:30 p.m. - Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

The committee will review and respond to proposed Regulations Governing the Certification of Nurse Practitioners - VR 465-07-1 and VR 495-02-1 and make recommendations to the Board of Medicine and Board of Nursing for final action on the regulations. Other matters related to the regulation of nurse practitioners may be considered.

**Contact:** Corinne F. Dorsey, Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

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

**October 28, 1987 - 10 a.m. - Open Meeting**  
Western State Hospital, Staunton, Virginia. ☒

A regular monthly meeting. The agenda will be published on October 21 and may be obtained by calling Jane Helfrich.

† **November 18, 1987 - 10 a.m. - Open Meeting**  
Southern Virginia Mental Health Institute, Danville, Virginia

A regular monthly meeting. The agenda will be published on November 11, 1987 and may be obtained by calling Jane Helfrich.

**Contact:** Jane V. Helfrich, State Board Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

## DEPARTMENT OF MINES, MINERALS AND ENERGY

† **January 6, 1988 - 10 a.m. - Public Hearing**  
Department of Mines, Minerals and Energy, 2201 West Broad Street, Conference Room, 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 adopt new regulations



# Calendar of Events

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and repeal existing regulations entitled: **VR 480-01-1. Public Participation Guidelines.** The proposed regulations are procedures for the solicitation and participation of interested parties in the initiation, development and adoption of regulations required by the law of the Commonwealth.

## STATEMENT

**Basis:** This regulation is promulgated pursuant to § 9-6.14:7.1 of the Code of Virginia, which requires all agencies to adopt public participation guidelines.

**Purpose:** The department currently is operating with two similar, but distinct sets of public participation guidelines. One set of guidelines applies to safety and drilling regulations, and the other set applies to environmental regulations. The department wishes to combine the best provisions of both sets of guidelines into a single, efficient procedure for regulatory review, development and adoption. The department also wishes to streamline the procedure by giving the person or group with the authority to promulgate regulations the discretion to choose certain authorized avenues of regulatory development best suited to the type of regulations being considered, while affording the public ample notice and opportunity to participate.

**Impact:** Mining and drilling industries in Virginia must comply with regulations to protect the safety of their workers and the quality of the environments in which they work. In a geographical area where mining and drilling operations are located, the public may be affected the safety aspects and the environmental aspects of such operations. The adoption of this regulation for initiating and developing regulatory changes will provide the public and the industry with a uniform procedure for participating in the regulatory process, avoiding confusion over which procedures apply. The regulation also will allow the agency to reduce the burden of time involved in the regulatory process without compromising the expressed purpose of full and active public participation.

In Virginia, the active operations include 550 coal mines, 50 oil wells, 573 natural-gas wells and 504 noncoal mineral mines. These operations may affect thousands of Virginia citizens.

Statutory Authority: §§ 9-6.14:7.1 and 45.1-3.1(4) of the Code of Virginia.

Written comments may be submitted until January 6, 1988.

**Contact:** Bill Edwards, Policy Analyst, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 257-0330

### Division of Mineral Mining Regulatory Review Committee

† **October 29, 1987 - 10 a.m.** – Open Meeting  
Division of Mineral Mining, 7705 Timberlake Road,

Lynchburg, Virginia

Subcommittee No. 4 will meet to review the mine safety rules and regulations governing the mining of metal and nonmetallic minerals and to make suggestions for needed revisions, if necessary.

† **November 4, 1987 - 10 a.m.** – Open Meeting

† **November 5, 1987 - 10 a.m.** – Open Meeting

Holiday Inn, Lynchburg, Virginia

A meeting to review all recommended changes of the safety and health regulations pertaining to the mining of minerals other than coal.

**Contact:** Bennie E. Owens, Division of Mineral Mining, 7705 Timberlake Rd., P. O. Box 4499, Lynchburg, Va. 24502, telephone (804) 239-0602

## NORFOLK STATE UNIVERSITY

### Board of Visitors

† **October 31, 1987 - 9 a.m.** – Open Meeting

Ramada Hotel - Old Town, 901 North Fairfax Street, Alexandria, Virginia

The purpose of the meeting is to discuss various issues pertaining to the University. A proposed agenda is available.

**Contact:** Gerald D. Tyler, Norfolk State University, 2401 Corprew Ave., Wilson-Hall-S340, Norfolk, Va. 23504, telephone (804) 623-8373

## VIRGINIA STATE BOARD OF NURSING

† **November 16, 1987 - 9 a.m.** – Open Meeting

† **November 17, 1987 - 9 a.m.** – Open Meeting

† **November 18, 1987 - 9 a.m.** – Open Meeting

Ramada Oceanside Tower and Conference Center, 57th and Oceanfront, Virginia Beach, Virginia. ☎ (Interpreter for deaf provided if requested) ☎

A regular meeting of the board to consider (i) matters related to nursing education programs, (ii) discipline of licensees, (iii) licensing by examination and (iv) endorsement and other matters under jurisdiction of the board. The board will also consider proposed Regulations Governing the Certification of Nurse Practitioners as recommended by the committee of the Joint Boards of Medicine and Nursing.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

## STATE BOARD OF PHARMACY

**November 4, 1987 - 9:30 a.m. – Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

A routine business meeting and adoption of proposed regulations.

**Contact:** Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9921

## ADVISORY BOARD ON PHYSICAL THERAPY

† **November 20, 1987 - 8:15 a.m. – Open Meeting**  
The Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ☒

A meeting to conduct general board business and respond to correspondence. The advisory board will also discuss any other items which may come before them.

**Contact:** Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

## BOARD OF COMMISSIONERS TO EXAMINE PILOTS

† **November 2, 1987 - 10 a.m. – Open Meeting**  
Hasler and Company, 121 Tazewell Street, Norfolk, Virginia

A meeting to receive the report of the committee to investigate point to point pilotage.

† **December 10, 1987 - 10 a.m. – Open Meeting**  
Hasler and Company, 121 Tazewell Street, Norfolk, Virginia

A meeting to conduct routine business at its regular quarterly business meeting.

**Contact:** David E. Dick, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/8563; or William L. Taylor, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

## VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† **October 26, 1987 - 1:30 p.m. – Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

An informal hearing.

**Contact:** Joyce D. Williams, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

## BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

**November 18, 1987 - 10:30 a.m. – Open Meeting**  
Virginia Beach Pavilion, Director's Conference Room, Virginia Beach, Virginia. ☒

A meeting to consider preproposals and proposals from various localities requesting matching grand funds from the board.

**Contact:** Jack E. Frye, P. O. Box 1024, Gloucester Point, Va. 23062, telephone (804) 642-7121

## VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

† **October 29, 1987 - 10 a.m. – Open Meeting**  
Department of Information Technology, 110 South 7th Street, 4th Floor, Richmond, Virginia. ☒

A quarterly meeting of the Virginia Public Telecommunications Board regarding public television and radio issues.

This meeting was previously scheduled to take place on Thursday, October 8, 1987 at 10 a.m., but was postponed until the date noted above.

**Contact:** Suzanne Piland, Department of Information Technology, 110 S. 7th St., 1st Floor, Richmond, Va. 23219, telephone (804) 344-5544

## VIRGINIA REAL ESTATE BOARD

**October 28, 1987 - 10 a.m. – Open Meeting**  
Walter E. Hollman U.S. Courthouse, 600 Granby Street, Norfolk, Virginia

To conduct a formal fact-finding hearing: Virginia Real Estate Board vs. Hollis Ergenbright.

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

# Calendar of Events

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## BOARD FOR RIGHTS OF THE DISABLED

**October 27, 1978 - 2 p.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room C & D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting of Board for Rights of the Disabled to review committee reports and biennial report.

### Education Committee

**October 27, 1987 - 11 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee's projects, completed and ongoing.

### Employment Committee

**October 27, 1987 - 11 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee's projects, completed and ongoing.

### Health Committee

**October 27, 1987 - 10 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Board Room, 15th Floor, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee assignments.

### Housing Committee

**October 27, 1987 - 10 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee's projects, completed and ongoing.

### Planning Committee

**October 27, 1987 - 10 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Rooms C & D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee projects, completed and ongoing.

### Transportation Committee

**October 27, 1987 - 10 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review projects, completed and ongoing.

### Steering Committee

**October 27, 1987 - noon - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Rooms C & D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review agenda for full board meeting.

**Contact:** Sarah A. Liddle, 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free in Virginia 1-800-552-3962)

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

**October 27, 1987 - 10 a.m. - Public Hearing**  
General Assembly Building, Capitol Square, House Appropriations, 9th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services intends to adopt regulations entitled: **VR 615-50-5. Fees for Services Provided by Local Departments of Social Services Related to Court Actions.** The purpose is to establish regulations and fee schedules for payment by the petitioner to the local department of social services for certain court ordered investigations.

Statutory Authority: §§ 14.1-114; 16.1-274; 63.1-25 and 63.1-236.1 of the Code of Virginia.

Written comments may be submitted until October 30, 1987.

**Contact:** Dorcas Douthit, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9818

\* \* \* \* \*

**November 13, 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 amend regulations entitled: **VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.** The purpose of the amendments is to define as the home, the house in which the applicant/recipient lives, the lot, and all property contiguous to the lot. For the purpose of establishing eligibility for assistance in the ADC and GR programs, the home is a disregarded resource.

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

Written comments may be submitted until November 13, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Thomas J. Steinhauser, Program Specialist, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

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November 27, 1987 – Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-48-02. Employment Services Program Policy.** The purpose of the amendments is to (i) eliminate applicant job search as a condition of eligibility for ADC & GR; and (ii) waive the recipient job search requirements for ESP recipients under 21 years who participate in education or training activities.

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

Written comments may be submitted until November 27, 1987.

Contact: Penelope Boyd Pellow, Assistant State Employment Services Supervisor, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9032 (toll-free 1-800-552-7091)

**Division of Licensing Programs**

November 12, 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, Division of Licensing Programs intends to adopt regulations entitled: **VR 615-31-02. Regulation for Criminal Record Checks.** The purpose is to protect children in those licensed facilities by

enforcing mandated requirements for criminal record checks.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

Contact: Sheila B. Rich, Program Development Supervisor, Blair Building, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

**VIRGINIA BOARD OF SOCIAL WORK**

† November 20, 1987 - 9:30 a.m. – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) discuss proposed regulations.

Contact: Beverly Putnam, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9914

**COMMONWEALTH TRANSPORTATION BOARD**

† November 19, 1987 - 10 a.m. – Open Meeting  
† December 17, 1987 - 10 a.m. – Open Meeting  
Department of Transportation, 1401 East Broad Street, 3rd Floor, Board Room, 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, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

**TREASURY BOARD**

November 18, 1987 - 9 a.m. – Open Meeting  
December 16, 1987 - 9 a.m. – Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Betty A. Ball, Department of Treasury, James

# Calendar of Events

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Monroe Bldg., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

## BOARD FOR THE VISUALLY HANDICAPPED

**November 4, 1987 - 10 a.m. - Open Meeting**  
397 Azalea Avenue, Administrative Headquarters, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☐

A bi-monthly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreement, and operating plan.

**Contact:** Diane E. Allen, Executive Secretary Senior, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3140, telephone (804) 264-3148

## VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

**November 4, 1987 - 8:30 a.m. & 2:30 p.m. - Open Meeting**  
**November 5, 1987 - 8:30 a.m. - Open Meeting**  
Marriott Inn, 900 Prices Fork Road, NW, Blacksburg, Virginia

**November 4:**  
8:30 a.m. - Council members will visit local vocational programs.  
2:30 p.m. - General session: Reports on visits to vocational programs, update on the marketing program for vocational education, and update on VOICC.

**November 5:**  
8:30 a.m. - Business session: Reports from the Virginia Department of Education, the Governor's Job Training Coordinating Council, and the Virginia Community College System.

**Contact:** George S. Orr, Jr., Executive Director, Virginia Council on Vocational Education, P. O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

## VIRGINIA VOLUNTARY FORMULARY BOARD

**November 20, 1987 - 10 a.m. - Public Hearing**  
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

The purpose of this hearing is to consider the proposed adoption and issuance of a revised Virginia Voluntary Formulary. The proposed revision to the Virginia Voluntary Formulary adds and deletes drugs

and drug products to the Formulary that becomes effective on November 1, 1987.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on November 20, 1987 will be made a part of the hearing record and considered by the board.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

## DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

**October 28, 1987 - 10 a.m. - Public Hearing**  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Waste Management intends to amend regulations entitled: **VR 627-30-1. Regulations Governing the Transportation of Hazardous Materials.** The purpose of this action is to adopt by reference the U.S. Department of Transportation Hazardous Materials Regulations already in effect.

Statutory Authority: §§ 10-266 and 10-305 of the Code of Virginia.

Written comments may be submitted until October 28, 1987, to William F. Gilley.

**Contact:** Cheryl Cashman, Information Officer, Virginia Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667 (toll-free 1-800-552-2075)

† **November 17, 1987 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A general business meeting to discuss proposed draft solid waste management regulations and the proposed draft infectious waste regulations; and possible amendments to public participation guidelines.

**Contact:** Cheryl Cashman, Information Officer, Virginia Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667 (toll-free 1-800-552-2075)

## STATE WATER CONTROL BOARD

† **November 8, 1987 - 7 p.m.** – Public Hearing  
Isle of Wight Courthouse, Highway 258, Board of Supervisors Room, Isle of Wight, Virginia

A hearing to receive comments on the proposed National Pollutant Discharge Elimination System (NPDES) Permit for Howard Johnson's Motel, Smithfield, Virginia. This proposed permit would allow a new discharge of treated domestic wastewater into Jones Creek, which flows into the lower James River.

**Contact:** Doneva A. Dalton, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

\* \* \* \* \*

**November 18, 1987 - 7 p.m.** – Public Hearing  
City of Charlottesville Council Chambers, City Hall, corner of 7th and Downtown Mall, Charlottesville, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-03. Upper James River Basin Water Quality Management Plan.** The purpose of the amendment is to revise poundage limits on the Rivanna River at Charlottesville.

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

Written comments may be submitted until November 30, 1987, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

**Contact:** Charles T. Mizell, Water Resources Development Supervisor, Valley Regional Office, State Water Control Board, P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595

## THE COLLEGE OF WILLIAM AND MARY

### Board of Visitors

† **October 29, 1987 - 3 p.m.** – Open Meeting  
† **October 30, 1987 - 8 a.m.** – Open Meeting  
College of William and Mary, Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting to receive reports from several committees and to act on those resolutions that are presented by the administrators 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:** College of William and Mary, Office of University Relations, James Blair Hall, Room 308, Williamsburg, Va. 23185, telephone (804) 253-4226

## COUNCIL ON THE STATUS OF WOMEN

† **November 9, 1987 - 8 p.m.** – Open Meeting  
Embassy Suites Hotel, The Commerce Center, 2925 Emerywood Parkway, Richmond, Virginia

Meetings of the standing committees of the Virginia Council on the Status of Women.

† **November 10, 1987 - 9 a.m.** – Open Meeting  
Embassy Suites Hotel, The Commerce Center, 2925 Emerywood Parkway, Richmond, Virginia

A regular meeting of the council to conduct general business and to receive reports from the council standing committees.

**Contact:** Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

## LEGISLATIVE

### HOUSE APPROPRIATIONS COMMITTEE

† **November 16, 1987 - 9:30 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, 9th Floor, Committee Meeting Room, Richmond, Virginia. ☒

A regular monthly meeting of the full committee.

### General Government Subcommittee

† **November 16, 1987 - 3 p.m.** – Open Meeting  
General Assembly Building, Capitol Square, 9th Floor, Committee Meeting Room, Richmond, Virginia. ☒

A working session chaired by Delegate J. Paul Council, Jr.

### Higher Education Subcommittee

† **November 16, 1987 - 1 p.m.** – Open Meeting  
General Assembly Building, Capitol Square, 9th Floor, West Conference Room, Richmond, Virginia. ☒

A working session chaired by Delegate V. Earl

# Calendar of Events

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Dickinson.

**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Fl., Capitol Sq., Richmond, Va. 23219, telephone (804) 786-1837

## VIRGINIA CODE COMMISSION

**November 30, 1987 - 9:30 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

The commission will review the first draft of the revision of Title 10 (Conservation Generally) of the Code of Virginia.

**Contact:** Joan W. Smith, Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## VIRGINIA STATE CRIME COMMISSION

† **November 5, 1987 - 11 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

The purpose of the meeting will be to hear the final reports and recommendations of the following subcommittees:

Victims and Witnesses of Crimes  
Law Enforcement Compensation  
Standard Uniform and Car Markings  
Firearms and Ammunition

and to handle other business of the Commission.

**Contact:** Robert L. Colvin, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 225-4534

## SPECIAL JOINT EDUCATION SUBCOMMITTEE

† **November 9, 1987 - 2 p.m. - Open Meeting**  
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A meeting to review the board's proposed revision of the Standards of Quality after it is finalized.

**Contact:** Brenda Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## SPECIAL AGRICULTURE SUBCOMMITTEE STUDYING WAYS TO IMPROVE VIRGINIA'S FARM ECONOMY

† **November 6, 1987 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

A meeting to consider alternatives for improving Virginia's farm economy.

**Contact:** Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## VIRGINIA HOUSING STUDY COMMISSION

† **November 5, 1987 - Open Meeting**  
† **November 6, 1987 - Open Meeting**  
† **November 7, 1987 - Open Meeting**  
† **November 8, 1987 - Open Meeting**  
Wintergreen Conference Center, Wintergreen, Virginia

The commission will meet to consider testimony presented at Housing Study Commission 1987 Work Sessions and Public Hearings, and draft recommendations to be included in a report to Governor Gerald L. Baliles.

**Contact:** Nancy M. Ambler, Director, Virginia Housing Study Commission, Fourth Street Office Bldg., Richmond, Va. 23219, telephone (804) 225-3797

## JOINT SUBCOMMITTEE STUDYING ADOPTION OF NEW LYRICS FOR THE OFFICIAL SONG OF THE COMMONWEALTH

**December 11, 1987 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Hearings to receive testimony on changing or retaining lyrics of Virginia's official song.

**Contact:** Persons wishing to speak contact: Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## JOINT SUBCOMMITTEE STUDYING OUTDOOR RECREATION NEEDS

† **November 10, 1987 - 9:30 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, 6th Floor

Conference Room, Richmond, Virginia. ☒

A work session to adopt final study recommendations.  
HJR 204

**Contact:** Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## SPECIAL HOUSE ROADS AND INTERNAL NAVIGATION SUBCOMMITTEE STUDYING ENFORCEMENT OF CERTAIN MOTOR CARRIER REGULATIONS

† **November 23, 1987 - 2 p.m.** – Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond,  
Virginia. ☒

First meeting of this special subcommittee that will study the enforcement of certain motor carrier regulations. HB 666 of the 1986 session

**Contact:** Persons wishing to speak contact: Jeff Finch, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227; for additional information contact: Dr. Alan Wambold, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### October 26

Funeral Directors and Embalmers, Virginia Board of  
† Professional Counselors, Virginia Board of

#### October 27

Efficiency in Government, Governor's Commission on  
Funeral Directors and Embalmers, Virginia Board of  
Medicine, Virginia State Board of  
- Informal Conference  
Rights of the Disabled, Board for  
- Education Committee  
- Employment Committee  
- Health Committee  
- Housing Committee  
- Planning Committee  
- Transportation Committee  
- Steering Committee

#### October 28

Health Services Cost Review Council, Virginia  
Mental Health, Mental Retardation and Substance  
Abuse Services Board, State

Real Estate Board, Virginia

#### October 29

† Game and Inland Fisheries, Board of  
† Innovative Technology Authority  
- Board of Directors  
Long-Term Care Council  
† Mines, Minerals and Energy, Department of  
- Division of Mineral Mining Regulatory Review  
† Public Telecommunications Board, Virginia  
† William and Mary, College of  
- Board of Visitors

#### October 30

Game and Inland Fisheries, Board of  
† Human Rights Committee, State  
† William and Mary, College of  
- Board of Visitors

#### October 31

† Norfolk State University  
- Board of Visitors

#### November 2

† Pilots, Board of Commissioners to Examine

#### November 3

Medicine and Nursing, Committee of the Joint Boards  
of

#### November 4

Alcoholic Beverage Control Board  
† Emergency Response Council, Virginia  
† Higher Education for Virginia, State Council of  
Medicine, Virginia State Board of  
† Mines, Minerals and Energy, Department of  
- Division of Mineral Mining Regulatory Review  
Committee  
Pharmacy, State Board of  
Visually Handicapped, Board for the  
Vocational Education, Virginia Council on

#### November 5

† Architects, Professional Engineers, Land Surveyors  
and Certified Landscape Architects, State Board of  
- State Board of Land Surveyors  
† Community Colleges, State Board for  
† Crime Commission, Virginia State  
† Emergency Response Council, Virginia  
† Environment, Virginia Council on the  
† Housing Study Commission, Virginia  
Labor and Industry, Department of  
- Virginia Apprenticeship Council  
Marine Resources Commission  
Medicine, Virginia State Board of  
† Mines, Minerals and Energy, Department of  
- Division of Mineral Mining Regulatory Review  
Committee  
Vocational Education, Virginia Council on

#### November 6



# Calendar of Events

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† Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of  
† Farm Economy, Special Agriculture Subcommittee  
Studying Ways to Improve Virginia's  
General Services, Department of  
- Art and Architectural Review Board  
Hazardous Materials Emergency Response Advisory  
Council, Virginia  
† Housing Study Commission, Virginia

## November 7

† Housing Study Commission, Virginia  
Library Board

## November 8

† Housing Study Commission, Virginia

## November 9

† Education Subcommittee, Special Joint  
† Local Government, Commission on  
Medical Care Facilities Certificate of Public Need,  
Commission on  
† Women, Council on the Status of

## November 10

† Farmworkers Board, Governor's Migrant and  
Seasonal  
Housing and Community Development, Board of  
- Amusement Device Technical Advisory Committee  
† Local Government, Commission on  
† Outdoor Recreation Needs, Joint Subcommittee  
Studying  
† Women, Council on the Status of

## November 12

† Chesapeake Bay Commission  
† Child Day-Care Council

## November 13

† Chesapeake Bay Commission  
† Child Day-Care Council  
† Geology, Virginia Board of

## November 16

† Appropriations Committee, House  
- General Government Subcommittee  
- Higher Education Subcommittee  
Education, State Board of  
Funeral Directors and Embalmers, Virginia Board of  
† Nursing, Virginia State Board of

## November 17

Alcoholic Beverage Control Board  
† Architects, Professional Engineers, Land Surveyors  
and Certified Landscape Architects, Virginia State  
Board of  
- State Board of Professional Engineers  
Funeral Directors and Embalmers, Virginia Board of  
† Nursing, Virginia State Board of  
† Waste Management Board, Virginia

## November 18

Corrections, State Board of  
Health Services Cost Review Council, Virginia  
† Mental Health, Mental Retardation and Substance  
Abuse Services Board, State  
† Nursing, Virginia State Board of  
Public Beaches, Board on Conservation and  
Development of  
Treasury Board

## November 19

† Boating Advisory Board, Virginia  
† Medicine, Virginia State Board of  
† Transportation Board, Commonwealth

## November 20

Building Code Technical Review Board, State  
† Commerce, Board of  
† Conservation and Historic Resources, Department of  
- Falls of the James Advisory Committee  
† Emergency Response Council, Virginia  
† Medicine, Virginia State Board of  
† Physical Therapy, Advisory Board on  
† Social Work, Virginia Board of

## November 21

† Medicine, Virginia State Board of

## November 22

† Medicine, Virginia State Board of

## November 23

† Air Pollution Control Board, State  
† Roads and Internal Navigation Subcommittee  
Studying Enforcement of Certain Motor Carrier  
Regulations, Special House

## November 24

† Emergency Response Council, Virginia

## November 30

Code Commission, Virginia

## December 1

† Marine Resources Commission

## December 5

Dentistry, Virginia Board of

## December 8

Education, State Board of

## December 9

† Conservation and Historic Resources, Department of  
- Virginia Soil and Water Conservation Board

## December 10

† General Services, Department of  
- State Insurance Advisory Board  
† Pilots, Board of Commissioners to Examine

- December 11**  
† Medicine, Virginia State Board of  
- Chiropractic Examination Committee
- December 16**  
Treasury Board
- December 17**  
† Transportation Board, Commonwealth

## PUBLIC HEARINGS

- October 27**  
Social Services, Department of  
Waste Management, Department of
- October 29**  
Historic Preservation, Governor's Commission to Study
- November 5**  
Historic Preservation, Governor's Commission to Study
- November 6**  
Architects, Professional Engineers, Land Surveyors and  
Certified Landscape Architects, State Board of
- November 8**  
† Water Control Board, State
- November 10**  
† Air Pollution Control Board, State  
Historic Preservation, Governor's Commission to Study
- November 12**  
Historic Preservation, Governor's Commission to Study
- November 13**  
Geology, Virginia Board of
- November 16**  
Housing and Community Development, Board of
- November 18**  
Historic Preservation, Governor's Commission to Study  
Water Control Board, State
- November 19**  
Alcoholic Beverage Control Board
- November 20**  
Voluntary Formulary Board, Virginia
- December 3**  
Historic Preservation, Governor's Commission to Study
- December 8**  
Education, Department of

- December 11**  
New Lyrics for the Official Song of the  
Commonwealth, Joint Subcommittee Studying Adoption  
of
- December 16**  
Corrections, State Board of
- December 29**  
† Commerce, Department of
- December 30**  
† Health, Department of
- January 6, 1988**  
† General Services, Department of  
- Division of Consolidated Laboratory Services  
† Mines, Minerals and Energy, Department of

**Calendar of Events**

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